

Policy on Expulsion or Required Removal from School

POLICY ON EXPULSION OR REQUIRED REMOVAL FROM SCHOOL

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a student may be expelled from Taunton School (the School), or required to leave permanently for misconduct or other reasons. The policy applies to all students at the School but does not cover cases when a student has to leave because of ill-health, non-payment of fees, or withdrawal by his / her parents.

The definitions in this clause apply in this policy.

Head: references to the Head may include deputies.

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

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

Removal: means that a student has been required to leave, but without the stigma of expulsion.

The aims of this policy are to:

- Support the School's behavior policy
- Ensure procedural fairness and natural justice
- Promote cooperation between the School and parents when it is necessary for the school that a student has to leave due to expulsion or required removal

Circumstances which may lead to expulsion or removal differ widely according to the age of the student and nature of the offence but the main categories include:

- Supply/possession/use of certain drugs and solvents, alcohol and tobacco
- Theft and blackmail
- Physical violence and intimidation
- Bullying/Cyberbullying

- Offences of a sexual nature
- Supply and/or possession of pornography
- Supply and/or possession of a weapon
- Vandalism
- Other serious misconduct (single or repeated episodes) on or off school premises or on School tours

The following is an extract from the School's terms and conditions (Amendment 5a), and sets out the process surrounding an expulsion or requirement to remove a student:

Removal and Expulsion of a Student

- a) **Procedural Fairness:** Investigation of a complaint which could lead to expulsion, removal or withdrawal of the Student in any of the circumstances explained below shall be carried out in a fair and unbiased manner. A Student may be questioned and his/her accommodation or belongings may be searched in appropriate circumstances. All reasonable efforts will be made to notify the Parents or guardian so that they can attend a meeting with the Head before a decision is taken in such a case. In the absence of a Parent or an education guardian, the Student will be assisted by an adult (usually their HM) of his/her choice.
- b) **Divulging Information:** Except as required by law, the School and its staff shall not be required to divulge to Parents or others any confidential information or the identities of Students or others who have given information which has led to the complaint or which the Head has acquired during an investigation.
- c) **Removal at the Request of the School:** Parents may be required, during or at the end of a term, to remove the Student, without refund of fees, temporarily or permanently from the School if, after consultation with a Parent, the Head is of the opinion that the conduct or progress of the Student has been unsatisfactory or if the Student, in the judgment of the Head, is unwilling or unable to profit from the educational opportunities offered (or a Parent has treated the School or members of its staff unreasonably) and in any such case removal is considered to be warranted.

