



# Notting Hill Preparatory School

## 1.4 Policy for Exclusion (EYFS & KS1-3)

Reviewer responsible: **Head**

Reviewed by: **JC MM**

Date of last review: **10/16**

Date of next review: **10/17**

## **POLICY FOR EXCLUSION**

### **Introduction**

**Scope:** This policy contains guidelines explaining the circumstances under which a pupil may be temporarily or permanently excluded or withdrawn from Notting Hill Preparatory School ('the **School**') for misconduct or other reasons.

The policy also includes the guidelines to be followed in each case.

The policy applies to all pupils at the School but does not cover cases when a pupil has to leave because of ill-health or non-payment of fees.

### **Interpretation**

**Head:** References to the Head in this policy may include Deputy Head (Admin) and Deputy Head (Academic)

**Parent:** Includes one or both of the parents, a legal guardian or education guardian

### **Aims**

The aims of this policy are:

- to support the School's Policy for Managing Behaviour
- 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 should leave earlier than expected

### **Policy statement**

We encourage the establishment and continuance of good teacher/pupil relationships and actualise the school's values through a system of rewards and sanctions which are designed to promote a calm, disciplined school environment (see **Policy for Managing Behaviour**).

### **Minor Infringements**

The Form or Subject Teacher is responsible in the first instance for dealing with minor infringements - academic or disciplinary - such as lateness, casual rudeness or disruption in class, and late or poorly completed work.

Minor infringements, in themselves, will not be grave enough to require treatment under this policy.

Repeated minor infringements may be dealt with by the Head of Pastoral Care or the Deputy Head (Admin) who will impose sanctions in accordance with the procedures stated in our **Policy for Managing Behaviour**. (See also **Lower and Upper School Handbooks**).

Persistent minor infringements may also fall within the scope of this policy, depending on the cumulative impact of the child's actions, even if the individual infringements themselves would not be sufficient for exclusion.

### **Misconduct of a more serious nature**

This will be dealt with according to this policy. At the School there are four categories of exclusion:

- **Internal Exclusion:** exclusion for a specified period of time from lessons/playtime, or missing special events, and being supervised by a member of staff in a designated area. The school will notify parents before they carry out an internal exclusion
- **Temporary Exclusion:** an exclusion of a pupil for an agreed fixed period ranging from half a day to five days. If the temporary exclusion is for a period of more than a day, the school will make every effort to put in place arrangements to ensure the continuing education of the

pupil. We ask parents or guardians to respect that there may be a delay in providing work while teaching staff are given the opportunity to determine what work should be set

- **Withdrawal:** means that a pupil has been required to leave, without the stigma of permanent exclusion, that is, when both parents and school agree that all parties are best served by the child's departure
- **Permanent Exclusion:** means a dismissal from the School following serious misconduct

Events and actions arising under any of the four categories above will be formally recorded.

There is no machinery for going up 'levels of exclusion'. It may be that a child experiences one or more internal inclusions. They will not automatically go from one internal 'up a level' to temporary. Alternatively, it may be that a child's conduct requires temporary or permanent exclusion. Each case will be dealt with objectively, and a decision taken on the evidence.

### **Reporting notice of exclusion to senior schools**

The school has a duty of openness to senior schools when writing references or reporting in other ways to them about NHP children – both to preserve good relations between us and them but also to safeguard the chances of future NHP pupils. This is how we will report incidents of exclusion to them:

- internal exclusions will not be reported
- in cases of temporary exclusion, withdrawal or permanent exclusion, we will notify the senior school, either when writing a reference or by other means

