

## Exclusions, Removal and Review Policy

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King Edward's School, Birmingham

September 2022

Policy Owner	DSL	
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## 1. Introduction

- 1.1 **Scope:** This Policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be excluded from King Edward's School, Birmingham, or required to leave permanently for misconduct or other reasons. The Policy applies to all pupils at the School but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by his parents. The Behaviour and Disciplinary Policy should be used alongside this Policy.

- 1.2 **Interpretation:** The definitions in this clause apply in this Policy.

**Chief Master:** references to the Chief Master may include deputies.

**Parent:** includes one or both of the parents, a legal guardian or education guardian.

**Temporary Exclusion:** means the Exclusion of a pupil from the School following serious misconduct for a fixed time.

**Permanent Exclusion:** means the Permanent Exclusion of a pupil from the School following serious misconduct formally recorded.

**Removal:** means that a pupil has been required to leave, but without the formal, recorded status of a Permanent Exclusion.

**Clerk to the Governors (Clerk):** refers to the Clerk of the Independent Schools' Governing Body or the person appointed to clerk the Review Panel meeting.

**School Days:** means Monday to Friday, when School is open during term time. The dates of terms are published on the School's website

In this Policy, reference to 'exclusion' includes both Temporary and Permanent Exclusions, and removal. Where the Policy is referring to a specific type (i.e. temporary or permanent) of exclusion, the wording will make this clear.

## 2. Policy statement

- 2.1 **Aims:** The aims of this policy are:

- to support the School's Behaviour and Discipline Policy
- to ensure procedural fairness and natural justice
- to promote co-operation between the School and parents when it is necessary for the School that a pupil should leave earlier than expected.

### 2.2 Exclusion Types

- **Temporary Exclusion** - A pupil may be temporarily excluded while a complaint is investigated or as a sanction in its own right for serious incidents.
- **Permanent Exclusion** - A pupil is liable to Permanent Exclusion for a grave breach of school discipline, for example, a serious criminal offence or some wilful act calculated to cause serious damage to the School, its community or any of its members, or persistent

breaches of the School's Behaviour and Discipline Policy. Permanent Exclusion implies that the pupil's name will be removed from the roll of the School and reference to the facts and circumstances will be made in response to every request for a reference. The contract between the School and parents in relation to the excluded pupil is terminated and the School's terms and conditions confirm the fee position upon Permanent Exclusion.

- **Removal** - Required removal may be an option available to the Chief Master as an alternative to Permanent Exclusion or for a serious breach of School discipline falling short of one for which Permanent Exclusion is necessary, but such that the pupil cannot expect to remain a member of the School community, the pupil may be required to leave permanently. Subject to payment of all outstanding fees (the deposit being returned or credited to the account) the pupil will be given reasonable assistance in making a fresh start at another school without the formal record of Permanent Exclusion. This sanction terminates the contract between the School and the parents.

2.3 **Permanent Exclusion Offences:** This is an indicative, but by no means exhaustive list, of the main categories of misconduct which are likely to result in Permanent Exclusion include:

- supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- theft, blackmail, physical or online abuse or intimidation,
- bullying (including cyberbullying, prejudice-based and discriminatory bullying)
- sexual abuse or assault
- serious actual or threatened violence (including bullying) against other pupils or members of staff
- harassment including racial, sexual homophobic or transphobic harassment, misconduct of a sexual nature; supply or possession of pornography
- possession or use of unauthorised firearms or other offensive weapons (defined as any item made or adapted for causing injury)
- vandalism or abuse of the School's computer system and of the internet
- serious academic malpractice including plagiarism
- a serious breach of safety requirements likely to endanger other people or the pupil themselves
- persistent attitudes or behaviour which are inconsistent with the School's ethos
- a pupil makes an accusation against a member of staff and there is reasonable suspicion that the accusation has been deliberately invented or malicious
- other serious misconduct which affects the well-being and safety of a member or members of the School community or which brings the School into disrepute (single or repeated episodes) on or off School premises.
- other serious misconduct that may require the involvement of the police
- Repeated serious offences outlined above

2.4 **Removal:** Parents may be required to Remove a pupil permanently from the School if there has been a breakdown in the relationship between the pupil and/or parent and the School. This may arise through:

