

# Expulsion, removal and review policy

Action	Policy to be reviewed as required and at least annually		
	Owner	Date	Completed
Review	C Farr	April 2013	✓
Approved	Board of Governors	April 2013	✓

To be published on the following:	
Staff Portal	✓
School website	✓



## **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 St Paul's Girls' School (**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. This policy should be read in conjunction with the School's Behaviour policy.

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

**High Mistress:** references to the High Mistress may include deputies.

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

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

**Requirement to leave:** means that the permanent removal of the pupil is required by the High Mistress but without the stigma of expulsion.

## **2 Policy statement**

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

- to support the School's Behaviour policy
- 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 should leave earlier than expected.

2.2 **Misconduct:** The main categories of misconduct which may result in expulsion or a requirement to leave are outlined in the School's Behaviour policy and include but are not limited to:

- Bullying of any kind including cyberbullying
- supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- Stealing
- vandalism (including 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 or via the use of digital technologies such as Internet sites.

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

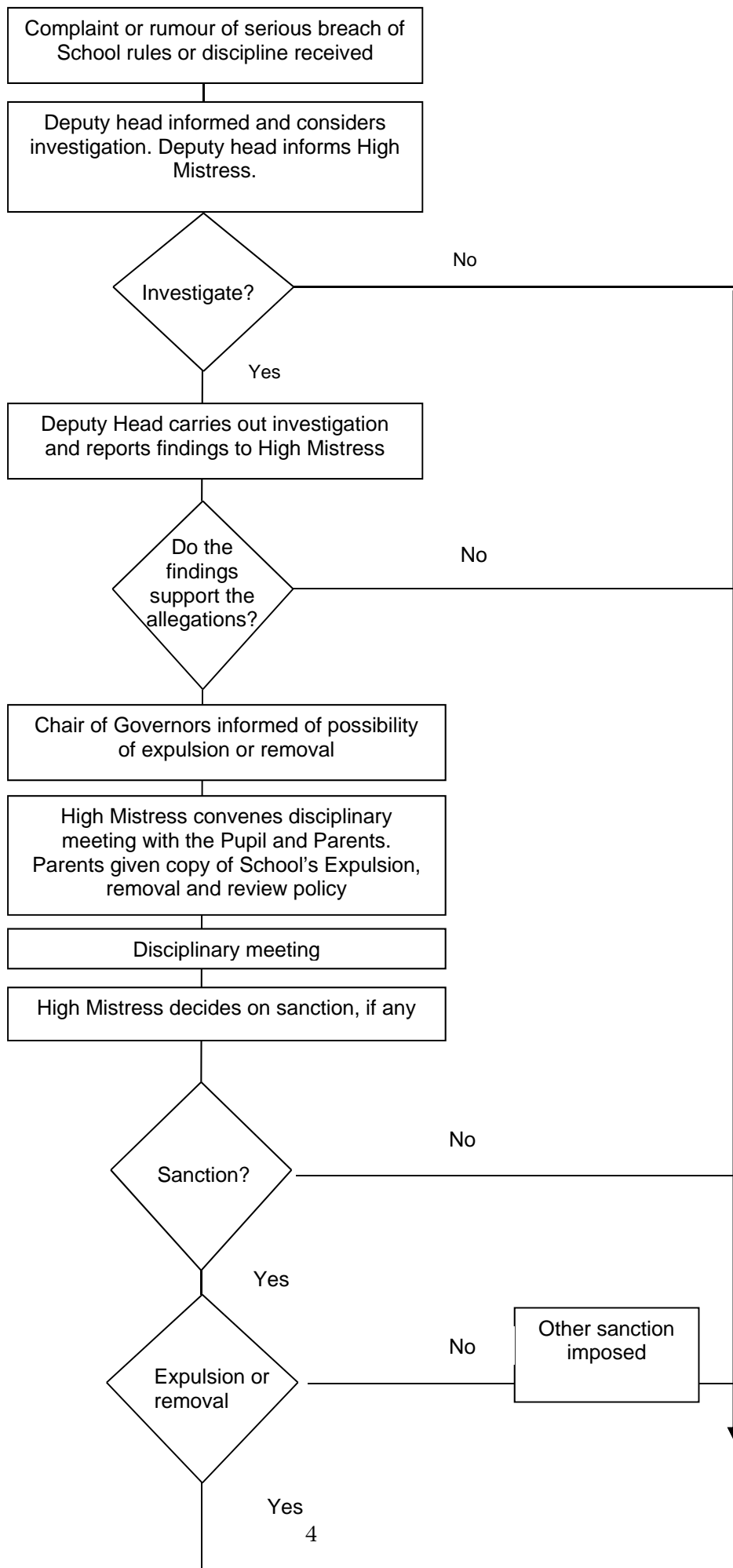
2.4 **Equality:** **The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where expulsion needs to be considered, the School will ensure that a pupil with a disability or special educational needs**

