



British Junior Academy of Brussels

Exclusions, Expulsion, Removal and
Review Policy

Revised January 2019



The British Junior Academy of Brussels

Exclusions, Expulsion, Removal and Review Policy

This policy is for the whole school including the Early Years Foundation Stage

Please also see:

- Promoting Positive Behaviour Policy
- SEN Policy
- Admission Registration and Participation Policy

Principles

At BJAB we try to ensure that our insistence on high standards is based on the following principles:

- It is built on the foundation of mutual respect
- It focuses on commending good behaviour rather than merely drawing attention to the bad
- It is consistent and fair
- It affirms the pupils' value whilst acknowledging inappropriate behaviour
- It encourages individuality rather than merely dull conformity

These aims are backed up by a system of rewards and, where necessary, appropriate sanctions, the most serious of which are laid out below. This policy should be read in conjunction with our Behaviour Policy, which sets out the levels of sanctions. The sanctions below constitute those beyond the consequence ladder – the highest level.

Highest level Sanctions

The Proprietor makes available to the Headteacher three sanctions for the most serious disciplinary matters.

- Suspension (also known as Temporary Exclusion)
- Removal at the Request of the school (also known as Required Withdrawal)
- Expulsion (also known as Permanent Exclusion)

The main categories of misconduct across the whole of BJAB school which may result in one of the above sanctions are as follows:

- Repeatedly reaching the end of the class consequence ladder
- Extreme danger or violence
- Very serious challenge to authority e.g. threatening
- Verbal or physical abuse to any staff
- Running out of school
- Possession of a weapon
- Possession of illegal drugs or substances
- Malicious accusations against a member of staff

Other serious misconduct towards a member of the school community or which brings the school into disrepute (single or repeated episodes), on or off the school premises.

Action will be taken following a single offence where that offence is deemed to be sufficiently grave. In most cases, suspension will be the result of a first offence, although the Headteacher may at her discretion expel any pupil for a first offence, which is considered sufficiently grave to warrant such a step.

In other instances, action 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 pupil may also be required to leave if, after all appropriate consultation, the Headteacher is satisfied that it is not in the best interests of the pupil, or of the school, that he/she remains.

The aim of this policy is to ensure procedural fairness and natural justice and to promote co-operation between the school and parents when it is necessary for a pupil to leave earlier than expected.

References to the Headteacher include the Senior Leadership Team in her absence. "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.

BJAB is fully committed to ensuring that the application of this policy is non-discriminatory, in line with the UK Equality Act (2010). Further details are available in the school's Equal Opportunity Policy document.

The policy applies to all pupils at BJAB, including those in our EYFS setting, but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by his/her parents.

This policy is available to parents and prospective parents on request from the school office and can also be accessed on the website.

Policy Procedure

The Behaviour Policy explains the school's expectations for behaviour and the procedures for encouraging such standards of behaviour. The following procedures specifically deal only with major disciplinary issues.

Kindergarten and Reception

For the Kindergarten and Reception exclusion would only take place once all other avenues have been explored and exhausted, including one to one intervention.

Years 1 to 6

The Proprietor makes available to the Headteacher three sanctions for serious disciplinary matters.

- Suspension (also known as Temporary Exclusion)
- Removal at the Request of the school (also known as Required Withdrawal)
- Expulsion (also known as Permanent Exclusion)

Suspension (Temporary Exclusion)

Only the Headteacher can suspend a child. Before deciding to suspend a child the Headteacher or SLT will ensure that an appropriate investigation has been conducted; ensure that all the relevant evidence has been considered; give the child an opportunity to be heard; and consult other relevant people if necessary.

Work will generally be set for a child to do at home during the period when they are suspended for more than one day. In addition, consideration will be given to any relevant problems of the suspended child and how they might be addressed in the interim, together with reintegration post-exclusion.

The Headteacher or SLT in her absence will inform parents without delay, in person (whenever possible) or by telephone. The Headteacher or SLT will also write to confirm the exclusion, stating the length and the reasons. Suspension constitutes a clear warning about continued membership of the school and this warning should be regarded as final. The Headteacher is in all cases reluctant to suspend more than twice. No child who is suspended for a second occasion may return to the school without the Headteacher having obtained the approval of the Proprietor.

Removal at the Request of the school (Required Withdrawal)

Parents may be required, during or at the end of a term, to remove the pupil, without refund of fees, temporarily or permanently from the school if, after consultation with a parent, the Headteacher is of the opinion that the conduct or progress of the pupil has been unsatisfactory or if the pupil, in the judgement of the Headteacher, is unwilling or unable to profit from the educational opportunities offered (or a parent has treated the school or members of its staff unreasonably) and in any such case removal is considered to be warranted. The deposit will be refunded in the event of removal from the school and fees in lieu of notice will not be charged but all outstanding fees and extras will be payable in full.

Only the Headteacher can require parents to remove a pupil and before doing so she will follow the same procedure as for temporary exclusion.

