

Three Schools' Expulsion and Removal from School Policy

INCLUDING EYFS

Implementation Date	
Date/term of last review	Autumn 2019
Author	Bursar
Review body (individual or group)	Heads of Bedales, Dunhurst and Dunannie, Bedales Senior Deputy (Operational and Pastoral)
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Tick which category this document refers to:

ISI requirement to be made available	
ISI requirement to be on website	✓
Website	
Internal only	

Introduction

Scope

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances and procedures 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 whether or not in the care of 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.

Interpretation

"Parent" includes one or both of the parents, a legal guardian or educational 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. Subheadings are for ease of reading and not part of the Policy.

Policy Statement

Aims

The aims of this policy are:

- To support the School's behaviour and discipline code
- To ensure procedural fairness and natural justice
- To promote co-operation between the School and parents when it is necessary for a pupil to leave earlier than expected

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
- Theft, blackmail, physical violence, intimidation, racism, harassment and persistent bullying
- Misconduct of a sexual nature as defined in the School rules; supply and possession of indecent images
- Possession or use of firearms or other weapons
- Vandalism and damage to property
- Computer hacking
- 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

Other Circumstances

A pupil may be required to leave if, after all appropriate consultation, the School is satisfied that it is not in the best interests of the pupil, or of the School, that he/she remains at the School.

Investigation procedure

Each of the three Schools operates an age-appropriate procedure in the event of any concern about a pupil's conduct which is set out in the individual School's Behaviour Policy. These procedures operate for any sanction up to suspension pending consideration of a pupil's place in the School.

Informal interview

Staff address any inappropriate, or possibly inappropriate, behaviour informally with pupils as part of the day to day life of school. A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. Such a person would normally be their class teacher (Dunannie), tutor, Head of Blocks 1 & 2, Head of Groups or Deputy Head (Pastoral) (Dunhurst) or Houseparent (Bedales). If the matter remains unclear or is complex, further informal interviews may be needed, which may require the involvement of other staff. After the informal interview process, parents will be informed if staff believe that there are reasonable grounds for suspecting that the pupil has been involved in misconduct which if proven would normally result in expulsion or required removal. In such instances, the procedure for a formal investigation should take place. If the matter relates, or may relate to a criminal offence, the School may contact the police to seek anonymous advice before contacting parents and will adhere to police guidance. If the matter relates to a safeguarding concern, the school adheres to its safeguarding and child protection policy.

Formal Investigation

Parents will be informed as soon as reasonably practicable if an allegation under investigation is of a nature that could result in the pupil being expelled or required to leave. A formal investigation will normally entail questions by a senior member of staff or another person suitably trained and experienced in the role. A note will be taken of the meeting and the pupil have an opportunity to correct the record as well as writing their own account. During interviews, arrangements will be made for the pupil to be accompanied by a member of staff of their choice. At Dunannie, they may be accompanied 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, telephone and adequate food and drink. An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to the School, without formal legal procedures.

Search

Searches are conducted in accordance with the law and as per the three schools' policy.

The law permits that the school may take whatever action is reasonable to safeguard a pupil and may search a pupil's property for any item with their consent.

Under law, any member of staff can search a pupil's belongings without their consent if they have reasonable cause to believe the pupil may be in possession of an item that is not permitted at school.

Any member of staff may ask a pupil to empty their pocket/bag if they have reasonable cause to believe the pupil may be in possession of a prohibited item. The member of staff must inform the Head of Dunannie/Deputy Head Pastoral (Dunhurst)/Bedales Senior Deputy (Pastoral and Operational) of these requests on the same working day and hand in any confiscated items to the Head of Dunannie/Deputy Head Pastoral (Dunhurst)/ Bedales Senior Deputy (Pastoral and Operational), also on the same working day, or first thing the following day if it is very late.

If a pupil does not consent to emptying their pockets or a physical search is felt to be necessary, the Head of Dunannie/Deputy Head Pastoral (Dunhurst)/Bedales Senior Deputy (Pastoral and Operational) should be contacted by the member of staff immediately, or the on duty senior member of staff if they are not available.

