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# Bishop Challoner School



## Fixed Period & Permanent Exclusions Policy for Parents



## Bishop Challoner School

### Fixed Period and Permanent Exclusions Policy

#### A. School Use: General Guidance

##### 1. Introduction

- 1.1 The Trustees and Headteacher of Bishop Challoner School are responsible for setting the school's policy on the exclusion of pupils.
- 1.2 Throughout the guidance, the expression "parents" is used for those having parental responsibility for the child.
- 1.3 This guidance is for school use only. The guidance is intended to assist all members of staff involved in the exclusion process, including the Headteacher, Deputy Headteacher and Trustees. A copy of the published exclusions Policy which should be made available to parents upon request is available in the school office.
- 1.4 Exclusion will normally be an appropriate response to serious or persistent breaches of the school's Code of Conduct or, in the case of a serious one-off offence, such as serious actual or threatened violence, sexual abuse or assault, supplying or possession of a drug (excluding medication prescribed to the individual) or carrying an offensive weapon.

##### 2. Equal Opportunities

- 2.1 In accordance with the Equal Opportunities Policy, pupils will not be excluded on the grounds of race, disability, sexual orientation, religion or belief (or lack thereof), gender reassignment, sexual orientation, or pregnancy or maternity ('protected characteristics').
- 2.2 Where a pupil with a disability is facing exclusion, consideration will be given to whether or not the pupil's disability has a behavioural component, and account should be taken of the possible effect of this, alongside the impact of the pupil's behaviour on the school community. In the circumstances, it may still be appropriate to exclude the pupil.
- 2.3 Where pupils are in receipt of a bursary, care should be taken to ensure that any decisions regarding the continuance of the bursary are made solely in accordance with the requirements of the policy on bursaries.

- 2.4 Any contributing factors identified should be taken into account. For example, if the pupil concerned has suffered bereavement, has mental health issues or has been subject to bullying.

### **3. Reasons for Exclusion**

- 3.1 A pupil may be excluded from school (by being sent home or on occasion within school or having her/his return to school prevented) for either:
- a) a fixed period of time (“fixed period exclusion”) (see Section B2); or
  - b) permanently - whereby the pupil will not be permitted to return to school (“permanent exclusion”) (see Section B3).
- 3.2 A decision to exclude a child for a fixed period or permanently may be taken:
- a) where there has been a serious breach, or serious breaches, of the school’s Code of Conduct and/or any related policies such as the behaviour management, ICT Acceptable Use Agreement, Anti-Bullying Policy, Smoking, Alcohol and Drugs Policy;
  - b) where there has been a build-up of incidents over time, which, in the professional judgement of the Headteacher, constitute a concerted flouting of the school’s rules and regulations. Whilst generally exclusion is not an appropriate sanction for minor incidents, in such cases of repeat breaches, a fixed period exclusion may be given, and any subsequent failure to abide by the school’s rules and regulations could give rise to permanent exclusion. The school will ensure that pupils and parents are made aware of the possible consequences of continued breaches; or
  - c) if allowing the pupil to remain in school will seriously harm the education or welfare of other pupils in the school or the welfare of staff.

In most cases, a fixed period exclusion will be the result of a first offence, although the Headteacher may, at their discretion, permanently exclude a pupil for a first offence which is considered to warrant such a step.

**N.B:** The Exclusions Policy does not apply in the following cases:

- Where parents are in breach of contract due to non-payment of fees, or due to their own unacceptable behaviour.
- Where the Headteacher exercises their discretion to give (at least) one term’s notice under the parent contract.

Such cases will result in a required withdrawal. See Withdrawal section below for further information.

