



Cross Campus Expulsion, Removal and Review Policy Academic Year 2020-2021

Name of Policy:	Exclusion, Removal and Review Policy
Date of Policy Revision:	October 2020
Revised by:	College Senior Deputy Head
Approved by:	The Executive Team
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Location(s) where Policy can be found	<ul style="list-style-type: none">✓ ISI Portal✓ College Website✓ Intranet <p>Hard copy files in the following offices:</p> <ul style="list-style-type: none">❖ Compliance & Legal Support❖ Headmaster's PA❖ SMH Headmaster's PA❖ Bursar's PA

Expulsion, Removal and Review Policy

Introduction

1.1 **Scope:** This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be expelled from the School, or required to leave permanently for misconduct or other reasons. 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. This policy can be made available in large print or other accessible format if required.

1.2 **Interpretation:** The definitions in this clause apply in this policy.

School: this term applies to Stonyhurst College and St Mary's Hall, as appropriate.

Head: references to the Head include Deputies.

Governing Body: reference to the Governing Body means the governing body of both Stonyhurst College and St Mary's Hall

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

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

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

Withdrawal: means that the pupil is removed from school by the parent, but without the stigma of expulsion.

School day: means any day Monday to Sunday inclusive during term time.

Working days: means any day Monday to Saturday inclusive during term time when the School is open.

Policy statement

2.1 **Aims:** The aims of this policy are:

- to support the School's Behaviour 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 leaves earlier than expected

2.2 **Misconduct:** The main categories of misconduct which may result in expulsion or removal are:

- supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- theft, blackmail, physical violence, intimidation, racism or persistent bullying including cyber-bullying
- misconduct of a sexual nature; supply or possession of pornography
- possession or use of unauthorised firearms or other weapons
- vandalism or computer hacking
- persistent attitudes or behaviour which are inconsistent with the School's ethos
- other serious misconduct which affects the welfare of a member or members of the school community or which brings the School into disrepute (single or repeated episodes) on or off school premises

2.3 **Behaviour related to a disability:** 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 his or her case fully where the disability might hinder this.

2.4 **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 of the School, that he/she remains at the School.

3. Investigation procedure

3.1 **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Deputy Head Pastoral / Assistant Head Pastoral, 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.

3.2 **Suspension:** A pupil may be suspended from boarding and/or from the School and required to stay at home or with his/her education guardian while a complaint is being investigated or while an investigation is adjourned (see section 3.6 below). Should a suspension continue for a period of more than 5 school days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The relevant Playroom Leader at SMH or Head of Playroom (Stonyhurst College) 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.

3.3 **Search:** It may be necessary to search a pupil's space and belongings, and ask him/her to turn out the contents of pockets or a bag, if 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.

- 3.4 **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 of his/her choice and/or by a parent (if available at the relevant time). 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, and given access to a toilet and adequate food and drink. A minute of the interview will be recorded in writing by the interviewing member of staff.
- 3.5 **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.
- 3.6 **Adjournment of an investigation:** It may be necessary to adjourn 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 adjourn an investigation will take into account advice from any external agency and will be subject to periodic review.

4. Disciplinary meeting before the Head

- 4.1 **Preparation:** The Chairman of the Governing Body will be informed of the investigation. Documents available at the disciplinary meeting before the Head will include:

- a statement setting out the points of complaint against the pupil
- written statements and notes of the evidence supporting the complaint, and any relevant correspondence
- the Deputy Head Pastoral / Assistant Head Pastoral Investigation Report
- the pupil's school file and (if separate) house / playroom file and conduct record
- the relevant school policies and procedures

- 4.2 **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 Pastoral / Assistant Head Pastoral will explain the circumstances of the complaint and his/her 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.

If the parents or the pupil 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 Deputy Head Pastoral / Assistant Head Pastoral so that appropriate arrangements can be made.

4.3 If the pupil or the pupil's parents experience difficulty in attending due to a disability, the School will make reasonable alternative arrangements to accommodate the disability. If a parent is unable to attend because of e.g. travel and working commitments, the School will make reasonable alternative arrangements to ensure the parent can be involved with the disciplinary process and their child's education.

4.4 **Proceedings:** There are potentially three distinct stages of a disciplinary meeting:

4.4.1 **The complaints:** The Head will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. The Head will state that the emphasis of the meeting is on hearing what the parents have to say. Unless the Head considers that further investigation is needed, he will decide whether the complaint has been sufficiently proved. The standard of proof shall normally be the civil standard, e.g. the balance of probabilities. The Head may refer to the pupil's disciplinary record at this stage.

4.4.2 **The sanction:** If the complaint has been proven, 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. The Head will then reflect on the matter for a minimum of 24 hours before communicating his decision, with reasons, to the parents.

4.4.3 **Leaving status:** If the Head decides that the pupil must leave the School, he will consult with a parent before deciding on the pupil's leaving status (see below).

