

Expulsion, Removal and Review Policy

Reviewer: FR May 2023
Approved by Governors: June 2023

Next review by: September 2024



This policy is available to parents of pupils on the School's website and a copy can also be supplied on request.

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, whether 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 voluntary withdrawal by her parents.

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

Complaint: means either a complaint or rumour about serious misconduct or an incident involving serious misconduct on the part of a student or where one or both of the parents are reported to have behaved unreasonably, such as contravening the School's 'Parental co-operation and communication with the School' guidance document.

Expulsion: means dismissal of a pupil from the School following serious misconduct formally recorded.

Head: references to the Head may include a Deputy Head.

Parent: includes one or both of the parents, a legal guardian or education guardian.

Removal: means that a pupil has been required to leave, but without the stigma of expulsion.

1.3 All time scales in this document refer to term time and 'working days' means school days during term time.

2 Policy statement

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

- to support the School's behaviour and discipline code for its pupils and any guidance regarding conduct and communications provided to the parents;
- to promote co-operation between the School and parents when the School determines that it is necessary that a pupil should leave earlier than expected; and
- to provide clarity as to the process and to ensure procedural fairness in relation to these cases.

2.2 **Misconduct:** The main categories of pupil 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/or any sexist, racist, homophobic or transphobic bullying;
- misconduct of a sexual nature, for example supply or possession of pornography or distribution of inappropriate images online;
- possession or use of unauthorised weapons;

- vandalism or computer hacking;
 - malicious allegations against staff or other pupils;
 - persistent breaches of the School's Code of Conduct 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's community or which brings the School into disrepute (single or repeated episodes) on or off school premises.
- 2.3 **Other circumstances:** A pupil may be required to leave if, after all appropriate consultation, the Head is satisfied that it is not in the best interests of the pupil, or of the School, that he or she remains at the School. This may include circumstances where a pupil is considered unwilling or unable to benefit from the educational opportunities or community life offered by the School, and/or where one or both of the parents have, in the School's view, behaved unreasonably, such as contravening the School's 'Parental co-operation and communication with the School' guidance.
- 2.4 **Equality:** The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where expulsion needs to be considered, the School will ensure that a pupil with a disability or special educational needs is able to present her case fully where her disability or special educational needs might hinder this. Any religious requirements affecting the pupil will also be considered.
- 2.5 **Conduct:** The circumstances to which this policy is relevant are likely to be difficult ones for all concerned. Courtesy, restraint and good manners are expected from all involved at all times and in all communications and interactions.
- ### 3 Investigation procedure in relation to a complaint involving a pupil
- 3.1 **Complaints:** Investigation of a complaint will be co-ordinated by a senior member of staff, typically a Deputy Head, and its outcome will be reported to the Head. 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.
- 3.2 **Suspension:** A pupil may be suspended from the School while a complaint is being investigated or while an investigation is suspended (see para 3.6 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 (for example via online learning).
- 3.3 **Search:** A member of school staff may decide to search a pupil's space and belongings, and ask the pupil to turn out the contents of pockets or a bag, if it is considered 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.
- 3.4 **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, arrangements will be made for them to be accompanied by a member of staff of her choice and/or by a parent (if available at the relevant time). A note of the formal interview will be recorded in writing by the interviewing member of staff.
- 3.5 **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.

3.6 **Suspension of an investigation:** It may be necessary to delay or 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 delay or suspend an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.

3.7 **Report:** On completion of the investigation, the co-ordinating senior member of staff will prepare a report on the investigation and advise the Head whether:

- There is a case of serious misconduct which the pupil should answer in a disciplinary meeting with the Head;
- The misconduct does not warrant expulsion or a requirement to leave and another lesser sanction may be appropriate; or
- There is no case of serious misconduct and the matter can be closed.

4 **Disciplinary meeting with the Head in relation to a complaint involving a pupil**

4.1 Where the report has concluded that there is a case of serious misconduct for the pupil to answer, a disciplinary meeting will be convened at which the Head will consider the complaint of serious misconduct and the findings of the investigation.

4.2 **Preparation:** The Chair of Governors will be informed of the meeting. Documents available at the disciplinary meeting with the Head will normally include:

- a statement setting out the points of complaint against the pupil;
- the investigation report (which may be redacted where necessary to preserve the anonymity of other pupils) together with any other contextual information that the Head is asked to consider; and
- the relevant school policies and procedures.