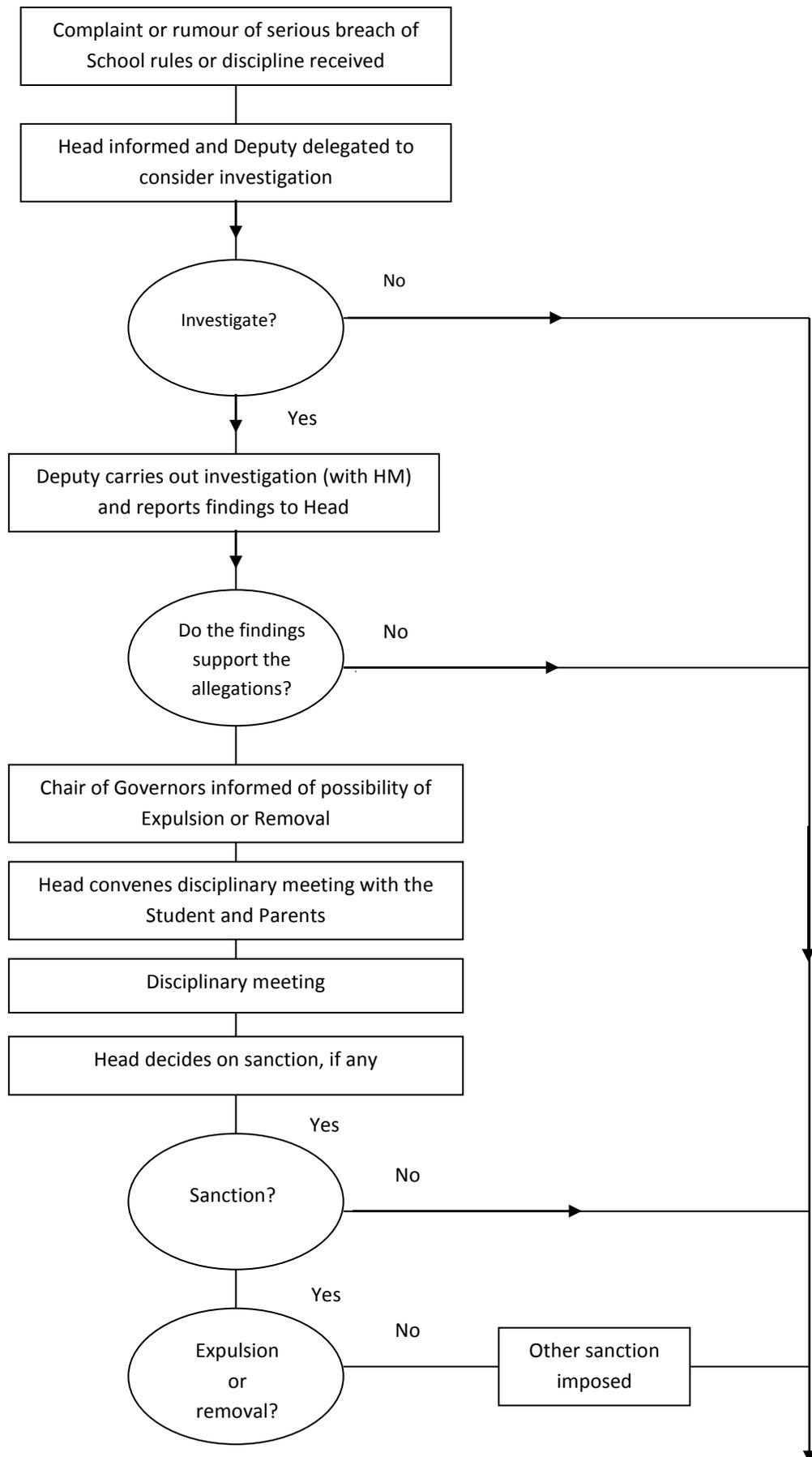
The deposit will be refunded in the event of removal at the request of the School and fees in lieu of notice will not be charged but all outstanding fees will be payable in full.