- A breakdown of trust and confidence between the School and the parent. This may manifest itself in a number of ways, including:
  - The unreasonable behaviour or conduct of either the parents which adversely affects (or is likely to affect adversely) the pupil's or other pupils' progress at the School including their well-being and safety, or the well-being and reputation of School staff, or brings (or is likely to bring) the School into disrepute; or
  - Parent is not supporting the school in behaviour management
  - Vexatious behaviour, such as parents repeatedly bringing unsubstantiated claims
  - Abusive behaviour by parents to the school's staff, pupils or other parents (for example as a spectator at school fixtures).
- A breakdown of trust between the school and the pupil. This may manifest itself in a number of ways, including:
  - The unreasonable behaviour or conduct of either the pupil which adversely affects (or is likely to affect adversely) the pupil's or other pupils' progress at the School including their well-being and safety, or the well-being and reputation of School staff, or brings (or is likely to bring) the School into disrepute; or
  - The pupil has committed a breach or breaches of School rules or discipline for which removal is an appropriate sanction; or
  - Unsatisfactory attendance and, in the reasonable opinion of the Head, the Removal is in the School's best interests and that of the child or other children;
  - Other circumstances where the Chief Master, after consultation with the parents and, if appropriate, the pupil, is satisfied that the pupil is unable to benefit sufficiently from the educational opportunities and/or the community life offered by the School or that it is not in the best interests of the Pupil or the School.

The above are examples only and not an exhaustive list.

2.5 **Police Involvement and Parallel Criminal Proceedings:** The process of exclusion from school and criminal proceedings can run parallel. However, in certain circumstances the school's own disciplinary process may need to be postponed pending the outcome of the Police investigation. The School will liaise closely with the Police in such cases to avoid jeopardising any Police investigation. In such circumstances, an extended Temporary Exclusion may be used (if appropriate). The School will also take particular care if there are ongoing safeguarding concerns and ensure they follow their safeguarding procedures to avoid jeopardising any external investigation and that appropriate advice is sought before taking any disciplinary decision.

2.6 **Equality:** The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where Permanent Exclusion needs to be considered, the School will ensure that a pupil with a disability or special educational needs and / or his parents are able to present their case fully where their disability or special educational needs

might hinder this. Any religious requirements affecting the pupil will also be considered.

### **3. Procedure**

3.1 **The procedure:** The procedure followed by the School in cases where a sanction of Permanent Exclusion or Removal may be imposed by the Chief Master are summarised in the flowchart at **Appendix 1** to this Policy. The three stages of this procedure are as follows:

3.1.2 **Investigation procedure** - further details of the procedures to be followed at this stage are set out in **section 4**.

3.1.3 **Disciplinary meeting with the Chief Master** - further details of the disciplinary meeting are set out in **section 5**.

3.1.4 **Review meeting** - further details of the Review meeting are set out in **section 6**.

The decision on whether to exclude is for the Chief Master to make. As part of considering each Permanent Exclusion the Chief Master may consult with the CEO of the Foundation before the decision is reached.

## **4 Investigation**

An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.

4.1 **Complaints:** Investigation of a complaint, allegation or rumour about serious misconduct will normally be co-ordinated by an appointed Investigating Officer (usually a senior member of staff), and its outcome will be reported to the Chief Master. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the pupil being Permanently Excluded or Removed from the School.

4.2 **Temporary Exclusion:** A pupil may be temporarily excluded from the School while a complaint is being investigated or while an investigation is suspended (see paragraph 4.5 below). In this case the letter informing parents of the Temporary Exclusion should clearly state that the reason for the Temporary Exclusion is "to allow investigation into an incident which may result in Permanent Exclusion". The letter should not state that the Temporary Exclusion is, in itself, punishment for the incident under investigation. Should a Temporary Exclusion continue for a period of more than five School days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. Parents should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set.

Alternatively, the pupil may be placed under an isolation regime on school premises. The School still owes a duty of care to any pupil who is temporarily excluded pending an investigation.

4.3 **Search:** If a search is required it will be done in line with the Behaviour and Discipline Policy.

4.4 **Interviews and statements:** Pupils may be interviewed by members of staff to establish the facts. Where appropriate pupils may be interviewed by two members of staff. Written statements will be taken, where possible, from adults and pupils who witnessed the incident(s). Such statements should be signed and dated. Pupils may necessarily be segregated for periods of time in order to

ensure the integrity of the investigation but access to food, drink and toilet breaks will be ensured. The School may confiscate a pupil's mobile phone or other personal belongings (as appropriate) for such a period deemed necessary in line with the Behaviour and Discipline Policy. Due regard will also be had to any vulnerability and/or SEND the pupil may have and whether any additional support should be put in place.