These documents will also be made available to the parents at least 24 hours before the disciplinary meeting.

The Head may also have access to written statements and notes of the evidence supporting the complaint, and other relevant correspondence, as well as the pupil's school file. These will not normally be shared with parents before the disciplinary meeting.

4.3 **Attendance:** The pupil and her parents will be asked to attend the disciplinary meeting with the Head at which the senior member of staff who has prepared the investigation report will explain the circumstances of the complaint and investigation. The pupil and her parents will have an opportunity to state their side of the case. Staff statements may 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's PA so that appropriate arrangements can be made.

If a parent is unable to attend, the School will make reasonable alternative arrangements to ensure the parent can be involved with the disciplinary process.

4.4 **Proceedings:** There are potentially three distinct stages of a disciplinary meeting and decision:

- 4.4.1 **The complaints:** The Head will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head 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 will not normally refer to the pupil's disciplinary record at this stage.
- 4.4.2 **The sanction:** If the complaint has been proved the Head will outline the range of possible disciplinary sanctions. The Head will take into account any further statement which the pupil and/or others present on the pupil's behalf wish to make. The pupil's disciplinary record will be taken into account. The Head will make a decision regarding the appropriate disciplinary sanction and communicate this to the pupil and parents normally within five working days of the disciplinary meeting, in writing and with reasons.
- 4.4.3 **Leaving status:** If the Head decides that the pupil must leave the School, she may consult with a parent before deciding on the pupil's leaving status (see below).

5 Procedure where the complaint involves a pupil's parent or parents

- 5.1 In the event that a complaint is made by a member or members of the School's staff in relation to a pupil's parent or parents (in particular that they have contravened the School's 'Parental co-operation and communication with the School' guidance), the procedure set out in paragraphs 3 and 4 above will largely apply. The intention is for the position to be investigated, a report made, and the matter referred to the Head for a decision as to appropriate next steps, but the procedure will be adapted as necessary to the circumstances. The parents will be informed what will be done and what timescale will apply.
- 5.2 In particular, in any case which might result in a pupil being required to leave the School, it is anticipated that the parents will be invited to a meeting with the Head (based on that outlined in paragraph 4), at which the parents will have an opportunity to state their case.
- 5.3 The provisions set out in paragraph 8, as regards a Governors' Review of the Head's decision, will apply to a decision made in relation to this form of complaint as well as to that relating directly to a pupil.

6 Delayed Effect

- 6.1 A decision that a pupil is to be expelled or required to leave 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 Governors' Review (see below), the pupil shall remain suspended until the review has taken place.

7 Leaving status

- 7.1 **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, who may consult with the pupil's parents before making a decision.
- 7.2 **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;
- 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; refund of prepaid fees.

8 Governors' review

- 8.1 **Request for review:** A pupil or her parents may request a Governors' Review of the Head's decision to expel or require a pupil to leave. The application must be made in writing using the request form in Appendix 1 and received by the Clerk to the Governors within seven days of the Head's decision being notified in writing to a parent, or longer by agreement. If the pupil or the pupil's parents have any special educational needs or disabilities which call for additional facilities or adjustments, these should be made known to the Clerk so that appropriate arrangements can be made.
- 8.2 **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 will not of itself be grounds sufficient for a Governors' Review.
- 8.3 **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 Chair of Governors. Selection of the Review Panel will be made by the Clerk to the Governors who will ask one member of the Panel to act as Chair. 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 as one (or more) of its members, in place of Governors, persons who are not involved in the management or running of the school.
- 8.4 **Role of the Panel Chair:** Once the Chair has been appointed, he/she will liaise with the Clerk on all procedural matters and correspondence connected with the Governors' Review. The Chair will have a wide discretion regarding any procedural matters not specifically covered in this policy with a view to ensuring that each party has a fair hearing and an opportunity to respond to any points raised by the other.
- 8.5 **Role of the Panel:** The role of the Panel is to consider:
- **Whether, on the facts, the decision-making relating to the breach of school policy/ies and sanction imposed followed a fair process:** whether an

appropriate procedure was followed allowing the facts of the case to be sufficiently proved when the decision was taken to expel or require the removal of the pupil. The civil standard of proof, namely, “the balance of probability”, will apply. Observance of the School’s relevant policies and rules will be taken into account but may not be determinative in this respect.