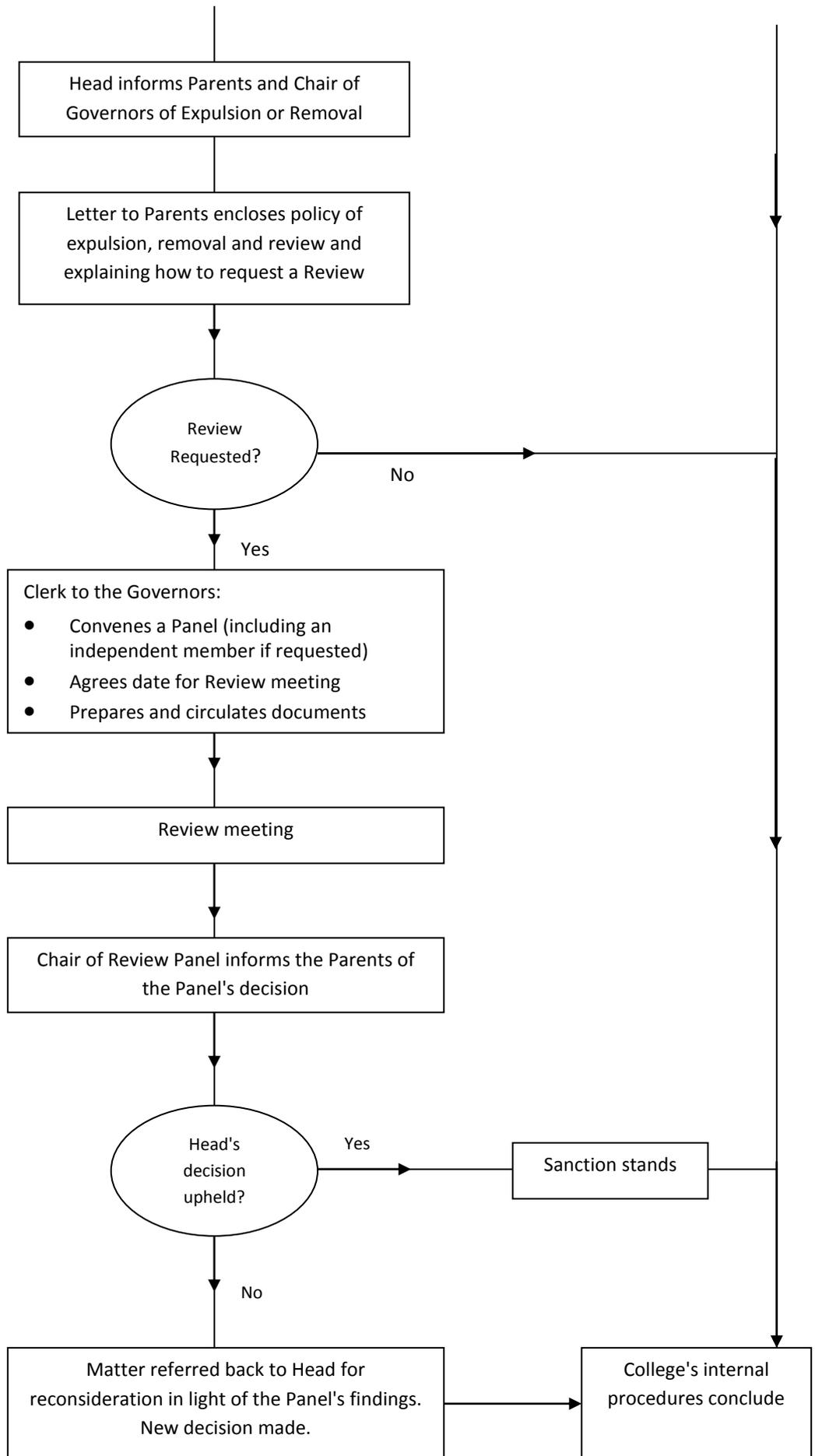
- d) **Expulsion:** A Student may be expelled at any time if the Head is reasonably satisfied that the Student's conduct (whether on or off School premises or in or out of term time) has been prejudicial to good order or School discipline or to the reputation of the School. The Head will act fairly and in accordance with the procedures of natural justice and will not expel a Student other than in grave circumstances. There will be no refund of fees following expulsion (and all unpaid fees must be paid). The deposit will not be returned/credited, but fees in lieu of written notice will not be charged.
- e) **Discretion of Head:** The decision to exclude, suspend or require removal or expel a Student and the manner and form of any announcement shall be in the sole discretion of the Head. In no circumstances shall the School or its staff be required to divulge to Parents or others any confidential information or the identities of Students or others who have given information which has led to suspension, the requirement to remove or expulsion or which the Head has acquired during an investigation.
- f) **Leaving Status:** The expression 'leaving status' has reference to whether the Student has been expelled, removed or withdrawn and to the record which will be entered in to the Student's file as to the reason for leaving, and the Student's status as a leaver, and the transfer of the Student's work to another educational establishment and to the nature of the reference which will be given in respect of the Student, and also to the financial aspects of the Student's leaving. These and any other relevant matters of leaving status will be discussed by the Head with the Parents and, where appropriate with the Student, at the time of the Head's decision.
- g) **Governors' Review:** Parents may ask for a Governors' Review of a decision to expel or require the removal of a student from the School or from boarding (but not a decision to suspend a student). The request must be made as soon as possible and in any event within seven days of the decision being notified to the Parents. Parents will be entitled to know the names of the Governors who make up the Review Panel and may ask for the appointment of an independent panel member nominated by the School and approved by the Parent (approval not to be unreasonably withheld).
- h) **Review Procedure:** The Head will advise the Parents of the procedure (current at that time) under which such a review will be conducted by a panel of up to three Governors and an independent member if requested. If Parents request a Governors' Review, the Student will be

suspended from School until the decision to expel or remove has been set aside or upheld. While suspended, the Student shall remain away from School and will not have the right to enter School premises during that time without written permission from the Head.

- i) **Access:** A Student who has been withdrawn, excluded, suspended, removed or expelled from the School must not enter School premises for any reason without the written permission of the Head in advance.

