



## DAUNTSEY'S

### **POLICY ON EXPULSION, PERMANENT EXCLUSION, REMOVAL & REVIEW**

#### **Introduction**

1. *Scope:* This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under, and manner in which a pupil may either be expelled, permanently excluded or removed from the School. The policy applies to all pupils at the School whether or not in the care of the School but does not cover cases when a pupil has to leave because of non-payment of fees.

#### **Policy statement**

2. The main categories of breaches of School discipline which may result in expulsion or permanent exclusion are:
  - a. Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.
  - b. Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
  - c. Misconduct of a sexual nature; supply and possession of pornography.
  - d. Cyber-bullying, sexting.
  - e. Possession or use of unauthorised firearms or other weapons.
  - f. Vandalism and computer hacking.
  - g. Other serious criminal offences.
  - h. Persistent attitudes or behaviour which are inconsistent with the School's ethos, the Code of Conduct or the School Rules.
  - i. Other serious misconduct towards a member of the school community or which brings the School into disrepute (single or repeated episodes) on or off school premises.
  - j. A serious breach of School discipline.
  - k. Being out of bounds without permission in boarding accommodation.

3. Parents may be required to remove a pupil permanently from School if, after consultation with the Parents and if appropriate the pupil, the Head Master is of the opinion that:
  - a. By reason of a pupil's conduct, behaviour or progress, a pupil is unwilling or unable to benefit sufficiently from the educational opportunities and/or the community life offered by the School; or
  - b. If the parents have treated the School, members of staff or any member of the School community unreasonably.

### **Investigation procedure**

4. *Complaints:* The Head Master will normally appoint a member of the Senior Management Team to investigate a complaint or suspicion about serious misconduct. 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, permanently excluded or removed.
5. *Suspension:* A pupil may be suspended from boarding and/or from the School and required to live at home or with his parents or guardian while a complaint is being investigated. Alternatively, a pupil may be placed under a segregated regime at school premises. Suspension or segregation of this kind is not in itself a disciplinary measure and does not imply that any decision has already been taken about the allegations.
6. *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 it is considered there is reasonable cause to do so. Pupils will be asked for their consent prior to a search, however pupils may be searched without consent, if the School has reasonable grounds for suspecting that a pupil may have a prohibited item. Prohibited items could include: Knives or weapons; alcohol; illegal drugs; stolen items; tobacco and cigarette papers; fireworks; pornographic images; or, any article that a member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person. The Head Master or members of staff may also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for. 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.
7. *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 and subject to the School's discretion). A pupil who is waiting to be interviewed may be segregated, but should be made as comfortable as possible, accompanied or visited regularly by a member of staff, and given access to a toilet, telephone and adequate food and drink.

8. *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**

9. *Preparation:* The Chair of Governors will be informed of the investigation. Documents available at the disciplinary meeting before the Head Master will include:
  - a. A statement setting out the points of complaint against the pupil.
  - b. A summary of the pupil's disciplinary record.
  - c. Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
  - d. The Investigation Report.
  - e. The relevant school policies and procedures.

Parents will be provided with copies of the documents listed above in advance of the disciplinary meeting. The Head Master shall ensure that sufficient time is provided to parents to prepare for the disciplinary meeting, with due regard to avoiding unnecessary delay in proceedings. Where the facts of the case are unlikely to be in dispute, and by mutual and written agreement between the Head Master and parents, these procedures may be adapted, shortened or revised to avoid prolonging uncertainty or anxiety for the pupil and parents.

10. *Attendance:* The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Head Master at which the investigating officer will explain the circumstances of the complaint and the 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 available to join the meeting if needed, and their statements will be disclosed but, in some cases, the anonymity of pupils will be preserved.
11. *Proceedings:* There are potentially two distinct stages of a disciplinary meeting:
  - a. *The complaints:* The Head Master will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head Master considers that further investigation is needed, s/he will decide whether the complaint has been sufficiently proved. The standard of proof shall normally be the civil standard, ie. the *balance of probabilities*. Appropriate reliance may be placed on hearsay evidence.
  - b. *The sanction:* If the complaint has been proved the Head Master will outline the range of disciplinary sanctions which s/he considers are open to him/her. He/she 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 and any other relevant mitigating factors will be taken into account. Then, or at some later time, normally within 24 hours, the Head Master will give his decision, with reasons.

12. *Delayed Effect:* 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. If within 72 hours the parents have made a written application for a Review by the Governors, the pupil shall remain suspended until the Review has taken place.

