



La Petite Ecole Française

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PUPIL EXCLUSION, REMOVAL AND REVIEW POLICY

Introduction

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be permanently excluded from the School, or required to leave permanently for misconduct or other reasons. The policy applies to all pupils at La Petite Ecole Française (whether or not in the care of the School) 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.

It is important that this policy be read and applied in conjunction with other School policies, published separately or available on the school website, at

- Safeguarding/Child Protection Policy
- Anti-Bullying Policy
- Complaints Procedure for Parents (School Website)
- Promotion and management of behaviour Policy

Aims

The aims of this policy are:

- To support the School's Promotion and Management of behaviour policy.
- To ensure procedural fairness and natural justice.
- To promote cooperation between the School and parents when it is necessary for the School that a pupil leaves earlier than expected.

Interpretation of terms

"Parent" includes one or both of the parents, a legal guardian or education guardian.

"Permanent exclusion" means a dismissal from the School following serious misconduct formally recorded. 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 exclude a pupil other than in serious circumstances. There will be no refund of fees following the permanent exclusion (and all unpaid fees must be paid). The deposit will not be returned/credited, but fees in lieu of notice will not be charged. In making decisions about the permanent exclusion 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 permanent exclusion.

"Removal" means that a pupil has been required to leave, but without the stigma of permanent exclusion. 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

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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 he will follow the same procedure as for a 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 removal.

“Withdrawal” Means that a parent decides, after due consideration, voluntarily to withdraw their child rather than the School imposing a permanent exclusion. However, it must clearly be understood that the Headteacher reserves the right to insist on permanent exclusion.

Permanent Exclusion

Under the terms of the Terms and conditions, Clause 42:

Expulsion: *A pupil may be formally expelled from the School if it is proved on the balance of probabilities that the Pupil has committed a very grave breach of school discipline or a serious criminal offence. Expulsion is reserved for the most serious breaches. The Headteacher shall act with procedural fairness in all such cases. The Headteacher’s decision shall be subject to a Review by the Directors if requested by a Parent. The request must be made in writing as soon as possible and in any event within seven days of the decision being notified to the Parents. The Pupil shall remain away from the school pending the outcome of the Review.*

Promotion and Management of Behaviour

La Petite Ecole Française is a community where the welfare of all is protected and promoted. To facilitate this, certain standards of behaviour are expected of all pupils in and around the School, and on any School activity or trip. Such expectations are promoted and reinforced in the Promotion and management of behaviour policy.

The Promotion and management of behaviour policy is shared explicitly with all parents and form a core part of the parental contract with the school. They outline the occasions where parents will be informed formally regarding a sanction. Wherever possible and reasonable, parents will be given an informal notification of a sanction applied also. The most extreme of these sanctions. is the right to permanently exclude a pupil due to continued misconduct, a single act of gross misconduct.

Preventative measures

The School seeks to prevent the occurrence of poor behaviour long before serious sanction is necessary, and does so with high quality pastoral and personal provision, PSHEE/RSE curriculum, close supportive relationships between pupils, parents and families and regular assessment of personal attitudes.

Misconduct

Under the terms of the Promotion and management of behaviour policy, the main categories of misconduct that may result in permanent exclusion or removal are:

- Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.
- Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
- Misconduct of a sexual nature; supply and possession of pornography; sexting.
- Possession or use of unauthorised firearms or other weapons.
- Vandalism of any School property.
- Computer misuse or hacking.

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- Persistent attitudes or behaviour, which are inconsistent with the School's ethos, or are detrimental to the School, its staff or other pupils, including those expressed on social media
- Other serious misconduct towards a member of the school community or which brings the School into disrepute (single or repeated episodes) on or off school premises.

Behaviour related to a Disability

The School will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Where permanent exclusion needs to be considered, the School will ensure that a disabled pupil is able to present his or her case fully where the disability might hinder this.

Other Circumstances:

A pupil may 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 at the School. This is outlined in the Terms and conditions :

