

## Exclusion, Expulsion, Removal and Review

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### Policy Statement

A pupil may be excluded for a fixed period of time (temporary exclusion), or parents may be asked to remove a pupil, or a pupil may be required to leave permanently for reasons of misconduct or excluded permanently (expelled) from Banstead Prep School.

The main categories of misconduct which may result in exclusion, removal or expulsion are:

- Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.
- Theft, blackmail, physical violence causing harm, intimidation, racism and persistent and/or serious instances of bullying.
- Misconduct of a sexual nature; supply and possession of pornography.
- Possession or use of unauthorised firearms or other weapons.
- Vandalism and computer hacking.
- Truancy.
- Persistent attitudes or behaviour which are inconsistent with the ethos of Banstead Prep School.
- Other serious misconduct towards a member of the school community or which put Banstead Prep School or United Learning into disrepute (single or repeated episodes) on or off school premises.

Action will be taken following a single offence where that offence is deemed to be sufficiently grave. In most cases, temporary exclusion will be the result of a significant first offence, although the Headteacher may at her discretion permanently exclude any pupil for a first offence which is considered to warrant such a step.

In other instances, permanent exclusion may be the result of a series of less serious offences, where repetition of these offences indicates the pupil's unwillingness to conform to an acceptable pattern of behaviour. In such cases parents will have been consulted before such a stage is reached in an attempt to correct the behaviour.

A pupil may also be required to leave if, after all appropriate consultation, the Headteacher is satisfied that it is not in the best interests of the pupil, or of the school, that he/she remains at Banstead Prep School.

The aim of this policy is:

- To ensure procedural fairness and natural justice.
- To promote co-operation between Banstead Prep School and parents when it is necessary for a pupil to leave earlier than expected.

Banstead Prep School seeks to implement this policy through adherence to the procedures set out in the rest of this document. Banstead School is fully committed to ensuring that the application of the Exclusions, Removal, Expulsions and Review Policy is non-discriminatory, in line with the UK Equality Act (2010). Full details are available in the school's Equal Opportunities Policy document.

This policy should be read in conjunction with:

- Admissions Policy
- Attendance Policy
- Behaviour Management Policy
- Care and Consideration: anti-bullying policy
- Drugs & Alcohol Policy
- Physical Restraint Policy
- PSHCEE Policy
- Pastoral Care Policy
- UCST Terms & Conditions (signed by all parents/guardians upon accepting a place at Banstead Prep School)

The policy applies to all pupils at Banstead Prep School [whether or not in the care of the school] including those in our EYFS setting, but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by their parents.

### **For information:**

"Parent" includes one or both of the parents, a legal guardian or education guardian. "Removal" means that a pupil has been required to leave, but without the stigma of expulsion. Subheadings are for ease of reading and not part of the policy.

This document is available to all interested parties on our website and on request from the School Office.

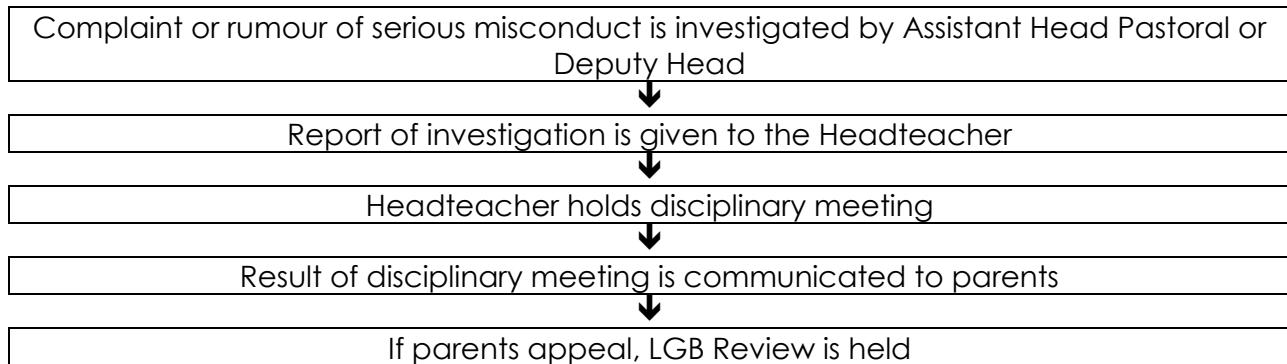
This document is reviewed annually by the Headteacher or as events or legislation change requires. The next scheduled date for review is September 2019.