- 3.3 In most cases, before excluding a pupil, the school may explore a range of strategies such as pastoral support, school sanctions or modifications to the curriculum which enable the pupil to demonstrate their ability to benefit from such changes. However, in all serious cases, permanent exclusion is at the Headteacher's discretion and a decision to exclude may be taken without other strategies being explored.
- 3.4 Immediate action may need to be taken to protect pupils and staff and a pupil may be permanently excluded for a first offence, particularly if it involves violence or another criminal offence. Following any essential immediate action all due procedures should be observed (see Section B).
- 3.5 Where the pupil has been accused of a criminal offence and the police are also investigating matters the Chair of Trustees should always be notified.
- 3.6 Further guidance on exclusions for particular reasons is set out below. Examples of what the school considers to warrant an exclusion include, but are not limited to, the following:
  - a) ***Drug related exclusion***
    - The possession, supply, or taking of drugs may involve a criminal offence; effective liaison with the police will help in the appropriate handling of such incidents
    - Any pupil who is found to be in possession of, or involved in the supply, cultivation, use of, or subsequent distribution of, illegal drugs at any time to another person is likely to be permanently excluded
    - The possession or use of alcohol or cigarettes may lead to a fixed period exclusion given the circumstances of the case
    - In the case of the supply or use of a drug which is legal (including over-the-counter drugs and legal highs) the Headteacher will assess the seriousness of the incident before deciding whether to exclude permanently or for a fixed period
    - Use of prescribed controlled medication that is not for the individual will be treated with utmost seriousness and may lead to permanent exclusion. The supply of a prescribed medication to another individual will lead to permanent exclusion in most cases.

**b) *Offensive weapons***

It is a criminal offence to carry an offensive weapon in or around the school's premises and in the majority of cases permanent exclusion will be the most appropriate course.

**c) *Other Criminal and Sexual Offences***

Theft, physical violence, vandalism, other criminal offences and misconduct of a sexual nature may result in permanent exclusion.

**4. Initial Considerations for the Headteacher Prior to Exclusion**

4.1 Before deciding to exclude a pupil the Headteacher should, in accordance with the procedure set out in Section B, below:

- a) ensure that a thorough investigation is carried out;
- b) ensure that the pupil is given the opportunity to state her/his version of the incident(s);
- c) check whether the incident was provoked by any form of bullying or harassment and, in particular, take into account any breach of school policy on equal opportunities;
- d) consult others, if it seems necessary to do so, taking all reasonable care to ensure that this is not in any way prejudicial to the case and does not directly involve anyone who may later serve on an Appeal Panel;
- e) conclude on the balance of probabilities that the pupil did what has been alleged. In so doing, the Headteacher should consider all the relevant evidence;
- f) keep full written records of the circumstances surrounding the incident justifying exclusion, and the steps taken in the decision to exclude (including notes of interviews with staff and pupils, conversations/meetings with parents and witness statements); and
- g) consider whether a negotiated withdrawal may be appropriate (see Section B5).

In making a decision to exclude a pupil, the Headteacher must be able to demonstrate that the exclusion has been carefully considered and is fair in all of the circumstances.

- 4.2 The Headteacher and any staff member involved in the investigation process will need to have regard to issues of confidentiality. However, total confidentiality cannot be promised to pupils and parents. This should be gently but clearly explained when a pupil requests confidentiality in relation to an exclusion investigation, whether being interviewed by the Headteacher or otherwise.
- 4.3 Throughout the exclusion process, the school should so far as practicable follow the rules of natural justice which require a fair and balanced approach and a fair hearing taking account of the age and circumstances of the pupil.
- 4.4 The Chair of Trustees should ensure that the Headteacher is able to demonstrate the reasons for her/his decision to exclude and that s/he has documentary evidence to support the decision. To this end, the Chair of Trustees should be kept informed from an early stage.

## **B. Procedure for Exclusions**

### **1. The Investigation**

- 1.1 The Headteacher or Deputy Headteacher will conduct a full investigation into the circumstances leading up to the proposed exclusion (in line with the guidance set out in Section A4) and, in particular, will:
- (a) speak to other members of staff and/or pupils;
  - (b) co-operate with a police investigation if it is suspected that a criminal offence has been committed; and
  - (c) interview the pupil:
    - in the presence of another member of staff; and
    - in the presence of the pupil's parents.
- N.B: The Headteacher should be accompanied by another member of staff throughout her/his interview with the pupil.
- 1.2 Detailed written records of all stages of the investigation must be retained by the Headteacher or Deputy Headteacher.