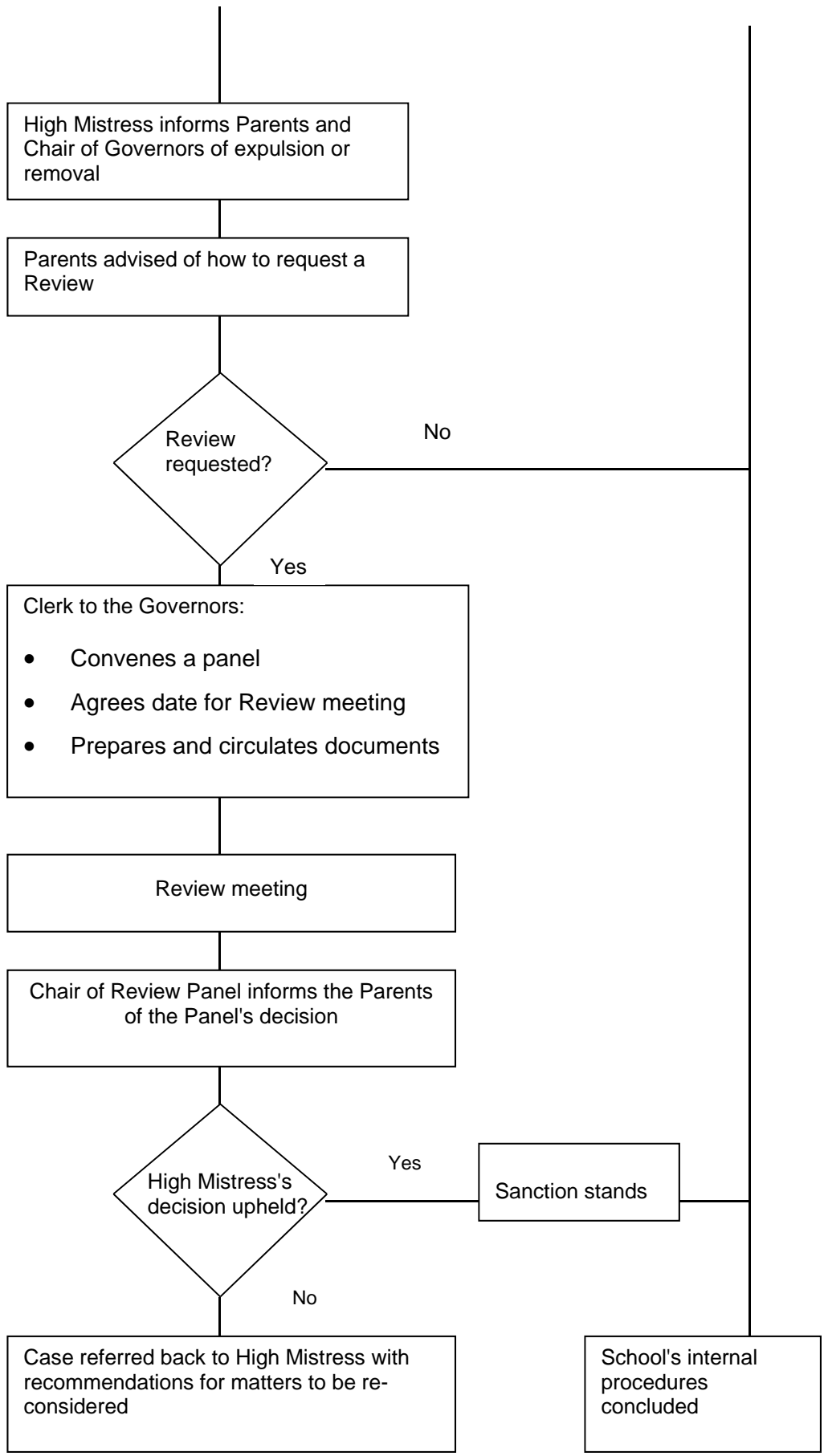
**is able to present their case fully where their disability or special educational needs might hinder this. Any religious requirements affecting the pupil will also be considered.**

### **3 Procedure**

- 3.1 **The procedure:** The procedure followed by the School in cases where a sanction of expulsion or required removal may be imposed by the High Mistress are summarised in the flowchart at **Appendix 1** to this Policy. The three stages of this procedure are as follows:
- 3.1.2 **Investigation procedure** - further details of the procedures to be followed at this stage are set out in **Appendix 2**
  - 3.1.3 **Disciplinary meeting with the High Mistress** - further details of the disciplinary meeting are set out in **Appendix 3.**
  - 3.1.4 **Governors' Review meeting** - further details of the Governors' Review meeting are set out in **Appendix 4.**

## Appendix 1 Procedural flowchart





## Appendix 2 - Investigation procedure

1. **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by one of the deputy heads, and its outcome will be reported to the High Mistress. 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.
2. **Suspension:** A pupil may be suspended from the School while a complaint is being investigated or while an investigation is suspended (see paragraph 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. The relevant head of year 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. **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 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. Only outer clothing will be searched. If necessary, the police would be called.
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 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 interview will be recorded in writing by the interviewing member of staff.
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.
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 an appropriate external agency and will be subject to periodic review.
7. **Outcome of investigation:** Once the investigation has been completed, the deputy head will prepare a written report and will state whether in his view:
  - there is a case of serious misconduct that needs to be addressed
  - the misconduct does not warrant expulsion or a requirement to leave and another lesser sanction may be appropriate
  - there is no case of serious misconduct and the matter can be closed.

