

EXPULSION, REMOVAL AND REVIEW POLICY

Introduction

- 1.1 **Scope:** This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be expelled from the School, or required to leave permanently for misconduct or other reasons. The policy applies to all pupils at the School but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by his parents. This policy can be made available in large print or other accessible format if required.
- 1.2 **Interpretation:** The definitions in this clause apply in this policy.
Headmaster: references to the Headmaster include deputies.
Parent: includes one or both of the parents, a legal guardian or education guardian.
Expulsion: means a dismissal from the School following serious misconduct formally recorded.
Removal: means that a pupil has been required to leave, but without the stigma of expulsion.
2. Policy Statement
- 1.3 **Aims:** The aims of this policy are:
- to support the School's behaviour and discipline code
 - to ensure procedural fairness and natural justice
 - to promote co-operation between the School and parents when it is necessary for the School that a pupil should leave earlier than expected.
- 1.4 **Misconduct:** The main categories of misconduct which may result in expulsion or removal are:
- supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
 - theft, blackmail, physical violence, intimidation, racism or persistent bullying
 - misconduct of a sexual nature; supply or possession of pornography
 - possession or use of unauthorised firearms or other weapons
 - vandalism or computer hacking
 - persistent attitudes or behaviour which are inconsistent with the School's ethos
 - other serious misconduct which affects the welfare of a member or members of the school community or which brings the School into disrepute (single or repeated episodes) on or off school premises.
- 1.5 **Behaviour related to a disability:** the School will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Where expulsion needs to be considered, the School will ensure that a disabled pupil is able to present his case fully where the disability might hinder this.
- 1.6 **Other circumstances:** A pupil may be required to leave if, after all appropriate consultation, the Headmaster is satisfied that it is not in the best interests of the pupil, or of the School, that he remains at the School.

2 Investigation Procedure

- 1.7 **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Deputy Headmaster, and its outcome will be reported to the Headmaster. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the pupil being expelled or required to leave.

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- 1.7 **Suspension:** A pupil may be suspended from boarding and/or from the School and required to live at home or with his education guardian while a complaint is being investigated or while an investigation is suspended. Should a suspension continue for a period of more than five School days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The relevant pupils tutor will co-ordinate these arrangements with the pupil's parents or guardians. Parents or guardians should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set. Alternatively, the pupil may be placed under a segregated regime on school premises.
- 1.8 **Search:** We may decide to search a pupil's space and belongings and ask him to turn out the contents of his pockets or a bag, if we consider there is reasonable cause to do so as per the search and confiscation policy. Clothing will not be searched until it has been removed from the wearer and care will be taken to ensure reasonable privacy. This policy does not authorise an intimate search or physical compulsion in removing clothing. Only outer clothing will be searched. If necessary, the police would be called.
- 1.9 **Interview:** A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If the pupil is then interviewed formally about a complaint or rumour, arrangements will be made for him to be accompanied by a member of staff of his choice and/or by a parent (if available at the relevant time). A pupil who is waiting to be interviewed may be segregated but made as comfortable as possible, accompanied or visited regularly by a member of staff, and given access to a toilet and adequate food and drink. A minute of the interview will be recorded in writing by the interviewing member of staff.
- 1.10 **Ethos:** An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.
- 1.11 **Suspension of an investigation:** It may be necessary to suspend an investigation, for example where external agencies such as the police or social services are involved and have advised that this is necessary. A decision to suspend an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.
2. Disciplinary Meeting before the Headmaster
- 1.12 **Preparation:** The Principal will be informed of the investigation. Documents available at the disciplinary meeting before the Headmaster will include:

- a statement setting out the points of complaint against the pupil
- written statements and notes of the evidence supporting the complaint, and any relevant correspondence
- the Deputy Headmaster's Investigation Report
- the pupil's school file and file and conduct record
- the relevant school policies and procedures.

1.13 **Attendance:** The pupil and his parents (if available) will be asked to attend the disciplinary meeting with the Headmaster at which the Deputy Headmaster will explain the circumstances of the complaint and his investigation. The pupil may also be accompanied by a member of staff of his choice. The pupil and his 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. If the parents or the pupil have any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Headmaster or Deputy Headmaster so that appropriate arrangements can be made.

1.14 If the pupil or the pupil's parents experience difficulty in attending due to a disability, the School will make reasonable alternative arrangements to accommodate the disability. If a parent is unable to attend because of, for example, travel and working commitments, the School will make reasonable alternative arrangements to ensure the parent can be involved with the disciplinary process and their child's education.

1.15 **Proceedings:** There are potentially three distinct stages of a disciplinary meeting:

1.15.1 **The complaints:** The Headmaster will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Headmaster considers that further investigation is needed, he will decide whether the complaint has been sufficiently proved. The standard of proof shall normally be the civil standard, i.e. the balance of probabilities. Appropriate reliance may be placed on hearsay evidence but the Headmaster will not normally refer to the pupil's disciplinary record at this stage.

1.15.2 **The sanction:** If the complaint has been proved the Headmaster will outline the range of disciplinary sanctions which he considers are open to him. He will take into account any further statement which the pupil and/or others present on his behalf wish to make. The pupil's disciplinary record will be taken into account. Then, or at some later time, normally within 24 hours, the Headmaster will give his decision, with reasons.

1.15.3 **Leaving status:** If the Headmaster decides that the pupil must leave the School, he will consult with a parent before deciding on the pupil's leaving status (see below).

