

Expulsion, Removal and Review Policy

St Helen's School

September 2020

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. Helen's School (**the School**), or required to leave permanently for misconduct or other reasons. The policy applies to all pupils including those in the EYFS 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.

- **Headmistress:** references to the Headmistress 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.
- **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 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 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 or e-cigarettes whilst on School premises, during recognised School activities conducted elsewhere, whilst in the care of the School, whilst travelling to and from School and whilst wearing School uniform. See the Substance Abuse Policy for more detail, including our definitions of “drugs”, “substances”, “alcohol” and “tobacco”.
- theft, blackmail, physical violence, intimidation, racism or persistent bullying
- peer on peer abuse
- misconduct of a sexual nature
- supply or possession of pornography
- possession or use of a weapon
- 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 during or outside term time.

2.3 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 and / or her parents are 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.

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

3. Procedure

3.1 The procedure: The procedure followed by the School in cases where a sanction of Expulsion or Removal may be imposed by the Headmistress 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 Headmistress - further details of the disciplinary meeting are set out in Appendix 3.

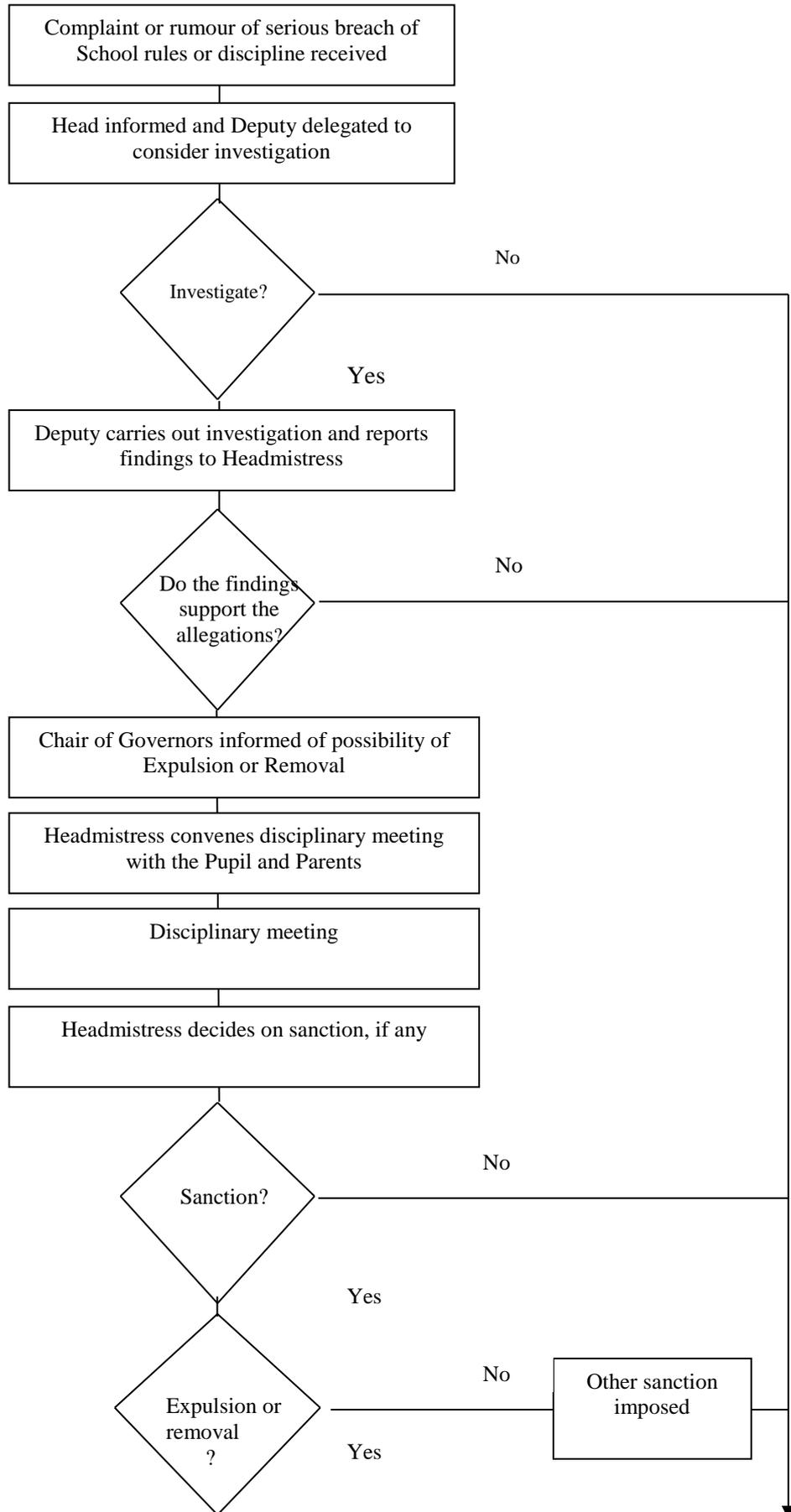
3.1.4 Review meeting - further details of the Review meeting are set out in Appendix 4.

