



KD
GRAMMAR
SCHOOL
FOR BOYS

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Kassim Darwish Grammar School for Boys

Permanent Exclusion Policy

INTRODUCTION AND THE AIMS OF THE POLICY

- This policy should be read in conjunction with the School's Behaviour Policy, Anti-Bullying Policy, E-Safety Policy and Complaints Procedure.
- A decision to exclude permanently a student is never taken lightly and this policy is designed to ensure that the parents and the student concerned have a chance to have their side of the story heard and that the process is fair and transparent.
- For the purposes of this policy, "**working days**" refers to **weekdays (Monday to Friday) during term time**, excluding bank holidays, half term and major holidays (winter, spring and summer)

PERMANENT EXCLUSION

- A non-exhaustive list of the types of behaviour that could merit permanent exclusion includes the following:
 - physical assault against students or adults;
 - behaviour which puts the safety of the student, or any other person, in jeopardy;
 - verbal abuse/threatening behaviour against students or adults;
 - bullying, including cyber-bullying, in accordance with the School's Anti-Bullying Policy;
 - committing a criminal offence;
 - fighting;
 - abuse on the grounds of race, religion/belief, SEND or any form of unlawful discrimination;
 - sexual harassment or misconduct, including youth-produced sexual imagery;
 - drug and alcohol misuse (including supply/possession/use);
 - damage to property;
 - vandalism or computer hacking;
 - theft or unauthorised possession of any property belonging to the School, another student, or a member of staff;
 - wilful damage to property;
 - bringing illegal, inappropriate or dangerous items into School, such as drugs, weapons, firearms, pornographic material, etc;
 - misconduct which adversely affects or is likely to adversely affect the welfare of a member or members of the School community;
 - misconduct which brings or is likely to bring the School into disrepute; and
 - persistent disruptive behaviour or breaches of the School's Behaviour Policy

REQUIRED REMOVAL

- As set out in the School's Terms and Conditions (Parent Contract), the School may require the removal of a student in circumstances where the Executive Head considers in their discretion that the behaviour or conduct of a **parent/carers** (or both parents/carers):
 - is unreasonable; and/or

- adversely affects (or is likely to adversely affect) their child's or other children's progress at the School, or the well-being of School staff; and/or
 - brings (or is likely to bring) the School into disrepute; and/or is not in accordance with their obligations under the Parent Contract
- A non-exhaustive list of the types of behaviour that could merit required removal of a student on the grounds of unacceptable behaviour or conduct of a parent/carer, includes the following:
 - treating the School or a member of staff unreasonably;
 - making a malicious allegation about a member of staff or the School;
 - communicating with the School in person or in writing (directly or indirectly), in a manner which is deemed unreasonably voluminous, and/or relentless, and/or confrontational, and/or unreasonable, and/or overly aggressive;
 - behaving in a manner which adversely affects (or in a manner which is likely to adversely affect) the welfare of a member or members of the School community; and
 - breaching the School's Terms and Conditions (Parent/Carer Contract)
 - The School reserves the right to impose sanctions for the behaviour of a parent/carer falling short of required removal, including but not limited to placing restrictions on a parent's access to School/School events, communications with the School and/or the imposition of a warning (up to and including a final written warning).
 - As set out in the School's Terms and Conditions (Parent/Carer Contract), the School may require the removal of a student in circumstances where the Executive Head Teacher considers in their discretion that the student's attendance or progress at the School is unsatisfactory and, in the reasonable opinion of the Executive Head Teacher, the removal of the student is in the School's best interests and/or those of the student or other children.
 - Please note that exclusion/required removal may also be imposed by the School as a sanction for a series of minor misdemeanours.

PROCEDURE FOR REACHING A DECISION OF PERMANENT EXCLUSION

- The Executive Head Teacher undertakes to apply any sanctions fairly, and, where appropriate, after due investigative action has taken place (such investigation to normally be carried out by a senior member of staff nominated by the Executive Head Teacher).
- Any findings of fact will be made on the basis of the balance of probabilities. Parents/carers will be informed as soon as reasonably practicable if a complaint or allegation under investigation is of a nature that 'could' result in the student being excluded.
- The School reserves the right to require the student to remain away from School as a neutral act during an investigation procedure. Alternatively, the student may be placed under a segregated regime if they remain on School premises.
- If the Executive Head Teacher considers that further investigation is needed, the disciplinary meeting (as set out in section ii of this policy) may be adjourned, and the reason for the adjournment will be explained to the student/their parents.

- The procedure that the School will follow before reaching a final decision about a permanent exclusion has three distinct steps:
 1. Investigation
 2. Meeting with parents/carers
 3. Appeal.
- A different person will conduct each stage of the procedure.

1. Investigation

- Before a decision is taken, it is essential to establish the facts. For this reason an investigation will be carried out.
- In cases where the allegation may lead to a permanent exclusion, the investigation will normally be led by a senior member of staff; he or she will be independent of the case.

Interviews

- Students and staff who were involved or witnessed the incident may be asked to write a statement or be interviewed by the person conducting the investigation.
- When students are being interviewed or asked to write statements, a second adult will be present. This will normally be a member of the Senior Leadership Team.
- The second adult will be independent of the case and they will not play an active part in any interview; they are there to observe that the process is fair and may provide support to the student.

Informing parents/carers

- Parents/carers will normally be informed after 'initial' investigations have been made, and sufficiently far enough in advance of any meeting to allow them time to prepare.
- If the Police or Social Services are involved, parents/carers will be informed immediately, unless the School is instructed not to do so by those agencies.

