



Sidcot  
Live Adventurously

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**Policy Name: Permanent Exclusions Policy**

**Policy Number: 5.11**

**Date: 5 November 2020**

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## Table of Contents

1	<a href="#">Introduction</a> .....	3
2	<a href="#">Scope</a> .....	3
3	<a href="#">Interpretation</a> .....	3
4	<a href="#">Distribution</a> .....	4
5	<a href="#">Policy Statement</a> .....	4
6	<a href="#">Aims</a> .....	4
7	<a href="#">Promoting Equality and Managing Behaviour Relating to a Disability or Special Educational Need</a> .....	5
8	<a href="#">Breaches of Discipline Outside of the School Grounds</a> .....	5
9	<a href="#">Procedure when Removal or Exclusion is being Considered</a> .....	5
10	<a href="#">Preliminary Steps and Investigation</a> .....	6
11	<a href="#">Meeting Before the Headmaster</a> .....	7
12	<a href="#">Adjournment of Meeting Before the Headmaster</a> .....	8
13	<a href="#">Reasonable Adjustments</a> .....	8
14	<a href="#">Supportive Regime for Students Misusing Substances</a> .....	8
15	<a href="#">Leaving Status</a> .....	8
16	<a href="#">Governors' Review</a> .....	9
17	<a href="#">Confidentiality</a> .....	10
18	<a href="#">Fees and Deposits</a> .....	10
19	<a href="#">Monitoring and Review</a> .....	11
20	<a href="#">Related Policies</a> .....	11
21	<a href="#">References</a> .....	11
22	<a href="#">Document Change History</a> .....	12

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## 1. Introduction

1.1 This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a student may be permanently excluded from the School, or accepts an offer of withdrawal, made at the Headmaster's discretion.

1.2 This policy does not have contractual effect, and whilst it gives guidance as to how the permanent exclusions process may be implemented, it is not to be regarded as prescriptive in its application. The School Environment, by its very nature, requires some flexibility of application of this policy, as circumstances dictate. Nevertheless, every effort is made to ensure that should there be a need to invoke the procedure for permanent exclusions or withdrawal of a student, the process is fair and transparent and that natural principles of justice apply.

## 2. Scope

2.1 The policy applies to all students at the School with the exception of those in the Early Years Foundation Stage (EYFS). Please refer to the behaviour policy for the EYFS for relevant provisions.

2.2 In keeping with the behaviour policy, students may be disciplined for misbehaviour when they are:

- Travelling to or from school or
- Taking part in any school-organised or school-related activity or
- Wearing school uniform or
- In some other way identifiable as a student at the School

2.2.1 Or for misbehaviour at any time, whether or not the conditions above apply, that:

- Could have repercussions for the orderly running of the School or
- Poses a threat to someone else or
- Could adversely affect the reputation of the School.

2.3 This policy does not cover cases when a student has to leave because of ill health or non-payment of fees. Please refer to the School's behaviour policy and Blue Book for information regarding other sanctions, for example fixed term exclusions (suspension).

2.4 The School's complaints procedure (policy 2.6) does not apply to complaints arising from the exclusions and withdrawals process.

## 3. Interpretation

3.1 The following definitions apply throughout this policy:

**Parent** - Includes one or both of the parents, a legal guardian, a person with parental responsibility, or education guardian.

**Permanent Exclusion** - Means the dismissal of a student from the School following serious misconduct. This is reserved for the most serious breaches of the School's behaviour policies.

**Withdrawal** - Means that a student has been required by the School to leave, but without the stigma of permanent exclusion.

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## 4. Distribution

4.1 This policy is available on the School's public website and in hard copy form free of charge. It is also available to staff on the intranet. This policy can be made available in large print or other accessible format if required.

## 5. Policy Statement

5.1 The School aims to forge a partnership between students, staff and parents to achieve and maintain high standards of behaviour. Good behaviour is rewarded in a variety of ways in accordance with the behaviour and procedure policies (5.1 / 5.1a/b/c) which also provide for sanctions which may be applied in cases of unacceptable behaviour.

5.2 Permanent exclusion should only be used as a last resort in response to a serious breach, or persistent breaches, of the School's behaviour policy; and where allowing the student to remain in School would seriously harm the education or welfare of the student or others in the School.

## 6. Aims

6.1 The aims of this policy are:

6.1.1 To support the School's behaviour policies.

6.1.2 To ensure procedural fairness and natural justice.

6.1.3 To promote co-operation between the School and parents when it is necessary for the School to consider whether a student should leave earlier than expected.

