St Mary's School
CAMBRIDGE

Discipline, Exclusion and Required Removal Policy

This policy is the responsibility of the Head, the Head of Juniors, and the Deputy Heads.

The Board of Governors considers this policy as part of its collective responsibility to carry out an annual review of safeguarding.

Last review: September 26

Next review: September 28

Introduction

This policy should be read in conjunction with the:

- *Safeguarding and Child Protection Policy*
- *Behaviour Management Policy*
- *Anti-Bullying Policy*
- *Smoking, Alcohol and the Misuse of Drugs and Substances Policy*
- *Pupil Internet and Information Technology Acceptable Use Policy*
- *Search and Confiscation Policy*
- *Complaints Policy and Procedure*
- *Online Safety Policy*
- *Physical Restraint Policy*
- *SEND Policy*
- *Equality Policy*
- *School Rules*
- *Parent contract*

This policy and those above are available on the School's website, St Mary's Cloud and on request from the School office.

At St Mary's School, Cambridge ('the School') we encourage the establishment of good teacher/pupil relationships and support for the School's values through a system of rewards and sanctions which are designed to promote a calm, disciplined learning environment.

It is hoped that pupils will respond to the School's positive encouragement and rewards and will comply with the School Rules at all times. However, the School acknowledges that from time to time, pupils' conduct may fall below the standards of behaviour reasonably expected by the School. When poor behaviour is identified sanctions are implemented in line with the School's Behaviour Management Policy.

For the purposes of this policy "working days" refers to weekdays (Monday to Friday) during term time, excluding bank holidays and half term.

Breaches of discipline outside of the school grounds

The School takes the conduct of its pupils outside of school grounds extremely seriously. A pupil's misbehaviour outside of school can be damaging to the reputation of both the pupil and the School. Where an incident is reported to the School of a pupil/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. Suspected drugs and weapons will be confiscated immediately and held for the police as potential evidence. If the School believes a pupil may have taken drugs, then the School will seek immediate medical advice and may involve the police.

Alleged sexual offences (including those committed online) will be reported to the police without undue delay.

Other agencies, for example Children's Social Care, may also be notified where necessary and appropriate.

Serious breaches of discipline that merit exclusion

All pupils are entitled to an education where they are protected from disruption and can learn in a calm, safe and supportive environment. Serious incidents or persistent poor behaviour which has not improved following in-school sanctions and interventions could result in permanent exclusion of a pupil.

A non-exhaustive list of the sorts of behaviour that could merit exclusion or required removal (including behaviour or conduct outside of School) includes the following:

- Supply/facilitation of supply/possession/use of drugs and solvents and/or harmful substances or their paraphernalia or substances intended to resemble them, or alcohol in contravention of the Smoking, Alcohol and the Misuse of Drugs and Substances Policy.
- Alcohol misuse (including supply, possession, use).
- Actual or attempted theft.
- Blackmail.
- Physical violence or intimidation.
- Bullying (including cyber bullying, prejudice-based and discriminatory bullying).
- Child on child abuse.
- Physical assault/ threatening behaviour and/or emotional abuse.
- Fighting.
- Abuse in an intimate relationship between peers.
- Racist, sexist, misogynistic, transphobic or homophobic abuse
- Sexual violence, sexual harassment or misconduct including upskirting, sexting and/or the consensual or non-consensual sharing of nudes or semi-nude images and/or videos.
- Behaviour in contravention of the Pupil Internet and Information Technology Acceptable Use Policy or Online Safety Policy.
- Supply or possession of pornography.
- Possession of stolen items.

