Permanent Exclusion and Removal from the School

This policy is a whole school policy and relates to both the Senior School and the Junior School (including the Early Years Foundation Stage)

Introduction

1. Permanent Exclusion, or a request to parents[1] for their child to be removed permanently from the school, is an infrequent event in the life of Bootham. The School's ethos and approach to pastoral care encourages the sharing and working through of difficulties.

2. Nevertheless, there may be times when the right decision is to end the School's relationship with a particular student. Such a decision should not normally come as a surprise to the student concerned who should have known or reasonably assumed that his or her action, or series of actions, was likely to be met with a very serious sanction. A decision to exclude a child will only be taken after discussing relevant matters with the parent or parents concerned.

3. While it is understood that parents will, naturally, be concerned to have the School reach a decision which is in the best interests of their child, the School also has a duty to take account of the interests of the wider School Community, and the nature of the individual student's impact upon it. This latter consideration will normally be paramount in the school's assessment of a serious disciplinary situation that would lead to a permanent exclusion.

4. The process outlined in this policy is separate from that outlined in the school's Complaints Policy and applies specifically in response to Point 11 below.

When is Exclusion under consideration?

5. Exclusion will usually be considered only where such action is deemed to be in the best interests of one or more of:

    - the student concerned,
    - other students in the School,
    - staff in the School;

[1] References to 'parent' also include 'guardian' or 'carer' as appropriate.

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and/or where the student's action has brought, or is likely to bring, the School's reputation into disrepute;

and/or where all other lesser disciplinary sanctions have been used and serious behaviour issues have not been resolved;

and/or where a single action or event is of sufficient seriousness in the judgement of the School as to warrant such a response.

6. Exclusion will also be considered where the student concerned is regarded on the balance of probabilities as having committed a criminal offence, whether or not connected with the School, and whether or not criminal proceedings have been instituted. See Appendix 1.

7. A student is also liable to be excluded if fees remain unpaid unless an arrangement has been agreed with the Bursar for paying off those arrears.

8. A student may be excluded if the behaviour of a parent is deemed unreasonable as referred to in paragraph 7(c) (i) of the school's term and conditions.

Process

9. The decision to exclude a student can only be made by the Head[2]. Before any final decision is made, the Head will consult with the Clerk to the School's Governors' Meeting (i.e. the School's Chair of Governors) or, in the absence of the Clerk, with the Deputy Clerk.

10. The Head will offer a meeting with the parents and the student. He will normally be accompanied by one of the Deputy Heads or the Head of Year most acquainted with the student and the circumstances leading up to the alleged incident of pattern of behaviour. At that meeting the reasons for possible exclusion will be discussed and the student and parents will be able to make the case for the student remaining at the school.

11. Before a decision is taken to exclude a student permanently, the Head may first choose to invite the parent(s) concerned to withdraw the student from the School.

Appeals

12. If a child is excluded by the Head (including cases in which the parents have not acceded to a request that they remove the child from the School) then the parent may appeal against that decision. Such an appeal should be made in writing to the Clerk to the School's Governors' Meeting (c/o the Bursar) within 14 days of the decision to exclude and should set out the reasons for disputing the Head's

[2] References to 'Head' include the Head at either the senior or junior school. Exclusion of a junior school student will take place only after consultation with the senior school Head and other parties as detailed in paragraphs 7 to 16

decision. For the avoidance of doubt, a simple disagreement with the decision of the Head will not of itself be grounds for an appeal.

13. A student whose exclusion is subject to such an appeal will be suspended from attending the School pending the outcome of the appeal. The process described in Point 14 below will be carried out as quickly as possible, given that the student would be suspended, and normally within seven calendar days during term time. In the school holidays this process may take longer, but will not be unreasonably delayed.

14. The Clerk will appoint an Appeal Panel of three members of the Governors' Meeting. The panel should not include any Governor with detailed knowledge of the case or student, and will not include the Clerk or Deputy Clerk. On occasion, the Clerk may co-opt to the panel a person independent of the leadership and management of the school. Prior to the meeting of the Appeal Panel the Clerk will arrange for the Head to produce a statement of the reasons for Exclusion and will give the Appellant(s) the opportunity to comment upon that statement.

15. Unless otherwise agreed by the Appellant(s), at least three calendar days' notice will be given of the time and place of the meeting of the Appeal Panel (normally on the School premises). The Appellant(s) concerned, the Head and the members of the panel will attend the meeting. If there is any dispute as to the facts which gave rise to the exclusion decision, then the Appeal Panel may hear evidence as to those facts from relevant witnesses. The Head, and the Appellant(s) may make oral submissions to the Appeal Panel. Subject to the preceding provision of this paragraph the Appeal Panel may determine its own procedure. Appeal meetings are private procedures and all those concerned are required to keep its proceedings confidential.

16. Normally the panel will retire to consider whether to uphold the decision of the Head or to ask for it to be reconsidered. In determining the outcome of the appeal, the panel must conclude whether or not the Head's decision to exclude was reasonable, given the evidence presented. In particular, the panel will consider:
    - Whether the decision was fair procedurally and substantively – whether the facts of the case were proven on the balance of probability, and the appropriate procedure was followed
    - Whether the sanction was proportionate.

17. Whether or not the decision of the Appeal Panel is announced at the time of the meeting, the Panel will produce a written decision giving their reasons either for upholding the Head's decision or for asking for it to be reconsidered by the Head in the light of those reasons. This will be sent to parents, normally within seven calendar days of the panel hearing. The Head will provide his response to the panel's recommendations, in writing, within 24 hours. In the absence of a significant procedural irregularity, the Head's decision will then be final.

Note: This policy will be checked and updated, on an annual basis, for matters of fact and process

Spring Term 2024 – Fact and Process review undertaken. The following changes were made:

- Inclusion of para 10 – meeting prior to a decision to exclude
- Addition of Para 16 & the need to conclude that the Head's decision to exclude was unreasonable in order for request it be overturned.
- Other additions to appeal process

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Appendix 1

Conduct of students outside school leading to Exclusion

The School takes the conduct of its students outside of school grounds extremely seriously. A student's misbehaviour outside of 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 the 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.

The School will usually report to the police any activity which it believes may amount to a criminal activity which takes place either within the school grounds or outside of its grounds. Drugs and weapons will be confiscated immediately and held for the police as potential evidence. If the School believes a student may have taken drugs then the School will seek immediate medical advice and may involve the police.

Sexual offences will generally be reported to the police immediately, including in cases where a student is suspected or alleged to have committed such an offence provided a reasonable amount of evidence is available. The alleged victim's parents will usually also be informed immediately of the incident and told that the police have been informed. Whether the victim and parents then speak to the police is a matter for them.