Remaining at home

- It may be necessary for a student to remain at home whilst the investigation takes place; this is not a disciplinary sanction and it will only be done when necessary to allow the School to investigate the allegations properly.
- Parents/carers will be informed immediately once this is deemed necessary and the School will endeavour to ensure that this is for as brief a period as possible.
- Suitable arrangements will be made to ensure that work is sent home and then marked during this period.

2. Meeting with parents/carers

- The Executive Head Teacher will arrange a meeting with the parents/carers which will be convened as soon as is practicable, but not sooner than **five** working days, in order that both parties have sufficient time to prepare.

- The parents/carers may attend the meeting and be accompanied to the meeting by the student(s) concerned and one other person, if they wish. This may be a relative, teacher or friend. Legal representation will not be permitted.
- At the meeting, the Executive Head Teacher and or person who conducted the investigation will give a full account of their findings. The Executive Head Teacher, the parents/carers, and the student will be given the opportunity to ask questions at this stage.
- The parents/carers and the student will then be given the opportunity to offer any further contextual information or detail of any mitigating factors they would like to be taken into account before any decision is reached.
- The meeting will normally be conducted by the Executive Head Teacher. (If the Executive Head Teacher is unable to conduct the meeting he/she will appoint a senior member of staff to act in his/her place. Where this policy refers to the Executive Head Teacher, this person will fulfil his/her function in this instance.)
- The Executive Head Teacher may ask further questions of the parents/carers and/or the student.

Decision

- Following the meeting, the Executive Head Teacher will adjourn to consider his or her decision, which, will be reached on balance of probability.
- The parents/carers will be informed of the decision in writing as soon as is practicable but no later than **ten** working days after the meeting.
- In making decisions about exclusion, the Executive Head Teacher will take into account any special educational needs, disabilities and cultural differences that may be relevant to the case.
- If the Executive Head Teacher reaches the view that the student is guilty of misconduct but decides not to exclude permanently, a lesser sanction may be imposed, in accordance with the School's Behaviour Policy.

3. Appeal

The School will always offer the right of appeal to any student excluded or required to be removed from the School.

- Any appeal against exclusion will be dealt with under **Stage 3** of the School's Complaints Procedure, and should be made in writing to the Trust Office, within **five** working days of the student's exclusion.
- The outcome of the appeal process is '**final**' and there shall be no further right to appeal.
- If a decision is taken by the parents/carers to withdraw the student, they will waive any right to an appeal.
- The appeal will be heard by a panel as set out below. It is important to understand that an appeal is not a re-run of the original meeting. It does not look again at the facts in the way

that the Executive Head Teacher did and then decide whether to exclude or not. It looks to see if the School conducted the investigation and the disciplinary meeting as it is laid out in this policy and if the Executive Head Teacher came to a fair and appropriate decision.

- If there is new evidence which was not available for the disciplinary meeting, the panel may, at their discretion, look at this and decide if it might have led the Executive Head Teacher to a different decision.

Grounds

- In order to have a 'successful' appeal, parents/carers will need to show one of the following:
 - The School did not conduct the investigation or the disciplinary meeting fairly, or
 - The Executive Head Teacher's decision was unfair or inappropriate.
- The reasons for either of the above cases are known as the 'grounds of appeal'.
- Parents/carers should indicate the grounds when they request an appeal hearing. The Panel can then consider these grounds and conduct a review of the fairness of the original decision and the sanction imposed.
- The Panel will take into consideration all the evidence which the Executive Head Teacher had when making the decision to exclude permanently and a record of the process followed (notes of the disciplinary meeting etc.).
- The student and his parents/carers will be allowed to make representations to the Panel and ask questions. The Executive Head Teacher and the members of staff who conducted the investigation will be present to explain the process followed and the basis on which the final decision was reached. Members of the Panel may ask further questions of those present.

Procedure

- An appeal hearing will normally be convened within **14** working days of the request for an appeal made by the parents/carers.
- The Panel will consist of two Trustees, one of whom will chair the Panel, and a third member who is independent of the running of the School.
- The parents/carers may attend the appeal hearing and be accompanied by the student(s) concerned and one other person, if they wish. This may be a relative, teacher or friend. Legal representation will not be permitted.
- The Panel will be given all of the evidence arising from the original investigation in advance of the appeal hearing. If either party wishes to submit new evidence, this must be done **at least five working** days before the appeal hearing to allow everyone sufficient time to prepare.
- Following an adjournment, the Panel will reach a decision and can overturn a decision to exclude permanently if it feels that the sanction was unreasonable in the circumstances.
- The Panel will write to the parents/carers informing them of its decision and the reasons for it, normally within **7** working days of the hearing. The decision of the Panel will be **final**.

- A copy of the Panel's findings and any recommendations will be sent by electronic mail or otherwise given to the parents/carers as well as the Chair of Trustees and the Executive Head.

RECORDING AND MONITORING

- Where the sanction imposed is exclusion, required removal or suspension, the written report on the investigation will be retained for a reasonable period of time in accordance with data protection principles.

MONITORING AND EVALUATION

- The monitoring and evaluation of the effectiveness of this policy and its implementation will be carried out by the Executive Head Teacher.
- The Senior Leadership Team will meet annually to review the effectiveness of the policy.

Date	June 2023
Reviewed by	Mrs F Bani
Next Review Date of this Policy	Summer Term 2024