### **Categories of misconduct**

The main categories of misconduct which may result in **temporary exclusion, withdrawal or permanent exclusion** 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
- physical violence/assault against pupils or adults
- verbal abuse/threatening behaviour against pupils or adults, intimidation, racism or persistent bullying (as defined in the **Policy for Dealing with Bullying**) (see also **Policy for eSafeguarding**)
- theft, blackmail
- abuse on grounds of race, religion/belief, disability, gender etc (all the protected characteristics under the 2010 Equality Act)
- misconduct of a sexual nature; supply or possession of pornography
- possession or use of unauthorised firearms or other weapons
- vandalism or computer hacking, damage to property
- 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
- parental behaviour
- repeated minor infringements, where the cumulative impact of that child's behaviour is having a chronic, negative impact on other children's safety, happiness or ability to learn

### **Breaches of discipline outside school**

The school takes the conduct of its pupils outside school extremely seriously. A pupil's misbehaviour outside school can be damaging to the reputation of both the pupil and the school. Where an incident

is reported to the school of a pupil/s' poor behaviour outside school and the incident has not been witnessed by school staff, the school will take an evidence-based approach and talk to witnesses before identifying further action and any sanctions required for such behaviour. This may apply to online behaviour which takes place outside school (see the schools' powers to intervene in the **eSafeguarding Policy**).

### **Reporting to the Police**

The school will report to the police any activity which it believes may amount to a criminal activity which takes place whether within or outside school. Drugs and weapons will be confiscated immediately and held for the police as potential evidence. If it is believed that a pupil may have taken drugs, the school will seek immediate medical advice and may involve the police.

- **Sexual offences**

These will generally be reported to the police immediately, including in cases where a pupil is only suspected or alleged to have committed such an offence provided a reasonable amount of evidence is available. The alleged victim's parent will also be informed immediately of the incident and told that the police have been informed. Whether the victim and parents then speak to the police is a matter for them.

### **Behaviour related to a disability**

The School will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Where permanent 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.

