



# Exclusion Policy

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Description: This Policy outlines the School's approach to Permanent Exclusion.

## OUR SCHOOL AIMS

- ❖ *To foster intellectual curiosity and a love of learning.*
- ❖ *To achieve high academic standards in a supportive but disciplined atmosphere.*
- ❖ *To equip pupils with the skills and knowledge to meet the challenges of our rapidly changing world.*
- ❖ *To instill an enthusiasm in interests and opportunities beyond the classroom.*
- ❖ *To support pupils' development of a sense of justice and an awareness of their rights and responsibilities as global citizens.*

## 1.0 INTRODUCTION

This policy applies to serious offences or behaviour that may lead to permanent exclusion. It explains the procedures which will be followed should a Pupil be required to leave the school permanently for misconduct or other reasons. The policy applies to all Pupils at the School (incorporating Lingfield College, Lingfield College Sixth Form, Lingfield College Prep, Lingfield College Nursery,) 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.

## 2.0 DEFINITIONS

- 2.1 **Headmaster** - References to the Headmaster may include Deputies and the Head of the Prep School
- 2.2 **Parent** - Includes one or both Parents, a legal Guardian or educational Guardian
- 2.3 **Suspension** - Incident when a Pupil has been sent or released home for a limited period either as a disciplinary sanction or pending the outcome of an investigation or a Governors' Review (also known as Exclusion)
- 2.4 **Withdrawal** - Means that the Parents have withdrawn the Pupil from the School.
- 2.5 **Expulsion / Removal** - Mean that the Pupil has been required to leave the School permanently in the circumstances described below
- 2.6 **Exclusion** - May also be used as a general expression covering any or all of the other expressions defined in this clause such as suspension or withdrawal.



- 2.7 **Expulsion** - A Pupil may be formally expelled from the School if it is proved on the balance of probabilities that he/she has committed a very grave breach of school discipline or a serious criminal offence. Expulsion is reserved for the most serious breaches. The Headmaster shall act with procedural fairness in all such cases. Parents will be given a copy of the relevant review procedure at the time. The Headmaster's decision shall be subject to a Governors' Review if requested by a Parent. The Pupil shall remain away from School pending the outcome of the Review.
- 2.8 **Governors' Review** - Parents may ask for a Governors' Review of a decision to expel or remove a Pupil from the School (but not the decision to suspend a Pupil unless the suspension is for 11 school days or more, or would prevent the Pupil from taking a public examination). The request must be made as soon as possible and in any event within 10 days of the decision being notified to Parents. Parents will be entitled to know the names of the Governors who make up the Review Panel and may ask for the appointment of an independent panel member nominated by the School and approved by the Parents (approval not to be unreasonably withheld).

### 3.0 AIMS:

The aims of this policy are:

- To support the School's Behaviour Management Policy
- To ensure procedural fairness and 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

### 4.0 MISCONDUCT:

The main categories of misconduct which may result in exclusion and expulsion include but are not limited to:

- Supply / possession / purchase / use of drugs and solvents or their paraphernalia; substances intended to resemble drugs and solvents; alcohol, tobacco, e-cigarettes and unprescribed drugs including new psychoactive substances (formerly known as 'legal highs') such as stimulant-type drugs, 'downers', hallucinogens, dissociative drugs and synthetic cannabinoids
- Theft, blackmail, physical violence, intimidation, racism, extremist behaviour
- Persistent bullying or cyberbullying, including that directed against the protected characteristics of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage & civil partnership, pregnancy and maternity
- Misconduct of a sexual nature; supply or possession of pornography
- Possession or use of unauthorised firearms, knives or other weapons
- 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) both on and off the school premises



## **5.0 BEHAVIOUR RELATED TO A DISABILITY**

Due consideration will be given to Pupils with a disability or statement of Special Educational Needs or an Educational Health Care Plan. Where exclusion needs to be considered, the School will ensure that a disabled Pupil is able to present their case fully where their disability might hinder this.

## **6.0 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 the School, that he/she remains at the School.

## **7.0 PROCEDURE**

The procedure followed by the School in cases where a sanction of exclusion/expulsion may be imposed by the Headmaster is summarised in the flowchart at Appendix I to this policy. The three stages of this procedure are as follows:

- Investigation procedure - as shown in Appendix 2
- Disciplinary meeting with the Headmaster - as shown in Appendix 3
- Governors' Review hearing if requested - as shown in Appendix 4.

A form for requesting a Governors' Review can be found in Appendix 5.

