



Suspension, Permanent Exclusion and Appeals Policy

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1. Context

In accordance with the School Code of Conduct, all pupils and staff have the right to be treated fairly and with dignity in an environment free from disruption, intimidation, harassment and discrimination.

To achieve this, the School will set, and work hard to maintain, high standards of pupil behaviour.

In the overwhelming number of cases when pupils transgress, the normal range of low-level interventions bring about an improvement in behaviour. There will be cases of unacceptable behaviour, however, where it will be in the best interests of the School community and/or the pupil involved, for the pupil to be removed from the School for a period of time or permanently.

Suspension and Permanent Exclusion are the options available to the Principal in these situations.

In implementing these procedures, the Principal will ensure that no pupil is discriminated against on any of the following grounds.

- a. Race, including colour, nationality, descent, and ethnic, ethno-religious or national origin
- b. Religious affiliation or belief
- c. Sexuality
- d. Disability and / or specific learning difficulties
- e. Gender or gender orientation
- f. Age

And any other protected characteristics as set out in the Equality Act 2010, or in subsequent revisions.

2. Policy statement

This policy contains guidelines which will be adapted as necessary, explaining the circumstances under which a pupil may be suspended or permanently excluded from the School.

The policy applies to all pupils at 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.

3. Policy aims

The aims of this policy are:

- To support the School's Promoting Good Behaviour Policy.
- To ensure procedural fairness and natural justice.
- To promote co-operation between the School and parents when it is necessary for the School that a pupil be suspended or permanently excluded.

4. Definitions of terms

The definitions in this clause apply throughout the policy.

- **Principal:** references to the Principal may include the Deputy Head (Operations) or Head of Prep.
- **Parent:** includes one or both of the parents, a legal guardian or education guardian.
- **Permanent Exclusion:** means that a pupil is required to leave the School permanently.
- **Withdrawal:** means the decision of the parents to withdraw their child permanently from the School
- **Suspension:** Means the temporary removal of the pupil from the School, for a period of time determined by the Principal

5. Scope and range of the policy

The proscriptions of this policy apply to the behaviour of pupils at School, on the way to and from School, and while away from the School site on School-endorsed activities. They also apply to behaviour outside of School hours and off School premises where there is a clear and close connection between the School and the conduct of pupils.

They also include the use by a pupil of social media, mobile phones and/or other technology to threaten, bully or harass another pupil or a staff member.

Where a serious disciplinary matter arises and the Principal is considering suspension or Permanent Exclusion of a pupil, the action should be taken irrespective of any action which may be taken by another agency, including the police.

Where the police are involved in a case where the Principal is considering suspension or Permanent Exclusion, the School will inform the police that this is the case, in order to ensure any potential police investigation is not compromised by the School's procedures.

6. Pupils with a disability

Where the behaviour of a pupil with a disability is causing them to be at risk of exclusion, (save for if that behaviour relates to a tendency towards violence or sexual abuse of others, which is excluded from the remit of the Equality Act 2010) the School will work with the pupil and their parents to determine appropriate strategies, which may include counselling sessions with the School Nurse, the cost of which will be met by the School.

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 their case fully where their disability might hinder this.

7. Permanent Exclusion

A pupil is liable to Permanent Exclusion for behaviour that falls into one or more of the following categories:

- A grave breach of School discipline, for example, a criminal offence or some wilful act calculated to cause serious damage to the School, or any of its members.
- Persistent and wilful failure to conduct themselves in accordance with the School's Purpose and Values, the School's Code of Conduct, and wider expectations of pupil behaviour, allied to a failure to respond to the normal range of disciplinary interventions.
- Behaviour which is judged by the School to be damaging to the well-being of the community

Specific examples of individual acts of misconduct which may result in Permanent Exclusion include, but are not limited to, the following:

- Possession of Class A or Class B drugs
- Supply to another pupil of drugs of any category
- Theft, blackmail, physical violence, intimidation, racism or persistent bullying
- Physical assault
- Possession or use of unauthorised firearms or other weapons
- Serious and malicious acts of vandalism
- Computer hacking
- Criminal behaviour
- Malicious accusations against pupils or staff
- Serious misconduct which affects the welfare of a member or members of the School community or which brings the School into disrepute.

