



# Expulsion, Removal and Review Policy

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Independent Boarding and Day School for Boys and Girls

Royal Hospital School

**November 2016**

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# 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 his/her parents. This policy can be made available in large print or other accessible format if required.

**1.2** This Policy will apply where the Headmaster decides that the sanctions of Expulsion or Removal should be available for a breach of discipline. In all other cases the breach of discipline will be dealt with under the Behaviour Policy.

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

**Headmaster:** References to the Headmaster include, in his absence, the Second Master.

**Investigating Officer:** This will be the Second Master or another member of the Senior Management Team appointed by the Headmaster.

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

**External Suspension:** The temporary exclusion of a pupil from the School. A pupil may be externally suspended as a sanction in itself, pending a disciplinary process or to allow a “cooling off” period from School.

**Expulsion:** The permanent exclusion of a pupil from the School. A pupil may be formally expelled from the School if it is proved on the balance of probabilities that the pupil has committed a very grave breach of discipline or a serious criminal offence. Expulsion is reserved for the most serious breaches.

**Removal:** Parents may be required to remove a pupil permanently from the School or from boarding if, after a disciplinary meeting, the Headmaster is satisfied that:

- by reason of the pupil's conduct, behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and/or the community life offered by the School,
- the parents have treated the School or members of its staff unreasonably; or
- it is not in the best interests of the pupil, or of the School, that he/she remains at the School.

**Standard of proof:** The standard of proof to be applied throughout this policy shall be the civil standard, i.e. the balance of probabilities.

## 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, and
- to promote co-operation between the School and parents when it is necessary for the School that a pupil to 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:

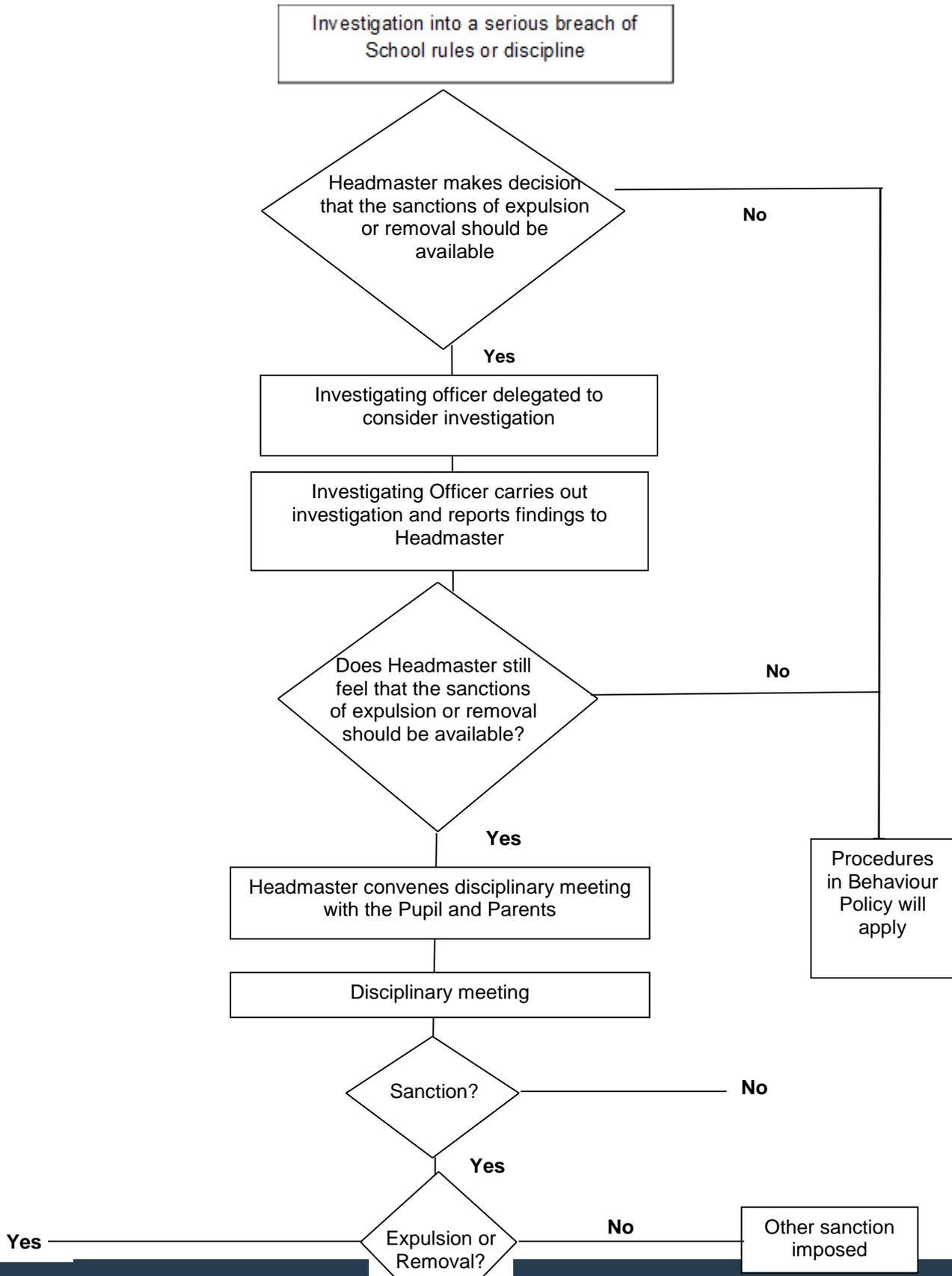
- supply, possession or use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco,
- theft, blackmail, physical violence, intimidation, racism or persistent bullying (including cyberbullying),
- misconduct of a sexual nature; supply or possession of pornography,
- misconduct relating to the rules in the Pupil Digital Handbook including computer hacking,
- possession or use of unauthorised firearms or other weapons,
- deliberate damage to property including vandalism,
- making a malicious allegation against a member of staff,
- 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.

