

NOTRE DAME SCHOOL EXCLUSION POLICY

NOTRE
DAME
SCHOOL



This Policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be excluded from the School, or required to leave permanently for misconduct or other reasons. The policy applies to all pupils at the School (excluding EYFS) 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 policy also covers where the pupil is asked to leave based on the conduct of one of both of their parents.

Interpretation: The definitions in this clause apply in this policy.

1. **Head:** references to the Head/Head teacher may include deputies.
2. **Parent:** includes one or both of the parents, a legal guardian or education guardian.
3. **Exclusion:** A pupil may be formally expelled from the School if it is proved on the balance of probabilities that the pupil has committed a very grave breach of discipline or a serious criminal offence. Exclusion is reserved for the most serious breaches.
4. **Removal:** Parents may be required to remove a pupil permanently from the School if, after consultation with the parents and if appropriate the pupil, the Head is of the opinion that: by reason of the pupil's conduct, behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the School or if the parents have treated the School or members of its staff unreasonably.

Misconduct: The main categories of misconduct which may result in Exclusion or removal include but are not limited to:

- supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- theft, blackmail, physical violence, intimidation, racism or persistent bullying
- misconduct of a sexual nature; supply or possession of pornography
- possession or use of unauthorised firearms 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) on or off School premises.

Other circumstances: 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 they remain at the School.

Procedure for sanction of Exclusion or removal

The procedure followed by the School in cases where a sanction of Exclusion or removal may be imposed by the Head are:

1. Investigation procedure
2. Disciplinary meeting with the Head
3. Review meeting

1. Investigation procedure

1. Complaints: Investigation of a complaint or rumour about serious misconduct will normally be coordinated by the Assistant Head (Pastoral) or other senior member of staff ("Investigator"), and

its outcome will be reported to the Head. 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 or Removed from the School.

2. Suspension: A pupil may be suspended from the School while a complaint is being investigated or while an investigation is suspended (see paragraph 6 below). Should a suspension continue for a period of more than five School days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. Parents or guardians should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set. Alternatively, the pupil may be placed under a segregated regime on School premises.

3. Search: We may decide to search a pupil's space and belongings and ask him / her to turn out the contents of pockets or a bag, if we consider 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. Only outer clothing will be searched. If necessary, the police would be called. See also Appendix 3 of the School's Behaviour and Discipline Policy for the School's policy on searching and confiscation.

4. Interview: A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If the pupil is then interviewed formally about a complaint or rumour, arrangements will be made for him / her to be accompanied by a member of staff of his / her choice and/or by a parent (if available at the relevant time). A minute of the interview will be recorded in writing by the interviewing member of staff.

5. 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.

6. Suspension of an investigation: It may be necessary to suspend an investigation, for example where external agencies such as the police or social services are involved and have advised that this is necessary. A decision to suspend an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.

2. Disciplinary meeting with the Head

1. Preparation: The Chair of Governors will be informed of the meeting. 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 Investigator's Investigation Report
- the pupil's School file and (if separate) conduct record
- the relevant School policies and procedures.

2. Attendance: The pupil and her parents (if available) will be asked to attend the disciplinary meeting with the Head at which the Investigator 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 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.

If the parents or the pupil have any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Head so that appropriate arrangements can be made.

If a parent is unable to attend because of, for example, travel and working commitments, the School will make reasonable alternative arrangements to ensure the parent can be involved, remotely if necessary, with the disciplinary process and their child's education.

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

3.1 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, she 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.

3.2 The sanction: If the complaint has been proved the Head will outline the range of disciplinary sanctions which he/she considers are open to him/her. He/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 at some later time, normally within 24 hours, the Head will give his/her decision in writing, with reasons.

3.3 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).

4. 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 seven days the parents have made a written application for a Review by the Governors of the decision, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision made.

5. Leaving status

5.1 Explanation: If a pupil is Excluded or Removed, her leaving status will be one of the following: Expelled, Removed or if the offer is made and accepted Withdrawn by parents.

5.2 Detail: 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
- 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; refunded of prepaid fees.

3. Review

1. Request for review

A pupil or her parents may request a Review by the Governors of the Head's decision to Expel or Remove a pupil 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 and received by the Clerk to the Governors within seven days of the Head's decision being notified to the parents, 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 Clerk so that appropriate arrangements can be made.

2. 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. For the avoidance of doubt, a mere disagreement with the decision of the Head will not of itself be grounds sufficient for a Review.