6.2 Permanent Exclusion

6.2.1 Only the Headmaster has the authority to exclude a student permanently.

6.2.2 The main categories of misconduct which may result in permanent exclusion include but are not limited to:

- The supply/possession/use of mind altering substances and solvents or their paraphernalia or substances intended to resemble them, supply of alcohol, possession of alcohol on repeated occasions (the first usually warranting a fixed term exclusion depending on the circumstances), the supply of tobacco/ smoking related paraphernalia or persistent smoking;
- A refusal of a request for drugs screening – please refer to the smoking, alcohol and drugs policy;
- Theft, blackmail, physical violence, intimidation, racism, severe or persistent bullying;
- Misconduct of a sexual nature including the supply or possession of pornography;
- The Possession or use of unauthorised firearms or other weapons;
- Vandalism or computer hacking;
- The persistent disregard for the School Rules, or persistent attitudes or persistent behaviour which is disruptive and/or inconsistent with the School's ethos;

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- Other serious misconduct on or off School premises (including online) which affects the welfare of a member or members of the School community or which actually, or potentially, or indirectly brings the School into disrepute or damages its reputation (single or repeated episode).

**The above categories of behaviour may result in permanent exclusion, irrespective of when and where they occur, including away from the School, in or out of term time.**

6.2.3 Circumstances when the Headmaster may in his discretion require a student to be withdrawn from School may include (but are not restricted to) where the Headmaster reasonably considers that:

- There is a breakdown in the relationship between the School and the parents and / or the student or
- The behaviour or conduct of the student (or the behaviour or conduct of any of the student's parents) is unreasonable; and/or adversely affects (or is likely to adversely affect) any student's progress at the School, or the well-being of School staff; and/or is likely to bring the School into disrepute; and/or is not in accordance with the parents' obligations under their contract with the School or
- The student's attendance or progress is unsatisfactory and, in the reasonable opinion of the Head, the student's withdrawal is in the School's best interests and/or that of the student.

## **7. Promoting Equality and Managing Behaviour Relating to a Disability or Special Educational Need**

7.1 The School is active in its responsibilities under the Equality Act 2010 and will not discriminate on the basis of protected characteristics including race, colour, religion or belief, national, ethnic or social origin, gender, gender reassignment, sexual orientation, disability or special educational need.

7.2 When considering sanctions and exclusions, the needs of students with special educational needs or any disability will be specifically considered and information, and advice on reasonable adjustments for them, will be sought from the SENCO. If appropriate any EHC plan will be updated.

7.3 In appropriate cases, guidance will be sought from external agencies, usually with the parents' consent (if there are safeguarding issues, the parents' consent may not be sought to make any referral).

## **8. Breaches of Discipline Outside of the School Grounds:**

8.1 The School takes the conduct of its students outside of the School Grounds extremely seriously. A student's misbehaviour outside of the School can be damaging to the reputation of both the student and the School. Where an incident is reported to the School of a student's poor behaviour outside of school grounds and the incident has not been witnessed by school staff, the School will take an evidence-based approach and/or talk to witnesses before identifying further action and any sanctions required for such behaviour.

8.2 Students need to remember they are ambassadors for the School at all times, and that their standards of behaviour reflect on the School's reputation.

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## **9. Procedure when Removal or Exclusion is being considered**

9.1 The procedure set out below does not have contractual effect. The policy contains guidelines that can be adapted by the School as necessary in the circumstances.

9.2 All procedures will be carried out fairly and in a way that is appropriate to the circumstances.

9.3 Where allegations come to light that require involvement of social care the police or other agencies, the School will make the appropriate notifications. Advice from external agencies will be taken into account and may impact on the procedure to be followed and what information may be shared. The procedures outlined in the Child Protection and Safeguarding Policy (2.1) will be followed.

## **10. Preliminary Steps and Investigation**

10.1 A student may be spoken to informally by a member of staff to establish whether or not there are grounds for a formal investigation such as to invoke this policy.

10.2 Investigation of an allegation or concerns about serious misconduct will be co-ordinated by a senior member of staff the "Case Manager" who will be the Deputy Head Pastoral in most circumstances, but never the Headmaster himself. The Case Manager will report the outcome of the investigation to the Headmaster.

10.3 In the event that a decision is taken to investigate allegations or concerns formally, any accounts taken from staff, or students involved in the incident, or others involved, will be signed and dated by the person making the statement and the person taking the notes. If handwritten, typed copies may be prepared for any further proceedings, not least the meeting before the Headmaster referred to in Section 11 below, with the original statement being kept on file. No statements may be taken by the Headmaster.