The Principal is required to act fairly and in accordance with the principles of natural justice. The Principal will make a decision on a case-by-case basis, will permanently exclude a pupil from the School only as a last resort, and will not permanently exclude a pupil other than in grave circumstances.

In matters involving child protection issues, the Principal will be guided by the advice provided by the Designated Safeguarding Lead and any other external services, including the police.

The circumstances under which a pupil who has been permanently excluded left the School may be explained in response to any enquiry or request for a reference.

In accordance with the School's terms and conditions, where your child is permanently excluded from the School, the deposit will be forfeited meaning that the School will retain the deposit, and fees for the term in which your child has been permanently excluded will not be returned. If your child is permanently excluded from the School, fees in lieu of notice will **not** be payable and any prepaid (advance) fees and/or supplemental charges for the period after the permanent exclusion will be refunded.

8. Withdrawal

The permanent withdrawal of a pupil may be required if, after consultation with the parents and, if appropriate, the pupil, the Principal is of the opinion that:

- By reason of the pupil's conduct, behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the School; or
- The parents have treated the School, members of its staff or any member of the School community unreasonably.

Subject to payment of all outstanding fees, the pupil will be given reasonable assistance in making a fresh start at another School.

A boarder may be required to leave boarding without necessarily being required to leave the School.

9. Suspension

A pupil is liable to suspension for behaviour that falls into one or more of the following categories:

- A significant breach of School discipline.
- Persistent and wilful failure to conduct themselves in accordance with the School's Purpose and Values, the School's Code of Conduct, and wider expectations of pupil behaviour, allied to a failure to respond to the normal range of disciplinary interventions.
- Behaviour which is damaging to the well-being of the community.

Specific examples of individual acts of misconduct which may result in suspension include, but are not limited to, the following:

- Possession of Class C drugs, and other prohibited items, including weapons
- Physical violence, intimidation, aggression, or bullying
- Behaviour that endangers the wellbeing and welfare of other pupils
- Persistent defiance, disobedience and/or insolence to staff
- Vandalism
- Assisting other pupils to obtain illegal substances or supplying restricted substances, including prescribed medication

- Encouraging other pupils to break the School's Code of Conduct
- Significant violation of the rules regarding pupil drivers, and in particular, driving in a reckless manner.
- Criminal behaviour
- Serious misconduct which affects the welfare of a member or members of the School community or which brings the School into disrepute.

Suspension is not intended solely as a punishment, but is also implemented as a strategy for managing inappropriate behaviour within the School's pupil welfare and discipline policies. It is most effective when it highlights the parents' responsibility for taking an active role in modifying their child's behaviour, and this point should feature prominently in communication with parents.

For the majority of pupils, suspension allows time for reflection, to acknowledge and accept responsibility for the behaviours which led to the suspension, and to accept responsibility for changing their behaviour to meet the School's expectations in the future.

Suspension may be internal or external. It is likely that a more significant incident will attract an external suspension.

In matters involving child protection issues, the Principal will be guided by the advice provided by the Designated Safeguarding Lead and any other external services, including the police.

A pupil may also be placed under suspension while a complaint is investigated or pending the outcome of a Governors' Review.

Before a suspension is imposed, the School will:

- Ensure that appropriate support strategies and disciplinary options have been explored, applied and documented, unless the suspension is imposed for a single significant act of poor behaviour, such as those listed above.
- Ensure that appropriate support personnel, both within the School and externally, have been involved
- Develop, in conjunction with the School's Personalised Learning Department or other appropriate school personnel, support strategies to assist the pupil to manage their behaviour
- Record all action taken.

In some circumstances the Principal may determine that a pupil should be suspended immediately. This will usually be due, but not limited, to reasons such as the safety of pupils or staff.

Should a pupil be suspended, the Deputy Head (Operations) or Head of Prep will write formally to the pupil's parents to confirm the suspension. The letter will also confirm the following:

- The reasons for the suspension
- The term of the suspension
- Any relevant details relating to the investigation into the pupil's behaviour
- Details of any integration process to be followed on the pupil's return to the School

School property and facilities will be out-of-bounds to pupils under suspension, and suspended pupils will not be eligible to represent the School at sport or take part in any other extra-curricular activity. Should a pupil need access to the School, for example, in order to collect books and files, the parents should liaise with the Hm.

