



Policy on Expulsion, Removal and Review

Introduction

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 [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 his/her parents. This policy can be made available in large print or other accessible format if required.

2 *Interpretation:* References to the *Head Master* 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. A pupil may be expelled at any time if the Head Master is reasonably satisfied that the pupil's conduct (whether on or off School premises or in or out of term time) has been prejudicial to good order or school discipline or to the reputation of the School. The School and the Head Master will act fairly and in accordance with the procedures of natural justice and will not expel a pupil other than in grave circumstances. There will be no refund of fees following expulsion (and all unpaid fees must be paid). The deposit will not be returned/credited, but fees in lieu of notice will not be charged.

In making decisions about the expulsion of a pupil the Head Master will take into account any special educational needs, disabilities, gender and cultural differences that may be relevant to the case, as well as an agreed list of issues relating to exclusion.

"*Removal*" means that a pupil has been required to leave, but without the stigma of expulsion. Parents may be required, during or at the end of a term, to remove the pupil, without refund of fees, temporarily or permanently from the School if, after consultation with a parent, the Head Master is of the opinion that the conduct or progress of the pupil has been unsatisfactory or if the pupil, in the judgement of the Head Master, is unwilling or unable to profit from the educational opportunities offered (or a parent has treated the School or members of its staff unreasonably) and in any such case removal is considered to be warranted. The deposit will be refunded in the event of removal from the School and fees in lieu of notice will not be charged but all outstanding fees and extras will be payable in full.

Only the Head Master can require parents to remove a pupil and before doing so he will follow the same procedure as for temporary exclusion.

In making decisions about requiring the removal of a pupil the Head Master will take into account any special educational needs, disabilities, gender and cultural differences that may be relevant to the case, as well as an agreed list of issues relating to exclusion.

“*Withdrawal*” means that a parent decides, after due consideration, voluntarily to withdraw their child rather than the School imposing an expulsion. However, it must clearly be understood that the Head Master reserves the right to insist on 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.
 - 3.2 To ensure procedural fairness and natural justice.
 - 3.3 To promote co-operation between the School and parents when it is necessary for the School that a pupil leave earlier than expected.
- 4 *Misconduct:* The main categories of misconduct which may result in expulsion or removal are:
- 4.1 Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.
 - 4.2 Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
 - 4.3 Misconduct of a sexual nature; supply and possession of pornography.
 - 4.4 Possession or use of unauthorised firearms or other weapons.
 - 4.5 Vandalism and computer hacking.
 - 4.6 Persistent attitudes or behaviour which are inconsistent with the School's ethos.
 - 4.7 Other serious misconduct towards a member of the school community or which brings the School into disrepute (single or repeated episodes) on or off school premises.
- 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 or her case fully where the disability might hinder this.
- 5 *Other Circumstances:* A pupil may be required to leave if, after all appropriate consultation, the Head Master is satisfied that it is not in the best interests of the pupil, or of the School, that he/she remains at the School.

Investigation procedure

- 6 *Complaints:* Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Deputy Head Master, and its outcome will be reported

to the Head Master. 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.

- 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. Alternatively, he/she may be placed under a segregated regime at school premises.
- 8 *Search:* We may decide to search a pupil's space and belongings, and ask him/her to turn out the contents of pockets or a bag, if we consider there is reasonable cause to do so. 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. If necessary, the police would be called.
- 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/her to be accompanied by a member of staff of his/her 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, telephone and adequate food and drink.
- 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.
- 11 *Adjournment of an investigation:* It may be necessary to adjourn 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 adjourn an investigation will take into account advice from any external agency and will be subject to periodic review.

Disciplinary meeting

- 12 *Preparation:* The Chair of Governors will be informed of the investigation. Documents available at the disciplinary meeting before the Head Master will include:
 - 12.1 A statement setting out the points of complaint against the pupil.
 - 12.2 Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
 - 12.3 The Deputy Head Master's Investigation Report.
 - 12.4 The pupil's school file and house file and conduct record.
 - 12.5 The relevant school policies and procedures.
- 13 *Attendance:* The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Head Master at which the Deputy Head Master will explain the circumstances of the complaint and his investigation. The pupil may also be accompanied by a member of staff of his/her choice. The pupil and his/her 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 Head Master or Deputy Head Master so that appropriate arrangements can be made.