## **8.0 RELATED POLICIES**

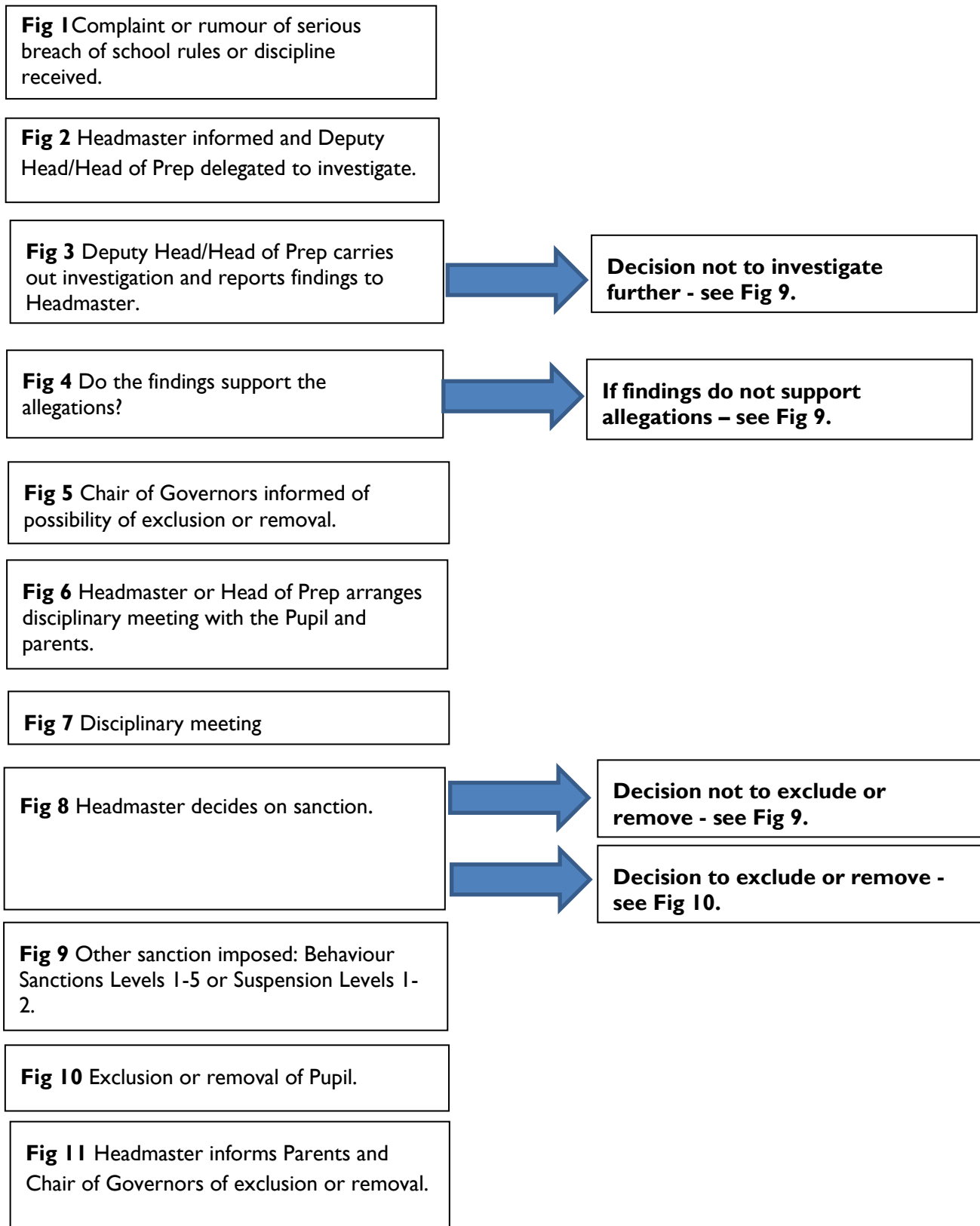
- Anti-bullying & Cyberbullying (LP-PW-003)
- Behaviour Management (LP-PJ-005 and LP-PS-006)
- Complaints (LP-MS-004 and LP-MJ-003)
- Disability (LP-PW-009)
- Equal Opportunity and Racial Equality (LP-PW-011)
- Safeguarding & Child Protection (LP-PW-034)
- Inclusion & SEND Prep School (including Accessibility Plan) (LP-CJ-022)
- Inclusion & SEND Senior School (including Accessibility Plan) (LP-PS-033)
- Staff Code of Conduct (LP-RW-008)

Last reviewed October 2018

Next review due October 2019



PROCEDURAL FLOWCHART





**Fig 12** A letter is sent to parents enclosing exclusion policy and details of how to request a Review. This request must be made within seven days of the Headmaster's decision).

**Fig 13** Review requested?



**If Review requested, see Fig 14.**



**If no Review is requested, the Headmaster's decision stands and the school's internal procedures conclude.**

**Fig 14** If a Review is requested, the Clerk to the Governors

- Convenes a Review Panel
- Agrees a date for the Review Hearing
- Prepares and circulates all relevant documents

**Fig 15** Review Hearing



**If the Headmaster's decision is upheld, the sanction stands.**



**If the Headmaster's decision is not upheld, see Fig 17.**

**Fig 16** Chair of Review Panel informs the Parents of the panel's decision.

**Fig 17** Matter referred to the Chair of Governors for reconsideration.



## APPENDIX B

### INVESTIGATION PROCEDURE FOR SERIOUS OFFENCES POTENTIALLY LEADING TO EXPULSION

#### 1.0 Complaints

Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Deputy Head (Pastoral) or the Head of Prep School, 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.