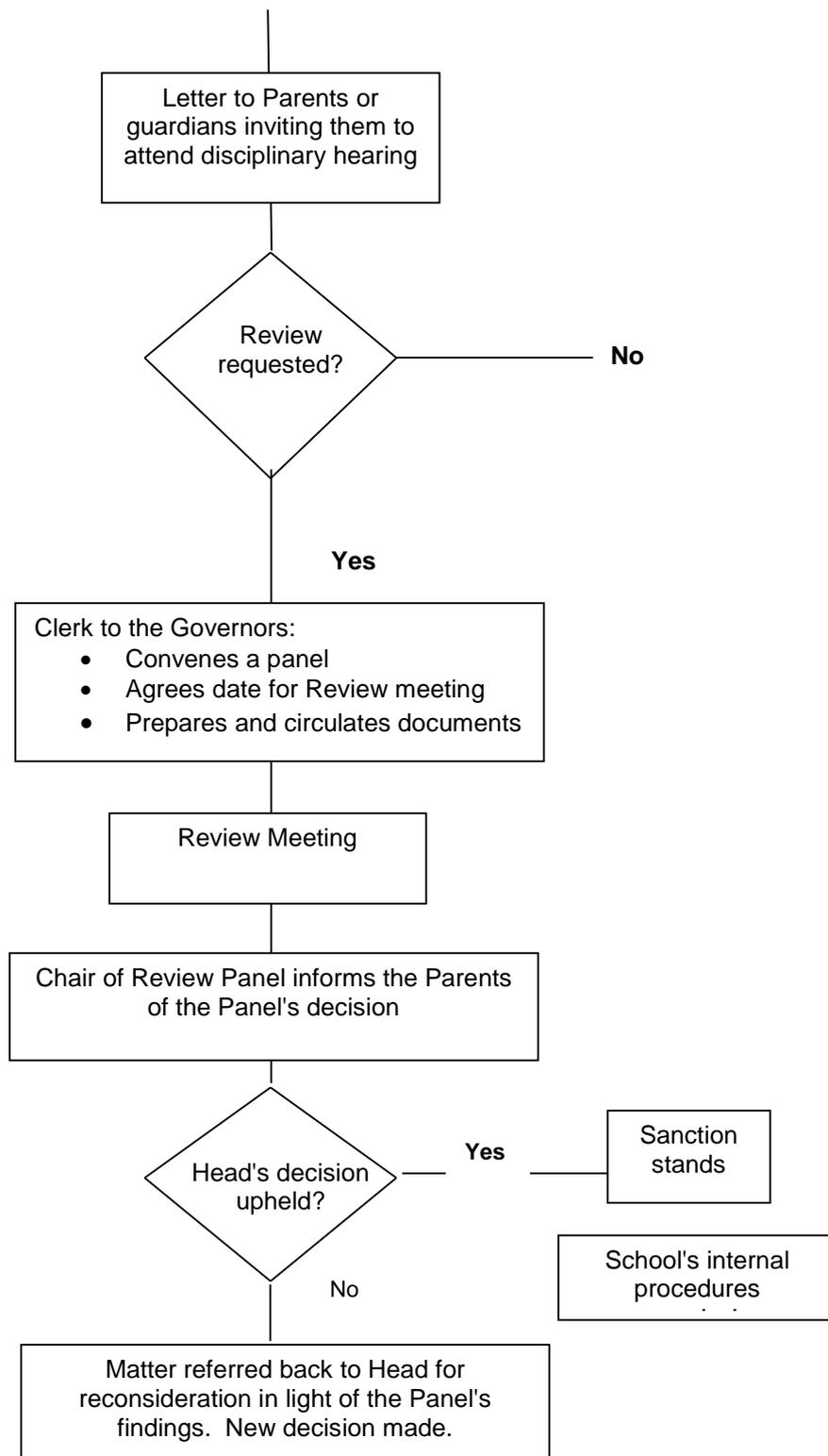
2.3 **Equality:** The School is aware of and will take into consideration issues related to protected characteristics (age, disability, race, religion and/or belief, sex, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership) and their impact on the individual needs of pupils when considering any disciplinary issue in accordance with its obligations under the Equality Act 2010. Where expulsion needs to be considered, the School will ensure that a pupil with a disability or special educational needs and/or his/her parents are able to present his or her case fully where their disability or special educational needs might hinder this.