Only staff trained to carry out a search of electronic devices, lockers and rooms (eg dorms or studies) may do so and permission must be sought beforehand from the Head of Dunannie/Deputy Head Pastoral (Dunhurst)/ Bedales Senior Deputy (Pastoral and Operational), or the senior staff on duty if they are unavailable.

The person conducting this type of search will be of the same sex as the pupil being searched and a third person will be present at all times during the search. Only outer layers of clothing will be searched, and only once 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. Staff must never physically search a pupil's person or clothing when the pupil is wearing them. If necessary, the police would be called.

Items found during a search may be confiscated or destroyed (or deleted in the case of digital items) if deemed appropriate by the Head of Dunannie/Deputy Head Pastoral (Dunhurst)/ Bedales Senior Deputy (Pastoral and Operational).

Parents' consent will not be sought before a search, but parents will be notified as soon as possible if a search has taken place and prohibited items are found.

Where the member of staff investigating the incident has reasonable grounds for believing that the incident involves criminal activity the school will report the incident to the police or any other authority it considers appropriate in all the circumstances.

Weapons or an item which could cause harm, controlled drugs and stolen items will be given to the police. Images of children which may be indecent will not be deleted until police have advised the school. This may require the school to retain devices or other belongings on which such images are or may be held. Fireworks, alcohol and tobacco will not be returned to a pupil.

Allegations

An investigation of an allegation about serious misconduct will normally be co-ordinated by the Head of Dunannie, the Head of Dunhurst or the Bedales Senior Deputy (Pastoral and Operational) and its outcome will be reported to the Head, Bedales Schools.

Suspension

A pupil may be suspended from boarding and/or from the School and required to live at home or with his educational guardian while an allegation is being investigated. Alternatively, he/she may be placed under a segregated regime at School premises.

In the event that the Head of Dunannie, the Head of Dunhurst or the Bedales Senior Deputy (Pastoral and Operational) decides that a pupil will be suspended pending consideration of their place in the School, parents/guardians and the Head, Bedales School will be notified. The PA to the Head, Bedales School will make arrangements for the disciplinary meeting, details of which are set out below.

Disciplinary Meeting

Preparation:

The Chair of Governors will be informed of the investigation. Documents available at the disciplinary meeting before the Head, Bedales Schools will include:

- Any necessary written statements and notes of the evidence supporting the allegations, and any relevant correspondence
- The Investigation Report including a statement setting out the points of the allegations against the pupil
- The pupil's School file and conduct record
- The relevant School policies and procedures

Attendance:

The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Head, Bedales Schools at which he or another member of the senior team, will explain the circumstances of the allegations 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 on hand to join the meeting if needed, and their statements will be disclosed but, in most cases, the anonymity of pupils, including witnesses, will be preserved. (Note: this also refers to witnesses)

Proceedings:

There are potentially three distinct stages of a disciplinary meeting

The allegations - the Head, Bedales Schools will consider the allegations and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head, Bedales Schools considers that further investigation is needed, he/she will decide whether the allegations have been sufficiently proved. The standard of proof shall be the civil standard, i.e. that it is more likely than not (50% + 1) that the substance of the allegations is true (the balance of probabilities test). The Head, Bedales Schools will not normally refer to the pupil's disciplinary record at this stage.

The sanction - if the allegations have been proved the Head, Bedales Schools will outline the range of disciplinary sanctions which he/she 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 will be taken into account. Then, or at some later time, normally within 24 hours, the Head, Bedales School will give his decision, with reasons.

Leaving status - if the Head, Bedales Schools decides that the pupil must leave the School, he will consult with a parent before deciding on the pupil's leaving status. There are three possible options in these circumstances:

Expulsion: the pupil may be formally expelled from the School 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. The leaving status would be "expelled".

