



Removal and Expulsion Policy

School Mission Statement:

***“Learning and growing in
the light of the gospel”***

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Policy on Removal, Expulsion & Suspension

INTRODUCTION

Grace Dieu Manor School can reassure parents that serious disciplinary situations requiring suspension or expulsion arise only rarely. Nonetheless, it is wise and helpful for all parties that clear guidelines are in place in case the unexpected and the atypical do happen.

This Policy contains guidelines, which may be adapted as necessary, explaining the circumstances under which a pupil may be expelled from Grace Dieu Manor School, required to leave permanently, or suspended for misconduct or other reasons. The Policy does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by his or her parents.

The Behaviour Policy (see separate document) of the School sets out clearly what our expectations are of the children at Grace Dieu.

TERMINOLOGY:

- *'Parent'* includes one or both of the parents, a legal guardian or education guardian.
- *'Withdrawal'* takes place when a parent voluntarily withdraws a pupil. This may happen on the initiative of the parents or the head. It is always a decision of the parents and is a consensual act. A withdrawal may not therefore lead to a governors' review but may lead to a complaint under the Complaints Policy.
- The Headteacher, or in his/her absence the Deputy Headteacher may apply the sanctions of removal, suspension or expulsion.
- *'Removal'* means that a pupil has been required to leave, but without the stigma of expulsion. It is therefore a decision taken by the Headteacher and is contrary to the parents' wishes. A removal takes place when the parents have been asked to withdraw a pupil but have indicated unease or an unwillingness to do so. Parents therefore have a right to a Governors' Review under this Policy, or may make a complaint under the Complaints' Policy.
- *'Suspension'* means that a pupil is debarred from attending School for a specific period (never more than a week) but who will be welcomed back into the community at the conclusion of that period.
- *'Expulsion'* is reserved for the most serious cases and normally means that a Headteacher might find it hard to recommend a pupil to another School, although he/she will do everything possible to assist the parents and the child. Parents are entitled to seek a governors' review, or may make a complaint under the Complaints Policy.

POLICY STATEMENT:

The aims of this Policy are:

- To support the behaviour and discipline codes of the School.
- To ensure procedural fairness and natural justice.
- To promote co-operation between the School and parents when it is necessary for a pupil to leave earlier than expected.

AREAS OF MISCONDUCT

The main categories of misconduct which may result in expulsion, removal or suspension are:

- The supply/possession/use when under the jurisdiction of the School of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.
- Theft, blackmail, physical violence, intimidation, racism or persistent bullying.
- Misconduct of a sexual nature; supply and possession of pornography.
- The possession or use of unauthorised firearms or other weapons. Any action or behaviour which might make the School a dangerous place for children or adults.
- Vandalism and computer hacking.
- Persistent attitudes or behaviour which are inconsistent with the ethos of the School. These would include any behaviour of a pupil which made it difficult for a teacher to carry out his/her job inside or outside of the classroom.
- Other serious misconduct (either single or repeated episodes) towards a member of a School community which brings the School into disrepute.
- **Other Circumstances:** A pupil may be required to leave Grace Dieu if, after appropriate consultation, the Headteacher concerned 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.

INVESTIGATION PROCEDURE in the event of potentially serious misconduct:

Ethos:

An investigation and any subsequent meeting will be conducted fairly and in a manner which is appropriate.

Investigation:

Investigation of a complaint or rumour concerning alleged serious misconduct will normally be co-ordinated by the Deputy Headteacher, and its outcome will be reported to the Headteacher. The person who investigates an allegation of serious misconduct will not take the final decisions on the outcome, but their advice will naturally be sought.

Search:

On the authority of the Headteacher only, in unusual circumstances, the appropriate School staff may be asked 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. Two members of staff will be present for such a search.

Interview:

If a pupil is to be interviewed formally about a complaint, arrangements might be made for the pupil to be accompanied by a member of staff. This would not normally be the case if, for instance, a member of staff or the Assistant Head were collecting evidence relating to a possible misdemeanor(s).