4.4.4 **Delayed effect:** A decision to expel or remove a pupil shall take effect seven days after the decision to proceed to a dismissal 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 Governing Body, the pupil shall remain suspended until the Review has taken place.

5 Leaving status

5.1 **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.

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 and Playroom that the pupil has left
- the form of reference which will be supplied for the pupil
- the entry which will be made on the school record and the pupil's status as a leaver
- arrangements for transfer of any course and project work to the pupil, his/her parents or another school

- whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations
- whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil
- whether the pupil will be entitled to leavers' privileges
- whether the pupil will be eligible for membership of the Stonyhurst Society and if so from what date
- the conditions under which the pupil 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; or a refund made of pre-paid fees

6 Review

- 6.1 **Request for review:** A pupil or his/her parents may request a Review of the Head's decision to expel or require a pupil to leave, or where a decision has been made to suspend a pupil for seven school days or more, or where suspension would prevent the pupil from taking a public examination. The application must be made in writing using the Request Form at Appendix 1 and received by the Chairman of the Governing Body within seven days of the Head's decision being notified in writing to a parent, or longer by agreement. If the parents or the pupil have any special needs or disabilities which call for additional facilities or adjustments, these should be made known to the Chairman so that appropriate arrangements can be made.
- 6.2 **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 Review.
- 6.3 **Review Panel:** The Review will be undertaken by a minimum of three member subcommittee of the Governing Body. 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 the Governing Body. Selection of the Review Panel will be made by the Chairman of the Governing Body. 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 parents may ask for the appointment of an independent panel member who is not concerned with the management or running of the School nominated by the Governors and approved by the parents. Such approval not to be unreasonably withheld.
- 6.4 **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 to refer the decision back to him with recommendations so that he may consider the matter further. It is not within the powers of the Panel to reinstate a pupil's place at the School against the wishes of the Head.

- 6.5 **Review meeting:** The meeting will take place at the school premises, normally between three and ten working 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.
- 6.6 **Attendance:** Those present at the Review Meeting will normally be:
- members of the Review Panel and the Clerk to the Governing Body or his/her Deputy
 - 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
 - the pupil together with his/her parents and, if they wish, a member of the school staff who is willing to speak on the pupil's behalf. The parents may be accompanied by a friend or relation. The parents must indicate on the Request Form if the friend or relation is legally qualified.
- 6.7 If the pupil or the pupil's parents experience difficulty in attending due to a disability or the parent's travel and working commitments prevent them from attending, the School will make reasonable alternative arrangements to ensure the pupil and/or their parents can be involved in the Review.
- 6.8 **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 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 Chairman who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comments. 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.
- 6.9 **Procedure:** The Panel will consider each of the questions raised by the pupil or his/her parents so far as relevant to establish:
- whether the facts of the case were sufficiently proven when the decision was taken to expel or remove of the pupil. The civil standard of proof, namely, 'the balance of probability' will normally apply.
 - 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 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 Chairman at the time and ask the Clerk to note their dissatisfaction and the reasons for it.
- 6.10 **Identification:** If the Head considers it necessary in the interests of an individual or of the School 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.

- 6.11 **Leaving status:** If, having heard all parties, the Panel is minded to recommend that the Head's earlier decision should be confirmed, 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.

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 recommendations. The Panel's recommendations will be notified in writing, with reasons, to the Head and the parents by the Chairman of the Review Panel or the Chairman of the Governing Body within three working days of the meeting. The Head will provide his response to those recommendations in writing, usually within 24 hours. In the absence of a significant procedural irregularity, the Head's decision will then be final.

Appendix 1

Request for a Review of a decision to expel a pupil

To: The Chairman of Governors, Stonyhurst College, Hurst Green, Clitheroe, BB7 9QZ

Subject [Name of pupil]

I/We request that a sub-committee (**Panel**) of the Governing Body carries out a review of the Head's decision to expel or require removal of the above named pupil. I/We agree that the Review will be carried out in accordance with the Review Procedure supplied to us with this form and I/we agree to abide by the terms of that Procedure and in particular that the proceedings are and will remain confidential and that the Head's decision following consideration of the recommendations made by the Review will be final, subject to such legal rights (if any) as may exist.

I/We confirm that I/we have parental responsibility for the above named pupil and that I/we have consulted the pupil who wishes the Review to be undertaken.

I/We understand that the Panel will be concerned with the fairness and proportionality of the Head's decision in accordance with the School's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

I/We understand that I/we may be accompanied at the Review Meeting by a friend or relation. The friend or relation accompanying me/us [is / is not] (delete as appropriate) legally qualified and acting as my/our representative.

I/We will inform the Chairman if I/we have any special needs or disabilities requiring additional facilities or adjustments.

The grounds upon which I/we seek a Review and the matters which I/we wish to discuss at the Review and to ask the Panel to take into account are as set out in a statement attached to this sheet.

(Two signatures required where practicable)

Signed	Signed
Full name	Full name
Relationship to pupil	Relationship to pupil
Date	Date
Address	Address
Telephone number	Telephone number

LDS