- Possession or use of a firearm, knife, or other weapon.
- Possession of any age-restricted products
- Any form of abuse or unlawful discrimination on the grounds of sex, race, religion/belief, disability, special educational needs, sexual orientation, gender, and gender reassignment.
- Other misconduct which affects the welfare of a member or members of the School community, or which brings the School into disrepute on or off the School premises.
- Other misconduct that affects or could affect the welfare of a pupil or others – including behaving in a safe manner.
- A breach of any Health and Safety requirements.
- Damage to property.
- Committing a criminal offence.
- Serious academic misconduct, such as cheating in examinations or assessment, plagiarism, impersonation
- Persistent disruptive behaviour or attitudes or behaviour which is inconsistent with the School's ethos such as dishonesty, lying, withholding information, not working with the School cooperatively or deliberately obstructive behaviour.
- Other misconduct specifically provided for in the School's parent contract and School Rules.
- Persistent disruptive behaviour or failure to follow the School's Behaviour Management Policy, Pupil Code of Conduct or School Rules. As set out in the Parent Contract, the School may require the removal of a pupil in circumstances where the Head considers, in her discretion, that the behaviour or conduct of a parent is unreasonable.

The School reserves the right to impose sanctions for conduct or behaviour which falls short of exclusion, including but not limited to the imposition of a period of suspension or a warning (up to and including a final written warning).

Circumstances which may merit removal

A non-exhaustive list of the sorts of circumstances that could merit required removal (including behaviour or conduct outside of School) includes the following:

- Conduct or behaviour (including conduct or behaviour outside of School) which is unsatisfactory and/or in the reasonable opinion of the Head, the removal is in the School's best interests, and/or those of the pupil in question and/or other children;
- Where attendance is unsatisfactory and/or, in the reasonable opinion of the Head, the removal is in the School's best interests and/or those of the pupil in question and/or of other children;
- Where progress is unsatisfactory and/or, in the reasonable opinion of the Head, the removal is in the School's best interests and/or those of the pupil in question and/or of other children;
- Circumstances where the School is unable to meet the pupil's needs, including cases where the School cannot reasonably accommodate adjustments or reasonably provide the nature or level of support required.

As set out in the School's Parent Contract, the School may also require the removal of a pupil in circumstances where the Head considers in their discretion that the behaviour or conduct of a parent (or both parents) is unreasonable; and/or adversely affects (or is likely to adversely affect) their child's and/or other children's progress at the School, and/or the wellbeing of School staff; and/or brings (or is likely to bring) the School into disrepute (among the School community or the general public); and/or is not in accordance with their obligations under the Parent Contract. A non-

exhaustive list of the sorts of behaviour that could merit required removal of a pupil on the grounds unacceptable parental behaviour or conduct includes the following:

- treating the School or a member of staff unreasonably;
- making a malicious allegation about a member of staff or the School;
- discriminatory, bullying or harassing conduct or behaviour towards staff (including sexual harassment);
- communicating with the School in person or in writing (directly or indirectly), in a manner which is deemed 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 Parent Contract.

The School reserves the right to impose sanctions for parental behaviour 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).

Please note that exclusion / required removal may also be imposed by the School as a sanction for a series of more minor misdemeanours (whether that be pupil or parental related) and/or repeated short-term absence in the case of the pupil (as well as long term absence).

The School's aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. Pupils and their parents must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. A pupil and/or their parents must not make electronic recordings of any meeting conducted under this policy and doing so may be treated as a separate disciplinary matter. The School may take steps to protect the identity of witnesses if the School believes their identity should remain confidential.

Sanctions for serious breaches of school discipline

Temporary Exclusion

A pupil may be excluded on a temporary basis as a neutral act while a complaint is investigated and until any Disciplinary Meeting has taken place, which would not usually be more than five working days. (Following the outcome of the Disciplinary Meeting, a further period of up to ten school days can be applied as a disciplinary sanction.

Permanent Exclusion

A pupil may be permanently excluded from the School if it is found on the balance of probabilities that they have committed a serious breach of school discipline or a serious criminal offence. Permanent exclusion is reserved for the most serious breaches.

Removal

The parent/s of a pupil may be required to remove a pupil permanently from the School if, after consultation with the parent/s and if appropriate, the pupil, the Head is of the opinion that:

- The pupil has committed a breach or breaches of the School Rules or discipline for which Removal is the appropriate sanction; or
- By reason of the pupil's conduct or behaviour or progress the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and/or community life offered by the School; or
- Or if one or both parents have treated the School or members of its staff or volunteers unreasonably or If other circumstances apply as per the School's Terms and Conditions (Parent Contract).

