



## **St. Nicholas Preparatory School** **Exclusion, Removal and Review Policy**

### **INTRODUCTION**

#### **Scope**

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be excluded from St Nicholas Preparatory School (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 his/her parent (information which can be requested from the school administration).

#### **Definitions**

The definitions in this clause apply to this policy.

1. Head: references to the Head Teacher may include the Deputy Head.
2. Parent: includes one or both of the parents, a legal guardian or education guardian.
3. Exclusion: means the dismissal of a pupil from the School following serious misconduct which has been formally investigated and recorded.
4. Removal: means that a pupil has been required to leave but without the stigma of Exclusion.

#### **Policy Statement**

The aims of this policy are:

- to support the School 's behaviour 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.

#### **Misconduct**

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

- supply, possession or 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.
- serious misconduct in the use of telecommunications
- possession or use of a weapon.
- vandalism or computer hacking.
- persistent attitudes or behaviour which are inconsistent with the School 's ethos.
- other serious misconduct which affects the welfare of a member or members of the School community or which brings the School into disrepute (single or repeated episodes) on or off School premises during or outside term time.

## **Equality**

The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where Exclusion needs to be considered, the School will ensure that a pupil with a disability or special educational need and/or his/her parents are able to present their case fully where their disability or special educational need might hinder this. Any religious requirements affecting the pupil will be taken into consideration.

## **Other Circumstances**

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

## **Procedure**

The procedure followed by the School in cases where a sanction of Exclusion or Removal may be imposed by the Head are summarised in the flowchart in Appendix 1 of this Policy.

The three stages of this procedure are as follows:

1. An investigation into events will take place, alongside the procedures outlined in the School's Rewards and Sanctions Policy. Advice on the steps taken within this investigation are set out in Appendix 2, including referral to a panel hearing, but these steps are not prescriptive and the investigation will take the course chosen by the investigating member of staff to obtain all the information possible.
2. Disciplinary meeting with the Head - further details of the disciplinary meeting are set out in Appendix 3.
3. Review meeting - further details of the Review meeting are set out in Appendix 4.

The School will endeavour to complete the process within six weeks (at the maximum) which allows for preparation, the initial meeting, the week following and time to prepare for a review and finalise the process.

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This policy was last reviewed Autumn 2018.

The next scheduled review is Autumn 2019 or in light of regulatory requirements.

Amit Mehta (Proprietor)

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# INVESTIGATION PROCEDURE

## APPENDIX 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 Head. 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 Removed from the School.

**Suspension:** A pupil may be suspended from the School while a complaint is being investigated or while an investigation is underway (see paragraph 6 below). Should a suspension continue for a period of more than five school days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The Deputy Head or Senior Teacher will co-ordinate these arrangements with the pupil's parents. Parents should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what appropriate work should be set. Alternatively, the pupil may be placed under a segregated regime on School premises.

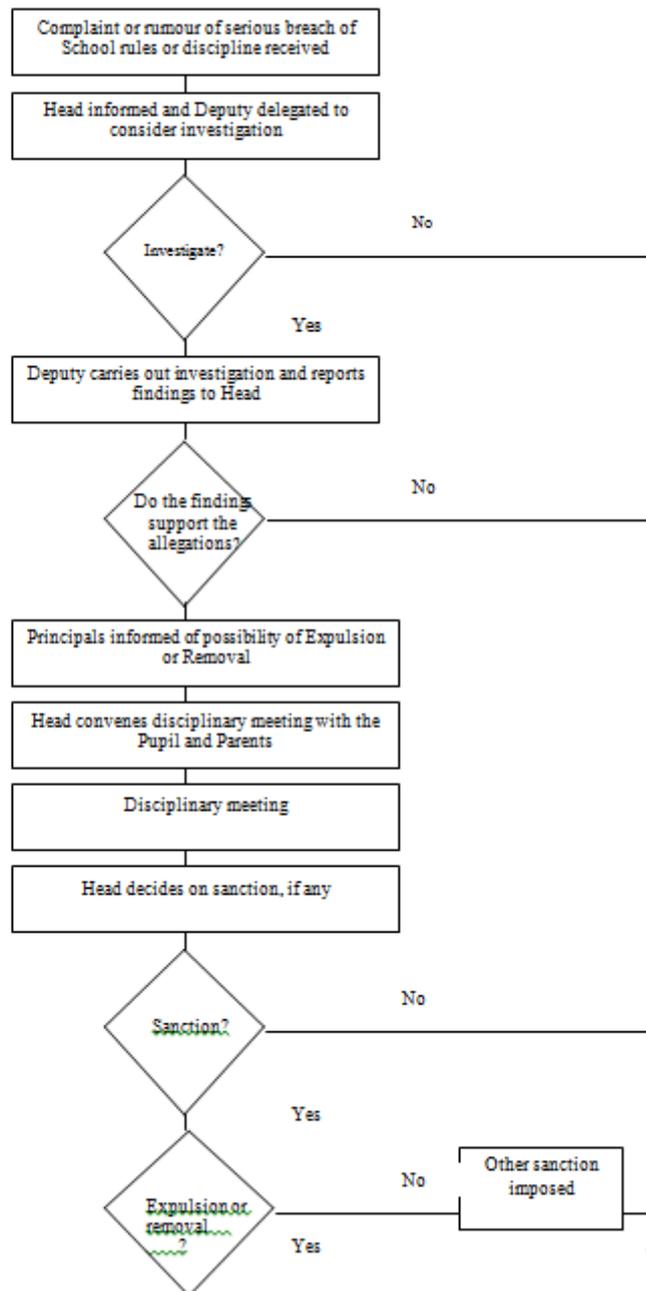
**Search:** If necessary, and in consultation with the Proprietor, we may decide to search a pupil's space and belongings and ask him/her to turn out the contents of pockets or a bag, if we consider there is reasonable cause to do so. Clothing will not be searched until it has been removed from the wearer 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. See also the School's separate policy on searching and confiscation in the Behaviour and Discipline Policy for details about the School's power to search.

