



FARNBOROUGH HILL

WHOLEHEARTEDLY

## EXCLUSIONS – POLICY ON PERMANENT EXCLUSIONS, REMOVAL AND REVIEW

This policy should be read in conjunction with:

- Anti-Bullying Policy
- Behaviour Policy including Rewards and Sanctions
- Complaints Policy and Procedure
- Drugs Policy
- Online Communications Policy
- School Rules and Procedures
- Search Policy

This policy is available on the School's website.

### Introduction

The aims of this policy are to support the School's *Behaviour Policy* and *Code of Conduct*, to ensure procedural fairness and natural justice and to promote co-operation between the School and the parents when it is necessary to exclude a pupil. The policy has been approved by the Head and Governing Body of Farnborough Hill.

Given the School's aim of educating the whole person within a caring, Christian community where girls and staff are encouraged to respect and support each other, it is expected that exclusions will be very rare. The School is committed to providing a safe and friendly environment for all pupils and staff so that teaching and learning can take place in a relaxed and secure environment. However, whilst we operate within a culture of learning from one's mistakes, and forgiveness, sometimes more serious misdemeanours require more formal sanctions to be applied for the good of the individual, and/or the whole school community.

All procedures within this policy are as clearly stated in the Terms and Conditions of the Parents' Contract. In particular the following Terminology is used (Sections 8.10, 8.11, 8.13 and 9.10 of the Terms and Conditions).

**"Withdrawal"** means the withdrawal of the Pupil from the School by the Parents or the Pupil with or without Notice required under these terms and conditions at any time after the Pupil has entered the School.

**"Permanent Exclusion"** The Pupil may be formally expelled from the School if it is proved on the balance of probabilities that the Pupil has committed a very grave breach of discipline or a serious criminal offence. Permanent Exclusion is reserved for the most serious breaches. The Head shall act with procedural fairness in all such cases. The Head's decision to expel shall be subject to a Governors' Review if requested by the Parents. The Parents will be given a copy of the Review procedure current at the time. The Pupil shall be suspended from the School pending the outcome of the Review.

**"Removal"** The Parents may be required to remove the Pupil permanently from the School if, after consultation with the Parents and, if appropriate, the Pupil, the Head is of the opinion that: by reason of the Pupil's conduct, behaviour or progress, the Pupil is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the School; or if the Parents have treated the School or members of its staff unreasonably; then in these circumstances, and at

*the sole discretion of the Head, Withdrawal of the Pupil by the Parents may be permitted as an alternative to Removal being required. The Head shall act with procedural fairness in all such cases, and shall have regard to the interests of the Pupil and the Parents as well as those of the School. The Head's decision to require the Removal of the Pupil shall be subject to a Governors' Review if requested by the Parents. The Parents will be given a copy of the Review procedure current at the time. The Pupil shall be suspended from the School pending the outcome of the Review.*

**“Suspension”** means that the Pupil is sent or released home for a limited period as either a disciplinary sanction or pending the outcome of an investigation or pending a Governors' Review.

References to the “Head” include Deputies. “Parent” includes one or both of the parents, a legal guardian or education guardian.

### **Behaviour Meriting Exclusion either Temporary or Permanent**

In very serious circumstances when a pupil's behaviour is such that it is disadvantaging others, then the pupil and parent(s) will be asked to appreciate the gravity of the situation, mindful of the fact that the pupil will not be able to continue at school if problems are not resolved. Behaviour that may result in exclusion is not limited to actions while at school or on school visits: behaviour which brings the School into disrepute might also result in exclusion. Exclusion may also be imposed by the School as a sanction for a series of minor misdemeanours.

Permanent exclusions are made by the Head following consultation with the Chair of Governors.