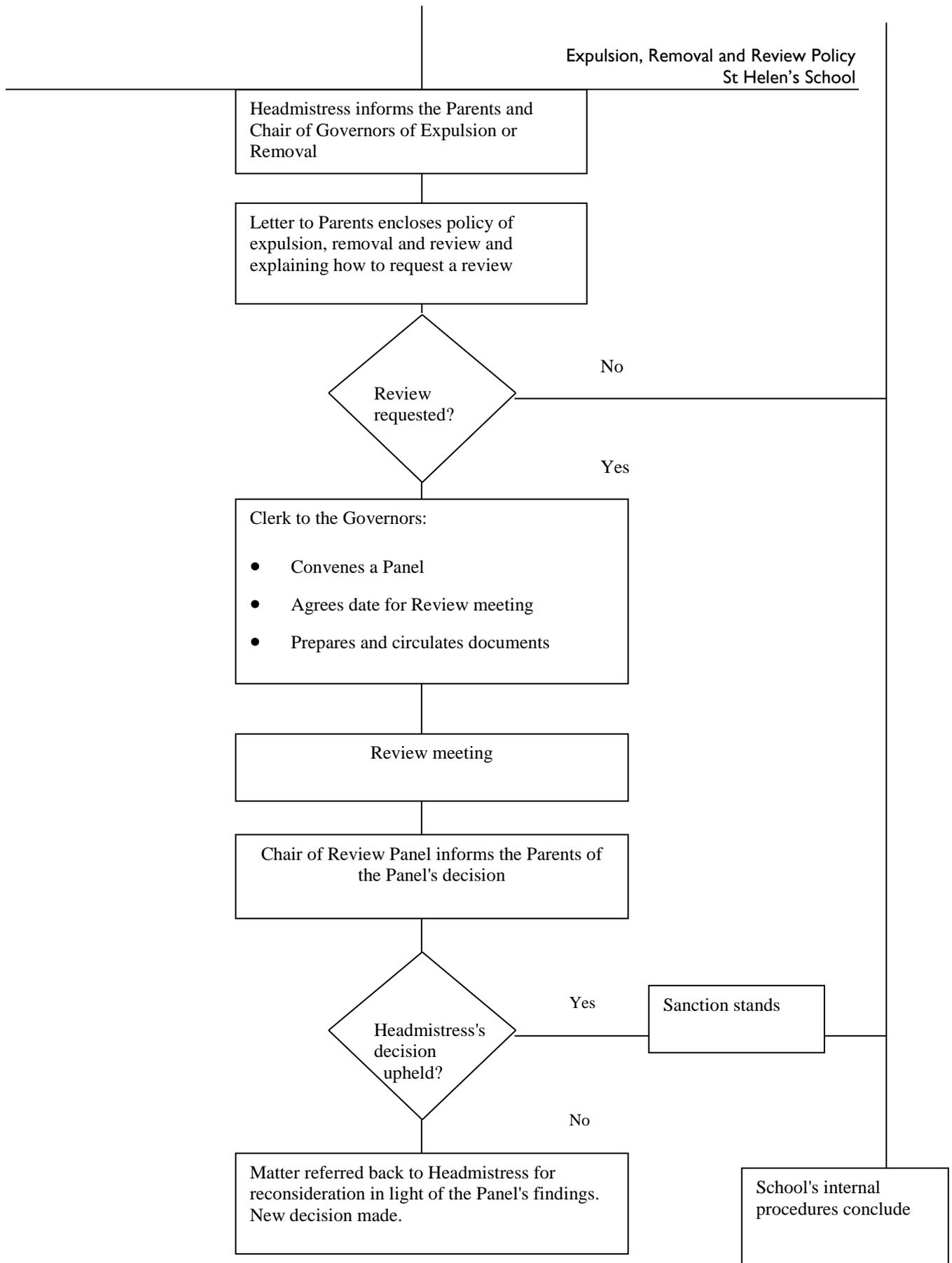
4. Policy Review

4.1 This policy will be reviewed by the Deputy Head Pastoral on an annual basis.

Authorised by	Executive Team
Date	July 2020
Effective date of the policy	1 st September 2020
Date of Next Review	July 2021

Appendix I Procedural flowchart





Appendix 2 Investigation procedure

1. **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by a Deputy Head, and its outcome will be reported to the Headmistress. 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 Removed from the School.
2. **Suspension:** A pupil may be suspended from the School while a complaint is being investigated or while an investigation is underway (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 Section 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:** The School may decide to search a pupil's space and belongings and ask her to turn out the contents of pockets or a bag, if it considers 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. See also Appendix 1 of the School's Pupil Behaviour Policy for details about the School's power to search and policy on searching and confiscation.
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). Minutes 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.

