

## Suspension, Expulsion and Appeals Policy

Adopted	November 2015
Reviewed	September 2016
	October 2016
	October 2017
	October 2018
	October 2019
Next Review	October 2020
Owner	Principal Deputy Head

DATE OF REVIEW	AUTHOR	PAGE / PARA	SYNOPSIS OF AMENDMENT
Sep 16	PDH	Para 6	Inserted: "Expulsion may also be appropriate in the case of a pupil who is persistently and wilfully resistant to the School Code of Conduct and wider expectations of pupil behaviour, to the point where the pupil's behaviour is deemed damaging to the well-being of the community."
Oct 16	PDH	Para 5	Inserted: "Where the behaviour of a pupil with a disability is causing them to be at risk of exclusion, (save for if that behaviour relates to a tendency towards violence or sexual abuse of others which is excluded from the ambit of the Equality Act 2010) the School will work with the pupil and their parents to determine appropriate strategies, which may include counselling sessions with the school nurse or counsellor, the cost of which will be met by the School."
	PDH	Para 9	Inserted: "We will consider the use of mediation at any stage of the disciplinary procedure set out within this policy to deal with difficult and sensitive matters involving pupils with different needs."
Oct 17	PDH	Para 8	Inclusion of a commitment by the School to write formally to the parents of a pupil who has been suspended
Oct 18	PDH		Comprehensive review in order to clarify – but not significantly alter – categories of behaviour that may result in suspension or expulsion, and the procedures to be followed.
Oct 19	PDH	Paras 7 & 9	Re-written as follows to include reference to the School's Purpose and Values: "Persistent and wilful failure to conduct themselves in accordance with the School's Purpose and Values, the School's Code of Conduct, and wider expectations of pupil behaviour, allied to a failure to respond to the normal range of disciplinary interventions."
		Para 9	Inclusion of, "and this point should feature prominently in communication with parents.)
			Deletion of, "Ensure that discussion has occurred with the pupil and parents regarding the behaviour which the School considers unacceptable and which may lead to suspension."

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## 1. Context

In accordance with the School Code of Conduct, all pupils and staff have the right to be treated fairly and with dignity in an environment free from disruption, intimidation, harassment and discrimination.

To achieve this, the School will set, and work hard to maintain, high standards of pupil behaviour.

In the overwhelming number of cases when pupils transgress, the normal range of low-level interventions bring about an improvement in behaviour. There will be cases of unacceptable behaviour, however, where it will be in the best interests of the School community and/or the pupil involved, for the pupil to be removed from the School for a period of time or permanently.

Suspension and expulsion are the options available to the Principal in these situations.

In implementing these procedures, the Principal will ensure that no pupil is discriminated against on any of the following grounds.

- a. Race, including colour, nationality, descent, and ethnic, ethno-religious or national origin
- b. Religious affiliation
- c. Sexuality
- d. Disability and / or specific learning difficulties
- e. Gender or gender orientation
- f. Age

## 2. Policy statement

This policy contains guidelines which will be adapted as necessary, explaining the circumstances under which a pupil may be suspended or expelled from Mount Kelly ('the **School**').

The policy applies to all pupils at the School but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by his/her parents.

## 3. Policy aims

The aims of this policy are:

- To support the School's Behaviour and Discipline Policy
- To ensure procedural fairness and natural justice
- To promote co-operation between the School and parents when it is necessary for the School that a pupil be required to leave earlier than expected

#### 4. Definitions of terms

The definitions in this clause apply throughout the policy.

- **Principal:** references to the Principal may include deputies.
- **Parent:** includes one or both of the parents, a legal guardian or education guardian.
- **Expulsion:** means that a pupil is required to leave the School permanently.
- **Withdrawal:** means the decision of the parents to withdraw their child permanently from the School
- **Suspension:** Means the temporary removal of the pupil from the School, for a period of time determined by the Principal

#### 5. Scope and range of the policy

The proscriptions of this policy apply to the behaviour of pupils at School, on the way to and from School, and while away from the School site on School-endorsed activities. They also apply to behaviour outside of School hours and off School premises where there is a clear and close connection between the School and the conduct of pupils.

They also include the use by a pupil of social media, mobile phones and/or other technology to threaten, bully or harass another pupil or a staff member.

