

# HULL COLLEGIATE SCHOOL

## Exclusion, Expulsion and Removal Policy

Hull Collegiate School seeks to implement this policy through adherence to the procedures set out in the rest of this document.

Hull Collegiate School is fully committed to ensuring that the application of this policy is non-discriminatory in line with the UK Equality Act (2010). Further details are available in the school's Equal Opportunity Policy document.

This document is available to all interested parties on request from the main school office or may be downloaded from the school's website, and should be read in conjunction with a range of policies, procedures and other documentation relating to:

- School code of conduct
- Restorative practice
- Rewards and sanctions
- Exclusion from lesson
- Use of Force
- Anti-bullying
- Admissions
- Behaviour and discipline
- Substance misuse
- Prep School Behaviour for Learning Statement

This document is reviewed annually by Mrs R Glover and Mrs A Kell or as events or legislation change requires. The next scheduled date for review is September 2018.

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## **Policy Statement**

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

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

- Use of prohibited substances on school premises or on other premises while the pupil is nominally in school or associated with school. Passing of such substances to other pupils, whether or not in return for money, compounds the offence.
- Violent or abusive behaviour towards another member of the school community. Particular attention is given to any incidents involving racism.
- Persistent bullying of another member of the school community in any form.
- Inappropriate sexual behaviour, whether physical or verbal.
- Persistent and repeated refusal to conform to the standards of work and behaviour expected of a member of the school community.
- Persistent and repeated behaviour which affects the well-being, comfort and/or academic progress of other pupils.

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 first offence, although the Head 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.

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A pupil who has been admitted to the school on a conditional place for a fixed period of time may be asked to leave at the expiry of that period if in the opinion of the Headteacher the pupil has not conformed to the norms of the school. In such a case the normal procedures for exclusion will not necessarily apply.

Apart from the examples outlined above, any behaviour which in the opinion of the Headteacher is seriously damaging to the school or to another member of the school community may result in temporary or permanent exclusion. Serious disciplinary offences are shared with the Chair of the Local Governing Body.

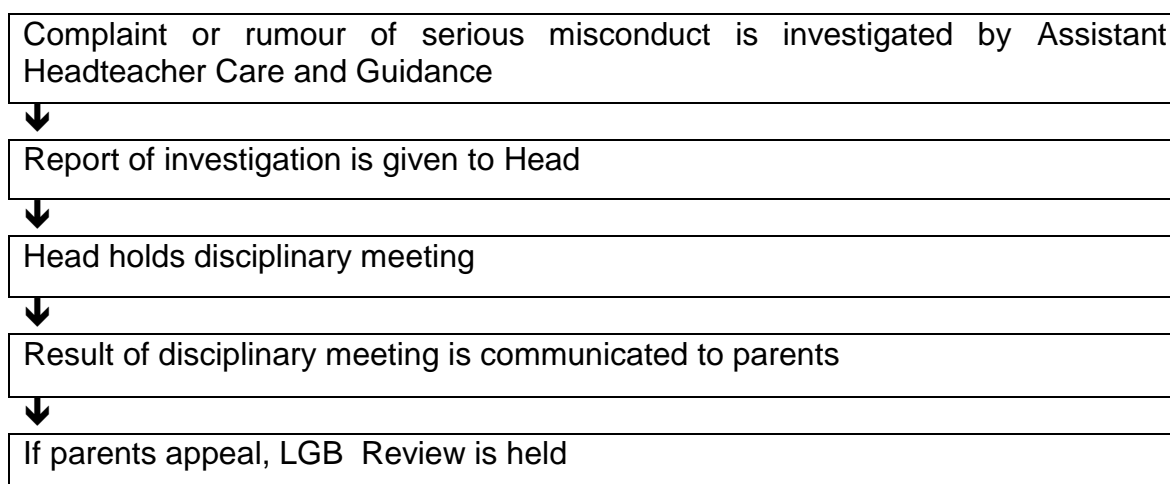
A pupil may also be required to leave if, after all appropriate consultation, the Headteacher is satisfied that it is not in the best interests of the pupil, or of the school, that he/she remains at Hull Collegiate School.

The aim of this policy is:

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

References to the Headteacher includes deputies and assistants. "*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.

### 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 Headteacher Care and Guidance and its outcome will be reported to the Head.

**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. 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. By law physical searches of pupils are not allowed.

**Interview:** If a pupil is interviewed formally about a complaint it will take place with another adult present. Parents will be requested to accompany pupils under the age of 14 or who, because of a special educational need, staff judge insufficiently mature to understand the significance of the process. In all 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 (or the parent accompanying them) 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 Head 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 Chair of the Local Governing Body will be informed of the investigation. 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 Assistant Headteacher's (Care and Guidance) 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 Assistant Headteacher Care and Guidance Head will explain the circumstances of the complaint and the 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.

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

**The complaints** - 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, i.e. on 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. Then, or at some later time (but within three working days) the Head will give his/her 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 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, his/her 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 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
- Whether the pupil will be eligible for membership of the Old Pupils' Association 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

### **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 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 Head and any relevant member of staff whom the Head, 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 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 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 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 Head'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.

*This policy applies to all members of our school community, including those in our Early Years setting.*