10.4 If drug misuse is suspected, the procedure in the anti-drugs, alcohol and smoking policy will apply; also, please refer to paragraph 14 below.

10.5 Parents (and the Chair of Governors if appropriate) will be informed as soon as is reasonably practicable if the allegation or concern under investigation is of a nature that could result in the student being excluded or being required to leave. Where the allegations warrant, or other students may be at risk, a student may be suspended from boarding and/or from the School and required to stay at home or with his or her educational guardian. The parents will be informed in writing. The School will take reasonable steps to put in place arrangements to ensure the continuing education of the student. The relevant Head of Year or Housemaster / mistress in the case of boarders, will co-ordinate these arrangements with the student's parents / guardian. Parents 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.

10.6 The School may search a student and/or their belongings if it is considered reasonable by the School to do so. Please refer to 5.10 Search and Confiscation policy. The police will be called if appropriate.

10.7 Where any student is interviewed formally at School (either as witness or as suspect), arrangements will be made for them to be accompanied by an appropriate adult (who will usually be a member of staff). A student who is waiting to be interviewed may be segregated, if appropriate. A minute of the interview will be recorded in writing by the interviewing member of staff and will be either read back to the student, or the student will be given the opportunity to read it before it is signed by them. The student will be advised that any notes of interview may be provided to the police or social care, if an investigation by them subsequently becomes necessary.

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10.8 If and once it is determined by the Case Manager that a meeting before the Headmaster is necessary, the parents and the Chair of Governors (where appropriate) will be informed, along with details of date, venue and time, and who is invited to attend.

10.9 It may be necessary to suspend an investigation in certain circumstances – for example where external agencies such as the police or social services are involved, and have advised that this is necessary. A decision to suspend an investigation will take into account advice from the appropriate external agency and will be subject to periodic review.

## **11. Meeting before the Headmaster**

11.1 Once his/her investigation has been concluded, and a determination made that there should be a formal meeting with the Headmaster, the Case Manager will arrange for a meeting to take place before the Headmaster at which the evidence against the student will be presented and the student (and his/her parents) given an opportunity to respond to all allegations. Prior to the meeting, the Case Manager will circulate all relevant documents that have been prepared or collated within the investigation to all parties who it is intended will participate, as well as to the Chair of Governors where he/she has been notified of an investigation. These documents may include:

11.1.1 Details of the allegations;

11.1.2 Any written statements and notes of the evidence supporting the complaint, any relevant correspondence (for example letter to the parents outlining the allegation);

11.1.3 The relevant parts of the student's School file and (if separate) House file;

11.1.4 Conduct record;

11.1.5 Any other relevant school policies (or details of whether to find them) and procedures.

11.2 The documentation should ideally be sent to the parents (usually electronically via email) 3 working days prior to the meeting – this may not be possible in all cases in which case the timeframe will be adjusted, however in all cases documents will be circulated in sufficient time to enable participants to consider them prior to the meeting. The parents and student will be asked to provide any relevant evidence that they wish to rely on in advance of the meeting.

11.3 The student may, in addition to their parent(s), also be accompanied by a member of staff of their choice. Parents may nominate a Guardian or other non- legally qualified person to attend on their behalf if they are unable to attend, for example for reasons of distance. The nature of the allegations will be outlined by the Case Manager and any relevant evidence referred to (including from extraneous sources for example other witnesses). It will be usual for written rather than oral evidence to be relied on. Consideration will be given to hearing oral evidence from another student, but this is in the discretion of the Headmaster, and then only with their permission and that of their parents. Efforts will be made to preserve the anonymity of students providing statements, where this is appropriate, and wherever possible. The Case Manager will in addition determine what oral evidence from other witnesses or experts is required. Evidential requirements will be determined on a case by case basis.

11.4 The student and their parents will have an opportunity to state their side of the case and ask questions of any witnesses present.

11.5 The Headmaster will have the opportunity to ask questions of the student, parents and any witnesses.

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11.6 A designated note taker will note the names and roles of all the persons present, a record of all written documents considered (copies to be retained with the minutes), and a précis of all oral evidence given (including questions and answers).

11.7 Unless further investigation is needed, the Headmaster will decide whether the complaint is well founded on a balance of probabilities (ie more likely than not). If the complaint is not founded in the opinion of the Headmaster, the student's conduct may still have fallen short of the standards required by the relevant behaviour policy, in which case a lesser sanction may apply.

