



Halliford
School
SHEPPERTON

Expulsion, Removal and Governors' Review Policy

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Introduction

Scope

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a student may be expelled from Halliford School ('the **School**'), or required to leave permanently for misconduct or other reasons. The policy applies to all students at the School but does not cover cases when a student has to leave because of ill- health, non-payment of fees, or withdrawal by his/her parents. This policy is available on the school's website and by request in hard copy from the Headmaster's PA.

Definitions

The definitions in this clause apply in this policy.

Headmaster: references to the Headmaster may include deputies.

Parent: includes one or both of the parents, a legal guardian or education guardian.

Expulsion: means that a student is required to leave the School permanently if it is proved on the balance of probabilities that the student has committed a serious breach of discipline or a criminal offence. Expulsion is reserved for the most serious breaches.

Removal: means that the permanent removal of a student is required if, after consultation with the parents and if appropriate the student, the Headmaster is of the opinion that:

by reason of the student's conduct, behaviour or progress, the student is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the School; or

the parents have treated the School, members of its staff or any member of the School community unreasonably.

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 the School that a student be required to leave earlier than expected.

Misconduct

The main categories of misconduct which may result in expulsion or removal include but are not limited to:

- supply/possession/use of certain drugs and solvents, alcohol or tobacco or their paraphernalia or substances intended to resemble them
- theft, blackmail, physical violence, intimidation, racism or persistent bullying
- misconduct of a sexual nature; supply or possession of pornography
- possession or use of unauthorised firearms or other weapons
- vandalism or damage to school property
- misuse of the school's IT systems e.g. computer hacking or bringing illegal / inappropriate software or viruses onto the system
- persistent attitudes or behaviour which are inconsistent with the School's ethos of respect and tolerance
- other serious misconduct which affects the welfare of a member or members of the School community or which brings the School into disrepute (single or repeated episodes) on or off School premises.

Other circumstances

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

Investigation procedure

The procedure

The procedure which will normally be followed is set out below but does not have contractual effect. All procedures will be conducted fairly and in a way that is appropriate to the circumstances.

Informal interview

A student may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. After the informal interview parents will be informed as to whether the student will face a formal investigation or be handled within the School's routine disciplinary procedures. If the member of staff believes that there are reasonable grounds for suspecting that the student has been involved in misconduct which if proven would normally result in expulsion or required removal, then the procedure for a formal investigation should take place.

Formal Investigation

Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the student being expelled or required to leave. During interviews, the student will be offered the opportunity to be accompanied by a member of staff of their choice and/or by a parent (if available at the relevant time). A student 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 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. A minute of the interview will be recorded in writing.

Search

The law permits that the School may search for any prohibited item without consent. Parents' consent will not be sought but parents will normally be notified as soon as possible if a search has taken place and prohibited items are found. Such items are: knives or weapons, any device with a laser (unless permitted by staff), alcohol, illegal drugs, stolen items, tobacco and cigarette paper, fireworks, pornographic images (unless these may be of children in which case police will be informed immediately), any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the student). The law permits that the School may take whatever action is reasonable to safeguard a student and may search a student's property for any item with their consent.

The School may decide to search a student's locker and belongings, and ask him/her to turn out the contents of pockets or a bag, if it is considered there is reasonable cause to do so. The person conducting the search will be of the same sex, where possible, as the student being searched and a third person will be present at all times during the search. Clothing will not be searched until it has been removed from the wearer and care will be taken to ensure reasonable privacy. Only outer clothing will be searched. This policy does not authorise an intimate search or physical compulsion in removing clothing. If necessary, the police would be called.

Items found during a search may be destroyed (or deleted in the case of digital items) if deemed appropriate by the member of staff. 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. Indecent images of children 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 student.

Complaints

Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by one of the Deputy Heads or by a nominated senior member of staff, and its outcome will be reported to the Headmaster. Parents will be informed if a complaint under investigation is of a nature that could result in the student being expelled or required to leave the School.

Suspension

A student may be suspended from the School and required to remain at home while a complaint is being investigated or while an investigation is suspended (see note below). Should a suspension continue for a period of more than five school days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the student. The School will co-ordinate these arrangements with the student's parents or guardians. Parents or guardians should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set. Alternatively, the student may be placed under an internal suspension if appropriate in a segregated regime on School premises.

Suspension of an investigation

It may be necessary to suspend an investigation, for example where external agencies such as the police or social services are involved and have advised that this is necessary. A decision to suspend an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.

Disciplinary meeting with the Headmaster

Preparation

The Chairman of Governors will be informed of the meeting. The Headmaster will have regard to any documentation he considers to be relevant to the matter.

Documents available at the disciplinary meeting before the Headmaster will include:

- A statement setting out the points of complaint against the student
- Written statements and notes of the evidence supporting the complaint, and any relevant correspondence
- The Deputy Head's Investigation Report
- The student's School file and (if separate) house file and conduct record
- The relevant School policies and procedures

Attendance

The student and his/her parents (or their nominated representatives if not available) will be asked to attend the disciplinary meeting with the Headmaster.

The student may also be accompanied by a member of staff of his/her choice. The student 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 other students, including witnesses, will be preserved.

If the parents or the student have any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the School so that appropriate arrangements can be made.

