



HARRODIAN

Exclusions Policy

Introduction

This policy should be read in conjunction with the School's *Behaviour Policy*, *Drugs Policy*, *Anti-Bullying Policy*, *E-Safety Policy* and *Theft in School Policy*. It will be used in cases of serious misconduct (including but not limited to criminal behaviour) which could lead to exclusion, or the pupil being required to leave in any of the circumstances referred to below.

This policy is made available on the School's website. A paper copy is available from the School office on request.

Serious Misconduct

Serious misconduct likely to lead to the application of the procedure set out below is (but is not limited to) conduct of the following nature:

- supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol, tobacco, e-cigarette or e-cigarette products either in or out of school;
- theft, blackmail, extortion, physical violence, intimidation, racism or persistent bullying (including online bullying);
- misconduct of a sexual nature;
- supply or possession of pornography;
- possession or use of unauthorised firearms or other weapons (including knives);
- vandalism;
- misuse of information technology and computer hacking;
- persistent attitudes or behaviour which are inconsistent with the School's ethos;
- other serious misconduct which affects the welfare of a member or members of the School community or which brings the School into disrepute (single or repeated episodes) on or off school premises.

Investigation Procedure

Complaints or allegations of serious misconduct should be referred to the relevant Section Head in the first instance. The Section Head will launch an investigation into the matter to be undertaken with a view to establishing the facts. The Section Head may carry out the investigation themselves or ask the Head of Year of the pupil concerned to undertake the investigation or such part of the investigation as the Section Head considers appropriate.

Complaints or allegations of serious misconduct arising from online safety incidents should be referred to the Deputy Head and the School's E-Safety Officer in the first instance. The Deputy Head will start an investigation into the matter with a view to establishing the facts. She may carry out the investigation herself or ask the Head of IT to undertake the investigation or such part as the Deputy Head considers appropriate in accordance with the procedures set out in the *E-Safety Policy*.

The School will inform the parents as soon as reasonably possible that the pupil may face formal disciplinary action and the reason for it. The Section Head will inform the Headmaster.

As part of the investigation the pupil may be questioned and the pupil's private space (such as a locker), belongings (such as a bag or pencil case) and outer clothing may be searched in appropriate circumstances and in accordance with the procedures regarding the searching for prohibited items set out in the School's *Searching, Screening and Confiscation Policy*. Where the search is not for a prohibited item, outer clothing will only be searched if the pupil removes it voluntarily. All reasonable care will be undertaken to protect the pupil's human rights and freedoms.

During the investigation in appropriate cases, the pupil may be suspended from attending the School and from engaging in any School activities. Suspension will also prohibit access to any part of the School site including the School's IT network in case of an e-safety/cyber-bullying incident. No fee rebate or other financial claims will be permitted.

On completion of the investigation, the Section Head will prepare a written report on the investigation and advise the Headmaster whether there is a case of serious misconduct which the pupil should answer; or the misconduct is less serious and a disciplinary sanction other than exclusion is appropriate in which case the sanctions set out in the School's *Behaviour Policy* will apply; or there is no case for the pupil to answer.

A copy of the investigation report including written statements and evidence will be provided to the pupil, and his/her parents or guardians. Except as required by law, the School and its staff shall not be required to divulge to parents or others any confidential information or the identities of pupils or others who have given information which has led to the complaint or allegation or which has been acquired during an investigation. Written statements and evidence provided may therefore have names or identifying details removed.

Disciplinary Meeting

In a case where the Deputy Head or Section Head has reported that there is a case to answer, a disciplinary meeting will be convened within 7 days of receipt of the report at which the Headmaster will consider the complaint or allegation of serious misconduct and the findings of the investigation. The Section Head/Deputy Head and, if necessary, the Head of Year shall be in attendance. The pupil and his/her parents shall be entitled to attend but they shall not be entitled to be legally represented. The pupil and the parents shall be given every opportunity to state the pupil's case. Notes of the meeting will be taken by the School and the pupil and parents will be provided with a copy after the meeting.

The Headmaster will consider all that is said at the meeting and, if he feels he then has all the information necessary to make a decision, decide whether the complaint or allegation of serious misconduct has been sufficiently proved and the disciplinary sanction he will impose.

The Headmaster will make his decision on the balance of probabilities. If he finds that the pupil has committed a very grave breach of School discipline or a serious criminal offence and there are no mitigating or extenuating circumstances e.g. special educational needs warranting the imposition of a lesser sanction, he will decide that the pupil shall be excluded.

If the Headmaster decides that there are mitigating or extenuating circumstances or that the conduct in question is insufficiently serious to warrant exclusion he may decide on another disciplinary sanction as set out in the School's *Behaviour Policy* such as suspension for a fixed period or suspension from certain School activities and/or the imposition of a final warning.

The Headmaster's decision shall be communicated to the pupil and the parents within 24 hours of the end of the disciplinary meeting. The Headmaster will confirm his decision and the reasons for it in writing within 3 days of the meeting.

The pupil shall stay away from the School following the disciplinary meeting pending the outcome of the Headmaster's decision and during any review procedure. The decision to exclude the pupil will be effective immediately on its communication to the pupil and his/her parents.

Right to Appeal

The pupil or parents may request a review of the decision in accordance with the Formal Procedure for Review of an Exclusion set out in Appendix 1.