### **3 Procedure**

- 3.1** The procedure followed by the School in cases where a sanction of Expulsion or Removal may be imposed by the Headmaster are summarised in the flowchart at Appendix 1 to this Policy. The three stages of this procedure are as follows:
- Investigation procedure - please see Appendix 2.
  - Disciplinary meeting with the Headmaster - please see Appendix 3.
  - **Review** by Governors - please see Appendix 4.
- 3.2** A record of any disciplinary action taken under this policy will be recorded on the School's information management system, iSAMS. These records are regularly reviewed by the Second Master.

## Appendix 1 - Procedural flowchart





## Appendix 2 - Investigation procedure

1. **Investigation:** Where the Headmaster has decided that Expulsion or Removal should be available for a serious breach of discipline, the investigation into the breach will be co-ordinated by the Investigating Officer and its outcome will be reported to the Headmaster. Parents will be informed as soon as reasonably practicable if such an investigation is taking place.
2. **External Suspension:** A pupil may be suspended from the School while an investigation is taking place or while such 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. 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 Investigating Officer may decide to search a pupil's space and belongings as part of the investigation if it is considered that there is reasonable cause to do so. See Appendix B of the School's Behaviour Policy for the School's policy on searching and confiscation.
4. **Interview:** A pupil may have been interviewed informally by a member of staff to establish whether there were grounds for an investigation under this procedure. If the pupil is then interviewed by the Investigating Officer, arrangements will be made for him/her to be accompanied by a member of staff of his/her choice and/or by a parent (if available at the relevant time). Notes of the interview will be recorded in writing by the Investigating Officer.
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 adjourn an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.
7. **Conclusion of an Investigation:** The Investigating Officer will report his findings to the Headmaster. The Headmaster will decide whether the sanctions of Expulsion or Removal should still be available. If so, a disciplinary meeting will take place (see Appendix 3 below). If the Headmaster deems that a less serious sanction should apply, the breach of discipline will be dealt with under the School's Behaviour Policy.

## Appendix 3 - Disciplinary meeting with the Headmaster

**1. Preparation:** The Chairman of Governors will be informed of the meeting. The Headmaster will draw together information prior to the meeting from the following documents

- 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 Investigation Report
- the pupil's school file and (if separate) house file and conduct record and
- the relevant school policies and procedures.

The Headmaster will write to the parents or guardians requesting their attendance and providing a statement setting out the points of complaint or concern against the child and a copy of the relevant school policies.

### **2. Attendance:**

2.1 Those present at the disciplinary hearing will be:

- the pupil and where practicable his/her parents and/or a member of staff of his/her choice
- the Headmaster
- the Investigating Officer.

