



# READING BLUE COAT

## Permanent Exclusion & Required Removal Policy

### 1. Introduction

This policy contains guidelines on the circumstances in which a student may be permanently excluded or required to be removed from Reading Blue Coat School ('the School').

All students must observe the rules, regulations and policies of the School. The School is a community and parents have an obligation to exercise their influence over students to ensure, so far as possible, that the School rules are complied with and that students derive the greatest possible benefit from membership of the School.

Good conduct and discipline in the School is the responsibility of the Headmaster and they are assisted in performing their duty by the staff of the School. By accepting a place at the School, parents, on behalf of their child, confirm their acceptance of the Governors' and the School's policies on disciplinary matters as referred to in the School's Terms and Conditions.

Infringements of the School rules and disciplinary matters generally will be dealt with on a day-to-day basis by the Headmaster and staff of the School, in accordance with the *Behaviour, Rewards and Sanctions Policy*. In the case, however, of a very grave breach of discipline or a criminal offence, the Headmaster has the right to exclude a student permanently or to require their removal from the School.

Permanent Exclusion requires the immediate and permanent removal of a student from the School and expunges the student's name from the roll of the School. A student's reference will refer to 'Permanent Exclusion' from the School.

Required Removal is a less aggravated form of exclusion than Permanent Exclusion. Required Removal does not expunge a student's name from the roll of the School and the student's reference will state that they were 'required to be removed'.

### 2. Aims

#### 2.1 The aims of this policy are:

2.1.1 to ensure procedural fairness and natural justice; and

2.1.2 to promote cooperation between parents and the School when it is necessary that a student is required to leave the School earlier than expected.

### 3. Scope

3.1 The policy applies to all students at the School but does not cover cases when a student has to leave because of ill health, non-payment of fees, or withdrawal by their parent(s).

3.2 This policy will be made available in large print or other accessible format if required.

3.3 The Headmaster is responsible for updating this policy.

**4. Interpretation:** The definitions in this clause apply in this policy.

**Headmaster:** means the Headmaster of the School as appointed by the School Governors.

**Parent:** means parent(s), legal guardian or education guardian.

**Permanent Exclusion:** means that a student must permanently leave the School if it is proved on the balance of probabilities that they have committed a very grave breach of discipline or a serious criminal offence. Permanent exclusion is reserved for the most serious breaches.

**Required Removal:** means that the permanent removal of a student is required if:

(a) after consultation with the parent(s) (and the student, if appropriate), the Headmaster considers that the conduct of a parent is unreasonable; or

(b) by reason of the student's conduct, attitude or progress, they are unwilling or unable to benefit sufficiently from the educational opportunities and/or the community life offered by the School.

**Working day:** a weekday during term time when lessons are being taught. For the avoidance of doubt, term dates are published on the School website and in the Calendar. Information about term dates is made available to parents and students periodically.

### 5. Permanent Exclusion

5.1 The main types of misconduct which could result in Permanent Exclusion are:

5.1.1 supply/possession/use of alcohol, tobacco, certain drugs or solvents (including their paraphernalia or substances intended to resemble them);

5.1.2 theft, blackmail or physical violence;

5.1.3 discrimination or harassment on the grounds of a protected characteristic according to the *Equality Act 2010*;

5.1.4 bullying (including cyber-bullying);

5.1.5 verbal abuse or threatening behaviour

5.1.6 misconduct of a sexual nature (including engaging in sexual relationships, sexual assault and/or the supply or possession of indecent images);

- 5.1.7 possession or use of unauthorised firearms or other weapons;
- 5.1.8 vandalism or computer hacking;
- 5.1.9 damage to property;
- 5.1.10 hate incidents or hate crime;
- 5.1.11 conviction of a criminal offence;
- 5.1.12 serious or persistent refusal or failure to obey the reasonable instructions of a member of staff or to follow the School rules;
- 5.1.13 behaviour which puts the safety and wellbeing of the student, or any other person, in jeopardy;
- 5.1.14 persistent attitudes which are inconsistent with the School's ethos or one-off extreme behaviour which falls into the same category; and
- 5.1.15 other serious misconduct, whether one-off or multiple incidents, whether inside or outside the School, which affects or is likely to affect the School's reputation or the welfare of any member of its community.