4.5 **Social Media:** In order for complaints, allegations or rumours to be investigated as quickly and fairly as possible, the School requests that pupil(s) and parents do not discuss matters publicly via social media such as Facebook, Twitter, WhatsApp, Snap Chat or TikTok for example. Complaints, allegations or rumours will be dealt with confidentially for those involved, and we expect all parties to observe confidentiality.

4.5 **Suspension of an investigation:** It may be necessary to suspend an investigation, for example where external agencies such as the Police or Social Services are involved and have advised that this is necessary. A decision to suspend an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.

4.68 **Outcomes:** in the case of a Temporary Exclusion, the parents will be contacted as soon as possible after the School has made a decision to exclude a pupil temporarily. A letter will be sent to the parents within two working days of the decision, a copy of which will be sent to the Chair of Governors. The letter will clearly state:

- The reason for the Temporary Exclusion
- The length of the exclusion
- The date the pupil is permitted to return to school
- Any conditions attached to the Temporary Exclusion
- The arrangements for the pupil's return to school.

In exceptional cases, usually where further evidence not available at the time of the investigation has come to light, a Temporary Exclusion may be extended and/or converted to a Permanent Exclusion. Similarly, the Chief Master may choose to dismiss a Temporary Exclusion in the light of new evidence.

In the case of a Permanent Exclusion or Removal a disciplinary meeting with the Chief Master will be arranged (see section 5).

Due regard must be had to any SEND the pupil may have and whether this may have contributed to the misconduct in question. Consideration will also be had to the school's obligations under the Equality Act 2010.

## 5 **Disciplinary meeting with the Chief Master (Permanent Exclusion and Removal only)**

5.1 **Preparation:** When the investigation is complete, a disciplinary meeting with the Chief Master will be arranged and the Chair of Governors will be informed of the matter. Documents available to the

Chief Master at the disciplinary meeting will include:

- the Investigation Report
- a statement prepared by the Investigating Officer setting out the points of complaint against the pupil (where appropriate)
- written statements and notes of the evidence supporting the complaint, and any relevant correspondence
- the pupil's school file and (if separate) conduct record
- the relevant School policies and procedures.

- 5.2 **Attendance:** The pupil and his parents (if available) will be invited to attend the disciplinary meeting with the Chief Master at which the Investigating Officer will explain the circumstances of the complaint and his / her investigation.

The pupil and his parents will have an opportunity to state their side of the case.

If the parents or the pupil have any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known in advance to the Deputy Head so that appropriate arrangements can be made.

If a parent is unable to attend because of, for example, travel and working commitments, the School will make reasonable alternative arrangements to ensure the parent can be involved, remotely if necessary, with the disciplinary process.

The Chief Master should be informed of all attendees at least 24 hours before the disciplinary meeting.

- 5.3 **Proceedings:** There are potentially three distinct stages of a disciplinary meeting:

5.3.1 **The complaints:** The Chief Master will consider the complaint(s) and the evidence, including statements made by and/or on behalf of the pupil. Unless the Chief Master considers that further investigation is needed, they will decide whether the complaint has been sufficiently proved. The standard of proof shall be the civil standard, i.e. the balance of probabilities. Appropriate reliance may be placed on hearsay evidence but the Chief Master will not normally refer to the pupil's disciplinary record at this stage.

5.3.2 **The sanction:** If the complaint has been proved the Chief Master will outline the range of disciplinary sanctions which she considers are open to her. They will take into account any further statement which the pupil and/or others present on his behalf wish to make. The pupil's disciplinary record will be taken into account at this stage to inform the sanction decision. Then, or at some later time, normally within two school days, the Chief Master will give their decision, with reasons.

5.3.3 **Leaving status:** If the Chief Master decides that the pupil must leave the School, they may consult with a parent before deciding on the pupil's leaving status (see below at 5.5).



5.3.4 The meeting will be conducted in a manner appropriate to the age, understanding and maturity of the pupil/s involved, taking into account any additional needs of the pupil/s in all circumstances.

5.3.5 Notes should be taken by the School during the disciplinary meeting. The meeting should be followed up in writing, to confirm what was discussed. A copy of the notes can be provided to the parents, if they request this.

5.3.6 If the Chief Master considers that further investigation is needed, the disciplinary meeting may be adjourned, and the reason for this adjournment should be explained to the pupil and their parents.

5.4 **Delayed effect:** A decision to Permanently Exclude or Remove a pupil shall take effect seven days after the decision was first communicated to a parent. Until then, the pupil will normally remain suspended and away from School premises. If within seven days the parents have made a written application for a Review of the decision, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision made.

## 5.5 Leaving status

5.5.1 **Explanation:** If a pupil is Permanently Excluded or Removed, his leaving status will be one of the following: Permanent Exclusion or Required to Remove.

If the Chief Master decides that a pupil should leave the school, the pupil's parents may be consulted to determine the appropriate leaving status for that pupil (i.e. Permanent Exclusion, Removal or voluntary withdrawal by the parents) if appropriate. There is no obligation on the Chief Master to consult with parents. If the decision is made by the parents to withdraw the pupil, there will be no right to appeal.

5.5.2 **Detail:** Additional points of leaving status to be considered may include:

- the form of letter which will be written to the parents and the form of announcement in the School
- the form of reference which will be supplied for the pupil
- the entry which will be made on the School record and the pupil's status as a leaver
- arrangements for transfer of any course and project work to the pupil, his parents or another school
- whether (if relevant) the pupil will be permitted to return to School premises to sit public examinations
- whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil
- whether the pupil will be entitled to leavers' privileges such as attendance attend

of term / year events and membership of the alumni association

- the conditions under which the pupil may re-enter School premises in the future
- financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunded of prepaid fees.

## 6 Review

6.1 **Request for review:** A pupil or his parents may request a Review of the Chief Master's decision to Permanently Exclude or Remove a pupil. The application must be made in writing using the Request Form at **Appendix 2** and received by the Clerk within seven days of the Chief Master's decision being notified to the parents, or longer by agreement with the Chief Master. If the parents or the pupil have any special needs or disabilities which call for additional facilities or adjustments, these should be made known in advance to the Clerk so that appropriate arrangements can be made.

6.2 **Grounds for review:** In their application the parents must state in detail the grounds on which they are asking for a Review and the outcome which they seek. The grounds available to the parents are:

- whether the decision was fair procedurally and / or substantively
- whether the sanction was proportionate

6.3 **Review Panel:** The Review will be undertaken by a three member Panel made up of Governors from the Governing Body. The Panel members will have no detailed previous knowledge of the case or of the pupil or parents. Selection of the Panel will be made by the Clerk. With the exception of the Chair of Governors, those members of the Governing Body not appointed to the Panel will not be provided with information about the case. Parents will be notified in advance of the names of the Panel members. Fair consideration will be given to any bona fide objection to a particular member of the Panel.

6.4 **Role of the Panel:** The role of the Panel is to consider the documentation provided by the parties and representations made and to decide whether, on the facts, the decision-making relating to the breach of School policy/ies and sanction imposed followed a fair process and if so, whether the sanction was in the range of reasonable response. The Panel will determine whether to uphold the Chief Master's decision or refer the decision back to the Chief Master with recommendations so that they may consider the matter further (see appendix 5).

6.5 **Review meeting:** The meeting will take place at the School premises or virtually if agreed by all parties, normally within 21 school days after the parents' application has been received. A Review will not normally take place during school holidays. The parents and the Chief Master will be asked to submit any documents they wish to refer to at the meeting to the Clerk and a single bundle will be circulated to the Panel and the parties at least three school days before the meeting. On receipt of new information not previously available to the Chief Master before her decision was made, the Clerk should contact the Chair of Governors who will decide whether:

6.5.1 to include the new information in the bundle; or

- 6.5.2 to omit the information if not relevant to the grounds for Review; or
- 6.5.3 to make further enquiries of the parents or the pupil about the information; or
- 6.5.4 to refer the information to the Chief Master for her consideration as to whether the decision should be revisited.

A Review meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

Due regard must be had to confidentiality owed to other pupils and/or families and compliance with the school's data protection obligations.