## Appendix 3 - Disciplinary meeting with the High Mistress

If it is found that there is a case of serious misconduct to be answered, a disciplinary meeting will be convened at which the High Mistress will consider the complaint of serious misconduct and the findings of the investigation.

1. **Preparation:** The Chair of Governors will be informed of the meeting. The High Mistress will consider the case of alleged serious misconduct or complaint against the Pupil, any written statements and relevant correspondence and the Pupil's school file.
2. **Attendance:** The pupil and her parents will be asked to attend the disciplinary meeting with the High Mistress. The High Mistress may ask the deputy head who has conducted the investigation or other members of staff to attend to outline the outcome of any investigation and the circumstances of the serious misconduct and/or complaint.

The pupil and her parents will have an opportunity to state their side of the case. Staff 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 High Mistress' office so that appropriate arrangements can be made.

3. **Proceedings:** There are potentially three distinct stages of a disciplinary meeting:
  - 3.1 **The complaints:** The High Mistress will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the High 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.
  - 3.2 **The sanction:** If the complaint and/or case of serious misconduct have been proved the High 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. The High Mistress may decide that circumstances are such that a less severe sanction is required such as suspension for a period of time. Then, or normally within 24 hours, the High Mistress will give her decision, with reasons.
  - 3.3 **Leaving status:** If the High Mistress decides that the pupil must leave the School, she will discuss the leaving status with the pupil's parents with a view to reaching an agreement. If no agreement can be reached, the High Mistress will determine the leaving status.
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

The High Mistress will determine the leaving status and will also confirm arrangements including:

- the form of letter which will be written to the parents and the form of announcement in the School

- 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
- financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunded of prepaid fees.



## Appendix 4 - Governors' Review

1. **Request for Review:** A pupil or her parents may request a Governors' Review of the High Mistress'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 using the Request Form at **Appendix 5** and received by the Clerk to the Governors within seven days of the High Mistress's decision being notified to the parents, or longer by agreement. If the parents or the pupil have any special 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.
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 High Mistress will not of itself be grounds sufficient for a Governors' Review.
3. **Review Panel:** The Review will be undertaken by three members 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 therefore 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. If appropriate, the panel may include an independent member who is not concerned with the management or running of the School.
4. **Role of the Panel:** The role of the Panel is to consider the documentation provided by the parties and representations made. It is not the role of the Panel to re-instate a pupil at the School against the wishes of the High Mistress. The Panel may decide whether to uphold the High Mistress's decision or refer the decision back to her with recommendations so that she may consider the matter further.
5. **Review meeting:** The meeting will take place at the School premises, as soon as reasonably practical but a Review meeting will not normally take place during school holidays. The parents and the High 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 High Mistress before her decision was made, the Clerk should contact the Chair of the Panel who will decide whether to:
  - include the new information in the bundle; or
  - omit the information if not relevant to the grounds for Review; or
  - make further enquiries of the parents or the pupil about the information; or
  - refer the information to the High 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 and not disclose any details unless required by law.

6. **Attendance:** Those present at the Review meeting will normally be:
  - members of the Review Panel and the Clerk to the Governors or their deputy
  - the High Mistress
  - the parents and the pupil, if she or her parents so wish. The parents may be accompanied by a friend or relation. The meeting is not a legal proceeding and so legal representation is not necessary. The Clerk to the Governors must be given seven days'

notice if the friend or relation is legally qualified.

**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 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.

**8. Procedure:** The Panel will consider each of the points raised by the pupil or her parents and any documentation they wish to rely on so far as relevant to determine:

- whether the facts of the case were 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 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 Chair at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

**9. Decision:** When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he/she 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 High Mistress and the parents by the Chair of the Review Panel or the Chair of Governors within three days of the meeting. The High Mistress will provide her response to those recommendations in writing within 24 hours. In the absence of a significant procedural irregularity, the High Mistress's decision will then be final.

## Appendix 5 - Form for requesting a Governors' Review

To The Clerk to the Governors

Subject [Name of pupil]

I/we request that a sub-committee (**Panel**) of the Board of Governors carries out a Review of the High Mistress's decision to expel or require the 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/we agree to abide by the terms of that Procedure and in particular that the proceedings are and will remain confidential and that the High 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/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 High Mistress'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 who is legally qualified I/we will provide seven days' notice as required.

I/we will inform the Clerk if I/we have any special needs or disabilities requiring additional facilities or adjustments.

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