GDST FIXED PERIOD AND PERMANENT EXCLUSIONS POLICY (405)

GDST (SUTTON HIGH SCHOOL) FIXED PERIOD AND PERMANENT EXCLUSION POLICY

1. INTRODUCTION

1.1. The Council of The Girls' Day School Trust ("**GDST**") is responsible for setting the GDST's procedures on the exclusion of pupils.

1.2. This exclusion policy (this "**Policy**") sets out the circumstances and procedures under which a pupil may be excluded from the School, either for a fixed period or permanently. Schedule 2 of this Policy provides guidance on situations where a pupil is required to leave permanently for other reasons.

1.3. The School is required to follow the exclusion procedures set out in parts 8-9 of this Policy, however, failure to strictly follow the procedures in this Policy shall not entitle the parent or pupil to any remedy or form the basis of any claim against the School or the GDST if in substance the pupil has been dealt with in a fair manner that conforms generally to the rules of natural justice.

2. EQUAL OPPORTUNITIES

2.1. This Exclusion Policy will be operated in accordance with the GDST's Equal Opportunities Policy.

3. PURPOSE AND AIMS

3.1. At the School, we encourage the establishment of a safe learning environment in which pupils can feel and be safe, enjoy and achieve. The School recognises the inter-relationship between providing high quality teaching and learning in a stimulating learning environment and promoting positive learning behaviour and good order. The School's behaviour management strategy emphasises positive strategies and a range of interventions in order that the school environment is one of cooperation, respect, and shared responsibility.

3.2. All pupils are required to observe good behaviour and conduct in all aspects of school life. Pupil misconduct will generally be dealt with in accordance with the School's behaviour policy. However, in the case of serious misconduct, the Head reserves the right to exclude a pupil permanently or for a fixed period.

3.3. The Policy aims to:

a. Support the School's principles of good behaviour, self-discipline, and respect;
b. Ensure procedural fairness and natural justice; and
c. Promote cooperation between the School and parents when it is necessary for a pupil to leave the School earlier than expected.

4. SCOPE

4.1. The Policy applies to all pupils at the School but does not cover cases when a pupil has to leave the School due to:

a. The parents withdrawing their child from the School;
b. The Head giving contractual notice in accordance with the GDST Parent Contract; and/or

c. Parents being in breach of the GDST Parent Contract due to the non-payment of fees, or because of their unacceptable and/or unreasonable behaviour.

4.2. There is no formal right of appeal in cases of required removal, as these are outside of the scope of the Policy. Such cases are determined in accordance with the GDST Parent Contract. Further details relating to required removal are set out in Schedule 2 of this Policy.

4.3. The Policy does not apply to Academies sponsored by the GDST which are governed by their own separate exclusions procedures.

5. DEFINITIONS AND INTERPRETATION

5.1. The definitions in this clause will apply to this Policy:

Pupil misconduct: means pupil conduct and/or behaviour which is in breach of the School Rules or any of the School's policies and procedures.
Chief Executive Officer: means the Chief Executive Officer of the GDST or an appropriate senior officer of the GDST acting on their behalf.
Fixed period exclusion: means an exclusion which involves a pupil being sent home for a fixed period of time due to pupil misconduct (on occasion this can, instead, be carried out within School).
Head: means the Head Teacher of the School (or the person acting as Head Teacher).
Parent(s): means all those having parental responsibility for the child.
Permanent exclusion: means dismissal of a pupil from the School permanently due to pupil misconduct, whereby the pupil will not be permitted to return to the School.
Required removal: means the permanent removal of a pupil from the School due to the circumstances set out in Schedule 2 of this Policy.
SGB Chair: Chair of the School Governing Board

5.2. This Policy should be read and operated in conjunction with:

a. The GDST Parent Contract;
b. The GDST Parent Code of Conduct;
c. The School Rules (the body of rules and policies of the School which set out
d. our expectations concerning the attendance, conduct and behaviour of our pupils and parents as may be amended from time to time);
e. The School's Safeguarding and Child Protection Policy;
f. The GDST's safeguarding procedures and guidance;
g. The GDST's Inclusion Policy;
h. The GDST's Equal Opportunities Policy; and
i. The School's Parental Complaints Procedure.