# BANSTEAD

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## Summary of process:



## INVESTIGATION PROCEDURE

**Ethos:** An investigation will be conducted fairly with respect for individuals and for natural justice and in a way which is appropriate to a school, without formal legal procedures.

- **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Assistant Head Pastoral or the Deputy Head, and its outcome will be reported to the Headteacher.
- **Suspension:** A pupil may be suspended (excluded from school) while a complaint is being investigated.
- **Search:** On suspicion, consent is sought for any searches of pupils' belongings or property e.g. pegs, trays, bags, lockers. Any searches are in the presence of a second adult witness. Individuals should be aware that if consent is refused the school may proceed in calling the Police or the parent. Physical searches of pupils are permissible for illegal or dangerous substances without the pupil's consent but great care should be exercised before doing this.

**Interview:** If a pupil is interviewed formally about a complaint it will take place with another adult present.

In such circumstances the following protocols will be observed.

- It will be explained that answers to questions will be written down.
- What has been alleged will be clearly explained (although confidentiality may not allow the accused to be told by whom).
- Notes of the interview will be read through at the end and the pupil and the witness will be asked to sign, date and time the notes.
- The next stages of the investigation will be explained.

A statement is then written setting out the points of complaint. If deemed necessary the Headteacher will decide whether to continue.

## DISCIPLINARY MEETING

**Ethos:** Any subsequent meeting will be conducted fairly with respect for individuals and for natural justice and in a way which is appropriate to a school, without formal legal procedures.

**Preparation:** The Chairman of the Local Governing Body will be informed of the investigation. Documents available at the disciplinary meeting before the Headteacher will include:

- A statement setting out the points of complaint against the pupil.
- Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
- The Assistant Head Pastoral or Deputy Head's Investigation Report.
- The pupil's school file and (if separate) conduct record.
- The relevant school policies and procedures.

**Attendance:** The pupil and their parents (if available) will be asked to attend the disciplinary meeting with the Headteacher at which the Assistant Head Pastoral or Deputy Head will explain the circumstances of the complaint and the 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.

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

- *The complaints* - the Headteacher will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Headteacher considers that further investigation is needed, she will decide whether the complaint has been sufficiently proved. The standard of proof shall be the civil standard, ie. the *balance of probabilities*. Appropriate reliance may be placed on hearsay evidence but the Headteacher will not normally refer to the pupil's disciplinary record at this stage.
- *The sanction* - if the complaint has been proved the Headteacher will outline the range of disciplinary sanctions which she considers are open to them and this may include exclusion from the school for a fixed period of time. She will take into account any further statement which the pupil and/or others present on her behalf wish to make. The pupil's disciplinary record will be taken into account. Then, or at some later time within three working days the Headteacher will give her decision, with reasons.
- *Leaving status* - if the Headteacher decides that the pupil must leave the school, she will consult with a parent before deciding on the pupil's leaving status (see below).

**Delayed Effect:** A decision to expel or remove a pupil will take effect three working days after the decision was first communicated to a parent. Until then, the pupil will remain suspended and away from school premises. If within three working

days the parents have made a written application for a Review by the Local Governing Body, the pupil will remain suspended until the Review has taken place.

## LEAVING STATUS

**Explanation:** If a pupil is expelled or required to leave, their leaving status will be one of the following, in ascending order of gravity: "withdrawn by parents", "removed", or "expelled".

Additional points of leaving status include:

- The form of letter which will be written to the parents and the form of announcement in the school 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, his/her parents or another school.
- 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 *BPS Alumni* 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; refund of prepaid fees.

## 1. UCST LOCAL GOVERNING BODY REVIEW

**Request for Review:** A pupil or his/her parents, aggrieved at the Head's decision, may make a written application for a UCST Local Governing Body [LGB] Review. The application must be received by the Chief Executive within three working days of the decision being notified to a parent.

