



Emanuel School

Exclusion Policy

Introduction

Scope: This policy contains guidelines explaining the circumstances under which a pupil may be suspended or expelled from the school, or required to leave permanently for misconduct or other reasons. The policy applies to all pupils at the school (whether or not in the care of 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.

Interpretation: References to the headmaster include deputies. "Parent" includes one or both of the parents, a legal guardian or education guardian. "Suspension" means that a pupil has been sent home for a prescribed period either to facilitate an investigation or as a sanction in its own right. "Expulsion" means a dismissal from the school following serious misconduct, formally recorded. "Removal" means that a pupil has been required to leave for serious or persistent misconduct which would not warrant expulsion.

Policy statement

Aims: the aims of this policy are:

- to support the school's behaviour and discipline 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 is to leave earlier than expected.

Misconduct: The main categories of misconduct which may result in suspension, expulsion or removal are:

- 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, and in some circumstances, off school premises.
- supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol, tobacco and e-liquid (used in vaping)
- theft, blackmail, physical violence, intimidation, racism and persistent bullying
- misconduct of a sexual nature (violence and harassment); supply and possession of pornography
- possession or use of unauthorised firearms or other offensive weapons
- vandalism and computer hacking
- persistent attitudes or behaviour which are inconsistent with the school's ethos, this may include the use of social media.

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 school, that he/she remains at the school.



Investigation procedure

Complaints and allegations: Investigation of a complaint/ allegation or rumour about serious misconduct will normally be co-ordinated by one of the deputy heads or other appropriate senior colleague (provided he or she is independent of the complaint) 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 suspended, expelled or required to leave. If the complaint involves child protection issues, the designated safeguarding lead will record the matter and refer it to the Local Authority Designated Officer (LADO). (Ref. *Safeguarding Policy*.)

Suspension: A pupil may be suspended from the school and required to stay at home or with his/her education guardian while a complaint is being investigated. Alternatively, he/she may be placed under individual supervision on school premises.

Search: The school reserves the right to search a pupil's space and belongings, and ask him/her to turn out the contents of pockets or a bag, if the school considers 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. If necessary, the police would be called.

Interview: A pupil may be interviewed wherever possible with another adult present by a member of staff and will be given the opportunity to give a written account. 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.

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.

Disciplinary meeting before the headmaster

Preparation: The chair of governors will be informed of the investigation. Documents available at the disciplinary meeting for the headmaster are likely to include:

- a statement setting out the points of complaint against the pupil
- notes of the evidence supporting the complaint, and any relevant correspondence
- the investigation report (if applicable)
- the pupil's school file and conduct record
- the relevant school policies and procedures.

Attendance: The pupil and the pupil's parents will be asked to attend the disciplinary meeting with the headmaster at which the circumstances of the complaint and the subsequent investigation will be explained. The pupil may attend the meeting at a point to be decided by the headmaster – typically after the parents have discussed the situation with the headmaster and other relevant staff. In all cases, the pupil and his/her parents will have an opportunity to state their child's side of the case before any decision is made. 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 other pupils will be preserved.



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

- *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, he/she 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.
- *The sanction:* If the complaint has been proved the headmaster will outline the range of disciplinary sanctions which he considers are open to him. He 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 10 days, the headmaster will give his decision, with reasons.
- *Leaving status:* If the headmaster decides that the pupil must leave the school, he 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 shall take effect seven days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from school premises. If within 7 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.

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"

Detail: Additional points of leaving status may include some or all of the following:

- 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 Emanuel 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; the refund of any prepaid fees



Governors' Review

Request for review: Parents may request a governors' review of the headmaster's decision to suspend a pupil (if the suspension is for 11 school days or more or would prevent the pupil from taking a public examination) expel or require a pupil to leave, by making a written application. The application must be made as soon as possible and, in any event, must be received by the clerk to the governors within 7 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 panel shall consist of the governor nominated by the governing body to chair the panel, or an alternative governor appointed by the nominated governor if he or she is unable to act, one further governor and a person independent of the school, in both the latter cases selected by the clerk to the governors. The review panel members will have no detailed previous knowledge of the issues or of the pupil or parents and will not include the chairman of governors. Parents requesting the review will be entitled to know the names of the members of the review panel in advance.