## 2. Fixed Period Exclusions

- 2.1 The Headteacher or Deputy Headteacher may, after conducting an investigation, exclude a pupil for up to 5 school days but should:
- (a) ensure that the parents have received notice of the exclusion, if possible by telephone or in person, before it takes effect;
  - (b) ensure that satisfactory arrangements have been made if the pupil is to be sent home (written consent by email) immediately, having due regard to safeguarding issues, or that clear arrangements are in place in the exceptional circumstance that a pupil's exclusion is conducted within school premises;
  - (c) write to the parents with details including:
    - the length of the exclusion;
    - the reason for it; and
    - the likely consequences of any further misconduct (including permanent exclusion);
    - that for the first five school days of an exclusion parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.
  - (d) inform the Chair of Trustees
- 2.2 When exclusions exceed one school day, work should be set to be undertaken at home (or in school if the exclusion is to take place in school) and followed up on the pupil's return to school. For the avoidance of doubt, an exclusion for part of a day will count as one day of exclusion.
- 2.3 Where school activities occur within the exclusion period (including outside normal school hours) the pupil should normally not take part in such activities.
- 2.4 The Headteacher may, in exceptional circumstances and with the consent of the Chair of Trustees or another member of the Trustees in his/her absence, exclude a pupil for a longer period.
- 2.5 Where a pupil is excluded for a fixed period, any complaint by the pupil's parents about the decision to exclude the pupil should be made under the Complaints Procedure, rather than the Exclusions Appeal Procedure.
- 2.6 The Headteacher will, in all cases, be reluctant to exclude a pupil for a fixed period more than twice.

- 2.7 No pupil that has been excluded for a second fixed term period will be permitted to return to the school without the approval of the Chair of Trustees or another member of the Trustees in his/her absence.

### **3. Permanent Exclusions**

- 3.1 Where the Headteacher considers that the permanent exclusion of a pupil may be warranted in the circumstances, the Headteacher or Deputy Headteacher will conduct an investigation in accordance with Section B. In most cases, it will be appropriate to exclude the pupil for a period not exceeding 5 school days whilst the investigation is conducted.
- 3.2 Where the Headteacher is to or has excluded a pupil under Section B3.1, the Headteacher should:
- (a) obtain the consent of the Chair of Trustees prior to the exclusion taking effect;
  - (b) ensure that the pupil's parents have been notified of the exclusion, if possible by telephone or in person, before it takes effect;
  - (c) ensure that satisfactory arrangements have been made if the pupil is to be sent home immediately, having due regard to safeguarding issues; and
  - (d) write to the pupil's parents stating that the pupil has been excluded pending investigation.
- 3.3 If the Headteacher considers that the investigation cannot be completed within the period of the initial exclusion, s/he may extend the exclusion by no more than a further period of 10 school days. The Headteacher must repeat the steps detailed in Section B3.1 including a further notification to parents as set out in B3.2(b).
- 3.4 Where school activities occur within the exclusion period (including outside normal school hours) the pupil should normally not take part in such activities.
- 3.5 Appropriate work should be given from the outset. In particular any pupil coming up to examinations should be provided with clear direction or an appropriate programme of study, including the marking of work, where appropriate. Details of work set or relevant study guidance given should be included in the record of the exclusion process and made available to the Appeal Panel if an appeal is lodged against permanent exclusion.



- 3.6 After completion of the investigation the Headteacher will:
- (a) discuss her/his conclusions, make recommendations and agree a way forward with the Chair of Trustees; and
  - (b) meet with the pupil's parents to discuss the outcome of the investigation. At this meeting the Headteacher should specifically ask parents whether there are any representations they would like to make in response to the conclusions/recommendations made.
- 3.7 The Headteacher's recommendation will be either to:
- (a) allow the pupil to return to school immediately if, following investigation, the pupil is deemed not to have behaved inappropriately;
  - (b) allow the pupil to return to school immediately with a written warning of the effect of further misconduct if, following investigation, the pupil is deemed to have behaved inappropriately;
  - (c) allow the pupil to return to school on a specified date (where possible, this should not be more than 15 school days after the start of the fixed period exclusion), with a written warning of the effect of further misconduct if, following investigation, the pupil is deemed to have behaved inappropriately and this behaviour warrants a fixed period exclusion; or
  - (d) exclude the pupil from school permanently if, following investigation, the pupil is deemed to have behaved inappropriately and this behaviour warrants permanent exclusion.
- 3.8 Following the decision:
- (a) Following liaison with the Chair of Trustees or another member of the Trustees in his/her absence the Headteacher will:
    - inform the parents immediately, by telephone or in person if possible, of the result of the investigation and of the decision;
    - confirm the decision in writing to the parents; and
    - offer the opportunity to discuss the outcome, either on the telephone or in person.
  - (b) If the decision is that the pupil should be excluded permanently, the Headteacher:
    - will explain the Appeals Procedure in writing to the parents.
    - although will not be obliged to, assist the parents in the search for an alternative school wherever possible; and