#### 2.0 Suspension

A Pupil may be suspended from the School 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 School will ensure that work is provided for the Pupil. Alternatively, the Pupil may be placed under a segregated regime within the School.

#### 3.0 Search

In keeping with the Behaviour and Management Policy, the School may decide to search a Pupil's locker and bag and ask him/her to turn out the contents of pockets or a bag if 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. The School is not authorised to conduct an intimate search; only outer clothing will be searched once the Pupil has removed it. If necessary, the police may be called.

#### 4.0 Interview

A Pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If a formal interview is deemed necessary, the Pupil can be accompanied by a member of staff of his/her choice. Due consideration for a Pupil's welfare will be taken whilst they are waiting to be interviewed. A written record of the interview will be taken. Pupils in Nursery or Foundation stage will not be interviewed as part of an investigation into possible exclusion unless a Parent is present.

#### 5.0 Ethos

An investigation and any subsequent meeting will be conducted fairly and within the limitations of a school, without formal legal procedures.

#### 6.0 Suspension of an investigation

The investigation may be suspended upon advice being received from external agencies such as police or social services. This action will be subject to periodic review.



## DISCIPLINARY MEETING WITH THE HEADMASTER

### 1.0 PREPARATION

The Chair of Governors will be informed of the meeting. Documents available at the disciplinary meeting with 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 or Head of Prep School's investigative report
- The Pupil's school file, including data on attendance and conduct
- The relevant school policies and procedures

### 2.0 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 or Head of Prep School 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 available to join the meeting if required and their statements will be disclosed but, in most cases, the anonymity of Pupils will be preserved.

Appropriate arrangements will be made with regard to any special needs or disability of the Parents, provided that these requirements have been made known to the Headmaster or Deputy Head or Head of Prep School in advance. The school will make all reasonable efforts to accommodate parents who have difficulty in attending due to disability, travel or work commitments.

### 3.0 PROCEEDINGS

There are potentially three distinct stages of a disciplinary meeting:

- **The Complaint:** 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 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 considered carefully. The Headmaster will give his decision, with reasons, usually within 24 hours.



- **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).

#### **4.0 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 the School 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.

#### **5.0 LEAVING STATUS**

5.1 If a Pupil is excluded or required to leave, his/her leaving status will be one of the following:

- Excluded
- Removed
- Withdrawn by parents

5.2 Additional points of leaving status include:

- The form of letter which will be written to the parents and the form of announcement to 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 coursework and projects to the Pupil, his/her parents or another school
- Whether (if relevant) the Pupil will be permitted to return to the school premises to sit public examinations and the conditions under which the Pupil might be allowed to sit these examinations
- 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





**GOVERNORS' REVIEW**

**1.0 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 found in 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.

**2.0 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. Disagreeing with the decision of the Headmaster will not of itself be sufficient grounds for a Governors' review.

**3.0 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 School.

**4.0 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 to him with recommendations so that he may consider the matter further.

**5.0 REVIEW MEETING**

The meeting will take place at the school 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.

**6.0 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, if age/understanding appropriate, 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 Clerk to the Governors must be given seven days' notice if the friend or relation is legally qualified.

## **7.0 CONDUCT OF THE MEETING**

The meeting will be chaired by one member of the Review Panel and will be conducted in an informal manner. All statements made at the meeting will be unsworn. The Clerk will be asked to keep handwritten minutes 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 comments. 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.

## **8.0 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 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 the legitimate aims of the School 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.

## **9.0 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 within three days of the meeting. The Headmaster will provide his response to those recommendations in writing within 24 hours and if the Headmaster's decision is not upheld by the Review Panel the matter will be referred to the Chair of Governors. In the absence of a significant procedural irregularity, the Chair of Governors' decision will then be final.



## APPENDIX E

### FORM FOR REQUESTING A GOVERNORS' REVIEW

To: The Clerk to the Governors of Lingfield 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 or the 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 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 who is not legally qualified 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 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 the 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



## APPENDIX F

### INVESTIGATION INTO POSSIBLE EXCLUSION

<b>Name of student under investigation</b>	
<b>Date of Birth</b>	
<b>Year Group</b>	
<b>Date upon entry to School</b>	
<b>Nature of Investigation</b>	
<b>Names of staff/students including Pupil under investigation consulted and the date of this consultation</b>	
<b>Information received:</b> <i>this could include</i> <ul style="list-style-type: none"><li>• <i>Handwritten statements by Pupils and staff who have been consulted</i></li><li>• <i>Handwritten or typed minutes of meetings with Pupils or staff. Please attach these to this document</i></li><li>• <i>Please number the attachments and list below</i></li></ul>	
/cont	



**Past history to be taken into consideration**

**Conclusion**

**Range of possible outcomes to be decided by Headmaster**