



Withdrawal, Temporary and Permanent Exclusion Policy

Last reviewed: Lent 2024
Next Review: Lent 2025

1 Introduction

This policy is a whole school policy. It is relevant to all staff and applies to all pupils from Early Years to Year 8.

1.1 Aims

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be temporarily or permanently excluded from the School, or required to leave permanently for misconduct or other reasons or be withdrawn. The 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.

The aims of any investigation into allegations, complaints or rumours of serious misconduct are:

- to support the School's policies on behaviour and discipline.
- to ensure that in matters involving child protection issues, the Head, where necessary or appropriate, will be guided by the advice provided by the Designated Safeguarding Lead and any other external services, including the police.
- to ensure procedural fairness and natural justice. An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.
- to promote co-operation between the School and parents when it is necessary for the School to require a pupil to leave earlier than expected.

1.2 Definitions

- **Designated Safeguarding Lead;** unless otherwise stated, references to the Designated Safeguarding Lead (DSL) may include deputies.
- **Disciplinary Leave of Absence:** a necessary period of reflection at home following a period of turmoil or indiscipline which is given in the pupil's interests rather than as a specific sanction.
- **Head:** unless otherwise stated, references to the Head may include deputies.
- **Houseparent:** references to the Houseparent do refer on occasion to a member of the boarding pastoral team (spouse, tutor, duty staff or overnight supervisor).
- **Interview:**
 - A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. In the case of a serious breach of discipline and/or the Pupil Code of Conduct that may lead to a pupil being temporarily or permanently excluded, a pupil would normally be interviewed by a member of staff with another appropriate witness present.
 - A pupil who is waiting to be interviewed at either stage 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.
 - Any pupil who is intoxicated, incapacitated or in other ways deemed unable to provide a clear account, will not be interviewed until they have received medical attention and are considered fit to proceed.
 - Minutes of the interviews will be recorded in writing.
 - The process may require only one interview involving a staff member and the Deputy Head Pastoral and Boarding, depending on the circumstances.
- **Parent:** includes one or both of the parents, a legal guardian or education guardian.

- **Permanent Exclusion:** An expulsion. A pupil may be permanently excluded from the School if it is proved on the balance of probabilities that the pupil has committed a very grave breach of discipline or a serious criminal offence. Permanent Exclusion is reserved for the most serious breaches.
- **Withdrawal.** Withdrawal means the decision of the parents to withdraw their child permanently from the School. Parents may be required to withdraw a pupil permanently from the School, or from boarding, if, after consultation with the parents and if appropriate the pupil, the Head is of the opinion that:
 - the pupil has committed a breach or breaches of the Pupil Code of Conduct or discipline for which Withdrawal is the appropriate sanction; or
 - by reason of the pupil's conduct, behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and/or the community life offered by the School; or
 - if the parents have treated the School, members of its staff or any member of the School community unreasonably.
 - In a case in which Permanent Exclusion is a likely outcome, withdrawal of the pupil will be explained as the right of the parent to halt disciplinary proceedings and remove the pupil from the School without the expulsion being placed on the pupil's record. Withdrawal in such a scenario allows the School to help the pupil find a subsequent place of education with a freer hand and a clearer recommendation.

N.B. In all cases of Withdrawal, subject to payment of all outstanding fees (the deposit being returned or credited to the account) the pupil will be given reasonable assistance in making a fresh start at another school. A boarder may be required to leave boarding without necessarily being required to leave the School.

- **Temporary Exclusion (or Suspension):** Temporary Exclusion is when the pupil is sent home within a disciplinary context:
 - pending the Head's decision following a disciplinary meeting;
 - during the period before the Head's decision takes effect;
 - pending the outcome of an investigation or a Governors' Review if requested by the parent;
 - while an investigation is suspended e.g. where external agencies such as the police or social services are involved and have advised that this is necessary. This will be subject to periodic review
 - a period of reflection as a stand-alone disciplinary sanction for specified, serious misbehaviour. A suspension of the pupil from the School for a period determined by the Head.
 - as a warning that any recurrence of serious misbehaviour, particularly any repetition of the original offence, might well result in permanent exclusion.
- **Working Days:** mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website.