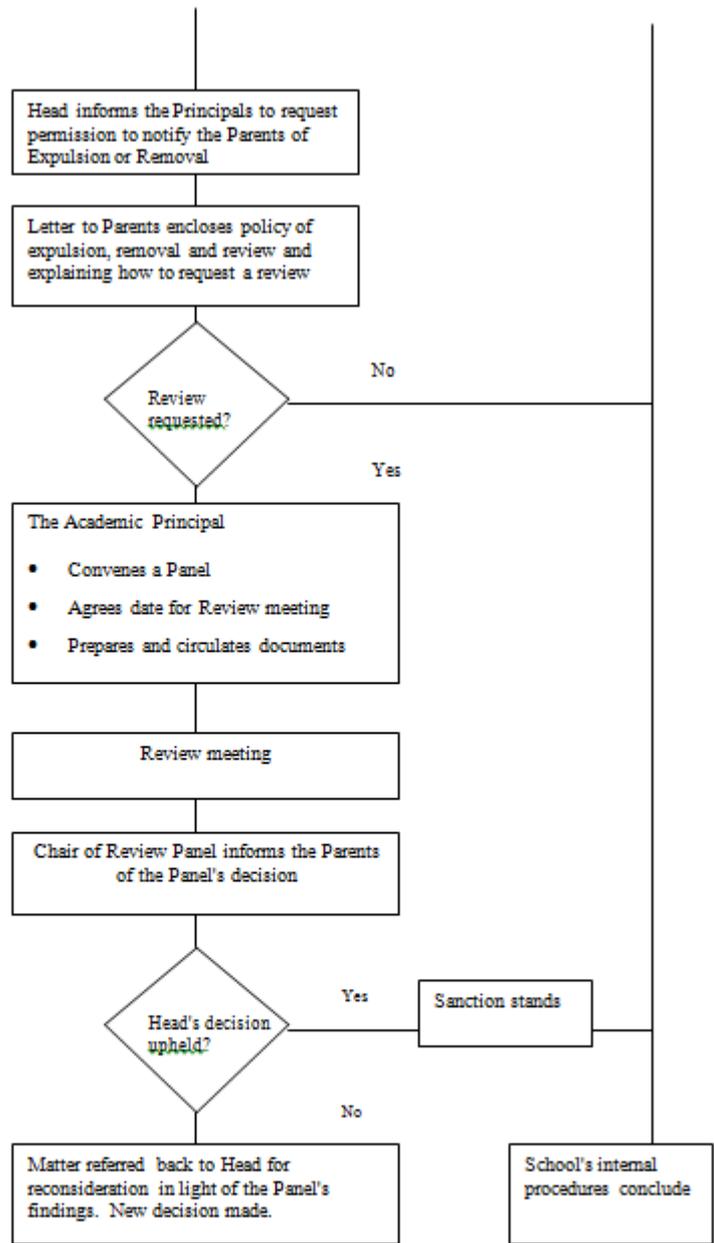
**Interview:** A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If the pupil is then interviewed formally about a complaint or rumour, arrangements will be made for him/her to be accompanied by a member of staff of his/her choice and/or by a parent (if available at the relevant time). Minutes of the interview will be recorded in writing by the interviewing member of staff.

**Ethos:** An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to the School, without formal legal procedures.

**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 1 Procedural flowchart





## **DISCIPLINARY MEETING WITH THE HEAD**

### **APPENDIX 3**

#### **Preparation:**

The Proprietor will be informed of the meeting. Documents available at the disciplinary meeting before the Head 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) conduct record.
- the relevant School policies and procedures.

