

PROCEDURES RELATING TO EXCLUSION, REMOVAL & APPEALS

INTRODUCTION

1. Scope

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be permanently excluded from The John Lyon School, or required to leave permanently for serious misconduct or other reasons. The policy applies to all pupils at The John Lyon 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 parents.

2. Interpretation

“Parent” includes one or both of the parents or any person acting *in loco parentis* as defined in the School Terms and Conditions.

“Removal” means that a pupil has been required to leave, but without the stigma of permanent exclusion (sometimes called expulsion).

Subheadings are for ease of reading and not part of the policy.

POLICY STATEMENT

3. Aims

The aims of this policy are:

- 3.1 To support the School’s behaviour and discipline code as set out in its rules and regulations.
- 3.2 To ensure procedural fairness and natural justice and to ensure that any sanction is both appropriate and proportional.
- 3.3 To promote cooperation between the School and parents when it is necessary for a pupil to leave earlier than expected.
- 3.4 To be alert to the need for confidentiality at all times.

4. Serious Misconduct

The standards of behaviour expected of pupils by the School apply at all times:

- i. On the way to, at, and on the way from School, its sports’ ground or any other of its premises and facilities;
- ii. On the way to, at, and on the way from all extra-curricular activities organised by the School whether on or off school premises;
- iii. On school trips or visits;
- iv. At school functions wherever they might be held; and
- v. When they are identifiable as pupils of the School whether on or off school premises.

The main categories of serious misconduct which will or may result in permanent exclusion are:

- 4.1 The supply, possession or use of illegal drugs and solvents or their paraphernalia or substances intended to resemble them, which will normally result in permanent exclusion.
- 4.2 The supply, possession or use of alcohol and tobacco.
- 4.3 Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
- 4.4 Misconduct of a sexual nature; supply or possession of pornography; downloading or other misuse of pornographic material from the Internet.
- 4.5 Computer hacking or any other serious breach of the agreement for use of school computers and computer systems.
- 4.6 Possession or use of unauthorised firearms or other weapons or replica weapons.
- 4.7 Vandalism, breaking into, abusing or otherwise damaging school property or that belonging to any member of its community.
- 4.8 Persistent attitudes or behaviour which are inconsistent with the School's aims and ethos.
- 4.9 Being out of bounds, which includes any offices designated for use of staff, during normal hours; trespass on school premises outside of normal school hours.
- 4.10 Misconduct which puts at risk the health and safety of any person on or near school premises.
- 4.11 Other serious misconduct towards a member of the school community or which brings the School into disrepute (single or repeated episodes).

5. Other Circumstances/Reasons

A pupil may be required to leave if, after all appropriate consultation, the Head is satisfied that he has persistently failed to meet the required standard of effort in academic work and/or that it is not in the best interests of the pupil, or of the School, that he remain at the School.

INVESTIGATION PROCEDURE

6. Complaints

Investigation of a complaint or an allegation about serious misconduct by a pupil will normally be coordinated by a Deputy Head or by another member of the Senior Management Team ("the Co-ordinator") and its outcome will be reported to the Head in writing ("the Investigation Report").

7. Suspensions

While a complaint or allegation is being investigated a pupil may be segregated and may be suspended and required to stay at home or remain with any person appointed *in loco parentis*. At this stage suspensions are precautionary and not disciplinary. The parents will be informed immediately or as soon as reasonably practicable of the alleged serious misconduct.

8. Investigation

- 8.1 The Co-ordinator may decide at any time and at the expense of the School, to conduct a search of the pupil's possessions including his bags and locker if s/he considers there is reasonable cause to do so.
- 8.2 The Co-ordinator may also require the pupil to undergo a medical examination, or provide a urine sample under medical supervision, to establish the presence or otherwise of any illegal substance where there are reasonable grounds to suspect that such a search or examination will result in evidence of the possession or use of drugs.
- 8.3 The Head shall be entitled to draw whatever conclusions she shall see fit from the refusal to undergo such an examination or search.
- 8.4 Those teachers involved in the investigation and events leading to it shall prepare contemporaneous written notes of the circumstances and statements made by the pupil and any witnesses and others involved in the events concerned.