- 40 **School Discipline:** *The Parents hereby confirm that they accept the authority of the Headteacher and of other members of staff on the Headteacher's behalf to take all reasonable disciplinary or preventative action necessary to safeguard and promote the welfare of each Pupil and the school community as a whole. The school's disciplinary/behaviour management policy applies to all Pupils when they are on school premises, on the Catholic Children's Society estate, or in the care of the School including outings.*
- 41 **Terminology:** *In these Terms and Conditions "Suspension" means that the Pupil has been sent home for a limited period either as a disciplinary sanction or pending the outcome of an investigation. "Withdrawal" means that the Parents have withdrawn the Pupil from the School. "Expulsion" and "Removal" means that the Pupil has been required to leave ("asked to leave") the School permanently in the circumstances described below. "Exclusion" means that the Pupil may not return to School until arrears of Fees have been paid. "Exclusion may also be used as a general expression covering any or all of the other expressions defined in this clause.*
- 42 **Expulsion:** *A pupil may be formally expelled from the School if it is proved on the balance of probabilities that the Pupil has committed a very grave breach of school discipline or a serious criminal offence. Expulsion is reserved for the most serious breaches. The Headteacher shall act with procedural fairness in all such cases. The Headteacher's decision shall be subject to a Review by the Directors if requested by a Parent. The request must be made in writing as soon as possible and in any event within seven days of the decision being notified to the Parents. The Pupil shall remain away from the school pending the outcome of the Review.*
- 43 **Fees after Expulsion:** *If the Pupil is expelled there will be no refund of the Deposit or of the Fees for the current or past terms.*
- 44 **Removal in other Circumstances:** *Parents may be required, during or at the end of a term to remove the Pupil, temporarily or permanently from the School if, after consultation with a Pupil and/or Parent, the Headteacher is of the opinion that by reason of the Pupil's conduct or progress, the Pupil is unwilling or unable to benefit sufficiently from the educational opportunities offered by the School, of if the Pupil or their parent has treated the School, other pupils at the School or members of School staff unreasonably, including where such unreasonable behaviour affects or is likely to affect adversely the Pupil's or other pupil's progress at the School or the well-being of School staff or to bring the School into disrepute. In these circumstances, Parents may be permitted to withdraw the Pupil as an alternative to removal being required. The Headteacher shall act with procedural fairness in all such cases, and shall have regard to the interests of the Pupil and Parents as well as those of the School.*

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45 ***Fees Following Removal:*** *If the Pupil is removed or withdrawn in the circumstances described in paragraph 42 above, the rules relating to the Fees and Deposit shall be the same as for expulsion.*

Investigation Procedure

Complaints:

The Headteacher will normally coordinate investigation of a complaint or rumour about serious misconduct, and its outcome will be reported to the Senior Leadership Team. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the pupil being expelled or required to leave.

Suspension:

A pupil may be suspended from the School and required to remain at home or with his /her education guardian while a complaint is being investigated.

Search:

The School may decide to search a pupil's space and belongings, and ask him/her to turn out the contents of pockets or a bag, if we consider there is reasonable cause to do so. Clothing will not be searched until it has been removed from the wearer and care will be taken to ensure reasonable privacy. This policy does not authorise an intimate search or physical compulsion in removing clothing. If necessary, the police would be called.

Interview:

A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If the pupil is then interviewed formally about a complaint or rumour, arrangements will be made for him/her to be accompanied by a member of staff of his/her choice and/or by a parent (if available at the relevant time). A pupil who is waiting to be interviewed may be segregated but made as comfortable as possible, accompanied or visited regularly by a member of staff, and given access to a toilet, telephone and adequate food and drink.

Ethos:

An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.

Adjournment of an Investigation:

It may be necessary to adjourn an investigation, for example where external agencies such as the Police or Social Services are involved and have advised that this is necessary. A decision to adjourn an investigation will take into account advice from any external agency and will be subject to periodic review.

Disciplinary Meeting:

Preparation:

The Headteacher will chair the meeting. The documents available at the disciplinary meeting before the Headteacher will include:

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- A statement setting out the points of complaint against the pupil.
- Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
- The Headteacher Investigation Report.
- The pupil's school file and conduct record.
- The relevant school policies and procedures.

Attendance:

The pupil (if age appropriate) and his/her parents will be asked to attend the disciplinary meeting with the Headteacher at which he will explain the circumstances of the complaint and their investigation. A member of staff of the pupil's choice may also accompany the pupil. 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 other pupils will be preserved.

If the parents or the pupil have any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Headteacher or Deputy Headteacher so that appropriate arrangements can be made.

Proceedings:

There are potentially three distinct stages of a disciplinary meeting:

The Complaint/s

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, they will decide whether the complaint has been sufficiently proved. The standard of proof shall normally be the civil standard, ie. a *balance of probabilities*. However, where the allegation against the pupil would amount to a criminal offence under general law, the standard of proof should be *beyond reasonable doubt*. 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 proven, the Headteacher will outline the range of disciplinary sanctions that they consider are open to them. They will take into account any further statements that the pupil and/or others present on his behalf wish to make. The pupil's disciplinary record will be taken into account. Then, or at some later time, normally within 24 hours, the Headteacher will give their decision, with reasons.

Leaving Status

If the Headteacher decides that the pupil must leave the School, they 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 shall take effect 72 hours after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from school premises. If within 72 hours the parents have made a written application for a Review by the Governors, the pupil shall remain suspended until the Review has taken place.

Leaving Status

If a pupil is expelled or required to leave, his/her leaving status will be one of the following:

- Permanently Excluded
- Removed
- Withdrawn by parents

Additional points of leaving status include:

- The form of letter that will be written to the parents and the form of announcement in the School that the pupil has left.
- The form of reference that will be supplied for the pupil.
- The entry that 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; refunded of prepaid fees.

Proprietor/Director's Review - Request for Review:

A pupil or his/her parents, aggrieved at the Headteacher's decision to expel or require a pupil to leave, may make a written application for a Proprietor Review. The Proprietor (proprietor@lapef.co.uk) must receive the application within 72 hours of the decision being notified to a parent, or longer by agreement.

The procedure for this review will be that of a Level 4 complaint. Please refer to the School Complaints Procedure, which is available on the School's website.