6. PUPIL MISCONDUCT THAT DOES NOT MERIT FIXED PERIOD OR PERMANENT EXCLUSION

6.1. It is hoped that pupils will respond to the School's positive encouragement and rewards and will comply with the School Rules, the School's behaviour policy, and other related policies. However, from time to time, the School acknowledges that pupils' conduct may fall below the standards of behaviour reasonably expected by the School.

6.2. School staff can issue sanctions in line with the School's behaviour policy any time pupils are in School or elsewhere under the charge of a School staff member, including on school trips. This also applies in certain circumstances when a pupil's behaviour is outside of School or online.

6.3. Whilst generally exclusions are not appropriate sanctions for minor pupil misconduct, in cases of repeated misconduct, a fixed period exclusion may be given, and any subsequent misconduct could give rise to permanent exclusion.

7. PUPIL MISCONDUCT THAT MERITS FIXED PERIOD OR PERMANENT EXCLUSION

7.1. Fixed Period Exclusion

A decision to exclude a pupil for a fixed period or permanently may be taken:

a. where there has been serious pupil misconduct;
b. where there has been a build-up of pupil misconduct over time, which, in the professional judgement of the Head, constitutes a concerted flouting of the School Rules and/or related School policies and procedures, for which sanctions imposed for repeated misconduct have proved ineffective; or
c. where allowing the pupil to remain in School will seriously harm the education and/or welfare of other pupils in the School, or the welfare of the staff at the School.

7.2. Pupil misconduct that could merit exclusion

A **non-exhaustive** list of pupil misconduct (in and outside of School and, where applicable, online) that could merit exclusion for a fixed period or permanent exclusion includes the following:

a. Physical assault, verbal abuse, or threatening behaviour against pupils, staff, or any other person;
b. Behaviour which puts the safety of the pupil, or any other person, in jeopardy;
c. Bullying, including cyberbullying, in accordance with the School's Anti-bullying Policy;
d. Any form of abuse on the grounds of sex, race, religion/belief, sexual orientation, special educational needs or disability, or any form of unlawful discrimination;
e. Sexual harassment or misconduct, including non-consensual sharing of nudes or semi-nude images and/or videos;
f. Drug and alcohol misuse (including supply/possession/use), in accordance with the School's Drugs and Alcohol Policy;
g. Damage to property or vandalism;
h. Computer hacking;
i. Theft or unauthorised possession of any property belonging to the School, another pupil, staff, or any other person or organisation;
j. Bringing illegal, inappropriate or dangerous items into School, such as drugs, weapons, firearms, pornographic material, etc.;
k. Misconduct that adversely affects or is likely to adversely affect the welfare of member(s) of the School community, including pupils and staff at the School;
l. Misconduct which brings or is likely to bring the School into disrepute; and/or
m. Persistent or disrupting behaviour or misconduct in breach of the School Rules.

Schools have the power to sanction pupils for misbehaviour outside of the School premises **to such an extent as is reasonable.**

Subject to the School's Policies, pupils may face sanctions for behaviour off School premises, including but not limited to:

Misbehaviour when the pupil is:

a. taking part in any School-organised or School-related activity;
b. travelling to or from School;
c. wearing School uniform; or
d. in some other way identifiable or known as a pupil at the School, or

Misbehaviour at any time (including online), whether or not the conditions above apply, that:

a. could have repercussions for the orderly running of the School;
b. poses a threat to or has an adverse impact on the well-being of another pupil, member of staff or member of the public; or
c. could adversely affect the reputation and standing of the School.

8. PROCEDURE FOR FIXED PERIOD AND PERMANENT EXCLUSIONS

The pupil's parents should be informed as soon as reasonably practicable if there is a complaint, concern, or allegation made about the pupil that could result in that pupil being excluded. Parents should be informed of whether the alleged misconduct in question could lead to a fixed period or permanent exclusion, depending on the outcome of investigation.

8.1. Suspension pending investigation into potential permanent exclusion

a. In most cases where a pupil is facing **permanent exclusion**, the Head will need to suspend the pupil in order to investigate the pupil misconduct.

b. In such cases where suspension pending permanent exclusion is required, the Head will:

i. Inform the School Governing Board Chair ("**SGB Chair**") of the need to suspend the pupil].

ii. Attempt to give the pupil's parents notice of the suspension before it takes effect, unless exceptional circumstances apply.

iii. Write to the pupil's parents with the following details:

- The length of the suspension; and
- The reason for the suspension, i.e., that the pupil has been suspended pending investigation of misconduct.

iv. Ensure that satisfactory arrangements have been made for the pupil during suspension. The Head should consider any potential safeguarding issues.

v. Ensure that the pupil has been set appropriate work to be undertaken at home.

vi. Inform the Chief Executive Officer.

c. In most instances, the Head may decide to suspend a pupil for up to 5 school days. However, if the Head considers that the investigation cannot be completed within this period, the Head may extend the suspension by a further 10 school days, provided they:

i. Obtain written consent from the SGB Chair prior to extending the suspension.

ii. Write to the pupil's parents to notify them of the extension of the suspension before it takes effect, including the length of the extension

iii. Inform the Chief Executive Officer.

d. Where school activities occur within the suspension, the pupil should normally not partake in such activities (including activities outside of normal school hours).

e. The School reserves the right to require the pupil to remain away from School as a neutral act during an investigation procedure, this may be, for example, to protect the integrity of any investigation or to support the welfare of the pupil themselves and/or other members of the School community or in compliance with direction from statutory agencies. Alternatively, depending on the circumstances of the case, the pupil may be placed under a segregated regime if they remain on School premises.

8.2. The Investigation

a. The Head, or another member of staff duly authorised by the Head, will conduct a thorough investigation into the circumstances leading up to the misconduct which may merit a fixed period or permanent exclusion. In particular, the Head, or their authorised nominee, will:

i. Arrange for other members of staff and/or pupils involved or who witnessed the incident to be spoken to by a member of staff and ensure statements have been taken;
ii. Arrange for an interview to take place with a member of staff and the pupil (this may take place before a pupil is suspended pending investigation or during suspension;
iii. co-operate with a police investigation if it is suspected that a criminal offence has been committed;
iv. keep a written record of each stage of the investigation.

b. Although the School will endeavour to undertake investigations and disciplinary steps as swiftly as reasonably practicable there may be factors which require the School to pause or delay their internal process.

8.3. The Head's decision

8.3.1 Decision not to exclude

a. After the investigation has concluded, in cases where the pupil is facing a **fixed period exclusion**, the Head may decide that the pupil should not be excluded if the pupil is deemed not to have behaved inappropriately. If the pupil is deemed to have behaved inappropriately, the Head may in exceptional circumstances decide not to exclude the pupil but to instead to impose another sanction in line with the School's behaviour policy instead.

b. In such cases, the Head will:
   i. Inform the pupil's parents of the decision.
   ii. Write to the pupil's parents to confirm the decision and offer the opportunity to meet to discuss the decision.
   iii. Consider appropriate sanctions, reintegration and monitoring measures, which should be discussed with the pupil and parents and confirmed in writing.

8.3.2 Decision to exclude for a fixed period

a. After the investigation has concluded, in cases where the pupil is facing a **fixed period exclusion**, the Head may decide to exclude a pupil for up to five school days. However, the Head may, in exceptional circumstances and with the consent of the SGB Chair, exclude a pupil for up to a maximum of seven school days.

a. In such cases, the Head will:

   i. Give the pupil's parents notice of the exclusion before it takes effect.
   ii. Write to the pupil's parents with the following details:
      - The length of the exclusion;
      - The reason for the exclusion; and
      - The consequences of further misconduct (including permanent exclusion).
   iii. Inform the SGB Chair.
   iv. Inform the Chief Executive Officer.
   v. Ensure that satisfactory arrangements have been made during the exclusion. The Head should consider any potential safeguarding issues.

b. If the exclusion exceeds one school day, the School should set work to be undertaken at home, which should be followed up on the pupil's return to school.

c. An exclusion for part of a day counts as a one-day exclusion.

d. Where school activities occur within the exclusion period, the pupil should normally not partake in such activities (including activities outside of normal school hours).