1.3 Scope

This policy contains guidelines on how and why a pupil would need to leave the School as a result of misconduct or other reasons on a temporary or permanent basis. The proscriptions of this policy apply to the behaviour of pupils in a variety of circumstances:

- at School
- on the way to and from School
- while away from the School site on School-endorsed activities.
- outside of School hours and off School premises where there is a clear and close connection between the School and the conduct of pupils.

- They also include the use by a pupil of social media, mobile phones and/or other technology to threaten, bully or harass another pupil or a staff member online or otherwise.

Where a serious disciplinary matter arises and the Head is considering suspension or expulsion of a pupil, the action should be taken irrespective of any action which may be taken by another agency, including the police. Where the police are involved in a case where the Head is considering suspension or expulsion, he/she will inform the police that this is the case, in order to ensure any potential police investigation is not compromised by the School's procedures.

1.4 Misconduct

More serious offences and any that could potentially result in a pupil's temporary or permanent removal from the School must be reported to the Head, in addition to the Deputy Head Pastoral and Boarding. This will include but are not limited to:

purchase, supply, possession or use of illegal drugs, 'legal highs' or solvents.
purchase, supply, possession or use of alcohol.
serious breaking of bounds
smoking offences, including possession of cigarettes, smoking within a school building or supplying cigarettes to other pupils or vaping.
offences of a sexual nature*.
physical violence, theft or blackmail, sexual/gender harassment, intimidation, racism or persistent bullying*.
purchase, supply, possession or distribution of offensive material in hard copy or electronic version, particularly of a pornographic or extremist nature*.
possession or use of items that are offensive weapons.
Malicious accusations against pupils or staff
vandalism or wilful and malicious damage of property.
breaching of computer or network security or serious abuse of technology
serious misuse of social media, especially that which abuses members of the school community or brings the school into disrepute*.
knowingly or recklessly endangering the life of a member of the school community or one's own.
persistent attitudes or behaviour inconsistent with the School's ethos or Pupil Code of Conduct
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, in person or online

*Offences marked * must be reported immediately to the Designated Safeguarding Lead, as should any offence which may have implications for safeguarding and child protection.*

1.5 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.

1.6 Equality

The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need 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 his/her parents are able to present their case fully where their disability or special educational needs might hinder this. Any religious requirements affecting the pupil will also be considered.

2 The Process

2.1 The Process of Temporary Exclusion (Suspension)

In terms of procedure:

- 2.1.1 The standard of proof will be the Civil Standard i.e. the balance of probabilities.
- 2.1.2 The Deputy Head Pastoral and Boarding is the point of contact for the parent in any disciplinary process.
- 2.1.3 Parents will be notified regularly of any information arising from the investigation but will not normally be expected to take any part in the investigative process itself.
- 2.1.4 The length of the Temporary Exclusion will be determined by the Head, fairly and on the balance of probabilities if no admission or proof is forthcoming and will reflect the seriousness of the offence and the individual's disciplinary record.
- 2.1.5 While a pupil is away from Repton Prep in these circumstances, he/she will be expected to complete academic work, which will be provided by staff. Where appropriate, work relating to the offence will be provided to help support the pupil in modifying their behaviour.
- 2.1.6 In most circumstances, following an interview, if a pupil has acknowledged wrongdoing or the misconduct is clear, the pupil will leave the School site as soon as is practicable and a formal exclusion letter will be sent to the parents.
- 2.1.7 Should a Temporary Exclusion continue for a period of more than five Working Days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. Parents or guardians should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set. Alternatively, the pupil may be placed under a segregated regime on School premises.
- 2.1.8 The formal letter of suspension should include the reasons for and term of the exclusion, relevant details of any investigation and details of any strategies for reintegration into the School community.
- 2.1.9 School property and facilities will be out-of-bounds to pupils under Temporary Exclusion, and excluded pupils will not be eligible to represent the School at sport or take part in any other extra-curricular activity. Should a pupil need access to the School, for example, in order to collect books and files, the parents should liaise with the Form Tutor and/or Houseparent.