- notify the Local Authority of the date on which the pupil is removed from the school roll if no alternative arrangements have been made for the pupil's education and s/he is below the statutory school leaving age (the pupil will not be removed from the school roll until the appeal process has been concluded or the time limit for the appeal has expired or the parent has decided not to appeal).
- (c) Where the pupil is to return to school, the Headteacher should consider appropriate reintegration and monitoring measures. These should be discussed with the parents and pupil and should be confirmed in writing. It is vital that any proposed support and/or follow-up actions are conducted and their effect monitored by relevant staff. In situations where another pupil or member of staff have suffered as a result of the excluded pupil's actions, the Headteacher should also ensure that there are suitable support mechanisms in place to assist them in dealing with the pupil's reintegration.

#### **4. The Appeal Procedure (permanent exclusion cases only)**

##### **4.1 Right of appeal**

- (a) Parents, or the pupil if s/he is over the age of 18 have the right to appeal against a permanent exclusion. Parents wishing to exercise their right of appeal should write to the Chair of Trustees (c/o The Clerk to the Trustees, Bishop Challoner School) within 15 days of the date of the Headteacher's written confirmation of that decision. The parents must explain the grounds for their appeal in this letter. If parents do not appeal within 15 days, there shall be no later right of appeal unless, in the opinion of the Chair of Trustees, exceptional circumstances exist which justify the delay.
- (b) Where two or more pupils are alleged to have been involved in the same incident or linked incidents and these pupils have been permanently excluded as a consequence of the incidents(s) each case should, in the interests of fairness, be heard by the same Panel where appropriate.

##### **4.2 Prior to the hearing**

- (a) On receipt of the notice of appeal from the parents, the Chair of Trustees will inform the Headteacher that such a notice has been received.

- (b) The Clerk to the Trustees will set up an Appeals Committee Hearing within 15 days of receiving the request for the appeal. The Panel will consist of at least 3 persons not directly involved in the matters surrounding the exclusion who will all be Trustees. No-one should be appointed where there may be a conflict of interest or any prior involvement in the case. The Chair of Trustees may decide that an independent representative, who has no involvement in the day-to-day management of the school, in addition to the Trustees may be appropriate.
- (c) A hearing will be scheduled to take place as soon as is practicable and normally within 15 school days of receipt of the parents' notice of appeal.
- (d) Where the parents' notice of appeal is received immediately prior to, or during a school holiday, the Chair of Trustees will progress matters as swiftly as is reasonably practicable and will notify parents of any delay.
- (e) The Chair of Trustees will write to the parents to ask them (or the pupil) to provide, not less than 10 days before the hearing, any written statements and supporting documentation on which they wish to rely to the clerk of the Panel, for inclusion in a combined bundle of documents for use at the hearing.
- (f) The Headteacher is required to provide a statement to be included in the combined bundle of documents, which should cover the following areas:
- the pupil's age and school year;
  - a summary of the pupil's academic and behavioural record where relevant;
  - all steps taken by the school in relation to any previous disciplinary incidents (including written notification to the pupil's parents of such steps);
  - a full account of the incident(s) leading to permanent exclusion; and
  - the details of work set or relevant study guidance given during the exclusion period.
- (g) All concerned should have the same set of documents before them for the hearing. The clerk of the Panel will, at least 5 days prior to the hearing, circulate a copy of the combined bundle of documents to the parents, Headteacher and the Panel. Only in exceptional circumstances will documents be allowed to be submitted for the hearing after this time (see also Section B4.3. (f)).

- (h) The Chair of the Panel, or the clerk, will normally write to the parents before the hearing, having considered the nature of the appeal and the documentary material, to outline the procedure for the hearing. Should the parents have any questions concerning the panel's procedure, they should address them to the clerk of the Panel c/o Bishop Challoner School.