The successful re-integration of the pupil into the School community is a priority, and to that end the School commits to the following, if appropriate:

- To work with parents to assist a suspended pupil to re-integrate into the School community.
- To plan appropriate support for the pupil to assist with successful re-entry. This may include access to appropriate support.
- To put measures in place to ensure the safety of pupils and staff.

Pupils who have been suspended will have a formal re-integration meeting with the Principal shortly after their return to School.

10. Mediation

The School will consider the use of mediation at any stage of the disciplinary procedure set out within this policy to deal with difficult and sensitive matters involving pupils with different needs.

11. The procedure

The procedure which will normally be followed is set out in the Appendix below, but does not have contractual effect. All procedures will be conducted fairly and in a way that is appropriate to the circumstances.

Appendix A - Procedures in the event of possible Permanent Exclusion

1. Synopsis of the procedure

- a. The School is made aware of, or finds out about, serious misconduct.
- b. A member of the Senior Leadership Team conducts an investigation, which will include an interview with the pupil(s) concerned.
- c. The findings of the investigation are put to the Principal, who will decide the course of action to be taken.
- d. Should the Principal believe that the misbehaviour is such that the pupil is at risk of Permanent Exclusion, the pupil will be suspended for a period of five days, during which time the School will investigate and deliberate further.
- e. The Deputy Head (Operations) or Head of Prep will write to parents confirming the suspension. The letter will make clear that the pupil may be liable to Permanent Exclusion, and will set out the process to be followed.
- f. During, or at the end of the period of suspension, the pupil will be required to attend a formal disciplinary meeting with the Principal.
- g. At this meeting the Principal will give his decision regarding the pupil's future at Mount Kelly.
- h. The Principal will write to the parents, confirming his decision.
- i. Should the Head Principal decide that the pupil is to be permanently excluded from the School, the parents may request a Governor Review.

2. The procedure in detail

a. Investigation

Investigation into serious misconduct will be co-ordinated by a senior member of staff, and its outcome will be reported to the Principal. Parents will be informed that an investigation is under way into behaviour that is of a nature that could result in the pupil being permanently excluded or required to leave.

b. Decision

On the basis of the evidence presented, the Principal will decide the course of action, which is likely to be one of the following:

- I. No case to answer
- II. Suspension, or a lesser sanction
- III. Suspension, with the possibility of Permanent Exclusion, pending a formal disciplinary meeting with the Principal. During a suspension in these circumstances the following will take place:
 - Further investigation and deliberation will be undertaken
 - The pupil will attend a formal disciplinary meeting with the Principal

c. Suspension

The Deputy Head (Operations) or Head of Prep will write to parents confirming the suspension. The letter will make clear that the pupil may be liable to Permanent Exclusion, and will set out the process to be followed.

During the period of suspension, the pupil will be required to live at home or with his/her guardian while an investigation is ongoing, or while an investigation is suspended (see d. below).

Should a suspension continue for a period of more than five school days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The School will co-ordinate these arrangements with the pupil's parents or guardians.

Parents or guardians should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set.

In exceptional circumstances, the pupil may remain on school premises but be placed under a segregated regime.

d. Suspension of an investigation

It may be necessary to suspend 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 suspend an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.

e. Formal Disciplinary Meeting with the Principal Preparation

The Chairman of Governors will be informed of the meeting. The Deputy Head (Operations) or Head of Prep will ensure the Principal has been provided with all necessary and relevant documentation.

Attendance

The pupil will be asked to attend the disciplinary meeting with the Principal, and may be accompanied by his/her parent(s) or another adult, who may be a member of staff.

The pupil and his/her parents will have an opportunity to state their side of the case. Relevant 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.

3. The conduct of the meeting

The Principal will set out the behaviour under consideration, and the evidence, including statements made by and/or on behalf of the pupil. Unless the Principal considers that further investigation is needed, the Principal will decide whether the misbehaviour has been sufficiently proved.

The standard of proof shall be the civil standard, i.e. the balance of probabilities.