8.3.3 Deciding whether to permanently exclude

a. After the investigation has concluded, in cases where the pupil is **facing permanent exclusion**, the Head will make a recommended decision (the "**Head's recommendation**") to the SGB Chair. In such cases, the Head will:

i. Arrange a meeting with the pupil's parents to discuss the allegation, the misconduct, and the outcome of the investigation, including the Head's recommendation.

ii. Send a confidential written report and recommendation to the SGB Chair and the Chief Executive Officer.

iii. The Head's recommendation will be:

- If the pupil is deemed not to have behaved inappropriately, to allow the pupil to return to School immediately;
- If the pupil is deemed to have behaved inappropriately, to allow the pupil to return to School immediately with a written warning that any further pupil misconduct may lead to a fixed period or permanent exclusion;
- If the pupil is deemed to have behaved inappropriately and this behaviour warrants a fixed period exclusion, to allow the pupil to return to School following the fixed period exclusion. This should be accompanied by a written warning that any further pupil misconduct may lead to permanent exclusion; or
- If the pupil is deemed to have behaved inappropriately and this behaviour warrants a permanent exclusion, to exclude the pupil from the School permanently.

iv. Obtain written confirmation from the SBG Chair regarding agreement or disagreement with the Head's recommendation, within 24 hours of receipt of the Head's report.

v. Inform the Chief Executive Officer as to whether the SBG Chair agrees with the Head's recommendation. If the SGB Chair does not agree with the Head's recommendation, the matter will be discussed further with the Chief Executive Officer with a view to reaching a resolution.

b. If the SGB Chair agrees with the Head's recommendation for the pupil:

i. **not to be excluded**, the Head will follow the procedure under part 8.3.1 above.

ii. to be **excluded for a fixed period**, the Head will follow the procedure under part 8.3.2 above.

iii. to be **permanently excluded**, the Head will:

- Inform the pupil's parents of the decision.
- Arrange a meeting with the pupil's parents to discuss the decision and provide details as to the next steps under this Policy.

- Write to the pupil's parents to confirm the permanent exclusion and what was discussed in the meeting and explain the Appeal Procedure set out in Schedule 1.

- Assist the pupil's parents in the search of an alternative school, wherever possible. However, the Head cannot guarantee a place for the pupil at another school;

- Notify the Local Authority of the deletion of the pupil from the School roll following the relevant local procedures. However, the pupil should not be removed from the School roll until the Appeal Procedure has concluded or the time limit for an appeal has expired or the pupil's parents have confirmed they will not appeal the decision.

9. SPECIFIC EXCLUSION SITUATIONS

9.1. Drug related exclusion

a. Drug related incidents present complex problems for schools. The possession, use, or supply of drugs may involve a criminal offence, and as such, effective liaison with the police will help in the appropriate handling of such incidents.

b. In the majority of cases, permanent exclusion will be the appropriate course of action, but on some occasions a fixed period exclusion may be more appropriate, depending on the circumstances of the case.

9.2. Offensive weapons

a. It is a criminal offence to carry an offensive weapon in or around a School's premises and in the majority of cases permanent exclusion will be the most appropriate course of action. In situations where a weapon is authorised on the School premises, for example, for use in CCF, clear health and safety procedures must be followed.

