

Expulsion, Removal and Review Policy

Brooke House College

2021/22 Version

1 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 College, or required to leave permanently for misconduct or other reasons. The policy applies to all pupils at the College but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by their parents.

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

Principal: references to the Principal may include deputies and assistants.

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

Expulsion: A pupil may be formally expelled from the College if it is proved on the balance of probabilities that the pupil has committed a very grave breach of discipline or a serious criminal offence. Expulsion is reserved for the most serious breaches.

Removal: Parents may be required to remove a pupil permanently from the College or from boarding if, after consultation with the parents and if appropriate the pupil, the Principal is of the opinion that:

- (a) 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 College; or
- (b) if the parents have treated the College, members of its staff or any member of the Collegiate community unreasonably.

Suspension: In this policy, unless otherwise stated, suspension is a neutral act whereby the pupil is sent home or to a guardian pending the outcome of an investigation or a Governors' Review. Suspension as a disciplinary sanction is defined in the College's Behaviour and Discipline Policy.

Board of Directors: In this policy, references to the Board of Directors will be taken to mean the company executive Directors and all external/advisory members.

Working Day: References to **working days** in this policy mean Monday to Friday when College is open during term time. Term dates are published on the College's website.

2 Policy statement

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

2.1.1 to support the College rules and policies on behaviour and discipline

2.1.2 to ensure procedural fairness and natural justice

2.1.3 to promote co-operation between the College and parents when it is necessary for the College to require a pupil to leave earlier than expected.

2.2 **Misconduct:** The main categories of misconduct which may result in expulsion or removal include but are not limited to:

2.2.1 supply / possession / use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco

- 2.2.2 theft, blackmail, physical violence, intimidation, racism or persistent bullying
 - 2.2.3 misconduct of a sexual nature; supply or possession of pornography
 - 2.2.4 possession or use of unauthorised firearms or other weapons
 - 2.2.5 vandalism or computer hacking
 - 2.2.6 persistent attitudes or behaviour which are inconsistent with the College 's ethos
 - 2.2.7 other serious misconduct which affects the welfare of a member or members of the College community or which brings the College into disrepute (single or repeated episodes) on or off College premises.
- 2.3 **Equality:** The College will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where expulsion needs to be considered, the College will ensure that a pupil with a disability or special educational needs and / or his / her parents are able to present their case fully where their disability or special educational needs might hinder this. Any religious requirements affecting the pupil will also be considered.
- 3 Procedure**
- 3.1 **The procedure:** The procedure followed by the College in cases where a sanction of Expulsion or Removal may be imposed by the Principal are summarised in the flowchart at Appendix 1 to this Policy. The three stages of this procedure are as follows:
- 3.1.1 **Investigation procedure** - further details of the procedures to be followed at this stage are set out in Appendix 2
 - 3.1.2 **Disciplinary meeting with the Principal** - further details of the disciplinary meeting are set out in Appendix 3.
 - 3.1.3 **Review meeting** - further details of the Review meeting are set out in Appendix 4.

Authorised by	resolution of the Board of Directors
Signed	
On behalf of the Board of Directors	
Date	August 2021