2.2 The Process of Permanent Exclusion

In terms of Procedure:

- 2.2.1 The initial interview and decision-making process is the same as that of the Temporary Exclusion Process but will differ procedurally in the Sanctions element. It is important to note that, in the interests of a fair and thorough hearing, no decision will be made by the Head until after a meeting with both the parents and the pupil.
- 2.2.2 The Deputy Head Pastoral and Boarding is the point of contact for the parent through the disciplinary process.
- 2.2.3 Parents will be notified regularly of any information arising from the investigation but will not normally be expected to take any part in the investigative process itself.
- 2.2.4 If Permanent Exclusion is a possibility, the pupil may be temporarily excluded for a period of up to five days while further investigation is carried out.
- 2.2.5 Once the decision is reached that Permanent Exclusion is a possibility, and/or that a Temporary Exclusion might be required, a letter will be sent to the parents outlining the nature of any misconduct and the next steps in the procedure. This will be accompanied by a copy of this policy.
- 2.2.6 A meeting will be organised at the earliest convenient opportunity (after five days of further investigation if necessary) between the Head, the Senior Deputy Head, the Deputy Head Pastoral and Boarding, the relevant Head of Year or Houseparent (as required), the parents and the pupil. The Chair of Governors will be notified of the meeting.
- 2.2.7 If the parent is unable to attend, for instance, because of distance or work commitments, the School will make all reasonable efforts to ensure parental involvement in the disciplinary process through alternative methods, with online conferencing being the most likely.
- 2.2.8 At the meeting, the Head will ask the Senior Deputy Head to go through the allegation of misconduct and the salient points of the investigation. The Deputy Head Pastoral and Boarding will then be asked to confirm the veracity of this account, as will the pupil. The Head will then invite both the parents and the pupil to put their side of the case. The Head of Year and/or Houseparent will then be invited to provide some insight into the character of the pupil.
- 2.2.9 At the meeting, documents available will include: a statement setting out the points of complaint against the pupil or, where applicable, the parents; written statements and notes of the evidence supporting the complaint, and any relevant correspondence, the Deputy Head Pastoral and Boarding's investigation report, the pupil's school file or (if separate) conduct record; the relevant school policies or procedures.
- 2.2.10 The Head will then set aside up to a three-day period to consider their final decision. At this point, there are a number of possible outcomes: No case to answer; Temporary Exclusion; or Permanent Exclusion
- 2.2.11 During this period, the pupil will remain excluded from School and the parents may still, if they wish, withdraw their child before any final decision is reached. This will affect the official leaving status which could change from 'permanently excluded' to 'withdrawn'.
- 2.2.12 The Head is required to act fairly and in accordance with the principles of natural justice. Unless further investigation is required, the Head will decide whether the

case is sufficiently proven at this stage. The standard of proof will be the Civil Standard i.e. the balance of probabilities. Appropriate reliance may be placed on hearsay evidence. The Head will make a decision on a case-by-case basis, will permanently exclude a pupil from the School only as a last resort and will not expel a pupil other than in grave circumstances.

- 2.2.13 In matters involving child protection issues, the Head will be guided by the advice provided by the Designated Safeguarding Lead and any other external services, including the police.
- 2.2.14 The circumstances under which a pupil who has been permanently excluded has left the School may be explained in response to any enquiry or request for a reference.
- 2.2.15 In accordance with the School's terms and conditions, the parents of such a pupil will remain liable for fees for the term following the pupil's expulsion, and the School will retain the deposit in lieu of fees.

2.3 Delayed Effect

A decision to permanently exclude or remove a pupil shall take effect seven Working Days after the decision was first communicated to a parent. Until then, the pupil shall remain temporarily excluded and away from School premises. If within seven Working Days the parents have made a written application for a Review by the Governors of the decision, the pupil shall remain temporarily excluded until the Review has taken place and either the sanction is upheld or a reconsidered decision made.

2.4 Leaving Status

The nature of the departure will take one of the following titles:

- Permanently Excluded – the Head asks a pupil to leave the School as a result of proof (on the balance of probabilities) of misconduct.
- Withdrawn – the parents remove their child permanently from the School

2.5 Additional Details of Leaving Status

- 2.5.1 the form of letter which will be written to the parents and the form of announcement in the School.
- 2.5.2 the form of reference which will be supplied for the pupil.
- 2.5.3 the entry which will be made on the school record and the pupil's status as a leaver
- 2.5.4 arrangements for transfer of any course and project work to the pupil, his/her parents or another school.
- 2.5.5 whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations.
- 2.5.6 whether, if relevant, the School can offer assistance in finding an alternative placement for the pupil.
- 2.5.7 whether the pupil will be eligible for membership of the Old Reptonian Society, and if so from what date.
- 2.5.8 the conditions under which the pupil may re-enter school premises in the future
- 2.5.9 a notification to the relevant parents that the pupil will not be entitled to attend end-of-term celebrations, including the Year 8 Ball.
- 2.5.10 financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunded of prepaid fees.