Removal: the Head, Bedales Schools may require the parents to remove the pupil permanently from the School if it is proved on the balance of probabilities that the pupil has committed a grave breach of discipline. The leaving status would be “Removed”.

Withdrawn by Parents: Should the decision be that the pupil should be removed, at the sole discretion of the Head, Bedales Schools, withdrawal of the pupil by the parents may be permitted as an alternative to removal being required. The leaving status would be “withdrawn by parents”.

Delayed Effect:

A decision to expel or remove a pupil shall formally take effect seven days after the decision was first orally communicated to the parents and confirmed thereafter in writing. Until then, the pupil shall remain suspended and away from school premises.

Leaving Status (additional points of consideration):

- 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
- 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 Bedales Association 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; refund of prepaid fees

Governors’ Review

Request for Review:

The parents may request a Governors’ Review of a decision that results in a leaving status for the pupil of “Expelled” or “Removed” if they feel that the Head, Bedales School has made an incorrect decision based on the facts presented. The request must be made in writing and received by the Clerk to the Governors within seven days of the decision being confirmed in writing to the parent and must be made using the form at Appendix A. If the parents request a Governors’ Review, the pupil shall remain suspended until the review procedure has been completed. While suspended, the pupil shall remain away from School and will have no right to enter School premises during that time without written permission from the Headmaster.

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.

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 pupil or parents and will not normally include the Chair of Governors, unless after best efforts another governor cannot attend. 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.

Review Meeting:

The meeting will take place at the School premises, normally within ten school days of the parents' application having 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 any legal requirement to disclose.

Attendance:

Those present at the Review Meeting will normally be:

Members of the Review Panel and the Clerk to the Governors or his/her deputy.

The Head, Bedales Schools

Any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Head, Bedales Schools 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, who may speak in support, or on behalf of, the parents or pupil. The Clerk to the Governors must be given seven days' notice if the friend or relation is legally qualified.

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 tape-recorded without the consent of both the Chair of the Panel and a parent and any tape-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 account, rather than 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 of the Panel who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chair of the Panel may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

Procedure:

The Panel will consider each of the questions raised by the pupil or his/her parents so far as relevant to:

- a. **Whether the decision was fair procedurally and or substantively.** Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove of the pupil. The civil standard of proof, namely, "the balance of probability" will apply [see above];
- b. **Whether the sanction was proportionate.** Whether the sanction was warranted in respect of 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 Chair of the Panel at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

Identification:

If the Head, Bedales Schools considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chair of the Panel 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 of the Panel at his/her discretion may direct that the person be identified, or not as the case may be.

Pupil's Character:

One member of the School's staff may speak generally about the pupil's character, conduct and achievements at the School if they are willing to do so.

Leaving Status:

If, having heard all parties, the Panel is minded to confirm the original decision that the pupil be removed or expelled, it is open to the Panel, with agreement of the Head, Bedales Schools, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement. In such circumstances it may be decided in agreement with the parents that they withdraw the pupil from the School.

Decision:

When the Chair of the Panel decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he may adjourn the meeting; alternatively the Chair of the Panel 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 Chair of the Panel or the Chair of Governors by letter or telephone within three days of the meeting.

APPENDIX A

Bedales School

Request for a Governors' Review of a decision by the Headmaster to expel or require the removal of a pupil

To: The Clerk to the Governors of Bedales School, Petersfield, Hampshire GU32 2DG

Name of Pupil:

I/We REQUEST that a sub-committee ("Panel") of the Board of Governors carries out a review of the Headmaster's decision to expel or require removal of the above named pupil. 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 outcome of the Governors' Review will be final, subject to such (if any) legal rights as may exist.

I/We CONFIRM that I am a person with parental responsibility for the above named pupil and that I 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) 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 School 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.

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 Pupil	Relationship to Pupil
Address	Address
.....
.....
Tel. No. (daytime)	Tel. No. (daytime)
Tel. No. (evening)	Tel. No. (evening)
Date:	Date: