

# Exclusion, Removal and Review Policy



## 1. Introduction

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be excluded from the **School**, 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 her parents.

**Interpretation:** The definitions in this clause apply in this policy.

**Headmistress:** references to the Headmistress include deputies.

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

**Exclusion:** means a permanent dismissal from the School following serious misconduct formally recorded.

**Removal:** means that a pupil is required to leave, or permanently withdrawn, but without the stigma of exclusion.

## 2. Policy statement

### 2.1 Aims: The aims of this policy are:

- to support the School's behaviour and discipline code
- 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 **Misconduct:** Examples of misconduct, which may result in exclusion or removal, include but are not limited to:

- Drug abuse
- Alcohol and tobacco abuse
- Theft
- Bullying – serious or persistent bullying (including cyber-bullying)
- Physical assault/ threatening behaviour
- Fighting/aggression
- Being missing for a long period and putting themselves at risk
- Any behaviour which endangers their own and others' health and safety
- Bringing the school into disrepute
- Sexual harassment
- Any form of abuse or unlawful discrimination on the grounds of race, religion, belief, disability, sexual orientation, special education needs
- Sexual misconduct
- Damage to property
- Persistent disruptive behaviour
- Seriously adversely affecting the reputation of the School and/or its community
- Being complicit in any of the above

### 2.3 **Behaviour related to Special Educational Needs and/or Disability:** The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational needs and/or disability. Where exclusion needs to be considered, the School will ensure that a pupil with particular needs is able to present their case fully where the particular needs might hinder this.

- 2.4 **Breakdown of trust between the School and the parent(s):** The School may require the removal of a pupil when, in the opinion of the Head, there has been a breakdown of the relationship between pupil and/or parent and the School. This may manifest itself in a number of ways, including parent(s) not supporting the School in behaviour management; vexatious behaviour, such as parents repeatedly bringing unsubstantiated claims; abusive or unreasonable behaviour by parents to the School's staff, pupils or other parents.
- 2.5 **Other circumstances:** A pupil may be required to leave if, after all appropriate consultation, the Headmistress is satisfied that it is not in the best interests of the pupil, or of the School, that they remain at the School.
3. **Investigation procedure**
- 3.1 **Complaint(s):** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by a **member of ELT**, and its outcome will be reported to the Headmistress. 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 excluded or required to leave.
- 3.2 **Suspension:** A pupil may be suspended from boarding and / or from the School and required to stay at home or with their education guardian while a complaint is being investigated or while an investigation is adjourned (see below). Should a suspension continue for a period of more than three School days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The relevant Housemistress will co-ordinate these arrangements with the pupil's parents or guardians. Parents or guardians 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 a segregated regime on School premises.
- 3.3 **Search:** The School may decide to search a pupil's space and belongings and ask them to turn out the contents of pockets or a bag, if there is reasonable cause to do so. Clothing will not be searched until it has been removed from the wearer and care will be taken to ensure reasonable privacy. This policy does not authorise an intimate search or physical compulsion in removing clothing. Only outer clothing will be searched. If necessary, the police would be called. Please see the school Search Policy for further information – available on request.
- 3.4 **Interview:** A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If the pupil is then interviewed formally about a complaint or rumour, arrangements will be made for them to be accompanied by a member of staff of their choice and / or by a parent (if available at the relevant time). A pupil who is waiting to be interviewed may be segregated but made as comfortable as possible, accompanied or visited regularly by a member of staff, and given access to a toilet and adequate food and drink. A minute of the interview will be recorded in writing by the interviewing member of staff.
- 3.5 **Ethos:** An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.
- 3.6 **Adjournment of an investigation:** It may be necessary to adjourn 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 adjourn an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.
4. **Disciplinary meeting before the Headmistress**
- 4.1 **Preparation:** The Chairman of the Governing Council will be informed of the investigation. Documents available at the disciplinary meeting before the Headmistress may include:

- a statement setting out the points of complaint against the pupil
- written statements (subject to confidentiality and consent of witnesses) and notes of the evidence supporting the complaint, and any relevant correspondence
- the Deputy Head's Investigation Report
- relevant extracts from the pupil's school file and (if separate) house file and conduct record
- the relevant School policies and procedures.