### **Leaving status**

13. *Explanation:* The pupil may be expelled from the School or formally excluded permanently. Alternatively, parents may be required to remove the pupil permanently from the School, or from boarding. At the sole discretion of the Head Master, withdrawal of the pupil by the parents may be permitted as an alternative to removal being required. In any of these circumstances, the leaving status will be one of the following: If expelled it will be "expelled", if formally excluded permanently it will be "excluded", if required to be removed permanently it will be "removed", if withdrawn by their parents it will be "withdrawn by parents".
14. *Detail:* Additional points of leaving status include:
  - a. The form of letter which will be written to the parents and the form of announcement in the School and House that the pupil has left.
  - b. The form of reference which will be supplied for the pupil.
  - c. The entry which will be made on the school record and the pupil's status as a leaver.
  - d. Arrangements for transfer of any course and project work to the pupil, his/her parents or another school.
  - e. Whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations.
  - f. Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.
  - g. Whether the pupil will be entitled to leavers' privileges.
  - h. The conditions under which the pupil may re-enter school premises in the future.
  - i. Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

## Governors' Review

15. *Request for Review:* A pupil or his/her parents aggrieved at the Head Master's decision to expel, permanently exclude or require a pupil to be removed by their parents may make a written application for a Governors' Review. The written application must be made using the form included in the appendix to this policy. The application must be received by the Head Master within 72 hours of the decision being notified to a parent, or longer if the Head Master consents.
16. *Grounds for Review:* In their written application the parents must state the grounds on which they are asking for a review and the outcome which they seek.
17. *Review Panel:* The Review will be undertaken by a three-member committee of the Board of Governors (subject to the proviso set out in the final sentence of this paragraph). The panel members will have no detailed previous knowledge of the case or of the pupil 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. Parents may ask for the appointment of an independent panel member nominated by the Clerk and approved by the parents and the School, such approval not to be unreasonably withheld.
18. *Pre-Meeting:* Prior to the Review Meeting taking place, the Clerk to the Governors will seek to ensure that all the parties have a bundle containing the documents relevant to the Review. The parents should provide to the Clerk any documents that they wish to refer to, that have not been included in the bundle. Any procedural issue arising prior to the Review meeting shall be determined by the Chair of the Review Panel.
19. *Review Meeting:* The meeting will take place at the school premises. The Review Panel will endeavour to meet within 15 days of receipt of the parents' application. 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.
20. *Attendance:* Those present at the Review Meeting will normally be:
  - a. Members of the Review Panel and the Clerk to the Governors or his/her deputy.
  - b. The Head Master and any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Head Master considers should attend in order to secure a fair outcome.
  - c. The parents and, if they wish, up to two members of staff who are willing to represent the pupil. Parents are not normally permitted to bring legal representatives to the meeting but may be accompanied by a non-legally qualified friend or relation. Parents should note that the Review Panel will wish to speak

with parents directly and that the friend or relation will not be permitted to act as an advocate and may only address the Review Panel if invited to do so by the Chair. (The pupil should also be in attendance, but it is not necessary that he/she be present during or throughout the Review Meeting).

21. *Conduct of Meeting:* The meeting will be chaired by one member of the Review Panel. The Clerk to the Governors will record a hand-written minute of the main points which arise at the meeting and/or such other record of the meeting as the Chair of the Review Panel considers appropriate. All those present will be entitled, should they wish, to write their own notes. The Chair will conduct the meeting to ensure that all those present have the opportunity of asking questions and making appropriate comment. The Chair may at his/her discretion adjourn or terminate the meeting.
22. *Procedure:* The Panel will consider each of the questions raised by the pupil or his/her parents so far as relevant to establish:
  - a. Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove of the pupil; and
  - b. Whether the sanction was warranted, that is, whether it was proportionate to the breach of discipline.

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 and the reasons for it.

23. *Identification:* If the Head Master considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chair may require that the name of that person and the reasons for withholding it be written down and shown to the Panel Members. The Chair at his/her discretion may direct that the person be identified, or not as the case may be.
24. *Pupil's Character:* Subject to the consent of the Chair of the Review Panel, the parents may arrange for up to two members of the school staff to speak generally about the pupil's character, conduct and achievement at the School, provided the member(s) of staff is/are willing to do so.
25. *Decision:* The Decision of the Review Panel is final. There will be no further right to appeal under this procedure, and no right to bring a complaint under the School's Complaints Procedure relating to action taken under this policy. The Review Panel will endeavour to notify the parents of its decision, with reasons and in writing, within three working days of the meeting.

Bursar

Reviewed: June 2022

Next Review: June 2023

**APPENDIX**

**REQUEST FOR REVIEW OF A DECISION BY THE HEADMASTER TO EXPEL  
OR REQUIRE A PUPIL TO BE REMOVED FROM SCHOOL**

**Name of Pupil:** \_\_\_\_\_

I/We request that a sub-committee ("Panel") of the Board of Governors reviews the decision of the Headmaster to expel or require removal of the above named pupil.

I/We agree that:

- the Review will be carried out in accordance with the procedure supplied to us with this form and I/we agree to abide by the terms of the procedure.
- the proceedings are and will remain confidential
- the Governors' Review will be final, subject to such (if any) legal rights 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 Headmaster's decision in accordance with the School's existing policies, where applicable and relevant.

I/We understand that we may be accompanied at the Review Meeting by a non-legally qualified friend or relation. We further understand that we may ask up to two members of the School staff to attend the meeting and speak on behalf of the pupil if they are willing to do so.

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

Name & Relationship to Pupil:

Name & Relationship to Pupil:

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Signature:

Signature:

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