Suspension:

If the Headmaster feels, after a full investigation has taken place, that it is appropriate, a pupil may be suspended and debarred from attending School for a short period of time (normally a minimum of 2 days and a maximum of a week). This might be the punishment itself or it might be the action taken by the Headteacher whilst a complaint is being fully investigated. Before suspension, the Headteacher will meet with the parent(s), explain the circumstances, and inform the parent(s) about when the pupil may return to School. There may be no parental request for review of a suspension.

DISCIPLINARY MEETING (where the outcome may be removal or expulsion)**Preparation:**

The Chair of Governors of Governors will be informed of an investigation of a matter of potentially very serious misconduct. A short cooling-off period may take place if the Headteacher considers that this course would be helpful.

Documents available at the disciplinary meeting with the Head will include:

- Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
- The investigation report.
- The pupil's School file and conduct record.
- The relevant School policies and procedures.

Attendance:

The pupil and his or her parents (if available) will be asked to attend the disciplinary meeting with the Head at which the Assistant Head or a senior member of staff will explain the circumstances of the complaint and the outcome of his or her investigation. The pupil may also be accompanied by a member of staff. The pupil and his or 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 other pupils will be preserved.

Proceedings:

There are normally three distinct stages of a disciplinary meeting:

The Complaint:

The appropriate 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 or 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. The Head will not normally refer to the pupil's disciplinary record at this stage.

The Sanction:

If the complaint or allegation has been satisfactorily demonstrated, the Head will outline the range of disciplinary sanctions which he or she considers are available. He or she will take into account any further statements which the pupil and or others present on his or her behalf may wish to make. The pupil's disciplinary record will then be taken into account. At that stage, or at some later time within 48 hours, the Head will provide his or her decision, with reasons.

Leaving status:

If the Head decides that a pupil must leave the School, he or she will discuss the matter with the parent(s) before deciding on the pupil's leaving status (see below).

Delayed Effect:

A decision to expel or remove a pupil shall take effect 72 hours after the decision was first communicated to a parent. Until then, the pupil shall remain suspended. If within 72 hours the parents have made a written application for a Governors' Review, the pupil shall remain suspended until the Review has taken place.

LEAVING STATUS

If a pupil is expelled or required to leave, his or her leaving status will be 'expelled' or 'removed'.

Additional points which may need consideration are:

- The form of letter which will be written to the parents and, given the provisions of the Data Protection Act, 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 the transfer of any course and project work to the pupil, his 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.
- The conditions under which the pupil may re-enter School premises in the future.

GOVERNORS' REVIEW

Request for Review:

- If expulsion or removal by the Head has been deemed appropriate, a pupil or his or her parents may make a written application for Governors' Review.
- This right is not available in the event of suspension.
- The application must be received by the Headmaster's PA acting in his/her capacity as the Clerk to the Governors, within 72 hours of the Headteacher's decision being received by a parent.

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.
- **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 include the Chair of Governors of Governors. The Chair of Governors of Governors will select the members of the Review Panel and the members of the Panel will elect a Panel Chair of Governors.

➤ **Review:**

The Review Panel may, depending upon the circumstances and after consulting the appropriate parents and the Chair of Governors of Governors:

- Stage a meeting under the arrangements described in the section entitled “The Review Meeting” or:
- Reach a decision on the basis of written representations provided by the parties under the arrangements described in the section entitled “Consideration based on the evidence of written submissions”.

THE REVIEW MEETING

The Meeting:

The meeting will take place at the School premises, if possible between 3 and 14 days after the parents’ application has been received. A Review will not normally take place during School holidays but may do so by the agreement of the parties. A Review Meeting is a private procedure and all of those who are involved in one are required to keep the proceedings confidential.

