



United Learning
The best in everyone™

Dunottar School

Exclusions,
Expulsion and
Removal Policy

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EXCLUSION, EXPULSION AND REMOVAL

Policy Statement

A pupil may be excluded for a fixed period of time (temporary exclusion) or parents may be asked to remove a pupil, or a pupil may be required to leave permanently for reasons of misconduct or excluded permanently (expelled) from Dunottar School. In this policy, reference to 'exclusions' includes both fixed term (temporary) and permanent exclusions. Where the policy is referring to a specific type (i.e. fixed term or permanent) of exclusion, the wording will make this clear.

At Dunottar School, a pupil will not be excluded temporarily (suspended) or excluded permanently (expelled) without grave cause. The main categories of misconduct which may result in exclusion or expulsion (or Required Removal as an alternative to expulsion) include:

- A serious breach of safety requirements likely to endanger other people or the pupil themselves;
- Use or possession of or supply of alcohol or illegal drugs within the School premises or during School organised activities;
- Removal of, or damage to, School property;
- Stealing from the School, the employees of the school, or from other pupils;
- Intentional damage to property;
- Abuse of the School's computer system and of the internet;
- Sexual misconduct, abuse or assault;
- Serious actual or threatened violence or physical assault against another pupil, member of staff or worker in the School;
- Carrying an offensive weapon (defined as any item made or adapted for causing injury);
- Bullying and/or harassment including racial, sexual or homophobic harassment;
- Willful defiance of the properly exercised authority of the School and its staff;
- Bringing the School into disrepute or acting in a manner deliberately to undermine the School's principles on ethos;
- Persistent attitudes or behaviour which are inconsistent with the ethos of Dunottar School;
- Other serious misconduct towards a member of the School community;

This policy extends to behaviour outside of the School which brings the School into disrepute and / or could have repercussions for the orderly running of the School. This Exclusions, Expulsion, Removal and Review policy should be read in conjunction with the School's Admissions policy and Behaviour and Discipline policy.

Action will be taken following a single offence where that offence is deemed to be sufficiently grave. In most cases, temporary exclusion will be the result of a first offence, although the Headmaster Mark Tottman, may, at his discretion, permanently exclude any pupil for a first offence which is considered to warrant such a step.

In other instances, permanent exclusion may be the result of a series of less serious offences, where repetition of these offences indicates the pupil's unwillingness to conform to an acceptable pattern of behaviour. In such cases parents will have been consulted before such a stage is reached in an attempt to correct the behaviour.

A complaint which could lead to a pupil being expelled or required to leave the school permanently will be investigated thoroughly and fairly. A pupil will have an opportunity for the assistance of your parents and/or a teacher to state your side of the case and you would also have a right to ask for the decision to be reviewed by a panel of the Local Governing Body.

A pupil may also be required to leave if, after all appropriate consultation, the Headmaster Mark Tottman is satisfied that it is not in the best interests of the pupil, or of the school, that they remain at Dunottar School.

The aim of this policy is:

- To ensure procedural fairness and natural justice
- To promote co-operation between Dunottar School and parents when it is necessary for a pupil to leave earlier than expected

Dunottar School seeks to implement this policy through adherence to the procedures set out in the rest of this document. Dunottar School is fully committed to ensuring that the application of the Exclusions, Removal and Expulsions and Review Policy is non-discriminatory, in line with the UK Equality Act (2010). Full details are available in the School's Equal Opportunities Policy Document.

This policy should also be read in conjunction with the following policies:

- Admission Policy
- Behaviour and Discipline Policy

The policy applies to all pupils at Dunottar School whether or not in the care of the school but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by their parents.

For information:

References to the 'Headmaster' includes deputies. 'Parent' includes one or both of the parents, a legal guardian or education guardian. 'Removal' means that a pupil has been required to leave, but without the stigma of expulsion. Sub-headings are for ease of reading and not part of the policy.

This document is available to all interested parties on our website and on request from the main office.

This document is reviewed annually by the Deputy Head (Pastoral) John Weiner or as events or legislation change requires. The next scheduled date for review is October 2023.

