



*inspirans flammam
posteritatis*

**ROSEMEAD
PREPARATORY
SCHOOL & NURSERY**
DULWICH

**P3.2 - EXPULSION POLICY
(INCLUDING EYFS)**

Interim Review: Lent 2024
Next review: Lent 2025

INTRODUCTION

1. **Scope.** This policy contains guidelines, which will be adapted as necessary, to explain the circumstances under which a child may be expelled from the School, or required to leave permanently for misconduct or other reasons. The policy applies to all children at the School, but does not cover cases when a child has to leave because of ill health, non-payment of fees, or withdrawal by their parents.
2. **Interpretation.** References to the Head include Deputies. Parent means one or both of the parents, a legal guardian or education guardian. Expulsion means a dismissal from the School in disgrace, formally recorded. Removal means that a pupil has been required to leave, but without the stigma of expulsion.
3. **Responsibilities.** The Education Committee will review this policy every two years and recommend approval by the full Board of Governors. The Headmaster has overall responsibility for implementing this policy.

POLICY STATEMENT

4. **Aims.** The aims of this policy are:
 - To support the School's positive behaviour and discipline code
 - To ensure procedural fairness and natural justice.
 - To promote co-operation between the School and the parents when it would be in the best interests of the child and the school that they leave the school earlier than expected.
5. **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, and alcohol and tobacco.
 - Theft, blackmail, physical violence, intimidation, racism, homophobia, transphobia and persistent bullying.
 - Misconduct of a sexual nature; supply and possession of pornography.
 - Possession or use of unauthorised firearms or other weapons.
 - Vandalism and computer hacking.
 - Misuse of ICT
 - Persistent attitudes or behaviour which are inconsistent with the School's ethos.
 - 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.

Some of these categories of misconduct may also form a Safeguarding concern and should be treated accordingly.

6. **Other Circumstances.** A child may be required to leave if, after all the appropriate consultation, the Head is satisfied that it is not in the best interests of the child, or of the School, that s/he remains at the School.

INVESTIGATION PROCEDURE

7. **Complaints.** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by 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 child being expelled or required to leave.

8. **Suspension.** A child may be suspended from the School and required to remain at home or with his/her education guardian while a complaint is being investigated.

9. **Search.** We may decide to search a child's space and belongings, and ask them to turn out the contents of pockets or a bag, if we consider 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. If necessary, the police would be called.

10. **Interview.** A child may be interviewed informally by a member of staff in order to establish whether there are grounds for a formal investigation. If the child 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. A child 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.

11. **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.

DISCIPLINARY MEETING

12. **Preparation.** The Chairman of Governors will be informed of the investigation. Documents available at the disciplinary meeting before the Head will include:

- a. A statement setting out the points of complaint against the child.
- b. Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
- c. The Head's investigation report.
- d. The child's school file and conduct record.
- e. The relevant school policies and procedures.

13. **Attendance.** The child and their parents will be asked to attend the disciplinary meeting with the Head at which the Head will explain the circumstances of the complaint and the investigation. The child may also be accompanied by a member of staff of their choice. The child and their parents will have the opportunity to state their side of the case. Members of staff will be on hand to join the meeting if needed, and their statement will be disclosed but, in most cases, the anonymity of children will be preserved.

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

- a. **The complaints** – the Head will consider the complaints and the evidence, including statements made by and/or on behalf of the child. Unless the Head considers that further investigation is needed, s/he will decide whether the complaint has been sufficiently proved. The standard of proof shall 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 child'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 s/he considers are open to them. S/he will take into account any further statement which the child and/or others present on their behalf wish to make. The child's disciplinary record will be taken into account. Then, or at some later time, normally within 24 hours, the Head will give their decision, either verbally or written, with some reasons.

c. **Leaving status** – if the Head decides that the child must leave the school s/he will consult with a parent before deciding on the child's leaving status (see below).

15. **Delayed Effect.** A decision to expel or remove a child shall take effect 72 hours after the decision was first communicated to a parent. Until then, the child shall remain suspended and away from the school premises. If within 72 hours the parents have made a written application for a Review by the Governors, the child shall remain suspended until the Review has taken place.