- 14 *Proceedings:* There are potentially three distinct stages of a disciplinary meeting:
- 14.1 *The complaint/s* - the Head Master will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head Master 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, ie. a *balance of probabilities*. However, where the allegation against the pupil would amount to a criminal offence under general law, the standard of proof should be *beyond reasonable doubt*. Appropriate reliance may be placed on hearsay evidence but the Head Master will not normally refer to the pupil's disciplinary record at this stage.
 - 14.2 *The sanction* - if the complaint has been proved the Head Master 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 Head Master will give his decision, with reasons.
 - 14.3 *Leaving status* - if the Head Master decides that the pupil must leave the School, he will consult with a parent before deciding on the pupil's leaving status (see below).
- 15 *Delayed Effect:* A decision to expel or remove a pupil shall take effect 72 hours after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from school premises. If within 72 hours the parents have made a written application for a Review by the Governors, the pupil shall remain suspended until the Review has taken place.

Leaving status

- 16 *Explanation:* If a pupil is expelled or required to leave, his/her leaving status will be one of the following: "expelled", "removed" or "withdrawn by parents"
- 17 *Detail:* Additional points of leaving status 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, his/her 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 *St. Gregory's Society* and if so from what date.
- 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; refunded of prepaid fees.

Governors' review

- 18 *Request for Review:* A pupil or his/her parents, aggrieved at the Head Master's decision to expel or require a pupil to leave, may make a written application for a Governors' Review. The application must be received by the Clerk to the Governors within 72 hours of the decision being notified to a parent, or longer by agreement.
- 19 *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.
- 20 *Review Panel:* The Review will be undertaken by a three member sub-committee of the Board of Governors. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not normally include the Chair of Governors. Selection of the Review Panel will be made by the Clerk to the Governors. 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.
- 21 *Role of the Panel:* The role of the Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Head Master's decision or to refer the decision back to him with recommendations so that he may consider the matter further. It is not within the powers of the Panel to reinstate a pupil's place at the School against the wishes of the Head Master.
- 22 *Review Meeting:* The meeting will take place at the school premises, normally between 3 and 10 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.
- 23 *Attendance:* Those present at the Review Meeting will normally be:
 - 23.1 Members of the Review Panel and the Clerk to the Governors or her deputy.
 - 23.2 The Head Master and any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Head Master considers should attend in order to secure a fair outcome.
 - 23.3 The pupil together with his/her 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 Clerk to the Governors must be given 7 days' notice if the friend or relation is legally qualified.

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.

- 24 *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 proceedings will not be tape-recorded without the consent of both the Chair and a parent and any tape-recording will be used only to assist the panel members in reaching their decision and formulating their reasons and will belong to the School. 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 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.
- 25 *Procedure:* The Panel will consider each of the questions raised by the pupil or his/her parents so far as relevant to:
- 25.1 Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove the pupil. The civil standard of proof, namely, "*the balance of probability*" will normally apply except where the case involves an allegation of a criminal offence in which case the standard of proof will be "*beyond reasonable doubt*"; and
- 25.2 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.
- 25.3 The requirements of natural justice will apply. If for any reason the pupil or his/her parents are dissatisfied with any aspect of the meeting they must inform the Chair at the time and ask the Clerk to note their dissatisfaction and the reasons for it.
- 26 *Identification:* If the Head Master 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.
- 27 *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.
- 28 *Leaving Status:* If, having heard all parties, the Panel is minded to confirm the Head Master's earlier decision, it is open to the Panel, with agreement of the Head Master, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement.

- 29 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 Head Master and the parents by the Chair of the Review Panel or the Chair of the Governing Body within three working days of the meeting. The Head Master will provide his response to those recommendations in writing, usually within 24 hours. In the absence of a significant procedural irregularity, the Head Master's decision will then be final.

Authorised by Downside School SLT
Date 28th April 2015

Reviewed by Andrew Hobbs (Deputy Head Master): February 2018
Approved by SLT: February 2018

Next Review: February 2019