



## **Expulsion, Removal and Exclusion Policy**

This policy applies to the whole school, including the EYFS

September 2021

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## **1 Aims**

- 1.1 This is the expulsion and removal: review procedure of Warlingham Park School.
- 1.2 The aims of this policy are as follows:
  - 1.2.1 to support School rules and policies on behaviour and discipline;
  - 1.2.2 to ensure procedural fairness and natural justice; and
  - 1.2.3 to promote co-operation between the School and Parents when it is necessary for the School to require a pupil to leave earlier than expected.

## **2 Scope and application**

- 2.1 This policy applies to the whole School including the Early Years Foundation Stage (EYFS).

- 2.2 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 / her Parents.

### **3 Regulatory framework**

- 3.1 This policy has been prepared to meet the School's responsibilities under:
- 3.1.1 Education (Independent School Standards) Regulations 2014, updated 2019;
  - 3.1.2 *Statutory framework for the Early Years Foundation Stage* (DfE, September 2021);
  - 3.1.3 Education and Skills Act 2008;
  - 3.1.4 Childcare Act 2006;
  - 3.1.5 Data Protection Act 2018 and General Data Protection Regulation (GDPR); and
  - 3.1.6 Equality Act 2010.
- 3.2 The following School policies, procedures and resource materials are relevant to this policy:
- 3.2.1 parent contract;
  - 3.2.2 behaviour and discipline policy;
  - 3.2.3 anti-bullying policy;
  - 3.2.4 safeguarding and child protection policy and procedures;
  - 3.2.5 acceptable use policy;
  - 3.2.6 online safety policy; and
  - 3.2.7 equal opportunities policy

### **4 Publication and availability**

- 4.1 This policy is published on the School website.
- 4.2 This policy is available in hard copy on request.
- 4.3 A copy of the policy is available for inspection from the school office during the School day.
- 4.4 This policy can be made available in large print or other accessible format if required.

### **5 Definitions**

- 5.1 Where the following words or phrases are used in this policy:
- 5.1.1 References to **working days** mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening School holidays, the School's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delays.
  - 5.1.2 References to the **Headteacher** may include deputies.

- 5.1.3 References to **Parent** or **Parents** includes one or both of the parents, a legal guardian or education guardian.
- 5.1.4 References to the **Review** and **Review Hearing** are to the review by the Panel of the Head's decision, in accordance with this policy.
- 5.1.5 References to the **Panel** are to the three-member panel selected by the appointed Clerk to undertake the Review.

## 6 Responsibility statement and allocation of tasks

- 6.1 The Proprietor has overall responsibility for all matters which are the subject of this policy.
- 6.2 To ensure the efficient discharge of its responsibilities under this policy, the Proprietor has allocated the following tasks:

<b>Task</b>	<b>Allocated to</b>	<b>When / frequency of review</b>
Keeping the policy up to date and compliant with the law and best practice	Headteacher	As required, and at least annually
Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness	Headteacher	As required, and at least annually
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR	Headteacher	As required, and at least annually
Seeking input from interested groups (such as pupils, staff, Parents) to consider improvements to the School's processes under the policy	Headteacher	As required, and at least annually
Formal annual review	Proprietor	Bi-Annually

## 7 Training

- 7.1 The School ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.
- 7.2 The level and frequency of training depends on role of the individual member of staff.
- 7.3 The School maintains written records of all staff training.

## 8 Record keeping

- 8.1 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.
- 8.2 Administration of major punishments are recorded, with the name of the pupil concerned, the reason for the punishment including relevant dates, and the name of the person administering the punishment. This log is reviewed regularly by the SMT so that patterns in behaviour can be identified and managed appropriately.
- 8.3 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 about pupils and parents. The privacy notices are published on the School's website. 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.

## 9 General Principles

- 9.1 At Warlingham Park School, we believe that the values of respect, co-operation and courtesy are integral to our school ethos. To this end, we believe that our insistence on high standards is based on the following principles:

- It is built on the foundation of mutual respect
- It focuses on commending good behaviour rather than merely drawing attention to the negative behaviour
- It is consistent and fair
- It affirms the pupils' value whilst acknowledging inappropriate behaviour

These aims are backed up by a system of rewards and, where necessary, appropriate sanctions, the most serious of which are laid out below.