Examples of behaviour which would be likely to lead to exclusion are:

- abuse on the grounds of race, religion/belief, disability, special educational needs or any form of unlawful discrimination etc
- sexual harassment, sexual violence or misconduct, including in relation to indecent images and youth-produced sexual imagery
- taking inappropriate photographs at school and posting them on social networking sites or websites
- bullying or persistent bullying, including through social media and other forms of cyber-bullying
- physical assault/threatening or intimidating behaviour/blackmail against pupils or adults
- fighting
- verbal abuse/threatening behaviour against pupils or adults
- wilful damage to property/vandalism
- drug, psychoactive substance, solvent and alcohol misuse (including supply/possession/use)
- tobacco, e-cigarette or vape pen misuse (including supply/possession/use)
- theft or unauthorised possession of any property belonging to the School, another pupil, or a member of staff
- bringing illegal, inappropriate or dangerous items into School, such as drugs, weapons, firearms, knives, other weapons, corrosive substances, pornographic material etc
- vandalism or computer hacking or computer misuse
- persistent disruptive behaviour or breaches of the School's Behaviour Policy or Schools Rules and Procedures, or persistent attitudes or behaviour which are inconsistent with the School's ethos
- misconduct which adversely affects or is likely to adversely affect the welfare of a member or members of the School community
- misconduct which brings, or is likely to bring the School into disrepute
- making a malicious accusation against a member of staff or other adult closely linked to the School, such as a Governor
- committing a criminal offence
- entering out of bounds or locked areas, such as those with hazardous materials or sensitive documents
- inappropriately knowingly accessing school data or files

As set out in the School's Terms and Conditions of the Parents' Contract, the School may require the removal of a pupil in circumstances where the Head considers in their discretion that the behaviour or conduct of a parent is unreasonable or inappropriate. A non-exhaustive list of the sorts of behaviour that could merit required removal of a pupil on the grounds of unreasonable parental behaviour includes the following:

- treating the School or a member of staff unreasonably
- making a malicious allegation about a member of staff or the School
- communicating with the School in person or in writing (directly or indirectly), in a manner which is deemed voluminous, and/or relentless, and/or confrontational, and/or unreasonable, and/or overly aggressive
- behaving in a manner which adversely affects (or in a manner which is likely to adversely affect) the welfare of a member or members of the School community
- behaving in a manner which brings (or is likely to bring) the School into disrepute
- behaving in a manner which adversely affects (or in a manner which is likely to adversely affect) a pupil's progress at the School
- breaching the Schools Terms and Conditions (Parent Contract)

The School reserves the right to impose sanctions for parental behaviour falling short of required removal, including but not limited to placing restrictions on a parent's access to School/School events, communications with the School and/or the imposition of a warning (up to and including a final written warning).

As set out in the School's Terms and Conditions (Parent Contract), the School may require the removal of a pupil in circumstances where the Head considers in her discretion that the pupil's attendance or progress at the School is unsatisfactory and, in the reasonable opinion of the Head, the removal of the pupil is in the School's best interests and/or those of the pupil or other children.

Please note that exclusion / required removal may also be imposed by the School as a sanction for a series of minor misdemeanours.

### **Sanctions for Breaches of Discipline that do not Merit Exclusion**

In the first instance, individual teachers are responsible for discipline and for dealing with minor infringements, for example lateness, casual rudeness or disruption in class, late or poorly completed work in line with the *Behaviour Policy*. The pupil will be required to make amends, and, if work, rather than conduct is the problem, to re-do, with the help of the teacher, work which on first attempt has proved unsatisfactory. Repetition of unacceptable behaviour will be reported to the Head of Year. Minor indiscipline in class or other minor misdemeanours are reported to the pupil's Form Tutor. When poor behaviour is identified, sanctions are implemented in line with the School's *Behaviour Policy*. More serious misdemeanours could be expected to lead to the withdrawal of privileges for a designated period, and to the involvement of parents and/or guardians. The Deputy Heads may also be involved as deemed necessary.

