

## EXPULSION, REMOVAL & REVIEW POLICY

***This policy is applicable to Senior School Pupils only***

### **Introduction**

1. **Scope:** This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be expelled from the College, or required to leave permanently for misconduct or other reasons. The policy applies to all pupils at the College (whether or not in the care of the College), 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.
2. **Interpretation:** References to the *Head* include deputies. *“Parent”* includes one or both of the parents, a legal guardian or education guardian. *“Expulsion”* means a dismissal from the College in disgrace, formally recorded. *“Removal”* means that a pupil has been required to leave, but without the stigma of expulsion. *“Withdrawal”* means that the parents have withdrawn the pupil from the College. Subheadings are for ease of reading and not part of the policy.
3. This Policy needs to be read in conjunction with the “Good Behaviour Policy” which details processes likely to lead to a possible “Suspension” but not “Exclusion”.

### **Policy Statement**

1. **Aims:** The aims of the policy are:
  - 1.1 To support the College’s behaviour and discipline code.
  - 1.2 To ensure procedural fairness and natural justice.
  - 1.3 To promote co-operation between the College and parents when it is necessary for the College that a pupil has to leave earlier than expected.
2. **Misconduct:** The main categories of misconduct which may result in expulsion or removal are:
  - 2.1 Supply/possession/use of certain drugs and solvents or their paraphernalia, or substances intended to resemble them, and alcohol and tobacco.
  - 2.2 Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
  - 2.3 Misconduct of a sexual nature; supply and possession of pornography.
  - 2.4 Possession or use of unauthorised firearms or other weapons.
  - 2.5 Vandalism and computer hacking.
  - 2.6 Persistent attitudes or behaviour which are inconsistent with the College’s ethos.
  - 2.7 Other serious misconduct towards a member of the College community or which brings the College into disrepute (single or repeated episodes) on or off school premises.
3. **Other Circumstances:** A pupil may be required to leave if, after all appropriate consultation, the Head is satisfied that it is not in the best interests of the pupil, or the College, that he/she remains at the College.

### **Investigation Procedure**

1. **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Deputy Head, 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 pupil being expelled or required to leave.
2. **Suspension:** A pupil may be suspended from boarding and/or from the College and required to live at home or with his education guardian while awaiting a Disciplinary Hearing; alternatively, there may be exceptional

circumstances, e.g. pupil's involvement in public examinations, when it would be more appropriate for the student to be placed under a segregated regime on school premises.

3. *Search:* If a search is considered necessary the College follows the procedures relating to "Searches" advised by the Boarding Schools Association, found in the Boarding Briefing Paper N<sup>o</sup>. 15 (January 2005).
4. *Interview:* A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If the pupil is then interviewed formally about a complaint or rumour, arrangements will be made for him/her to be accompanied by a member of staff, usually the pupil's Housemaster/Housemistress or their deputies. A pupil who is waiting to be interviewed may be segregated, but made as comfortable as possible, accompanied or visited regularly by a member of staff, given access to a toilet and adequate food and drink.

The Deputy Head may decide that the matter is sufficiently serious that it could warrant suspension or exclusion and will refer it to the Head.

The Head will meet with the pupil, the Deputy Head and the Housemaster/Housemistress to consider the complaint. He may decide to suspend the pupil from school for a fixed period of time or while further investigations are carried out. If a fixed period suspension is deemed necessary then the parents/guardians will be informed and safe arrangements put in place for the suspension to take place.

If the matter is more serious the Head may choose to consider permanent exclusion in which case he will proceed to a Disciplinary Hearing. Parents/Guardians will be told as soon as possible of this situation. The pupil will be suspended from school while awaiting the hearing.

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.

### **Disciplinary Meeting**

1. *Preparation:* The Chairman of Governors will be informed of the investigation. Documents available at the disciplinary meeting before the Head will include:
  - 1.1 A statement setting out the points of complaint against the pupil.
  - 1.2 Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
  - 1.3 The Deputy Head's Investigation Report.
  - 1.4 The pupil's school file and (if separate) House file.
  - 1.5 The relevant school policies and procedures.
2. *Attendance:* The pupil 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 investigation. The pupil may also be accompanied by a member of staff of his/her choice. The pupil 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 pupils will be preserved.
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 pupil. 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 pupil'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 pupil and/or others present on his behalf wish to make. The pupil's disciplinary record will be taken into account. Then, or at some later time, normally within 24 hours, the Head will give his decision, with reasons.
  - 3.3 Leaving status - if the Head decides that the pupil must leave the College, he will consult with a parent before deciding on the pupil's leaving status (see below).

