



# ST JOHN'S SCHOOL

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## SIDMOUTH, UNITED KINGDOM

### **Suspension, Required Removal and Exclusion Policy (Senior & Junior Schools)**

*Updated July 2024*

This policy contains guidelines, which may be adapted as necessary, explaining the circumstances under which a pupil may be expelled or required to leave permanently. The decision to exclude a pupil from school, either temporarily or permanently will not be taken lightly. Only in exceptional circumstances would a pupil be excluded for a first time offence.

Relevant Definitions, based on the current Schools Terms and Conditions:-

**Suspension:** A Pupil is sent or released home for a limited period as either a disciplinary sanction or pending the outcome of an investigation or pending a Directors' Review.

**Formal Expulsion** – A pupil may be formally expelled from School if it is proved on the balance of probabilities that the Pupil has committed a grave breach of discipline or a serious criminal offence. Expulsion is reserved for the most serious breaches. The Head shall act with procedural fairness in all such cases.

*The School has a legal obligation to inform the LEA when a pupil is expelled from school and a reason for expulsion is formally required.*

**Removal in Other Circumstance** – Parents may be required to remove a Pupil permanently from School if in the opinion of the Head of School, the Pupil's conduct or behaviour leads to the pupil being unable to benefit sufficiently from the educational opportunities or community life offered by the school.

Circumstances that lead to expulsion or removal vary widely depending on the age of the pupil and the nature of offence. The pupil's record of misdemeanours may be taken into account.

A non-exhaustive list of the sorts of behaviour that could merit exclusion includes the following:

- Physical assault against pupils or adults;
- Verbal abuse/threatening behaviour against pupils or adults including blackmail;
- Bullying including cyberbullying;
- Racial abuse;
- Sexual misconduct including supply or possession of pornography;
- Drug and alcohol misuse;
- Possession / supply of a weapon;
- Damage to property / vandalism including computer hacking;
- Theft;
- Persistent disruptive behaviour;
- Parental behaviour;
- Inappropriate online conduct;
- Other serious misconduct towards a member of the school community or which brings the School into disrepute on or off premises.

Where a complaint or rumour of a serious breach of School rules or discipline has been received. The following principles will be followed:

- The Head of School must be informed who will then appoint the respective School Lead to carry out an investigation;
- A fair and thorough investigation will be undertaken;
- The pupil will be informed of the allegation and given a fair opportunity to exculpate themselves;
- Parents will be informed as soon as reasonably practicable.

## **THE INVESTIGATION PROCESS**

### **1. Suspension**

A pupil may be suspended (internally or externally as appropriate) whilst a complaint is being investigated. An initial suspension would not normally exceed 5 school days and reasonable steps will be taken to ensure the continuing education of the pupil.

The suspension of a boarder will ideally require the pupil to remain onsite with reduced privileges. If this is not possible or not appropriate due to the nature of the complaint, a pupil may be required to stay with their guardian or a host if available or in exceptional circumstances return home during the investigation process.

Suspension will be for a set period as directed by the Head of School or, in their absence, the respective School Lead. A written confirmation of the suspension will be forwarded to the parents.

## **2. Interviews and Searches**

Pupils may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation.

If the pupil is interviewed formally this must be carried out with a second member of staff (as agreed by the pupil). Minutes of the interview will be recorded. The pupil will be asked whether the notes are fair and accurate (read back to them). These must be signed and dated by the pupil. Pupils may be segregated until all necessary interviews have taken place.

### **Search**

A pupil's space and belongings may be searched, if in the opinion of the Head or School Leads there is reasonable cause to do so. This must be carried out with regard to our 'Searching Pupils and their Possessions' policy.

What is the allegation?

The pupil must have the allegation against them explained and be given an opportunity to explain what happened.

- What information is available and what further information is required?
- Has the burden of proof been discharged? Is anyone at risk i.e. do police and/or social services need to be informed?
- Who should be dealing with the case?

Where possible a different person should conduct each stage: interviews with witnesses and general investigation of the allegations; the hearing; and the appeal.