Exclusion from school

There are two types of exclusion:

1. Fixed term exclusion (temporary exclusion/suspension)

This is a temporary exclusion usually for a **fixed number of days**. The pupil should remain at home during this period (during which time the school should take reasonable steps to set and mark work for the pupil). Fixed term exclusions may be, for example, for a period of between 1 and 5 days for very serious indiscipline; or less serious offences, where repeated punishment has proved ineffective. If a fixed term exclusion is ineffective, the Headmaster may be forced to permanently exclude the pupil, or to require him/her to be removed (as described below).

2. Permanent exclusion

This is where the pupil is permanently removed from the school and the contract between the school and parents in relation to the excluded pupil is terminated. The decision should only be taken where the pupil has committed a serious breach or persistent breaches of the school's behaviour policy; and/or allowing him/her to remain in the school seriously harms the learning or welfare of the pupil or others in the school; and/or the parents have breached their contractual obligations with the school, including with regard to non-payment of fees.

For breach of school discipline by a pupil, in most cases, this will be after a wide range of alternative strategies have been tried without success. However, there will be exceptional circumstances where, in the Head's professional judgement, it might be appropriate to permanently exclude a child for a single serious breach (one-off or first offence). Examples of misconduct that might be considered as a serious breach are set out in Appendix 1.

Stages of Exclusion

UCST schools must ensure the exclusions process follows published school policies and the Terms and Conditions of the contract with parents. The exclusions process will usually fall into **three stages**:

1. Investigation
2. Decision by the Headmaster
3. Consideration of the Headmaster's decision by a Stage 3 Panel – *if requested by parents.*

The initial decision on whether to exclude is for the Headmaster to take. As part of considering each permanent exclusion, **the Headmaster must consult with the Head of Independent Schools at United Learning (or Regional Director for Independent Primaries) before the decision is reached.**

1. Investigation

Heads must apply sanctions fairly, and, where appropriate, after due investigative action has taken place. Parents should be informed in writing as soon as reasonably practicable if a complaint or allegation under investigation is of a nature that could result in the pupil being excluded.

In some cases investigation may not be immediately possible if, for example, the incident is complex and a number of witness statements are required. In this case, a Head may issue a fixed term exclusion for a short period (a maximum of 5 school days is advised) as a neutral act:

- to allow investigation to take place; and/or
- to give opportunity for a reasoned decision.

In this case the letter informing parents of the fixed term exclusion should clearly state that the reason for the fixed term exclusion is **“to allow investigation into an incident which may result in permanent exclusion”**. The letter should not state that the fixed term exclusion is, in itself, punishment for the incident under investigation. Further information about the investigation process can be found below.

2. Decision by Headmaster

Once the investigation is complete, a further letter should be sent containing one of the following:

- notification for the pupil to return to school;
- an extension to the fixed term exclusion (if reasonably required); or
- notification of a permanent exclusion.

Decisions should be reached on the balance of probabilities e.g. it is more likely than not that the pupil committed a serious breach of school discipline. In exceptional cases, usually where further evidence not available at the time of the investigation has come to light, a fixed term exclusion may be extended and/or converted to a permanent exclusion. Similarly, a Head may choose to dismiss a fixed term exclusion in the light of new evidence.

3. Behaviour outside school

The Headmaster has the authority to make disciplinary decisions about behaviour taking place on trips, outings, sporting fixtures, or travel/movement in the vicinity of the school. Subject to the requirements of this and the school's individual behaviour policy, the Headmaster may discipline pupils even if the circumstances giving rise to exclusion occur when the pupil is out of school. Schools' own policies should make clear how this operates in practice. By way of example, this may apply in the following circumstances:

- Misbehaviour when the pupil is:
 - taking part in any activity organised by the School, or related to the School;
 - travelling to and from school;
 - wearing school uniform; or
 - in some other way identifiable as a pupil of the School.
- Misbehaviour at any time, whether or not the conditions above apply, that:
 - could have repercussions for the orderly running of the School;
 - poses a threat to another pupil or member of the public; or
 - could adversely affect the reputation of the School.

In all cases, the above misbehaviour would apply whether it took place in person, over the telephone or online (including on social media).

