



KING EDWARD VI
HIGH SCHOOL FOR GIRLS

King Edward VI High School for Girls Exclusion, Removal and Review Policy

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EXCLUSION, REMOVAL AND REVIEW POLICY

1. INTRODUCTION

1.1 This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be permanently excluded (or expelled) from King Edward VI High School for Girls (the school), or removed for misconduct or other reasons (see the definitions of these sanctions below). The policy applies to all pupils at the school but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by her parents. This policy should be read in conjunction with the School's Behaviour and Discipline Policy, Drugs and Harmful Substances Policy, and Anti-Bullying Policy.

1.2 The following definitions apply in this policy:

- **Principal:** references to the Principal, may include Vice Principals acting in the Principal's absence.
- **Parent:** includes one or both of the parents, a legal guardian or education guardian.
- **School days:** means Monday to Friday, when school is open during term time. The dates of terms are published on the school's website.
- **Fixed-Term Exclusion:** means the suspension of a pupil from the school following serious misconduct for a fixed period; this is noted on the pupil's school record.
- **Permanent Exclusion (or Expulsion):** means the dismissal of a pupil from the school following serious misconduct; this is noted on the pupil's school record.
- **Removal:** means that a pupil has been required to leave the school, but without the label of Permanent Exclusion / Expulsion; this is noted on the pupil's school record.
- **Clerk to the Governors:** Reference to the Clerk to the Governors refers to the Executive Director of the Foundation or his / her appointed representative.

2. POLICY STATEMENT

2.1. The aims of this policy are to:

- support the school's Behaviour and Discipline Policy and the School Aims;
- ensure procedural fairness and natural justice;
- promote co-operation between the school and parents when it is necessary for the school that a pupil should leave earlier than expected.

2.2. **Exclusion Offences:** Although this is not an exhaustive list, the main categories of misconduct which may result in fixed-term or permanent exclusion or removal include:

- supply/possession/use of certain drugs and solvents, or their paraphernalia, or substances intended to resemble them, or alcohol or tobacco whilst on school premises,

representing the school or wearing school uniform, travelling to or from school, on school-organised trips, being associated with the school – see the Drugs and Harmful Substances Policy for more detail, including our definitions of “drugs”, “substances”, “alcohol” and “tobacco”.

- theft, blackmail, physical violence, intimidation, racism or persistent bullying (including cyber-bullying);
- child on child abuse;
- 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;
- serious academic malpractice such as plagiarism;
- other serious misconduct, on or off school premises, which affects the welfare of a member or members of the school community or which brings the school into disrepute (single or repeated episodes).

2.3. The following very serious offences are likely to lead to **permanent exclusion**:

- Sexual abuse or assault;
- Serious actual or threatened violence (including bullying) against another pupil or member of staff;
- Involvement in the possession, use or supply of drugs or substances.

Repeated serious offences such as those outlined under “Exclusion Offences” may also lead to permanent exclusion or removal.

2.4. **Removal:** Parents may be required to remove a pupil permanently from the school if:

- The pupil has committed a breach or breaches of School policies for which removal is an appropriate sanction; or
- The behaviour of either of the parents is, in the opinion of the Principal, unreasonable and affects, or is likely to affect, adversely, the pupil’s or other pupils’ progress at the school or the wellbeing of school staff or bring the school into disrepute; or
- After consultation with the parents and, if appropriate, the pupil, the Principal is of the opinion that by reason of the pupil’s conduct, behaviour or progress, the pupil is unable to benefit sufficiently from the educational opportunities and/or the community life offered by the school.

2.5. **Equality:** The School will make reasonable adjustments for managing behaviour which is related to a pupil’s special educational needs or disability. Where permanent exclusion needs to be considered, the school will ensure that a pupil with a disability or special educational needs and/or her parents are able to present their case fully. Any factors affecting the pupil which pertain to any other protected characteristic will also be considered.