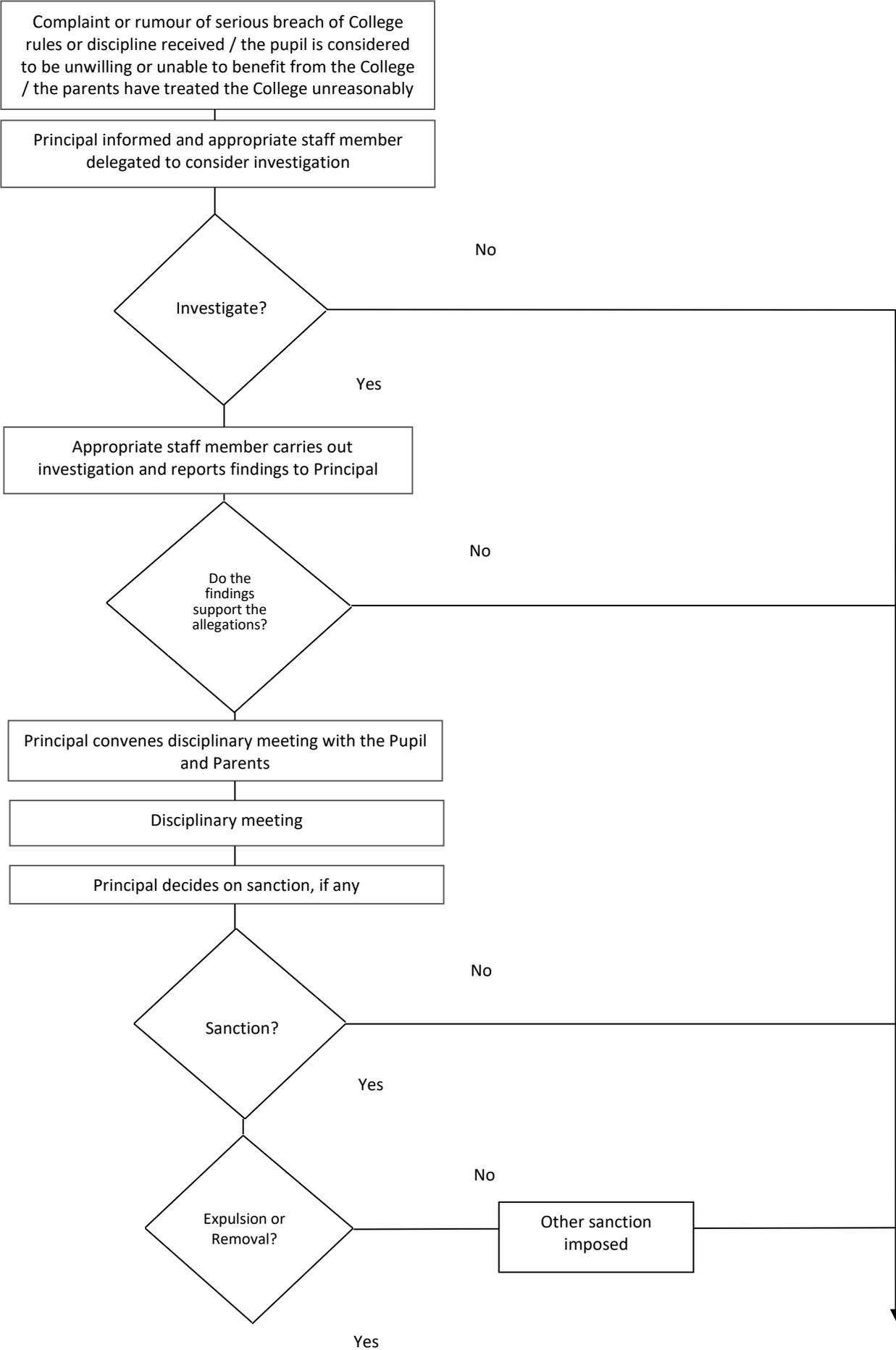
Schedule of Updates

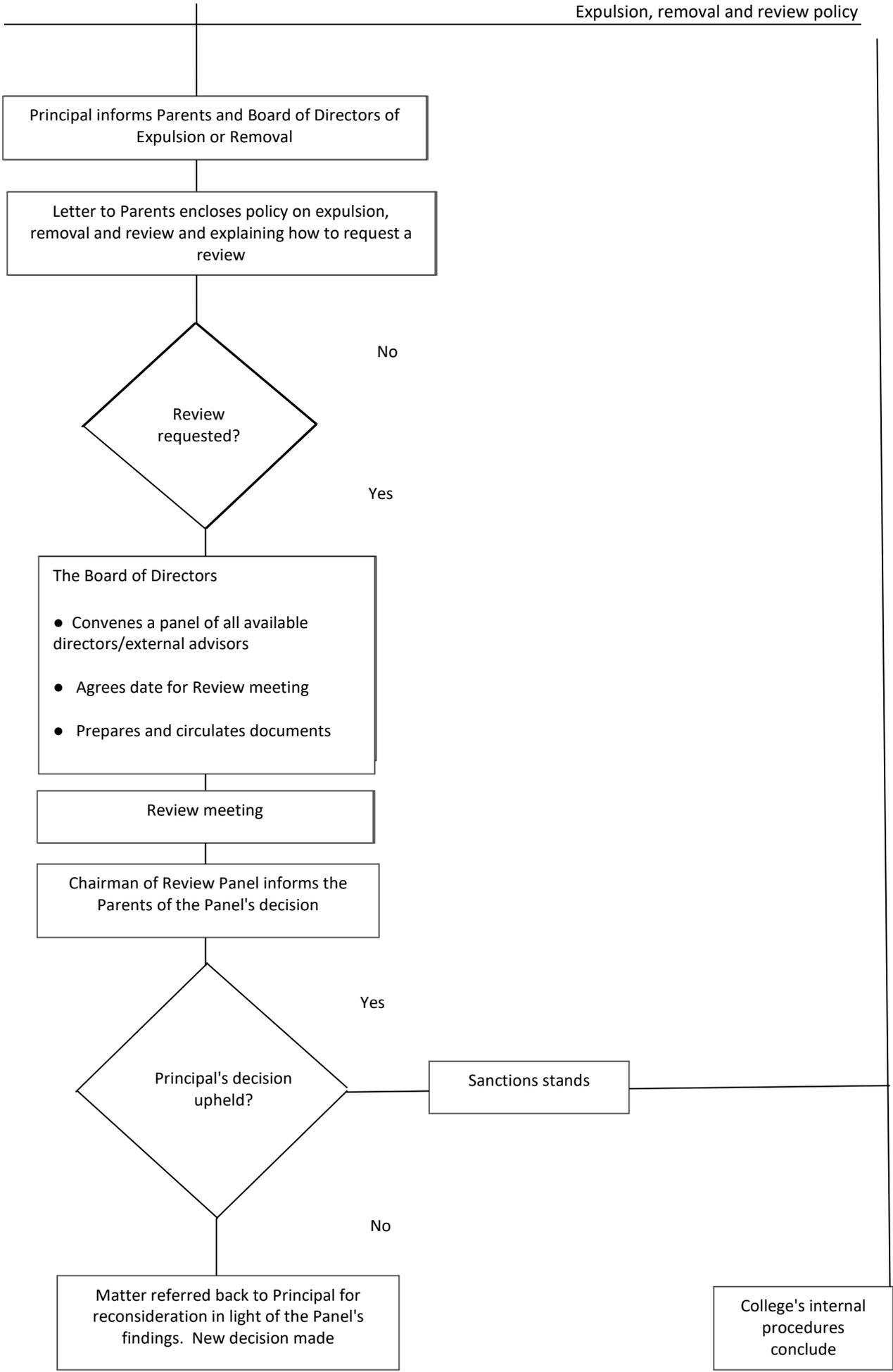
Date document updated	Document updated by	Summary update/comments	Location of saved file
April 2016	GIW / RP / CL	Updated in response to Inspection Report Feb 2016 and in keeping with terms of Action Plan of March 2016. VWV advice taken.	Dropbox – SMT – Policies Final
May 2017	MCO	Updated in response to ISA compliance visit	Dropbox – SMT – Policies Final
July 2020	MCO	Updated in response to ISA compliance visit	Dropbox – SMT – Policies Final
July 2021	MCO	Updated to reflect change from Bursar -> COO	Dropbox – SMT – Policies 2021-2022

Schedule of Review

Date of document review	Reviewed by	Scheduled date of next review
July 2018	MCO	July 2019
July 2019	MCO	July 2020
July 2020	MCO	July 2021
July 2021	MCO	July 2022

Appendix 1 Procedural flowchart





Investigation procedure

- 1 **Complaints:** A complaint or rumour about serious misconduct or cases in which the Principal considers that a pupil is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the College or parents have treated the College, members of its staff or any member of the College community unreasonably will be investigated. This investigation will normally be co-ordinated by one of the Senior Management Team, and its outcome will be reported to the Principal. 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 Removed from the College.
- 2 **Suspension:** A pupil may be suspended from the College while a complaint is being investigated or while an investigation is suspended (see paragraph 6 below). Should a suspension continue for a period of more than five working days, the College will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. 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. Many Brooke House College pupils live overseas and many of those are not represented by an educational guardian. As an alternative to suspension, therefore, the pupil may be placed under a segregated regime on College premises. On rare occasions, pupils may not be represented by an educational guardian in the UK and the circumstances of the allegation may be such that suspension under a segregated regime is unsuitable / undesirable. In such circumstances, the College reserves the right to use the emergency services of a guardianship company and / or to seek the assistance of the social services in the temporary removal of the pupil from the College. All charges associated with removal in these circumstances will be borne by the parents.
- 3 **Search:** The College may decide to search a pupil's space and belongings and ask them to turn out the contents of pockets or a bag, if it considers 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 Appendix 4 of the College's Behaviour and Discipline Policy for the College's policy on searching and confiscation.
- 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 them to be accompanied by a member of staff of their choice and /or by a parent (if available at the relevant time) or a person over the age of 21 appointed by and representing the parents (if available at the relevant time). A minute of the interview will be recorded in writing by the interviewing member of staff.
- 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 2 Disciplinary meeting with the Principal

