

Expulsion, Removal and Review Policy

Reviewer: FR June 2018

Next review date June 2019

Approved by Governors: June 2018



1 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 her parents.

1.2 **Interpretation:** The definitions in this clause apply in this policy.

Head Mistress: references to the Head Mistress may include the Senior Deputy Head (Pastoral) or the Deputy Head (Academic) in the Head Mistress' absence.

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

2.1 **Aims:** The aims of this policy are:

- to support the School's behaviour and discipline code;
- to ensure procedural fairness; and
- to promote co-operation between the School and parents when it is necessary for the School that a pupil should leave earlier than expected.

2.2 **Misconduct:** The main categories of misconduct which may result in expulsion or removal include, but are not limited to:

- 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, severe or persistent bullying (including cyber-bullying and homophobic bullying);
- misconduct of a sexual nature; supply or possession of pornography;
- possession or use of unauthorised firearms or other weapons;
- vandalism or computer hacking;
- malicious allegations against staff or other pupils;
- persistent breaches of the School's Guidance for Behaviour or persistent attitudes or behaviour which are inconsistent with the School's ethos; and
- 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.

2.3 **Equality:** 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 pupil with a disability is able to present their case fully where their disability might hinder this. Any religious requirements affecting the pupil will also be considered.

- 2.4 **Other circumstances:** A pupil may be required to leave if, after all appropriate consultation, the Head Mistress is satisfied that it is not in the best interests of the pupil, or of the School, that she remains at the School.

3 Investigation procedure

- 3.1 **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Senior Deputy Head (Pastoral) or, in her absence, the Deputy Head (Academic), and its outcome will be reported to the Head Mistress. There may be circumstances where the School is not in a position to investigate immediately. If the police or children's social care services have been involved, the School will not investigate further unless this has been agreed with the police or children's social care services as applicable.
- 3.2 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.
- 3.3 **Suspension:** A pupil may be suspended from the School and required to be at home or with her education guardian while a complaint is being investigated or while an investigation is suspended (see para 3.7 below). 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. Alternatively, she may be placed under a segregated regime on school premises.
- 3.4 **Search:** We may decide to search a pupil's space and belongings, and ask her to turn out the contents of pockets or a bag, if we consider there is reasonable cause to do so. Clothing will only be searched if the wearer has removed it voluntarily 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.
- 3.5 **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 her to be accompanied by a member of staff of her choice and/or by a parent (if available at the relevant time). A minute of the formal interview will be recorded in writing by the interviewing member of staff.
- 3.6 **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.
- 3.7 **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.
- 3.8 **Report:** On completion of the investigation, the co-ordinating Deputy Head will prepare a report on the investigation and advise the Head Mistress whether:
- There is a case of serious misconduct which the pupil should answer in a disciplinary meeting before the Head Mistress;
 - The misconduct is less serious and a disciplinary sanction other than expulsion is appropriate; or

- No disciplinary sanction is required.

4 Disciplinary meeting before the Head Mistress

4.1 **Preparation:** Where the report has concluded that there is a case of serious misconduct for the pupil to answer, a disciplinary meeting will be convened within 10 school days of receipt of the investigation report. The Chairman of Governors will be informed. Documents available at the disciplinary meeting before the Head Mistress 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 Head's Investigation Report;
- the pupil's school file and conduct record; and
- the relevant school policies and procedures.

4.2 **Attendance:** The pupil and her parents (if available) will be asked to attend the disciplinary meeting with the Head Mistress at which the Deputy Head who has prepared the report will explain the circumstances of the complaint and investigation. The pupil may also be accompanied by a member of staff of her choice. The pupil and 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 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 Mistress or the Senior Deputy Head (Pastoral) so that appropriate arrangements can be made.

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.

Notes of the meeting will be taken by the School and the pupil and parents provided with a copy.

4.3 **Proceedings:** There are potentially two distinct stages of a disciplinary meeting:

4.3.1 **The complaints:** The Head Mistress will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head Mistress considers that further investigation is needed, she 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 Head Mistress will not normally refer to the pupil's disciplinary record at this stage.

4.3.2 **The sanction:** If the complaint has been proved the Head Mistress will outline the range of disciplinary sanctions which she considers are open to her. She will take into account any further statement which the pupil and/or others present on her behalf wish to make. The pupil's disciplinary record will be taken into account.

4.4 The Head Mistress will make a decision regarding the appropriate disciplinary sanction, and communicate this to the pupil and parents, normally within 24 hours. The Head Mistress will confirm the decision and the reasons for it in writing within 4 days of the meeting.

5 Leaving status

5.1 **Explanation:** If a pupil is expelled or required to leave, her leaving status will be one of the following: expelled, removed or withdrawn by parents. The decision on a pupil's leaving status will be decided by the Head Mistress, who may consult with the pupil's parents before making a decision.