1.16 **Delayed effect:** A decision to expel or remove a pupil shall take effect seven days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from school premises. If within seven days the parents have made a written application for a Review, the pupil shall remain suspended until the Review has taken place.

2 Leaving Status

1.17 **Explanation:** If a pupil is expelled or required to leave, his leaving status will be one of the following: expelled, removed or withdrawn by parents.

1.18 **Detail:** Additional points of leaving status include:

- the form of letter which will be written to the parents and the form of announcement in the School that the pupil has left
- 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 a leaver
- arrangements for transfer of any course and project work to the pupil, his 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
- whether the pupil will be entitled to leavers' privileges
- the conditions under which the pupil may re-enter school premises in the future
- financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunded of prepaid fees.

2 Review

1.19 **Request for review:** A pupil or his parents may request a Review of the Headmaster's decision to expel or require a pupil to leave, or where a decision has been made to suspend a pupil for 11 School days or more, or where suspension would prevent the pupil from taking a public examination. The application must be made in writing and received by the Principal within seven days of the Headmaster's decision being notified in writing to a parent, or longer by agreement. If the parents or the pupil have any special needs or disabilities which call for additional facilities or adjustments, these should be made known to the Principal so that appropriate arrangements can be made.

1.20 **Grounds for review:** In their application the parents must state the grounds on which they are asking for a review and the outcome which they seek. For the avoidance of doubt, a mere disagreement with the decision of the Headmaster will not of itself be grounds sufficient for a Review. It should also be noted that it is not the role of the Review Panel to overturn the Headmaster's decision but to consider the representations made as outlined below and to make recommendations to the Headmaster accordingly.

1.21 **Review Panel:** The Review will be undertaken by a three member independent panel. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not normally include the Principal. Selection of the Review Panel will be made by the Principal. Parents will be notified in advance of the names of the panel members. Fair consideration will be given to any bona fide objection to a particular member of

the panel. If appropriate, the panel may include an independent member who is not concerned with the management or running of the school.

1.22 **Role of the Panel:** The role of the Panel is to consider the representations made as outlined below in paragraph and to make recommendations to the Headmaster accordingly. It is not within the powers of the Panel to reinstate a pupil's place at the school against the wishes of the Headmaster. The Panel may either uphold the Headmaster's decision or refer the decision back to the Headmaster with recommendations so that the Headmaster may consider the matter further.

1.23 **Review meeting:** The meeting will take place at the school premises, normally between three and ten days after the parents' application has been received. A Review will not normally take place during school holidays. A Review Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law.

1.24 **Attendance:** Those present at the Review Meeting will normally be:

- members of the Review Panel
- the Principal
- the Headmaster and any relevant member of staff whom the pupil or his parents have asked should attend and whom the Headmaster considers should attend in order to secure a fair outcome
- the pupil together with his parents and, if they wish, a member of the school staff who is willing to speak on the pupil's behalf. The parents may be accompanied by a friend or relation. The Principal must be given seven days' notice if the friend or relation is legally qualified.

1.25 If the pupil or the pupil's parents experience difficulty in attending due to a disability or the parent's travel and working commitments prevent them from attending, the School will make reasonable alternative arrangements to ensure the pupil and / or their parents can be involved in the Review.

1.26 **Conduct of meeting:** The meeting will be chaired by one member of the Review Panel and will be conducted in a suitable room and in an informal manner. All statements made at the meeting will be unsworn. The Clerk will be asked to keep a hand-written minute of the main points which arise at the meeting. All those present will be entitled, should they wish, to write their own notes. The meeting will be directed by the Chair of the Review Panel who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chair may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

1.27 **Procedure:** The Panel will consider each of the questions raised by the pupil or his parents so far as relevant to:

- whether the facts of the case were sufficiently proved when the decision was taken to expel or remove of the pupil. The civil standard of proof, namely, "the balance of probability" will normally apply
- whether the sanction was warranted, that is, whether it was proportionate to the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the School's policy in that respect.

The requirements of natural justice will apply. If for any reason the pupil or his parents are dissatisfied with any aspect of the meeting they must inform the Chair at the time and ask the Principal to note their dissatisfaction and the reasons for it.

1.28 **Identification:** If the Headmaster considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chair may require that the name of that person and the reasons for withholding it be written down and shown to the Panel Members. The Chair at his/her discretion may direct that the person be identified, or not, as the case may be.

1.29 **Pupil's character:** Up to two members of the school staff may speak generally about the pupil's character, conduct and achievements at the School if they are willing to do so.

1.30 **Leaving status:** If, having heard all parties, the Panel is minded to recommend that the Headmaster's earlier decision should be confirmed, it is open to the Panel, with agreement of the Headmaster, the pupil and his parents to discuss the pupil's leaving status with a view to reaching agreement.

1.31 **Decision:** When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he may adjourn the meeting; alternatively the Chair may ask those present to withdraw while the Panel considers its recommendations. The panel's recommendations will be notified in writing, with reasons, to the Headmaster and the parents by the Chair of the Review Panel or the Principal within three days of the meeting. The Headmaster will provide his response to those recommendations in writing within 24 hours. In the absence of a significant procedural irregularity, the Headmaster's decision will then be final.

Authorised by

resolution of the Principal

Date September 2016

Review date of the policy September
2017

Circulation

Principal / Headmaster / All staff ;
Parents and pupils on request