

# Exclusions Policy

Issue number	1.2
Name and appointment of owner / author	Roland Martin, Headmaster
Review Body	SLT and Full Board of Governors
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Reason for update	addition of one-off serious bullying as possible grounds for exclusion; clarification of scope of Policy
Last reviewed by SLT	September 2021
Last reviewed by Governors	September 2021
Next SLT review due	March 2025
Next Governor review due	as required pending new legislation or major changes to procedures
Where available	Freemen's Staff SharePoint site, School web-site (unrestricted area), Parent Portal, Governor portal, Receptions and Gatehouse (hard copies)

## Introduction

1. This Policy should be read in conjunction with the School's *Admissions Policy*, *Behaviour Policy* and *Searches and Confiscation Policy*.
2. This Policy does not apply to Freeman's Summer School, which has a dedicated policy on exclusions.
3. The School aims to act fairly and in accordance with the principles of natural justice in dealing with serious disciplinary matters that could lead to permanent exclusion (expulsion). At all times the School is concerned to balance the needs of the individual pupil with the needs of the School community as a whole.
4. A pupil may be permanently excluded from School if it is proved that on balance of probabilities the pupil has committed a very grave breach of School discipline or a serious criminal offence. Permanent exclusion is reserved for the most serious breaches. The main categories of misconduct which may result in exclusion are:
  - supply/possession/use of drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco;
  - theft, blackmail, physical violence, intimidation, racism and persistent or particularly serious one-off bullying (including cyberbullying);
  - misconduct of a sexual nature; supply and possession of pornography;
  - possession or use of unauthorised firearms or other weapons;
  - vandalism and computer hacking;
  - putting either the pupil's own or other pupils' emotional welfare at risk;
  - persistent attitudes or behaviours which are inconsistent with the ethos of City of London Freeman's School.

## Investigation

5. Serious misconduct on the part of a pupil or pupils or a complaint or rumour of serious misconduct will be investigated by a member of the School staff. The investigation will be carried out in a fair and unbiased manner. The investigation may include any or all of the following:

- a. questioning the pupil concerned in the presence of an appropriate adult
  - b. questioning other pupils, staff or parents
  - c. searching the pupil's belongings and (in the case of boarders) his/her accommodation in line with the School's Searches and Confiscation Policy
  - d. if involvement with drugs is suspected, a pupil may be given the opportunity to provide a biological sample under medical supervision, or a sample of breath to test for alcohol in breach of school discipline
  - e. requiring a pupil to hand over to a member of staff any object which could present a danger to the pupil or others (eg a knife) or any object which a member of staff has reason to believe may present a threat to others, eg an electronic device containing inappropriate images or unlawfully obtained images
6. Except as required by law, the School and its staff will not 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 a complaint or which has been acquired as part of the investigation.
7. Where the outcome of the investigation could result in a pupil facing permanent exclusion, the pupil's parents will be informed as soon as is reasonably practicable. All reasonable efforts will be made to notify the pupil's parents so that they can attend a meeting with the Headmaster before a decision permanently to exclude a pupil is taken. In the absence of a parent or guardian, the pupil will be assisted by another adult (usually a teacher) of his/her choice.

## **Permanent Exclusion**

8. Where a decision is taken by the School permanently to exclude a pupil, the Headmaster will communicate such a decision in writing to the parents of the pupil, stating the reasons for the exclusion and advising the parents of the Governors' Review procedure.
9. Where a pupil is permanently excluded, there will be no refund of the Acceptance Deposit or of fees for the current or past terms, but the Overseas Deposit (if any) will be refunded without interest, less any sums owing to the School. There will be no charge of fees in lieu of notice but, save for any contrary provisions in any other agreement made between the parents and the School, all arrears of fees and any other sum due to the School will be payable.

10. A boarder who is permanently excluded from School will be expected to leave the site at the earliest opportunity. This may require him/her to arrange a stay with his/her legal guardian whilst travel arrangements are pending. He/she will have his/her CAS withdrawn. This may invalidate his/her visa and he/she may be required to leave the UK.

## **Governors' Review Procedure**

11. The Governors' Review procedure is intended to give parents the opportunity to have a decision of the Headmaster permanently to exclude their son/daughter reviewed by a panel of Governors.
12. The Governors' Review will apply to a decision by the Headmaster to permanently exclude the pupil or to require the removal of the pupil from boarding, but not to a decision temporarily to exclude (suspend) the pupil, unless the temporary exclusion is for 11 school days or more, or would prevent the pupil from taking a public examination. The pupil will remain excluded from the School until the Governors' Review Procedure is completed.
13. Parents must make their request for a Governors' Review as soon as possible and in any event within seven days of the decision to exclude being notified to the parents. The request should be made in writing to the Clerk of the Governors whose details the Headmaster will provide. The request for a Governors' Review should include the reasons why the parents believe that the Headmaster's decision permanently to exclude should be subject to review by the Governors. The request for a Governors' Review will be acknowledged in writing by the Clerk and the convening of a hearing by the Review Panel will normally take place no later than ten school days after receipt of the parents' request for a Review.
14. The review will be carried out by a panel of three Governors. Parents will be entitled to know the names of the Governors who make up the review panel and may ask for the appointment of an independent panel member nominated by the School.
15. The Review Panel will consider the reasons the parents have given for requesting a Review and will require the Headmaster to provide written reasons for the decision permanently to exclude the pupil. The Review Panel is only obliged to consider the matters included in these initial submissions although they may use their discretion to consider other relevant and related matters that may subsequently arise.
16. The Review Panel will convene a hearing which the following are entitled to attend:
  - a. The parent(s), and the pupil if sufficiently mature, accompanied by a friend if desired but in no case will a legal representative be allowed.

- b. The Headmaster and/or one representative and
  - c. Any other person the Panel considers to have a reasonable and just interest in the Review and whose contribution would assist the Panel in its decision making
17. The Review Panel may require further particulars of the matter or related matters to be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Panel including:
  - documents in support of their position
  - chronology and key dates relating to the matter in question
  - further details of the matter in question
18. The above evidence will be sent to the Clerk in the first instance who will then circulate the documentation to all parties, normally no later than five working days in advance of the hearing.
19. The Panel will decide how to conduct the hearing, which will be informal in nature and will be conducted in a manner which allows all parties to present their case effectively and ask all pertinent questions. If two or more pupils have been involved in the same matter the Panel may deal with all reviews at the same time or consecutively as it may decide.
20. The Panel will normally conclude its review without the need for further investigation. Where further investigation is needed, the Panel will decide how this should be carried out.
21. After due consideration, the Review Panel will reach a decision, which may be a majority decision. The Panel's decision may include recommendations which it will complete within ten working days of the hearing. These recommendations may include re-instatement of the pupil(s) excluded. Any recommendation with financial implications for the School will require appropriate approval from the relevant authorities, e.g. The Board of Governors. The decision of the Review Panel will be final.
22. The findings of the Review Panel will be sent by the Clerk in writing to the parent(s) and to the Headmaster. The letter will include the summary reasons for the decision reached and any recommendation made.