TAUNTON
SCHOOL

EXPULSION OR REQUIRED REMOVAL FROM SCHOOL POLICY

Policy Lead – Headmaster

Committee – Full Governing Board

Adopted by Governors – Spring 2024

Last Review – September 2026

Review Schedule - Annually or following a change in legislation

Taunton School, Staplegrove Road, Taunton, Somerset TA2 6AD
Telephone: 01823 703 703 **Email:** enquires@tauntonschool.co.uk
www.tauntonschool.co.uk

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Statement of intent

At Taunton School, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that the expulsion of students may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy or Parent Contract. Expelling a student may also be required in instances where allowing the student to remain in school would be damaging to the education and welfare of themselves or others; in all cases, expelling students will only be used as a means of last resort.

The school has created this policy to provide clarity on when the school's right to expel a student may be exercised, to ensure that our procedures are fair and promote natural justice and to promote cooperation between the school and parents. This policy does not apply to instances when a student must leave the school due to ill-health, non-payment of fees or withdrawal by their parents.

1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Education Act 2002
- Education and Inspections Act 2006
- Education Act 1996
- The Education (Independent School Standards) Regulations 2014
- The European Convention on Human Rights (ECHR)
- Equality Act 2010
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

2. Definitions

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.

3. Grounds for suspension or expulsion

The school will only suspend or expel a student where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Policy and in line with the Parent Contract, have failed to be successful.

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, alcohol, and tobacco
- Theft and blackmail
- Physical violence and intimidation
- Bullying/Cyberbullying
- Offences of a sexual nature
- 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 above list is not intended to be exhaustive, and it will remain at the discretion of the Head to determine if expulsion is an appropriate disciplinary action in response to an incident or series of incidents.

4. Roles and responsibilities

The LA will be responsible for:

- Arranging suitable full-time education for any student of compulsory school age who is expelled permanently, in coordination with the school;
- Reviewing and reassessing students' needs in consultation with their parents where they have an EHC plan and are expelled permanently, with a view to identifying a new placement.

The governing board will be responsible for:

- In conjunction with the Head, ensuring arrangements are in place to allow for a prompt review of all permanent expulsions, where necessary;
- Considering written representations from parents about expulsions within ten working days of receiving notice, where possible;
- Where an expulsion would result in a student missing an examination or test, considering the expulsion before this date;
- Considering whether it would be appropriate for a student to be permitted onto the school premises to sit the examination or test.

The Head will be responsible for:

- Applying the civil standard of proof when establishing the facts in relation to an expulsion;
- Complying with their statutory duties in relation to students with SEND when administering the expulsion process;
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g., if a student has suffered bereavement, bullying or has a mental health issue;
- Considering what extra support may be needed to identify and address the needs of individual students, particularly students:
  - With SEND
  - Who are LAC
  - From certain ethnic groups
- Engaging effectively with parents in supporting the behaviour of students with additional needs;
- Arranging and attending a disciplinary meeting with the student and their parents;
- Determining whether a student will be expelled on disciplinary grounds;
- Ensuring any decision to expel is lawful, rational, reasonable, fair, and proportionate;
- Complying with the requirements of the Equality Act 2010 when deciding whether to expel a student;
- Ensuring they have considered their legal duty of care when sending a student home following an expulsion;
- Notifying a student's parents without delay where the decision is taken to expel the student;
- Notifying the Local Authority within 24 hours of their decision to expel a student where appropriate, as well as the student's home authority if required;
- Considering problems, e.g., safeguarding concerns, that may be caused by a temporary expulsion, e.g., inadequate supervision of the student during the expulsion.

5. Removal and Expulsion of a Student

Only the Head has the power to suspend or expel a student from the school, which is derived from the Parent Contract, and he/she will decide whether a suspension or expulsion is appropriate.

