



# CLAYESMORE

## **EXCLUSION POLICY AND REVIEW PROCEDURE**

Responsibility: The Head

Date of this version: October 2023

Review: Annually by Governors

### **SCOPE**

This policy applies throughout Clayesmore and Clayesmore Preparatory School, including EYFS. This policy is developed to meet the requirements of the Independent Schools Regulations 2018 Part 6 paragraph 3(a).

### **INTRODUCTION**

It should also be considered in the context of the school's behaviour policy, the policy for anti-bullying and other specific policies relating to the misuse of drugs and other banned substances, alcohol, tobacco and vapes.

The Clayesmore prospectus states: "The Head retains the right to require the immediate removal of any pupil whose conduct or work is, in her opinion, seriously unsatisfactory."

The Application for Entrance form, signed by all parents, contains the clause: "The Head of the school shall have the absolute right to require the immediate removal of any pupil whose conduct is, in the Head's opinion, unacceptable, in which case no repayment of fees shall be due from the School."

### **HOW MIGHT AN EXCLUSION OR EXPULSION ARISE?**

1. Asking a pupil to leave Clayesmore is a serious step to take, and the Head would only take it in extremis. Our natural inclination is to find a way in which lessons can be learned, even if this might have to include a suspension from the School, without resorting to permanent exclusion.
2. The need to ask a pupil to leave could arise after a number of misdemeanours. The Head will always endeavour to give fair warning if the number of incidents may give cause to consider expulsion.
3. In a similar fashion, a pupil who over a period of time shows quite clearly that they are not prepared to fit in with the Clayesmore school rules and expectations and is constantly in trouble may be asked to leave even though the nature of their problem is not in itself a serious breach of discipline.

4. Undoubtedly the most unfortunate and upsetting situation is when a pupil does something that no one has expected which happens to be of a nature that makes it impossible for that pupil to remain a member of the School. Such situations would include a pupil who admits to, or who has been caught, bringing drugs or other illegal items into the School, a pupil caught or discovered to have been stealing either within the School or elsewhere, pupils caught or admitting to performing intimate sexual acts whilst at school or on a school trip, a pupil who assaults another pupil or a member of staff, or a pupil who bullies other pupils. Wanton damage to property, serious misbehaviour or unruliness of any sort would be other reasons why a pupil should leave the School, as would a serious breach of the law. However, this list is not exhaustive and young people do the most surprising things which is why the clause in the prospectus and on the Application for Entrance form are worded as they are.

#### **FAIRNESS AND THE INTERVIEW PROCEDURE**

1. Once it is clear to a member of staff that they are dealing with an incident that might require a pupil to leave, they will inform the Head at the earliest opportunity. It must be understood that the School has a duty to its pupils to investigate any serious incident as fully as possible and in order to do this, a pupil may be asked to remain in the Medical Centre or to go home and stay out of contact (in their own interests) whilst investigations continue.
2. A Deputy Head will be responsible for the initial stages of any investigation including interviewing pupils and asking them to write statements.
3. At the earliest opportunity, the facts, as far as they are known, will be placed before the Head. The Head will then interview the pupil in the presence of the Deputy Head or another senior member of staff.
4. If the final decision is that the pupil should leave the Head will inform the Chair of Governors. The parents and the pupil will be informed at the earliest opportunity. This decision will be confirmed in writing.
5. At all points in the interviewing process the student's welfare will be uppermost in the minds of staff involved and every attempt will be made to treat them with courtesy, dignity and as pleasantly as possible.
6. Students and their parents must appreciate that however much we may wish to forgive a young person and give them another chance, the school has to balance this compassion with the needs of the wider community. The school will always seek to support the student in their move on to another educational setting.

#### **APPEAL OR REVIEW PROCEDURE**

These guidelines are non-contractual in nature. They have been prepared for the information and guidance of all who may be concerned in a review hearing following expulsion of a pupil from Clayesmore.

#### **APPLYING FOR REVIEW HEARING**

1. Parents/Guardians may apply for a review of a decision to expel or require removal, by emailing the Clerk to the Governors [dfo@clayesmore.com](mailto:dfo@clayesmore.com) within five working days of receipt of the written notification of the decision in question.
2. Unless there are exceptional circumstances the review hearing will take place within fourteen days of the removal or expulsion, and may be sooner if convenient to all parties.

3. Each member of the Review Panel will be supplied with a copy of any relevant documents including a report on the pupil's conduct to date.

#### **THE REVIEW PANEL**

The Review Panel will consist of three members of the School's Governing Council who will have no previous detailed knowledge of the case and will not normally include the Chairman of Governors.

#### **THE REVIEW HEARING**

1. The Review Hearing will take place at the School. Those present at the hearing will normally be:

1. Members of the Review Panel
2. The Head
3. A Deputy Head
4. The parents or those with parental responsibility
5. The pupil
6. Clerk to the Governors

2. The parents or guardians may be accompanied by a friend or relation if they wish, however, it should be noted that this person attends as a friend and not as a representative.

3. Seven clear days' notice to the Clerk to the Governors is required if the parents or guardians wish to be accompanied by a friend or a relation who is legally qualified. Such a person should not be someone whom the parents or guardians have instructed, or intend to instruct, in legal proceedings.

4. The proceedings will be chaired by one member of the Review Panel and will be conducted in an informal manner. All statements made at the hearing will be unsworn. Although the proceedings will not be recorded, the Clerk to the Governors will be asked to keep a minute of the main points that arise. All present will be entitled, should they so wish, to write their own notes. The hearing shall be directed at all times by the Chairman of the panel who will conduct the hearing in such a manner as to ensure that all those present have the opportunity of asking questions and making comments.

5. All those attending the hearing are expected to show courtesy, restraint and good manners. The Chairman may in his or her discretion adjourn or terminate the hearing. If the hearing is terminated the original decision will stand.

6. The Panel will consider each of the queries raised by the parents or guardians so far as these are relevant to:

(a) Whether the facts of the case, so far as they relate to the pupil, were sufficiently proved when the decision was taken to expel or to require removal of the pupil.

(b) Whether the sanction was warranted, ie proportionate to the breach of discipline or other events that are found to have occurred, and the pupil's previous disciplinary record. The requirements of natural justice will apply.

7. If the Head considers it necessary in the interests of the individual or the School that the identity of any person should be withheld, the Chairman of the Panel may require that the

name of that person and the reasons for withholding it be written down and shown to the Review Panel. The Chairman in his/her discretion may direct that the person be identified.

8. When the Chairman of the Panel decides that all issues have been sufficiently discussed and if by then there is no consensus he/she will send away all those attending so that the Review Panel can determine what course of action to take.

9. The decision of the Review Panel will be notified to parents or guardians by the Chairman of the Review Panel or the Chairman of Governors by letter or telephone within three days of the hearing of the final outcome and this will be taken as the final decision.