Where a serious disciplinary matter arises and the Principal is considering suspension or expulsion of a pupil, the action should be taken irrespective of any action which may be taken by another agency, including the police.

Where the police are involved in a case where the Principal is considering suspension or expulsion, the Principal will inform the police that this is the case, in order to ensure any potential police investigation is not compromised by the School's procedures.

#### 6. Pupils with a disability

Where the behaviour of a pupil with a disability is causing them to be at risk of exclusion, (save for if that behaviour relates to a tendency towards violence or sexual abuse of others, which is excluded from the remit of the Equality Act 2010) the School will work with the pupil and their parents to determine appropriate strategies, which may include counselling sessions with the School Nurse or counsellor, the cost of which will be met by the School.

The School will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Where expulsion needs to be considered, the School will ensure that a disabled pupil is able to present their case fully where their disability might hinder this.

## 7. Expulsion

A pupil is liable to expulsion for behaviour that falls into one or more of the following categories:

- A grave breach of School discipline, for example, a criminal offence or some wilful act calculated to cause serious damage to the School, or any of its members.
- Persistent and wilful failure to conduct themselves in accordance with the School's Purpose and Values, the School's Code of Conduct, and wider expectations of pupil behaviour, allied to a failure to respond to the normal range of disciplinary interventions.
- Behaviour which is judged by the School to be damaging to the well-being of the community

Specific examples of misconduct which may result in expulsion include, but are not limited to, the following:

- Possession of Class A or Class B drugs
- Supply to another pupil of drugs of any category
- Theft, blackmail, physical violence, intimidation, racism or persistent bullying
- Physical assault
- Possession or use of unauthorised firearms or other weapons
- Serious and malicious acts of vandalism
- Computer hacking
- Criminal behaviour
- Malicious accusations against pupils or staff
- Serious misconduct which affects the welfare of a member or members of the School community or which brings the School into disrepute.

The Principal is required to act fairly and in accordance with the principles of natural justice. The Principal will make a decision on a case-by-case basis, will expel a pupil from the School only as a last resort, and will not expel a pupil other than in grave circumstances.

In matters involving child protection issues, the Principal will be guided by the advice provided by the Designated Officer and any other external services, including the police.

The circumstances under which a pupil who has been expelled left the School may be explained in response to any enquiry or request for a reference. In accordance with the School's terms and conditions, the parents of such a pupil will remain liable for fees for the term following the pupil's expulsion, and the School will retain the deposit in lieu of fees.

## **8. Withdrawal**

The permanent withdrawal of a pupil may be required if, after consultation with the parents and, if appropriate, the pupil, the Principal is of the opinion that:

- By reason of the pupil's conduct, behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the School; or
- The parents have treated the School, members of its staff or any member of the School community unreasonably.

Subject to payment of all outstanding fees (the deposit being returned or credited to the account) the pupil will be given reasonable assistance in making a fresh start at another School.

A boarder may be required to leave boarding without necessarily being required to leave the School.

## **9. Suspension**

A pupil is liable to suspension for behaviour that falls into one or more of the following categories:

- A significant breach of School discipline.
- Persistent and wilful failure to conduct themselves in accordance with the School's Purpose and Values, the School's Code of Conduct, and wider expectations of pupil behaviour, allied to a failure to respond to the normal range of disciplinary interventions.
- Behaviour which is damaging to the well-being of the community

Specific examples of misconduct which may result in suspension include, but are not limited to, the following:

- Possession of Class C drugs, and other prohibited items, including weapons
- Physical violence, intimidation, aggression, or bullying
- Behaviour that endangers the wellbeing and welfare of other pupils
- Persistent defiance, disobedience and/or insolence to staff
- Vandalism
- Assisting other pupils to obtain illegal substances or supplying restricted substances, including prescribed medication
- Encouraging other pupils to break the School's Code of Conduct
- Criminal behaviour

- Serious misconduct which affects the welfare of a member or members of the School community or which brings the School into disrepute.

Suspension is not intended solely as a punishment, but is also implemented as a strategy for managing inappropriate behaviour within the School's pupil welfare and discipline policies. It is most effective when it highlights the parents' responsibility for taking an active role in modifying their child's behaviour, and this point should feature prominently in communication with parents.

For the majority of pupils, suspension allows time for reflection, to acknowledge and accept responsibility for the behaviours which led to the suspension, and to accept responsibility for changing their behaviour to meet the School's expectations in the future.