- 1 **Preparation:** The Board of Directors will be informed of the meeting via the College Chief Operating Officer. Documents available at the disciplinary meeting with the Principal will include:
 - 1.1 a statement setting out the points of complaint against the pupil or, where applicable, the parents
 - 1.2 written statements and notes of the evidence supporting the complaint, and any relevant correspondence
 - 1.3 the appropriate member of staff's Investigation Report
 - 1.4 the pupil's school file and (if separate) conduct record
 - 1.5 the relevant College policies and procedures.

- 2 **Attendance:** The pupil and their parents (if available) will be asked to attend the disciplinary meeting with the Principal at which the Vice Principal will explain the circumstances of the complaint and their investigation. The pupil may also be accompanied by a member of staff of their choice. Where the complaint concerns the behaviour of the parents, the pupil will not generally be expected to attend the meeting and this procedure applies to the parents only.

The pupil and their 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 Principal or Vice Principal so that appropriate arrangements can be made.

If a parent is unable to attend because of, for example, travel and/or work commitments or if they live overseas, the College 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 Principal will consider the complaint/s and the evidence, including statements made by and / or on behalf of the pupil or, where applicable, the parents. Unless the Principal considers that further investigation is needed, they will decide whether the complaint has been sufficiently proved. The standard of proof shall be the civil standard, i.e. the balance of probabilities. Where, arising from the investigation, the Principal is asked to consider hearsay evidence, they must consider the weight, if any, to be attached to that evidence and the reliance to be placed on it. In reaching this decision, the Principal will take into account of all of the circumstances of the evidence. If the Principal considers it relevant in all of the circumstances of the complaint and investigation, they may take into account as evidence the character of the pupil and any pupil witnesses (based on their disciplinary records) at this stage of the proceedings and in determining whether the facts have been made out.

- 3.2 **The sanction:** If the complaint has been proved the Principal will outline the range of disciplinary sanctions which they consider are open to them. They 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 where the complaint concerns the conduct of the pupil. Then, or at some later time, normally within 24 hours, the Principal will give their decision in writing, with reasons.
- 3.3 **Leaving status:** If the Principal decides that the pupil must leave the College, they will consult with a parent before deciding on the pupil's leaving status (see below).
- 4 **Delayed effect:** A decision to Expel or Remove a pupil shall take effect seven working days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from College premises. If within seven working days the parents have made a written application for a Review by the Governors of the decision, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision made.
- 5 **Leaving status**
- 5.1 **Explanation:** If a pupil is Expelled or Removed, their leaving status will be one of the following: Expelled, Removed or, if the offer is made by the Principal and accepted by the parents, Withdrawn by parents.
- 5.2 **Detail:** Additional points of leaving status include:
- 5.2.1 the form of letter which will be written to the parents and the form of announcement in the College
 - 5.2.2 the form of reference which will be supplied for the pupil
 - 5.2.3 the entry which will be made on the College record and the pupil's status as a leaver
 - 5.2.4 arrangements for transfer of any course and project work to the pupil, their parents or another school
 - 5.2.5 whether (if relevant) the pupil will be permitted to return to College premises to sit public examinations
 - 5.2.6 whether (if relevant) the College can offer assistance in finding an alternative placement for the pupil
 - 5.2.7 whether the pupil will be entitled to leavers' privileges
 - 5.2.8 the conditions under which the pupil may re-enter College premises in the future
 - 5.2.9 financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunded of prepaid fees.

