EXCLUSION, REMOVAL AND APPEALS PROCEDURES AND POLICY

Scope

This policy applies to John Lyon School, which comprises the 'Senior School' and the 'Prep School'. All references to 'the School' refer to John Lyon School except where otherwise specified.

Introduction

1. Scope

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be permanently excluded from John Lyon School, or required to leave permanently for serious misconduct or other reasons. The policy applies to all pupils at John Lyon School whether or not in the care of the School but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by their parents.

2. Interpretation

"Parent" includes one or both of the parents or any person acting *in loco parentis* as defined in the School's Terms and Conditions as well as other elements and information in the Parent Contract.

'Head' means the 'Head of John Lyon School', Mrs Rose Hardy.

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

Subheadings are for ease of reading and not part of the policy.

Policy Statement

3. Aims

The aims of this policy are:

3.1 To support the School's behaviour and discipline code as set out in its rules and regulations.

3.2 To ensure procedural fairness and natural justice and to ensure that any sanction is both appropriate and proportional.

3.3 To promote cooperation between the School and parents when it is necessary for a pupil to leave earlier than expected.

3.4 To be alert to the need for confidentiality at all times.

4. Serious Misconduct

The standards of behaviour expected of pupils by the School apply at all times:

i. On the way to, at, and on the way from School, its sports ground or any other of its premises and facilities;

ii. On the way to, at, and on the way from all extra-curricular activities organised by the School whether on or off school premises;

iii. On school visits;

iv. At school functions wherever they might be held; and

v. When they are identifiable as pupils of the School whether on or off school premises.

The main categories of serious misconduct which will or may result in permanent exclusion are:

4.1 The supply, possession or use of illegal drugs and solvents or their paraphernalia or substances intended to resemble them, which will normally result in permanent exclusion.

4.2 The supply, possession or use of alcohol, tobacco or e-cigarettes and related materials.

4.3 Theft, blackmail, physical violence, intimidation, racism and persistent bullying.

4.4 Misconduct of a sexual nature; supply or possession of pornography; downloading or other misuse of pornographic material from the internet.

4.5 Computer hacking or any other serious breach of the agreement for use of school computers and computer systems.

4.6 Possession or use of unauthorised firearms or other weapons or replica weapons.

4.7 Vandalism, breaking into, abusing or otherwise damaging school property or that belonging to any member of its community.

4.8 Persistent attitudes or behaviour that are inconsistent with the School's aims and ethos.

4.9 Being out of bounds, which includes any offices designated for use of staff, during normal hours; trespass on school premises outside of normal school hours.

4.10 Misconduct which puts at risk the health and safety of any person on or near school premises.

4.11 Other serious misconduct towards a member of the school community or which brings the School into disrepute (single or repeated episodes).

5. Other Circumstances/Reasons

A pupil may be required to leave if, after all appropriate consultation, the Head is satisfied that they have persistently failed to meet the required standard of effort in academic work and/or that it is not in the best interests of the pupil, or of the School, that they remain at the School.

Investigation Procedure

6. Complaints

Investigation of a complaint or an allegation about serious misconduct by a pupil will normally be coordinated by a Deputy Head ("the Coordinator") and its outcome will be reported to the Head in writing ("the Investigation Report").

7. Suspensions

While a complaint or allegation is being investigated a pupil may be segregated and may be suspended and required to stay at home or remain with any person appointed *in loco parentis*. At this stage suspensions are precautionary and not disciplinary. The parents will be informed immediately or as soon as reasonably practicable of the alleged serious misconduct.

8. Investigation

8.1 The Coordinator may decide at any time and at the expense of the School, to conduct a search of the pupil's possessions including their bags and locker if s/he considers there is reasonable cause to do so.

8.2 The Coordinator may also require the pupil to undergo a medical examination, or provide a urine sample under medical supervision, to establish the presence or otherwise of any illegal substance where there are reasonable grounds to suspect that such a search or examination will result in evidence of the possession or use of drugs.