9.3. Exclusion of a disabled pupil

a. In cases where the pupil facing a potential exclusion has a disability, the School should consider whether they are excluding the pupil because of something connected to the pupil's disability, i.e. whether the pupil's disability played or may have played a role in their misconduct.

b. In such cases, the School will take into account:
   i. the effect of the pupil's disability on the pupil's behaviour / misconduct;
   ii. the impact of the pupil's behaviour / misconduct on the safety and welfare of other pupils, staff and the School community; and
   iii. The need to maintain behavioural standards at the School.

c. The School should also consider whether any reasonable adjustments should be made to the exclusion process.

d. The reasons for the School's decision should be documented and evidenced.

10. RECORD KEEPING AND CONFIDENTIALITY

10.1. Record keeping

a. A written record of all fixed period and permanent exclusions (which may include notes, correspondence, interviews and statements) should be kept at each stage of the fixed period or permanent exclusion procedure and should include details of whether exclusion was appealed or whether the parents chose to withdraw the pupil, rather than the pupil being permanently excluded.

b. The record should include details of the investigation undertaken by the School into the circumstances leading up to the proposed fixed period or permanent exclusion.

c. Records should be kept and managed in accordance with the School's policies on retention and destruction of records and, in accordance with data protection principles. Any exclusions that have a safeguarding element should be retained in accordance with current government guidance.

d. When dealing with exclusions, the School and the GDST may process a range of personal data, potentially including special category personal data. This data will be processed in accordance with the GDST's privacy notice, available at: https://www.gdst.net/privacy-notice/.

10.2. Confidentiality

Records relating to individual exclusions and appeals should be kept confidential except where the Secretary of State or a body conducting an inspection under s109 of the Education and Skills Act, such as the Independent Schools Inspectorate ("ISI"), requests access to them or where any other legal obligation prevails.

SCHEDULE 1 – THE APPEAL PROCEDURE (PERMANENT EXCLUSION ONLY)

1.1. Right of appeal

a. The pupil's parents who wish to appeal against a decision to permanently exclude should write, within 14 days of the Head's written confirmation of the decision, to the Chief Executive of the GDST by email at complaints@wes.gdst.net or in writing to the Girls' Day School Trust, Asticus, 21 Palmer St, London SW1H 0AD. This letter should set out the grounds for appealing the decision taken by the Head. Any supporting statement and evidence which the parent(s) wish to rely on should also be provided with their letter requesting an appeal hearing to be adjudicated by a panel.

b. If parents do not appeal the decision within 14 days, there shall be no right of appeal, unless, in the opinion of the Chief Executive Officer, exceptional circumstances exist which justify the delay.

c. Where two or more pupils have been permanently excluded due to their involvement in the same incident or linked incidents, the Chair of the Council of the GDST may consider it appropriate for the Panel to hear both parents' accounts (or pupils' accounts where a pupil attends the hearing) in a split hearing. For example, a split hearing may be convened if a joint hearing would impede the parents' or pupils' ability to answer questions openly and honestly regarding sensitive matters, or where legal or regulatory requirements prohibit disclosure of information to the other party. In the case of a split hearing, and in the interest of fairness, both hearings may be heard on the same day by the same panel.

1.2. Convening a panel

a. On receipt of the notice of appeal, the Chief Executive Officer will inform the Chair of the Council[1] of the GDST ("**Chair**"), the SGB Chair and the Head of the appeal.

b. The Chair will then convene the panel. The panel will consist of at least three persons not directly involved in the matters surrounding the permanent exclusion, at least one of whom will be a member of the GDST Council (the "**Panel**"). No member of the GDST Council will sit on the panel where there may be a conflict of interest.

c. The clerk to the Panel (the "**Clerk**") will deal with administrative issues prior to the appeal panel hearing. The Clerk will normally be a member of the GDST's Legal and Risk Assurance Team. They will not provide substantive legal advice to either party.

d. A hearing will be scheduled to take place as soon as practical and normally within 15 school days of receipt of the notice of appeal. If, despite the best efforts of GDST personnel, a hearing cannot be arranged in this time, the Clerk will write to the pupil or the pupil's parents before the expiry of the 15-school day period setting out the likely timeframe for the hearing.