### **Recognition of Positive Behaviour**

We encourage the establishment of strong teacher/pupil relationships and support for the School's values through a system of rewards and sanctions which are designed to promote a calm, disciplined learning environment and to help pupils grow in their self-esteem and their understanding of themselves and others. Recognition includes:

- Merits – typically received for excellent effort and work
- Head's Commendations – for particular achievements and consistent effort
- Praise Postcards – to recognise particularly excellent achievements for work
- Other celebrations of achievement at school Assemblies and the awarding of certificates and trophies
- House Points – awarded for notable or exceptional commitment to House activities

### **Breaches of discipline outside of the School grounds**

The School takes the conduct of its pupils outside of school grounds extremely seriously. A pupil's misbehaviour outside of school can be damaging to the reputation of both the pupil and the School.

Misconduct while on a school trip may result in the pupil being sent home early.

Where an incident is reported to the School of a pupil's, or pupils', poor behaviour outside of the School grounds and the incident has not been witnessed by school staff, the School will take an evidence-based approach and/or talk to witnesses before identifying further action and any sanctions required for such behaviour.

The School will usually report to the police any activity which it believes may amount to a criminal activity which takes place either within the School grounds or outside of its grounds. Suspected drugs and weapons will be confiscated immediately and held for the police as potential evidence. If the School believes a pupil may have taken drugs then the School will seek immediate medical advice and may involve the police. Alleged sexual offences will be reported to the police immediately. Other agencies, for example, Children's Social Care, may also be notified where necessary and appropriate to the facts of the case.

### **Temporary Exclusion as a disciplinary sanction**

When a pupil is clearly found committing, or admits to, a serious breach of school rules (eg does not attend lessons without good reason although in school, or is extremely rude to a member of staff, or is shown to have posted bullying or defamatory comments on a social network site) parents will be contacted to attend a meeting with the Head as it is likely that such behaviour will lead to temporary exclusion. This exclusion could range from half a day (eg the remainder of the day on which the misdemeanour took place) to several days or a week. The purpose of this exclusion is to give the pupil time to consider their actions and learn from their mistake.

The School reserves the right, when required, to exclude temporarily a pupil once parental communication is made, and before a face-to-face meeting has taken place.

The length of the temporary exclusion and the reason for it will be put in writing to the parents.

In a small number of cases where appropriate, the School will take into account other factors that may affect its decision on the type of sanction applied, such as suspension. These factors would include certain family circumstances (particularly those of a safeguarding nature) and certain higher level additional needs the pupil may have. The School reserves the right to apply different sanctions in these circumstances, which may or may not be different to those given to another pupil involved in the same behaviour issue. Decisions will be made on a case-by-case basis solely by the School and at its discretion.

### **Incidents needing investigation - Investigation Procedure**

- 1 Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Deputy Head - Pastoral and its outcome reported to the Head. Parents will be informed as soon as reasonably practicable if a complaint or allegation under investigation is of a nature which could result in the pupil being permanently excluded or required to leave.
- 2 The School reserves the right to require the pupil to remain away from school as a neutral act during an investigation procedure. Alternatively, the pupil may be placed under a segregated regime on school premises.
- 3 Two members of staff to be present if it is found necessary to search a pupil's space and belongings and ask her to turn out the contents of pockets or a bag, if it is considered 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. If necessary, the police would be called.

- 4 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 her to be accompanied by a member of staff of her choice or by a parent (if available at the relevant time).
- 5 An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.

### **Disciplinary Meeting**

- 6 The Chair of Governors will be informed of the investigation.
- 7 Documents available at the disciplinary meeting before the Head will include:
  - 7.1 A statement setting out the points of complaint against the pupil.
  - 7.2 Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
  - 7.3 The Deputy Head's Investigation Report.
  - 7.4 The pupil's school file and conduct record.
  - 7.5 The relevant school policies and procedures.
- 8 The pupil and her parents will be asked to attend the disciplinary meeting with the Head at which the Deputy Head - Pastoral will explain the circumstances of the complaint and her investigation. The pupil may be accompanied by a member of staff of her choice. The pupil and 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.
- 9 The Head will consider the complaint and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head 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 Head will not normally refer to the pupil's disciplinary record at this stage.
- 10 If the complaint has been proved the Head will outline the range of disciplinary sanctions which she considers are open to her. She will take account of any further statements 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 time later, normally within 24 hours, the Head will give her decision with reasons.
- 11 If the Head decides that the pupil must leave the School, she will consult with a parent before deciding the pupil's leaving status.
- 12 A decision to permanently exclude (expel) or remove a pupil shall take effect 72 hours after the decision was first communicated to a parent. Until then the pupil shall remain suspended and away from school premises. If within 72 hours the parents have made a written application for a Review by the Governors, the pupil shall remain suspended until the Review has taken place.