## **6. Required Removal**

6.1 The main circumstances which could result in Required Removal due to unreasonable parental behaviour are:

- 6.1.1 treating the School or a member of staff unreasonably;
- 6.1.2 making a malicious allegation about the School, a member of staff, or student;
- 6.1.3 communicating with the School in any manner which is vexatious, relentless, confrontational, unreasonable or overly aggressive;
- 6.1.4 behaving in a manner which could or does adversely affect the School's reputation or the welfare of any member of its community(s);
- 6.1.5 behaving in a manner which could or does adversely affect a student's progress at the School; and
- 6.1.6 breaching the School's 'Terms and Conditions' (i.e. the Parent Contract).

6.3 The main circumstances which could result in Required Removal due to the student's conduct, attitude or progress are:


- 6.3.1 displaying recurring unwillingness to engage academically;
- 6.3.3 misconduct having received a warning from a member of the Senior Leadership Team that further misdemeanours could result in the student losing their place at the School;
- 6.3.4 displaying recurring low-level disobedience of the School rules; and

6.3.5 any other circumstance in which the School deems the student is unwilling or unable to benefit from the educational opportunity available.

**7. Behaviour related to SEND**

The School will make reasonable adjustments for managing behaviour which is related to a student's SEND diagnosis. Where Permanent Exclusion or Required Removal needs to be considered, the School will ensure that a SEND student is able to present their case fully where their diagnosis might hinder this.

**8. The procedure:** Appendix 1 sets out the procedure which is normally followed for Permanent Exclusion or Required Removal, but this will not have contractual effect. All procedures will be conducted fairly and in a way that is appropriate to the circumstances.

Author(s):	Pete Thomas (Headmaster)
Date:	September 2023
Review Frequency:	Annually
Next Review Date:	September 2024
Associated Policies:	<ul style="list-style-type: none"> <li>• Behaviour, Rewards &amp; Sanctions Policy</li> <li>• Complaints Policy</li> <li>• Drugs &amp; Drug Testing Policy</li> <li>• Student Manual</li> <li>• Terms &amp; Conditions (Parent Contract)</li> </ul>
Agreed by:	 <hr style="width: 20%; margin: 0 auto;"/> <p>Howard Williams (Chair of Governors)</p>
Date of Agreement:	September 2024

## APPENDIX 1: Procedure for Permanent Exclusion or Required Removal

Where a parent(s)' first language is not English or they have a disability, reasonable steps will be taken to ensure that this procedure has been understood.

### 1. Investigation

1.1 **Management:** Investigation of serious misconduct will normally be coordinated by a senior member of staff and its outcome will be reported to the Headmaster. Parents will be informed of the incident and ongoing investigation, usually in writing and as soon as reasonably possible. Parents agree that they will cooperate fully with the investigation and, if necessary, arrange for their and their child's attendance at the School for interviews and meetings. The Headmaster shall act with procedural fairness in all such cases and shall have regard to the interests of the student and the parents as well as those of the School.

### 1.2 Suspension:

1.2.1. A student may be suspended from the School as a neutral act while an incident(s) is being investigated (see the School's 'Behaviour, Rewards & Sanctions Policy').

1.2.2. A member of staff, usually the Director of Section, will notify the parent(s) of the reason and period of suspension, and the parent(s)' right to make representations to the governing body.

1.2.3. If a suspension continues for more than three working days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the student. The School will coordinate these with the parent(s), who should note that there may be a delay in providing work whilst teaching staff determine what work should be set.

1.3 **Interview:** Where a member of staff investigating the matter thinks it is necessary to interview any students about the incident, the student will normally be accompanied by an appropriate adult (usually a member of staff), unless this would impose a delay in proceedings which might jeopardise the veracity of evidence. A minute of the interview will be recorded in writing and normally sent to each party as soon as practicable after the interview ends. Alternatively, the pertinent facts from the interview will be communicated to parent(s) in a summary letter from the investigator, rather than in the form of minutes. The student may be asked to make a signed statement; this is used on a need-to-know basis, although the School may reserve the right to protect a student's anonymity where necessary (for example, where they are at risk of retaliation or other harm).

1.4 **Suspension of an investigation:** It may be necessary to suspend an investigation, for example, where external agencies such as the police or social services are involved and advise that this is necessary. If so, relevant staff will consider advice from an appropriate external agency and the process will be subject to periodic review.