11.8 If the complaint is in the opinion of the Headmaster well founded on a balance of probabilities, the Headmaster will take into account the seriousness of the matter, any mitigating circumstances (for example provocation, mental health issues, or other personal issues that the student may be experiencing) and the student's disciplinary record in deciding what course of action should be taken.

## **12. Adjournment of Meeting Before the Headmaster:**

12.1 A meeting scheduled to take place before the Headmaster may be adjourned in certain circumstances. Relevant factors as to whether a meeting should be adjourned will include:

12.1.1 The involvement of other agencies, for example police, social care and advice taken from them;

12.1.2 Whether any criminal charge has been brought against the student and, if so, what the charge is;

12.2.3 Whether relevant witnesses and documents are available;

12.2.4 The effect it may have on the student concerned, the parents, any victim or the School community

12.2.5 Whether an adjournment, or decision not to adjourn, might result in injustice.

## **13. Reasonable Adjustments**

13.1 If the parents or the student have any special needs or disability which call for additional facilities or adjustments (for example the provision of documents in large print or other accessible format) those requirements should be made known to the School so that appropriate arrangements can be made. Regard will be had to the SEND Code of Practice where appropriate and advice taken from the SENCO where appropriate.

## **14. Supportive Regime for Students Misusing Substances**

14.1 In certain circumstances, students who contravene the School's anti-drugs policy by virtue of the possession of drugs may be offered the opportunity by the Headmaster of following the supportive regime as a direct alternative to exclusion. This process is outlined in the Substance Misuse policy (5.6). Irrespective of this, those found to be supplying drugs on the balance of probabilities, should expect to be excluded.

## **15. Leaving Status**

15.1 If the Headmaster decides that the student must leave the School, he will decide on the student's leaving status which will either be "excluded" or, if the offer is made and

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accepted, “withdrawn”. The Headmaster may consult with the parents as appropriate. The decision as to the student’s leaving status is entirely within his discretion.

15.2 A decision to permanently exclude or withdraw a student shall usually take effect seven calendar days after the decision has been first communicated to a parent, unless otherwise agreed between the parent and the Headmaster. Until then, the student shall remain away from school premises. If, within seven calendar days of the communication of the Headmaster’s decision, the parents have made a written application for a Review by the Governors, the student shall remain away from school premises until the Review has taken place.

15.3 A student who is due to sit public examinations during any period of suspension, or once a decision to permanently exclude has been taken, may be allowed to sit the examinations on School premises, but this is solely in the Headmaster’s discretion, and on any terms specified by him, but must otherwise remain away from the School.

## **16. Governors’ Review**

16.1 Any complaint that arises from the Headmaster’s decision to permanently exclude will be dealt with under the auspices of this policy, rather than pursuant to the complaints policy.

16.2 The parents may make a written request to the Headmaster for a Governors’ Review of his decision.

16.3 A request for such a review must be made and received by the Headmaster within seven calendar days of the Headmaster’s decision being notified in writing to the parents. A request must state the grounds on which the parents are asking for a Governors’ Review and the outcome they would like. A disagreement with the Headmaster’s decision alone is not sufficient grounds for a review. The grounds for a review are limited to assertions that:

16.3.1 Further evidence has come to light or

16.3.2 The process and decision were flawed for reasons of procedure or proportionality.

16.4 The Chair of Governors will appoint a panel to consist of two governors and one person who is independent of the management and running of the School. None of the panel shall have had any prior knowledge of or involvement in the case. The panel will appoint a Chair from amongst their number.

16.5 The role of the Panel is to consider the representations made by the parents and the affected student and to decide whether to uphold the Headmaster’s decision, or refer the decision back to him with recommendations so that he may consider the matter further. It is not within the powers of the Review Panel to reinstate a student’s place at the School against the wishes of the Headmaster.

16.6 The Review will be held as soon as reasonably practicable after the request has been received, and usually within 7 working days. It will not normally be held during school holidays and will normally take place at the School.

16.7 The Panel will be provided with all of the original information presented to the Headmaster and the minute of the meeting. If either the School or the parents wish to present additional evidence, this should wherever possible be presented to the Case Manager or direct to the Chair of the panel a minimum of 3 working days prior to the hearing.

16.8 Where the Case Manager is the initial contact for additional evidence, upon receipt of new information, the Case Manager will contact the Chair of the panel. Whether it is the

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Case Manager or panel Chair who receives new information, the Chair of the panel will decide whether to:

- 16.8.1 Include the new information in the bundle
- 16.8.2 Omit the information if not relevant to the review
- 16.8.3 Make further inquiries
- 16.8.4 Refer the information to the Headmaster for his consideration as to whether the decision should be revisited.