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

a. **Expulsion**: The Student may be formally expelled from the school if it is proved on the balance of probabilities that the Student has committed a serious breach of discipline or a criminal offence. Expulsion is reserved for the most serious breaches. The Head shall act with procedural fairness in all such cases. The Head's decision to expel shall be subject to a Governors' Review if requested by the Parents. The Parents will be given a copy of the Review procedure current at the time. The student shall be suspended from the School pending the outcome of the Review. See clause f and clause g.

b. **Fees following Expulsion**: If the Student is expelled, there will be no refund of the Acceptance Deposit or of Fees for the current or past Terms but the Additional Deposit, if paid, will be refunded without interest less any sums owing to the school. There will be no charge to Fees in lieu of Notice but, save for any contrary provisions in any other agreement made between the Parents and the School, all arrears of Fees and any other sums due to the school will be payable.

c. **Removal in other circumstances**: The Parents may be required to remove the student permanently from the School or from boarding if, after consultation with the Parents and if appropriate the Student, the Head is of the opinion that:

   - the student has committed a breach or breaches of School rules or discipline for which Removal is the appropriate sanction; or

   - by reason of the student's conduct, behaviour or progress, the Student is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the School; or

   - one or both of the Parents have behaved unreasonably including but not limited to if they have treated the school or members of its staff or any member of the School community unreasonably or in a way which could bring the School into disrepute; then

   in these circumstances, and at the sole discretion of the Head, Withdrawal of the Student by the Parents may be permitted as an alternative to Removal being required. The Head shall act with procedural fairness in all such cases, and shall have regard to the interests of the Student and the Parents as well as those of the School. A decision by the Head to require the Removal of the Student shall be subject to a Governors' Review if requested by the Parents. The Parents will be given a copy of the Review procedure current at the time. The student shall be suspended from the school pending the outcome of the Review. A Withdrawal under this clause is not subject to a Governor's Review. See clause f and clause g.

d. **Fees following Removal**: If the Student is removed or withdrawn in the circumstances described in clause c, the provisions relating to Fees shall be as set out in clause b save that the Acceptance Deposit and the Additional Deposit, if paid, will be refunded without interest less any sums owing to the School.

e. **Leaving status**: The School reserves the right to record the leaving status of the Student on the Student's file immediately after Expulsion or Removal or Withdrawal.

f. **Governors' Review**: The Parents may request a review by Governors (**Governors' Review**) of a decision to expel or require the Removal of the Student from the School or from boarding (but not a decision to suspend the student unless the suspension is for 11 School days or more or would prevent the student taking a public examination). The Head will advise the Parents of the Governors' Review procedure current at that time when he / she informs the Parents of his / her decision. A Governors' Review will be conducted under fair procedures in accordance with the requirements of natural justice.

g. **Student's status pending Review**: If the Parents request a Governors' Review, the Student will be suspended from School until the review procedure has been completed. While suspended, the student shall remain away from School and will have no right to enter School premises during that time without written permission from the Head.

6. Factors to consider when expelling a student

A suspension or expulsion will only be imposed instantly if there is believed to be an immediate threat to the safety of staff and students in the school or the student themselves.