8.3 The Head shall be entitled to draw whatever conclusions they shall see fit from the refusal to undergo such an examination or search.

8.4 Those teachers involved in the investigation and events leading to it shall prepare contemporaneous written notes of the circumstances and statements made by the pupil and any witnesses and others involved in the events concerned.

9. Interview

A pupil will normally be interviewed formally about the alleged misconduct. It is accepted that the pupil may feel anxious/vulnerable and it is important that this stage is handled sensitively. The interview will be conducted as soon as practicable by the most senior teacher available and where possible witnessed by another teacher. Either at the interview or following the interview the pupil will be invited to provide a written statement. A note of the interview shall be prepared and shall be included as part of the written Report.

10. Investigation Report

An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures. On completion of the investigation the Coordinator shall prepare a written report which shall be given to the Head. The Report shall contain details of how the issues were considered, the people consulted and the action to be taken.

Disciplinary Meeting

11. Informal Meeting

The Head may ask to meet the parents informally, and in the absence of the pupil, for a preliminary discussion on the events that have occurred and the action they are minded to take before the formal disciplinary meeting takes place. Parents would be written to in advance of the informal meeting outlining the purpose of the meeting and potential outcomes. In some cases, matters may be resolved at this stage. Parents will be written to following any informal meeting summarising the meeting and any decisions made.

At this stage the Chair of the Governing Body will likely be informed of the investigation.

12. Formal Meeting

Matters discussed and documents produced at the Formal Meeting are strictly confidential as are any subsequent meetings and documents produced. This is to protect the pupil who is the subject of the investigation, any other pupils involved, the staff, parents and the School. This requirement is deemed to be accepted by parents who enter into the Appeal Procedure.

At this stage the Chair of the Governing Body will be informed of the investigation.

For any formal disciplinary meeting with the Head, all relevant documentation will be provided and, where practicable, the documents will be made available to the pupil and their parents before the meeting bearing in mind the need for confidentiality noted both above and in paragraph 13 below.

The outcome of the formal meeting will be communicated to parents in a letter written after the meeting. The letter will formally record the outcome of the disciplinary investigation.

13. Attendance

The pupil and their parents (if available) or appropriate adult (i.e. relative or family friend) will be asked to attend the disciplinary meeting with the Head at which the Coordinator will explain the circumstances of the complaint and their investigation. The pupil and their parents will have an opportunity to state their side

of the case. Members of staff will be on hand to join the meeting if needed, and their statements will be disclosed but, in most cases, the anonymity of pupils will be preserved.

14. Process

The disciplinary process may or will normally include consideration of:

14.1 The Misconduct

The Head will consider the misconduct and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head considers that further investigation is needed, they will decide whether the misconduct has been sufficiently proved. The standard of proof shall be the civil standard, i.e. the balance of probabilities. Appropriate reliance may be placed on hearsay evidence and any documents such as School Rules and work or attendance record that may be relevant to the factual basis of the misconduct, but the Head will not normally refer to the pupil's disciplinary record at this stage.

14.2 The Sanction

If the misconduct has been proved, the Head will outline the range of disciplinary sanctions which they consider are open to them. The Head will take into account any further statement which the pupil and/or others present on their behalf wish to make. The pupil's disciplinary record will be taken into account. Then, or as soon as reasonably practicable, the Head will give their decision, in writing and with reasons.

14.3 Leaving Status

If the Head decides that the pupil must leave permanently, the Head will, as soon as reasonably practicable, consult with the Chair and the parents concerning the pupil's leaving status (see below).

15. Delayed Effect

15.1 A decision to permanently exclude or remove a pupil shall take effect within 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 given notification in writing to the Clerk to the Governors that they wish to invoke the Appeal Procedure, the pupil shall remain suspended until the Appeal Committee has heard the case.

15.2 On receipt of the written notification by the Clerk to the Governors, the Appeal Procedure for Parents shall come into effect.

Leaving Status

16. Explanation

If a pupil is permanently excluded or required to leave, their leaving status will be one of the following: "permanently excluded"; "removed"; or "withdrawn by parents".

17. Detail

Additional points of leaving status may include:

17.1 The form of letter which will be written to the parents and the form of announcement in the School that the pupil has left.

17.2 The form of reference which will be supplied for the pupil.

17.3 The entry which will be made on the school record and the pupil's status as a leaver.

17.4 Arrangements for transfer of any course and project work to the pupil, their parents or another school.

17.5 Whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations.

17.6 Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.
17.7 Whether the pupil will be entitled to leavers' privileges.
17.8 Whether the pupil will be eligible for membership of the Lyonian Association and, if so, from what date or whether the Head will request that membership is withheld.
17.9 The conditions under which the pupil may re-enter school premises in the future.
17.10 Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

Reviewed by: Head
Implemented: September 2026
Next Review: September 2027

APPEAL PROCEDURE FOR PARENTS IN THE EVENT OF A SUSPENSION OR PERMANENT EXCLUSION

The passages in italics are to assist the Clerk in carrying out the practical aspects of implementing the procedure. It is impossible to plan for all eventualities and no two processes will be identical and therefore a degree of flexibility is required. Accordingly, the passages in italics are for guidance only and should not be regarded as terms and conditions of the Appeal Procedure.

It is important that the process is run smoothly; the parties understand the process and are able to plan accordingly (particularly during the holiday periods); and that it is (and is seen to be) run on an entirely impartial basis. In other words, "fairness in action".

The Appeal Procedure only applies to a situation where a pupil has been **suspended for 14 days (cumulatively) or more or has been permanently excluded from the School**.

It is important to establish at the outset the relevant clause of the School's Standard Terms and Conditions under which the decision to exclude or suspend has been made.

It will be relevant whether or not the pupil will, as a result of exclusion or suspension, be able to sit a forthcoming public examination.

The Appeal Procedure is not intended to deal with other types of decision taken by the School with which you may disagree or for other matters that you may wish to raise with the School. The process for making a complaint or raising a concern is set out in the Complaints Procedure for Parents.

The Governors' policy on illegal drugs is that **ANY** involvement with illegal drugs at any time (including possession and including during the holidays) will normally result in permanent exclusion. The Appeal Committee (see below) does not have the authority to alter this policy and where in the Appeal Committee's opinion the facts are on the balance of probability established any appeal will fail. Nevertheless, the Appeal Committee is able to make recommendations to the Governors about a policy or its implementation.

Confidentiality

Matters discussed and documents produced at the appeal or in connection with the appeal are strictly confidential. This is to protect the pupil who is the subject of the appeal, any other pupils involved, the staff, parents and the School. This requirement is deemed to be accepted by parents who enter into the Appeal Procedure Process

All relevant papers will be collated by the Clerk to the Governors. Identical packs containing the relevant papers ("Appeal Pack") will be sent to:

- *Each party to the appeal. In the case of the School, unless exceptional circumstances apply, the Head only;*
- *The Chairman of the Governors;*
- *Stage 1, the Nominated Governor;*
- *Stage 2, the Appeal Committee.*

As the process continues, the Clerk will ensure that each such person's Appeal Pack is updated. All Appeal Packs will be in hard copy format, although notices and correspondence may be conducted by email.

Notices shall be in writing and shall be delivered or sent:

- *By hand to the relevant person's address (as kept by the School) and shall be deemed to be delivered upon delivery at that address; or*
- *By pre-paid first class post or airmail to the relevant person's address (as kept by the School) and shall be deemed to have been delivered, if by first class post, on the second day after posting and, if by airmail, on the seventh day after posting; or*
- *By email to the relevant person's email address (as kept by the School) and shall be deemed to be delivered upon transmission.*

Provided that if any such notice would otherwise be deemed to be delivered outside 9.00am to 5.00pm on a working day, such notice shall be deemed to be delivered at 9.00am on the next working day. A "working day" shall be a day other than a Saturday, Sunday, Christmas Day, Good Friday or any other day which is a bank holiday in England and Wales.