### 2. Disciplinary meeting with the Headmaster

2.1 **Preparation:** The Chair of Governors will be informed of the meeting and the Headmaster will consult any documents they consider relevant. The parent(s) will receive a full report of the investigation at least two working days before the meeting and will have the opportunity to

submit any documents they believe are relevant. The parent(s) may waive their right to this two-day period if it is in their interest to proceed with the meeting sooner.

2.2 **Attendance:**

2.2.1. The student (and their parent(s), if available) will be asked to attend the disciplinary meeting with the Headmaster. This invitation will be in writing and make clear that a possible outcome of the meeting is the student's removal from the School. Legal representation will not be permitted.

2.2.2. In the meeting, the student may be accompanied by a member of staff of their choosing. The student and parent(s) will have an opportunity to state their side of the case. In general, signed witness statements (in accordance with item 1.3) will be relied on, rather than witnesses attending the meeting itself.

2.2.3. If the parent(s) or student have any special needs or disabilities that call for additional facilities or adjustments (e.g., parking or the provision of documents in accessible format), those requirements should be made known to the School so that appropriate arrangements can be made.

2.3 **Proceedings:** There are two distinct stages of a disciplinary meeting:

2.3.1 **The incident:** The Headmaster will consider the incident and the evidence, including statements made by and/or on behalf of the student. Unless the Headmaster considers that further investigation is needed, they will decide whether a serious breach of discipline has been sufficiently proved. The standard of proof is the balance of probabilities, i.e., the student must be more likely than not to have committed a disciplinary breach.

2.3.2. **The sanction:** If a disciplinary breach has been proved, the Headmaster will outline to the student the range of sanctions that they consider to be available (see the *Behaviour, Rewards & Sanctions Policy*).

2.3.3. The Headmaster will consider any facts they think are relevant when determining which sanction to use, including the student's disciplinary record and mitigating factors that may have contributed to the behaviour (such as special needs or bereavement).

2.3.4. All relevant evidence and reasons will be recorded in writing and retained. The Headmaster, having consulted members of the Senior Leadership Team, will communicate their decision in writing via email or otherwise, with reasons, to the student's parent(s), normally within 24 hours, of the disciplinary meeting.

3. **Delayed effect:** A decision to permanently exclude or require the removal of a student shall take effect seven days after the decision is first communicated to the parent(s). Until then, the student shall remain suspended and away from the School site. If, within seven days, the parent(s) have made a written application for a Governors' Review (see item 5), the student shall remain suspended until the review has taken place and a decision is made either to uphold or reconsider the sanction.

4. **Leaving status:** If a student is permanently excluded or required to be removed, their leaving status will be: "permanently excluded" or "required removal".

- 4.1 In certain circumstances, and at the Headmaster's discretion, the parent(s) may be offered the opportunity of withdrawal in lieu of required removal or permanent exclusion. In this event, the student's leaving status will be "withdrawn by parent(s) with the agreement of the Headmaster" and the Headmaster shall be free to explain the background in any reference for ongoing education. If a decision is freely taken by the parent(s) to withdraw the student in these circumstances, the parent(s) will waive any right to a Governors' review.
- 4.2 The School will give sensitive consideration to some or all of the following when considering leaving status:
- the form of letter which will be written to the parent(s) and the form of announcement in the School that the student has left
  - the form of reference which will be supplied for the student
  - the entry which will be made on the School record and the student's status as a leaver
  - arrangements for transfer of any course or project work to the student, their parent(s) or another school
  - whether (if relevant) the student will be permitted to return to the School site to sit public examinations
  - whether (if relevant) the School can offer assistance in finding an alternative placement for the student
  - whether the student will be entitled to leavers' privileges
  - whether the student will be eligible for membership of the Old Blues Association and if so from what date
  - the conditions under which the student may re-enter the School site in the future
  - financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; the refund of any prepaid fees.
5. **Governors' review**
- 5.1 **Request for review:** A student or their parent(s) have the right to request a Governors' review of the Headmaster's decision. Appeals are dealt with by way of a panel hearing (see Appendix 2).
6. **Fees:** For fees after expulsion please see the *Terms and Conditions (Parent Contract)*.