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

**Review Panel:** The Review will be undertaken by a three member sub-committee of the Local Governing Body comprising of three members nominated by the Chair of the Local Governing Body. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not normally include the Chair of Local Governing Body. 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.

**Review Meeting:** A Review will not normally take place during school holidays. 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.

**Attendance:** Those present at the Review Meeting will normally be:

- Members of the Review Panel.
- The Headteacher and any relevant member of staff whom the Headteacher, the pupil or his/her parents have asked should attend and whom the Headteacher considers should attend in order to secure a fair outcome.
- The pupil, together with his/her parents and, if they wish, a member of the school staff who is willing to speak on the pupil's behalf. The parents may be accompanied by a friend or relation. [The Local Governing Body must be given 7 working days' notice if the friend or relation is legally qualified.]
- A scribe to keep a written record of the main points of the meeting.

**Conduct of Meeting:**

The meeting will be chaired by one member of the Review Panel and will be conducted in a suitable room and in an informal manner. All statements made at the meeting will be unsworn. The proceedings will not be tape recorded without the consent of both the Chair of the Review Panel and a parent and any tape-recording will be used only to assist the panel members in reaching their decision and formulating their reasons and will belong to the school. The scribe will be asked to keep a 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. The meeting will be directed by the Chair of the Review 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 of the Review Panel may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

**Procedure:** The Panel will consider each of the questions raised by the pupil or his/her parents so far as relevant to:

- Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove of the pupil. The civil standard of proof, namely, "*the balance of probability*" will apply; and
- Whether the sanction was warranted, that is, whether it was proportionate to 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/her parents are dissatisfied with any aspect of the meeting they must inform the Chair of the Review Panel at the time and ask the scribe to note their dissatisfaction and the reasons for it.

**Identification:** If the Headteacher considers it necessary in the interests of an individual or of the school that the identity of any person should be withheld, the Chair of the Review Panel may require that the name of that person and the reasons

for withholding it be written down and shown to the Panel Members. The Chair of the Review Panel at his/her discretion may direct that the person be identified, or not as the case may be.

**Pupil's Character:** Up to two members of the school staff may speak generally about the pupil's character, conduct and achievements at the school if they are willing to do so.

**Leaving Status:** If, having heard all parties, the Panel is minded to confirm the Headteacher's earlier decision, it is open to the Panel, with agreement of the Head, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement.

**Decision:** When the Chair of the Review Panel decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he may adjourn the meeting; alternatively the Chair of the Review Panel may ask those present to withdraw while the Panel considers its decision. In the absence of a significant procedural irregularity, the decision of the Review Panel will be final. It will be notified, with reasons, to the parents by the Chair of the Review Panel or the Chair of Local Governing Body by letter within three working days of the meeting.

In cases where the pupil's next school is not known, the Pupil Tracking Officer at Surrey Safeguarding Children's Board must be informed.

## Policy Summary

At Banstead Prep School, a pupil will not be excluded temporarily (suspended) or excluded permanently (expelled) without grave cause. The circumstances which may lead to exclusion or expulsion (or Required Removal as an alternative to expulsion) include:

- Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.
- Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
- Misconduct of a sexual nature; supply and possession of pornography.
- Possession or use of unauthorised firearms or other weapons.
- Vandalism and computer hacking.
- Truancy
- Persistent attitudes or behaviours which are inconsistent with the ethos of Banstead Prep School.
- Other serious misconduct towards a member of the school community or which brings Banstead Prep School or United Learning into disrepute (single or repeated episodes) on or off school premises.

A complaint which could lead to you being expelled or required to leave the school permanently will be investigated thoroughly and fairly. You will have an opportunity for the assistance of your parents and/or a teacher to state your side of the case and you would also have a right to ask for the decision to be reviewed by a panel of the UCST Council.



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A copy of the full Exclusions, Expulsions, Removal and Review policy and procedures may be obtained from the School Office and is also available on the school website.

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**Next Review: September 2019 VE**