**6.6 Attendance:** Those present at the Review meeting will normally be:

- 6.6.1 members of the Review Panel and the Clerk
- 6.6.2 the Chief Master and any relevant member of staff whom the Chief Master considers should attend in order to secure a fair outcome
- 6.6.3 the pupil together with his parents. The parents may be accompanied by a friend or relation. The meeting is not a legal proceeding and so legal representation is not permitted. The Clerk must be given seven days' notice if the friend or relation is legally qualified and the parents should note that the Review Panel will wish to speak to them directly and this person will not be permitted to act as an advocate
- 6.6.4 All witnesses need to be agreed at least five school days in advance with the Clerk.

**6.7 Conduct of meeting:** The meeting will be chaired by one member of the Review Panel and will be conducted in a suitable environment and in an informal manner. All statements made at the meeting will be unsworn. The meeting will not be recorded but the Clerk will be asked to keep a hand-written minute of the main points which arise at the meeting. All those present will be entitled, should they wish, to write their own notes, but electronic recordings are not permitted. The meeting will be directed by the Chair of the Panel who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chair may at his / her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

The order of business will be as follows:

- 6.7.1 After introductions, the Chief Master will present her report explaining the reasons for the decision, followed by any witnesses (who will only be required to attend the part of the hearing in which they give their evidence).
- 6.7.2 The parent(s) may question both the Chief Master and the witnesses after each has spoken. The Panel may ask questions at any point.
- 6.7.3 The parent(s) are then invited to make their case followed by their witnesses (if any).
- 6.7.4 The Chief Master may question both the parent(s) and the witnesses after each has spoken.

- 6.7.5 The Chief Master is then invited to sum up the School's actions.
- 6.7.6 The parent(s) are then invited to sum up their case.
- 6.7.7 Both parties then leave together while the Panel decides on the issues in a private meeting. The Chair explains that both parties will hear from the Panel within five school days or mutually agreed time scale.
- 6.8 **Procedure:** The Chief Master will provide the parents with a copy of the current Review procedure if requested. The Panel will consider each of the points raised by the pupil or his parents and any documentation they wish to rely on so far as relevant to:
- 6.8.1 **whether the decision was fair procedurally and / or substantively** - whether the facts of the case were sufficiently proved following fair procedure when the decision was taken to Permanently Exclude or require the Removal of the pupil. The civil standard of proof, namely, "the balance of probability", will apply and
- 6.8.2 **whether the sanction was proportionate** - that is whether it was warranted in respect of the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the School's policy in that respect.

The requirements of natural justice will apply. If for any reason the pupil or his parents are dissatisfied with any aspect of the meeting they must inform the Chair at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

- 6.9 **Decision:** The Panel's decision and any recommendations will be notified in writing, with reasons, to the Chief Master and the parents by the Chair of the Review Panel within five school days of the meeting. The Chief Master will provide their response to those recommendations, if appropriate, in writing within two school days. In the absence of a significant procedural irregularity, the Chief Master's decision will then be final.

## 7 Confidentiality

All those participating in the application of this policy including parents and pupils are required to keep all statements, correspondence, notes and documents confidential except where legally required to disclose them.

## 8 Record keeping

All records created in accordance with this policy are managed in accordance with the School's policies that apply to the retention and destruction of records.

The School will keep a separate record of sanctions imposed for serious misbehaviour including exclusions, pupils taken off roll, incidents of poor behaviour and use of internal isolation. Their record includes:

- the name and year group of the pupil concerned;
- the nature and date of the offence;
- the sanction imposed and reason for it;

- the name of the person imposing the sanction;
- identifying whether these are related to Boarding.
- This record is reviewed regularly by the Deputy Head (Pastoral) so that patterns in behaviour can be identified and managed appropriately.