Leaving Status

The leaving status of the pupil will be determined by the Headmaster as part of his decision, as: excluded, required to leave or withdrawn by parents. The Head will confirm such matters as:

- The form of reference which will be supplied for the pupil.
- The entry which will be made on the School record and the pupil's status as a leaver.
- Arrangements for transfer of any course and project work to the pupil, his/her parents or another school.
- Whether (if relevant) the pupil will be permitted to return to School premises to sit public examinations and under what costs and conditions.
- Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.
- Whether the pupil will be entitled to leavers' privileges.
- Whether the pupil will be eligible for membership of the Harrodian Alumni and if so from what date.
- The conditions (if any) under which the pupil may re-enter School premises in the future.
- Financial aspects: payment of any outstanding fees and extras: refund of prepaid fees.

Recording and Monitoring

Where the sanction imposed for serious misconduct is exclusion, the written report on the investigation into the serious misconduct will be placed on the pupil's file.

Details of the exclusion will be recorded on the School's confidential Disciplinary Log of all sanctions imposed for serious misconduct, which is maintained by the Head of Admin.

Linked Policies

Behaviour, Drug, Health & Safety, Theft Policy, Searching and Confiscation, Medical, Safeguarding, Allegations against Staff and Teaching Staff, Educational Visits

Person responsible for Exclusions Policy: Headmaster

Last updated: August 2022

Next update: August 2023

Appendix 1

PROCEDURE TO REVIEW AN EXCLUSION

Request for review

Parents of a pupil excluded from Harrodian have the right for a review should they wish to dispute the decision. A Notice of Review shall be in accordance with the Harrodian Review Procedure and must be received by the Head of Admin in writing within 5 working days from the date upon which the exclusion took effect. A Notice of Review received thereafter will not normally be considered.

Reason for Review

In a Notice of Review parents must:

- Include the Decision being reviewed and its date
- State clearly why they believe the exclusion needs to be reviewed and the outcome they seek
- Include all relevant documents

Headmaster's Response

The Notice of Review will be sent directly to the Headmaster. Within seven working days of its receipt, he will send his response and all relevant documentation back to the Head of Admin.

Upon its receipt, the Head of Admin will send copies to the parents and the School's Educational Consultant and anyone else deemed necessary in each individual case.

The Headmaster and the parent may ask for an extension in this process from the Educational Consultant who will grant this request if felt appropriate.

Where appropriate, the Educational Consultant shall seek advice from the School's Legal Representative.

Review Meeting

The meeting will take place on the School premises with a convenient date set for all parties involved. A review meeting is private and all those involved are required to keep all its proceedings confidential, subject to law.

If the parent has difficulties in attending the meeting due to a disability, work commitments or travel and is prevented from attending, the School will make reasonable adjustments, where possible, to ensure the parent can attend.

The manner in which the Review Hearing is conducted will be determined by the School's Educational Consultant. The Headmaster and parent will not be entitled to provide documentation not already provided in the Notice of Review or the Headmaster's response.

The excluded pupil is permitted to attend the meeting at his/her or their parents' wishes.

The parents may bring one person to accompany them to the meeting. The Head of Admin must be given 5 working days' notice if the friend or relation is legally qualified. Anyone accompanying the parent must be unrelated to the School.

The meeting will be conducted by the Educational Consultant in as comfortable and informal manner as possible. The Educational Consultant may agree to the attendance of other staff who the parents or Headmaster have requested, in order to reach and secure a fair outcome.

Up to two members of the School staff may speak generally about the pupil's character, behaviour and achievement at School if they are willing to do so, but they will not be expected to express an opinion about the decision which is being reviewed.

The parent shall open the meeting by presenting their case and the Headmaster shall follow by presenting his case. The parent may make a final address. Everyone is expected to show courtesy, restraint and good manners. The Educational Consultant may at their discretion, adjourn or terminate the meeting in which case, the original decision of exclusion will stand. The rules of natural justice will apply.

Parents and the School may call any witnesses relevant to the complaint whose evidence they wish to be considered and who may be cross examined by the other party. At least 5 working days' notice needs to be given to the Head of Admin in this instance, naming the witnesses they intend to call.

The Head of Admin shall take written notes of the main points that arise and likewise, all those present are entitled to write their own notes. The Educational Consultant might decide that a recording be taken of the meeting.

If, for any reason, the parents are dissatisfied with any aspect of the meeting, they must inform the Educational Consultant at the time and ask for their dissatisfaction to be noted and the reasons for them.

When the Educational Consultant decides that all issues relevant to the Review have been sufficiently discussed, he will bring the meeting to an end.

Decision

Once the Educational Consultant has brought the meeting to an end, he or she shall ask all those present to leave. The Educational Consultant shall consider all points put forward at the Review Meeting in order to come to a decision.

The Educational Consultant will consider:

- all the points and documentation put forward at the meeting
- whether the facts leading to the exclusion were sufficiently proven (using the civil standard of proof, namely "the balance of probabilities")
- if the sanction was warranted

The parents and the Headmaster will receive the decision within 3 working days of the meeting by electronic mail. The decision of the review shall be final. Another appeal will not be permitted.

If the Educational Consultant's decision is to uphold the exclusion, a discussion will take place between the parents, Headmaster and Educational Consultant to agree the pupil's leaving status.

Record

The School shall maintain a record of the review including the documents related to the meeting along with the findings. The record will be kept confidential and kept in a safe place.

Fees: For fees following exclusion, please see the parent contract terms and conditions.

(Educational Consultant named as Mr John Gough and Sir Andrew Parmley, Senior School Principal)

Person responsible for this policy: Headmaster

Last updated: August 2022

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