How do I appeal?

Within **seven days** of the day when you receive notification of the decision of the School, you need to write to the Mr Andrew Millett, The Clerk to the Governors of John Lyon School, The Bursary, 5 High Street, Harrow-on-the-Hill, Middlesex, HA1 3HP, email: milletta@johnlyonsfoundation.org.uk requesting an appeal

To ensure "fairness", a degree of flexibility will be required in terms of how strictly it is considered necessary to adhere to the timetable and, if it is in issue, the Clerk will discuss this with the Chairman of Governors.

Stage 1: Head's Report

For the purposes of this policy, 'Head' means the 'Head of John Lyon School', Mrs Rose Hardy, for appeals relating to the School

Once your appeal letter has been received, the Clerk will ask the Head to provide a written account of their investigation into the matter, their findings, any evidence upon which their decision was made and the reason for their decision to: (1) expel or suspend the pupil or (2) request that the pupil be removed from the School. The Head will also send a copy of these items to the Clerk to the Governors.

The Head may have already provided their written account (i.e. their report) with the notice of the decision.

Upon receipt by the Clerk of the appeal letter, the Clerk will write to the appellant:

Acknowledging the appeal letter;

If not already provided, providing a copy of the Head's report (although this may need to follow – see below).

Providing a copy of the Appeal Procedure (unless this has already been sent to the appellant with the notice of the Head's decision);

Explaining the next steps;

Requesting that the appellant does not correspond with the Head (or other members of staff at the School) on the matters which are the subject of the appeal; instead, directing all relevant correspondence to the Clerk;

Reminding the appellant of the confidentiality of the papers and the proceedings.

Notice of the decision, the appeal letter, the Clerk's reply, the Head's report and further correspondence (unless circumstances otherwise dictate) will be included in the Appeal Pack.

The Clerk will ensure that the Head's account is complete and will liaise with the Head to collate all relevant papers. The Clerk will conduct this process as expeditiously as possible but, depending on the time of year (e.g. holiday periods) the number of people involved and other circumstances, this could take a number of days and possibly longer than a week. If it is to take longer than a week, the Clerk will advise the appellant accordingly. All relevant papers will be included in the Appeal Pack. The School and the appellant should be able to supplement the Appeal Pack at any time.

The contents of the Head's report may persuade you that the School has made a fair and reasonable decision.

However, if you still wish to appeal the decision you should write within **seven days** of receipt of the Clerk's letter or Head's report (whichever is later) to the Clerk to the Governors at the address above saying that you wish to continue with your appeal. Your letter should set out the aspects of the decision that you wish to appeal against and why. You should also say whether you prefer to have an oral hearing or whether you are content for the matter to be dealt with in writing. If you wish to have an oral hearing you should state whether or not you wish to call any witnesses, their names and addresses and roughly what you believe they will say. You should also state what your desired outcome from the appeal would be.

Upon receipt by the Clerk of this second appeal letter, the Clerk will write to the appellant:

Acknowledging their letter;
Explaining the next steps.

Stage 2: Chairman of Governors

Once you have provided the details requested above, the Clerk to the Governors will refer the matter to the Chairman of Governors.

The Chairman of Governors will be provided with a copy of the Head's report, your appeal letters and any other relevant documentation *(i.e. the Appeal Pack).*

You will be invited to a meeting with a Governor nominated by the Chairman, to whom the Clerk will send the papers. It is the task of the nominated Governor to look at the issues in an impartial and confidential manner and to discuss matters with you and try to reach a resolution.

The Clerk will send the nominated Governor a copy of the Appeal Pack, requesting notice of their availability for a meeting with the appellant.

