



Exclusion, Removal and Review Policy

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 Ardingly College ('the **College**'), or required to leave permanently for misconduct or other reasons. The policy applies to all pupils at the College 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. This policy can be made available in large print or other accessible format if required.

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

Headmaster: references to the Headmaster may include deputies.

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

Exclusion: means a dismissal from the College following serious misconduct formally recorded.

Removal: means that a pupil has been required to leave, but without the stigma of exclusion.

2 Policy statement

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

- to support the College's behaviour and discipline code
- to ensure procedural fairness and natural justice
- to promote co-operation between the College and parents when it is necessary for the College that a pupil should leave earlier than expected.

2.2 **Misconduct:** The main categories of misconduct which may result in exclusion or removal include but are not limited to:

- supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- theft, blackmail, physical violence, intimidation, racism or persistent bullying
- misconduct of a sexual nature; supply or possession of pornography
- possession or use of unauthorised firearms or other weapons
- vandalism or computer hacking

- persistent attitudes or behaviour which are inconsistent with the College's ethos
- other serious misconduct which affects the welfare of a member or members of the College community or which brings the College into disrepute (single or repeated episodes) on or off College premises.

2.3 **Behaviour related to a disability:** the College will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Where exclusion needs to be considered, the College will ensure that a disabled pupil is able to present their case fully where their disability might hinder this.

2.4 **Other circumstances:** A pupil may be required to leave if, after all appropriate consultation, the Headmaster is satisfied that it is not in the best interests of the pupil, or of the College, that he/she remains at the College.

3 Procedure

3.1 **The procedure:** The procedure followed by the College in cases where a sanction of exclusion or required removal may be imposed by the Headmaster 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 **Appendix 2**

3.1.3 **Disciplinary meeting with the Headmaster** - further details of the disciplinary meeting are set out in **Appendix 3**.

3.1.4 **Governors' Review Hearing** - further details of the Governors' Review Hearing are set out in **Appendix 4**.

