

# Lincoln Minster School

## Exclusion, Removal and Review

### 1. Policy Statement

At Lincoln Minster School we understand that circumstances within a pupil's life at school which give rise to the possibility of permanent exclusion or removal are always a matter of grave concern for pupils themselves, parents and all those within the school community. The school recognises, however, that young people are growing up and that they may be prone to make mistakes. Thus, Lincoln Minster School, United Learning and the United Church Schools Trust, of which it is a member, seek to ensure that pupils who find themselves in such circumstances are treated fairly and firmly but with as much support as the circumstances allow.

This policy contains guidelines, which may be adapted as necessary, explaining the circumstances under which a pupil may be permanently excluded from the school, or required to leave permanently for misconduct or other reasons. The policy applies to all pupils at the school, including those in the EYFS setting and in boarding, 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.

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 a pupil to leave earlier than expected

This policy applies to all members of our school community, including boarders and those in our EYFS setting.

Lincoln Minster School is fully committed to ensuring that the application of this Exclusion, Removal and Review Policy is non-discriminatory in line with the UK Equality Act (2010). Further details are available in the school's Equal Opportunity Policy document.

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

In line with our Provision of Information policy, this document is available to all interested parties on our website and on request from the main school offices and should be read in conjunction with the following documents: Admissions policy, Behaviour and Discipline policy, Substance Misuse policy, Safeguarding and Child Protection and Anti-Bullying policy and procedures.

This document is reviewed annually by the Headmaster or as events or legislation change require. The next scheduled date for review is August 2019

<b>Reviewed By</b>	J M Wallace; Headmaster
<b>Date</b>	August 2018
<b>Reason for Change</b>	Annual review
<b>Next review date</b>	August 2019

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## 2. Definitions

'Exclusion' means that a pupil has been forced to leave.

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

References to the 'Head' include the Head of the Preparatory School and Deputies. 'Parent' includes one or both of the parents, a legal guardian or education guardian.

## 3. Categories of Misconduct

The main categories which may result in exclusion or removal are:

- Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco
- Theft, blackmail, physical violence, intimidation, racism and persistent bullying
- Misconduct of a sexual nature, supply and possession of pornography
- Possession or use of unauthorised firearms or other weapons
- Intentional damage to the school's property or to property belonging to a member of staff or another pupil, including ICT systems, abuse of or intentional damage to the school's computer system and of the internet, and non-compliance with any policy issues by the school addressing these matters specifically
- Persistent attitudes or behaviour which are inconsistent with the school's ethos
- Other serious misconduct towards a member of the school community or which brings the school into disrepute (single or repeated episodes) on or off school premises.

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.

## 4. Investigation Procedure

**Ethos:** An investigation and 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.

**Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Assistant Head Pastoral (Senior School), Head of the Preparatory School or Deputy Head of the Pre-Preparatory School, and its outcome will be reported to the Head.

**Suspension:** A pupil may be suspended while a complaint is being investigated.

**Search:** On suspicion, consent should be sought for any searches of pupils' belongings or property e.g. lockers. Any searches must be 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. Physical searches of pupils are not allowed by the law.

**Interview:** If a pupil is interviewed formally about a complaint it must take place with another adult present. The interviewee will:

- Explain that answers to questions will be written down.
- Explain what has been alleged (although confidentiality may not allow the accused to be told by whom).
- Read through the notes, and ask the pupil to sign, date and time the notes, and ask the witness to do the same. Inform the pupil of the next stages of the investigations.
- A statement will then be written setting out the points of complaint. If deemed necessary the Head will decide whether to continue to the next stage.

## 5. Disciplinary Meeting

**Preparation:** The Chairman 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 Head Pastoral's, Head of the Preparatory School's or Deputy Head of the Pre-Preparatory School's (or other co-ordinating investigator'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 Assistant Head Pastoral / the Head of the Preparatory School / Deputy Head of the Pre-Preparatory School will explain the circumstances of the complaint and the investigation. The pupil may also be accompanied by a member of staff of their 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:

1. *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 will decide whether the complaint has been sufficiently proved. 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.

2. *The sanction*- if the complaint has been proved the Head 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 within three working days, the Head will give his decision with reasons.
3. *Leaving status* - if the Head 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 exclude or remove a pupil shall take effect three working days after the decision was first communicated to a parent. Until then, the pupil shall 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 shall remain suspended until the Review has taken place.

### **Leaving Status**

If a pupil is expelled or required to leave, the leaving status will be one of the follow "*excluded*", "*removed*" or "*withdrawn by parents*".

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 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.
- 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.

## **6. United Learning Council Review**

**Request for Review:** A pupil or his/her parents, aggrieved at the Head's decision, may make a written application for a Review. The application must be received by the Chief Executive within five 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 United Learning Council comprising of three members nominated by the Chairman of the Council. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not normally include the Chairman of the United Learning Council. 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 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 United Learning Council must be given 7 days' notice if the friend or relation is legally qualified.]

**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 Chairman 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 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 Chairman of the Review Panel who will conduct it so as to ensure that all those parents have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chairman 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 Chairman 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 Chairman 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 Chairman 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 Chairman 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 Chairman of the Review Panel may ask those present to withdraw while the Panel considers its decision. In the absence of a significant procedural regularity, the decision of the Review Panel will be final. It will be notified, with reasons, to the parents by the Chairman of the Review Panel or the Chairman of the United Learning Council by letter within three days of the meeting.