In making decisions about requiring the removal of a pupil the Headteacher will take into account any special educational needs, disabilities, gender and cultural differences that may be relevant to the case, as well as an agreed list of issues relating to exclusion.

Expulsion (Permanent Exclusion)

A pupil may be expelled at any time if the Headteacher is reasonably satisfied that the pupil's conduct (whether on or off school premises or in or out of term time) has been prejudicial to good order or school discipline or to the reputation of the school. The school and the Headteacher will act fairly and in accordance with the procedures of natural justice and will not expel a pupil other than in grave circumstances. There will be no refund of fees following expulsion (and all unpaid fees must be paid). The deposit will not be returned/credited, but fees in lieu of notice will not be charged.

Some parents prefer, after due consideration, voluntarily to withdraw their child rather than the school imposing an expulsion. However, it must clearly be understood that the Headteacher reserves the right to insist on expulsion.

Only the Headteacher can expel a child and before doing so he will follow the same procedure as for suspension.

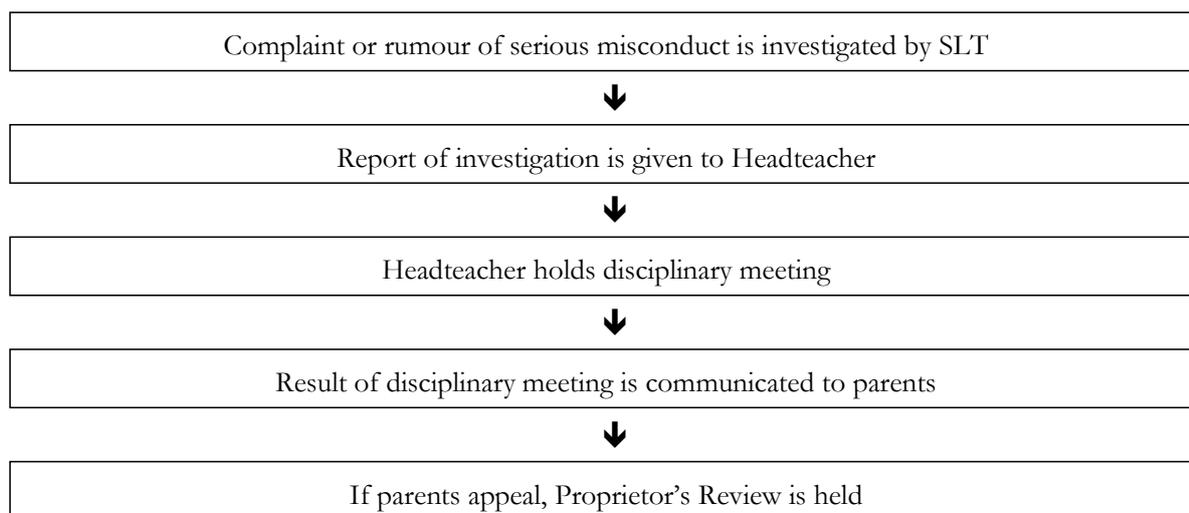
In making decisions about expulsion the Headteacher will take into account any special educational needs, disabilities, gender and cultural differences that may be relevant to the case, as well as an agreed list of issues relating to exclusion.

Appeal

A decision to expel, or require the removal of, a child is not taken lightly and before it is reached the Headteacher will have given careful consideration to any representations by the parents. In the process, she will consult the Proprietor and agree the issues relating to exclusion.

Parents may, if they wish, communicate with the Proprietor by letter. Any such letter should be addressed to the Proprietor at the school. If parents wish the Proprietor to review the case they should set out the nature of their appeal in writing, detailing the nature of their grievance and the reasons they see for review.

Summary of process



Investigation Procedure

An investigation will be conducted fairly with respect for individuals and for natural justice and in a way which is appropriate to a school, without formal legal procedures. Such an investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the SLT and its outcome will be reported to the Headteacher. A pupil may be suspended while a complaint or suspicion is being investigated.

On suspicion, consent is sought for any searches of pupils' belongings or property, such as bags. However, it must be noted that despite its being sought, consent is not necessary for searching on suspicion. Any searches take place in the presence of a second adult witness. Individuals should be aware that if access is refused the school may proceed in calling the Police or the parent. By law physical searches of pupils are not allowed.

Disciplinary Meeting

The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Headteacher at which the SLT or deputising member of staff will explain the circumstances of the investigation. The pupil may also be accompanied by a member of staff of his/her choice. The pupil and his/her parents will have an opportunity to state their side of the case. Members of staff will be on hand to join the meeting if needed, and their statements will be disclosed but, in most cases, the anonymity of pupils will be preserved.

There are potentially three distinct stages of a disciplinary meeting:

The complaint – the Headteacher will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Headteacher considers that further investigation is needed, she will decide whether the complaint has been sufficiently proved. The standard of proof shall be the civil standard, namely the balance of probabilities. Appropriate reliance may be placed on hearsay evidence but the Headteacher will not normally refer to the pupil's disciplinary record at this stage.

