

# ST CHRISTOPHER'S HAMPSTEAD

## EXCLUSION POLICY

Policy to be reviewed biennially		
<b>Reviewed by</b>	<b>Sandrine Paillasse (Head)</b>	<b>January 2023</b>
<b>Approved by</b>	<b>Education Committee</b>	<b>February 2023</b>

To be published on	
<b>School network</b>	▪
<b>School website</b>	▪

This policy applies equally to the Early Years Foundation Stage setting, KS1 and KS2 as taught at St Christopher's School. ***This policy is reviewed biennially.***

### Accessibility notice

To enable easier reading, this Policy is available in a larger font upon request

## 1. Introduction

- 1.1. Scope: This policy contains guidelines explaining the circumstances under which a pupil may be temporarily or permanently excluded or withdrawn from St Christopher's School ('the School') for misconduct or other reasons.
- 1.2. The policy also includes the guidelines to be followed in each case.
- 1.3. 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.
- 1.4. In exceptional circumstances a child may need to be temporarily excluded pending investigation by the School.

## 2. Interpretation

- 2.1. **Head:** References to the Head in this policy may include Deputy Head (Academic) and Deputy Head (Strategy and Operations), Head of Lower School and Head of Upper School
- 2.2. **Parent:** Includes one or both of the parents, a legal guardian or education guardian
- 2.3. **Complaint:** means a complaint or rumour about serious misconduct or an incident involving serious misconduct.
- 2.4. **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
- 2.5. **Temporary Exclusion:** an exclusion of a pupil from the school 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
- 2.6. **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
- 2.7. **Permanent Exclusion:** means a dismissal from the School following serious misconduct.

## 3. Aims

- 3.1. The aims of this policy are:
  - to support the School's Behaviour Policy
  - to ensure procedural fairness; and
  - to promote co-operation between the School and parents when it is necessary for the School that a pupil should leave earlier than expected

## 4. Minor Infringements

- 4.1. 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.
- 4.2. Minor infringements, in themselves, will not be grave enough to require treatment under this policy. Full details on the school's procedure can be found in the Behaviour policy.
- 4.3. Persistent minor infringements may also fall within the scope of this policy, depending on the cumulative impact of the child's actions, and are likely to be referred to the Head of Lower / Upper School, even if the individual infringements themselves would not be sufficient for exclusion.

## **5. 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, severe or persistent bullying (as defined in the school's anti-bullying policy; see also the child protection and safeguarding policy)
  - 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
  - theft, blackmail
  - possession or use of unauthorised firearms or other weapons
  - vandalism or computer hacking, damage to property
  - malicious allegations against staff or other pupils
  - 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
- 5.1. Events and actions arising under any of the four categories above will be formally recorded.
  - 5.2. There is no machinery for going up 'levels of exclusion'. It may be that a child experiences one or more internal exclusions. They will not automatically go from an internal exclusion 'up a level' to temporary external exclusion. 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.
  - 5.3. 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 she remains at the School.

## **6. Equity**

- 6.1. The school will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where exclusion needs to be considered, the school will ensure that a pupil with a disability or special educational needs is able to have their case presented fully where their disability or special educational needs might hinder this (e.g. by proxy). Any religious requirements affecting the pupil will also be considered.

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

- 7.1. The school has a duty of openness to senior schools when writing references or reporting in other ways to them about St Christopher's pupils, both to preserve good relations between us and them but also to safeguard the chances of future St Christopher's 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

## **8. Breaches of discipline outside school**

- 8.1. 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 school's powers to intervene in the online safety Policy).

## **9. Reporting to the Police**

- 9.1. 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.

