



# King Edward's

## WITLEY

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### ***Expulsion, Removal and Review Policy***

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*This policy should be read in conjunction with the following School policies and other documents: Behaviour and Discipline Policy; Concerns and Complaints*

#### **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 their parents.

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

**Head:** references to the Head 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**

2.1 **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 leaves earlier than expected

2.2 **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
- theft, blackmail, physical violence, intimidation, racism, homophobia 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
- illegal acts
- repeated unauthorised absence

2.3 **Other circumstances:** The parents may be required to remove the pupil permanently from the School or from boarding if, after consultation with the parents and if appropriate the pupil, the Head is of the opinion that:

- the pupil has committed a breach or breaches of School rules or discipline for which removal is the appropriate sanction; or
- by reason of the pupil's conduct, behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and the community life offered by the School; or
- if the parents have treated the School or members of its staff or any member of the School community unreasonably.

In these circumstances, and at the sole discretion of the Head, withdrawal of the pupil by the parents may be permitted as an alternative to removal being required. The Head shall act with procedural fairness in all such cases and shall have regard to the interests of the pupil and the parents as well as those of the School. The Head's decision to require the removal of the pupil shall be subject to a Governor's review if requested by the parents. The parents will be given a copy of the review procedure current at the time. The pupil shall be suspended from the School pending the outcome of the review.

### 3 Investigation Procedure

3.1 **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the 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 boarding and/or from the School and required to live at home or with their education guardian while a complaint is being investigated or while an investigation is suspended (see section 3.6 below). Should a suspension continue for a period of more than 5 School days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The relevant Housemaster/Housemistress 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.

- 3.3 **Search:** Members of staff 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. (Further details of the search procedure may be found in the *Behaviour and Discipline Policy*)
- 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 or rumour, arrangements will be made for them to be accompanied by a member of staff of their 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.
- 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 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 any external agency and will be subject to periodic review.

#### 4 **Disciplinary meeting before the Head**

- 4.1 **Preparation:** The Treasurer will be informed of the investigation.

Documents available at the disciplinary meeting before the Head 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 house file and conduct record
- the relevant school policies and procedures

- 4.2 **Attendance:** The pupil and their parents (if available) will be asked to attend the disciplinary meeting with the Head at which the Deputy Head will explain the circumstances of the complaint and the investigation. The pupil may also be accompanied by a member of staff of their choice. The pupil and their 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.

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

4.3.1 **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, he/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.

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

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

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

5 **Leaving status**

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

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 and House 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, their parents or another school
- whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations
- whether the pupil will be entitled to leavers' privileges
- whether the pupil will be eligible for membership of the Old Wits Association and if so from what date
- 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; refund of prepaid fees

## 6 **Governors' review**

- 6.1 **Request for review:** A pupil or their parents may request a Governors' Review of the Head'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 Clerk to the Governors within seven days of the Head's decision being notified in writing to a parent, or longer by agreement.
- 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.
- 6.3 **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 Treasurer. Selection of the Review Panel will be made by the Clerk to the Governors in consultation with the Treasurer. 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.
- 6.4 **Role of the Panel:** The role of the Panel is to consider the representations made and to make recommendations to the Head accordingly.
- 6.5. **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.
- 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 and any relevant member of staff whom the pupil or their parents have asked should attend and/or whom the Head considers should attend in order to secure a fair outcome
  - the pupil together with their 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. Legal representation will not be appropriate.
- 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 Chairperson 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 Chairperson may at their discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

6.8 **Procedure:** The Panel will consider each of the questions raised by the pupil or their 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 their parents are dissatisfied with any aspect of the meeting they must inform the Chairperson at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

6.9 **Identification:** If the Head considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chairperson may require that the name of that person and the reasons for withholding it be written down and shown to the Panel Members. The Chairperson at their 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.

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

6.12 **Decision:** When the Chairperson decides that all issues have been sufficiently discussed and if by then there is no consensus, they may adjourn the meeting; alternatively the Chairperson 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 and the parents by the Chairperson of the Review Panel or the Treasurer within seven working days of the meeting. The Head will provide a response to those recommendations in writing within two working days. In the absence of a significant procedural irregularity, the Head's decision will then be final.

## Request for a Governors' Review of a decision to expel a pupil

To The Clerk to the Governors of King Edward's School Witley

Subject ..... [Name of pupil]

I request that a sub-committee (**Panel**) of the School Governors Committee carry out a review of the Head'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'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'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