The sanction

If the behaviour under consideration has been proved, the Principal will outline the range of disciplinary sanctions which he considers are open to him. He may take into account any further statement which the pupil and/or others present on his behalf wish to make. The Principal will consider any factors s/he deems to be relevant when determining the sanctions including the pupil's disciplinary record.

Then, or at some later time, the Principal will give his decision, with reasons.

a. Leaving status

If a pupil is permanently excluded or required to leave, his/her leaving status will be one of the following: "permanently excluded" or "withdrawn".

b. Delayed effect

A decision to expel or remove a pupil shall take effect seven days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from School premises. If within seven days the parents have made a written application for a review by the

Governors, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision is made.

4. Governors' Review

- a. Request for review:** A pupil or his/her parents may request a Governors' Review of the Principal's decision to expel or require a pupil to leave. The request must be made in writing and received by the Clerk to the Governors within seven days of the Principal's decision being notified in writing to a parent, or longer by agreement. If the parents or the pupil have any special educational needs or disabilities which call for additional facilities or adjustments, these should be made known to the Clerk so that appropriate arrangements can be made
- b. Grounds for review:** In their application the parents must state the grounds on which they are asking for a review and the outcome which they seek.

Disagreement with the decision of the Principal will not of itself be grounds sufficient for a Governors Review.

5. Review panel

- a.** The Review will be undertaken by a three-member sub-committee of the Board of Governors. The panel members will have no detailed previous knowledge of the case or of the pupil or parents. If appropriate, the panel may include an independent member who is not concerned with the management or running of the School. With the exception of the Chair of Governors, those members of the Governing Body not appointed to the Panel will not be provided with information about the case. 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.

- b. **Role of the Panel:** The role of the Panel is to consider the representations made and to decide whether to uphold the Principal's decision or refer the decision back to him/her with recommendations so that s/he may consider the matter further. It is not within the powers of the Review Panel to reinstate a pupil's place at the School against the wishes of the Principal.
- c. **Review Meeting:** The meeting will take place at the School. A Review Meeting will not normally take place during school holidays. The parents and the Principal will be asked to submit any documents they wish to refer to at the meeting and a single bundle will be circulated at least three days before the meeting.

On receipt of new information not previously available to the Principal before his decision was made, the Clerk should contact the Chair of Governors who will decide whether:

- (i) to include the new information in the bundle; or
- (ii) to omit the information if not relevant to the grounds of the Review; or
- (iii) to make further enquiries of the parents or the pupil about the information; or
- (iv) to refer the information to the Principal for his consideration as to whether the decision should be revisited.

A Review Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

- d. **Attendance:** Those present at the Review Meeting will normally be:
 - I. Members of the Review Panel and the Clerk to the Governors or his/her deputy.
 - II. The Principal any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Principal considers should attend in order to secure a fair outcome.
 - III. The pupil together with his/her parents. The parents may be accompanied by a friend or relation. The meeting is not a legal proceeding and so legal representation is not necessary. The Clerk must be notified at least five working days before the Review meeting if the friend or relation is legally qualified. The parents should note that the Review Panel will wish to speak to them directly and this person will not be permitted to act as an advocate
- e. **Conduct of the meeting:** The meeting will be chaired by one member of the Review Panel and will be conducted in an informal manner. All statements made at the meeting will be unsworn. A hand-written minute of the main points which arise at the meeting will be taken. 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 may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

- f. Procedure:** The Panel will consider each of the questions raised by the pupil or his/her parents and any documentation they wish to rely on so far as relevant to:
- i. Whether the facts of the case were sufficiently proved following fair procedure when the decision was taken to expel or withdraw the pupil.
 - ii. The civil standard of proof, namely, “the balance of probability” will apply.
 - iii. 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 at the time and ask the Clerk to note their dissatisfaction the reasons for it.

- g. Decision:** The Panel's decision and any recommendations will be notified in writing, with reasons, to the Principal and the parents by the Chair of the Review Panel or the Chairman of Governors normally within three days of the meeting. The Principal will provide his response to those recommendations, if appropriate, in writing normally within 24 hours. In the absence of a significant procedural irregularity, the Principal 's decision will then be final.