**4.2 Attendance:** The pupil and their parents (if available in person or via a Video Conference call) will be asked to attend the disciplinary meeting with the Headmistress at which the Deputy Head will explain the circumstances of the complaint and their investigation.

The pupil may also be accompanied by a member of staff of their choice. The pupil and their parents will have an opportunity to state their side of the case. Members of staff will be on hand to join the meeting if needed, and their statements will be disclosed but, in most cases, the anonymity of pupils will be preserved.

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 to the Headmistress or Deputy Head so that appropriate arrangements can be made.

If the pupil or the pupil's parents experience difficulty in attending due to a disability, the School will make reasonable alternative arrangements to accommodate the disability. 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 with the disciplinary process and their child's education.

#### 4.3 Proceedings:

- **The complaint(s):** The Headmistress will consider the complaint(s) and the evidence, including statements made by and / or on behalf of the pupil. Unless the Headmistress considers that further investigation is needed, she will decide whether the complaint has been sufficiently proved. The standard of proof shall normally be the civil standard, i.e. 'the balance of probabilities'. Appropriate reliance may be placed on hearsay evidence but the Headmistress will not normally refer to the pupil's disciplinary record at this stage.
- **The sanction:** If the complaint has been proved the Headmistress will outline the range of disciplinary sanctions which she considers are open to her. She will take into account any further statement which the pupil and / or others present on the pupil's behalf wish to make. The pupil's disciplinary record will be taken into account.
- **Leaving status:** If the Headmistress decides that the pupil must leave the School, she will consult with a parent before deciding on the pupil's leaving status (see below).
- **The Decision:** Either at the disciplinary meeting, or at some later time, normally within 2 working days<sup>1</sup>, the Headmistress will give her decision, with reasons.

**4.4 Delayed effect:** A decision to exclude or remove a pupil shall take effect seven days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from school premises. If within seven days the parents have made a written application to appeal the decision under the Council Review procedure (see below point 6), the pupil shall remain suspended until the Council Review has taken place.

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<sup>1</sup> "working days" are defined as Monday to Friday when the School is in session. Thus, Short/Long Leaves and school holidays are excluded from this definition.

## 5. Leaving status

5.1 **Explanation:** If a pupil is excluded or required to leave their leaving status will be one of the following: excluded, removed or withdrawn by parents.

5.2 **Detail:** Additional points of leaving status may include:

- the form of letter which will be written to the parents and the form of announcement in the School and House that the pupil has left
- 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, their 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
- whether the pupil will be eligible for membership of the Wycombe Abbey Senior's Association and if so from what date
- 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. Appealing a decision under the Council Review procedure

6.1 Parents may request a review by Council of a decision to exclude or require a pupil to leave by following the Council Review procedure. The Council Review procedure will be provided to parents at the time of the decision being made by the Headmistress. (See Appendix 1)

Any appeal of a decision taken by the Headmistress to exclude or require removal of the pupil under clause 8.11 of the School's Terms and Conditions will be governed by a Council Review procedure. In such circumstances, the Review panel may only uphold the appeal if they consider, having regard to the process followed by the Headmistress, that the Headmistress' decision was not a reasonable decision for the Headmistress to have taken. The Review panel will not consider any new areas that have not previously been raised as part of the disciplinary meeting.

## 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. Recording and monitoring

Where the sanction imposed is exclusion, required removal or suspension, the written report on the investigation will be placed on the pupil's file. Details of the permanent exclusion or required removal will be recorded on the School's Pupil's Sanctions Record.

Member of staff	Headmistress
Reviewed	August 2021

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