- 2.6. **Training:** The school ensures that regular guidance and training is arranged so that staff understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles. The level and frequency of training depends on role of the individual member of staff. The school maintains written records of all staff training.
- 2.7. **Record keeping:** All records created in accordance with this policy are managed in accordance with the school's policies that apply to the retention and destruction of records. Administration of a serious sanction is recorded, with the name of the pupil concerned, the reason for the punishment including relevant dates, and the name of the person administering the sanction. This log is reviewed regularly by the Vice Principal Pastoral so that patterns in behaviour can be identified and managed appropriately.

3. THE PROCEDURE

- 3.1. The procedure followed by the school in cases where a sanction of exclusion (fixed-term or permanent) or removal may be imposed by the Principal are summarised in the flowchart in **Appendix 1** to this policy.
- 3.2. There are up to three stages to be followed:
 - 3.2.1. Investigation procedure
 - 3.2.2. Disciplinary meeting with the Principal (where a permanent exclusion or removal are possible outcomes)
 - 3.2.3. Review meeting (only possible where the Principal has decided upon permanent exclusion or removal)

4. INVESTIGATION PROCEDURE

- 4.1. **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Vice Principal (Pastoral), and its outcome will be reported to the Principal. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the girl being excluded, either for a fixed period or permanently, or removed from the school.
- 4.2. In cases where immediate investigation is considered conclusive, and where the Principal decides promptly upon a fixed-term exclusion, the first contact with parents may be to inform them of both the complaint and the proposed sanction. In any case of a fixed-term exclusion, the Principal will discuss the matter at a disciplinary meeting with the pupil, parents, and other relevant members of staff invited by the Principal, before the pupil is readmitted to the school.
- 4.3. **Temporary exclusion:** A pupil may be temporarily excluded from the school while a complaint is being investigated or while an investigation is suspended (see below). Should a temporary exclusion 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 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 in isolation on school premises.
- 4.4. **Search:** We may decide to search a pupil's space and belongings and ask 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 2 of the School's Behaviour and Discipline Policy for the School's policy on searching and confiscation.
- 4.5. **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, of serious misconduct, a second member of staff should be present, who will take minutes of the interview. A pupil may necessarily be isolated for periods of time in order to ensure the integrity of the investigation but access to food, drink and toilet breaks will be ensured. Minutes of the interview will be recorded in writing by the interviewing member of staff.
- 4.6. **Statements:** Written statements will be taken, where possible, from pupils and adults who witnessed the incident(s). Such statements should be signed and dated.

- 4.7. **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.
- 4.8. **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.
- 4.9. **Outcome:** In the case of a fixed-term exclusion, the parents will be contacted as soon as possible after the Principal has made the decision. The Principal will send a letter to the parents within two school working days, a copy of which will be sent to the chairman of ISGB. The letter will clearly state:
- The reason for the fixed-term exclusion
 - The length of the exclusion
 - The date the pupil is permitted to return to school

The Principal will discuss the matter at a readmission meeting with the pupil, parents, and other relevant members of staff invited by the Principal, before the pupil is readmitted to the school.

5. DISCIPLINARY MEETING WITH THE PRINCIPAL WHERE A PERMANENT EXCLUSION OR REMOVAL ARE POSSIBLE OUTCOMES

- 5.1. **Preparation:** The Chair of Governors will be informed of the meeting. Documents available at the disciplinary meeting before the Principal will include:
- a statement setting out the points of complaint against the pupil;
 - written statements and notes of the evidence supporting the complaint;
 - any relevant correspondence and school records;
 - the Vice Principal (Pastoral)'s Investigation Report;
 - the pupil's school record;
 - the relevant school policies and procedures.
- 5.2. **Attendance:** The pupil and her parents (if available) will be asked to attend the disciplinary meeting with the Principal at which the Vice Principal (Pastoral) will explain the circumstances of the complaint and her investigation.
- 5.3. The pupil may also be accompanied by a member of staff of her choice. The pupil and 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.
- 5.4. If the parents or the girl 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 Principal or Vice Principal (Pastoral) so that appropriate arrangements can be made.
- 5.5. 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 daughter's education.