LEAVING STATUS

16. **Explanation.** if a child is expelled or required to leave, their leaving status will be one of the following: "expelled", "removed", or "withdrawn by parents".

17. **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 that the child has left.

b. The form of reference which will be supplied for the child.

c. The entry which will be made on the school record and the child's status as a leaver.

d. Arrangements for transfer of any course and project work to the child, his/her parents or another school.

e. Whether (if relevant) the child will be permitted to return to the school premises to sit Common Entrance examinations.

f. Whether (if relevant) the School can offer assistance in finding an alternative placement for the child.

g. Whether the child will be entitled to leavers' privileges.

h. Whether the child will be eligible for membership to any alumni association and, if so, from what date.

i. The conditions under which the child may re-enter school premises in the future.

j. Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of pre-paid fees.

GOVERNORS REVIEW

18. **Request for Review.** A child or their parents, aggrieved at the Head's decision to expel or require a child to leave, may make a written application for a Governors Review (see Annex 1). The application

must be received by the Clerk to the Governors within 72 hours of the decision being notified to a parent, or longer by agreement.

19. **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.

20. **Review Panel.** The Review will be undertaken by a three member sub-committee from other independent schools. The panel members will have no detailed previous knowledge of the case or of the child or parents. Selection of the Review Panel will be made by the Chair of 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.

21. **Review Meeting.** The meeting will take place at the school premises normally between 3 and 10 working days of the school term when in session, 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.

22. **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 and any relevant member of staff who the child or their parents have asked should attend and whom the Head considers should attend in order to secure a fair outcome.
- c. The child together with their parents and, if they wish, a member of the school staff who is willing to speak on the child's behalf. The parents may be accompanied by a friend or relation.

23. **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 proceedings will not be recorded without the consent of both the Chairman and a parent and any recording will be used only to assist the panel members in reaching their decision and formulating their reasons and will belong to the school. 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 their discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

24. **Procedure.** The Panel will consider each of the questions raised by the child or their parents so far as relevant to:

- a. Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove the pupil. The civil standard of proof, namely "the balance of probability" will apply and;
- b. Whether the sanction was warranted, that is, whether it was appropriate 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.
- c. The requirements of natural justice will apply. If for any reason the child or their 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.

25. **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, be written down and shown to the Panel Members. The Chairman at their discretion may direct that the person be identified or not as the case may be.

26. **Child's Character.** Up to two members of the school staff may speak generally about the child's character, conduct and achievements at the School if they are willing to do so.

27. **Leaving Status.** If, having heard all parties, the Panel is minded to confirm the Head's earlier decision, it is open to the Panel, with agreement of the Head, the child and their parents to discuss the pupil's leaving status with a view to reaching agreement.

28. **Decision.** When the Chairman decides that all issues have been sufficiently discussed and if by then there is no consensus, they may adjourn the meeting; alternatively the Chairman may ask those present to withdraw while the Panel considers its decision. In the absence of a significant procedural irregularity, the decision of the Review Panel will be final. It will be notified, with reasons, to the parents by the Chairman of the Review Panel or the Chairman of Governors by letter or telephone within three days of the meeting.

RELATED POLICIES

Anti-Bullying Policy
Positive Behaviour Policy
Equal Opportunities Policy
Complaints Policy

Annex:

- A. Request for a Governor's review of a decision by the Head to expel or require a child to leave.
- B. Policy on expulsion (summary)
- C. Guidelines on expulsion

ROSEMEAD PREPARATORY SCHOOL

REQUEST FOR A GOVERNOR’S REVIEW OF A DECISION BY THE HEAD TO EXPEL OR REQUIRE A CHILD TO LEAVE

To: The Clerk to the Governors of Rosemead Preparatory School (70 Thurlow Park Road, London, SE21 8HZ; 020 8670 5865)

Name of Child:

I REQUEST that a sub-committee (“Panel”) of the Board of Governors carries out a review of the Head’s decision to expel or require removal of the above-named child. I agree that the review will be carried out in accordance with the Review Procedure supplied to us with this form and I agree to abide by the terms of that Procedure and in particular that the proceedings are and will remain confidential and that the Governors’ Review will be final, subject to such (if any) legal rights as may exist.