2.6 The Review Procedure

2.6.1 **Request for review:** A pupil or his/her parents may request a Governors' Review of the Head's decision to permanently exclude or remove a pupil or where a decision has been made to impose the disciplinary sanction of temporary exclusion on a pupil for 11 working days or more or where such temporary exclusion would prevent a pupil from taking a public examination. The request must be made in writing, using the Request Form in Appendix A and received by the Clerk to the Governors within seven working 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 educational 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.

2.6.2 **Grounds for review:** In their application the parents must state the grounds on which they are asking for a review and the outcome which they seek. Disagreement with the decision of the Head will not of itself be grounds sufficient for a Governors' Review.

2.6.3 **Review panel:** The Review will be undertaken by a three-member sub-committee of the Governing Body. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not include the Chair of Governors. If appropriate, the panel may include an independent member who is not concerned with the management or running of the School. Selection of the panel will be made by the Clerk to the Governors. With the exception of the Chair of Governors, those members of the Governing Body not appointed to the Panel will not be provided with information about the case. Parents will be notified in advance of the names of the panel members. Fair consideration will be given to any bona fide objection to a particular member of the panel.

2.6.4 **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 her with recommendations so that she may consider the matter further. It is not within the powers of the Review Panel to reinstate a pupil's place at the School against the wishes of the Head.

2.6.5 **Review meeting:** The meeting will take place at the School premises. A Review will not normally take place during school holidays. The parents and the Head will be asked to submit any documents they wish to refer to at the meeting and a single bundle will be circulated at least three days before the meeting. On receipt of new information not previously available to the Head before her decision was made, the Clerk should contact the Chair of Governors who will decide whether:

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

A Review Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

2.6.6 **Attendance:** Those present at the Review Meeting will normally be:

- (a) Members of the Review Panel and the Clerk to the Governors or his/her deputy.
- (b) 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.
- (c) The pupil together with his/her parents. The parents may be accompanied by a friend or relation. The meeting is not a legal proceeding and so legal representation is not necessary. The Clerk must be notified at least seven working days before the Review meeting if the friend or relation is legally qualified. The parents should note that the Review Panel will wish to speak to them directly and this person will not be permitted to act as an advocate.

2.6.7 **Conduct of the meeting:** The meeting will be chaired by one member of the Review Panel and will be conducted in an informal manner. All statements made at the meeting will be unsworn. A hand-written minute of the main points which arise at the meeting will be taken. 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.

2.6.8 **Procedure:** The Panel will consider each of the questions raised by the pupil or his/her parents and any documentation they wish to rely on so far as relevant to:

- (a) Whether the decision was fair procedurally and/or substantively – whether the facts of the case were sufficiently proved following fair procedure when the decision was taken to permanently exclude or remove the pupil.
- (b) The civil standard of proof, namely, “the balance of probability” will apply.
- (c) Whether the sanction was proportionate – that is whether it was warranted, in respect of 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 Clerk to note their dissatisfaction and the reasons for it.

2.6.9 **Decision:** When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, the Chair will conclude the meeting. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the parents by the Chair of the Review Panel or the Chairman of Governors normally within three working days of the meeting. The Head will provide her response to those recommendations, if appropriate, in writing within three working days. In the absence of a significant procedural irregularity, the Head's decision will then be final.

Appendix A

Request for a Governors' Review of a decision to exclude or require a pupil to leave

To The Clerk to the Governors
Repton School
Repton
Derby
DE65 6FH
01283 559200

Name of pupil:

I/we request a Review of the Head's decision to permanently exclude or require the removal 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 subject to law and that the Head'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 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 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 are as set out below:

Grounds for Review	
Desired Outcome	

Signed	Signed
Full name	Full name
Relationship to pupil	Relationship to pupil
Date	Date
Address	Address
Daytime telephone	Daytime telephone
Evening telephone	Evening telephone

(Two signatures required where practicable)