Role of the panel: the role of the review panel is to consider the representations made as outlined below and to make recommendations to the headmaster accordingly.

Review meeting: The meeting will take place at the school premises or at the UWS offices, on a date as reasonably convenient to those involved in the review as can be arranged. If necessary, the chair of the review panel will hold a preliminary meeting to give directions as to the further conduct of the review. 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 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 head master considers should attend in order to secure a fair outcome.
- the pupil's parents. The parents may be accompanied by a friend or relation and, if they wish, a member of the school staff who is willing to speak on the pupil's behalf. The clerk to the governors must be given seven days' notice if the friend or relation is legally qualified.
- The pupil may be present for part of the meeting by advance agreement with the clerk to the governors.

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. Parents and the school will be entitled to call any witnesses relevant to the complaint subject to the case management control of the chair. The clerk to the governors will be asked to keep a hand-written minute of the main points which arise at the meeting. The chair may direct that a recording be taken of the proceedings. 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.



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Procedure: The review panel will consider each of the questions raised by the pupil's parents or the pupil to determine:

- 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 probabilities" will 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 school's policy in that respect.

The requirements of natural justice will apply. If for any reason the pupil's parents or the pupil are dissatisfied with any aspect of the meeting they must inform the chair at the time and ask the secretary to the governors to note their dissatisfaction and the reasons for it.

Identification: If the headmaster considers it necessary in the interests of an individual or of the school that the identity of any person should be withheld, the chair may require that the name of that person and the reasons for withholding it be written down and shown to the review panel members. The chair 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 review panel is minded to recommend that the headmaster's earlier decision should be confirmed, it is open to the review panel, with the agreement of the headmaster, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement.

Decision: When the chair decides that all issues have been discussed sufficiently 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 review panel considers its recommendations. The review panel's recommendations will be notified in writing with reasons, to the headmaster, the parents and the pupil by electronic mail or otherwise by the chair of the review panel or the secretary to the governors, no later than 14 days from the date of the final hearing. The decision of the review panel shall be final.

Record: A record shall be maintained by the school of the review, the documents relating to the proceedings, and the findings of the review panel. The record shall be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the Education Act 2002, as amended, requests access to them. The recommendations and findings of the review panel shall be made available to the chairman of the governors, and if he thinks it desirable shall be made available to governors.

Fees

For fees after expulsion please see the parent contract terms and conditions.

Related Documents

- Behaviour Policy
- Complaints Procedure
- Drugs Policy



Emanuel School

Request for a governors' review of a decision to expel or require a pupil to leave

To Emanuel School, Battersea Rise, London SW11 IHS Telephone 020 8870 4171

Name of pupil

I request that a review panel be appointed in accordance with the Parental Complaints Policy to carry out a review of the headmaster's decision to suspend (for more than 11 days), expel or require removal of the above named pupil. I agree that the review will be carried out in accordance with the review procedure set out in the Exclusion Policy supplied to us with this form and I agree to abide by the terms of that procedure and in particular that the proceedings are and will remain confidential and that the review will be final, subject to such (if any) legal rights as may exist.

I confirm that I am a person with parental responsibility for the above named pupil and that I have consulted the pupil who wishes the review to be undertaken.

I understand that the panel will be concerned with the fairness and proportionality of the headmaster's decision in accordance with the school's existing policies (where applicable and relevant) on disciplinary, educational, pastoral care and administration matters.

We understand that we may be accompanied at the review meeting by a friend or relation and that we must provide the clerk to the governors with seven days' notice if the friend or relation is legally qualified.

The grounds upon which we seek a review and the matters which 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
Daytime telephone	Daytime telephone
Evening telephone	Evening telephone