- 5.6. **Proceedings:** There are potentially three distinct stages of a disciplinary meeting:
1. **The complaints:** The Principal will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Principal 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 Principal will not normally refer to the pupil's disciplinary record at this stage.
 2. **The sanction:** If the complaint has been proved, the Principal 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 her 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 Principal will give her decision in writing, with reasons.
 3. **Leaving status:** A decision to permanently 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 excluded and shall not attend School. If within seven days, the parents have made a written application for a Review by the Governors of the decision, the pupil shall remain excluded until the Review has taken place and either the sanction is upheld, or a reconsidered decision made.
- 5.7. If a pupil is permanently excluded or removed, her leaving status will be one of the following: permanently excluded, removed, or, if the offer is made and accepted, withdrawn by parents.
- 5.8. 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, 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;
 - notification to the Local Authority.

6. REVIEW PROCEDURE

- 6.1. **Review:** A pupil or her parents may request a review by the Governors of the Principal's decision to remove or permanently exclude a pupil. The review is an internal proceeding, not legal proceedings, and legal representation is unnecessary.
- 6.2. There is no right to a review of other sanctions, but if a pupil or her parents feel aggrieved, they should refer to the School's Complaints Policy.
- 6.3. **How to request a Review:** A request for a review must be put in writing to the Clerk to the Governors using the Request Form in Appendix 2. The request must be made within seven days of the date of the Principal's letter confirming her decision to remove or permanently exclude a pupil.
- 6.4. The request should include:
 - 6.4.1. a copy of all relevant documents and full contact details;
 - 6.4.2. the grounds on which the parents are asking for a review and the outcome desired;
 - 6.4.3. a list of the documents which the parents believe to be in the school's possession and wish the Panel to consider; and
 - 6.4.4. whether the parents propose to be accompanied to the Review Hearing by a friend or relation who is legally qualified.
- 6.5. For the avoidance of doubt, a mere disagreement with the decision of the Principal will not of itself be grounds sufficient for a review.
- 6.6. If assistance with the request is required, for example because of a disability, this should be indicated in the request form.
- 6.7. The Clerk to the Governors will acknowledge the request for a review in writing within three working days of receipt.
- 6.8. Every effort will be made to enable the review to take place within 15 working days of receipt of the request.
- 6.9. **Planning the Review:** The Clerk to the Governors will send written notification to each party of the date, time and place of the review at least ten working days before the date of the review.
- 6.10. Copies of any documents additional to those specified in the Review Form that the parents wish the Panel to consider should be sent to the Clerk to the Governors to be received at least seven working days prior to the review.
- 6.11. On receipt of new information not previously available to the Principal before her decision was made, the Clerk to the Governors should contact the Chair of Governors who will decide whether to:
 - 6.11.1. include the new information in the bundle; or
 - 6.11.2. omit the information if not relevant to the grounds for Review; or
 - 6.11.3. make further enquiries of the Parents or the pupil about the information or