In matters involving child protection issues, the Principal will be guided by the advice provided by the Designated Officer and any other external services, including the police.

A pupil may also be placed under suspension while a complaint is investigated or pending the outcome of a Governors' Review.

Before a suspension is imposed, the School will:

- Ensure that appropriate support strategies and discipline options have been applied and documented
- Ensure that appropriate support personnel, both within the School and externally, have been involved
- Develop, in conjunction with the School's Learning Support Department or other appropriate school personnel, support strategies to assist the pupil to manage their behaviour
- Record all action taken.

In some circumstances the Principal may determine that a pupil should be suspended immediately. This will usually be due, but not limited, to reasons such as the safety of pupils or staff.

Should a pupil be suspended, the Principal Deputy Head or Head of Prep will write formally to the pupil's parents to confirm the suspension. The letter will also confirm the following:

- The reasons for the suspension
- The term of the suspension
- Any relevant details relating to the investigation into the pupil's behaviour
- Details of any integration process to be followed on the pupil's return to the School
- The strategies that the School will put in place to support the pupil on their return to the School

School property and facilities will be out-of-bounds to pupils under suspension, and suspended pupils will not be eligible to represent the School at sport or take part in any other extra-curricular activity. Should a pupil need access to the School, for example, in order to collect books and files, the parents should liaise with the Hm.

The successful re-integration of the pupil into the School community is a priority, and to that end the School commits to the following, if appropriate:

- To work with parents to assist a suspended pupil to re-integrate into the School community.
- To plan appropriate support for the pupil to assist with successful re-entry. This may include access to appropriate support.
- To put measures in place to ensure the safety of pupils and staff.

Pupils who have been suspended will have a formal re-integration meeting with the Head shortly after their return to School.

#### **10. Mediation**

The School will consider the use of mediation at any stage of the disciplinary procedure set out within this policy to deal with difficult and sensitive matters involving pupils with different needs.

#### **11. The procedure**

The procedure which will normally be followed is set out in the Appendix below, but does not have contractual effect. All procedures will be conducted fairly and in a way that is appropriate to the circumstances.

**Procedures in the event of possible expulsion**

**1. Synopsis of the procedure**

- a. The School is made aware of, or finds out about, serious misconduct.
- b. A member of the Senior Leadership Team conducts an investigation, which will include an interview with the pupil(s) concerned.
- c. The findings of the investigation are put to the Head, who will decide the course of action to be taken.
- d. Should the Head believe that the misbehaviour is such that the pupil is at risk of expulsion, the pupil will be suspended for a period of five days, during which time the School will investigate and deliberate further.
- e. The Principal Deputy Head or Head of Prep will write to parents confirming the suspension. The letter will make clear that the pupil may be liable to expulsion, and will set out the process to be followed.
- f. During, or at the end of the period of suspension, the pupil will be required to attend a formal disciplinary meeting with the Head.
- g. At this meeting the Head will give his/her decision regarding the pupil's future at Mount Kelly.
- h. The Head will write to the parents, confirming his decision.
- i. Should the Head decide that the pupil is to be expelled from the School, the parents may request a Governor Review.

**2. The procedure in detail**

**a. Investigation**

Investigation into serious misconduct will be co-ordinated by a senior member of staff, and its outcome will be reported to the Principal. Parents will be informed that an investigation is under way into behaviour that is of a nature that could result in the pupil being expelled or required to leave.

**b. Decision**

On the basis of the evidence presented, the Head will decide the course of action, which is likely to be one of the following:

- I. No case to answer
- II. Suspension
- III. Suspension, with the possibility of expulsion, pending a formal disciplinary meeting with the Head, during which:
  - a. Further investigation and deliberation will be undertaken
  - b. The pupil will attend a formal disciplinary meeting with the Head

**c. Suspension**

The Principal Deputy Head or Head of Prep will write to parents confirming the suspension. The letter will make clear that the pupil may be liable to expulsion, and will set out the process to be followed.

During the period of suspension, the pupil will be required to live at home or with his/her guardian while an investigation is ongoing, or while an investigation is suspended (see d. below).

Should a suspension continue for a period of more than five school days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The School will co-ordinate these arrangements with the pupil'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 pupil may be placed under a segregated regime on School premises.