- **Whether the sanction was within the range of reasonable responses:** whether it was within the range of reasonable responses in respect of the breach of discipline or the other events that are found to have occurred and the legitimate aims of the School’s policy in that respect.

8.6 In addressing the matters above, the Panel will consider the documentation provided by the parties, representations made by the parties and any other factors which the Panel considers to be relevant in order to consider whether the sanction was reasonable.

8.7 The Panel will decide whether to uphold the Head’s decision or refer the decision back to the Head with recommendations so that she may consider the matter further. It is not, however, within the powers of the Panel to reinstate a pupil’s place at the School against the wishes of the Head.

8.8 **Preparing for the Review meeting:** The meeting will usually take place at the School’s premises, and will normally occur within fifteen working days after the parents’ application has been received. A Review will not normally take place during school holidays. The parents and the Head will be asked to submit any additional documents they wish to refer to at the meeting, to be received by the Clerk at least seven working days prior to the meeting, and a single bundle will be circulated to all parties at least three working days before the meeting. On receipt of new information not previously available to the Head before her decision was made, the Clerk should contact the Chair 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 for consideration as to whether the decision should be revisited.

8.9 **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; and
- the pupil together with her parents.

8.10 The parents may be accompanied at the Review meeting, for example by a friend or relation. The Review meeting is an internal procedure, not legal proceedings, and so legal representation is not necessary or appropriate (on this basis, it is expected that the accompanying person, referred to above, will not be legally qualified; the School may refuse to allow them to attend if this is not the case). The Clerk to Governors must be given seven days’ notice if they wish to be accompanied and should note that anyone accompanying them will not be permitted to act as an advocate or to address the Review Panel unless invited to do so by the Chair.

8.11 **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 meeting note on behalf of the

Panel which will be for the Panel's use only. All those present will be entitled, should they wish, to write their own notes. Everyone is expected to show courtesy, restraint and good manners or, after due warning, the Chair may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

- 8.12 **Procedure:** 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. For each of the grounds given in the parents' request for review, the parents should first make their representations in support, then the School should have an opportunity to respond and then the parents should have an opportunity to reply. If there are any new points raised in the parents' reply, which are not covered in the material before the Panel, then the School should have the chance to make a further response to those new points. The Panel will also have an opportunity to ask any questions.
- 8.13 Once all the grounds have been considered and discussed, the parents and the School should each have an opportunity to make any final observations and to respond to each other's final observations.
- 8.14 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 Chair at the time and ask the Clerk to note their dissatisfaction and the reasons for it.
- 8.15 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.
- 8.16 When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, the Chair may adjourn the meeting; alternatively the Chair may ask those present to withdraw while the Panel considers its recommendations.
- 8.17 Other than in the most exceptional circumstances, and at the Chair's discretion, the Panel will not consider any further submissions from either party after the Review Meeting has taken place. If further submissions are allowed they will be shared with the other party who will then be given an opportunity to comment. This may cause a delay to the Panel's decision.
- 8.18 **Decision:** The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the parents by the Chair of the Review Panel or the Chair of Governors within five working days of the meeting. **It is not within the powers of the Panel to reinstate a pupil's place at the School against the wishes of the Head.**
- 8.19 The Head will provide a written response to any recommendations made within ten working days. In the absence of a significant procedural irregularity, the Head's decision will then be final.

Appendix 1 Request for a Governors' Review of a decision to expel, or require removal of, a pupil

To The Clerk to the Governors of the Godolphin and Latymer School

Subject [Name of pupil]

I/we request that a sub-committee (**Panel**) of the Board of Governors carries out a review of the Head's decision to expel or require removal of the above named pupil. I/we 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'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/we confirm that I/we have parental responsibility for the above named pupil and that I/we have consulted the pupil who wishes the Review to be undertaken.

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

I/we understand that we may be accompanied at the Review Meeting by a friend or relation and that if I/we wish to bring a friend or relation I/we will provide seven days' notice as required.

The grounds upon which I/we seek a Review and the outcome which I/we seek 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