[1] Or Co-Chairs (if applicable)

e. Where the notice of appeal is received immediately prior to, or during the School holidays, the Chair and the Clerk will progress matters as swiftly as is reasonably practicable, and the Clerk will write to the pupil or the pupil's parents to inform them of any delay.

f. The Chair will decide on the hearing location. The hearing normally takes place at the GDST's Trust Office in London. The Chair may alternatively decide for the hearing to be held at a premises near the School, at the School itself, or online by video conference. If parents have a preferred location for the hearing, they should state this in their letter setting out the grounds for appealing.

g. The Head should provide a statement and any supporting documentation they may wish to rely on to the Clerk for inclusion in the panel bundle not less than five School days before the hearing. The statement should include:

   i. The pupil's age and year group;
   ii. A summary of the pupil's academic and behavioural record, where relevant;
   iii. All steps taken by the School in relation to any previous disciplinary incidents, including any sanctions and/or fixed period exclusions, and notification to the pupil's parents of such steps, sanctions and/or fixed period exclusions;
   iv. A full account of the incident(s) leading to the pupil's permanent exclusion; and
   v. The details of the work set, or relevant study guidance given during the fixed period of exclusion pending investigation.

h. The Clerk will, at least four school days prior to the hearing, circulate a copy of the panel bundle to all parties to the hearing.

i. Only in exceptional cases will the Panel accept documents to be included in the bundle after this time. However, if the Panel deems it necessary, it may require further particulars to be supplied in advance of the hearing. Copies of such particulars shall be supplied to the Clerk not less than three school days prior to the hearing, for circulation to all parties.

j. The Clerk will normally write to the parents before the hearing to outline the order and conduct of the hearing, details of which are set out in part 1.3 and 1.4 below. Should the parents have any questions concerning the procedure for the hearing, they should address them to the Clerk.

1.3. Conduct of the panel hearing

a. The hearing is not a court of law, and the procedure of the hearing shall be at the Panel's discretion which will be based on fairness. However, the procedure of the hearing should not normally differ substantially from that outlined under this part 1.3.

b. The Panel's role is to review the evidence before it and decide whether to uphold the grounds of appeal against the decision to permanently exclude the pupil.

c. In doing so, the Panel will review the Head's decision, which will involve considering:

   i. If the Head's decision was fair and reasonable in all the circumstances, taking into account that the Head's decision was made on the balance of probabilities;
   ii. If permanent exclusion was a proportionate sanction; and

iii. If reinstatement of the pupil would be possible (if sought), taking into account the impact of such reinstatement on other pupils, staff, and the School community.

d. In forming its views, the Panel must ensure that the pupil or the pupil's parents, and Head and the SGB Chair (as the "**Representatives of the School**") are given equal opportunity to put their case fully, and that it gives sufficient consideration both to the procedures followed and the reasoning outlined by the Representatives of the School, and to the pupil or the pupil's parent's explanation of the pupil's behaviour. The Panel must take a fair and impartial view and ask as many questions as necessary to elicit all relevant information to enable it to form a balanced view.

e. The Panel may refuse to consider new matters or materials presented by the pupil or the pupil's parents at the hearing if such matters were not presented when supplying written statements and supporting documentation in line with part 1.2(g), and the Panel considers that doing so would be prejudice to a fair and effective consideration of the appeal. In no circumstances may the Representatives of the School introduce new grounds for exclusion during the hearing.

f. All documents are to be treated by all concerned as confidential. The pupil's parents may be accompanied to the hearing by one other person aged over 18. This may be a relative, companion or friend and their name (and the capacity in which they will be attending) should be notified to the Clerk at least five school days prior to the hearing. The companion must undertake to accept the confidentiality of the procedure. Legal representation on a formal or informal basis will not be appropriate.

g. The Head will be accompanied by the SGB Chair who will attend the hearing as the Representatives of the School.

h. Either party may request that witnesses be present. However, the Panel does not have the power to compel the attendance of any witness to the hearing, and it may be more appropriate for witness evidence to be put forward in the form of a witness statement.