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 Head. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the student being Expelled or Removed from the School.
- 2. Suspension:** A student 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 student. The relevant House Staff will co-ordinate these arrangements with the student'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 student may be placed under a segregated regime on School premises.
- 3. Search:** We may decide to search a student'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. Only outer clothing will be searched. If necessary, the police would be called. See also the School's separate policy on searching and confiscation for details about the School's power to search.
- 4. Interview:** A student may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If the student is then interviewed formally about a complaint or rumour, arrangements will be made for him / her to be accompanied by a member of staff of his / her choice (normally their HM). A minute of the interview will be recorded in writing by the interviewing member of staff and the student will be asked whether the notes, read back to them, are accurate and fair.
- 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 Head

1. Preparation: The Chair of Governors will be informed of the meeting. Documents available at the disciplinary meeting before the Head will include:

- a statement setting out the points of complaint against the student
- written statements and notes of the evidence supporting the complaint, and any relevant correspondence
- the Deputy Head's Investigation Report
- the student's School file and (if separate) conduct record
- the relevant School policies and procedures.

2. Attendance: The student and his / her 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 his / her investigation.

The student may also be accompanied by a member of staff of his / her choice (normally their HM). The student and his / 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 students will be preserved.

If the Parents or the student 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 Head or one of the Deputy Heads or Heads of School 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 complaints:** The Head will consider the complaint/s and the evidence, including statements made by and/or on behalf of the student. Unless the Head considers that further investigation is needed, he 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 Head will not normally refer to the student's disciplinary record at this stage.
- 3.2 The sanction:** If the complaint has been proved the Head will outline the range of disciplinary sanctions which he considers are open to him. He will take into account any further statement which the student and/or others present on his behalf wish to make. The student's disciplinary record will be taken into account. Then, or at some later time, normally within 24 hours, the Head will give his decision in writing, with reasons.
- 3.3 Leaving status:** If the Head decides that the student must leave the School, he will consult with a Parent before deciding on the student's leaving status (see below).
- 4. Delayed effect:** A decision to Expel or Remove a student shall take effect seven days after the decision was first communicated to a parent. Until then, the student shall remain suspended and away from School premises. If within seven days the Parents have made a written application for a Review by Governors, the student 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 student 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'.
- 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 student
 - the entry which will be made on the School record and the student's status as a leaver

- arrangements for transfer of any course and project work to the student, his / her Parents or another school
- whether (if relevant) the student 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 student
- whether the student will be entitled to leavers' privileges such as attendance at end of term/year events and membership of the alumni association
- the conditions under which the student 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 student or his / her parents may request a Governors' Review of the Head's decision to Expel or Remove a student. 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 Head's decision being notified to the Parents, or longer by agreement. If the Parents or the student 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 Head will not of itself be grounds sufficient for a Governors' Review.
- 3. Review Panel:** The Review will be undertaken by a three member sub-committee of the Board of Governors (the Panel). The Panel members will have no detailed previous knowledge of the case or of the student or Parents and will not include the Chair of Governors. Selection of the Panel will be made by the Clerk to the Governors. With the exception of the Chair of Governors, those members of the Governing Body 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 Head's decision or refer the decision back to him with recommendations so that he 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 Head 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 Head before his decision was made, the Clerk should contact the Chair 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 student about the information; or
- to refer the information to the Head 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. This 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 or his / her deputy
- the Head and any relevant member of staff whom the student or his / her Parents have asked should attend and whom the Head considers should attend in order to secure a fair outcome

- the student together with his / her Parents and, if they wish, a member of the School staff who is willing to speak on the student'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.

7. Conduct of meeting: The meeting will be chaired by one member of the 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 discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

8. Procedure: The Head will provide the Parents with a copy of the current Governors' Review procedure if requested. In summary, the Panel will consider each of the points raised by the student or his / her Parents and any documentation they wish to rely on so far as relevant to:

- **(1) 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 student. The civil standard of proof, namely, "the balance of probability", will apply; and
- **(2) whether the sanction was proportionate** - that is 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 student or his / 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 Head and the Parents by the Chair of the Panel or the Chair of Governors within five days of the meeting. The Head will provide his response to those recommendations, if appropriate, in writing within three days of receiving the Panel's decision. In the absence of a significant procedural irregularity, the Head's decision will then be final.

Appendix 5 - REQUEST FOR REVIEW OF A DECISION TO EXPEL OR REQUIRE REMOVAL

To: The Clerk to the Governors

Name of Student:

Names of those with Parental Responsibility:

Address of Parents / Guardian:

Telephone numbers: (day time) (evening)

Email:

I / We, being the person(s) and an independent person with parental responsibility for the above

named student request that a sub-committee of two Governors and an independent person carries out a review of the decision to require removal of or to expel the student.