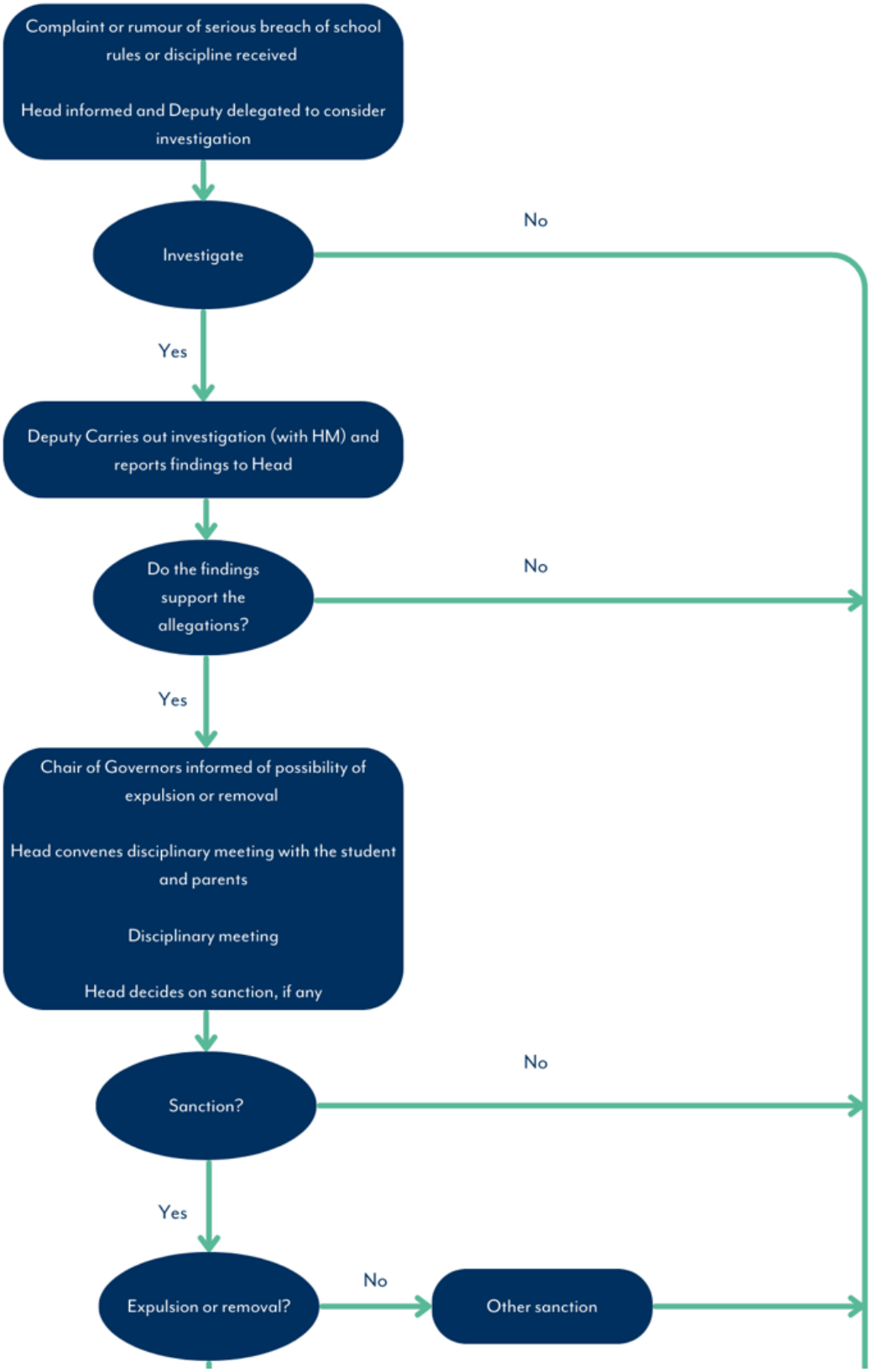
When considering the suspension or expulsion of a student, the Head will:

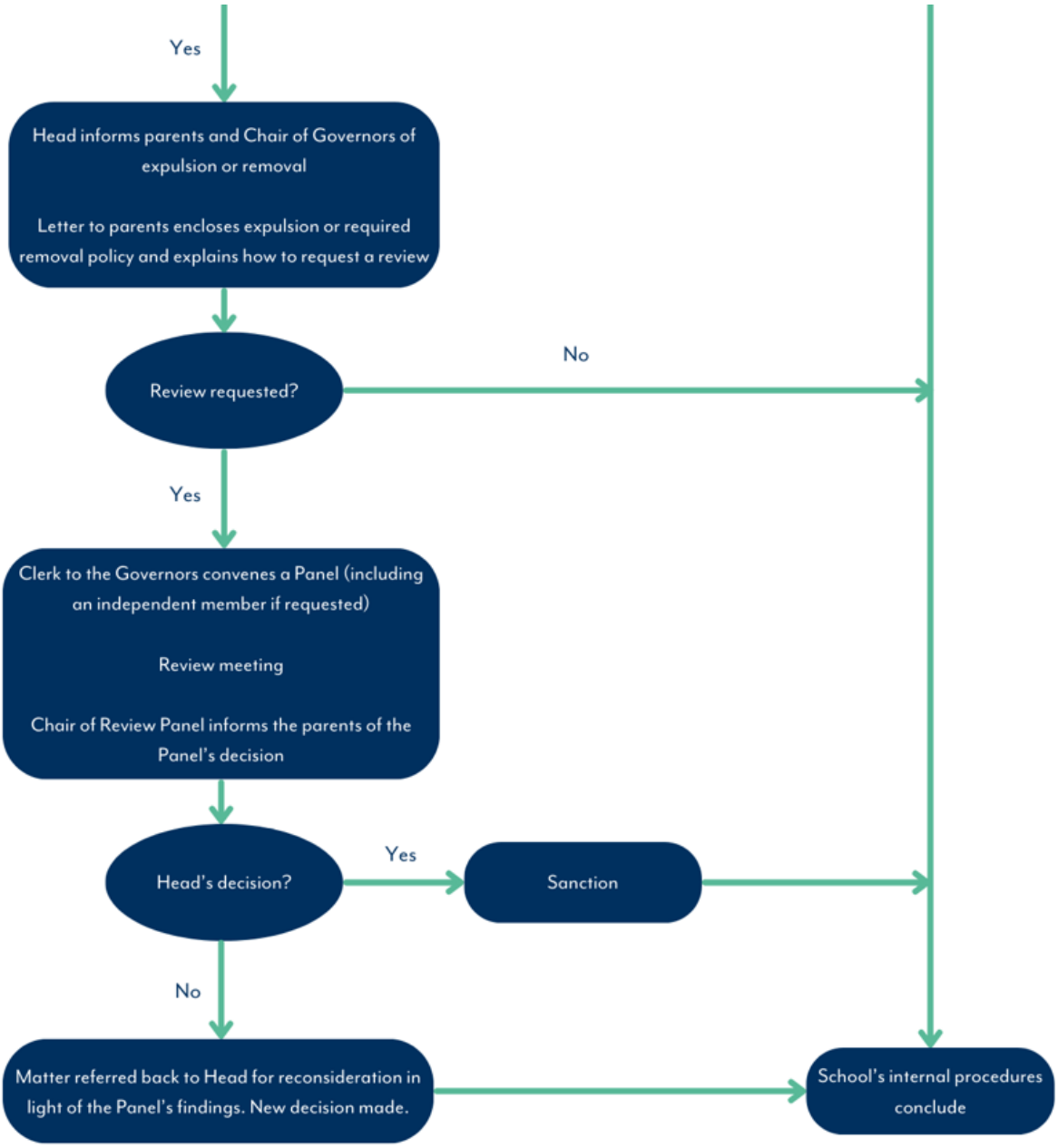
- Ensure an appropriate investigation and evidence-recording process is carried out;
- Allow the student the opportunity to present their case, accompanied by a member of staff or a parent if requested.
- Give adequate consideration to contributing factors that are identified after a case of poor behaviour has occurred, e.g., the student's SEND, or if the student's wellbeing has been compromised, or they have been subjected to bullying.

The Head will consider what extra support may be available for vulnerable student groups, e.g. students with SEND, whose suspension or expulsion rates are higher, to reduce their risk of expulsion.

The Head will consider avoiding permanently expelling LAC, students with Social, Emotional and Mental Health issues and students with an EHC plan.

Appendix A - Procedural flowchart




Yes
Head informs parents and Chair of Governors of expulsion or removal
Letter to parents encloses expulsion or required removal policy and explains how to request a review
Review requested?
No
Yes
Clerk to the Governors convenes a Panel (including an independent member if requested)
Review meeting
Chair of Review Panel informs the parents of the Panel's decision
Head's decision?
Yes
Sanction
No
Matter referred back to Head for reconsideration in light of the Panel's findings. New decision made.
School's internal procedures conclude

Appendix B - 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 C - 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.

   The Head will not be required to share confidential information, or the identities of students or others who have provided information that has formed part of the evidence against a student, with parents.

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/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.

   3.2 The sanction: If the complaint has been proved the Head will outline the range of disciplinary sanctions which he/she considers are open to him. He/she will take into account any further statement which the student and/or others present on his/her 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/her decision in writing, with reasons.

3.3 **Leaving status:** If the Head decides that the student must leave the school, he/she 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; refund of prepaid fees.

Appendix D - 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/her with recommendations so that he/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 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/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. 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/her 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/her 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 E - 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: (daytime) (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 three Governors 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 F - Governors' Review Procedure [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, they must

    a. Have declared this well in advance of the meeting (seven days or more before the meeting is held)

    b. 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/her 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], Governor or 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.