



# HOWE GREEN HOUSE SCHOOL

## EXPULSION, REMOVAL AND REVIEW POLICY

ISI Reference	15a
Issue Number	3
This policy is endorsed by	Governing Board and the Head
This policy is owned by	The Head
Review Body	Education Committee

Most Recent Revision Date	May 2022
Last Reviewed by Governors	May 2021
Period of Review	Yearly
Next Review Date	May 2023
Previous Reviews	2

To be made available	YES
To be on website	YES
Internal staff only	NO
Internal students only	NO
Internal staff and students	YES

## **Policy on Expulsion, Removal and Review**

### **Howe Green House School**

**This Policy also includes Little Oaks Nursery and Before and After School Provision**

#### **Statement of Intent**

The staff and governors of Howe Green House School believe that we should provide a caring, positive, safe and stimulating environment, which promotes the intellectual, social, physical, and moral development of the individual child.

#### **Introduction**

1. **Scope:** This policy contains guidelines, which will be adapted as necessary, 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 Head include deputies. Parent means one or both of the parents, a legal guardian or education guardian. Expulsion means a dismissal from the School, formally recorded. Removal means that a pupil has been required to leave, but without the ramifications 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 appropriate 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 persistent bullying.

Misconduct of a sexual nature; including supply and possession of pornography.

Possession or use of unauthorised 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 Head is satisfied that it is not in the best interests of the pupil, or of the School, that they remain at the School.

### **Investigation Procedure**

6. Complaints: Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Head. 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 / temporary exclusion: 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 need to search a pupil's space and belongings and ask them to turn out the contents of their pockets or bags, if we consider there is reasonable cause to do so. Clothing will not be searched until the wearer has removed it and care will be taken to ensure appropriate 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 them to be accompanied by a member of staff of their 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 Chair of Governors will be informed of the investigation. 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 Head's investigation report.
  - 11.4 The pupil's school file and conduct record as appropriate.
  - 11.5 The relevant school policies and procedures.

12. Attendance: The pupil and their parent/s / carer will be asked to attend the disciplinary meeting with the Head at which the Head will explain the circumstances of the complaint and his investigation. The pupil may also be accompanied by a member of staff of their choice. The pupil and their parents / carer 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 Head will consider the complaints and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head considers that further investigation is needed, they 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 Head will not normally refer to the pupil’s disciplinary record at this stage.
  - 13.2 The sanction – if the complaint has been proved the Head will outline the range of disciplinary sanctions which they considers are open to them. The Head will take into account any further statement which the pupil and/or others present on their 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 Head will give their decision, either verbally or written, with their reasons.
  - 13.3 Leaving status – if the Head decides that the pupil must leave the school they 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 review by the Governors, the pupil shall remain suspended until the Review has taken place.

### **Leaving Status**

15. Explanation: if a pupil is expelled or required to leave, their 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, their 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.

### **Governors Review**

- 17. Request for Review: A pupil or their parents, aggrieved at the Head's decision to expel or require a pupil to leave, may make a written application for a Governors' Review. The application must be received by the Clerk to the Governors 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 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 normally include the Chairman of Governors. Selection of the Review Panel will be made by the Clerk to the Governors. 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 Governors or their deputy.
  - 21.2 The Head and any relevant member of staff who the pupil or their parents have asked should attend and whom the Head considers should attend in order to secure a fair outcome.

- 21.3 The pupil together with their 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 Clerk to the Governors 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 proceedings will not be voice-recorded without the consent of both the Chairman and a parent and any voice-recordings 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 written minutes 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 Chairperson may at their 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 their 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 their parents are dissatisfied with any aspect of the meeting they must inform the Chairperson at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

24. Identification: 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 Chairperson may require that the name of that person and the reasons for withholding be written down and shown to the Panel Members. The Chairman at their 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 Head's earlier decision, it is open to the Panel, with agreement of the Head, the pupil and their parents to discuss the pupil's leaving status with a view to reaching agreement.

27. Decision: When the Chairperson decides that all issues have been sufficiently discussed and if by then there is no consensus, they may adjourn the meeting; alternatively, the Chairperson 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 Chairperson of the Review Panel or the Chair of Governors by letter, email or telephone within three days of the meeting.

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## Howe Green House School

### Request for a Governor's Review of a decision by the Head to expel or require a pupil to leave.

To: The Clerk to the Governors of Howe Green House School

Name of Pupil:

**I REQUEST** that a sub-committee ("Panel") of the Board of Governors carries out a review of the Head'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 Governors' 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 Headmaster's 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 accounts 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 .....

.....

.....

Telephone Numbers Telephone Numbers

Daytime ..... Daytime .....

Evening ..... Evening .....

Date ..... Date .....



**Policy Summary**  
**[For inclusion in Pupil Handbook]**

**Policy on Expulsion**

1. A pupil will not be expelled without grave cause. The circumstances which may lead to expulsion (or required removal as an alternative to expulsion) include:
  - 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 persistent bullying.
  - Offences of a sexual nature: supply and possession of pornography and unauthorised firearms.
  - 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.
2. A complaint which could lead to your being expelled or required to leave the School permanently will be investigated thoroughly and fairly. You will have an opportunity for the assistance of your parents and/or a teacher to state your side of the case and you would also have a right to ask for the decision to be reviewed by a panel of the Governors.
3. A copy of the full policy on expulsion may be obtained from the Bursar.

Reviewed by Education Committee of Governing Board.

Updated – May 2022

Head: Deborah Mills

Chair of Education Committee: Liz Lester

Next Review: May 2023