#### **Attendance:**

The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Head at which the Deputy Head will explain the circumstances of the complaint and details of 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 Head so that appropriate arrangements can be made.

If a parent is unable to attend because of, for example, travel or working commitments, the School will make reasonable alternative arrangements to ensure the parent can be involved, remotely if necessary, with the disciplinary process and their child's education.

#### **Proceedings:**

There are potentially three distinct stages of a disciplinary meeting.

#### **The Complaint:**

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 proven. The standard of proof shall be the civil standard, i.e. 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 proven the Head will outline the range of disciplinary sanctions which she considers are open to them. They 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. Then, or at some later time, normally within 24 hours, the Head will give their decision in writing, with reasons.

**Leaving Status:**

If the Head decides that the pupil must leave the School, they will consult with the pupil's parents before deciding on the pupil's leaving status (see below).

**Delayed Effect:**

A decision to Exclude or Remove a pupil shall take effect seven days after the decision was first communicated to the pupil's parents. Until then, the pupil shall remain suspended and away from School premises. If within seven days the parents have made a written application for a Review of the decision, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision is made.

**Leaving Status**

1. **Explanation:** If a pupil is Excluded or Removed, his/her leaving status will be one of the following: Excluded, Removed or if the offer is made and accepted Withdrawn by parents.
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 School.
  - 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 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 such as attendance at end of term/year events.
  - 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 pre-paid fees.

## **REVIEW BY THE PANEL**

### **APPENDIX 4**

#### **Request for Review:**

A pupil or his/her parents may request a Review of the Head's decision to exclude or require the removal of a pupil, or where a decision has been made to suspend a pupil for eleven 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 accompanying this policy, and received by the School Secretary within seven days of the Head's decision being notified to the parents, 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 Proprietor so that appropriate arrangements can be made.

**Grounds for Review:** The parents must state the grounds, in their application, 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 Head will not of itself be grounds sufficient for a review.

**Review Panel:** The review will be undertaken by the Proprietor plus a minimum of 1 member of the Senior Management team. 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.

**Role of the Panel:** The role of the Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Head's decision or refer the decision back to the Head with recommendations for further consideration.

#### **Review Meeting:**

The meeting will take place at the School premises, normally within ten school days after the parents' application has been received. A review will not normally take place during School holidays. The Parents and the Head will be asked to submit any documents they wish to refer to at the meeting to the School Secretary and a single bundle will be circulated to the Panel and the parties simultaneously at least three days before the meeting. On receipt of new information not previously available to the Head before the decision was made, the School Secretary should contact the Proprietor who will decide whether:

- to include the new information in the bundle; or
- to omit the information if not relevant to the grounds for review; or
- to make further enquiries of the parents or the pupil about the information; or
- to refer the information to the Head for his/her consideration as to whether the decision should be revisited.

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. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

#### **Attendance:**

Those present at the review meeting will normally be:

- members of the Panel and the School Secretary.

- the Head and any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Head 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 relative. The meeting is not a legal proceeding and so legal representation is not necessary nor allowed. The School Secretary must be given seven days' notice if the friend or relative is legally qualified and the parents should note that the Review Panel will wish to speak to them directly and this person will not be permitted to act as an advocate.

### **Conduct of Meeting**

The meeting will be chaired by one member of the Review Panel and all statements made at the meeting will be unsworn. The meeting will not be recorded but the School Secretary 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.

### **Procedure**

The Head will provide the parents with a copy of the current Review procedure if requested. In summary, the Panel will consider each of the points raised by the pupil or his/ her parents and any documentation they wish to rely on so far as relevant to:

1. whether the decision was fair procedurally and/or substantively - whether the facts of the case were sufficiently proven when the decision was taken to Exclude or Remove the pupil. The civil standard of proof, namely, "the balance of probability", will apply; and
2. whether the sanction was proportionate - that is whether it was warranted in respect of 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 at the time and ask the School Secretary to note their dissatisfaction and the reasons for it.

### **Decision**

When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he/she may adjourn the meeting; alternatively the Chair may ask those present to withdraw while the Panel considers its findings and any recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the parents by the Chair of the Panel within three days of the meeting. The Head will provide her response to those recommendations, if appropriate, in writing within 24 hours. In the absence of a significant procedural irregularity, the Head's decision will be final.

## Form for Requesting a Review

**To** The School Secretary for the Review Panel  
**Subject** [Name of pupil]

I/we request a Review of the Head's decision to Exclude or Remove 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 subject to law and that the Head's decision following consideration of the recommendations made by the Panel 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 Head'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 meeting by a friend or relation and that I/we may ask up to two members of the School 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 School Secretary 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	
Full Name	
Relationship to Pupil	
Date	
Telephone Contact Number	

Signed	
Full Name	
Relationship to Pupil	
Date	
Telephone Contact Number	