

Policy On Removal, Suspension, Expulsion & Review

Introduction

1. **Scope:** This policy contains guidelines, which may be adapted as necessary, explaining the circumstances under which a pupil may be expelled from Loughborough Grammar School, Loughborough High School or Fairfield Preparatory School, required to leave permanently, or suspended for misconduct or other reasons. The policy applies to all pupils at the Loughborough Endowed Schools whether or not in the care of a School, but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by his or her parents.
2. **Interpretation:**
 - 2.1 References to the '*Head or Deputy Head*' include deputies.
 - 2.2 '*Parent*' includes one or both of the parents, a legal guardian or education guardian.
 - 2.3 '*Withdrawal*' takes place when a parent voluntarily withdraws a pupil. This may happen on the initiative of the parents or the head. It is always a decision of the parents and is a consensual act. A withdrawal may not therefore lead to a governors' review but may lead to a complaint under the Complaints Policy.
 - 2.4 The Heads may apply the sanctions of removal, suspension or expulsion.
 - 2.5 '*Removal*' means that a pupil has been required to leave, but without the stigma of expulsion. It is therefore a decision taken by a head and is contrary to the parents' wishes. A removal takes place when the parents have been asked to withdraw a pupil but have indicated unease or an unwillingness to do so. Parents therefore have a right to a governors' review under this policy, or may make a complaint under the Complaints' Policy.
 - 2.6 '*Suspension*' means that a pupil is debarred from attending a school for a specific period but may return at the conclusion of that period.
 - 2.7 '*Expulsion*' is reserved for the most serious cases and normally means that a head cannot recommend a pupil to another school. Parents are entitled to seek a governors review, or may make a complaint under the Complaints Policy.
 - 2.8 The subheadings are for ease of reference and do not form part of the policy.

Policy Statement

3. **Aims:** The aims of this policy are:
 - 3.1 To support the behaviour and discipline codes of the Schools.
 - 3.2 To ensure procedural fairness and natural justice.
 - 3.3 To promote co-operation between the schools and parents when it is necessary for a pupil to leave earlier than expected.
4. **Misconduct:** The main categories of misconduct which may result in expulsion or removal are:
 - 4.1 The supply/possession/use when under the jurisdiction of the schools of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.
 - 4.2 Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
 - 4.3 Misconduct of a sexual nature; supply and possession of pornography.
 - 4.4 The possession or use of unauthorised firearms or other weapons.
 - 4.5 Vandalism and computer hacking.
 - 4.6 Persistent attitudes or behaviour which are inconsistent with the ethos of the schools.

- 4.7 Other serious misconduct (either single or repeated episodes) towards a member of a school community which brings a school into disrepute.
5. **Other Circumstances:** A pupil may be required to leave if, after appropriate consultation, the Head of the school concerned is satisfied that it is not in the best interests of the pupil, or of the school, that he or she remains at the school.

Investigation Procedure

6. **Complaints:** Investigation of a complaint or rumour concerning alleged serious misconduct will normally be co-ordinated by the appropriate Deputy Head, or a senior member of staff, and its outcome will be reported to the appropriate Head. The person who investigates an allegation of serious misconduct will not take the decisions on the outcome.
7. **Suspension:** If appropriate, a pupil may be suspended and required to live at home or with his or her parents or education guardian whilst a complaint is being investigated; alternatively, he or she may be placed under a segregated regime at school premises.
8. **Search:** The appropriate school staff may decide to search a pupil's space and belongings, and ask the pupil 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 in removing clothing. If necessary, the police could be called.
9. **Interview:** If a pupil is interviewed formally about a complaint, arrangements may be made for the pupil to be accompanied by a member of staff. 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.
10. **Ethos:** An investigation and any subsequent meeting will be conducted fairly and in a manner which is appropriate.

Disciplinary Meeting

11. **Preparation:** The Chairman of Governors will be informed of an investigation. A short cooling-off period may take place if the appropriate Head considers that this course would be helpful. Documents available at the disciplinary meeting before the Head will include:
 - 11.1 A statement setting out the points of complaint against the pupil.
 - 11.2 Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
 - 11.3 The investigation Report.
 - 11.4 The pupil's school file and conduct record.
 - 11.5 The relevant school policies and procedures.
12. **Attendance:** The pupil and his or her parents (if available) will be asked to attend the disciplinary meeting with the Head at which the Deputy Head or senior member of staff will explain the circumstances of the complaint and the outcome of his or her investigation. The pupil may also be accompanied by a member of staff. The pupil and his or 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 other pupils will be preserved.

13. **Proceedings:** There are normally three distinct stages of a disciplinary meeting:

13.1 *The Complaint:* The appropriate Head will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head considers that further investigation is needed, he or she 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. The Head will not normally refer to the pupil's disciplinary record at this stage.

13.2 *The sanction:* If the complaint or allegation has been satisfactorily demonstrated, the Head will outline the range of disciplinary sanctions which he or she considers are available. He or she will take into account any further statements which the pupil and or others present on his or her behalf may wish to make. The pupil's disciplinary record will be taken into account. At that stage, or at some later time within 48 hours, the Head will provide his or her decision, with reasons.

13.3 *Leaving status:* If the Head decides that a pupil must leave the school, he or she will discuss the matter with the parent(s) before deciding on the pupil's leaving status (see below).

14. **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. If within 72 hours the parents have made a written application for a Governors' Review, the pupil shall remain suspended until the Review has taken place.

