



BCIS Withdrawal and Suspension Policy

General Principles

As per DfE guidance¹, 'Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. The government recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities.'

For most learners, suspensions and particularly permanent withdrawal of place may not be necessary. However, if approaches toward behaviour management have been exhausted then they will sometimes be necessary as a last resort. In particular a permanent withdrawal of placement from BCIS is seen as a very last resort when no other options remain.

Permanent withdrawal could take place in the following circumstances:

1. in response to a serious breach of the BCIS attendance, behaviour standards and disciplinary policy that amounts to gross misconduct or persistent breaches.
2. where allowing the learner to remain would seriously harm the education and welfare of the learner or others within BCIS or bring the school into disrepute.

Only the Head and course manager have the power to suspend or withdraw a placement.

Permanent withdrawal will not be used for minor incidents such as failure to do homework, poor academic performance, continuously being late or as a way of punishing learners for the behaviour of their guardians.

Types of suspension and permanent withdrawal

1. For a fixed number of days up to 45 days in the school year.

Suspensions should be for the shortest time possible. By arrangement with guardians, other forms of sanctions that avoid disruption to a learner's learning may be more appropriate in many cases. Guardians should be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in a learners placement being withdrawn.

A withdrawal may be changed, or even removed altogether on further reflection. In many cases where permanent withdrawal is a possibility it may be more appropriate to impose a two or three day suspension in the first instance while more information is obtained or alternative strategies are explored, while indicating to guardians that permanent placement withdrawal is still being considered.

Please keep in mind that if a learner reaches the end of the disciplinary stages outlined in the 'BCIS Attendance, behaviour, standards and disciplinary' policy, for example for persistently disruptive behaviour and continues with this behaviour then a permanent withdrawal can be enacted.

1. https://assets.publishing.service.gov.uk/media/66be0d92c32366481ca4918a/Suspensions_and_permanent_exclusions_guidance.pdf

Investigation procedure

An investigation of a complaint or rumour about serious misconduct will normally be coordinated by a member of the Senior Management Team, and its outcome reported to the Head / course manager. In certain circumstances it may be considered appropriate for a learner to be suspended for a fixed term while the incident is being investigated.



The learner may be interviewed informally by a member of staff, in order to give their version of events and to establish whether there are grounds for a formal investigation. If subsequently interviewed formally, arrangements should be made for the learner to be accompanied by a member of staff of their choice and/or by a guardian.

Procedure for withdrawal of placement or suspension

Guardians will be notified of the decision as soon as possible and, if for a withdrawal of placement, a letter will also be sent to anyone with guardianship responsibility who does not live with the child.

The letter will include the following information:

- the nature and reasons for the withdrawal
- if for a fixed term suspension, the date and time of the re-entry meeting with the learner, guardians and Head / course manager and the arrangements for enabling the learner to undertake schoolwork at home.
- who guardians should contact if they want to make representations.
- the guardians right to see their child's records.

Disciplinary Meeting

The learner and their guardians will be requested to attend the disciplinary meeting with the head / course manager, at which the following documents will be made available:

- A statement setting out the points of complaint against the learner
- Any relevant correspondence, including written statements or notes of the evidence supporting the complaint
- The investigation report (if needed)
- The learners progression notes and attendance information

Both the learner and the guardians will have the opportunity to state their side of the case.

The disciplinary meeting will have 3 distinct stages:

1. **The complaint:** Based upon the evidence, including statements made by and/or on behalf of the learner and, unless further investigation is needed, the Head / course manager will decide whether the complaint has been sufficiently proved. The standard of proof will be the civil standard, i.e. the balance of probability.
2. **The sanction:** If the complaint is accepted, the Head / course manager will outline the range of disciplinary sanctions open. The learner's disciplinary record will be taken into account and, normally within 48 hours, the Head / course manager will give their decision, with reasons.
3. **Leaving status:** If the Head / course manager decides that the learner must leave BCIS, then they *may* consult with the guardians before determining the leaving status: 'withdrawal of placement' or 'withdrawn by guardians'. BCIS will also discuss with / notify invested 3rd parties if necessary. There is no obligation on the Head to consult with guardians. If the decision is made by the guardians to withdraw the learner, there should be no right to appeal.

Learners who have permanently left the school, irrespective of leaving status, should not be permitted to re-enter school premises without prior consent from the Head / course manager and may not be



permitted to sit public examinations at the school, irrespective of the timing of the offence(s). The school may make arrangements for the transfer of any course and project work to either the leaving learner, the guardians or to another school.

A decision to suspend or withdraw a placement will take effect 3 working days after the decision is first communicated to a guardian, unless by exception. Until then, the learner will remain suspended and away from BCIS premises. If within 3 days the guardians have made a written application for an appeal of the decision, then the learner will remain as suspended, until the review has taken place. If the school receives a request outside the specified period, it is not obliged to arrange an appeal, but it is recognised that there may be exceptional circumstances where an appeal may be accommodated.

Review and Appeal

An appeal process is available to guardians of a learner whose place has been withdrawn. The right to appeal does not extend to suspensions (whether pending an investigation or as a sanction) or where the learner is withdrawn by the guardians.

Request for review

Upon notification of the Head's / course manager's decision to withdraw or require a learner to leave the school, guardians may wish to appeal the Head's / course manager's decision. They can do so by requesting a panel hearing as laid out below.