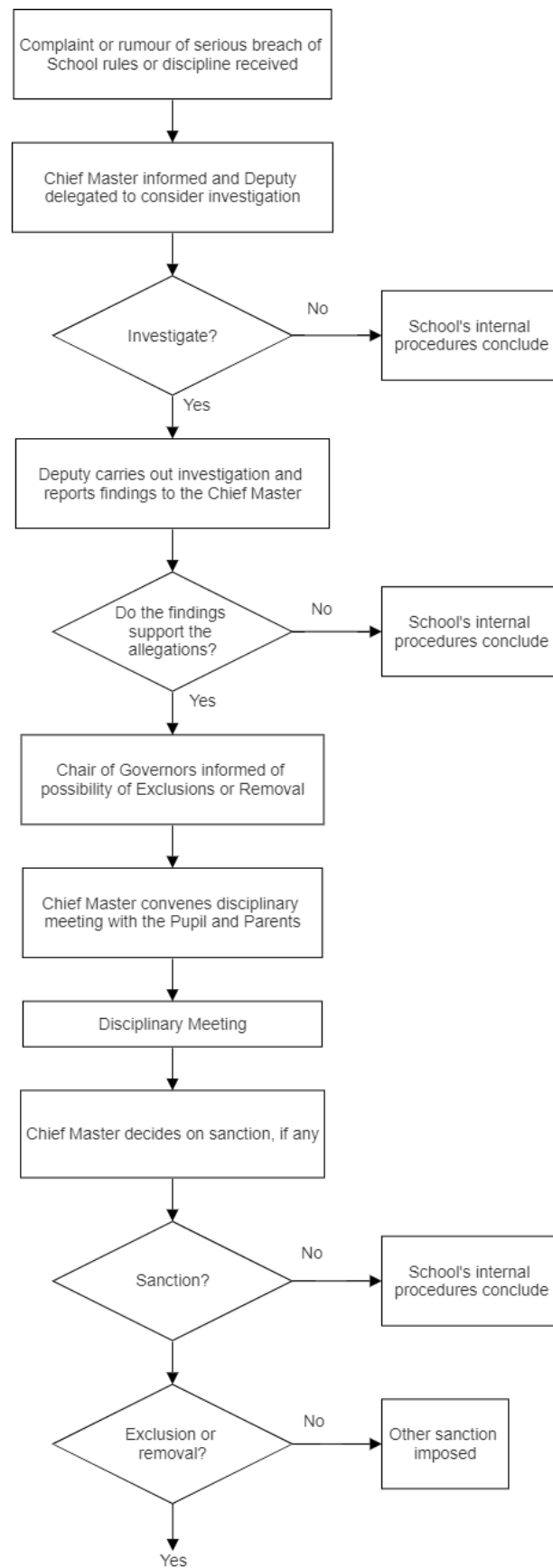
The records created in accordance with this policy may contain personal data. The School has a number of privacy notices which explain how the School will use personal data. The School's approach to data protection compliance is set out in [• the Overarching Data Protection Policy]. In addition, staff must ensure that they follow the School's data protection policies and procedures when handling personal data created in connection with this policy; this includes the School's [• Data Protection Policy: Practical Guidance for Staff and the Information Security Policy].