If a pupil is withdrawn from the School before the conclusion of disciplinary procedures, the School reserves the right to complete the procedures, in the absence of the pupil and the parents if necessary, and to make appropriate findings. The School reserves the right to report these findings to regulators and / or local authorities / police and / or to refer to such disciplinary action in references provided for the pupil.

Investigation procedure

In the event of an allegation, complaint or rumour or serious misbehaviour, an authorised member of staff will undertake preliminary fact-finding to establish the nature and extent of the incident.

If an investigation is required, it is at the direction of the Head and will normally be co-ordinated by one of the Senior School or Junior School Senior Leadership Team.

Parents will be informed as soon as is reasonably practicable after it becomes clear that the pupil may face disciplinary action for a serious breach of discipline unless the School is prevented from doing so by the police and/or social care (if they are involved).

The Head will inform the Chair of Governors that an investigation is taking place.

If the pupil is to be interviewed as part of the investigation, the pupil must be accompanied by a member of staff of her choice as a supportive measure. Minutes of the interview will be recorded in writing by the interviewing staff member. The pupil will be asked to confirm any statement made or minutes taken to be true and accurate, on the understanding that the information will be shared for the purposes of the investigation.

It may be necessary to delay 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 delay an investigation will consider advice from appropriate external agencies and will be subject to periodic review and the School will provide appropriate pastoral and other support to the pupil and any other pupil/s affected by the allegations under investigation.

In relation to alleged sexual violence or sexual harassment, the School will have regard to Keeping Children Safe in Education and our Safeguarding and Child Protection Policy and the School's Designated Safeguarding Lead (DSL) or Deputy Designated Safeguarding Lead (DDSL) at the Junior or Senior school (as appropriate) will take a lead on decisions.

The outcome of the investigation will be reported to the Head, usually within five working days. If the findings of the investigation identify there may be a case to answer for a serious breach of school discipline, for which temporary or permanent exclusion or required removal is a possible sanction, a disciplinary meeting will be held in accordance with the procedure set out below (see Disciplinary Meetings). Where the findings of the investigation identify there may be a case to answer for a breach of school discipline for which temporary or permanent exclusion or required removal is not a possible sanction, the appointed investigator will impose a sanction.

Temporary Exclusion (pending an investigation)

While an investigation is carried out, a pupil may be excluded on a temporary basis as a neutral act by Head. A pupil may be required to stay at home or with their education guardian. Depending on the length of exclusion and the circumstances, teachers will set work to be completed by the pupil during the period of absence.

Search and Confiscation

The School reserves the right to search pupils and their possessions. More information regarding the School's approach to searches and confiscation can be found in the School's Behaviour Management Policy and the Search and Confiscation Policy.

Reports to the Police (and others)

The School will usually report to the Police any activity which it reasonably suspects may amount to criminal activity which takes place either within the School grounds or outside of its grounds. Possessions or items including (but not limited to) drugs, weapons or phones may be confiscated immediately and held for the Police as potential evidence.

If the School reasonably suspects a pupil may have taken drugs, then the School will seek immediate medical advice and may involve the Police where necessary.

The School will have regard to Keeping Children Safe in Education (KCSIE) and the Designated Safeguarding Lead will take a lead role in decisions relating to allegations of sexual violence or sexual harassment. Other agencies may be informed where necessary and appropriate.

Meeting with the Head

A meeting is necessary where the investigation has identified a case for the pupil to answer for which temporary or permanent exclusion or removal is a possible outcome, and/or the pupil has been temporarily excluded pending the outcome of a disciplinary investigation.

Preparation for the meeting

The Head (or Head's representative if the Head us unavailable) will set a date for a meeting to consider the matter and will invite the student's parents or educational guardian. The pupil will be invited to attend if appropriate. The person or persons who undertook the investigation will be required to explain the circumstances of the complaint, allegation or rumour and their investigation. An additional member of staff will be present to minute the meeting.

