COGNITA

St Margaret's Preparatory School

Exclusion Policy

September 2019

Our Vision

- We want… every child to love coming to school and to love learning.
- We want… all children to feel secure and cared for.
- We believe… in teaching the whole child and finding exciting ways to enhance their learning experience so that when they leave St. Margaret's, they say what a fantastic school it is in every way.

And this is what we aim to do

- Provide a high-quality education, where children can grow in knowledge and understanding.
- Equip all children with appropriate skills, attitudes and values.
- Create an environment where every child can fulfil their potential.
- Encourage every child to benefit from our caring staff and fine facilities.
- Enable every child to communicate with confidence in every situation.
- Treat every child with the highest standards of courtesy, loyalty, honesty and fairness, and expect the same from them in return.

1 Introduction

1.1 This policy outlines the use of exclusion as a sanction by the Headmaster when dealing with certain cases of misbehaviour. The aim of this Policy is to ensure procedural fairness and natural justice and to promote co-operation between the school and parents when it is necessary to consider exclusion as a sanction. All schools have the legal right to impose reasonable sanctions if a pupil misbehaves. Corporal punishment or the threat of corporal punishment is illegal and will never be used. This policy applies to all pupils, including those in the Early Years.

1.2 The insistence on high standards is based on the following principles:

- The foundation of mutual respect
- A focus on commending positive behaviour
- Consistency and fairness
- Affirmation of the value of the individual whilst acknowledging the inappropriateness of some behaviours

These principles are backed up by a system of rewards and, where necessary, appropriate sanctions, the most serious of which are laid out below and which are covered by this policy. This policy should be read in conjunction with the Parent Contract, the School Behaviour Policy and the Drugs and Alcohol Policy.

1.3 The sanctions available to the Headmaster:

- Suspension (also known as a Temporary or Fixed Term Exclusion) – when a pupil is sent home for a limited period either as a disciplinary measure or to allow for the investigation of an allegation of serious misbehaviour.
- Expulsion (also known as a Permanent Exclusion) – when a pupil is required to leave the school permanently.

The school may also operate a system of 'internal exclusion'. Despite the term, internal exclusion is not registered as a formal exclusion as the pupil is not sent home from school.

1.4 The main types of behaviour which may result in one of the above sanctions are as follows:

- Breach of school rules
- Persistent disruptive behaviour
- Persistent attitudes or behaviour which are inconsistent with the ethos of the school
- Theft, blackmail, physical violence, threatening behaviour, drug abuse, alcohol abuse, smoking, vaping, intimidation, racism, bullying, including cyber bullying
- Misconduct of a sexual nature, including sexting; supply and possession of pornography or indecent images
- Inappropriate use of social media and/or technology, including serious cases of bullying
- Possession or use of unauthorised firearms or other weapons
- Damage to property, vandalism and computer hacking
- Malicious accusations against a member of staff
- Use of discriminatory language
- Cheating, including plagiarism
- Sexual harassment
- Sexist, racist, homophobic or transphobic abuse
- Supply, possession or use of certain drugs and solvents or their paraphernalia or substances intended to resemble them and alcohol and tobacco
- Other serious misconduct toward a member of the school community or which brings the school into disrepute (single or repeated episodes), on or off the school premises

Exclusion can also be used where one of the following is evident:

- Parental breach of contract with the school
- Parents causing serious or repeated nuisance on the school premises, acting aggressively towards staff (including via social media or electronic communication) or bringing the school into disrepute
- Serious disagreement (on the part of the parents or the pupil) with, or contravention of, the school's policies on social inclusion, diversity or equality

1.5 The above is not an exhaustive list and there may be other situations where the Headmaster makes the judgement that exclusion is an appropriate action.

1.6 In most cases, suspension will follow a single offence against the expectations of the school's Behaviour Policy. However, suspension may also be the result of a series of less serious offences, where repetition of these offences indicates the pupil's unwillingness to conform to an acceptable pattern of behaviour. In such cases, parents will have been consulted before a decision to suspend is reached in an attempt to correct the behaviour. The school should be able to provide evidence of the support offered to the pupil before a decision to suspend is made, in particular where the misbehaviour may be in part affected by any SEND needs.

1.7 The school will also consider whether a child's behaviour gives cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case, school staff will follow the school's Safeguarding Policy. The school will also consider whether continuing disruptive behaviour might be the result of unmet educational or other needs and whether a referral to Children's Social Care is appropriate.

1.8 In certain circumstances, the Headmaster may at his/her discretion expel a pupil for a first offence which is considered sufficiently serious to warrant such a step. A pupil may also be required to leave if, after all appropriate consultation, the Headmaster is satisfied that it is not in the best interests of the pupil, or of other pupils at the school, that he/she remains.

1.9 A pupil who is found to have made malicious allegations against a member of school staff will be managed in accordance with this policy, which may result in expulsion from the school.

2 Suspension (Fixed-Term Exclusion)

2.1 Only the Headmaster (or a member of staff acting on their behalf) can suspend a pupil. Before deciding to suspend a pupil, the Headmaster must ensure that an initial and immediate assessment of the incident(s) is made, which led to consideration of suspension.

2.2 Once a decision has been reached to suspend a pupil, the Headmaster must inform parents without delay, in person (wherever possible) or by telephone. The Headmaster will also write to confirm the suspension and provide clear reasons for the suspension and the length of time the pupil is to be suspended for. The reasons may include a cooling off period for the pupil and time for a full investigation to take place.

2.3 A full investigation must be recorded and the notes concerning the investigation placed in the pupil's file.

2.4 For clarity, there is no right of appeal against a suspension or against the reasons given for the suspension in the accompanying letter. A suspension can last anything from 1 school day to 5 school days depending on the severity of the incident. No more than 15 days of exclusion can be given in one academic term.

2.5 Work will generally be set for a pupil to do at home during the period when they are suspended for more than one day. In addition, consideration must be given to any relevant problems arising from the suspension especially if there are any safeguarding concerns, such as lack of appropriate supervision during the period of the suspension.

3 Expulsion (Permanent Exclusion)

3.1 A pupil may be expelled at any time if the Headmaster is satisfied that the pupil's conduct, whether on or off school premises or in or out of term time, has been prejudicial to good order, school discipline or to the reputation of the school. The school and the Headmaster will act fairly and in accordance with the procedures of natural justice and will not expel a pupil other than in very serious circumstances.

3.2 In making a decision about expulsion, the Headmaster will take into account any special educational needs, disabilities, gender and cultural differences that may be relevant to the case.

3.3 Only the Headmaster (or a member of staff acting on their behalf) can expel a pupil and before doing so he/she will follow the same procedure as for suspension. Before expelling a pupil, the Headteacher must seek advice from the Cognita Director of Education.

3.4 Some parents, may, after due consideration, prefer to voluntarily withdraw their child from the school rather than deal with the consequences of an expulsion. However, it must clearly be understood by all parties that the Headmaster reserves the right to insist on expulsion.

3.5 When a pupil is expelled from the school, the school should notify the local authority within 24 hours of notifying parents (UK schools).

4 Discretion

4.1 The decision to expel or suspend a pupil and the manner and form of any announcement regarding such a decision should be at the sole discretion of the school, acting on the recommendation of the Headmaster. In no circumstances should the school or its staff be required to divulge to parents or others any confidential information or the identities of pupils or others who have given information which has led to the suspension or expulsion of a pupil, or which the Headmaster has acquired during an investigation.

5 Access to the School

5.1 A pupil who has been suspended or expelled from the school has no right to enter school premises, to be on school grounds or attend school trips without the written permission of the Headmaster. This also applies in relation to external exams and it may be, in certain circumstances, that arrangements have to be made for the pupil to take their exams isolated from their peers or elsewhere.

6 Involvement of External Agencies

6.1 The school will report to the police anything they believe may amount to a criminal activity.

7 Review of Expulsion

7.1 A decision to expel a pupil is not taken lightly and before it is reached the Headmaster will have given careful consideration to all the evidence collected and provided and of any representations by the parents.

7.2 If, despite this, parents wish Cognita to review the decision to expel they should set out the nature of their appeal in writing, detailing the nature of their grievance and the reasons they see for review. Any such request should be addressed to the Director of Education at 5 & 7 Diamond Court, Opal Drive, Eastlake Park, Fox Milne, Milton Keynes, MK15 0DU. This request must be received within 7 working days of the date of expulsion.