### **9.2. 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.

### **9.3. 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 she remains at the School.

## **10. Procedure**

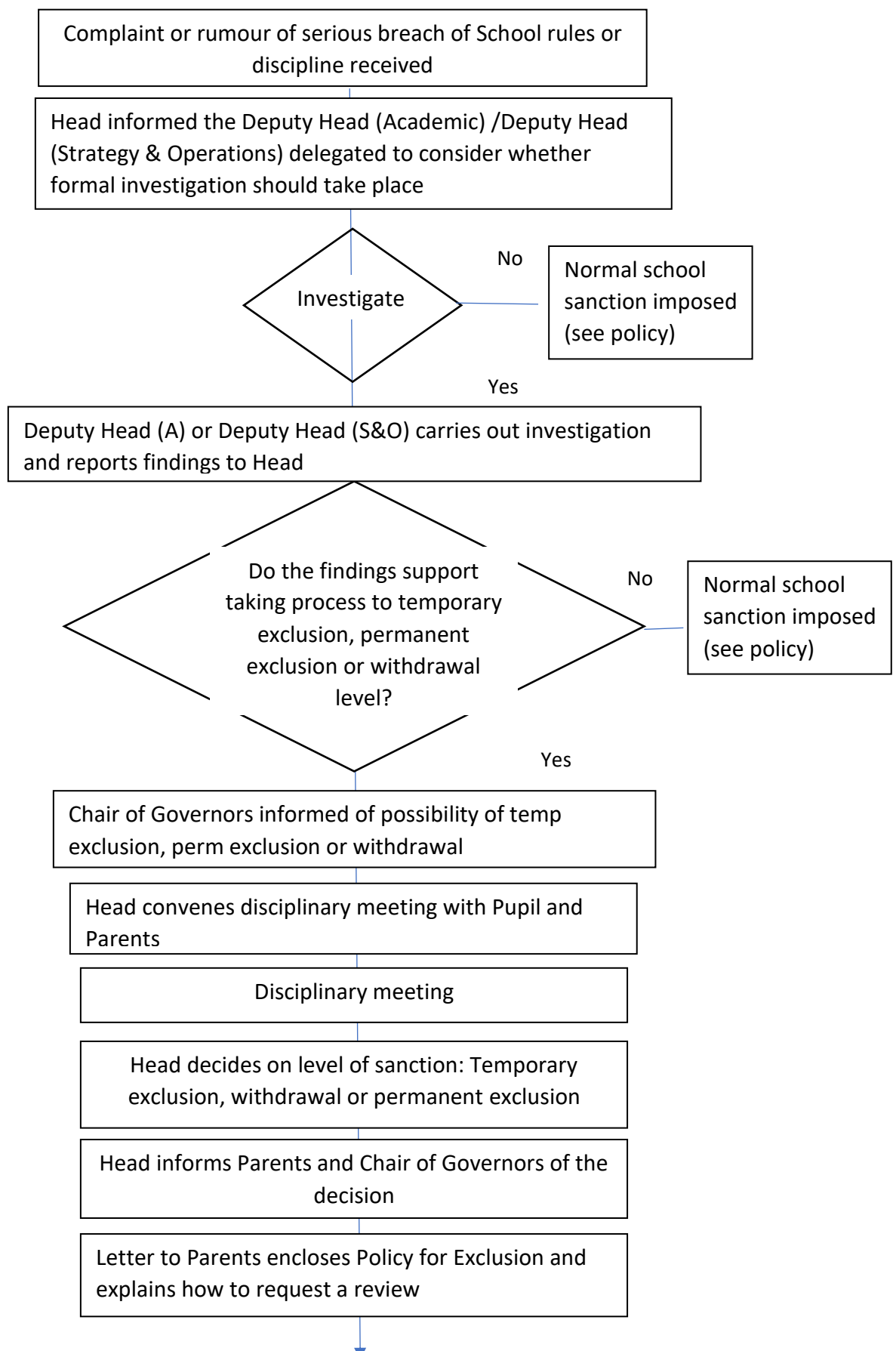
10.1. The procedure: The procedure followed by the School in cases where a sanction of temporary exclusion, withdrawal or permanent exclusion may be imposed by the Head are summarised in the flowchart at Appendix 1 to this Policy. The three stages of this procedure are as follows:

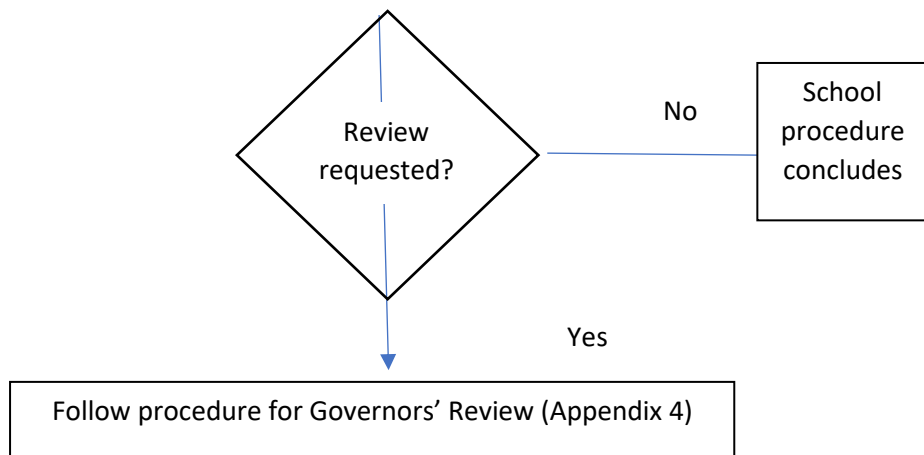
1. Investigation procedure - further details of the procedures to be followed at this stage are set out in Appendix 2
2. Disciplinary meeting with the Head - further details of the disciplinary meeting are set out in Appendix 3
3. Request for review – details are set out in Appendix 4

## **11. Safeguarding**

11.1. If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following a governing board review, it is likely that there will be complex and difficult decisions that need to be made. It is important that these decisions be made alongside a school's duty to safeguard and support children and their duty to provide an education.

## Appendix 1 – flow chart





## **Appendix 2 - Investigation procedure**

### **1. Complaints:**

#### **1.1. 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 her to be accompanied by a member of staff of 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 Lower/Upper School 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.

#### **1.2. 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 (for example via online learning). 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.

#### **1.3. Search:**

The school 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. A pupil may also be asked to remove outer clothing so that it may be searched. 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. If necessary, the police would be called. See the School's search and Confiscation policy.

### **2. Ethos:**

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

### **3. Adjournment of an investigation:**

- 3.1. 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 consider advice from an appropriate external agency and will be subject to periodic review.

**4. Report:**

- 4.1. On completion of the investigation, the co-ordinating senior member of staff will prepare a report on the investigation and advise the Head whether:
- There is a case of serious misconduct which the pupil should answer in a disciplinary meeting with the Head;
  - The misconduct does not warrant exclusion or a requirement to leave and another lesser sanction may be appropriate; or
  - There is no case of serious misconduct and the matter can be closed.

## **Appendix 3 - Disciplinary meeting with the Head**

Where the report has concluded that there is a case of serious misconduct for the pupil to answer, a disciplinary meeting will be convened at which the Head will consider the complaint of serious misconduct and the findings of the investigation.

### **1. Preparation:**

- 1.1. 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 Lower / Upper School's Investigation Report
  - the pupil's school file and conduct record
  - the relevant School policies and procedures
- 1.2. These documents will also be made available to the parents at least 24 hours before the disciplinary meeting.
- 1.3. The Head may also have access to written statements and notes of the evidence supporting the complaint, and other relevant correspondence, as well as the pupil's school file. These will not normally be shared with parents before the disciplinary meeting.

### **2. Attendance:**

- 2.1. The pupil and her parents (if available) will be asked to attend the disciplinary meeting with the Head at which the Head of Lower/Upper School will explain the circumstances of the complaint and their investigation.
- 2.2. 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.
- 2.3. 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's PA so that appropriate arrangements can be made.
- 2.4. 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.

### **3. Proceedings:**

- 3.1. 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 they considers are open to them. They 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 Head will give their decision, with reasons.
- **Leaving status:** If the Head decides that the pupil must leave the School, they will consult with a parent before deciding on the pupil's leaving status (see below).

#### **4. Delayed effect:**

- 4.1. 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.
- 4.2. The Head need not postpone taking a decision on a suspension and permanent exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the head will need to take a decision on the evidence available to them at the time. In all cases, schools should follow general safeguarding principles as found in Keeping children safe in education 2022.

#### **5. Leaving status:**

- 5.1. **Explanation:** If a pupil is permanently excluded or required to leave, her leaving status will be one of the following: permanently excluded or 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 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; refunding of prepaid fees
  - the local authority must be notified.

## Appendix 4: Procedure for Governors' Review Hearings

### Procedure

#### 1. Request for review

- 1.1. A pupil or 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 Clerk 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 Clerk so that appropriate arrangements can be made.

#### 2. Grounds for review

- 2.1. 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.