3. Review Panel

The Review will be undertaken by a three-member sub-committee of the Governing Body. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not include the Chair of Governors. Selection of the Panel will be made by the Clerk to the Governors. With the exception of the Chair of Governors, those Governors not appointed to the Panel will not be provided with information about the case. 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. The Panel may, if requested by the parents, include an independent member who has no connection with the management or running of the School.

4. Role of the Panel

The role of the Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Head's decision or refer the decision back to his / her with recommendations so that he / she may consider the matter further.

5. Review meeting

The meeting will take place at the School premises, normally within ten School days after the parents' application has been received. A Review will not normally take place during School holidays. The parents and the Head will be asked to submit any documents they wish to refer to at the meeting to the Clerk to the Governors and a single bundle will be circulated to the Panel and the parties simultaneously at least three days before the meeting. On receipt of new information

not previously available to the Head before his / her decision was made, the Clerk should contact the Chair of Governors who will decide whether:

- to include the new information in the bundle; or
- to omit the information if not relevant to the grounds for Review; or
- to make further enquiries of the parents or the pupil about the information; or
- to refer the information to the Head for his / her consideration as to whether the decision should be revisited.

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. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

6. Attendance

Those present at the Review meeting will normally be:

- members of the Review Panel and an appointed Clerk;
- the Head and any relevant member of staff whom 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 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 meeting is not a legal proceeding and so legal representation is not necessary. The Clerk to the Governors must be given seven days' notice if the friend or relation is legally qualified and the parents should note that the Review Panel will wish to speak to the parents directly and this person will not be permitted to act as an advocate or address the meeting unless invited to do so by the Chair of the Panel.

7. 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 meeting will not be recorded but the Clerk 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 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. Any person who is dissatisfied with any aspect of the way the meeting is conducted must say so before the proceedings go any further and his / her comments will be minuted. The Chair may at his / her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

8. Procedure

The Head will provide the parents with a copy of the current Review procedure if requested. The Panel will consider each of the points raised by the pupil or her parents and any documentation they wish to rely on so far as relevant to:

- whether the decision was fair procedurally and / or substantively - whether the facts of the case were sufficiently proved and an appropriate procedure followed 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 proportionate - that is whether it was warranted in respect of the breach of discipline or the other events that 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 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.

Governing board reinstatement meetings and independent review panels can be held via the use of remote access (for example, live video link) for suspension and permanent exclusions if requested by the parents, provided certain criteria are satisfied¹. Meetings held via the use of remote access should not be a default option and face to face meetings should always be encouraged.

9. Decision

When the Chair decides that all issues have been sufficiently discussed 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 Panel considers its recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the parents by the Chair of the Review Panel or the Chair of Governors within three days of the meeting. The Head will provide his / her response to those recommendations, if appropriate, in writing within 24 hours. In the absence of a significant procedural irregularity, the Head's decision will then be final.

4. Withdrawing or rescinding the review

The Head can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

- The Head must notify the parents, the governing board, the LA, the pupil's social worker and the Virtual School Head (if a Looked After Child), without delay. The notification must also provide the reason for the cancellation;
- The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;
- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the Head to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay;
- The pupil must be allowed back into the school from which they were excluded without delay.
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

5. Required removal (parent conduct)

As set out in the School's Terms and Conditions (Parent Contract), the School may require the removal of a pupil in circumstances where the Head considers in their discretion that the behaviour or conduct

¹ Criteria can be found in Part 11 of [Suspension and Permanent Exclusion guidance 2023](#)

of a parent (or both parents) is unreasonable; and/or adversely affects (or is likely to adversely affect) their child's or other children's progress at the School, or the wellbeing of School staff; and/or brings (or is likely to bring) the School into disrepute; and/or is not in accordance with their obligations under the Parent Contract.

A non-exhaustive list of the sorts of behaviour that could merit required removal of a pupil on the grounds unacceptable parental behaviour or conduct includes the following:

- treating the School or a member of staff unreasonably;
- making a malicious allegation about a member of staff or the School;
- communicating with the School in person or in writing (directly or indirectly), in a manner which is deemed voluminous, and/or relentless, and/or confrontational, and/or unreasonable, and/or aggressive;
- behaving in a manner which adversely affects (or in a manner which is likely to adversely affect) the welfare of a member or members of the School community; and
- breaching the School's Terms and Conditions (Parent Contract) or bringing the School into disrepute by things said or done.
- a clear break down in trust between the parent (or parents) and the School.

The School reserves the right to impose sanctions for parental behaviour falling short of required removal, including but not limited to placing restrictions on a parent's access to School / School events, communications with the School and/or the imposition of a warning (up to and including a final written warning).