2.2 If the parents or the pupil wish any other members of staff to attend the meeting, they must inform the Headmaster of this 48 hours before the meeting. The anonymity of pupils will be preserved and they will not be required to attend the meeting.

2.3 **Equality:** 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 Headmaster or Second Master 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 parents can be involved with the disciplinary process and their child's education providing this is within a reasonable timeframe.

### **3 Proceedings:**

- 3.1 **The complaints:** The Investigating Officer will explain the circumstances of the complaint and the findings of the investigation. The pupil and his/her parents will have an opportunity to state their side of the case. The Headmaster will consider the evidence, including statements made by and/or on behalf of the pupil. Unless the Headmaster considers that further investigation is needed, he will decide whether the complaint has been sufficiently proved. Appropriate reliance may be placed on hearsay evidence.
- 3.2 **The sanction:** If the complaint has been proved, the Headmaster will outline the range of disciplinary sanctions which he considers are open to him. He will take into account any further statement which the pupil and/or others present on his behalf wish to make. The pupil's disciplinary record will be taken into account. The Headmaster will confirm his decision in writing, with reasons, where reasonably practicable within 48 hours of the hearing. If the decision is to Expel or Remove the pupil, the Headmaster's letter will explain that the pupil and his/her parents may request a Governors review of this decision under Appendix 4 of this policy. Please also see Appendix 6 in relation to the pupil's 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 in writing. 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 of the decision, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision made.

## Appendix 4 – Review

1. **Request for review:** A pupil or his/her parents may request a Review by the Governors of the Headmaster's decision to Expel or Remove a pupil. 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 Headmaster's decision being notified in writing 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 request the parents must state the grounds on which they are asking for a Review and the outcome which they seek. It should also be noted that it is not the role of the Review Panel to overturn the Headmaster's decision and parents should note the Role of the Panel and the Grounds on which the Panel can refer the decision back to the Headmaster as set out in paragraphs 7 and 8 below.
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 Chairman of Governors. Selection of the Panel will be made by the Clerk to the Governors. With the exception of the Chairman of Governors, those 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.

**Review meeting:** The meeting will take place at the School premises, where reasonably practicable between seven and ten School days after the parents' application has been received. A Review will not normally take place during school holidays. The parents and the Headmaster 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 Headmaster before his decision was made, the Clerk should contact the Chairman of Governors 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 Headmaster for his 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.

4. **Attendance:** Those present at the Review Meeting will normally be:
  - members of the Review Panel and an appointed Clerk;
  - the Headmaster and any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Headmaster considers should attend in order to secure a fair outcome; and
  - the pupil together with his/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.
5. **Conduct of meeting:** The meeting will be chaired by one member of the Review Panel (the Chairman) 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 Chairman, 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. **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 Headmaster's decision, or
  - refer the decision back to the Headmaster with recommendations so that the Headmaster may consider the matter further.
7. **Grounds for referral back to Headmaster:** The Panel may only refer the decision back to the Headmaster if they find that:
  - the decision was procedurally and/or substantively unfair - that is that the facts of the case were not sufficiently proved or fair procedure was not followed in coming to the decision; or
  - the sanction was disproportionate in all the circumstances.
8. **Procedure:** The Panel will consider each of the points raised by the pupil or his/her parents insofar as they are relevant to the grounds set out in paragraph 8 above.

The requirements of natural justice will apply. If for any reason the pupil or his/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.

9. **Decision:** When the Chairman decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he 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 Headmaster and the parents by the Chairman of the Review Panel or the Chairman of Governors within three days of the meeting. The Headmaster will provide his response to those recommendations, where appropriate, in writing within 48 hours. In the absence of a significant procedural irregularity, the Headmaster's decision will then be final.

## Appendix 5 - Request for a Governors' Review of a decision to expel a pupil

**To:** The Clerk to the Governors of Royal Hospital School

**Subject:** [Name of pupil]

I / We request a Review of the Headmaster'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 / 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 Headmaster'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 Headmaster'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**

## Appendix 6 - Leaving Status

1. **Leaving status:** If the Headmaster 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).
2. **Explanation:** If a pupil is Expelled or Removed, his/her leaving status will be one of the following: Expelled, Removed or, if the offer is made and accepted, Withdrawn by parents.
3. **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, his/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 RHSA and if so from what date,
  - the conditions under which the pupil may re-enter School premises in the future, and
  - financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.