Appendix 3 Disciplinary meeting with the Headmistress

1. **Preparation:** The Chairman of Governors will be informed of the meeting. Documents available at the disciplinary meeting before the Headmistress 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 (if separate) conduct record
 - the relevant School policies and procedures.

2. **Attendance:** The pupil and her parents (if available) will be asked to attend the disciplinary meeting with the Headmistress at which the Deputy Head will explain the circumstances of the complaint and his / her 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 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 Headmistress so that appropriate arrangements can be made.

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, remotely if necessary, with the disciplinary process and their child's education.

3. **Proceedings:** There are potentially three distinct stages of a disciplinary meeting:
 - 3.1 **The complaint(s):** The Headmistress will consider the complaint/s and the evidence, including statements made by and / or on behalf of the pupil. Unless the Headmistress considers that further investigation is needed, she 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 Headmistress will not normally refer to the pupil's disciplinary record at this stage.
 - 3.2 **The sanction:** If the complaint has been proved the Headmistress 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. Then, or at some later time, normally within 24 hours, the Headmistress will give her decision in writing, with reasons.
 - 3.3 **Leaving status:** If the Headmistress decides that the pupil must leave the School, she will consult with a parent before deciding on the pupil's leaving status (see below).
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 of the decision, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld, or a reconsidered decision is made.

5. Leaving status

5.1 Explanation: If a pupil is Expelled or Removed, her leaving status will be one of the following: Expelled, Removed or, if the offer is made and accepted, 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
- 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 such as attendance at end of term / year events and membership of the alumnae association
- 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 Review by the Governors

1. **Request for review:** A pupil or her parents may request a Review by the Governors of the Headmistress's decision to Expel or Require the Removal of a pupil, or where a decision has been made to suspend a pupil for eleven 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 54 and received by the Clerk to the Governors within seven days of the Headmistress'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 Headmistress will not of itself be grounds sufficient for a Review.
3. **Review Panel:** The Review will be undertaken by a three member sub-committee of the Council of Governors (the Panel). The Panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not include the Chairman of the Council of Governors. With the exception of the Chairman of Governors, those members of the Council of Governors not appointed to the Panel will not be provided with information about the case. 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. The Panel may, if requested by the parents, include an independent member who has no connection 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 and to decide whether to uphold the Headmistress'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, 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 Headmistress will be asked to submit any documents they wish to refer to at the meeting to the Clerk to the Governors and a single bundle will be circulated to the Panel and the parties simultaneously at least three days before the meeting. On receipt of new information not previously available to the Headmistress before her decision was made, the Clerk should contact the Chairman 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 Headmistress 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. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.
6. **Attendance:** Those present at the Review meeting will normally be:
 - members of the Panel and the Clerk to the Governors

- the Headmistress and any relevant member of staff whom the pupil or her parents have asked should attend and whom the Headmistress considers should attend in order to secure a fair outcome
 - 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 necessary. The Clerk to the Governors must be given seven days' notice if the friend or relation is legally qualified and the parents should note that the Review Panel will wish to speak to them directly and this person will not be permitted to act as an advocate.
- 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 meeting will not be recorded but 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 Headmistress will provide the parents with a copy of the current Review procedure if requested. In summary, 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:
- (i) **whether the decision was fair procedurally and / or substantively** - 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; and
 - (ii) **whether the sanction was proportionate** - whether it was warranted in respect of 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 findings and any recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Headmistress and the parents by the Chair of the Panel within three days of the meeting. The Headmistress will provide her response to those recommendations, if appropriate, in writing within three days. In the absence of a significant procedural irregularity, the Headmistress's decision will then be final.

Appendix 5 Form for requesting a Review

To The Clerk to the Governors

Subject [Name of pupil]

I/we request that a sub-committee (**Panel**) of the Council of Governors carries out a Review of the Headmistress's decision to Expel or Remove 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 subject to law and that the Headmistress's decision following consideration of the recommendations made by the Panel 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 Headmistress'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 I/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 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