#### 4.3 Conduct of the Hearing

- (a) Prior to the hearing, decisions relating to procedure may be dealt with by the Chair of the Panel acting alone.
- (b) The hearing is not a court of law and the conduct of the hearing shall be at the Panel's discretion which will be based on fairness and informality, but should not normally differ substantially from the procedure outlined in the Chair of the Panel's (or the clerk's) letter to the parents (see Section B4.2(h)).
- (c) The Panel's role is to review the Headteacher's decision, which will involve:
- considering if it was fair and reasonable in all the circumstances, taking into account that the Headteacher's decision was made on the balance of probabilities;
  - considering if permanent exclusion was a proportionate sanction; and
  - deciding if reinstatement of the pupil would be possible (if sought), taking into account the impact of such re-instatement on other members of the school community (both staff and pupils).
- (d) In forming its views, the Panel must ensure that each party is given equal opportunity to put its case fully, and that it gives sufficient consideration both to the procedures followed and reasoning employed by the school, and to the pupil's explanation of her/his behaviour. It must take a fair and impartial view, and ask as many questions as necessary to elicit all relevant information to enable it to form a balanced view.
- (e) The Panel may refuse to consider matters of which written notice has not been given if they consider that so doing would be prejudicial to a fair and effective consideration of the Appeal.

- (f) Additional material may not generally be submitted at the hearing unless the Panel considers that the absence of such material would prejudice either party's case (see Section B4.2.(g)). In no circumstances may the school introduce new grounds for the exclusion at this stage.
- (g) All documents are to be treated by all concerned as confidential.
- (h) The parents may be accompanied to the hearing by one other person. The parents may have a friend to help and support them and have legal representation if they choose. The Chair of the Panel must be given at least 7 days' notice in advance of the hearing if parents are going to have legal representation. The hearing may be postponed if necessary so that the school can be legally represented.
- (i) Either party may request that witnesses be present. The Panel does not however have the power to compel the attendance of any witness to the hearing and it may be more appropriate for witness evidence to be put forward in the form of a witness statement.
- (j) A scribe will normally attend to take a note of the proceedings. The hearing will not be tape recorded and the Chair of the Panel will ask all those who attend the hearing to turn their mobile phones off before the hearing starts.

#### 4.4 The Order of the Hearing

- (a) The order of the hearing shall be as follows:
  - (i) The Headteacher will present the case for exclusion; the parents (and/or the pupil if s/he is over 18) will then present their case for the appeal. The Committee may ask questions at any time during the proceedings.
  - (ii) The Chair of the Appeal Panel will be asked if he/she wishes to say anything in conclusion.
  - (iii) The Chair of the Appeal Panel will ask the parents (and the pupil if s/he is over 18) if they wish to say anything in conclusion.
  - (iv) The parents, pupil and the Headteacher will withdraw and the Panel will consider the evidence.

#### 4.5 The Panel's Decision

- (a) After due consideration of all the relevant facts, the Panel will reach a decision.

- (b) In reaching its decision, the Panel should take into account the broader interests of the other pupils and staff at the school as well as those of the excluded pupil. It will make its decision in private and this will normally be either:
- to uphold the Headteacher's decision;
  - to refer the matter back to the Headteacher for further consideration of matters that have been canvassed during the Appeal;
  - to allow the Appeal and the pupil's re-instatement where practical; or
  - in circumstances where it is not practical to re-instate the pupil, (for example the pupil's parents do not wish this) the Appeal will be allowed and a statement will be made to the effect that reinstatement would have been appropriate but for the specific circumstances of the case.
  - the Panel will give its own opinion of the way certain issues should be viewed. It is not the role of the Panel to overrule the Headteacher, and thereby undermine her/his authority unless it is necessary to do so in order to avoid injustice. The Panel must always consider the greater needs of the School as well as those of the pupil.
- or
- (c) All parties will be notified of the Panel's decision, in writing, accompanied by an explanation, as soon as is practicable. Their decision will be binding and final. There is no right to ask for a review of the decision.
- (d) In the case of an appeal being upheld, the Panel should ensure that the date of the pupil's return to school is agreed with the Headteacher (prior to notification of the date to the parent/pupil) in order to ensure that the Headteacher has sufficient time to arrange for the pupil's reintegration.

#### 4.6 After the Hearing

- (a) The Chair of the Panel must convey to the Headteacher, within a week of the Panel's communication of its decision, any comments relating to the school's policies or procedures, or its handling of the exclusion and events leading up to it.

- (b) Parents can be assured that correspondence, statements and records relating to the appeal will be kept confidential except where disclosure is required in the course of the school's inspection by the relevant regulatory authorities or where any other legal obligation prevails.