Appendix 3 Review

- 1 **Request for review:** A pupil or their parents may request a Review by the Board of Directors of the Principal's decision to Expel or Remove a pupil or where a decision has been made to impose the disciplinary sanction of suspension on a pupil for 11 working days or more or where such suspension would prevent a pupil from taking a public examination. The application must be made in writing using the Request Form at Appendix 5 and received by the College Chief Operating Officer within seven working days of the Principal's decision being notified to the parents, 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 College Chief Operating Officer 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 Principal will not of itself be grounds sufficient for a Review.
- 3 **Review Panel:** The Review will be undertaken by a panel of available College directors, with a minimum of three in attendance for the panel to be considered quorate. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and so will be independent in the context of the review. 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 will, if requested by the parents or if necessary for the purposes establishing quorum, include an independent member who has no connection with the management or running of the College. Such a person might typically be one of the College's independent listener, the Parish vicar or a local solicitor acting on a pro-bono basis. Before accepting a place on the Panel, any such member will be asked to confirm their independence in the context of the review.
- 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 Principal's decision or refer the decision back to their with recommendations so that they may consider the matter further.

Review meeting: The meeting will take place at the College premises, normally within ten working days after the parents' application has been received. A Review may take longer to convene during school holidays, but our aim would be for it to sit as soon as reasonably possible. The parents and the Principal will be asked to submit any documents they wish to refer to at the meeting to the College Chief Operating Officer and a single bundle will be circulated to the Panel and the parties simultaneously at least three working days before the meeting. Any new information forming part of the documentation received from the parents will be presented first to the Principal, who will decide whether or not to revisit their decision in light of the new information. In the event that the Principal decides not to revisit their decision, all new information will be included in the Panel's bundle and the Panel will decide on its relevance to the Review and the weight they wish to attach to it. 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.

- 5 **Attendance:** Those present at the Review meeting will normally be:
 - 5.1 members of the Review Panel and an appointed Clerk

- 5.2 the Principal and any relevant member of staff whom the pupil or their parents have asked should attend and whom the Chair of the Review Panel considers should attend in order to secure a fair outcome
- 5.3 the pupil together with their parents and, if they wish, a member of the College staff who is willing to speak on the pupil's behalf. If the complaint concerns the behaviour of the parents, the pupil will not be expected to attend. 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 College Chief Operating Officer must be given seven working days' notice if the friend or relation is legally qualified and the parents should note that the Review Panel will wish to speak to the parents directly and this person will not be permitted to act as an advocate or to address the meeting unless invited to do so by the Chairman of the Panel.
- 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 meeting will not be recorded but the College Chief Operating Officer 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 the parties 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 their discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.
- 7 **Procedure:** The Principal will provide the parents with a copy of the current Review procedure if requested. The Panel will consider each of the points raised by the pupil or their parents and any documentation they wish to rely on so far as relevant to:
- 7.1 **whether the decision was fair procedurally and / or substantively** - whether the facts of the case were sufficiently proved and an appropriate procedure followed when the decision was taken to Expel or Remove of the pupil. The civil standard of proof, namely, "the balance of probability", will apply and
- 7.2 **whether the sanction was proportionate** - that is whether it was warranted in respect of the breach of discipline or the other events that are found to have occurred and to the legitimate aims of the College 's policy in that respect.

The requirements of natural justice will apply. If for any reason the pupil or their parents are dissatisfied with any aspect of the meeting they must inform the Chairman at the time and ask the College Chief Operating Officer to note their dissatisfaction and the reasons for it.

- 8 **Decision:** When the Chairman decides that all issues have been sufficiently discussed and if by then there is no consensus, they will conclude the meeting and the Panel will consider its decision and recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Principal and the parents by the Chairman of the Review Panel within three days of the meeting. The Principal will provide their response to those recommendations, if appropriate, in writing within 24 hours. In the absence of a significant procedural irregularity, the Principal's decision will then be final. This decision is the final decision on the matter and is not subject to a further review under the college's complaints policy.

Appendix 4 Form for requesting a Review

To [•]

Subject [Name of pupil]

I/we request a Review of the Principal's decision to expel or require the 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 subject to law and that the Principal's decision following consideration of the recommendations made by the Panel 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 Principal's decision in accordance with the College's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

I/we understand that we may be accompanied at the Review meeting by a friend or relation and that I/we may ask up to two members of the College staff to attend the meeting and speak on behalf of the pupil if they are willing to do so. If I/we wish to bring a friend or relation who is legally qualified I/we will provide seven days' notice as required.

I/we will inform [• name] 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