5.2 **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, her 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;
- whether the pupil will be eligible for membership of the Old Dolphins' Association and if so from what date;
- the conditions under which the pupil may re-enter school premises in the future; and/or
- financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunded of prepaid fees.

6 Governors' review

6.1 **Request for review:** A pupil or her parents may request a Governors' Review of the Head Mistress's decision to expel or require a pupil to leave. The application must be made in writing and received by the Clerk to the Governors within seven days of the Head Mistress's decision being notified in writing to a parent, or longer by agreement. If the pupil or the pupil's parents experience any difficulty in attending due to a disability, the School will make reasonable alternative arrangements to ensure the pupil and/or their parents can be involved in the review. If the pupil or the pupil's parents have any disabilities which call for additional facilities or adjustments, these should be made known to the Clerk so that appropriate arrangements can be made.

6.2 **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 Head Mistress will not of itself be grounds sufficient for a Governors' Review.

6.3 **Review Panel:** The Review will be undertaken by a three member sub-committee of the Board of Governors. The panel members so far as possible will have no detailed previous knowledge of the case or of the pupil or parents and will not normally include the Chairman 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. If appropriate and at the discretion of the School, the panel may include an independent member who is not concerned with the management or running of the school.

6.4 **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 Mistress's decision or refer the decision back to her with recommendations so that she 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 Mistress.

6.5 **Review meeting:** The meeting will take place at the school premises, normally within ten school days after the parents' application has been received. A Review will not normally take place during school holidays. The parents and the Head Mistress will be asked to submit any documents they wish to refer to at the meeting and a single bundle will be circulated at least three days before the meeting. On receipt of new information not previously available to the Head Mistress before her decision was made, the Clerk should contact the Chair of Governors who will decide whether

- to include the new information in the bundle; or
- to omit the information if not relevant to the grounds for Review; or
- to make further enquiries of the parents or the pupil about the information; or
- to refer the information to the Head Mistress for her consideration as to whether the decision should be revisited.

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.

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

- members of the Review Panel and the Clerk to the Governors or his/her deputy;
- the Head Mistress and any relevant member of staff whom the pupil or her parents have asked should attend and whom the Head Mistress considers should attend in order to secure a fair outcome; and
- the pupil together with 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 meeting is not a legal proceeding and so legal representation is not permitted.

6.7 **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 Chairman of the meeting 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 Chairman may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

6.8 **Procedure:** Each of the grounds given in the parents' request for review will be considered and discussed. The Panel will consider questions raised by the pupil or her parents and any documentation they wish to rely on so far as relevant to:

- 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 probabilities, will normally apply; and
- 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 her parents are dissatisfied with any aspect of the meeting they must inform the Chairman at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

6.9 **Identification:** If the Head Mistress considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chairman may require that the name of that person and the reasons for withholding it 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.

6.10 **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 but will not be expected to express a decision about the decision which is being reviewed.

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

6.12 **Decision:** When the Chairman decides that all issues have been sufficiently discussed and if by then there is no consensus, she may adjourn the meeting; alternatively the Chairman 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 Mistress and the parents by the Chairman of the Review Panel or the Chairman of Governors within three school days of the meeting. The Head Mistress will provide her response to those recommendations in writing within 48 hours. In the absence of a significant procedural irregularity, the Head Mistress's decision will then be final.

Appendix 1 Request for a Governors' Review of a decision to expel a pupil

To The Clerk to the Governors of Godolphin and Latymer School

Subject [Name of pupil]

I request that a sub-committee (**Panel**) of the Board of Governors carries out a review of the Head Mistress's decision to expel or require removal of the above named pupil. I agree that the Review will be carried out in accordance with the Review Procedure supplied to us with this form and I agree to abide by the terms of that Procedure and in particular that the proceedings are and will remain confidential and that the Head Mistress's decision following consideration of the recommendations made by the Governors' Review will be final, subject to such legal rights (if any) as may exist.

I confirm that I am a person with parental responsibility for the above named pupil and that I have consulted the pupil who wishes the Review to be undertaken.

I understand that the Panel will be concerned with the fairness and proportionality of the Head Mistress's decision in accordance with the School's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

We understand that we may be accompanied at the Review Meeting by a friend or relation who is not legally qualified and that we may ask up to two members of the School staff to attend the meeting and speak on behalf of the pupil if they are willing to do so. If we wish to bring a friend or relation who is legally qualified we will provide seven days' notice as required.

The grounds upon which we seek a Review and the matters which we wish to discuss at the Review and to ask the Panel to take into account are as set out in a statement attached to this sheet.

(Two signatures required where practicable)

Signed	Signed
Full name	Full name
Relationship to pupil	Relationship to pupil
Date	Date
Address	Address
Telephone number	Telephone number