I CONFIRM that I am a person with parental responsibility for the above named child and that I have consulted the child who wishes the Review to be undertaken.

I 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.

WE UNDERSTAND that we may be accompanied at the Review Meeting by a friend or relation who is not legally qualified and that we may ask up to two members of the School staff to attend the meeting and speak on behalf of the child if they are willing to do so.

THE GROUNDS upon which we seek a Review and the matters which 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)

First Signature Second Signature

Full Name Full Name

Relationship to Child Relationship to Child

Address Address

.....

.....

Telephone Numbers Telephone Numbers

Daytime Daytime

Evening Evening

Date Date

POLICY ON EXPULSION (SUMMARY)

1. A child will not be expelled without grave cause. The circumstances which may lead to expulsion (or required removal as an alternative to expulsion) could include for example:
 - 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, homophobia, transphobia and persistent bullying.
 - c. Offences of a sexual nature: supply and possession of pornography and unauthorised firearms.
 - d. Vandalism and computer hacking.
 - e. Misuse of ICT
 - f. Persistent attitudes or behaviour which are inconsistent with the school's ethos.
 - g. 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.
2. A complaint which could lead to you being expelled or required to leave the School permanently will be investigated thoroughly and fairly. You will have an opportunity for the assistance of your parents and/or a teacher to state your side of the case and you would also have a right to ask for the decision to be reviewed by a panel of independent persons appointed by the Clerk to the Governors.
3. A copy of the full policy on expulsion may be obtained from the school office.

GUIDELINES ON EXPULSION

IMMEDIATE ACTION UPON NOTIFICATION OF A SERIOUS COMPLAINT

1. Consider, ascertain, check, identify:

- a. **The Head's Authority.** Check the extent of the Head's authority to act alone; the extent to which s/he is required to consult with others (for example the Chair of Governors or the Deputy Chairman): and that the Head knows the rules and procedures of the School in relation to the complaint, especially if it is a criminal matter or arose outside school hours, off school premises or during the holidays.
- b. **The Child.** Ascertain the identity of the child; the child's age and home circumstances: who has parental responsibility and whether they are likely to be able to come to the School and/or receive the child home if necessary. Detailed consideration of the child's disciplinary record at this stage might prejudice the Head's investigation and should be avoided.
- c. **The Parents.** Every effort should be made to inform parents as soon as possible in the event of a complaint that may lead to expulsion or required removal of the child. It is good practice to allow the parent to be present at the disciplinary meeting between the Head and the child after the investigation has been carried out.
- d. **The Complaint.** Consider the nature of the complaint; those who may know something about it and will have to be interviewed; whether it involves members of staff; whether there may be circumstances of intimidation.
- e. **Whether the School is vulnerable.** Is it a case in which there is likelihood of press/media interest. What response would be given and by whom? Is legal or other specialist advice needed at this stage?
- f. **Draw up an agenda.** Who is to be interviewed? Who should be present at interviews? Who will take notes? Will the "witnesses" be asked to write out a statement? Who has special knowledge about the child?
- g. **Separation.** Since the Human Rights Act 1998 care should be taken to separate the functions of investigator and decision-maker. Ideally, the investigation will be carried out by the Deputy Head and the staff so that the Head comes fresh to the matter.
- h. **Should there be a report to:** The police? DfEE List 99? Social Services? Any other agency? Should legal advice be taken? In most cases the Head will need to complete investigations before deciding whether or not it is a matter for the police.
- i. **Segregation of the child.** A point will be reached at which the child against whom a complaint has been made should be segregated, accompanied at all times by a member of staff and given appropriate refreshment. An alternative, where practicable and depending on the length of the investigation, is to send the child home, which is a form of suspension. The child must be told the reason for segregation or being sent home