### 9.2 Sanctions

**For the Nursery, Pre School and Reception**, exclusion would only take place once all other avenues have been explored and exhausted, including one to one intervention.

**For the Main School (Years 1 to 6)**, the Governors make available to the Headteacher three sanctions for the most serious disciplinary matters:

- Suspension (also known as Temporary Exclusion)
- Removal at the Request of the School (also known as Required Withdrawal)
- Expulsion (also known as Permanent Exclusion)

The main categories of misconduct across the whole of Warlingham Park School which may result in one of the above sanctions are as follows:

- Supply, possession or 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, including cyberbullying
- Misconduct of a sexual nature, including sexting; supply and possession of pornography or indecent images of children; 'upskirting' photographs
- Possession or use of unauthorised firearms or other weapons
- Vandalism and computer hacking

- Persistent attitudes or behaviour which are inconsistent with the ethos of the School
- Malicious accusations against a member of staff
- Other serious misconduct towards a member of the school community or which brings the School into disrepute (single or repeated episodes), on or off the school premises.

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

In other instances, action 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.

### **9.2.1 Suspension (Temporary Exclusion)**

Only the Headteacher can suspend a child. Before deciding to suspend a child, the Headteacher will ensure that an appropriate investigation has been conducted; ensure that all the relevant evidence has been considered; give the child an opportunity to be heard; and consult other relevant people if necessary.

Work will generally be set for a child to do at home during the period when they are suspended for more than one day.

In addition, consideration will be given to any relevant problems of the suspended child and how they might be addressed in the interim, together with reintegration post-exclusion.

The Headteacher will then inform parents without delay, in person (whenever possible) or by telephone. They will also write to confirm the exclusion, stating the length and the reasons. Suspension constitutes a clear warning about continued membership of the School and this warning should be regarded as final.

The Headteacher is, in all cases, reluctant to suspend more than twice. No child who is suspended for a second occasion may return to the School without the Headteacher having obtained the approval of the Chair of Governors or, in his/her absence, another member of the Board of Governors.

### **9.2.2 Removal at the Request of the School (Required Withdrawal)**

Parents may be required, during or at the end of a term, to remove the pupil, without refund of fees, temporarily or permanently from the School if, after consultation with a parent, the Head teacher is of the opinion that the conduct or progress of the pupil has been unsatisfactory or if the pupil, in the judgement of the Head teacher, is unwilling or unable to profit from the educational opportunities offered (or a parent has treated the School or members of its staff unreasonably) and in any such case removal is considered to be warranted.

Fees in lieu of notice will not be charged but all outstanding fees and extras will be payable in full.

Only the Head Teacher can require parents to remove a pupil and before doing so they will follow the same procedure as for temporary exclusion. In making decisions about requiring the removal of a pupil the Headteacher will take into account any special educational needs, disabilities, gender and cultural differences that may be relevant to the case, as well as an agreed list of issues relating to exclusion.

### **9.2.3 Expulsion (Permanent Exclusion)**

A pupil may be expelled at any time if the Headteacher is reasonably satisfied that the pupil's conduct (whether on or off School premises or in or out of term time) has been prejudicial to good order or school discipline or to the reputation of the School. The School and the Headteacher will act fairly and in accordance with the procedures of natural justice and will not expel a pupil other than in grave circumstances.

There will be no refund of fees following expulsion (and all unpaid fees must be paid). Fees in lieu of notice will not be charged.

Some parents prefer, after due consideration, voluntarily to withdraw their child rather than the School imposing an expulsion. However, it must clearly be understood that the Head teacher reserves the right to insist on expulsion.

Only the Headteacher can expel a child and before doing so they will follow the same procedure as for suspension. In making decisions about expulsion the Headteacher will take into account any special educational needs, disabilities, gender and cultural differences that may be relevant to the case, as well as an agreed list of issues relating to exclusion.

## **10 Appeal and Review**

A decision to expel, or require the removal of, a child is not taken lightly and before it is reached the Headteacher will have given careful consideration to any representations by the parents. In the process, he will consult the Chair (or in her absence the Deputy Chairman) of Governors and agree the issues relating to exclusion. Parents may, if they wish, communicate with the Governors by letter. Any such letter should be addressed to the Clerk to the Governors at the School. If parents wish Governors to review the case they should set out the nature of their appeal in writing, detailing the nature of their grievance and the reasons they see for review.

