

# Habs

HABERDASHERS'  
ELSTREE SCHOOLS

## Expulsion and Suspension Policy

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# 1 Related Information

## 1.1 Availability of Statutory Policies

All statutory policies are available on the School's website.

## 1.2 Statutory Guidance

This statutory policy has been reviewed in accordance with the following guidance:

32. – (1) The standard about the provision of information by the School is met if the proprietor ensures that—  
(b) the information specified in sub-paragraph (3) is made available to parents of students and parents of prospective students and, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate;  
(3) The information specified in this sub-paragraph is—  
(a) particulars of the School's policy on and arrangements for admissions, misbehaviour and exclusions;

## 1.3 Supporting Documents

The following related information is referred to in this policy:

Behaviour Code (Girls' School)
Behaviour, Rewards and Sanctions Policy (Boys' School)
Complaints Policy
School Rules (Boys' School)

## 1.4 Terminology

**Expulsion** is the permanent dismissal of a Student from the School following serious misconduct formally recorded.

**Head**, where not explicitly defined, means either the Head of the Girls' School or the Head of the Boys' School.

**Parents** includes one or both parents, a legal guardian, or education guardian.

**Removal** means the Student is required to leave, but without the stigma of Expulsion.

**School** means Haberdashers' Aske's Elstree Schools Limited as Trustee of Haberdashers' Aske's Charity trading as Haberdashers' Girls School **and/or** Haberdashers' Boys' School, as now or in the future constituted (and any successor).

**School Day** means any day Monday to Friday during Term Time as published on the School website.

**School Rules** include any behaviour code or code of conduct.

**Student** or **Students** means any student or students in the School at any age.

**Suspension** can be either internal or external and is the temporary expulsion of a Student from school activities.

**Withdrawn** means the withdrawal of the Student from the School by the Parents or the Student with or without notice.

## **2 Introduction**

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a Student may be expelled from Haberdashers' Elstree Schools, or required to leave permanently for misconduct or other reasons. This policy applies to all Students at the School but does not cover cases when a Student has to leave because of ill-health, non-payment of fees, or withdrawal by their Parents.

### **2.1 Misconduct**

The main categories of misconduct which may result in Expulsion or Removal include but are not limited to:

- Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol, tobacco, “legal highs”, e-cigarettes, e-sticks or vaping equipment
- Theft, blackmail, physical violence, false allegations, intimidation, racism or any other form of discriminatory behaviour, or persistent bullying, including cyberbullying
- Misconduct of a sexual nature; supply, possession or distribution of pornography
- Possession or use of unauthorised firearms or other weapons, or any other item which could be used as a weapon (for example, a hand tool)
- 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 the School premises.

### **2.2 Equality**

The School will make reasonable adjustments for managing behaviour which is related to a Student's disability or special educational needs. Where Expulsion needs to be considered, the School will ensure that a Student with a disability or special educational needs is able to present their case fully where their disability or special educational needs might hinder this. Any religious requirements affecting the Student will also be considered.

### **2.3 Other Circumstances**

A Student may be required to leave if, after all appropriate consultation, the Head is satisfied that it is not in the best interests of the Student, or of the School, that they remain at the School.

## **3 Suspension Procedure**

Suspension can follow from a range of offences including any matter pertaining to a breach of the School Rules or Behaviour Code. Repeat offences are particularly likely to be punished with Suspension. A punishment is given only after detailed investigation and consultation.

The investigation will normally be led by a Deputy Head or Section Head. The Student will be interviewed as part of the investigation and asked to provide a written statement of their actions where appropriate. If there are witnesses, they too will be asked to provide a written statement. During the proceedings themselves, the Section Head or Head of House (Boys' School), Section Head or form tutor (Girls' School), will represent the Student and look after their interests and provide evidence about their character and their record of conduct.

The authority to suspend the Student rests with the Head or Deputy Head. The Student's Parents will be contacted prior to a Suspension and in most cases the Parents will be asked to collect their child. The Parents may appeal against a decision to suspend their child and appeals should be made in writing to the Head. A Suspension is considered to be an opportunity for a Student to reflect on their behaviour. The duration of the suspension will be at the discretion of the Head.

A Student who has been suspended is required to attend a meeting with their Parents and the Head. This will take place before the Student returns to the School. The case will be documented by a follow-up written communication which is placed on the Student's file.

When the Student returns to the School from Suspension, they are welcomed back into School life as a full member of the School community and every effort is made to ensure that their return is as smooth as possible.

The authority to expel the Student rests with the Head. Expulsion will only happen after the Expulsion procedure has been carried out.

## **4 Expulsion Procedure**

The procedure followed by the School in cases where a sanction of Expulsion or required Removal may be imposed by the Head are summarised in the flowchart at Appendix A in this Policy. The three stages of this procedure are as follows:

### **4.1 Stage 1**

Investigation procedure - further details of the procedures to be followed at this stage are set out in Appendix B.