4. Police involvement and parallel criminal proceedings

The process of exclusion from school and criminal proceedings can, and should, run parallel. However, in certain circumstances the school's own disciplinary process may need to be postponed pending the outcome of the police investigation. Schools should liaise closely with the Police in such cases to avoid jeopardising any Police investigation. In such circumstances, an extended fixed term exclusion may be used (if appropriate).

Schools should also take particular care if there are ongoing safeguarding concerns and ensure they follow their safeguarding procedures to avoid jeopardising any external investigation and that appropriate advice is sought before taking any disciplinary decision.

5. Required removal

Any decision to require the removal of a pupil should also follow consultation with the Head of Independent Schools at United Learning (or Regional Director for Independent Primaries) before the decision is reached by the Headmaster.

Required removal may be an option available to the Headmaster as an alternative to exclusion. **Schools are advised to check the detail of school policies and the Terms and Conditions of the Contract to see the circumstances in which a pupil may be required to leave as opposed to being excluded.**

By way of example, a Headmaster may require parents to remove a pupil when, in the professional opinion of the Headmaster, there has been a breakdown in the relationship between the pupil and/or parent(s) and the School. This may arise through:

- A breakdown of trust and confidence between the School and the parent(s). This may manifest itself in a number of ways, including:
 - unreasonable behaviour or conduct of parents which adversely affects (or is likely to adversely affect) their child's or other children's progress at the school, or the wellbeing of staff and/or brings (or is likely to bring) the school into disrepute
 - parent(s) not supporting the school in behaviour management
 - vexatious behaviour, such as parents repeatedly bringing unsubstantiated claims
 - abusive behaviour by parents to the school's staff, pupils or other parents (for example as a spectator at school fixtures).
- A breakdown of trust between the school and the pupil. This may manifest itself in a number of ways, including:
 - persistent misconduct such as unauthorised absence from school;
 - unsatisfactory attendance and, in the reasonable opinion of the Headmaster, the removal is in the school's best interests and that of the child or other children;
 - when a pupil has brought a malicious or unjustified allegation against a member of staff;
- Other circumstances where the Headmaster (after appropriate consultation) is satisfied that it is not in the best interests of the pupil, or of the School, that the child remains at the School.

The above are examples only. All UCST schools must check school policies and the Terms and Conditions of the contract to ensure termination is in accordance with published policies and the provisions of the contract.

6. Investigatory procedures

All misbehaviour or disciplinary incidents must be dealt with by the school as soon as it is reasonably possible to do so.

In the event of an incident of serious misbehaviour, an investigation should be carried out to establish the facts. An investigation of a complaint or allegation about serious misbehaviour may be coordinated by the Deputy Head or an appropriate member of senior staff. It is important to ensure that parents are informed as soon as reasonably practicable if a complaint or allegation under investigation is of a nature that could result in the pupil being excluded.

To ensure a fair process, the pupil should be given the opportunity to give their account of events and to put forward any mitigating factors: this is important to establish whether there are grounds for the reported complaint and/or a formal investigation. The School should arrange for a member of staff to be present to support the pupil. A pupil who is waiting to be interviewed may be segregated and the School may confiscate a pupil's mobile phone or other personal

belongings (as appropriate) for such a period as it is deemed necessary. Due regard should also be had to any vulnerability and/or SEND the pupil may have any whether any additional support should be put in place.

If other pupils and staff are involved, it may be appropriate to speak with them and/or ask them to prepare written statements as soon as possible after the incident has taken place. The findings of the investigation should be presented to the Headmaster for consultation and consideration.

7. Suspension (pending an investigation)

While an investigation into a pupil's conduct is carried out, a pupil may be suspended from school and may be required to stay at home, or with their education guardian. Alternatively, the pupil may be placed under a segregated regime on school premises. When a pupil is suspended, teachers should set work to be completed by the pupil during their period of absence.

Schools should note that they still owe a duty of care to any pupil who is suspended pending an investigation.

8. Search

The School reserves the right to search pupils and their possessions and must ensure such searches are conducted in line with guidance on searches and confiscation issued by the [DfE \("Searching Screening and Confiscation"\)](#) and the School's own behaviour policies.

9. Reports to the Police (and others)

Schools will usually report to the Police any activity which they reasonably suspect may amount to criminal activity which takes place either within the school grounds or outside of its grounds.