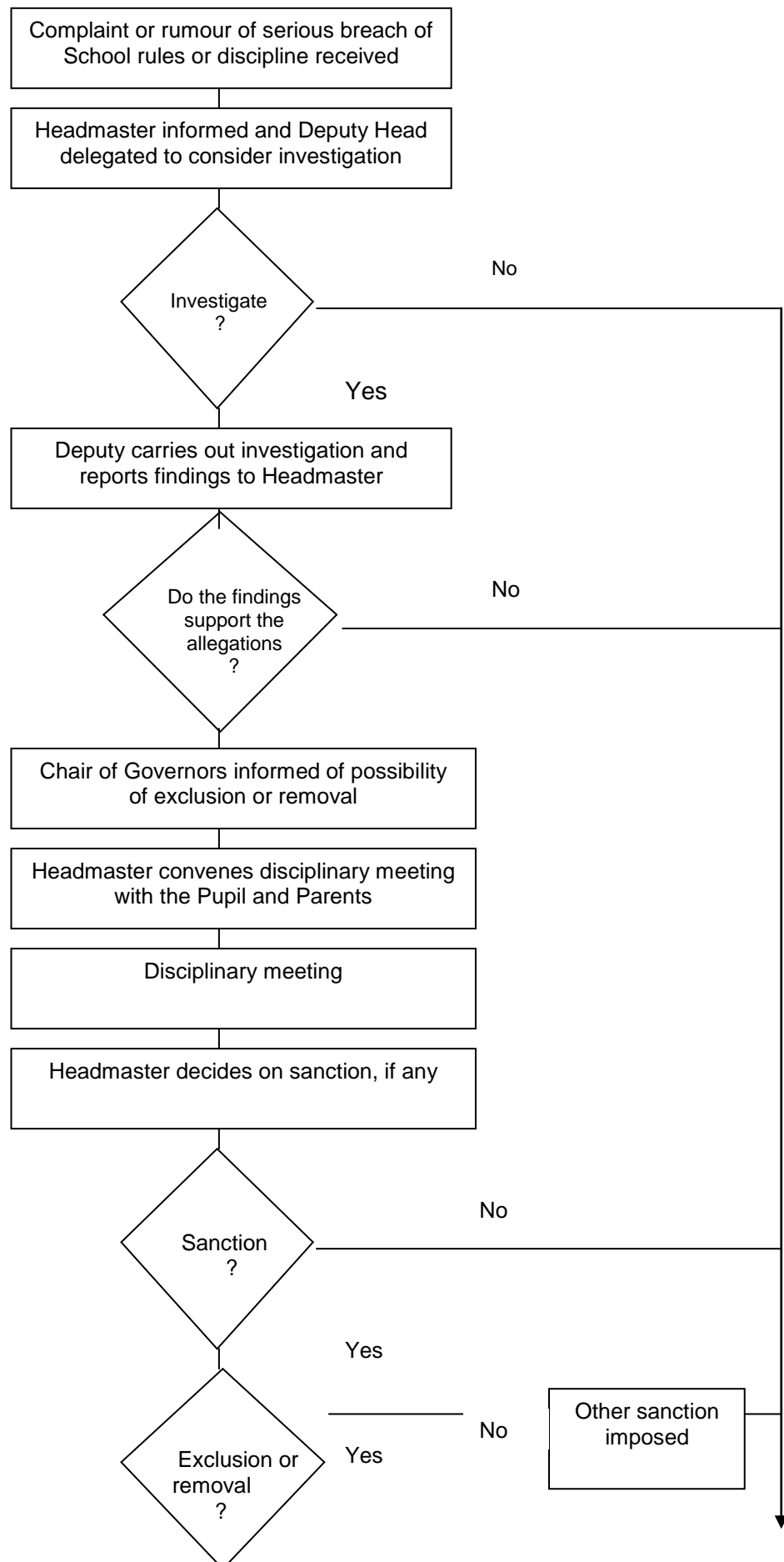
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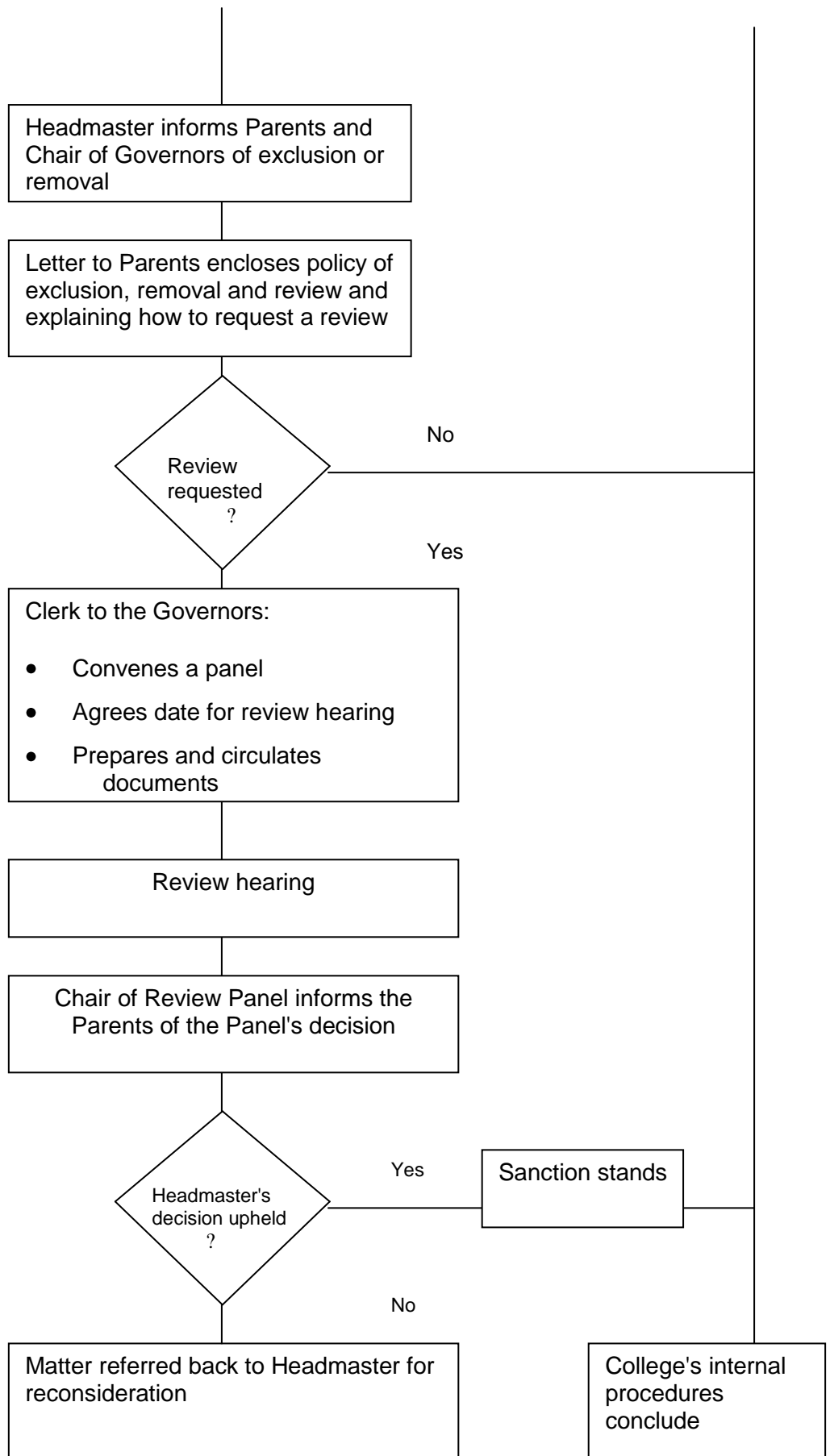
The Board of Governors

Date

7 September 2011

Appendix 1 Procedural flowchart





Appendix 2 - Investigation procedure

- 1. Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Deputy Head, and its outcome will be reported to the Headmaster. 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 expelled or required to leave.
- 2. Suspension:** A pupil may be suspended from boarding and/or from the College and required to live at home or with his education guardian while a complaint is being investigated or while an investigation is suspended (see 6 below). Should a suspension continue for a period of more than five School days, the College will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The relevant Housemaster or 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 College premises.
- 3. Search:** The College may decide to search a pupil's space and belongings and ask him/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. 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.
- 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 him/her to be accompanied by a member of staff of his/her 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.
- 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.
- 6. 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.