## **5. WITHDRAWALS NOT COVERED BY EXCLUSION POLICY**

### **5.1. Required Withdrawal**

These cases do not fall within the scope of the Exclusions Policy, rather they fall under the provisions of the parent contract. Accordingly, there is no right of appeal. Any complaint by the pupil's parents should be made under the Complaints Procedure, rather than the Exclusions Appeal Procedure. Action taken by the school to require withdrawal can operate in tandem with exclusions should a pupil's behaviour warrant exclusion before the withdrawal takes place.

#### *a) Failure to achieve a required standard of work or behaviour*

A clear set of procedures are in place and made known to all relevant staff and communicated in an appropriate form to parents, which enable them, where a pupil is failing to achieve a satisfactory standard of work or behaviour, to:

- keep parents fully informed;
- identify pupil difficulties;
- provide support as appropriate;
- arrange individual Home/School Agreements setting out previously identified goals and time related targets, where appropriate, and clearly identifying the consequences of failure to meet each target (the consequence may vary depending on the particular target) and;
- allow a reasonable time scale for monitoring of progress and, where necessary, securing alternative provision before the end of the academic year.

Parents should be given a full term's written notice to make alternative arrangements if the goals set are not achieved and it is determined by the Headteacher that the pupil should be withdrawn from the school. The letter giving notice should be very clear.

Before the Headteacher reaches a decision to require the withdrawal of a pupil, parents and the pupil will normally be given the opportunity to make representations to the Headteacher, which should be taken into account in coming to a decision.

Where ever possible parents should be made aware of the nature of their child's difficulty, any additional support which can be provided, the level of improvement required and the school's expectations of the actions of the parents and the pupil.

*b) Breach of contract for non-payment of fees*

The Headteacher may require a pupil to be withdrawn (for a fixed period or permanently) from the school at any time if the pupils' fees have not been paid by the due date.

In the case of a pupil below the statutory school leaving age, and if no alternative arrangements have been made for the pupil's education, the Local Authority will be informed of the date on which the pupil is removed from the school roll.

*c) Cases where the pupil's parents' behaviour is unacceptable*

- If the behaviour of either or both of a pupil's parents is, in the Headteacher's opinion, unreasonable and is adversely affecting, or is likely adversely to affect, the pupil, other pupils, or staff at the school, or is bringing the school into disrepute, or the relationship of trust and confidence between parents and the school has, in the Headteacher's opinion, irreparably broken down, the school may require a parent to withdraw the pupil without notice, either for a set period or permanently.
- The parents will be permitted a reasonable opportunity (determined by the Headteacher) to make written representations to the Headteacher and, if the parents wish, to the Chair of Trustees, before the length or permanence of the withdrawal is confirmed. The decision of the Headteacher or the Chair of Trustees (if the latter is involved by the parents) will be final.



What will constitute a reasonable opportunity to make representations is at the Headteacher's discretion and will depend on the circumstances of the case. Factors will include, for example, the level and nature of the parents' behaviour, and the impact this is having on the pupil, other pupils and staff at the school. The timescale determined by the Headteacher should be communicated to parents, and any representations should be formally responded to. Parents should also be reminded of the opportunity to make representations in writing to the Chair of Trustees, again with the deadline set out.

- In cases where pupils are to be withdrawn for a set period, the school will wherever possible, provide the pupil with work or study guidance to enable him/her to pursue her/his studies at home including, where appropriate, marking of work.
- The Headteacher should take into account the stage of the pupil's studies, and the impact on their education in making their decision.
- Required permanent withdrawal will only be appropriate in exceptional circumstances. The implications must be carefully considered and must be approved by the Chair of Trustees before any final decision is made.

## **5.2. Negotiated Withdrawal**

5.2.1 Bishop Challoner recognises that, where circumstances exist which might justify the exclusion of a pupil, it may well be in the interests of both the school and the pupil for her/him to be voluntarily withdrawn rather than excluded. A negotiated withdrawal will not be appropriate for serious breaches of the school's code of conduct or other related policies.

The Headteacher shall be under no obligation to agree to any negotiated withdrawal that is proposed by parents and the Headteacher will have full discretion to proceed with dealing with serious misconduct or breaches of the school's policies under the Exclusion Procedure.

5.2.2 Before discussing this possibility with parents, the Headteacher should normally adopt the following procedure:

- a) Carry out investigations in accordance with the initial stages of the Exclusion Procedure (see Section B1).
- b) If the Headteacher concludes that circumstances exist which would warrant permanent exclusion, s/he should consult with the Chair of Trustees.