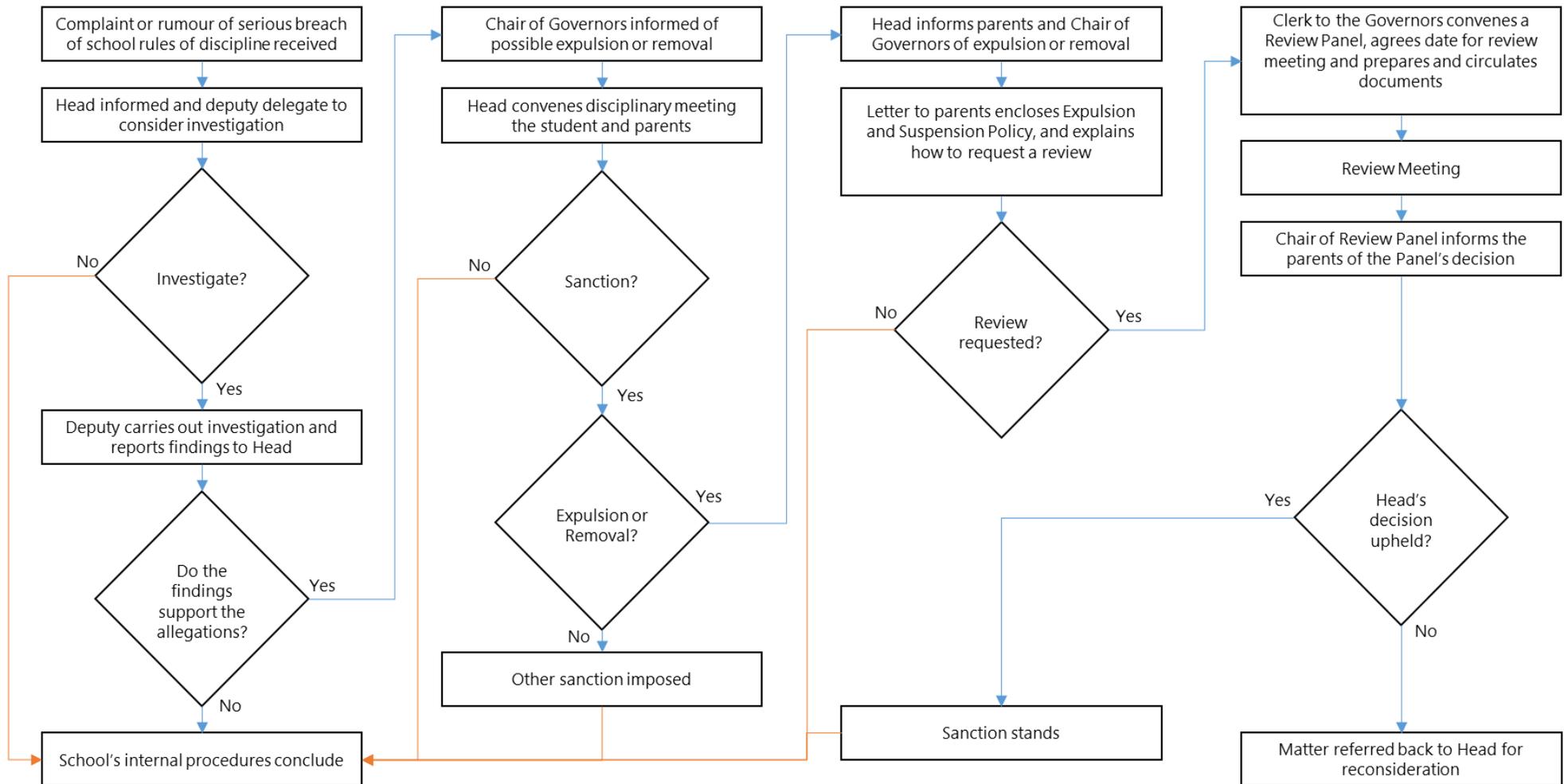
### **4.2 Stage 2**

Disciplinary meeting with the Head - further details of the disciplinary meeting are set out in Appendix C.

### **4.3 Stage 3**

Governors' Review meeting - further details of the Governors' Review meeting is set out in Appendix D.

## Appendix A – Procedural Flowchart for Expulsion



## **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, as considered appropriate by the Head, and its outcome will be reported to the Head. The 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 required to leave.

### **2. Suspension**

A Student may be suspended from the School while a complaint is being investigated or while an investigation is suspended (see paragraph 6 below). Should a Suspension continue for more than one School Day, the School will take reasonable steps to put in place arrangements to ensure the Student's continuing education. A member of staff will co-ordinate these arrangements with the Student's Parents. The Parents 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. If the Parents are unable to attend the School immediately, the Student will be segregated and given work to do whilst awaiting the Parents' arrival.