1.4. The order of the hearing

The order of the hearing shall be as follows:

a. The pupil's parents, will put their case to the Panel. The pupil may be present at the hearing, and may put their case to the Panel, if the Chair deems it appropriate, taking into account the views of the pupil's parents, the views of the pupil, and the views of the Representatives of the School.

b. The Head and/or the SGB Chair, speaking as the Representatives of the School, will put their case to the Panel, summarising the grounds for permanently excluding the pupil.

c. The Panel will then ask questions of the pupil and/or the pupil's parents, and of the Representatives of the School, to elicit all relevant information to enable it to form a balanced view.

d. The Chair will offer the pupil or the pupil's parents the opportunity to speak to the Panel alone. If the pupil or the pupil's parents wish to do so, the Chair will ask the Representatives of the School to leave the hearing briefly so that this may take place.

During this time, the pupil or the pupil's parents should specify whether they wish for the matters raised privately to be considered by the Panel in reaching its decision.

e. The Chair will then ask the Representatives of the School to rejoin the hearing. If the pupil or the pupil's parents wish for the matters raised privately to be considered as part of the Panel's decision making, the Panel will ask questions of the Representatives of the School which are relevant to the matter(s) raised. The Representatives of the School may request a brief adjournment to consider their response, which the Chair will agree to provided they consider this to be appropriate.

f. The Chair will then offer the Representatives of the School the same opportunity to speak to the Panel alone.

g. The Chair will ask the Representatives of the School if they wish to say anything in conclusion.

h. The Chair will then ask the pupil or the pupil's parents if they wish to say anything in conclusion.

i. Following concluding statements from each party, the Chair will draw the hearing to a close.

1.5. The Panel's decision

a. Once the hearing has closed and, after due consideration of all relevant facts, the Panel will reach a decision in private.

b. In reaching its decision, the Panel should consider the interests of the other pupils, staff and the School community, as well as the interests of the excluded pupil.

c. The decision by the Panel will normally be either:

i. To uphold the appeal against the decision to permanently exclude. In such cases, the Panel will:
   - Request that the pupil be reinstated at the School (if sought), provided this is appropriate; or
   - Make a statement to the effect that reinstatement would have been appropriate but for specific circumstances of the case.

ii. To refer the matter back to the Head for further consideration of matters that have been raised during the appeal.

iii. To uphold the Head's decision to permanently exclude the pupil.

d. The Panel will write to the pupil or the pupil's parents normally within five school days of the panel drawing to a close informing them of its decision and an explanation, or within five working days if the hearing is held just before or during the School holidays.

e. If the pupil is to be reinstated at the School, the Panel should ensure that the date of reinstatement is agreed with the Head, prior to the pupil or the pupil's parents being notified of such date. This is in order to ensure that the Head has sufficient time to arrange for the pupil's reintegration.

SCHEDULE 2 - CIRCUMSTANCES WHICH MAY MERIT REQUIRED REMOVAL

The below cases do not fall within the scope of Exclusion Policy and are instead determined in accordance with the GDST Parent Contract. Accordingly, there is no right of appeal under Schedule 1 of the Exclusion Policy.

1.1. Circumstances which may merit required removal

A **non-exhaustive** list of the sorts of circumstances that could merit required removal of the pupil from the School includes the following:

- **Contractual notice (9(b)) – benefit of education or standard of work or behaviour**: where the Head gives contractual notice in accordance with the GDST Parent Contract, if in the opinion of the Head after due deliberation, the School is unable to meet the pupil's needs or reasonably provide the nature or level of support required by them or if the pupil will not benefit from continuing to be educated at the School or has not attained a sufficiently high standard of work or behaviour for continuation into the next school year.

- **Breach of contract (9(c)) – unreasonable parental behaviour**: where the Head terminates the GDST Parent Contract immediately, if in the considered opinion of the Head, the parent's behaviour is unreasonable and is likely to affect adversely the pupil or other pupils or staff at the School, or bring the School or the GDST into disrepute, of if the Head feels that the necessary trust and confidence between the parties has irreparably broken down.