The Clerk will notify the appellant of the available dates.

The meeting will be held at the Clerk's Office. The Clerk (or an assistant the Clerk) will be in attendance and a note of the meeting will be kept. The note will not be a transcript but will summarise the discussion and the outcome. (The nominated Governor may request a transcript in addition to the note.) A copy of the note will be sent to the nominated Governor and to the appellant for comment, although the nominated Governor shall have the final say on the content of the note, having taken into account any advice received from the Clerk.

The note will be copied to the Chairman of Governors and included in the Appeal Pack.

Obviously, we hope that you will feel satisfied with the outcome or at least that your concerns have been fully and fairly considered. However, if the meeting does not bring about a resolution and you wish to proceed to the appeal hearing you should write to the Clerk to the Governors within **seven days** of receipt of the settled note of the meeting with the nominated Governor, expressing your desire to proceed to an appeal hearing.

Stage 3: The Appeal Hearing (Oral or in Writing)

Two members of the Appeal Panel and one current Governor (other than the Chairman of Governors or the nominated Governor at stage 2 above) will form a Committee to hear your appeal. In the event there are insufficient members of the Appeal Panel available to constitute the Appeal Committee, the Appeal Committee may include members of the Harrow School Appeals Panel. You will be advised of the identity of the members of the Appeal Committee.

The current members of the School's Appeal Panel are listed in the Schedule.

The Appeal Committee and its Chairman will be nominated by the Chairman of Governors in consultation with the Clerk. Its composition will mainly depend on availability. If, during the appeal process, a member of the Appeal Committee is no longer able to participate (for whatever reason) the Chairman of the Appeal Committee or the Chairman of Governors shall appoint another member of the Appeal Committee in their place and, via the Clerk, inform all parties.

If the appellant has stated that he or she is content for the matter to be dealt with in writing, the Clerk will organise the collation and dissemination of all papers (by adding to, updating and circulating the Appeal Pack) and, in consultation with the Chairman of the Appeal Committee, set time periods within which any further papers are to be submitted. Even where the matter is to be dealt with in writing, the Chairman of the Appeal Committee may convene a meeting of the Appeal Committee in person or by telephone to discuss any aspect of the matter amongst themselves.

If an oral hearing has been requested, the Chairman of the Appeal Committee will appoint a date, time and place for the hearing (usually at the Clerk's Office).

In very exceptional cases two or more appeals may be combined and dealt with in the same proceedings if the Chairman of Governors in consultation with the Chairman of the Appeal Committee and the Clerk consider it is expedient to do so because the issues raised are the same and/or connected.

The Clerk to the Governors will make the practical arrangements for the appeal hearing and advise you of the arrangements.

When setting the date and time for the appeal hearing, the Clerk, in consultation with the Chairman of the Appeal Committee and other members of the Appeal Committee, shall take into account the availability of the Appeal Committee, the appellant and others who are to attend the appeal hearing and shall inform all relevant parties of the date and time of the appeal hearing. In setting the date and time, regard should be had to the time of year (e.g. disruption to the School's term-time activities, including public examinations and

holiday periods). So far as possible, the hearing should be held within 30 days of receipt from the appellant of their wish to proceed to an appeal hearing and shall be held on a working day.

The Clerk will remind the appellant that he or she may be accompanied to the hearing.

All members of the Appeal Committee will be sent the Appeal Pack (the appellant will have been sent updates);

The Clerk will, in consultation with the Chairman of the Appeal Committee and, having liaised with the parties and witnesses, confirm the agenda for the appeal hearing and a "running order" of the appearance of witnesses (including the times that they will be requested to attend) which will be sent to all those appearing and the Appeal Committee in advance of the appeal hearing;

The Clerk (or an assistant to the Clerk) will be in attendance;

Separate room(s) will be made available for parties / witnesses to wait in privacy;

Tea, coffee etc, and other refreshments will be available;

The Chairman of the Appeal Committee shall have absolute discretion to conduct the appeal hearing as he or she thinks fit (having regard to the paragraphs below) including adjourning or calling for the conclusion of a discussion, or asking for a vote to be taken.