### **Leaving Status**

- 13 If a pupil is permanently excluded (expelled) or required to leave, her leaving status will be one of the following "permanently excluded" (expelled), "removed", or "withdrawn by parents".
- 14 Additional points of leaving status include:
  - 14.1 The form of letter which will be written to the parents and the form of announcement in the School that the pupil has left.

- 14.2 The reference form/school report which will be supplied for the pupil.
- 14.3 The entry which will be made in the School record and the pupil's status as a leaver.
- 14.4 Arrangements for transfer of any course and project work to the pupil, her parents, or another school.
- 14.5 Whether (if relevant) the pupil will be permitted to return to the School premises to sit public examinations.
- 14.6 Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.
- 14.7 Whether the pupil will be eligible for membership of Farnborough Hill Old Girls' Association and if so from what date.
- 14.8 The conditions under which the pupil may re-enter school premises in the future.
- 14.9 Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited.

### **Governors' Review Procedure**

- 15 Any complaint relating to action taken under the *Exclusion Policy* will be dealt with by the School as an appeal under that procedure rather than under the *Complaints Policy and Procedure*, and a decision made under the *Exclusion Policy* appeal procedure will be final.
- 16 Parents aggrieved at the Head's decision to permanently exclude (expel) or require a pupil to leave, may make a written application for a Governors' Review. The application must be received by the Clerk to the Governors within 72 hours of the decision being notified to a parent.
- 17 In their application parents must state the grounds on which they are asking for a review and the outcome which they seek.
- 18 The Review will be undertaken by a three-member sub-committee of the Board of Governors. 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 Governors. 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.
- 19 The meeting will take place at the School premises between three and ten working days after the parents' application has been received. A Review will not normally take place during the School holidays, unless this is desirable and all relevant parties can be present. 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.
- 20 Those present at a Review Meeting will normally be:
  - 19.1 Members of the Review Panel and the Clerk to the Governors.
  - 19.2 The Head and any relevant member of staff whom the pupil or her parents have asked should attend and whom the Head considers should attend in order to ensure a fair outcome.
  - 19.3 The pupil together with her parents and, if they wish, up to two members of the School staff who are willing to speak on the pupil's behalf. The parents may be accompanied by a friend or a relation who should not be legally qualified.
- 21 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. The Clerk will be asked to keep hand-written notes of the main points which arise at the meeting. 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.



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

- 20.1 Whether the facts of the case were sufficiently proved and when the decision was taken to permanently exclude or remove the pupil. The civil standard of proof, namely “the balance of probability” will apply.
  - 20.2 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.
  - 20.3 The requirements of natural justice will apply. If for any reason the pupil or 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 Clerk to note their dissatisfaction and the reasons of the Review Panel.
- 22 If the Head 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 the person and the reasons for withholding it be written down and shown to the Panel Members. The Chair at his/her discretion may direct that the person be identified, or not as the case may be.
- 23 If, having heard all parties, the Panel is minded to confirm the Head’s earlier decision, it is open to the Panel, with the agreement of the Head, the pupil and her parents to discuss the pupil’s leaving status with a view to reaching agreement.
- 24 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 Review 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 parent by the Chair of the Review Panel or the Chair of Governors by letter or telephone within three working days of the meeting.

This policy is reviewed annually by the Head and the Governing Body.

The next review is due in January 2024.