In circumstances where the School believes removal may be warranted because the School is unable to meet the pupil's needs, reasonably accommodate adjustments or reasonably provide the level or nature of support required or where there are progress and/or attendance issues, the School will collate relevant information and evidence (including where available and appropriate any external or expert evidence or assessments), share and discuss these with the parents and provide the parent with a reasonable opportunity to share their views.

The Chair of Governors will be informed that a meeting is to be held but shall not take part.

Prior to the meeting, certain documents will be made available to the parents, wherever possible. Any such documents may be redacted, or a summary provided for reasons of confidentiality and/or data protection.

These documents may include, but are not limited to:

- A statement setting out the allegations/concern.
- The investigation report.
- The relevant school policies and procedures.

The student's parents will be given sufficient reasonable time at the discretion of the Head, to process these documents and to provide any written submissions to the Head.

Any written submission provided by, or on behalf of the student must arrive at the Head's office no later than one working day before the meeting.

If the pupil, parents, or educational guardian have any special needs or disability for which additional facilities or adjustments are required, these should be made known to the Head in advance so appropriate arrangements can be made.

The meeting

The Head will consider the concern/allegations and the evidence, including statements made by and/or on behalf of the pupil or, where applicable, the parents.

The parents will have an opportunity to state their side of the case (as will the pupil if present) and will be able to ask questions and address the Head on the issue of sanctions.

The Head will inform the pupil and her parents of the range of disciplinary sanctions which the Head considers are open to her if the allegations, complaint, or rumour is sufficiently proved.

Unless the Head considers further investigation is necessary, they will close the meeting and inform the pupil and the parents that they will be notified of her decision in writing. If the Head considers that further investigation is needed, the meeting may be adjourned, and the reason for the adjournment will be explained to the pupil / their parents or educational guardian.

Decision

Following the conclusion of the meeting the Head will consider whether the allegation, complaint or rumour has been sufficiently proved on the balance of probabilities. The Head will usually notify the parents of her decision in writing within five working days from date of the meeting, provided further investigation is not required. If further investigation is required, the Head will conclude matters as soon as is reasonably practicable.

A decision to exclude or remove a pupil shall take effect from the date of the Head's letter confirming her decision.

Leaving status

If a pupil is permanently excluded or removed her leaving status will be one of the following: permanently excluded, removed or, if the offer is made by the Head and accepted by the parents, withdrawn by parents. If the pupil is withdrawn by the parents, there will be no right of appeal.

Additional points of leaving status may include: The form of letter which will be written to parents and the form of announcement in the School (where relevant):

- 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 leaver.
- Arrangements for transfer of any course/project work to the pupil, 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; refund of prepaid fees.

Support

Following a sanction (other than Permanent Exclusion or Removal), the School will consider appropriate strategies to help the pupil(s) involved understand how to improve their behaviour and meet the behaviour expectations of the School, as well as to support successful reintegration within their peer group.

This may include reflective conversations, restorative approaches, pastoral support or other targeted interventions where appropriate.

Appeals against exclusion/required removal

The School will always offer the right of appeal to any pupil 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 Policy and Procedure and should be made in writing to the Clerk to the Governing Body within five working days of the pupil's exclusion / required removal. For clarity, the pupil will remain excluded or removed from the School pending the outcome of the appeal. 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 to withdraw the pupil, the parents will waive any right to an appeal.

Recording and monitoring

Where the School imposes exclusion, required removal or suspension as a sanction, the written report on the investigation will be placed on the pupil's file. In cases where the decision to require removal was not due to the pupil's behaviour or conduct, e.g. because of the School's inability to meet need or unreasonable parental conduct, this will be clearly noted.

Where the sanction imposed is exclusion or required removal, the written report on the investigation will be placed on the pupil's file.

Details of the exclusion or required removal will be recorded on the School's Pupil Sanctions Record.

Conflicts of Interest

If the Head and/or Senior Deputy has a conflict of interest regarding the matter being investigated, they will declare this and a member of the Governing Body will take the place of the Head.