Leaving Status

15. **Explanation:** If a pupil is expelled or required to leave, his or her leaving status will be 'expelled' or 'removed'.

16. **Detail:** Additional points which may need consideration are:

16.1 The form of letter which will be written to the parents and, given the provisions of the Data Protection Act, the form of announcement in the School that the pupil has left.

16.2 The form of reference which will be supplied for the pupil.

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

16.4 Arrangements for the transfer of any course and project work to the pupil, his parents or another school.

16.5 Whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations.

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

16.7 Whether the pupil will be eligible for membership of the Old Loughburian's Association or the Old Girls' Association and, if so, from what date.

16.8 The conditions under which the pupil may re-enter school premises in the future.

Governors' Review

17. **Request for Review:** If expulsion or removal by a head has been deemed appropriate, a pupil or his or her parents may make a written application for a Governors' Review. This right is not available in the event of suspension. The application must be received by the Foundation Secretary & Treasurer, acting in his capacity as the Clerk to the Governors, within 72 hours of the Head's decision being received by a parent.
18. **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.
19. **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 include the Chairman of Governors. The Chairman of Governors will select the members of the Review Panel and the members of the Panel will elect a Panel Chairman.
20. **Review:** The Review Panel may, depending upon the circumstances and after consulting the appropriate parents and the Chairman of Governors:
 - a. Stage a meeting under the arrangements described at paragraphs 21 to 28 (inclusive) or:
 - b. Reach a decision on the basis of written representations provided by the parties under the arrangements described at paragraphs 29 to 33 (inclusive).

The Review Meeting

21. **The Meeting:** The meeting will take place at the school premises, if possible between 3 and 14 days after the parents' application has been received. A Review will not normally take place during school holidays but may do so by the agreement of the parties. A Review Meeting is a private procedure and all of those who are involved in one are required to keep the proceedings confidential.
22. **Attendance:** Those present at the Review Meeting will normally be:
 - 22.1 The members of the Review Panel and the Foundation Secretary & Treasurer.
 - 22.2 The Head, Deputy Head and any relevant member of staff whom the pupil or his or her parents have asked should attend, or whom the Head considers should attend in order to secure a fair outcome.
 - 22.3 The pupil together with his or 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. The Foundation Secretary & Treasurer must be given 7 days' notice if the friend or relation is legally qualified.
23. **Conduct of Meetings:** 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 Foundation Secretary & Treasurer will be asked to keep hand-written notes of the main points which arise at the meeting and should advise on procedural or legal aspects. 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 comment. Everyone is expected to show courtesy, restraint and good manners. The Chairman may at his or her discretion adjourn or terminate the meeting. If the meeting is terminated without firm conclusions being reached, the original decision by the Head will stand.
24. **Procedure:** The Panel will consider each of the issues raised by the pupil or his/her parents so far as they are relevant to:

24.1 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 probabilities' will apply; and

24.2 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.

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 Chairman at the time and ask the Foundation Secretary & Treasurer to note their dissatisfaction and the reasons for it.

25. **Identification of Witnesses:** 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 it be written down and shown to the Panel Members. The Chairman at his/her discretion may direct that the person be identified, or not as the case may be.

26. **Pupil's Character.** A member of the school staff may speak generally about the pupil's character, conduct and achievements at the school if they are willing to do so.

27. **Decision:** When the Chairman decides that all issues have been sufficiently discussed and if by then there is no consensus, he or she may adjourn the meeting; alternatively, the Chairman may ask those present to withdraw while the Panel considers its decision. The Panel may uphold or, alternatively, refuse to confirm the conclusions or decisions reached by a Head. In the former event the Panel will confirm the sanction awarded; in the latter event the Panel will determine the sanction. The decision will be notified, with reasons, to the Head and the parents by the Chairman of the Review Panel or the Chairman of Governors by letter or telephone. If necessary the Review Panel may seek professional advice before reaching or notifying their decision. The decision of the Review Panel will be final.

28. **Leaving Status:** If, having heard representations from all parties, the Panel is minded to confirm the Head's earlier decision, it is open to the Panel, with the agreement of the Head, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement.

Consideration On The Basis Of Written Submissions

29. **Procedure regarding written submissions:** If a Review Panel decides that the circumstances are such that it will consider the complaint or allegation, the Head's decision and the sanction on the basis of written submissions from the parties, the following procedure is to apply:

30. **Attendance:** Those present at the Review Meeting will normally be:

30.1 The members of the Review Panel and the Foundation Secretary & Treasurer.

31. **Conduct of Review 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. Each of the parties must be given an opportunity to comment in their written representation on the points made by the other party in their representation. The Foundation Secretary & Treasurer will be asked to keep a hand-written note of the main points which arise at the meeting and should advise on procedural or legal aspects. Each member of the Panel will study the written submissions provided by the various parties before discussing the matter.

32. Procedure: The Panel will consider each of the issues raised by the pupil or his/her parents so far as they are relevant to:

32.1 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

32.2 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.

33. Decision: When the Chairman decides that all issues have been sufficiently discussed, the Panel will need to consider its decision. The Panel may uphold, or alternatively refuse to confirm the conclusions or decisions reached by a Head. In the former event the Panel will confirm the sanction awarded; in the latter event the Panel will determine the sanction. The decision will be notified, with reasons, to the Head and the parents by the Chairman of the Review Panel or the Chairman of Governors by letter or telephone. If necessary the Review Panel may seek professional advice before reaching or notifying their decision. The decision of the Review Panel will be final.

Approved by the Governors

April, 2005