## **11 Summary of process**

- Complaint or rumour of serious misconduct is investigated by Head
- Head holds disciplinary meeting
- Result of disciplinary meeting is communicated to parents
- If parents appeal, a Governors' Review is held

### **11.1 Investigation Procedure**

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. A pupil may be suspended while a complaint or suspicion is being investigated. On suspicion, consent is sought for any searches of pupils' belongings or property, such as lockers, bags. However, it must be noted that despite its being sought, consent is not necessary for searching on suspicion. Any searches take place in the presence of a second adult witness. Individuals should be aware that if access is refused the

school may proceed in calling the Police or the parent. By law physical searches of pupils are not allowed.

### 11.2 Disciplinary Meeting

The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Head. The pupil may also be accompanied by a member of staff of his/her choice. The pupil and his/her 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. The stages of a disciplinary meeting include:

**The complaint** - the Head will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head considers that further investigation is needed, he/she will decide whether the complaint has been sufficiently proved. The standard of proof shall be the civil standard, namely the balance of probabilities. Appropriate reliance may be placed on hearsay evidence but the Head will not normally refer to the pupil's disciplinary record at this stage.

**The sanction** - if the complaint has been proved the Head will outline the range of disciplinary sanctions which he/she considers are open to them and this may include exclusion from the school for a fixed period of time. He/she will take into account any further statement which the pupil and/or others present on his/her behalf wish to make. The pupil's disciplinary record will be taken into account.

### 11.3 Communication to parents

Following the disciplinary meeting, or at some later time within five working days, the Headteacher will give their decision, with reasons.

**Leaving status** - if the Head decides that the pupil must leave the school, he/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 five 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 five working days the parents have made a written application for a Review by the Governors, the pupil will remain suspended until the Review has taken place.

#### Leaving status

When a pupil is expelled or required to leave, the leaving status will be one of the following: 'expelled', 'removed' or 'withdrawn by parents'.

Additional points of leaving status to be decided 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
- The conditions under which the pupil may re-enter school premises in the future

- Financial aspects: payment of any outstanding fees and extras; refund of prepaid fees

#### **11.4 The Governors' Review**

A pupil or his/her parents, aggrieved at the Head's decision, may make a written application for a Governors' Review. The application must be received by the Chair of Governors within five working days of the decision being notified to a parent. In their application the parents must state the grounds on which they are asking for a review and the outcome which they seek.

See Appendix 1 for further details of the review procedure.

## **12 Version control**

Date of adoption of this policy	March 2020
Date of last review of this policy	September 2021
Date for next review of this policy	September 2023
Policy owner (SMT)	Sarah Buist
Policy owner (Proprietor)	ILG

## **Appendix 1 Review procedure**

### **1 Review**

- 1.1 A pupil or his / her Parents may request a Review of the Headteacher's decision to expel or remove a pupil or where a decision has been made to impose the disciplinary sanction of suspension on a pupil for 11 working days or more or where such suspension would prevent a pupil from taking a public examination.

### **2 How to request a Review**

- 2.1 A request for a Review must be put in writing to the appointed Clerk using the request form at Appendix 2. The request must be made within five working days of the date of the Headteacher's letter confirming their decision.
- 2.2 The request should include:
- 2.2.1 a copy of all relevant documents and full contact details;
  - 2.2.2 the grounds on which the Parents are asking for a Review and the outcome desired;
  - 2.2.3 a list of the documents which the Parents believe to be in the School's possession and wish the Panel to consider; and
  - 2.2.4 whether the Parents propose to be accompanied to the Review Hearing by someone who is legally qualified.
- 2.3 For the avoidance of doubt, a mere disagreement with the decision of the Headteacher will not of itself be grounds sufficient for a Review.
- 2.4 If assistance with the request is required, for example because of a disability, this should be indicated in the request form.
- 2.5 The appointed Clerk will acknowledge the request for a Review in writing within three working days of receipt.
- 2.6 Every effort will be made to enable the Review to take place within 15 working days of receipt of the request.