A note of the meeting will be kept. The note will not be a transcript but an accurate record of the appeal hearing. (The Chairman of the Appeal Committee may request a transcript in addition to the note.) The Clerk (or an assistant to the Clerk) will produce a draft of the note which will be settled by the Chairman of the Appeal Committee. The note may be used as basis for the written decision referred to below.

Unless otherwise inapplicable for practical reasons, the following principles governing the conduct of the appeal will apply equally to an oral hearing and where the matter is to be dealt with in writing.

The Chairman of the Appeal Committee can give directions to enable the appeal to be dealt with fairly. These can include requesting witness statements, that documents are provided or requesting further information from the appellant or from the School. The hearing is not conducted in an adversarial way and the Appeal Committee may talk to the parties and any witnesses in private. The primary concern of the Appeal Committee is to deal with matters fairly and the Appeal Committee has discretion to deal with the appeal hearing in any way which will achieve this.

The purpose of the hearing is to examine the facts and circumstances leading to the **expulsion or suspension** or the **removal in other circumstances** and whether such action is reasonable and proportionate.

In the case of an expulsion or suspension, to determine whether on the balance of probabilities, the breach of discipline occurred.

The Appeal Committee is entitled to consider, and give due weight to, the interests of the School, the preservation of good order and discipline within the School and the wellbeing of other pupils and staff at the School.

The Appeal Committee will seek to avoid unnecessary formality and delay. The Appeal Committee can also consider what evidence it will hear, in what order and whether or not the questioning of witnesses will be permitted.

The decision of the Appeal Committee will be sent to you as soon as reasonably possible after the hearing.

Where there are divergent views on the Appeal Committee, the Chairman of the Appeal Committee may call for a vote to be taken, with each member having one vote. The appeal may be decided by a simple majority of the votes cast. Although the Appeal Committee should comprise three members, if for any reason there is an equality of votes, the Chairman of the Appeal Committee shall have a second or casting vote.

The Chairman of the Appeal Committee will, or will nominate a member of the Appeal Committee to, prepare the written decision which will be circulated to the other members of the Appeal Committee for comment. The Chairman of the Appeal Committee will have the final say on the content of the written decision.

The decision and the grounds on which it is made will be sent to the Clerk for onward circulation to the appellant, the Appeal Committee, the Chairman of Governors and the Head.

The Appeal Committee has the power to dispose of the appeal as it thinks fit including the power to:

Uphold the Head's decision;
Uphold the Head's decision but substitute an alternative sanction;
Set the Head's decision aside;
Remit the matter to the Head for further consideration; or
Make recommendations of a policy or process nature for consideration by the Governors.

The decision of the Appeal Committee is final and no further appeal is allowed. If the Appeal Committee is minded to confirm a decision to expel, it is open to the Appeal Committee, with the agreement of the Head, the pupil and the parents to discuss the pupil's leaving status with a view to reaching agreement.

Failure to comply with any of the requirements of these rules shall not render any decision of the Appeal Committee a nullity.

The Clerk will remind all those involved in the above-mentioned process to declare any conflict or potential conflict of interest at the earliest opportunity. The conflict should be of a kind which might reasonably be taken to raise doubts about their ability to act impartially.

The Clerk will keep all papers on file for 7 years.

The members of the Appeal Committee shall be paid all reasonable out of pocket expenses upon provision of relevant receipts to the Clerk.

Schedule
Appeal Panel as of September 2026

Prof Jagjit Chadha
Sarbani Jollyman
George Stavrinidis
John Graham
David Tidmarsh
Anup Vyas
John Dunston
Richard Fox
Andrew Smith
Ian Kendrick
Giles Goodfellow