7.3 Following the receipt of a review request, the Director of Education will convene a three-member Review Panel, usually within 10 working days. One member of the Review Panel will be independent of the management of the school. The panel members will have no detailed knowledge of the case or of the pupil or parents and will not normally include the school's Director of Education. Parents will be notified in advance of the names of the panel members.

7.4 Where a review is requested, the pupil will be treated as suspended pending the review. While suspended, the pupil shall remain away from school and will have no right to enter school premises during that time without written permission from the Head.

8 Exclusion Review Panel Meeting

8.1 The Exclusion Review meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law. Those present at the Review Panel will normally be members of the panel, the Headmaster and any relevant member of staff whom the Headmaster, the pupil or his/her parents have asked should attend and whom the Headmaster considers should attend in order to secure a fair outcome. A member of school staff may speak generally about the pupil's character, conduct and achievements at the school if they are willing to do so.

8.2 Parents may attend. The parents may be accompanied by a friend or relation. Legal representation is not permitted. A clerk should be present in the meeting to keep a written record of the main points. All those present will be entitled, should they wish, to write their own notes. Audio recordings of hearings are not permitted.

8.3 The meeting will be chaired by one member of the Review Panel and conducted in a suitable room and in an informal manner. All statements made at the meeting will be unsworn. All those present should, in turn, have a reasonable opportunity to ask questions and make appropriate comment.

8.4 The Review Panel will consider each of the questions raised by the parents inasmuch as they relate to the following:

- Whether the facts of the case were sufficiently proved when the decision was taken to expel the pupil. The civil standard of proof – the balance of probability – will apply.
- Whether the sanction was warranted – that is, whether it was proportionate to the breach of discipline or other events which are found to have occurred and to the legitimate aims of the school's policy in that respect.

8.5 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 of the Review Panel at the time and ask the clerk to note their dissatisfaction and the reasons for it.

8.6 Everyone is expected to show courtesy, restraint and good manners. If this is not the case, then the Chair of the Review Panel may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision to expel will stand and there will be no further right of appeal.

8.7 Should the Headmaster consider it necessary in the interests of an individual or of the school that the identity of any person should be withheld, the Chair of the Review Panel may require that the name of that person and the reasons for withholding it be written down and shown to the panel members. The Chair of the Review Panel at his/her discretion may direct that the person be identified or not, as the case may be.

8.8 Once the Chair of the Review Panel is satisfied that the questions raised by the parents have been fully considered by all present, the meeting will conclude and the three panel members will withdraw to make their decision. All other parties are free to go at this point, including the parents.

8.9 The decision of the Review Panel will be notified, with reasons, to the parents by the Chair of the Review Panel by letter within five working days of the meeting. In the absence of a significant procedural irregularity, the decision of the Exclusion Review Panel is final.

9 Leaving Status

9.1 When a pupil is expelled or when parents have made the request to leave, the leaving status will be one of the following: *'expelled'* or *'withdrawn by parents'* (see Parent Contract).

9.2 Additional points of leaving status to be decided include:

- The form of letter which will be written to the parents and the form of announcement in the school that the pupil has left.
- 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/project work to the pupil, his/her parents or another school.
- If relevant, whether 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.
- The conditions, if any, under which the pupil may re-enter the school premises in the future.
- Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

10 Terminology

10.1 'Parent' includes one or both the parents, a legal guardian or education guardian.

11 Equality

11.1 The application of this policy is non-discriminatory, in line with equality legislation.

12 Application of this Policy

12.1 The policy applies to all pupils at the school, whether or not in the care of the school, including those in our EYFS setting. This policy does not cover cases when a pupil has to leave because of ill-health, non-payment of fees or withdrawal by his/her parents.

13 Availability of this Policy

13.1 This policy is available to parents and prospective parents on request from the school office and can also be accessed on the website.

Ownership and consultation	
Document sponsor (role)	Group Director of Education
Document author (name)	Director of Education
Consultation – April 2017	Consultation with the following schools: Downsend Ashtead Pre-Prep, Akeley Junior, Clifton Lodge, King's, Kingscourt, Meoncross, Southbank Westminster, BSB Sitges, El Limonar Villamartin. Education Team representatives: John Coleman, ADE and Danuta Tomasz, ADE.
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Wales	Yes
Spain	No

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Related documentation	
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