### **3 Planning the Review**

- 3.1 The appointed Clerk will send written notification to each party of the date, time and place of the Review at least ten working days before the date of the Review.
- 3.2 Copies of any documents additional to those specified in the Review form that the Parents wish the Panel to consider should be sent to the appointed Clerk to be received at least seven working days prior to the Review.
- 3.3 On receipt of new information not previously available to the Headteacher before their decision was made, the appointed Clerk should contact the Proprietor who will decide whether to:
- 3.3.1 include the new information in the bundle; or
  - 3.3.2 omit the information if not relevant to the grounds for Review; or
  - 3.3.3 make further enquiries of the Parents or the pupil about the information or

- 3.3.4 refer the information to the Headteacher for their consideration as to whether the decision should be revisited.
- 3.4 The appointed Clerk will circulate a copy of the bundle of documents to be considered by the Review Panel to all parties at least three working days prior to the Review.
- 3.5 The Parents may be accompanied at the Review Hearing, for example by a relative or friend. The Review is an internal proceeding, not legal proceedings, and legal representation is unnecessary.
- 3.6 The Parents are required to notify the appointed Clerk if they wish to be accompanied by someone who is legally qualified in their initial request for a Review. The Parents should note that the Panel will wish to speak to them directly. The legally qualified person will not be permitted to act as an advocate or to address the Review unless invited to do so by the Chair of the Panel.
- 3.7 A person will be appointed to take a minute of the Review Hearing.
- 4 **Composition of the Panel**
- 4.1 The Panel will comprise at least three individuals who have no detailed prior knowledge of the case or of the pupil or the Parents and will not include the Proprietor.
- 4.2 The Parents may ask the appointed Clerk to inform them who has been appointed to sit on the Panel ahead of the Review. Fair consideration will be given to any reasonable objection to a particular member of the Panel.
- 4.3 The Panel members will appoint one of themselves to be the Chair of the Panel throughout the proceedings.
- 5 **Role of the Panel**
- 5.1 The role of the Panel is to consider:
- 5.2 **Whether the decision-making followed a fair process:** whether an appropriate procedure was followed allowing the facts of the case to be 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. Observance of the School's relevant policies and rules will be taken into account but may not be determinative.
- 5.3 **Whether the sanction was proportionate:** whether it was warranted in respect of the breach of discipline or the other events that are found to have occurred and to the legitimate aims of the School's policy in that respect.
- 5.4 In addressing the matters above, the Panel will consider the documentation provided by the parties, representations made by the parties and any other factors which the Panel considers to be relevant.
- 5.5 The Panel will determine whether to uphold the Headteacher's decision or refer the decision back to the Headteacher with recommendations so that he / she may consider the matter further.

## 6 **Review Hearing**

- 6.1 The Review will be conducted in an informal manner observing principles of natural justice.
- 6.2 During the Review, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Review is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.
- 6.3 All statements made at the Review will be unsworn. The parties will be entitled to write their own notes for reference purposes.
- 6.4 All those present during the Review are expected to show courtesy, restraint and good manners or, after due warning, the Review may be adjourned or terminated at the discretion of the Chair of the Panel. Any person who is dissatisfied with any aspect of the way the Review is being conducted must say so before the proceedings go any further and his / her comment will be minuted.
- 6.5 The Chair of the Panel may, at his / her discretion, adjourn the Review if he / she considers it appropriate to do so. This may include an adjournment for the parties to take legal advice on a specific issue arising.
- 6.6 A Review 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.
- 6.7 When the Chair of the Panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he / she will conclude the Review Hearing.

## 7 **Decision**

- 7.1 The Panel's decision and any recommendations will be notified in writing, with reasons, to the Headteacher and the Parents by the Chair of the Panel within three working day] of the Review Hearing.
- 7.2 The Headteacher will provide his / her response to those recommendations, if appropriate, in writing within three working day].
- 7.3 In the absence of a significant procedural irregularity, the Headteacher's decision will then be final.

**Appendix 2 Form for requesting a Review**

To [• ]

Subject [• name of pupil]

I / we request a Review of the Headteacher's decision to expel or require the removal of the above named pupil. I/we agree that the Review will be carried out in accordance with the School's expulsion and removal: review procedure and I / we agree to abide by the terms of that policy.

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 Headteacher'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 Hearing by a friend or relation. If I / we wish to bring a friend or relation who is legally qualified I / we set out details of this person below.

I / we will inform the 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 outcome which I / we seek are as set out below.

<b>Grounds for Review</b>	
<b>Desired outcome</b>	
<b>Details of accompanying person if legally qualified</b>	
<b>List of all documents which we wish the Panel to consider (please enclose copies if you have them)</b>	

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

(Two signatures required where practicable)