#### 3. Review Panel

- 3.1. 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 Clerk. 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.

#### 4. Role of the Panel Chair

- 4.1. Once the Chair has been appointed, they will liaise with the Clerk on all procedural matters and correspondence connected with the Governors' Review. The Chair will have a wide discretion regarding any procedural matters not specifically covered in this policy with a view to ensuring that each party has a fair hearing and an opportunity to respond to any points raised by the other.

#### 5. Role of the Panel

- 5.1. In reviewing the case, the panel should consider whether the decision to suspend or permanently exclude the pupil was lawful, reasonable, and procedurally fair. This should consider the welfare and safeguarding of the pupil and their peers, the Head's legal duties, and any evidence that was presented to the panel in relation to the decision to exclude.
- 5.2. **Whether, on the facts, the decision-making relating to the breach of school policy/ies and sanction imposed 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 require the removal 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 considered but may not be determinative in this respect.

- 5.3. **Whether the sanction was within the range of reasonable responses:** whether it was within the range of reasonable responses in respect of the breach of discipline or the other events that are found to have occurred and the legitimate aims of the school’s policy in that respect.
- 5.4. In addressing the matters above, the Panel will consider the documentation provided by the parties, representations made by the parties and any other factors which the Panel considers to be relevant in order to consider whether the sanction was reasonable.
- 5.5. The Panel will decide whether to uphold the Head’s decision or refer the decision back to the Head with recommendations so that they may consider the matter further. It is not within the powers of the panel to reinstate a pupil’s place at the school against the wishes of the Head.

## **6. Review meeting**

- 6.1. The meeting will take place at the School premises or entirely remotely if the parents request it, normally within fifteen working days after the parents' application has been received. A Review will not normally take place during school holidays.
- 6.2. 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.
- 6.3. The parents and the Head will be asked to submit any additional documents they wish to refer to at the meeting, to be received by the Clerk at least seven working days prior to the meeting, and a single bundle will be circulated to all parties at least three working days before the meeting. On receipt of new information not previously available to the Head before their decision was made, the Clerk should contact the Chair 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 consideration as to whether the decision should be revisited.

## **7. Attendance**

- 7.1. Those present at the Review Meeting will normally be:
  - members of the Review Panel and the 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, where appropriate, together with her parents. The parents may be accompanied by a friend or relation. The Review meeting is an internal procedure, not legal proceedings, and so legal representation is not necessary or appropriate. The Clerk must be given seven days' notice if the friend or relation is legally qualified.

## **8. Conduct of meeting**

- 8.1. 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 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. The Chair may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

## **9. Procedure**

- 9.1. 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. For each of the grounds given in the parents' request for review, the parents should first make their representations in support, then the School should have an opportunity to respond and then the parents should have an opportunity to reply. If there are any new points raised in the parents' reply, which are not covered in the material before the Panel, then the School should have the chance to make a further response to those new points. The Panel will also have an opportunity to ask any questions.
- 9.2. Once all the grounds have been considered and discussed, the parents and the School should each have an opportunity to make any final observations and to respond to each other's final observations.
- 9.3. 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.
- 9.4. 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.
- 9.5. When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he may adjourn the meeting; alternatively, the Chair may ask those present to withdraw while the Panel considers its recommendations.
- 9.6. Other than in the most exceptional circumstances, and at the Chair's discretion, the Panel will not consider any further submissions from either party after the Review Meeting has taken place. If further submissions are allowed, they will be shared with the other party who will then be given an opportunity to comment. This may cause a delay to the Panel's decision.

## **10. Decision**

- 10.1. When the Chair decides that all issues have been sufficiently debated, they may ask those present to withdraw while the Panel considers its recommendations. The panel's decision will be delivered in writing, with reasons, to the Head and the parents by the Chair of the Review Panel or the Chair of Governors within five working days of the meeting.
- 10.2. The Panel will decide whether to uphold the Head's decision or refer the decision back to the Head with recommendations so that they may consider the matter further. It is

not within the powers of the panel to reinstate a pupil's place at the school against the wishes of the Head.

- 10.3. The Head will provide a written response to any recommendations made within ten working days. 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 Clerk to the Governors of St Christopher's School, Hampstead

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 Clerk 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 consider 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
Email address	Email address