## APPENDIX 2: Governors' Review

**Request for review:** Parents may request a Governors' review of the Headmaster's decision to permanently exclude a student or if a temporary exclusion would prevent the student from taking a public examination, by making a written application to the clerk to the governors (the Bursar) within **7 days** of the decision being notified to a parent(s).

- 1.1 **Grounds for review:** In their application the parent(s) must state the grounds on which they are asking for a review and the outcome which they seek. If a student is voluntarily withdrawn by a parent(s) during or following the investigation process, there are no grounds for a Governors' review of the Headmaster's decision.
- 1.2 **Review panel:** The review panel shall consist of the governor nominated by the governing body to chair the panel, or an alternative governor appointed by the nominated governor if he or she is unable to act, one further governor and a person independent of the school, in both the latter cases selected by the clerk to the governors. The review panel members will have no detailed previous knowledge of the issues or of the student or parent(s) and will not include the Chair of governors. Parent(s) requesting the review will be entitled to know the names of the members of the review panel in advance.
- 1.3 **Role of the panel:** the role of the review panel is to consider the representations made and to make recommendations to the Headmaster accordingly.
- 1.4 **Review meeting:** The meeting will take place at the School site, or virtually if agreed between the parties, as soon as reasonably practicable and on a date as reasonably convenient to those involved in the review as can be arranged. If necessary, the chair of the review panel will hold a preliminary meeting to give directions as to the further conduct of the review. A review will not normally take place during school holidays. A review meeting is a private proceeding and all those who are concerned in it are required to keep its proceedings confidential, subject to any legal and regulatory requirements to disclose.
- 1.5 **Attendance:** Those present at the review meeting will normally be:
  - members of the review panel and the clerk to the governors or their deputy.
  - the Headmaster and any relevant member of staff whom the student or their parent(s) have asked should attend and whom the Headmaster considers should attend in order to secure a fair outcome.
  - the student's parent(s). The parent(s) may be accompanied by a friend or relation and, if they wish, a member of the School staff who is willing to speak on the student's behalf. The clerk to the governors must be given seven days' notice if the friend or relation is legally qualified.
  - The student may be present for part of the meeting by advance agreement with the clerk to the governors.
- 1.6 **Conduct of meeting:** The meeting will be chaired by one member of the review panel and will be conducted in a suitable room and in an informal manner. Parent(s) and the School will be entitled to call any witnesses relevant to the complaint subject to the case management control of the chair. The clerk to the governors will be asked to arrange for a minute to be taken of the main points which arise at the meeting. The chair may direct that a recording be taken of the proceedings. All those present will be entitled, should they wish, to write their own notes. The meeting will be directed by the chair who will conduct it so as to ensure that



all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The chair may at their discretion adjourn or terminate the meeting on the basis of the conduct of the parties. If the meeting is terminated, the original decision will stand.

1.7 **Procedure:** The review panel will consider each of the questions raised by the student's parent(s) or the student to determine:

- whether the facts of the case were sufficiently proved when the decision was taken to exclude the student;
- whether the sanction was warranted, that is, whether it was proportionate to the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the School's policy in that respect.

If for any reason the student's parent(s) or the student are dissatisfied with any aspect of the meeting they must inform the chair at the time and ask the clerk to the governors to note their dissatisfaction and the reasons for it.

1.8 **Identification:** If the Headmaster considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the chair may require that the name of that person and the reasons for withholding it be written down and shown to the review panel members. The chair at their discretion may direct that the person be identified, or not as the case may be.

1.9 **Student's character:** Up to two members of the School staff may speak generally about the student's character, conduct and achievements at the School if they are willing to do so.

1.10 **Decision:** When the chair decides that all issues have been discussed sufficiently and if by then there is no consensus, they may adjourn the meeting; alternatively, the chair may ask those present to withdraw while the review panel considers its recommendations. The review panel's recommendations will be notified in writing with reasons, to the Headmaster, the parent(s) and the student by e-mail or otherwise by the chair of the review panel or the clerk to the governors within 3 working days of the meeting. The Headmaster will provide their response to any recommendations within 24 hours. In the absence of any procedural irregularities, the Headmaster's decision will be final.

1.11 **Record:** A record shall be maintained by the School of the review, the documents relating to the proceedings, and the findings of the review panel. These records shall be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008, as amended, requests access to them. The recommendations and findings of the review panel shall be made available to the Chair of the governors, and if they think it desirable shall be made available to governors.