Appendix 3 - Disciplinary meeting with the Headmaster

1. **Preparation:** The Chair of Governors will be informed of the meeting. Documents available at the disciplinary meeting before the Headmaster 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 Deputy Head's Investigation Report
 - the pupil's school file and (if separate) [house] file and conduct record
 - the relevant College policies and procedures.

2. **Attendance:** The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Headmaster at which the Deputy Head will explain the circumstances of the complaint and his/her investigation.

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.

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 Headmaster or Deputy Head so that appropriate arrangements can be made.

3. If the pupil or the pupil's parents experience difficulty in attending due to a disability, the College 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 College will make reasonable alternative arrangements to ensure the parent can be involved with the disciplinary process and their child's education.

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

- 4.1 **The complaints:** The Headmaster will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Headmaster considers that further investigation is needed, s/he 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 Headmaster will not normally refer to the pupil's disciplinary record at this stage.

- 4.2 **The sanction:** If the complaint has been proved the Headmaster will outline the range of disciplinary sanctions which s/he considers are open to him/her. He/she 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. Then, or at some later time, normally within 24 hours, the Headmaster will give his decision, with reasons.

- 4.3 **Leaving status:** If the Headmaster decides that the pupil must leave the College, he/she will consult with a parent before deciding on the pupil's leaving status (see below).

5. 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 College premises. If within seven days the parents have made a written application for a review by the Governors, the pupil shall remain suspended until the Review has taken place.

6. Leaving status

6.1 Explanation: If a pupil is excluded or required to leave, his/her leaving status will be one of the following: excluded, removed or withdrawn by parents.

6.2 Detail: Additional points of leaving status include:

- the form of letter which will be written to the parents and the form of announcement in the College 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 College 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 pupil will be permitted to return to College premises to sit public examinations
- whether (if relevant) the College 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 Old Ardinians and if so from what date
- the conditions under which the pupil may re-enter College 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.

Appendix 4 - Governors' review

1. **Request for review:** A pupil or his/her parents may request a Governors' Review of the Headmaster's decision to exclude or require a pupil to leave, or where a decision has been made to suspend a pupil for 11 School days or more, or where suspension would prevent the pupil from taking a public examination. The application must be made in writing using the Request Form at **Appendix 5** and received by the Clerk to the Governors within seven days of the Headmaster's decision being notified in writing to a parent, or longer by agreement. If the parents or the pupil have any special needs or disabilities which call for additional facilities or adjustments, these should be made known to the Clerk so that appropriate arrangements can be made.
2. **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. For the avoidance of doubt, a mere disagreement with the decision of the Headmaster will not of itself be grounds sufficient for a Governors' review.
3. **Review Panel:** 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. Selection of the Review Panel will be made by the Clerk to the 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. If appropriate, the panel may include an independent member who is not concerned with the management or running of the College.
4. **Role of the Panel:** The role of the Panel is to consider the representations made and to decide whether to uphold the Headmaster's decision or refer the decision back to him/her with recommendations so that s/he may consider the matter further.
5. **Review meeting:** The meeting will take place at the College premises, normally between three and ten days after the parents' application has been received. 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.
6. **Attendance:** Those present at the Review Meeting will normally be:
 - members of the Review Panel and the Clerk to the Governors or his/her deputy
 - the Headmaster and any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Headmaster 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 College staff who is willing to speak on the pupil's behalf. The parents may be accompanied by a friend or relation. The Clerk to the Governors must be given seven days' notice if the friend or relation is legally qualified.
7. **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 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. The meeting will be directed by the Chair 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.

8. 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 normally apply
- 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 College'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 at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

9. Decision: When the Chair 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 may ask those present to withdraw while the Panel considers its recommendations. The panel's recommendations will be notified in writing, with reasons, to the Headmaster and the parents by the Chair of the Review Panel or the Chair of Governors within three days of the meeting. The Headmaster will provide his response to those recommendations in writing within 24 hours. In the absence of a significant procedural irregularity, the Headmaster's decision will then be final.

Appendix 5 - Form for requesting a Governors' Review

To The Clerk to the Governors of Ardingly College

Subject [Name of pupil]

I/we request that a sub-committee (**Panel**) of the Board of Governors carries out a review of the Headmaster's decision to exclude or require removal 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 and that the Headmaster's decision following consideration of the recommendations made by the Governors' Review 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 Headmaster's decision in accordance with the College'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 who is not legally qualified and that I/we may ask up to two members of the College 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.

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 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

Monitoring: Headmaster, School Council

Policy Review:

Next review September 2012

Last review September 2011

Reviewer Headmaster