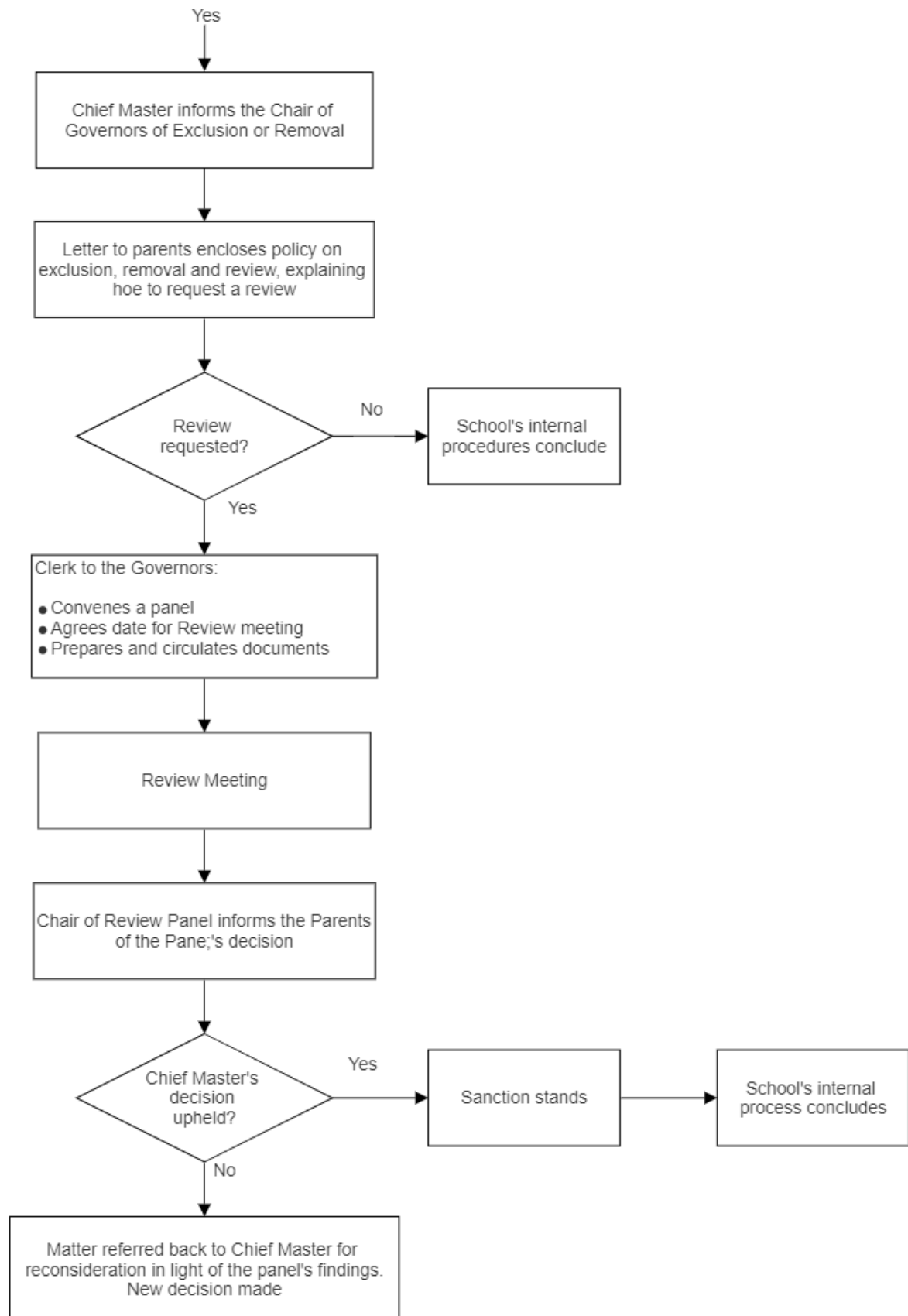
## **Review**

This policy is kept under review by the School Senior Leadership Team.

Next policy review September 2024

## Appendix 1 - Procedural flowchart





## Appendix 2 - Form for requesting a Review

To Clerk, Schools of King Edward VI in Birmingham

Subject [Name of pupil]

I/we request a Review of the Chief Master's decision to Exclude or Remove of the above named pupil. I/we agree that the Review will be carried out in accordance with the Review Procedure supplied to us with this form and I/we agree to abide by the terms of that Procedure and in particular that the proceedings are and will remain confidential subject to law and that the Chief Master's decision following consideration of the recommendations made by the Panel will be final, subject to such legal rights (if any) as may exist.

I/we confirm that I/we have parental responsibility for the above named pupil and that I/we have consulted the pupil who wishes the Review to be undertaken.

I/we understand that the Panel will be concerned with the fairness and proportionality of the Chief Master's decision in accordance with the School's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

I/we understand that we may be accompanied at the Review meeting by a friend or relation and that I/we may ask up to two members of the School staff to attend the meeting and speak on behalf of the pupil if they are willing to do so. If I/we wish to bring a friend or relation who is legally qualified I/we will provide seven days' notice as required. We understand that a friend who is legally qualified will not be permitted to act as an advocate.

I/we will inform the Chief Executive Officer (or Clerk) if I/we have any special needs or disabilities requiring additional facilities or adjustments.

The grounds upon which I/we seek a Review and the matters which I/we wish to discuss at the Review and to ask the Panel to take into account are as set out in a statement attached to this sheet.

(Two signatures required where practicable)

Signed	Signed
Full name	Full name
Relationship to pupil	Relationship to pupil
Date	Date
Address	Address
Telephone number	Telephone number



### **Appendix 3 – Duties of the Clerk**

The Clerk should not contribute to the meeting other than in an administrative capacity. Where possible, the Clerk should be experienced in exclusion matters so that the meeting can progress smoothly.

The Clerk is the contact point for the panel meeting and is expected to:

- set the date, time and venue of the Review Panel meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties three school days in advance of the Review Panel meeting;
- meet and welcome the parties as they arrive at the Review Panel;
- record the proceedings;
- circulate the minutes of the Review Panel as required;
- notify all parties of the Review Panel's decision;
- liaise with the Chair of the Review Panel.
- consider any bona fide objection to a particular member of the Panel.