An application should be received by BCIS within 3 days of the decision to permanently withdraw being notified to the guardians and clearly set out the grounds on which guardians are asking for a review and the outcome that they seek.

Review hearing

A review meeting is an internal procedure and all those involved, or who are concerned in the procedure, should be reminded to keep its proceedings confidential. If you wish to take your complaint to this stage you are required to put your complaint in writing requesting the complaint be reviewed by a complaints panel. It is important that you set the matter out in sufficient detail as well as the outcome you are seeking. You should also ensure a copy of all relevant documents accompany your request wherever possible. A panel consisting of three persons not directly involved in the matter detailed in the complaint, one of whom shall be independent of the management and running of the school.

Those present at the hearing will usually be:

- the three panel members of the review hearing
- the Head / course manager and any relevant members of staff whose presence the Head / course manager considers to be necessary to secure a fair outcome for the pupil; and
- the learner (where appropriate)
- the learner's guardians and, if they wish, the guardians may be accompanied by a friend or relation who is not legally qualified.

Wherever possible, the date for the meeting will be within 15 school days of receiving the request for a panel meeting. If the request is received during school holidays, the process may be delayed owing to limited availability of personnel and you will be informed when the meeting will be scheduled.

If the panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the meeting. Copies of such further particulars shall be supplied to all parties, where possible, not later than four school days prior to the meeting. If you wish to be accompanied, you are required to notify BCIS of the name and occupation of such a person. Legal representation will not normally be appropriate. The Head / course manager may also arrange for a colleague to accompany them at the meeting in a supporting role should they wish.

- The review hearing should be chaired by one member. The hearing should be conducted in an informal, non-adversarial manner appropriate to the age, understanding and maturity of the learner involved, considering any additional needs of the learner in all circumstances.
- Someone will be asked to take minutes of the hearing. A copy of the minutes can be provided to the guardians after the meeting, if the guardians so request.
- Guardians may take their own notes of the meeting but electronic recordings should not be permitted.
- The chair of the panel should ensure that all those present can ask questions and make appropriate comments.
- The chair of the panel may at their discretion adjourn or terminate the hearing. If the hearing is terminated without a conclusion being reached, the original decision of the Head / course manager will stand.

The panel meeting will go ahead unless you later indicate that you are satisfied and do not wish to proceed further. A panel meeting may proceed notwithstanding that you may subsequently decide not to attend, in which case, the panel will consider your complaint in absentia and issue findings on the substance of the complaint, thereby bringing the matter to a conclusion. The requirement for the panel to proceed does not prevent the school from accommodating guardian availability for dates or considering comments concerning panel composition.

Decision

The panel will consider the grounds for the review and may decide to either:

- uphold the decision of the Head / course manager
- if they wish, recommend the decision of the Head / course manager to be reviewed and, if minded to do so, recommend the Head / course manager reviews their decision including recommending an alternative sanction. The decision should be notified, together with the reasons for the decision, to the guardians by the Chair of the review hearing in writing within the timescales set out in school policy.

Confidentiality

All those participating in the application of this policy including guardians and pupils are required to keep all statements, correspondence, notes and documents confidential except where legally required to disclose them

Responsibilities of the school

The procedures followed will ensure fairness and openness in the handling of withdrawals. The school will follow guidance and individual school policies, ensuring compliance with Terms and Conditions.

The panel's decision

As noted above, the panel may decide to uphold a withdrawal or recommend reconsideration by the Head / course manager. Only in very rare circumstances may a panel decide to overturn the Head / course manager's decision and order reinstatement (either immediately or by a particular date).

The Chair of the panel ensures that the Head / course manager, the complainant and, where relevant, the person complained about, are notified in writing of the panel's findings and recommendations within 15 school days of the hearing taking place, stating their reasons. A note of the panel's decision should be placed on the pupil's school record with copies of relevant papers. It is the panel which has the duty to review the Head / course manager's decision to exclude, when requested by the guardians.

Deleting a learner from the school roll

Where a learner placement is withdrawn the learner should not be removed from the roll until such

time as the timeframe for appealing the Head / course manager decision has passed and/or the outcome of any panel review is known. This is important because a learner can only lawfully be deleted from the admission register on the grounds prescribed in the Education (Learner Registration) (England) Regulations 2006 as amended. These Regulations list the limited lawful grounds for removing a learner from the roll. These include:

- The learner has been registered at another school (unless it is agreed that the learner should be registered at more than one school)
- The learner is registered at more than one school, but has ceased to attend the school in question and a school at which the learner is registered has given consent to the removal
- Written notification has been received from the guardians that the learner will be receiving education otherwise than at school
- The learner has been permanently excluded (only relevant in mainstream school setting)

Remedies after the panel's decision

There are various courses of action disgruntled guardians could take if they are unhappy with the decision to exclude and/or the management of the withdrawals process. By way of example, these could include:

1. A complaint to the Department for Education, ISI and/or Ofsted if guardians consider there are whole school issues that have not been addressed.
2. Breach of contract – if guardians believe the school has acted in breach of the Terms and Conditions of the contract
3. Equality Act 2010 claim – if guardians are of the view the decision is discriminatory and/or otherwise in breach of the Equality Act 2010

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