Proceedings

There are potentially three distinct stages of a disciplinary meeting

The complaint(s)

The Investigating member of staff (usually the Deputy Head) will present to the meeting the details from their investigation into the complaint/s. The student and their parent(s) will then have the opportunity to state their side of the case and to ask any questions.

The Headmaster will consider the complaint/s and the evidence, including statements made by and/or on behalf of the student. 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. that it is more likely than not (50% + 1) that the substance of the complaint is true (the balance of probabilities test). The Headmaster will not normally refer to the student's disciplinary record at this stage.

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 may take into account any further statement which the student and/or others present on his behalf wish to make. The Headmaster will consider any factors he deems to be relevant when determining the sanctions including the student's previous disciplinary record. Then, or at some later time, normally within 24 hours during term time, the Headmaster will give his decision in writing, with reasons.

Leaving status

If the Headmaster decides that the student must leave the School, he may consult with a parent before deciding on the student's leaving status (see below).

Delayed effect

A decision to expel or remove a student shall take effect 3 working days after the decision was first orally communicated to a parent and confirmed thereafter in writing. Until then, the student shall remain suspended and away from School premises. If within 3 working days the parents have made a written application for a Review by the Governors, the student shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision is made.

Leaving status

If a student is expelled or required to leave, his/her leaving status will be one of the following: "expelled", "removed" or if the offer is made and accepted "withdrawn by parents".

Additional points

Additional points of leaving status include:

- The form of letter which will be written to the parents and the form of announcement in the School that the student has left
- The form of reference which will be supplied for the student
- The entry which will be made on the school record and the student's status as a leaver
- Arrangements for transfer of any course and project work to the student, his/her parents or another school
- Whether (if relevant) the student 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 student
- Whether the student will be entitled to leavers' privileges
- Whether the student will be eligible for membership of the Old Hallifordians and if so from what date
- The conditions under which the student may re-enter school premises in the future
- Financial aspects: payment of any outstanding fees and extras

Governors' review

Request for review

A student or his/her parents may request a Governors' Review of the Headmaster's decision to expel or require a student to leave. The request must be made in writing and received by the Clerk to the Governors within 3 working days of the Headmaster's decision being notified in writing to a parent, or longer by agreement. If the parents or the student have any special educational needs or disabilities which call for additional facilities or adjustments, these should be made known to the Clerk so that appropriate arrangements can be made.

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. For the avoidance of doubt, a mere disagreement with the decision of the Headmaster will not of itself be grounds sufficient for a Governors' review.

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 student or parents and will not normally include the Chairman of Governors, unless after best efforts another governor cannot attend. If appropriate, the panel may include an independent member who is not concerned with the management or running of the School. With the exception of the Chair of Governors, those members of the Governing Body not appointed to the Panel will not be provided with information about the case. 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.

Role of the Panel

The role of the Panel is to consider the representations made and to decide whether to uphold the Headmaster's decision or refer the decision back to him with recommendations so that he may consider the matter further. It is not within the powers of the Review Panel to reinstate a student's place at the School against the wishes of the Headmaster.

Review meeting

The meeting will take place at the School premises. The meeting will take place at the School premises, normally between 5 and 10 working days after the parents' application has been received. A Review will not normally take place during school holidays. The parents and the Headmaster will be asked to submit any documents they wish to refer to at the meeting and a single bundle will be circulated at least three days before the meeting. On receipt of new information not previously available to the Headmaster before his decision was made, the Clerk should contact the Chair of Governors who will decide whether:

- to include the new information in the bundle; or
- to omit the information if not relevant to the grounds of the Review; or
- to make further enquiries of the parents or the student about the information; or
- to refer the information to the Headmaster for his consideration as to whether the decision should be revisited.

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. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

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 Headmaster
- The Deputy Head who investigated the complaint
- Any relevant member of staff whom the student or his/her parents have asked should attend and whom the Headmaster considers should attend in order to secure a fair outcome.
- The student together with his/her parents. The parents may be accompanied by a friend or relation. The meeting is not a legal proceeding and so legal representation is not necessary. The Clerk must be notified at least five working days before the Review meeting if the friend or relation is legally qualified. The parents should note that the Review Panel will wish to speak to them directly and this person will not be permitted to act as an advocate.

Conduct of meeting

The meeting will be chaired by one member of the Review Panel and will be conducted in an informal manner. All statements made at the meeting will be unsworn. A hand-written minute of the main points which arise at the meeting will be taken. The proceedings will not be recorded under any circumstances. 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.

Procedure

The Panel will consider each of the questions raised by the student or his/her parents and any documentation they wish to rely on so far as relevant to:

- whether the facts of the case were sufficiently proved following fair procedure when the decision was taken to expel or remove of the student. The civil standard of proof, namely, "the balance of probability" will apply [see above].
- 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.

The requirements of natural justice will apply. If for any reason the student 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.

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.

Leaving Status

If, having heard all parties, the Panel is minded to confirm the School's earlier decision, it is open to the Panel, with agreement of the Headmaster, the student and his/her parents to discuss the student's leaving status with a view to reaching agreement.

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. The decision will be notified, with reasons, to the parents by the Chairman of the Review Panel or the Chairman of Governors by letter or telephone within 3 working days of the meeting.

Where parents feel that there have been procedural irregularities they may use the School's complaints procedure to address these concerns.