4. *Delayed Effect:*

- 4.1 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 and away from school premises.
- 4.2 If the parents make a written application for a Review by the Governors, the pupil shall remain suspended until the Review has taken place.

**Leaving Status**

- 1. *Explanation:* If a pupil is expelled or required to leave, his/her leaving status will be one of the following: "expelled", "removed" or "withdrawn by parents".
- 2. *Detail:* Additional points of leaving status include:
  - 2.1 The form of letter which will be written to the parents and the form of announcement in the College and House that the pupil has left.
  - 2.2 The form of reference which will be supplied for the pupil.
  - 2.3 The entry which will be made on the school record and the pupil's status as a leaver.
  - 2.4 Arrangements for transfer of any course and project work to the pupil, his/her parents or another school.
  - 2.5 Whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations.
  - 2.6 Whether (if relevant) the College can offer assistance in finding an alternative placement for the pupil.
  - 2.7 Whether the pupil will be entitled to leavers' privileges.
  - 2.8 Whether the pupil will be eligible for membership of the Old Lawrentian Society and, if so, from what date.
  - 2.9 The conditions under which the pupil may re-enter school premises in the future.
  - 2.10 Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

**Governors' Review**

- 1. *Request for Review:* A pupil or his/her parents, aggrieved at the Head's decision to expel or require a pupil to leave, may make a written application for a Governors' Review. The application must be received by the Clerk to the Governors within 7 days of the decision being notified to a parent, or longer by agreement.
- 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.
- 3. *Review Panel:* The Review will be undertaken by a three member sub-committee of the Board of Governors consisting of two Governors, and one person not concerned with the management of the College. 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 Review Panel will be made by the Clerk to the Governors. 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.
- 4. *Review Meeting:* The meeting will take place at the school premises, normally between 3 and 10 days after the parents' application has been received. A Review will not normally take place during school holidays. 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.
- 5. *Attendance:* Those present at the Review Meeting will normally be:
  - 5.1 Members of the Review Panel and the Clerk to the Governors or his deputy.
  - 5.2 The Head and any relevant member of staff whom the pupil, or his/her parents, have asked should attend and whom the Head considers should attend in order to secure a fair outcome.
  - 5.3 The pupil, together with his/her parents and, if they wish, a member of the College staff who is willing to speak on the pupil's behalf. The parents may be accompanied by a friend or relation. The Clerk to the Governors must be given 7 days notice if the friend or relation is legally qualified.

6. *Conduct of Meeting:* The meeting will be chaired by one member of the Review Panel and will be conducted in a suitable room and in an informal manner. All statements made at the meeting will be unsworn. The proceedings will not be tape-recorded without the consent of both the Chairman and a parent, and any tape-recording will be used only to assist the panel members in reaching their decision and formulating their reasons and will belong to the College. The Clerk to the Governors will be asked to keep a handwritten 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.
7. *Procedure:* The Panel will consider each of the questions raised by the pupil or his/her parents so far as relevant to:
  - 7.1 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
  - 7.2 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 and to the legitimate aims of the College’s policy in that respect.
  - 7.3 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 the Governors to note their dissatisfaction and the reasons for it.
8. *Identification:* If the Head considers it necessary in the interests of an individual or of the College that the identity of any person should be withheld, the Chairman may require that the name of that person and the reasons for withholding it be written down and shown to the Panel Members. The Chairman at his/her discretion may direct that the person be identified, or not, as the case may be.
9. *Leaving Status:* If, having heard all parties, the Panel is minded to confirm the Head’s earlier decision, it is open to the Panel, with agreement of the Head, the pupil and his/her parents to discuss the pupil’s leaving status with a view to reaching agreement.
10. *Decision:* When the Chairman decides that all issues have been sufficiently discussed and if by then there is no consensus, he may adjourn the meeting; alternatively the Chairman may ask those present to withdraw while the Panel considers its decision. The decision of the Review Panel will be final. It will be notified, with reasons, in writing to the parents, with a copy to the Head, by the Chairman of the Review Panel, or the Chairman of Governors, within three days of the meeting.

This policy will be reviewed in accordance with the Policy Review Schedule

## Revision History

Version No.	Revision Date	Summary of change	Approved by	Updated by
1.1	10/01/23	Principal changed to Head	TM	TM