SOME GENERAL POINTS ABOUT CONDUCTING INTERVIEWS

2. The following guidelines may be of assistance:
 - a. There are not hard and fast rules about who should be present. The person conducting the interview may wish to have a second member of staff present. When the Head interviews the child s/he may wish to have a Governor present and parents should also be permitted to attend (if available) on that occasion. A child may also be asked if s/he would like a parent or teacher to be present. If the complaint relates to a sexual matter or there is any suggestion of intimidation it may be prudent to ask a doctor or nominated first aider to be present at the interview.
 - b. Encourage the person to give a written account of the events. Otherwise, the main points of the interview should be noted in writing. The date, start time and end time should also be noted. At present (although this may change over time) it would be unusual to tape or video record the interview. At the end of the interview the notes should be read over to the person and amended if necessary then initialled by the person conducting the interview.
 - c. A child who shows signs of distress should normally be offered a break; a telephone call; an opportunity of having a member of staff or parents present or notified.
 - d. Try always to prepare the person for what is to follow, for example "I'm going to ask you some questions about and then I will ask you to tell me what you know about it".
 - e. Instances have been reported of children and/or parents bringing a tape recorder into disciplinary interviews. Care should be taken in this respect.
 - f. Beware of hearsay – for example: "Jones told me that Smith had heard from Brown that ...". This type of statement should be noted but then Brown should be interviewed and asked what s/he told Smith. Smith should be asked what s/he told Jones.
 - g. A person's demeanour may or may not be relevant. Demeanour can mislead, but a written note of it should be made if apparently relevant.

REACHING AND NOTIFYING A DECISION

3. **Evaluating the evidence.** When interviews have been completed the following questions should be addressed:
 - a. Is the factual basis of the complaint proved on a "more likely than not" basis? Can this conclusion be reached without reference to the child's previous disciplinary record? Are further inquiries needed?
 - b. Would an objective bystander consider that the proceedings had been fair?
 - c. If the factual basis of the complaint is made out, consider the child's disciplinary record and file generally and consider the range of sanction that is available and proportionate.
 - d. Who should now be notified? Chair of Governors? Those with parental responsibility (if not already involved)? Police? National Care Standards Commission (in place of Social Services)?

e. Which of the following are indicated: No further action? Some disciplinary action? Suspension? Required removal? Expulsion? Legal advice? Counselling?

4. **Formal disciplinary meeting.** In a case of expulsion or removal a person with parental responsibility should be present. An absent parent (e.g. separated or divorced) should be informed if possible. At the meeting:

a. There should be an explanation of the main points alleged and, without unnecessary identification of others, the evidence that exists and the consequences that are being considered.

b. The Head should explain what the child has said or written and, if appropriate, whether the Head believes or disbelieves the child on each point and why.

c. Unless the child has already made a written statement s/he should be given an opportunity to do so and, unless the child appears to be frightened of the parents, offer them all some time alone together to talk things over and write out the statement. Anything the child and parents wish to say should also be heard, considered carefully and discussed.

d. What is said during this meeting should be noted. The date, start time and end time of the meeting should also be noted. The Head should initial the notes.

5. **Leaving Status.** If the decision is to expel or remove the child, their leaving status should be considered, discussed with the parents and then decided by the Head. Point to note:

a. Expulsion carries a stigma and is litigation-prone if used disproportionately. Expulsion should be reserved for the serious and deliberate acts of misconduct which go beyond mere adolescent error. One test to use is to ask the question "Is it necessary to expel? Or would my insistence on a removal or the parents' agreement to withdraw the child meet the School's legitimate aims?"

b. Removal can be required by the Head when it is necessary for the pupil to leave but the circumstances do not merit formal expulsion.

c. Withdrawal by the parent is preferable in cases of child error when the Head agrees to the parent withdrawing the child and the School will be able to provide help in finding an alternative placement or support during examinations.

6. **Fees.** There is no obligation to refund fees for the balance of the term (see *Bradfield House Ltd – V Walsall Metropolitan Borough Council* (1997) 4 EPLI 68). Except in extreme cases, the deposit would normally be refunded less any arrears of fees and extras but there would be no charge to fees in lieu of notice.