### **Appendix 4 – Duties of the Review Panel Chair**

The Panel Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the Review Panel is explained to the pupil and parents and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the Review Panel is open-minded and acts independently;
- no member of the Review Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage;
- both the pupil/parents and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk
- consider the receipt of any new information which was not previously available to the Chief Master before the Review Panel meeting
- Agree the timescale for communicating the decision of the Panel, this is usually within five school days

The Chair may at his / her discretion adjourn or terminate the Review meeting

#### **Private Meeting of the Panel**

- When the Chair decides that all issues have been sufficiently discussed by the Panel members, in their private meeting, and if by then there is no consensus, he / she may adjourn the private meeting
- Communicates the Panel's decision to all parties in writing within the agreed timescale

## Appendix 5 – Duties of the Panel Members

Panel members will need to be aware that:

- It is important that the Review Panel is independent and impartial, and that it is seen to be so; no governor may sit on the Review Panel if they have had a prior involvement in the matter at hand or in the circumstances surrounding it.
- The aim of the Review Panel, which will be held in private, will always be to consider the decision of the Chief Master to ensure that:
  - the decision was fair procedurally and / or substantively - whether the facts of the case were sufficiently proved following fair procedure when the decision was taken to Permanently Exclude or require the Removal of the pupil. The civil standard of proof, namely, "the balance of probability", will apply; and
  - the sanction was proportionate - that is whether it was warranted in respect of the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the School's policy in that respect.
- It must be recognised that the pupil/parents might not be satisfied with the outcome if the Review Panel does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the pupil/parents that their request for a Review has been taken seriously.
- Many pupils/parents will feel nervous and inhibited in a formal setting; parents/carers often feel emotional when discussing an issue that affects their child. The Review Panel Chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when conversing with a young person. Careful consideration of the atmosphere and proceedings will ensure that the young person does not feel intimidated. The Review Panel should respect the views of the young person and give them equal consideration to those of adults. If the young person is a witness, the panel should ask in advance if any support is needed to help them present their evidence. A witness that is a young person will be denied the option to present their evidence in person if the Review Panel Chair considers that it is not in the young person's best interests. The parent should be advised however that agreement might not always be possible if the parent wishes the young person to attend a part of the meeting which the panel considers not to be in the young person's best interests. The welfare of any young person is paramount.

## **Appendix 6 – Reports to the Police (and others)**

The School will usually report to the Police any activity which they reasonably suspect may amount to criminal activity which takes place either within the School grounds or outside of its grounds. Possessions or items including (but not limited to) drugs, weapons or phones which are evidence of an offence will be confiscated and passed to the Police as soon as possible where appropriate. Any article that is reasonably suspected to be an offensive weapon must also be confiscated and passed to the Police (further details on the disposal of confiscated items can be found in the School's Behaviour and Discipline Policy). If the School reasonably suspects a pupil may have taken drugs then the School will seek immediate medical advice and involve the Police and/or children's social care, where necessary and appropriate.

In cases where a pupil is suspected or alleged to have committed an offence, such as rape, assault by penetration or sexual assaults, the starting point is that they should be passed to the Police. This will often be a natural progression of making a referral to children's social care. The School's designated safeguarding lead (or a deputy) should be leading the School's response and should be aware of the local process for referrals to children's social care and making reports to the Police. The alleged victim's parents will usually also be informed (subject to data protection and safeguarding considerations) of the incident and be told that the Police have been informed. The School will refer to the DfE guidance on Sexual Harassment and Sexual Violence for further information. The School's Safeguarding Policy is followed to ensure there is appropriate support in place for all pupils involved.

## Appendix 7 –Removing a pupil from the school roll

Where a pupil is Permanently Excluded or is required to leave, the pupil should not be removed from the roll until such time as the timeframe for appealing the Chief Master's decision has passed and/or the outcome of any Review Panel is known. This is important because a pupil can only lawfully be deleted from the admission register on the grounds prescribed in the Education (Pupil Registration) (England) Regulations 2006 as amended. These Regulations list the limited lawful grounds for removing a pupil from the roll. These include:

- The pupil has been registered at another school (unless it is agreed that the pupil should be registered at more than one school)
- The pupil is registered at more than one school, but has ceased to attend the school in question and a school at which the pupil is registered has given consent to the removal
- Written notification has been received from the parents that the pupil will be receiving education otherwise than at school
- **The pupil has been Permanently Excluded or Removed**
- The pupil, who is not of compulsory school age, has ceased to attend the school