

EXPULSION, REMOVAL & REVIEW POLICY

Arnold Aims

- 1) Arnold pupils will be responsible, articulate, courteous, compassionate young people of integrity, able and willing to contribute to, and lead in, our future society.
- 2) Each Arnold pupil will be guided and supported throughout their time in school by the highest standards of pastoral care.
- 3) The Arnold organisation will operate as a team with clear leadership and governance, where each adult and pupil recognises their individual contribution and responsibility, where successful achievements are acknowledged and rewarded, and where actions are accountable.

Introduction

- 1) *Scope:* This policy contains guidelines, which will be adapted as necessary, explaining the circumstances 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 including the Junior 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.
- 2) *Interpretation:* References to the Headmaster include deputies. “*Parent*” means each person who has signed the Form of Acceptance as parent or guardian of a child or who with the School’s written consent has subsequently assumed parental responsibility for such child. “*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

3 Aims

The aims of this policy are:

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

4 Misconduct:

- 4.1 Supply of illegal drugs or substances intended to resemble them is forbidden and will lead automatically to expulsion.
- 4.2 Use or possession of illegal drugs and solvents or their paraphernalia or substances intended to resemble them will almost inevitably lead to expulsion.

Other categories of misconduct which may result in expulsion or removal are:

- 4.3 The use or possession of alcohol and tobacco.
- 4.4 Theft, blackmail, physical violence, intimidation, racism and persistent bullying.

- 4.5 Misconduct of a sexual nature; supply and possession of pornography.
 - 4.6 Possession or use of unauthorised firearms or other weapons.
 - 4.7 Vandalism and actual or attempted computer hacking of the school's ICT network and access to the network using the login details of another user.
 - 4.8 Persistent attitudes or behaviour which are inconsistent with the School's ethos.
 - 4.9 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.
- 5 *Other Circumstances:* A pupil may be required to leave if, after all appropriate consultation, the Headmaster 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

- 6 *Complaints:* Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by a senior member of staff appointed by the Headmaster, and its outcome will be reported to the Headmaster. 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 or required to leave.
- 7 *Suspension:* A pupil may be suspended from the School and required to live at home while a complaint is being investigated alternatively, he/she may be placed under a segregated regime at school premises.
- 8 *Search:* We may decide to search a pupil's space and belongings, and ask him/her 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. The search will be carried out by a person of the same gender as the pupil(s) concerned in the presence of a witness who will also be of the same gender.
- 9 *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 parent. 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 way which is appropriate to a school, without formal legal procedures.

Disciplinary Meeting

- 11 *Preparation:* At the discretion of the Headmaster, the Chairman of Local Governing Body may be informed of the investigation. Documents available at the disciplinary meeting before the Headmaster 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/her parents (if available) will be asked to attend the disciplinary meeting with the Headmaster at which the member of staff appointed to carry out the investigation will explain the circumstances of the complaint and the results of his investigation. 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 required, and their statements will be disclosed but, in most cases, the anonymity of pupils will be preserved.

- 13 *Proceedings:* There are potentially three distinct stages of a disciplinary meeting:
 - 13.1 *The complaints* - the Headmaster will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Headmaster considers that further investigation is needed, 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 Headmaster will not normally refer to the pupil's disciplinary record at this stage.
 - 13.2 *The sanction* - if the complaint has been proved the Headmaster will outline the range of disciplinary sanctions which he considers are open to him. He 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 Headmaster will give his decision, with reasons.
 - 13.3 *Leaving status* - if the Headmaster decides that the pupil must leave the School, he will consult with a parent 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 and away from school premises. If within 72 hours the parents have made a written application for a Review by the Local Governing Body, 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/her leaving status will be one of the following: “expelled”, “removed” or “withdrawn by parents”
- 16 *Detail:* Additional points of leaving status include:
- 16.1 The form of letter which will be written to the parents and 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.
- 16.2.1 The entry which will be made on the school record and the pupil’s status as a leaver.
- 16.3 Arrangements for transfer of any course and project work to the pupil, his/her parents or another school.
- 16.4 Whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations.
- 16.5 Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.
- 16.6 Whether the pupil will be entitled to leavers’ privileges.
- 16.7 The conditions under which the pupil may re-enter school premises in the future.
- 16.8 Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunded of prepaid fees.

Local Governing Body Review

- 17 *Request for Review:* A pupil or his/her parents, aggrieved at the Headmaster’s decision to expel or require a pupil to leave may make a written application for a Local Governing Body Review. The application must be received by the Clerk to the Local Governing Body within 72 hours of the decision being notified to a parent, or longer by agreement.
- 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 two or three member sub-committee of the Local Governing Body. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not normally include the Chairman of Local Governing Body. Selection of the Review Panel will be made by the Clerk to the Local Governing Body. 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.
- 20 *Review Meeting:* The meeting will take place at the school premises, normally between 3 and 10 days 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.

- 21 *Attendance:* Those present at the Review Meeting will normally be:
- 21.1 Members of the Review Panel and the Clerk to the Local Governing Body or his/her deputy.
 - 21.2 The Headmaster and any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Headmaster considers should attend in order to secure a fair outcome.
 - 21.3 The pupil together with his/her parents may be accompanied by a friend or relation. The Clerk to the Local Governing Body must be given 7 days notice if the friend or relation is legally qualified.
- 22 *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 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 comment. Everyone is expected to show courtesy, restraint and good manners. The Chairman may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.
- 23 *Procedure:* The Panel will consider each of the questions raised by the pupil or his/her parents so far as relevant to determine:
- 23.1 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; and
 - 23.2 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 and to the legitimate aims of the School’s policy in that respect.
 - 23.3 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 Clerk to note their dissatisfaction and the reasons for it.
- 24 *Identification:* If the Headmaster 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.
- 25 *Pupil’s Character:* Up to two members 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.

- 26 *Leaving Status:* If, having heard all parties, the Panel is minded to confirm the Headmaster's earlier decision, it is open to the Panel, with the agreement of the Headmaster, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement.
- 27 *Decision:* When the Chairman decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he 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 Local Governing Body by letter within three days of the meeting.

Monitoring and Review

This policy document will be monitored by the Headmaster, who will report to the Local Governing Body where appropriate. This policy is reviewed in the summer term each year or at other times, as appropriate. The policy is made available to parents, staff and other relevant parties in accordance with the school's Provision of Information Policy.

REQUEST FOR A LOCAL GOVERNING BODY REVIEW OF A DECISION BY THE HEADMASTER TO EXPEL OR REQUIRE A PUPIL TO LEAVE

To: The Clerk to the Local Governing Body of Arnold School, Lytham Road, Blackpool, Lancashire, FY4 1JG Tel: 01253 346391

Name of Pupil:

I REQUEST that a sub-committee (“Panel”) of the Local Governing Body 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 Local Governing Body’ 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 pupil and that I have consulted the pupil who wishes the Review to be undertaken.

I UNDERSTAND that the Panel will be concerned with the fairness and proportionality of the Headmasters’ 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 pupil 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 Pupil	Relationship to Pupil.....
Address.....	Address.....
.....
Post Code	Post Code
Telephone Numbers	Telephone Numbers
Daytime:	Daytime:.....
Evening:	Evening
Date 20	Date 20