- **Breach of contract (9(d)) – non-payment of fees**: where the Head temporarily excludes and/or permanently excludes the pupil and terminates the GDST Parent Contract due to the parent failing to meet their obligations to pay the fees in respect of that pupil.

1.2. Procedure for Required Removals

Contractual notice (9(b)) – standard of work or behaviour

a. Schools must ensure that they have a clear set of procedures in place, known to all relevant staff and communicated in an appropriate form to parents, which enable them, where a pupil is failing to achieve a satisfactory standard of work or behaviour, to:
   i. Keep parents fully informed;
   ii. Identify pupil difficulties;
   iii. Provide support as appropriate;
   iv. Where appropriate, arrange for individual Home/School Agreements setting out previously identified goals and time related targets, and identifying the consequences of failure to meet each target (which may vary depending on the particular target); and

v. Allow a reasonable timescale for monitoring progress and, where necessary, securing alternative provision before the end of the academic year.

b. Where, in the Head's opinion, having gone through the above, the pupil is not achieving the goals set and should be required to withdraw from the School, the Head should provide the pupil's parents with at least a term's notice to make alternative arrangements.

c. The School should ensure documentation is clear and readily available.

1.3. Contractual notice (9(b)) – benefit of education

a. It may be the case that a pupil is no longer benefiting from the education provided by the School or will not benefit from continuing to be educated at the School. This includes where the School is unable to meet the pupil's needs, for example, due to the School being unable to reasonably accommodate adjustments or reasonably provide the nature or level of support required.

b. In such cases, the Head should provide the pupil's parents with at least a term's notice to make alternative arrangements.

1.4. Breach of contract (9(c)) – unreasonable parental behaviour or irreparable breakdown of relationship of trust and confidence

a. If the behaviour of either or both of a pupil's parents is, in the Head's opinion, unreasonable and is adversely affecting, or is likely to adversely affect, the pupil, other pupils or staff at the School, or is bringing the School or the GDST into disrepute, or the relationship of trust and confidence between the School and the parents has, in the Head's opinion, irreparably broken down, the GDST and the School may require the parent to withdraw the pupil without notice, either for a set period or permanently.

b. In the event of such required removal, the Head should:

i. Write to the pupil's parents to*:*

- Inform them of the Head's intention to require the withdrawal of the pupil from the School; and
- Offer the parents a reasonable opportunity, determined by the Head, to make written representations to the Head and, if the parents wish, the Chief Executive Officer, before the length and permanence of the withdrawal is confirmed;
- Provide a timescale for making representations to the Head (and Chief Executive Officer).

ii. Carefully consider the implications of the withdrawal with the Chief Executive Officer.

iii. Write to the parents to inform them of the decision, which should include a response to any representations made.

iv. Ensure that, in cases of set period of withdrawal, wherever possible, the pupil is provided with work or study guidance to enable them to pursue their studies at home including, where appropriate, marking of work.

c. The decision of the Head and the Chief Executive Officer will be final. Permanent withdrawal in such cases will only be appropriate in exceptional circumstances.

d. A **non-exhaustive** list of the sorts of behaviour that could merit required removal of a pupil on the grounds of unreasonable parental behaviour or conduct are set out in the GDST Parent Code of Conduct (found here).

Breach of contract (9(d)) – non-payment of fees

a. The GDST will make every effort to assist parents who experience sudden financial hardship. However, due to limited resources, this is not always possible and the Chief Executive Officer may require the removal of a pupil from the School roll if the fees have not been paid.

b. If arrears have not been cleared by a specified date, typically before the end of the term, the pupil will be excluded from returning to School for the new term. During this period, the School is under no obligation to provide the pupil with work to enable them to pursue their studies at home.

c. If arrears remain unpaid, a final letter from the Chief Executive Officer will be issued within 7 days of the pupil being excluded from the School in accordance with part (b) above.

d. Once the letter has been issued, the Local Authority will be informed of the pupil being removed from the School roll.