Possessions or items including (but not limited to) drugs, weapons or phones which are evidence of an offence must be passed to the Police as soon as possible. Any article that is reasonably suspected to be an offensive weapon must also be passed to the Police.

If schools reasonably suspect a pupil may have taken drugs then schools should seek immediate medical advice and involve the Police and/or children's social care, where necessary and appropriate.

In cases where a pupil is suspected or alleged to have committed an offence, such as rape, assault by penetration or sexual assaults, the starting point is that they should be passed to the Police. This will often be a natural progression of making a referral to children's social care. The school's designated safeguarding lead (or a deputy) should be leading the school's response and should be aware of the local process for referrals to children's social care and making reports to the Police. The alleged victim's parents will usually also be informed (subject to data protection and safeguarding considerations) of the incident and be told that the Police have been informed.

Schools should ensure their Safeguarding and Child Protection Policy is followed to ensure there is appropriate support in place for all pupils involved.

10. Disciplinary meeting

A formal disciplinary meeting should always follow where the investigation has identified a case for which permanent exclusion is a possible outcome.

11.Preparation for the meeting

The Headmaster should convene a meeting to consider the matter and invite the pupil and his/her parents to attend the meeting. The Chair of the LGB should also be kept informed (but should **not** take part in the process). Prior to the meeting, certain documents should be made available to the pupil (as appropriate to their age and understanding) and their parents, wherever possible. These documents may include, but are not limited to:

- a statement setting out the points of complaint;
- written witness statements;
- notes of the evidence in support of the complaint;
- the relevant school policies and procedures; and
- the investigation report.

Due regard must be had to confidentiality owed to other pupils and/or families and compliance with the school's data protection obligations. Documents may therefore require redaction or a summary provided instead. Any written submission provided by, or on behalf of the pupil, should be passed to the Headmaster before the disciplinary meeting. We recommend at least one full working day before the meeting to allow sufficient time for the Headmaster to review.

The pupil should be in attendance throughout the disciplinary meeting and may be accompanied by a trusted adult (which may be a member of staff). The pupil's parents may similarly be accompanied, should they wish. Legal representation is not appropriate and should not be permitted. Parents may take their own notes of the meeting but electronic recordings should not be permitted. The Headmaster should be informed of all attendees at least 24 hours before the disciplinary meeting.

12.Proceedings

The process to be followed at the disciplinary meeting shall be determined by the Headmaster but should be as informal as possible. The meeting will be conducted in a manner appropriate to the age, understanding and maturity of the pupil/s involved, taking into account any additional needs of the pupil/s in all circumstances. Notes should be taken by the school during the disciplinary meeting. The meeting should be followed up in writing, to confirm what was discussed. A copy of the notes can be provided to the parents, if they request this.

The pupil should have an opportunity to provide their account and both the pupil and his/her parents should be able to ask questions. The pupil/parents should also be able to address the Headmaster on the issue of sanctions.

If the Headmaster considers that further investigation is needed, the disciplinary meeting may be adjourned, and the reason for this adjournment should be explained to the pupil and their parents. If an adjournment is not necessary, the Headmaster should communicate their decision in writing as soon as reasonably practicable following the meeting and in accordance with any timeframe(s) set out in school policies. The Headmaster should include the reasons for their decision and the appropriate sanction. The pupil's previous disciplinary history may be taken into account, when reaching a decision.

Due regard must be had to any SEND the pupil may have and whether this may have contributed to the misconduct in question. Consideration must also be had to the school's obligations under the Equality Act 2010 where the pupil may be considered as having a disability.

13. Leaving status

If the Headmaster decides that a pupil should leave the school, the pupil's parents *may* be consulted to determine the appropriate leaving status for that pupil (i.e. permanent exclusion, required removal or voluntary withdrawal by the parents). There is no obligation on the Headmaster to consult with parents. If the decision is made by the parents to withdraw the pupil, there should be no right to appeal.

Pupils who have permanently left the school, irrespective of leaving status, should not be permitted to re-enter school premises without prior consent from the Headmaster and may not be permitted to sit public examinations at the school, irrespective of the timing of the offence(s). The school may make arrangements for the transfer of any course and project work to either the leaving pupil, the parents or to another school.