**The admission of evidence will be at the Panel's sole discretion, but there must be sufficient time for such evidence to be considered, and any further investigations to be made, prior to the hearing.**

16.9 The parent(s) are invited to attend the Governors' Review with the student concerned. They may be accompanied by a non-legally qualified person of their choice to support them, but who may not speak on their behalf or address the Panel direct. The role of the Panel is to listen to both sides, consider whether the Headmaster's decision was proportionate and in accordance with the School's policies, and decide whether to uphold the Headmaster's decision, or to refer the matter back to the Headmaster for reconsideration together with recommendations.

16.10 A minute of the Review will be taken. All those present will have a reasonable opportunity to ask questions, and the parents and student may address the Panel before they make their recommendations. If the parents or student are dissatisfied with the procedure they must inform the Chair at the time, along with their reasons for it. A minute will be made of this by the clerk. The Chair may at his/her discretion terminate the meeting. If this is necessary, the original decision will stand

16.11 The Panel will decide, on the basis of information provided:

- 16.11.1 Whether the facts of the case are proven on the balance of probabilities, and
- 16.11.2 Whether a fair procedure was adopted when investigating the facts of the matter, and
- 16.11.3 Whether the sanction applied was proportionate.

16.12 The Chair of the Panel will notify the Headmaster and the parents in writing of their decision and recommendations, if any, and reasons therefor, usually within 3 working days of the Review.

16.13 The Headmaster will provide his response to any recommendations, if appropriate, in writing, normally within 24 hours. In the absence of a significant procedural irregularity, the Headmaster's decision will be final.

## **17. Confidentiality**

17.1 All aspects of the disciplinary process are private matters. All those concerned and involved in the process are required to keep details confidential unless disclosure is required by law or statutory regulations, or limited disclosure is required to facilitate the disciplinary process or child protection matters.

## **18. Fees and Deposits**

18.1 Where a student is permanently excluded or withdrawn, the following provisions apply in respect of fees and deposits:

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	Permanent Exclusion	Removal
Deposit	No refund	Full refund
Additional Deposit (Overseas Deposit) if applicable	Full refund	Full refund
Current term's tuition/boarding fees if applicable	No refund	No refund
Fees in Lieu of term's notice	No charge	No charge

## 19. Monitoring and Review

19.1 This Policy will be reviewed every year by the Headmaster in conjunction with the Board of Governors, or sooner, if a change in legislation, or review or practice dictates. The Board of Governors will monitor the implementation of this policy in conjunction with the review of the child protection and safeguarding policy.

## 20. Related Policies

2.1 Safeguarding & Child Protection

5.1, 5.1a, 5.1b Behaviour and discipline policy Senior School, Junior School and After School care / holiday clubs

5.4 Anti-Bullying Policy

5.6 Smoking, Drugs and Alcohol Policy

5.10 Search & Confiscation Policy

6.4 Special Educational Needs and Disability in Practice

The Junior school handbook and Senior School "Blue Book"

## 21. References

### Legislation

- The Education (Independent School Standards) Regulations 2014
- The Equality Act 2010
- The Education Acts 1996, 2002

### Guidance

- Keeping Children Safe in Education 2020
- SEND Code of Practice 2015

The Handbook for the Inspections of Schools, Commentary on the Regulatory Requirements 2019

- Exclusions from maintained Schools, Academies and PRU's in England. Dfe September 2017
- Behaviour & Discipline in Schools – A Guide for Head Teachers and School Staff 2016

## 22. Document Change History

Date of Change	Detail significant changes and any new legislation / guidance taken into account
12.3.2016	First version (adapted from Behaviour Policy) adopted by Board of Governors
3.12.2016 Adopted by Board	Removal of duplication. References updated. Paragraphs 1 and 2, clarification of scope. Policy does not apply to the EYFS.
05.05.2017	Reformatted and references updated
02.12.2017	Reviewed and adopted by Board.  Minor amendment at paragraph 10.4 to avoid duplication.  Suspend replaced with the word "excluded" paragraph 15.2
01.12.2018	Reviewed and adopted by Board  Paragraph 15.2 – "suspended" amended to "away from school"  References updated
30.11.2019	Reviewed and adopted by Board.  Paragraph 7 amended to include,  "If appropriate any EHC plan will be updated".  In appropriate cases, guidance will be sought from external agencies, usually with the parents' consent (if there are safeguarding issues, the parents' consent may not be sought to make any referral).
05.12.2020	Reviewed and approved by Board  No changes made