**d. 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.

**e. Formal Disciplinary Meeting with the Head**

**Preparation**

The Chairman of Governors will be informed of the meeting. The Principal Deputy Head or Head of Prep will ensure the Head has been provided with all necessary and relevant documentation.

**Attendance**

The pupil will be asked to attend the disciplinary meeting with the Principal, and may be accompanied by his/her parent(s) or another adult, who may be a member of staff.

The pupil and his/her parents will have an opportunity to state their side of the case. Relevant 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.

**The conduct of the meeting**

The Principal will set out the behaviour under consideration, and the evidence, including statements made by and/or on behalf of the pupil. Unless the Principal considers that further investigation is needed, the Head will decide whether the misbehaviour has been sufficiently proved. The standard of proof shall be the civil standard, i.e. the balance of probabilities.

### **The sanction**

If the behaviour under consideration has been proved, the Principal will outline the range of disciplinary sanctions which he considers are open to her/him. S/he may take into account any further statement which the pupil and/or others present on his behalf wish to make. The Principal will consider any factors s/he deems to be relevant when determining the sanctions including the pupil's disciplinary record.

Then, or at some later time, the Principal will give her/his decision, with reasons.

#### **f. Leaving status**

If a pupil is expelled or required to leave, his/her leaving status will be one of the following: "expelled" or "withdrawn".

#### **g. Delayed effect**

A decision to expel or remove a pupil shall take effect seven days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from School premises. If within seven days the parents have made a written application for a review by the Governors, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision is made.

### **3. Governors' Review**

- a. **Request for review:** A pupil or his/her parents may request a Governors' Review of the Principal's decision to expel or require a pupil to leave. The request must be made in writing and received by the Clerk to the Governors within seven days of the Principal's decision being notified in writing to a parent, or longer by agreement. If the parents or the pupil have any special educational 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
- b. **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.

**Disagreement with the decision of the Principal will not of itself be grounds sufficient for a Governors Review.**

- c. **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. If appropriate, the panel may include an independent member who is not concerned with the management or running of the School. 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.
- d. **Role of the Panel:** The role of the Panel is to consider the representations made and to decide whether to uphold the Head's decision or refer the decision back to him/her with recommendations so that s/he may consider the matter further. It is not within the powers of the Review Panel to reinstate a pupil's place at the School against the wishes of the Head.
- e. **Review meeting:** The meeting will take place at the School premises. A Review will not normally take place during school holidays. The parents and the Principal will be asked to submit any documents they wish to refer to at the meeting and a single bundle will be circulated 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:

- (i) to include the new information in the bundle; or
- (ii) to omit the information if not relevant to the grounds of the Review;  
or
- (iii) to make further enquiries of the parents or the pupil about the information; or
- (iv) to refer the information to the Principal for his consideration as to whether the decision should be revisited.

A Review Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

- f. **Attendance:** Those present at the Review Meeting will normally be:
  - i. Members of the Review Panel and the Clerk to the Governors or his/her deputy.
  - ii. The Principal and any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Principal considers should attend in order to secure a fair outcome.
  - iii. The pupil together with his/her parents. 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 must be notified at least five working days before the Review meeting if the friend or relation is legally qualified. The parents should note that the Review Panel will wish to speak to them directly and this person will not be permitted to act as an advocate

- g. **Conduct of the meeting:** The meeting will be chaired by one member of the Review Panel and will be conducted in an informal manner. All statements made at the meeting will be unsworn. A hand-written minute of the main points which arise at the meeting will be taken. 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.
- h. **Procedure:** The Panel will consider each of the questions raised by the pupil or his/her parents and any documentation they wish to rely on so far as relevant to:
  - i. Whether the facts of the case were sufficiently proved following fair procedure when the decision was taken to expel or withdraw the pupil.
  - ii. The civil standard of proof, namely, “the balance of probability” will apply.
  - iii. Whether the sanction was warranted, that it, 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 School’s policy in that respect.

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 at the time and ask the Clerk to note their dissatisfaction the reasons for it.

- i. **Decision:** The Panel's decision and any recommendations will be notified in writing, with reasons, to the Principal and the parents by the Chair of the Review Panel or the Chairman of Governors normally within three days of the meeting. The Principal will provide his response to those recommendations, if appropriate, in writing normally within 24 hours. In the absence of a significant procedural irregularity, the Principal's decision will then be final.