14. Decision letter

The Headmaster's decision letter should make clear to parents the disciplinary sanction that has been applied, the reasons for the decision (with reference to appropriate school policy and/or the terms of the contract, where applicable) and any right of appeal and how parents may exercise this.

Where a pupil is permanently excluded, the sanction that will be applied to the pupil will be that of a permanent exclusion. This means that the pupil is permanently excluded *unless and until* the decision is overturned (such as following a review by a Stage 3 Panel on appeal). This means that the excluded pupil will not be allowed back into school *unless* the permanent exclusion is reversed.

15. Appeal Hearing

An appeal process must be available to parents of a permanently excluded pupil or where the pupil is required to leave the school. The right to appeal does not extend to suspensions (whether pending an investigation or as a sanction) or where the pupil is withdrawn by the parents. Schools will use the final (panel) stage of their Complaints Procedure (Stage 3).

If parents wish to appeal the Headmaster's decision to exclude/require removal, UCST recommends that parents or must do so within 3 working days OR 75 hours of the decision of the Headmaster's decision. Individual school exclusions policies must make clear the timescales that apply and that these supersede the timeframes provided for in the Complaints Procedure when it relates to an appeal against the permanent exclusion/required removal of a pupil. This is important to provide certainty and to avoid matters becoming protracted. A school who receives a request outside the specified period is not obliged to arrange an appeal, but it is recognised that there may be exceptional circumstances where an appeal may be accommodated; in such circumstances, schools may exercise their discretion and arrange a Stage 3 panel hearing to take place outside the normal timescales.

16. Request for review

Upon notification of the Headmaster's decision to exclude or require a pupil to leave the School, parents may wish to appeal the Headmaster's decision and request a Panel hearing under Stage 3 of the Complaints Procedure. The process set out in Stage 3 of the Complaints Procedure must be followed.

Unless individual school policy states otherwise, UCST recommends that an application should be received by the Clerk to the LGB within 75 hours or 3 working days of the decision being notified to the parents and clearly set out the grounds on which parents are asking for a review and the outcome that they seek.

17. Review hearing (under Stage 3 of the Complaints Procedure)

The review should be undertaken by two members of the LGB and at least one person that is independent of the School, as per Stage 3 of the Complaints Procedure. None of the panel should have detailed prior knowledge of the case. Parents should be notified in advance of the names of the members making up the review panel. The meeting should take place at the School premises and within the timeframes set out in the school complaints policy.

A review meeting is an internal procedure and all those involved, or who are concerned in the procedure, should be reminded to keep its proceedings confidential. Those present at the hearing will usually be:

- members of the review hearing and the Clerk to the LGB;
- the Headmaster and any relevant members of staff whose presence the Headmaster considers to be necessary to secure a fair outcome for the pupil; and
- the pupil (where appropriate)
- the pupil's parents and, if they wish, the parents may be accompanied by a friend or relation who is not legally qualified.

18. Conduct of the review hearing

UCST schools must ensure that they follow the process set out in their complaints procedure when conducting a Stage 3 Panel Hearing. In addition to ensuring compliance with their own complaints procedure, all USCT schools are strongly advised to ensure the following arrangements are in place:

- The review hearing should be chaired by one member. As with the disciplinary meeting, the hearing should be conducted in an informal, non-adversarial manner appropriate to the age, understanding and maturity of the pupil involved, taking into account any additional needs of the pupil in all circumstances.
- Someone should be asked to take minutes of the hearing. This will usually be the Clerk to the LGB. A copy of the minutes can be provided to the parents after the meeting, if the parents so request.
- Parents may take their own notes of the meeting but electronic recordings should not be permitted.
- The Chair of the Panel should ensure that all those present have the opportunity to ask questions and make appropriate comment.
- The Chair of the Panel may at his/her discretion adjourn or terminate the hearing. If the hearing is terminated without a conclusion being reached, the original decision of the Headmaster will stand.