9. Interview

A pupil will normally be interviewed formally about the alleged misconduct. It is accepted that the pupil may feel anxious/vulnerable and it is important that this stage is handled sensitively. The interview will be conducted as soon as practicable by the most senior teacher available and where possible witnessed by another teacher. Either at the interview or following the interview the pupil will be invited to provide a written statement. A note of the interview shall be prepared and shall be included as part of the written Report.

10. Investigation Report

An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures. On completion of the investigation the Co-ordinator shall prepare a written report which shall be given to the Head. The Report shall contain details of how the issues were considered, the people consulted and the action to be taken.

DISCIPLINARY MEETING

11. Informal Meeting

The Head may ask to meet the parents informally, and in the absence of the pupil, for a preliminary discussion on the events that have occurred and the action she is minded to take before the formal disciplinary meeting takes place. In some cases matters may be resolved at this stage.

12. Formal Meeting

Matters discussed and documents produced at the Formal Meeting are strictly confidential as are any subsequent meetings and documents produced. This is to protect the pupil who is the subject of the investigation, any other pupils involved, the staff, parents and the School. This requirement is deemed to be accepted by parents who enter into the Appeal Procedure.

At this stage the Chairman of the Governing Body will be informed of the investigation.

Documents available at the disciplinary meeting with the Head will normally include:

- 12.1 A statement setting out the points of the complaint against the pupil.
- 12.2 Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
- 12.3 The Investigation Report.
- 12.4 Relevant documents from the pupil's school file and any record of conduct available.
- 12.5 The relevant School policies and procedures.

Where practicable, the documents will be made available to the pupil and his parents before the meeting bearing in mind the need for confidentiality noted in paragraph 13 below.

13. Attendance

The pupil and his parents (if available) or appropriate adult (i.e. relative or family friend) will be asked to attend the disciplinary meeting with the Head at which the Co-ordinator will explain the circumstances of the complaint and her/his investigation. The pupil and his 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.

14. Process

The disciplinary process may or will normally include consideration of:

14.1 The Misconduct

The Head will consider the misconduct 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 misconduct 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 and any documents such as School Rules and work or attendance record that may be relevant to the factual basis of the misconduct, but the Head will not normally refer to the pupil's disciplinary record at this stage.

14.2 The Sanction

If the misconduct has been proved, the Head will outline the range of disciplinary sanctions which she considers are open to her. She will take into account any further statement which the pupil and/or others present on his behalf wish to make. The pupil's disciplinary record will be taken into account. Then, or as soon as reasonably practicable, the Head will give her decision, in writing and with reasons.

14.3 Leaving Status

If the Head decides that the pupil must leave permanently, the Head will as soon as reasonably practicable, consult with the Chairman and the parents concerning the pupil's leaving status (see below).

15. Delayed Effect

- 15.1 A decision to permanently exclude or remove a pupil shall take effect within 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 seven days the parents have given notification in writing to the Clerk to the Governors that they wish to invoke the Appeal Procedure, the pupil shall remain suspended until the Appeal Committee has heard the case.
- 15.2 On receipt of the written notification by the Clerk to the Governors, the Appeal Procedure set out in the Appendix shall come into effect.

LEAVING STATUS

16. Explanation

If a pupil is permanently excluded or required to leave, his leaving status will be one of the following: "permanently excluded"; "removed"; or "withdrawn by parents".

17. Detail

Additional points of leaving status may include:

- 17.1 The form of letter which will be written to the parents and the form of announcement in the School that the pupil has left.
- 17.2 The form of reference which will be supplied for the pupil.
- 17.3 The entry which will be made on the school record and the pupil's status as a leaver.
- 17.4 Arrangements for transfer of any course and project work to the pupil, his parents or another school.

- 17.5 Whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations.
- 17.6 Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.
- 17.7 Whether the pupil will be entitled to leavers' privileges.
- 17.8 Whether the pupil will be eligible for membership of the Lyonian Association and, if so, from what date or whether the Head will request that membership is withheld.
- 17.9 The conditions under which the pupil may re-enter school premises in the future.
- 17.10 Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

Reviewed KEH March 2016