### **3. Search**

A Student's space (including locked lockers) and belongings may be searched, and the Student asked to turn out the contents of pockets or a bag, if it is considered 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 to remove clothing. Only outer clothing will be searched. If necessary, the police will be called. See also the School's Behaviour, Rewards and Sanctions Policy for details about the School's power to search. If a student declines to comply with a search, disciplinary action may be taken in accordance with that policy.

A search must be conducted by two members of staff with at least one member of staff the same sex as the Student.

### **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, this will always be conducted by two members of staff and following strict guidelines. Minutes of the interview will be recorded in writing by one of the interviewing members of staff.

### **5. Ethos**

An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to the School, without formal legal procedures. Everything will be done to make sure the Student is comfortable.

## **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.

## **7. Students with Special Educational Needs or Disability**

The School will ensure that the needs of a Student with special educational needs or a disability are fully met to the best of the School's ability during the investigation process.

## **Appendix C - Disciplinary Meeting with the Head (Prior to Expulsion)**

### **1. Preparation**

The Chair of Governors will be informed of the meeting. Documents available at the disciplinary meeting with 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 investigation report prepared by the appointed deputy
- The Student's School file and (if separate) conduct record
- The relevant School policies and procedures.

### **2. Attendance**

The Student and their Parents will be asked to attend the disciplinary meeting with the Head at which the deputy will explain the circumstances of the complaint and their investigation.

The Student will also be accompanied by their Head of House or Section Head. The Student 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 any other Student involved 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 School so that appropriate arrangements can be made.

If the Parents are unable to attend because of, for example, travel and working commitments, the School will make reasonable alternative arrangements to ensure the Parents can be involved with the disciplinary process and their child's education.

### **3. Proceedings**

There are potentially three distinct stages of a disciplinary meeting:

#### *a) 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, they will decide whether the complaint has been sufficiently proved. The standard of proof shall normally 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 Student's disciplinary record at this stage.

#### *b) The Sanction*

If the complaint has been proved, the Head will outline the range of disciplinary sanctions which they consider are open to them. The Head will take into account any further statement which the Student and/or others present on their behalf wish to make. The Student's disciplinary record will be taken into account. Then, or at some later time, normally within one School Day, the Head will give their decision, with reasons.

#### *c) Leaving Status*

If the Head decides that the Student must leave the School, they will consult with the Parents before deciding on the Student's leaving status.

#### **4. Delayed Effect**

A decision to expel or remove a Student shall take effect seven School Days after the decision was first communicated to the Parents. Until then, the Student shall remain suspended and away from School premises. If within seven School Days the Parents have made a written application for a Review by the Governors, the Student shall remain suspended until the Review has taken place.

#### **5. Leaving Status**

##### *a) Explanation*

If a Student is expelled or required to leave, their leaving status will be one of the following:

- Expelled
- Removed
- Withdrawn.

##### *b) 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 Student has left
- 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, their Parents or another school
- Whether (if relevant) the Student will be permitted to return to the 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
- Whether the Student will be eligible for membership of the alumni
- The conditions under which the Student may re-enter the 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 their Parents may request a Governors' Review of the Head's decision to expel or require a Student to leave, or where a decision has been made to suspend a Student for 11 School Days or more, or where Suspension would prevent the Student from taking a public examination. The application must be made in writing and received by the Clerk to the Governors within seven School 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 members will have no detailed previous knowledge of the case or of the Student or Parents and will not normally include the Chair 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. If appropriate, the Panel may include an independent member who is not concerned 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 them with recommendations so that they 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 the School holidays. The Parents and the Head 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 School Days before the meeting. 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. Attendance**

Those present at the Review meeting will normally be:

- Members of the Review Panel and the Clerk to the Governors or their deputy

- The Head and any relevant member of staff whom the Student or their Parents have asked should attend and whom the Head considers should attend in order to secure a fair outcome
- The Student together with their 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 relative. The meeting is not a legal proceeding and so legal representation is not necessary. The Clerk to the Governors must be given seven School Days' notice if the friend or relative is legally qualified.

## **7. 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 minutes 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 to ask questions and make comment. Everyone is expected to show courtesy, restraint and good manners. The Chair may at their discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

## **8. Procedure**

The Panel will consider each of the points raised by the Student or their Parents and any documentation they wish to rely on so far as it is relevant to:

- Whether the facts of the case were sufficiently proved when the decision was taken to expel or require the Removal of the Student. 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 Student or their 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 recommendations. The Panel's recommendations will be notified in writing, with reasons, to the Head and the Parents by the Chair of the Review Panel or the Chair of Governors within three School Days of the meeting. The Head will provide their response to those recommendations in writing within one School Day. In the absence of a significant procedural irregularity, the Head's decision will then be final.