### **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 he/she remains at the School.

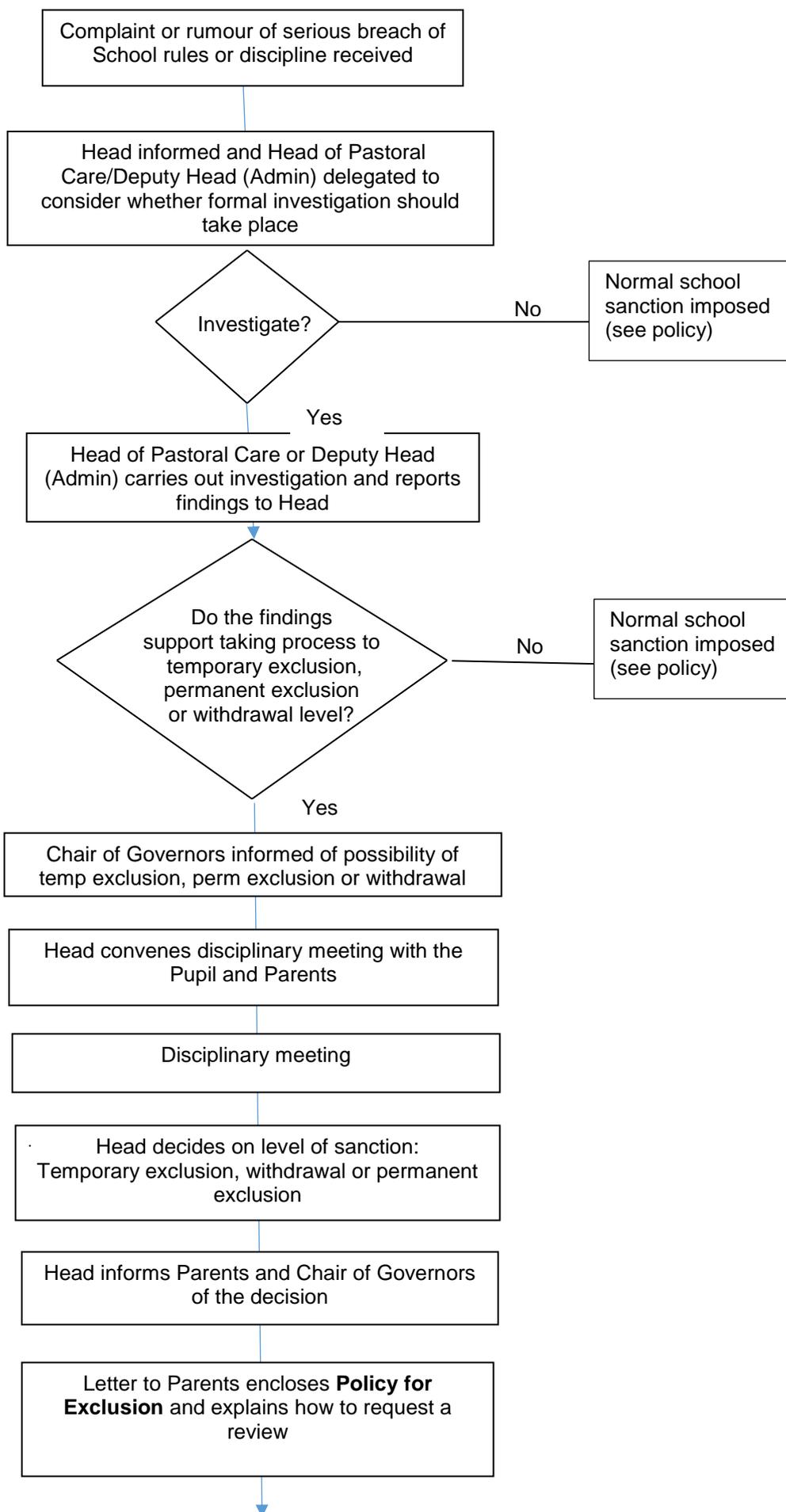
### **Procedure**

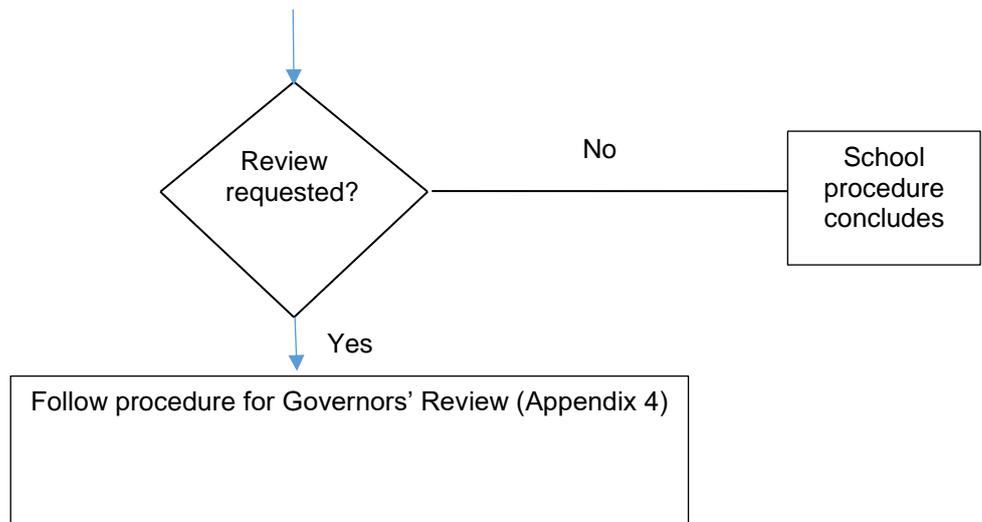
**The procedure:** The procedure followed by the School in cases where a sanction of temporary exclusion, withdrawal or permanent exclusion may be imposed by the Head are summarised in the flowchart at **Appendix 1** to this Policy. The three stages of this procedure are as follows:

1. **Investigation procedure** - further details of the procedures to be followed at this stage are set out in **Appendix 2**
2. **Disciplinary meeting with the Head** - further details of the disciplinary meeting are set out in **Appendix 3**
3. **Appeal against exclusion** – the school will always offer the right of appeal to the parents of/any pupil excluded from the school, where that exclusion involves the child's absence from the school (temporary or permanent exclusion). Any appeal against exclusion will be dealt by a Governor Review Hearing (**see Appendices 1 and 4**)

This policy can be made available in large print or other accessible format if required.

**Appendix 1 Procedural flowchart**





## **Appendix 2 - Investigation procedure**

### **Complaints:**

#### **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 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. A minute of the interview will be recorded in writing by a dedicated scribe (member of staff).
- Investigation of a complaint or rumour about serious misconduct will normally be coordinated by the Head of Pastoral Care or Deputy Head (Admin) 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 temporarily excluded, permanently excluded or withdrawn.

#### **Investigatory Suspension:**

- A pupil may be suspended from the School while a complaint is being investigated or while an investigation is adjourned (see 6 below). Should an investigatory 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. The relevant Form Teacher will co-ordinate these arrangements with the pupil's parents or guardians. We ask parents or guardians to respect that there may be a delay in providing work while teaching staff are given the opportunity to determine what work should be set

#### **Search:**

- The school 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. There will always be two members of staff present of the same gender as the pupil. 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.

Any investigation and subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.

#### **Adjournment of an investigation:**

It may be necessary to adjourn 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 adjourn an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.

## Appendix 3 - Disciplinary meeting with the Head

### 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 including written statements and notes of the evidence supporting the complaint, and any relevant correspondence
- the Head of Pastoral Care or Deputy Head (Admin)'s Investigation Report
- the pupil's school file and 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 Head of Pastoral Care or Deputy Head (Admin) 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 or Head of Pastoral Care or Deputy Head (Admin) so that appropriate arrangements can be made.

If the pupil or the pupil's parents experience difficulty in attending due to a disability, the School will make reasonable alternative arrangements to accommodate the disability. 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 with the disciplinary process and their child's education.

### Proceedings:

There are potentially three distinct stages of a disciplinary meeting:

- **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/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 Head will not normally refer to the pupil's disciplinary record at this stage.
- **The sanction:** If the complaint has been proved the Head will outline the range of disciplinary sanctions which she/he 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, with reasons.
- **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).

**Delayed effect:**

A decision to permanently exclude or withdraw 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, the pupil shall remain suspended until the Review has taken place.

**Leaving status**

**Explanation:** If a pupil is permanently excluded or required to leave, his/her leaving status will be one of the following: permanently excluded or withdrawn by parents.

**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.

## **Appendix 4: Procedure for Governors' Review Hearings**

### **Procedure**

#### **Request for review**

A pupil or his/her parents may request a Governors' Review of the Head's decision to permanently exclude or temporarily exclude a pupil, or where investigatory suspension would prevent the pupil from taking a public examination. The application must be made in writing using the Request Form at **Appendix 5** and received by the Bursar within seven days of the Head'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 Bursar so that appropriate arrangements can be made.

#### **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 Governors' review.

#### **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 Bursar. 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.

#### **Role of the Panel**

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

#### **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.

#### **Attendance**

Those present at the Review Meeting will normally be:

- members of the Review Panel and the Bursar or his/her deputy
- the Head and any relevant member of staff whom the pupil or his/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 Bursar must be given seven 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 Bursar 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. The Chair 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 temporarily exclude, permanently exclude or withdraw 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 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 Chair at the time and ask the Bursar to note their dissatisfaction and the reasons for it.

### **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 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 in writing within 24 hours. In the absence of a significant procedural irregularity, the Head's decision will then be final.

**Appendix 5 - Form for requesting a Governors' Review**

To: The Bursar of Notting Hill Preparatory School

Subject: [Name of pupil]

I/we request that a sub-committee (**panel**) of the Board of Governors carries out a review of the Head's decision to temporarily exclude, permanently exclude or require withdrawal 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 of that procedure and in particular that the proceedings are and will remain confidential and that the Head'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 Head'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 Bursar 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 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