



SUSPENSION, EXPULSION & REMOVAL POLICY

This Policy relates to the Junior School and Senior School

Links to other policies:

Building Better Behaviour Policy

Introduction

1. *Scope:* This policy contains guidelines (which will be adapted as necessary) to explain 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 at 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 **Headteacher** include Assistant Headteachers. **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. Subheadings are for ease of reading and not part of the policy.

Policy Statement

3. *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 the parents when it is necessary for the School that a pupil leaves earlier than expected.
4. *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 and persistence bullying,
 - misconduct of a sexual nature; supply and possession of pornography,
 - possession or use of firearms or other weapons,
 - vandalism and 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.
5. *Other Circumstances:* A pupil may be required to leave if, after all the appropriate consultation the Headteacher 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 the Headteacher. 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 remain at home or with his/her education guardian while a complaint is being investigated.
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.
9. *Interview:* A pupil may be interviewed informally by a member of staff in order 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 member of staff of his/her choice and/or 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 the School, without formal legal procedures.

Disciplinary Meeting

11. *Preparation:* The Executive Headteachers will be informed of the investigation. Documents available at the disciplinary meeting before the Headteacher 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 Headteacher's 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 will be asked to attend the disciplinary meeting with the Headteacher at which the Headteacher will explain the circumstances of the complaint and his investigation. The pupil may also be accompanied by a member of staff of his/her choice. The pupil and his/her 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 pupils will be preserved.
13. *Proceedings:* There are potentially three distinct stages of a disciplinary meeting:
 - 13.1 *The complaints* – the Headteacher will consider the complaints and the evidence, including statements made by and/or on behalf of the pupil. Unless the Headteacher considers that further investigation is needed, he/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 but the Headteacher will not normally refer to the pupil's disciplinary record at this stage.

- 13.2 *The sanction* – if the complaint has been proved the Headteacher 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 Headteacher will give his decision, either verbally or written, with some reasons.
- 13.3 *Leaving status* – if the Headteacher decides that the pupil must leave the school he/she 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 the school premises. If within 72 hours the parents have made a written application for a Formal Review (see paras 17-27 below) by the Executive Headteachers, 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.
 - 16.3 The entry which will be made on the school record and the pupil's status as a leaver.
 - 16.4 Arrangements for transfer of any course and project work to the pupil, his/her parents or another school.
 - 16.5 Whether (if relevant) the pupil will be permitted to return to the 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 entitled to leavers' privileges.
 - 16.8 Whether the pupil will be eligible for membership to the Past Pupils Association and, if so, from what date.
 - 16.9 The conditions under which the pupil may re-enter school premises in the future.
 - 16.10 *Financial aspects:* payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of pre-paid fees.

Formal Review

17. *Request for Review:* A pupil or his/her parents, aggrieved at the Headteacher's decision to expel or require a pupil to leave, may make a written application for a Formal Review. The application must be received by the Executive Headteachers 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 three member committee consisting of members of the School's Advisory Board, consisting of Mr Robin Bower (who has been appointed by the Executive

Headteachers as overseer of any Complaints Procedures against Moorland School) and two persons not directly involved in the matters detailed in the complaint. Mr Bower, on behalf of the Panel, will then acknowledge the complaint and schedule a Review Meeting to take place as soon as practicable, and normally within 14 days. The Panel will have no detailed previous knowledge of the case or of the pupil or parents. Parents will be notified in advance of the names of the panel members. Fair consideration will be given to any bonafide objection to a particular member of the panel.

20. *Review Meeting:* The meeting will take place at the school premises. 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 a suitable Clerk.
 - 21.2 The Headteacher and any relevant member of staff who the pupil or his/her parents have asked should attend and whom the Headteacher considers should attend in order to secure a fair outcome.
 - 21.3 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. Mr Bower 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 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 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 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 Chair 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 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:

Whether the facts of the case were sufficiently proved when the decision taken to expel or remove the pupil. The civil standard of proof, namely "the balance of probability" will apply and;

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.

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 at the time and ask the Clerk to note their dissatisfaction and the reasons for it.
24. *Identification:* If the Headteacher considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chair may require that the name of that person and the reasons for withholding be written down and shown to the Panel Members. The Chair 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 Headteacher's earlier decision, it is open to the Panel, with agreement of the Headteacher, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement.
27. *Decision:* When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he/she may adjourn the meeting; alternatively, the Chair 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 Review Panel or the Executive Headteachers by letter or telephone within three days of the meeting.
28. The Headteacher and Directors may elect in cases that they deem to be severe to instantly expel a student where there will be no right of appeal or process. Moorland School is a proprietorial owned school, and as such are not bound by the same restraints as other academic institutions. Therefore, if the behaviour is of a sexual nature, or in the opinion of the Headteacher and Directors proposes a real risk to other students or teachers then we may elect to enforce this measure. In this instance no fees will be refunded for loss of education for that term, although the terms notice in lieu would naturally be removed. Moorland School take their safeguarding responsibilities extremely serious as they do in maintaining their ethos of kind, decent and caring students.

Reviewed and Updated by Jonathan Harrison, September 2020

Next Review Date: September 2021