

Expulsion Process

1. Introduction

The School must maintain discipline and good conduct to ensure an orderly environment. The Terms and Conditions and school policies are clear about what constitutes unacceptable conduct and the possible consequences of such conduct.

Expulsion is the most severe of sanctions and one that will be used only when it is absolutely necessary, perhaps to protect the safety of others (students and/or staff) within our community. It may be due to the seriousness of the offence, it may have been a repeated action which has been punished previously by a suspension (Level 6), or the law has been broken and therefore we are obliged to apply this sanction. Examples of possible offences include but are not limited to:

- Drugs – supplying/distribution of, including alcohol
- Bringing weapons to School, to be used in a threatening manner
- Bullying
- Threatening/malicious behaviour to students or staff
- Physical assault
- Premeditated stealing
- Sexual misconduct

2. Guiding Principles

Whilst the precise procedure to be followed in a given situation will depend on the circumstances of the case, the following key principles are followed:

- A fair and reasonable investigation will take place. No decision will be made until sufficient information has been gathered
- Students will be informed of the allegations and the supporting evidence and must be given a reasonable opportunity to exculpate themselves.
- The sanction should be proportionate and an appeal should be offered
- Immediate expulsion of a student will only take place in exceptional circumstances, e.g. if there is an immediate risk to the safety of others in the School or the student concerned.

Only the Head can expel a student from the School.

3. Procedure

3.1 Clarification

When a matter arises which may lead to expulsion of a student, the Head will seek clarification as to the exact nature of the allegation and the extent of the information available. S/he will make a judgement as to whether external agencies should be involved.

3.2 The Investigation

The Head will appoint an Investigating Officer (usually the Deputy Head Pastoral or the Senior Deputy Head) who will interview all staff and students involved. A student's Head of Year/Senior Tutor (or tutor if Head of Year/Senior Tutor is absent) may be present at the interview. There is no requirement for parents to be present. Statements may be taken from staff and students involved in the matter or who witnessed an incident. All

written statements will usually be attributed, signed and dated by the witness, having first had a chance to read through. They will usually be countersigned by the person who took the statement and by the person present when the statement was taken.

Students involved in the matter should be kept apart throughout the period of the investigation as far as is reasonably possible. Each student interviewed should be told not to discuss the matter with other students, especially others involved in the incident.

Students involved will be provided with pastoral support during the process.

It may be appropriate to suspend the student while the investigation continues. If this is the case, suspension will be kept as brief as possible and arrangements will be made to provide remote academic support to the student(s) in question. It will be made clear to both parents and students that suspension is to allow the School to investigate the matter properly and not a disciplinary sanction. The School will also endeavour to provide pastoral support to both the suspended student and parents whilst the disciplinary process is taking place.

Parents will be informed by the Head of Year/Senior Tutor once the student has been interviewed by the Investigating Officer.

On conclusion of the investigation, the Investigating Officer will consider the findings of the investigation and will consult the Head of Year/Senior Tutor. If s/he decides that there is a case to answer the case will be referred to The Head. At this point the Head may decide to meet with the parents. The parents may, in light of this discussion, decide to withdraw their son or daughter, on the understanding that they would be waiving the right to a hearing and right of appeal.

The School may refer to the Police any matter which amounts to a criminal activity.

At any point during the process the student may be suspended from school as per the School's *Senior School Behaviour Policy*.

3.3 The Hearing

The hearing will usually be heard by the Head and attended by the student, parents and a note-taker. Witnesses may be required to attend, if appropriate and necessary. The Investigating Officer may attend the hearing in order to present the case against the student; the Head of Year/Senior Tutor may attend at the invitation of the Head.

Before the hearing, the School will send the parents a letter that sets out the precise allegation and contains all relevant details about the hearing and any other relevant information. Copies of the evidence will also be provided before the hearing unless the Head considers that there is a risk that any student will suffer detriment as a result of his or her signed statement being provided, in which case the Head will set out the student's evidence in the letter setting out the allegations and details about the hearing.

Parents and students are required to submit evidence relating to their case to the Head at least three working days before the hearing. Parents are not normally permitted to bring legal representatives to the hearing but are allowed to bring a non-legally qualified supporter. This supporter will not be able to make representations and should be named at least 2 working days in advance of the hearing.

At the hearing the Head will explain how the hearing will be conducted and the role of everyone present. The School will present its case, allowing parents and student the opportunity to ask questions. The parents will then present their case and the Head will ask questions if necessary. Save in exceptional circumstances, the student should be present at the hearing and will be allowed to speak on his/her own behalf. The hearing will then be adjourned to allow time for the Head to reflect before reaching a decision.

Before adjournment, the Head will explain what will happen next and when. The Head will consider whether the burden of proof has been discharged and, in all cases, a balance of probabilities test will apply as to whether or not misconduct has occurred.

After the hearing the Head will talk to the parents of the student giving the reasons for any decision. Notification in writing will follow an oral notification. The notification should state clearly:

- the decision in relation to the charge(s)
- the sanction and when it takes effect
- the reasons for the decision
- to whom the parents may appeal, the deadline and process for doing so

3.4 The Right of Appeal

The Chair of the School Committee (Chair of Governors) must be informed of the decision to expel a student. In the event of an expulsion of a student, the student's parents or recognised guardian may appeal the decision.

Application for an appeal must be made in writing to the Clerk to the Governors at the School address. The application must be received within 14 days of the Head's notification to parents of the permanent exclusion and the right to an appeal will lapse if it is not.

In making the application the parents should:

- State the decision appealed against and the date of the expulsion
- Give the grounds for the appeal
- Provide any new evidence not available to the Head at the time of his decision (However, the Chair of the Appeal Committee (see below) must be satisfied that the fresh evidence is relevant and that there is good reason why it was not brought forward in the first instance)

On receipt of the application, the Chair of the School Committee will appoint a committee to consider the application. The Chair of the School Committee will appoint a Chair of the Appeal Committee who shall be a Governor. The committee shall consist of two Governors and an independent member (appointed by the Chair of Governors). If reasonably possible, no Governor who has been directly involved in the matter at hand should hear the appeal.

The Chair of the School Committee will confirm receipt of the application and will then request the Chair of the Appeal Committee to convene a meeting of the Appeal Committee to consider the application.

The committee members shall be provided in advance of the appeal hearing with a copy of the application together with a report from the Head and copies of any papers referred to in the application or the Head's report. The Chair of the Appeal Committee may request additional information from the parents or the Head prior to the hearing. The Head's report, together with any additional information, will be sent to the parents before the hearing and the Committee will take into account any response from the parents.

Having considered the papers, the Chair of the Appeal Committee may request the attendance at the hearing of any person referred to in the application, the Head's report or any of the papers presented to the committee or any other person. The Chair of the Appeal Committee will decide whether the hearing may be attended throughout by the Head, the parents and the student. The Head and the parents shall have the opportunity to present their case to the committee. Parents may be allowed to appoint another person to represent their interest to the committee but must obtain prior consent from the School. The appeal hearing will be recorded by a note-taker.

When all the evidence has been submitted, the committee will retire to make their decision. Such decision shall be final and shall be communicated to the parents by the Clerk to the Governors if reasonably possible within five working days of the appeal hearing. The Clerk to the Governors shall attend the appeal hearing and shall be responsible for communicating the decision to the parents.

**Mrs S Jackson
Chair of Governors**

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The following flow diagram outlines the Disciplinary procedure.