- 6.11.4. refer the information to the Principal for her consideration as to whether the decision should be revisited.
- 6.12. The Clerk to the Governors will circulate a copy of the bundle of documents to be considered by the Review Panel to all parties at least three working days prior to the review.
- 6.13. The Parents may be accompanied at the Review Hearing by a relative or friend.
- 6.14. The Parents are required to notify the Clerk to the Governors if they wish to be accompanied by a relative or friend who is legally qualified in their initial request for a review (see 6.1 and 6.4.4). The Parents should note that the Panel will wish to speak to them directly. The legally qualified person will not be permitted to act as an advocate or to address the Review unless invited to do so by the Chair of the Panel.
- 6.15. A person will be appointed to take minutes of the Review Hearing.
- 6.16. **Composition of the Panel:** The Panel will comprise at least three individuals who have no detailed prior knowledge of the case or of the pupil or the Parents and will not include the Chair of Governors. With the exception of the Chair of Governors, Governors not appointed to the Panel will not be provided with information about the case.
- 6.17. The Parents may ask the Clerk to the Governors to inform them who has been appointed to sit on the Panel ahead of the Review. Fair consideration will be given to any reasonable objection to a particular member of the Panel.
- 6.18. The Panel members will appoint one of themselves to be the Chair of the Panel throughout the proceedings.
- 6.19. **Role of the Panel:** The role of the Panel is to consider:
- **Whether the decision-making followed a fair process:** whether an appropriate procedure was followed allowing the facts of the case to be 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. Observance of the School's relevant policies and rules will be taken into account but may not be determinative.
 - **Whether the sanction was proportionate:** 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.
- In addressing the matters above, the Panel will consider the documentation provided by the parties and representations made and any other factors which the Panel considers to be relevant. The Panel will decide whether to uphold the Principal's decision or refer the decision back to her with recommendations so that she may consider the matter further.
- 6.20. **Review meeting:** The meeting will take place at the school premises, normally within 21 school days after the parents' application has been received. A Review will not normally take place during School holidays. The Principal will be asked to submit any additional documents she wishes to refer to at the meeting to the Clerk to the Governors at least five working days prior to the Review meeting. Papers will be circulated to the Panel and the parties at least three days before the meeting.

6.21. 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.

6.22. **Attendance:** Those present at the Review meeting will normally be:

- members of the Review Panel and an appointed Clerk;
- the Principal and any relevant member of staff whom the Principal considers should attend in order to secure a fair outcome;
- the pupil together with her parents. The parents may be accompanied by a friend or relation (see 6.1, 6.12 and 6.13).

6.23. **Conduct of meeting:** The meeting will be chaired by one member of the Review Panel and will be conducted in a suitable room. All statements made at the meeting will be unsworn. The meeting will not be recorded but the Clerk will be asked to keep 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 comment. Everyone is expected to show courtesy, restraint and good manners. The Chair may at her/ his discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

6.24. The order of business will be as follows:

- After introductions, the Principal will present her report explaining the reasons for the decision followed by witnesses* (if any).
- The parent/s may question both the Principal and the witnesses after each has spoken. The panel may ask questions at any point.
- The parent/s and pupil are then invited to make their case followed by their witnesses (if any).
- The Principal may question the parent/s, the pupil and the witnesses after each has spoken.
- The Principal is then invited to sum up the school's actions.
- The parent/s is then invited to sum up their case.
- When the Chair decides that all issues have been sufficiently discussed, the parents, pupil and Principal will be asked to leave together while the Panel decides on the issues and its recommendations. The Chair explains that both parties will hear from the panel within the set time scale.

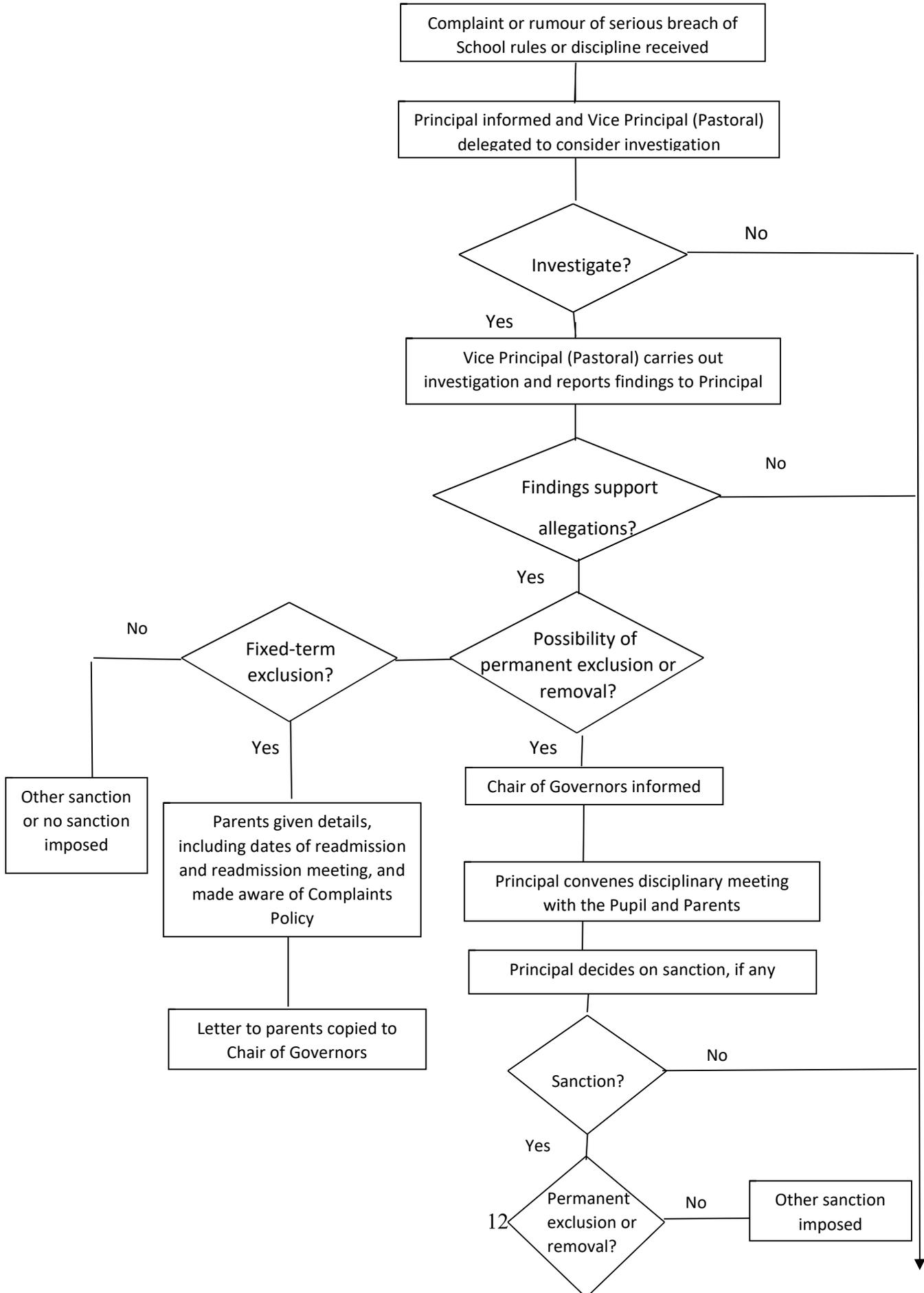
*Witnesses are only required to attend for the part of the hearing in which they give their evidence.

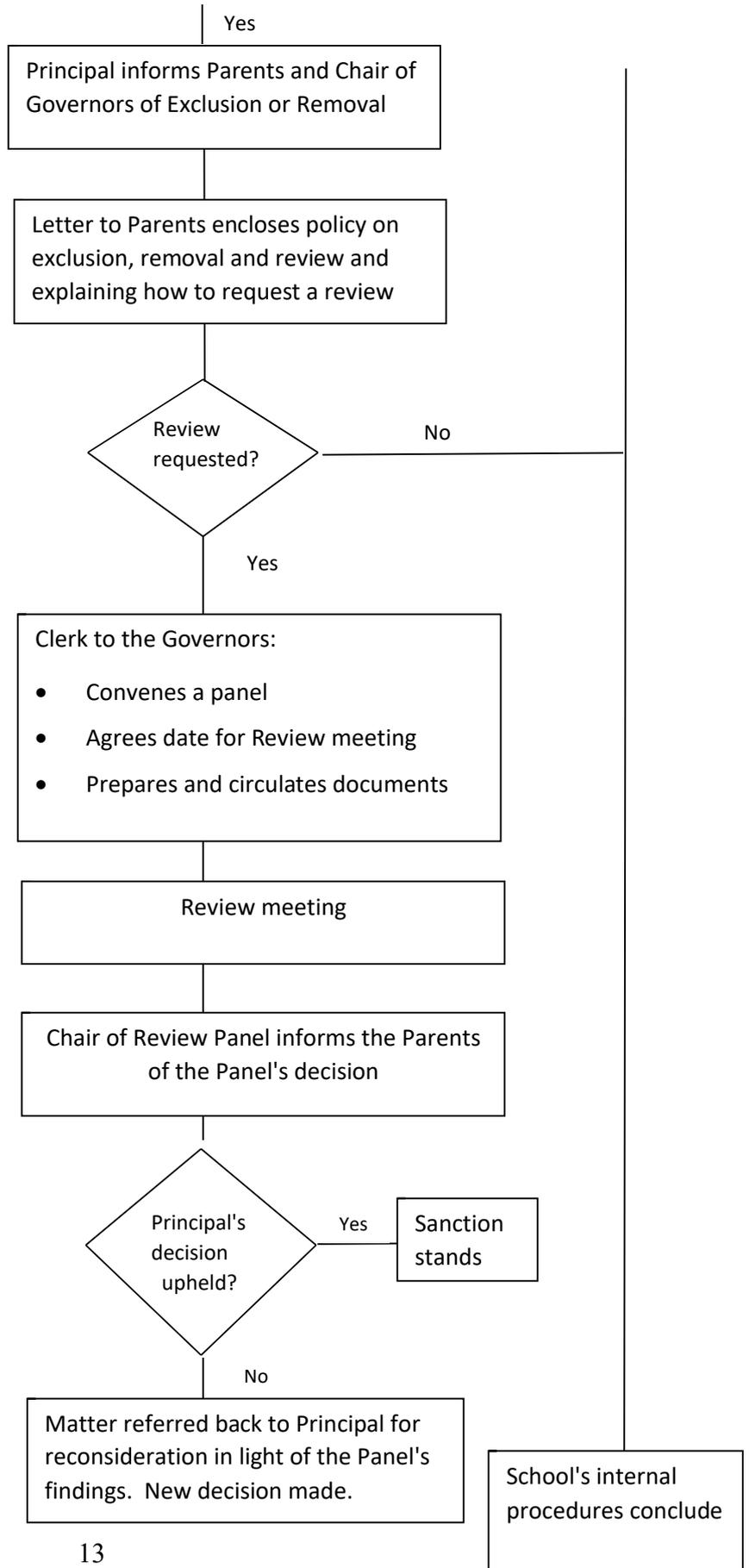
The requirements of natural justice will apply. If, for any reason, the Principal, the pupil or her parents are dissatisfied with any aspect of the meeting they must inform the Chair at the time and ask the Clerk to the Governors to note their dissatisfaction and the reasons for it.

6.25. **Decision:** The Panel's decision and any recommendations will be notified in writing, with reasons, to the Principal and the parents by the Chair of the Review Panel within three

school working days of the meeting. Where the Review Panel make their decision promptly on the day of the Review meeting, the Chair may choose to recall both parties to the room and notify them in person of the decision. Written notification will still be provided within three school working days of the meeting. The Principal will provide her response to the Chair's written recommendations, if appropriate, in writing within 24 hours of receipt. In the absence of a significant procedural or substantive irregularity, the Principal's decision will then be final.

Appendix 1 Procedural flowchart





Appendix 2 - **Form for requesting a Review**

To Clerk to the Governors, Schools of King Edward VI in Birmingham
Subject [Name of pupil]

I/we request a Review of the Principal's decision to permanently exclude or remove 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 subject to law and that the Principal's decision following consideration of the recommendations made by the Panel 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 Principal'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 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 to the Governors 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