Attendance:

Those present at the Review Meeting will normally be:

- The members of the Review Panel and the General Manager/Or Clerk to the Governors (Headmaster’s PA).
- The Headteacher, the Assistant Head and any relevant member of staff whom the pupil or his or her parents have asked should attend, or whom the Headteacher considers should attend in order to secure the fairest possible outcome.
- The pupil together with his or 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 General Manager/Or Clerk to the Governors (Headmaster’s PA) must be given 7 days’ notice if the friend or relation is legally qualified.

Conduct of Meetings:

- 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 General Manager/Or Clerk to the Governors (Headmaster’s PA) will be asked to keep hand-written notes of the main points which arise at the meeting and should advise on procedural or legal aspects. All those present will be entitled, should they wish, to write their own notes. The meeting will be directed by the Chair of Governors 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 of Governors may at

his or her discretion adjourn or terminate the meeting. If the meeting is terminated without firm conclusions being reached, the original decision by the Headteacher will stand.

Procedure:

The Panel will consider each of the issues raised by the pupil or his/her parents in so far as they are relevant to:

- 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 probabilities' will 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. The pupil's School record will have been considered.
- 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 Chair of Governors at the time and ask the General Manager/Or Clerk to the Governors (Headmaster's PA) to note their dissatisfaction and the reasons for it.

Identification of Witnesses:

- If the Headteacher considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chair of Governors may require that the name of that person and the reasons for withholding it be written down and shown to the Panel Members. The Chair of Governors at his/her discretion may direct that the person be identified, or not as the case may be.

Pupil's Character:

- A member 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.

Decision:

When the Chair of Governors decides that all issues have been sufficiently discussed and if by then there is no consensus, he or she may adjourn the meeting; alternatively, the Chair of Governors may ask those present to withdraw while the Panel considers its decision. The Panel may uphold or, alternatively, refuse to confirm the conclusions or decisions reached by the Headteacher. In the former event, the Panel will confirm the sanction awarded; in the latter event, the Panel will determine the sanction. The decision will be notified, with reasons, to the Headteacher and the parents by the Chair of Governors of the Review Panel or the Chair of Governors of Governors by letter or telephone. If necessary the Review Panel may seek professional advice before reaching or notifying their decision. The decision of the Review Panel will be final.

Leaving Status:

If, having heard representations from all parties, the Panel is minded to confirm the Headteacher's earlier decision, it is open to the Panel, with the agreement of the Headteacher, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement.

CONSIDERATION ON THE BASIS OF WRITTEN SUBMISSIONS**Procedure regarding written submissions:**

- If a Review Panel decides that the circumstances are such that it will consider the complaint or allegation, the Headteacher's decision and the sanction on the basis of written submissions from the parties, the following procedure is to apply:

Attendance:

Those present at the Review Meeting will normally be:

- The members of the Review Panel and the General Manager/Or Clerk to the Governors (Headmaster's PA).

Conduct of Review 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. Each of the parties must be given an opportunity to comment in their written representation on the points made by the other party in their representation. The General Manager/Or Clerk to the Governors (Headmaster's PA) will be asked to keep a hand-written note of the main points which arise at the meeting and should advise on procedural or legal aspects. Each member of the Panel will study the written submissions provided by the various parties before discussing the matter.

Procedure:

The Panel will consider each of the issues raised by the pupil or his/her parents so far as they are relevant to:

- 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
- 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.
- When the Chair of Governors decides that all issues have been sufficiently discussed, the Panel will need to consider its decision. The Panel may uphold, or alternatively refuse to confirm the conclusions or decisions reached by a Headteacher. In the former event the Panel will confirm the sanction awarded;

in the latter event the Panel will determine the sanction. The decision will be notified, with reasons, to the Headteacher and the parents by the Chair of Governors of the Review Panel or the Chair of Governors of Governors by letter or telephone. If necessary the Review Panel may seek professional advice before reaching or notifying their decision.

- **The decision of the Review Panel will be final.**

Leaving Status:

If, having heard representations from all parties, the Panel is minded to confirm the Head's earlier decision, it is open to the Panel, with the agreement of the Head, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement.

(Reviewed PSF August 2016)