Before exclusion can be considered, statements should be taken from all pupils and staff who were involved in or witnessed the incident. The statements should be countersigned by the person who took the statement and the person who was present when the pupil signed it. The information gatherer will be a different person from the decision taker.

A second adult should be present when pupils are being interviewed by the person in charge of the investigation. This person need not be a parent, but could be a neutral adult such as a secretary.

Parents will be informed, normally, after the initial investigations have been made. Ideally parents should be informed in person. Where a pupil has been suspended pending the outcome of a disciplinary process or when the police or social services are involved, parents will be informed immediately the allegation is made.

Pupils will be, as far as reasonably possible, told not to discuss the allegations with any other pupils, particularly others involved.

### 3. **The Report**

The investigator will compile a first draft report outlining the results of the investigation, evidence and interview notes. This will be then discussed with the Head of School.

### 4. **Directors**

If the results of the investigation support the allegations and it is likely to result in Expulsion or Suspension, the Head of School will inform the appropriate Directors.

## **THE HEARING**

The hearing is an opportunity to outline to parents the results of the investigation, review evidence and discuss possible outcomes. The Hearing will be carried out by the Head of School and the investigator.

Where a parent is unavailable (boarder) the hearing may take place via an online video call or in the presence of an adult nominated by the pupil.

Documents Available will include:

- A statement setting out the complaint against the pupil;
- Written statements and notes, evidence and relevant correspondence;
- The Investigators report;
- Pupil's files and misdemeanour records, if appropriate;
- Relevant policies.

The pupil/parents will be allowed time to ask questions.

Unless there are compelling reasons for allowing it, parents will not be allowed a legal representative at the hearing. Illness or linguistic difficulties may represent sufficient reason.

Minutes will be taken at any hearing, including the names and roles of all present and oral evidence.

If the complaint has been proved the Head will outline the range of disciplinary sanctions which are appropriate. A decision will normally only be reached after an adjournment.

## **CONCLUSION**

The standard of proof shall normally be the civil standard i.e. the balance of probabilities. However, in the case where the allegation would amount to criminal offence under general law, the standard of proof should be beyond reasonable doubt.

The Head of School will make their decision based on the investigation, additional information from the Hearing, taking into account the pupil's disciplinary record and after final consultation with the appropriate Director.

The decision will be given, with reasons within 24 hours of the Hearing either face to face, or in writing; but it will always be confirmed in writing.

Following the hearing, the Head of School will decide from the range of sanctions, the most appropriate course of action, based upon fairness.

Important questions will have been addressed before reaching a conclusion:

- Has the burden of proof been discharged?
- Does the evidence prove beyond reasonable doubt that the pupil did what he/she was accused of?
- Was the matter decided on the balance of probabilities?
- Does the offence fall within the school's published list of offences which may lead to exclusion?
- Have pupils been suspended for similar offences in the past?
- Has the pupil committed a serious disciplinary offence in the past?
- Have relevant domestic circumstances been taken into account?
- Was the pupil provoked for example as a result of bullying?
- Are any other pupils involved in the investigation being dealt with in the same way?
- Are the interests of the pupil outweighed by those of the school community as a whole?

The decision to exclude a pupil is a very serious one with significant potential repercussions and will only be taken in response to a serious breach of the school's behaviour policy.

If the decision is that the pupil is to leave the school, then the parents will be consulted as to the leaving status. Removal in Other Circumstances carries less stigma than exclusion. It may also be deemed appropriate to offer parents the option to withdraw the pupil (see Terms and Conditions).

Parents must be offered an appeal.

**Additional Points to consider:**

- The form of communication and announcement to the school community and parents, which does not compromise the future of the pupil;
- The entry which will be made on the school record and official leavers forms;
- Whether the school can offer assistance in finding an alternative placement or managed move;
- St John's School will do all in its power to care for a pupil both during and after the removal process by, for example, taking into consideration the difficulty of matching exam syllabi from one school to another;

- In the case of a pupil in the middle of GCSE preparations, the school may consider a deferred exclusion, such as the pupil returning to the school for the purpose of sitting public exams;
- Reference - If the Head of St John's School decides to give an excluded pupil a reference, every effort will be made to ensure that it is fair, accurate and not misleading.