- c) If the Chair of Trustees agrees with the Headteacher's conclusion, the Headteacher should then meet with the pupils' parents.
- d) At the meeting, the Headteacher, who should be accompanied by another member of staff, should advise the parents that:
- following investigations in accordance with the first stage of the Exclusion Procedure, the Headteacher is satisfied that circumstances exist which warrant the pupil's permanent exclusion and intends to recommend to the Chair of Trustees that the pupil be excluded;
  - the Chair of Trustees has already been consulted and agrees with the proposed course of action;
  - the parents may forestall this, and the consequent possibility of exclusion, by withdrawing the pupil, without a refund of fees, if it is generally felt to be in the pupil's best interests not to have an exclusion on her/his record;
  - should the pupil be withdrawn, s/he will not have been excluded. Therefore, in such cases, there will be no right of appeal under the school's Exclusion Policy;
  - if the pupil is not withdrawn and is ultimately excluded, this exclusion should take place in accordance with the Exclusion Procedure as set out in Section B. The parents/pupil will have the right to appeal against such exclusion under the Exclusion Procedure. If the parents are in any doubt as to the merit of withdrawing their child, they may wish to allow the Exclusion Procedure to follow its course; and
  - any offer to allow the pupil to be withdrawn, rather than be excluded, exists only up to the time when the Headteacher's formal recommendations are made to the Chair of Trustees. The Headteacher will inform parents of when he/she is intended to make the formal recommendations to the Chair of Trustees and the point at which the offer to allow the pupil to be withdrawn will automatically expire. Once the recommendations are made to the Chair of Trustees, the normal Exclusion Procedure will be followed thereafter.
- e) The Headteacher (or accompanying member of staff) should take a detailed note of the meeting, particularly of any questions asked by the parents and answers given to those questions.

- f) A letter summarising the information given to the parents at the meeting should be sent to them following the meeting, by a secure method of delivery e.g. by hand to the parents or via registered post. Where parents appear to have made it clear that they wish to withdraw their child, the letter should state that the Headteacher understands the parents intend to withdraw their child and is awaiting their written confirmation of this intention.
- g) Very occasionally, it might be appropriate for a withdrawal to be delayed (e.g. to allow a smooth transition to alternative education or for the taking of public examinations). In such circumstances the parents should be advised in writing that the school's willingness to allow the pupil to remain at the school for a temporary period is in no way a concession that exclusion is an inappropriate course of action. The school may also need to establish special arrangements for the pupil in the interim e.g. she/he may be permitted to attend lessons but not extra-curricular activities. Where the reason for the delay relates to examinations, it should be made clear to the parents that such arrangements might be made even if their child is to be excluded; this should be discussed if the pupil's parents are in any doubt as to whether to withdraw their child rather than allow the continuation of the exclusion process.
- h) If parents decide they wish to withdraw their child, they must confirm their decision in writing, ideally following receipt of the letter from the school.
- i) The parents should be given a reasonable period to make their decision, depending upon the circumstances of the case. Where the offer to withdraw a pupil is made by the Headteacher, the pupil will normally be treated as having been excluded for a fixed period whilst the parents have the opportunity to make their decision. The school should ensure that the basis of any protracted fixed period exclusion arising from parental indecision is recorded in a letter to the parents. The Headteacher may seek legal advice should the parents not reach a decision within 5 school days from the date of the school's formal written notification.
- j) The Chair of Trustees should be informed of the steps which the Headteacher intends to take, and the outcome of any meeting or correspondence with the parents.

- k) Where a negotiated withdrawal is agreed, the Headteacher will immediately notify the Bursar to ensure that fees in lieu of notice are not charged to the parents. A copy of the parents' notice of withdrawal should be copied to the Bursar for his records. No refund of fees will be made and all outstanding fees will be payable in full.
- l) Where a negotiated withdrawal is agreed, the school should inform the pupil's home Local Authority of the pupil's withdrawal from the school.

5.3 If, in exceptional circumstances, it should not seem appropriate to follow the above procedure, the Chair of Trustees should be contacted for advice.

**N.B:** The Headteacher should take care not to apply any inappropriate pressure on parents to persuade them to withdraw their child. Full consideration should always be given to the interests of the pupil, other pupils and staff.

Date of Review: September 2022

Reviewed by: M Wallace

Date of next Review: September 2023