



## **EXPULSION, REMOVAL AND REVIEW PROCEDURES**

### **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 be 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 parent or guardian.

2. **Interpretation.** References to the ‘**Headmaster**’ include deputies. ‘**Parent**’ includes one or both parents, a legal guardian or education guardian. ‘**Removal**’ means that a pupil has been required to leave, but without the stigma of expulsion.

### **POLICY STATEMENT**

3. **Aims.** The aims of this policy are threefold:

- a. To support the School’s behaviour and discipline code.
- b. To ensure procedural fairness and natural justice.
- c. To promote cooperation between the School and parents when it is necessary for a pupil to leave earlier than expected .

4. **Misconduct.** Misconduct which may result in expulsion or removal includes:

- a. Supply, possession, use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.
- b. Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
- c. Misconduct of a sexual nature; supply and possession of pornography.
- d. Possession or use of unauthorised firearms or other weapons.
- e. Vandalism, computer hacking and serious misuse of any communication technologies.
- f. Persistent attitudes or behaviour which are inconsistent with the School’s ethos.
- g. 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.

5. **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.

### **INVESTIGATION AND PROCEDURE**

**6. Complaints.** Investigation of a complaint or rumour of serious misconduct will normally be directed by the Deputy Head. Its outcome will be reported to the Headmaster.

**7. Suspension.** A pupil may be suspended while a complaint is being investigated; although, he may be placed under a segregated regime at the School premises.

**8. Search.** The School may decide to search a pupil's space and belongings, and ask him to turn out the contents of a pocket or a bag, if it is considered that 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 will be summoned.

**9. Interview.** If a pupil is interviewed formally about a complaint, arrangements will be made for him to be accompanied by a member of staff of his choice. A pupil who is waiting to be interviewed may be segregated but will be 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.** Any investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.

## **DISCIPLINARY MEETING**

**11. Preparation.** The Chairman of Governors will be informed of the investigation as soon as is practicable. 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 evidence supporting the complaint, and any relevant correspondence.
- The Deputy Headmaster's Investigation Report.
- The pupil's School file.
- The relevant School policies and procedures.

**12. 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 hi/her 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 who have provided evidence will be on hand to join the meeting if needed, and their statements will be disclosed. In the case of evidence provided by pupils, they will usually have their anonymity preserved.

**13. Proceedings.** The disciplinary meeting will usually follow three distinct phases:

**a. 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 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.

**b. 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 may wish to make. The pupil's disciplinary record will now be taken into account. Then, or at some time later but within 24 hours, the Headmaster will give his decision with reasons.

**c. 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).

**14. 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 Governors Review, the pupil shall remain suspended until the Review has taken place.

## **LEAVING STATUS**

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

**16. Detail.** Additional points of leaving status may include some or all of the following:

- The form of letter written to the parents/guardians.
- The form of announcement within the School that the pupil has left.
- The form of reference which will be supplied for the pupil.
- The entry made on the School record re the pupil's status as a leaver.
- Arrangements for the transfer of any project or coursework.
- Whether the pupil may return to the School to sit public examinations.
- Whether the School can provide assistance in finding an alternative school.
- Whether the pupil will be entitled to leavers privileges.
- Whether the pupil will be eligible to join the Old Hallifordian Society.
- The conditions under which the pupil may re-enter School premises in future.
- Financial aspects e.g. outstanding fees, extras, the deposit and pre-paid fees.

## **GOVERNORS' REVIEW**

**17. Request for Review.** A pupil or his parents, aggrieved at the Headmaster's decision, 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, or longer by agreement.

**18. Grounds for Review.** The pupil and/or parents must state the grounds on which they are asking for a review in their application and also the outcome which they seek.

**19. Review Panel.** The Review will be undertaken by a three-member sub-committee of the Board of Governors. Panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not normally include the Chairman of Governors. One member of the Panel will be appointed from outside the Board in order to provide someone completely independent of the School. The individual appointed will usually be a prominent member of the local community. Selection of the Panel will be made by the Clerk to the Governors. Parents will be notified in advance of the names of the members of the Panel. Fair consideration will be given to any bona fide objection to a particular member of the panel.

**20. Review Meeting.** The meeting will take place at the School premises, normally between 3 and 10 working days after the application for a Review has been received. A Review will not normally take place during the School holidays. A Review Meeting is a private procedure and all those concerned in it are required to keep its proceedings confidential, subject to law.

**21. Attendance.** Those present at the Review Meeting will normally be as follows:

- a. Members of the Review Panel and the Clerk to the Governors or his Deputy.
- b. 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 ensure a fair outcome.
- c. The pupil together with his parents and, if they wish, a member of the Scholl 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.

**22. Conduct of the 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 Chairman and a parent and any tape recording will be used only to assist the Panel in reaching their decision and formulating their reasons and will belong to the School. The Clerk will be asked to keep a handwritten 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 Chairman who will conduct it sso as to ensure that all those present have a reasonable opportunity to ask questions and make appropriate comments. Everyone will be expected to show courtesy, restraint and good manners. If the meeting is terminated, the original decision will stand

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

- a. 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 apply.
- b. Whether the sanction was warranted, that is, whether it was proportionate to the breach of discipline found to have occurred and to the legitimate aims of the School's policy in that respect taking into account the pupil's record.

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

**25. 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.

**26. Leaving Status.** If having heard all the parties, the Panel is minded to confirm the Headmaster's decision, it is open to the Panel, with the agreement of the Headmaster, the pupil and his parents to discuss the pupil's leaving status with a view to reaching an agreement.

**27. Decision.** When the Chairman decides that all issues have been sufficiently discussed and if by then there is no consensus, he/she may adjourn the meeting; alternatively the Chairman may ask those present to withdraw while the Panel considers its decision. In the absence of a significant procedural irregularity, the decision of the Review Panel will be final. It will be

notified, with reasons, to the parents by the Chairman of the Review Panel or the Chairman of Governors by letter or telephone within three days of the meeting.