## **APPEAL**

Any decision to exclude a pupil includes the right to appeal. Failure to allow appeal invariably makes the exclusion unfair.

### **Request for an Appeal**

A pupil or his / her parents may request a Director's Review of the Head of School's decision to Expel or Remove a pupil. The application must be made in writing to a Director within seven days of the Head of School's decision being notified to the Parents, or longer by agreement.

### **Grounds for review:**

In their application the Parents must state the grounds on which they are asking for a Review and the outcome which they seek. For the avoidance of doubt, a mere disagreement with the decision of the Head of School will not of itself be grounds sufficient for an appeal.

### **Appeal Panel:**

The appeal will be undertaken by at least two members of the Directors board. The Appeal Panel members will have no detailed previous knowledge of the case. Selection of the Panel will be made by the Vice President. The Appeal Panel may, if requested by the Parents, include an independent member who has no connection with the management or running of the School.

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

The role of the Appeal Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Head's decision or refer the decision back to them with recommendations so that he may consider the matter further.

### **The Appeal Meeting**

The meeting will take place at the School premises. An Appeal meeting 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. An Appeal meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law. This

requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

### **Attendance**

Those present at the Review meeting will normally be:

- Members of the Panel and secretary to take minutes;
- The Head and any relevant member of staff whom the pupil or his / her Parents have asked should attend and whom the Head of School considers should attend in order to secure a fair outcome;
- The pupil together with his / her Parents and, if they wish, a member of the School staff who is willing to speak on the pupil's behalf. The Parents may be accompanied by a friend or relation.

The meeting is not a legal proceeding and so legal representation is not necessary. The Appeal Panel will consider each of the points raised by the pupil or his / her Parents and any documentation they wish to rely on so far as relevant to:

- 1) Whether the facts of the case were sufficiently proved when the decision was taken to Expel or Remove the pupil. The civil standard of proof, namely, "the balance of probability", will apply, i.e. did the pupil commit the disciplinary offence in question?
- 2) 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.

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 a Director at the time.

### **Decision:**

When the Director decides that all issues have been sufficiently discussed and if by then there is no consensus, he / she may adjourn the meeting. The Appeal Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the Parents within five days of the meeting. The Head of School will provide their response to those recommendations, if appropriate, in writing within three days of receiving the Panel's decision. In the absence of a significant procedural irregularity, the Head's decision will then be final.

### **CONFIDENTIALITY**

The School will not give any assurances of confidentiality, in respect of gathering and presenting evidence.

Exclusion cases as a whole will be treated in the strictest confidence.

### **POLICE**

St John's School will report to the police anything believed to amount to a criminal activity. In such a case, the parents of the alleged victim will be informed of the incident and told that the police have been informed.

Where the police have been informed, the school will seek the advice of the police before embarking on any internal investigations. Should police charges be dropped due to a procedural slip-up, technicality or because of the necessity of a higher standard of proof being required, the school will consider whether to proceed with a decision to exclude a pupil.

### **SOCIAL SERVICES**

The school acknowledges its obligation to refer matters to relevant social services in all cases where the school believes a child may be suffering, or may be at risk of suffering, significant harm. Before any such referral is made the school will generally discuss concerns with the family of the pupil first and, where possible, seek their agreement to make a referral to social services. However, this will only be done if the referral process does not place the child at increased risk of significant harm.

### **EQUAL OPPORTUNITIES**

No decision to exclude a pupil will be made based on his/her race, sex, disability, sexual orientation or religious belief.

### **SPECIAL EDUCATIONAL NEEDS**

In line with the Special Educational Needs and Disability Act 2001 (SENDA) the school will not treat a disabled pupil less favourably for a reason related to their disability or fail to make reasonable adjustments in relation to a child's education and associated services to ensure that disabled pupils are not placed at a comparative substantial disadvantage.