The sanction – if the complaint has been proved the Headteacher will outline the range of disciplinary sanctions which she considers are open to them and this may include exclusion from the school for a fixed period of time. She will take into account any further statement which the pupil and/or others present on his/her behalf wish to make. The pupil's disciplinary record will be taken into account. Then, or at some later time within five working days the Headteacher will give her decision, with reasons.

Leaving status – if the Headteacher decides that the pupil must leave the school, she will consult with a parent before deciding on the pupil's leaving status (see below).

Delayed effect – a decision to expel or remove a pupil will take effect five working days after the decision was first communicated to a parent. Until then, the pupil will remain suspended and away from school premises. If within five working days the parents have made a written application for a Review by the Proprietor, the pupil will remain suspended until the Review has taken place.

Leaving status

When a pupil is expelled or required to leave, the leaving status will be one of the following: 'expelled', 'removed' or 'withdrawn by parents'.

Additional points of leaving status to be decided include:

- The form of letter which will be written to the parents and the form of announcement in the school that the pupil has left
- 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
- Whether (if relevant) the school can offer assistance in finding an alternative placement for the pupil
- The conditions under which the pupil may re-enter school premises in the future
- Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees

The Proprietor's Review

A pupil or his/her parents, aggrieved at the Headteacher's decision, may make a written application for a Proprietor's Review. The application must be received by the Proprietor within five working days of the decision being notified to a parent. In their application, the parents must state the grounds on which they are asking for a review and the outcome which they seek.

The Review will be undertaken by a three-member committee, nominated by the Proprietor. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not normally include the Proprietor. Parents will be notified in advance of the names of the panel members. Fair consideration will be given to any bona fide objection to a particular member of the panel.

The Review will not normally take place during school holidays. The Review Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law. Those present at the Review Meeting will normally be members of the panel, the Headteacher and any relevant member of staff whom the Headteacher, the pupil or his/her parents have asked should attend and whom the Headteacher considers should attend in order to secure a fair outcome. Also, present will be the pupil, his/her parents and, if they wish, a member of the school staff who is willing to speak on the pupil's behalf. The parents may be accompanied by a friend or relation. The committee must be given 7 working days' notice if the friend or relation is legally qualified. A scribe to keep a written record of the main points of the meeting will also be present.

The meeting will be chaired by one member of the Review Panel and conducted in a suitable room and in an informal manner. All statements made at the meeting will be unsworn. The proceedings will not be tape-recorded without the consent of both the Chair of the Review Panel and a parent and any tape-recording will be used only to assist the panel members in reaching their decision and formulating their reasons. It

will belong to the school. The scribe will be asked to keep a written minute of the main points which arise at the meeting. All those present will be entitled, should they wish, to write their own notes. The meeting will be directed by the Chair of the Review Panel who will conduct it 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 of the Review Panel may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

The Review Panel will consider each of the questions raised by the pupil or his/her parents inasmuch as they relate to the following:

- Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove of the pupil. The civil standard of proof – the balance of probability – will apply.
- 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.

The requirements of natural justice will apply. If for any reason the pupil or his/her parents are dissatisfied with any aspect of the meeting they must inform the Chair of the Review Panel at the time and ask the scribe to note their dissatisfaction and the reasons for it.

Should the Headteacher consider it necessary in the interests of an individual or of the school that the identity of any person should be withheld, the Chair of the Review Panel may require that the name of that person and the reasons for withholding it be written down and shown to the panel members. The Chair of the Review Panel at his/her discretion may direct that the person be identified or not, as the case may be.

Up to two members of the school staff may speak generally about the pupil's character, conduct and achievements at the school if they are willing to do so.

If, having heard all parties, the Panel is minded to confirm the Headteacher's earlier decision, it is open to the Panel, with agreement of the Headteacher, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement.

When the Chair of the Review Panel decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he may adjourn the meeting. Alternatively, the Chair of the Review Panel may ask those present to withdraw while the Panel considers its decision. The decision will be notified, with reasons, to the parents by the Chair of the Review Panel or the Proprietor by letter within five working days of the meeting. In the absence of a significant procedural irregularity, the decision of the Review Panel is final.

Discretion

The decision to exclude, suspend, require removal or expel a pupil and the manner and form of any announcement shall be in the sole discretion of the school, acting on the recommendation of the Headteacher. In no circumstances shall the school or its staff 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 suspension, the requirement to remove or expulsion or which the Headteacher has acquired during an investigation.

Access

A pupil who has been withdrawn, suspended, removed or expelled from the school has no right to enter school premises, be on school grounds or attend school trips without the permission of the Headteacher.

This policy is the responsibility of Mrs White, Headteacher and Madame De Maertelaere, the Proprietor	Revised: January 2019
Sarah White Headteacher	
Madame De Maertelaere School Proprietor	
To be reviewed:	January 2020