We have received with this form a copy of the *Review Procedure* and we agree to abide by its terms.

We also agree that the proceedings are and will remain confidential and that this review will be final, subject to such (if any) legal rights as may exist.

The grounds upon which we seek a review and the matters which we wish to discuss at the review and to ask the sub-committee to take into account are as set out on the reverse side of this sheet.

We understand that we may be accompanied at the review hearing by a friend or relation and by one or two members of the School staff who know and who are willing to speak on behalf of the student.

First Signature **Second Signature**

Full Name **Full Name**

Relationship to Student **Relationship to Student**

Date **20__** **Date** **20__**

Appendix 5 - Governors' Review Procedure - 2013/14 [for distribution to parties]

Procedure

1. The conduct and process of the Review hearing will be controlled by the Panel Chair. Ordinarily, the hearing will be conducted as a 'round table' discussion with both parties and the Panel present together and a suggested Agenda will be issued in advance. If the Chair of the Panel deems it warranted, whether before or during the hearing, he or she may decide that a sequential approach would be more appropriate and ask to hear from the parties separately in turn. Any decision to that effect would be documented and reasoned and any objections would be noted.
2. During the hearing, the Panel members may intervene actively and ask questions so as to be clear on all the issues. Questions are to be purely for points of information or clarification; they are not to be of a style of cross-examination.

3. The Panel will ensure that both parties are given the opportunity to be heard. The parties should not expect to address each other directly unless permitted to do so by the Panel Chair. The hearing is not adversarial and everyone present should show due courtesy, restraint and good manners.
4. The parents may be accompanied to the hearing. If the Parents wish to be accompanied by someone who is legally qualified, that person may be permitted to assist the Panel on points of law only but will not be permitted to act as advocate by speaking on the Parents' behalf.
5. The Review hearing is a private meeting and all those who are concerned in it are required to keep its proceedings confidential subject to law. The hearing will not be recorded but will be minuted. All of those present will be entitled to make their own written record of the meeting.

The remit of the Panel

6. When reviewing the Head's decision, the Panel will consider whether or not the decision was:
 - unsound procedurally or substantively; and/or
 - disproportionate.
7. With regard to procedure, the Panel will consider whether the facts of the case were sufficiently proved when the decision was taken to Expel or Remove the student. The civil standard of proof, namely, "*the balance of probability*" will apply.
8. With regard to proportionality, the Panel will consider whether the sanction was warranted, that is, whether the behaviour was sufficient to justify termination of the contract and if so whether the objective (the efficient administration of the School and the protection of the interests of the School community) could be achieved by another means.

The Decision

9. The Panel are empowered to either uphold the Head's decision or to refer the matter back to him for reconsideration in light of their findings and any recommendations they decide to make.
10. After the hearing has concluded, the Panel should discuss their findings without the Head or the Parents being present.
11. The Panel are required to provide the parties with a reasoned written decision as soon as possible and within five days of the Hearing. Should the Head's decision be upheld, the

contract for educational services will be deemed terminated with immediate effect. Should the Panel decide that the decision should be referred back to the Head in light of their findings and recommendations, which may include reinstatement, the Head is required to make that reconsidered decision and report it to the Parents in writing as soon as possible and within three days of the Panel's written decision being received.

Governors' Review Hearing re: [name of student]

The Panel

[Name], Governor (Chair)

[Name], Governor

[Name], Independent Member

Clerk to the Governors, Minute taker

The Parties

[name of Parents], who may be accompanied.

[Head]

[Deputy Head]

Suggested Agenda

1. [Time] - Arrival at the School's main reception for collection by the Clerk to the Governors, who will escort the parents and the Head to the allocated room.
2. Welcome and introductions by the Chair of the Panel.
3. Parents - add, verbally, any further information relating to their grounds for Review.
4. Questions from the Panel and from the Head via the Panel.
5. Head - responds, verbally, to the further information the parents provide.
6. Questions from the Panel and from the Parents via the Panel.

7. The Panel invites any further submissions or closing remarks the parties would like to make and asks any remaining questions it may have.
8. The hearing ends and the Parents and the Head leave. The Panel remain to deliberate on the issues.