19. Decision

The Panel will consider the grounds for the review and may decide to either:

- uphold the decision of the Headmaster and, if minded to do so, with agreement of the Headmaster, discuss the pupil's leaving status (i.e. permanent exclusion, required removal, or withdrawal) with a view to reaching an agreement; or
- if they wish, recommend the decision of the Headmaster to be reviewed and, if minded to do so, recommend the Headmaster reviews their decision including recommending an alternative sanction.

The decision should be notified, together with the reasons for the decision, to the parents by the Chair of the review hearing in writing within 7 working days of the review.

20. Confidentiality

All those participating in the application of this policy including parents and pupils are required to keep all statements, correspondence, notes and documents confidential except where legally required to disclose them.

21. Responsibilities of Each School

The procedures followed should ensure fairness and openness in the handling of exclusions. Schools should follow this guidance and individual school policies and ensure compliance with their Terms and Conditions. This will reduce the chance of any successful legal challenge to the exclusion at a later stage.

22. Role of the LGB (Local Governing Body)

The United Learning Trust Charity Board has delegated powers to the LGB to review the Headmaster's decision to exclude. Where parents request an appeal, two members of the LGB and the independent Panel member should consider any representation(s) about an exclusion made by the parents of the excluded pupil.

23. The Panel's Decision

As noted above, the Panel may decide to uphold an exclusion or recommend reconsideration by the Headmaster. Only in very rare circumstances may a Panel decide to overturn the Headmaster's decision and order reinstatement (either immediately or by a particular date).

The Panel must inform the parent and the Headmaster of their decision, in writing without delay and within the timescales set out in school policy, stating their reasons. A note of the Panel's decision should be placed on the pupil's school record with copies of relevant papers.

24. Role of the Clerk to the LGB

The panel may appoint a Clerk. The Clerk should not be a member of the governing body or the Headmaster's personal assistant. The role of the Clerk is to handle the administrative arrangements for considering exclusions. The Clerk should not contribute to the meeting other than in an administrative capacity. Where possible, the Clerk should be experienced in exclusion matters so that the meeting can progress smoothly.

25. The role of United Learning

United Learning does not have a decision-making role in exclusions for any school. The Charity Board has delegated this responsibility to the Headmaster of each school. As part of considering each permanent exclusion, however, the Headmaster must consult fully with the Education Director of United Learning (or delegated executive) before a decision is reached. It is the Panel which has the duty to review the Headmaster's decision to exclude, when requested by the parents.

26. Deleting a pupil from the school roll

Where a pupil is permanently excluded or is required to leave, the pupil should not be removed from the roll until such time as the timeframe for appealing the Headmaster's decision has passed and/or the outcome of any Stage 3 Panel review is known. This is important because a pupil can only lawfully be deleted from the admission register on the grounds prescribed in the Education (Pupil Registration) (England) Regulations 2006 as amended. These Regulations list the limited lawful grounds for removing a pupil from the roll. These include:

- The pupil has been registered at another school (unless it is agreed that the pupil should be registered at more than one school)
- The pupil is registered at more than one school, but has ceased to attend the school in question and a school at which the pupil is registered has given consent to the removal
- Written notification has been received from the parents that the pupil will be receiving education otherwise than at school
- The pupil has been permanently excluded
- The pupil, who is not of compulsory school age, has ceased to attend the school

27. Remedies after the panel's decision

There are various courses of action disgruntled parents could take if they are unhappy with the decision to exclude and/or the management of the exclusions process. By way of example, these could include:

1. A complaint to the Department for Education, ISI and/or Ofsted if parents consider there are whole school issues that have not been addressed.
2. Breach of contract – if parents believe the school has acted in breach of the Terms and Conditions of the contract
3. Equality Act 2010 claim – if parents are of the view the decision is discriminatory and/or otherwise in breach of the Equality Act 2010

Name of owner	J.Weiner (owner since September 2023) Marc Broughton	Authorised R.Cole Oct 2014
Governor responsible	A.Porteous (LBG Chair)	
Date Document Reviewed	October 2014	R.Cole/ M. Broughton
Date Document Updated	July 2015	M. Broughton/ S. Thorne
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Date document reviewed and updated in line with UCST Exclusions Policy- this now becomes the Local management procedures	Oct 2021	S. Thorne/ M. Broughton
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Next Review Date	January 2026/ <i>as events change or legislation changes requiring updates</i>	