

Expulsion, Removal and Review Policy

Withington Girls' School

September 2018

1 Introduction

- 1.1 **Scope and application:** This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be expelled or removed from Withington Girls' School (the **School**). 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 her Parents.

This policy is published on the School website and available in hard copy. This policy can be made available in large print or other accessible format if required.

- 1.2 **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 pupil should leave earlier than expected.

2 Definitions and interpretation:

- 2.1 The definitions in this clause apply in this policy.

Working days: means Monday to Friday, when the School is open during term time. The dates of terms and published on the School's website.

Headmistress: references to the Headmistress may include deputies.

Parent/s: includes one or both of the Parents, a legal guardian or education guardian.

Expulsion: a pupil may be formally expelled from the School if it is proved on the balance of probabilities that the Pupil has committed a very grave breach of discipline or a serious criminal offence. Expulsion is reserved for the most serious breaches.

Removal: parents may be required to remove the pupil permanently from the School if, after consultation with the parents and if appropriate the pupil, the Headmistress is of the opinion that:

- (a) the pupil has committed a breach or breaches of School rules or discipline for which Removal is the appropriate sanction; or
- (b) by reason of the pupil's conduct, behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the School; or
- (c) if the parents have treated the School, members of its staff or any member of the School community unreasonably.

At the sole discretion of the Headmistress, the parents may be permitted to withdraw the pupil from the School as an alternative to Removal being required.

Suspension: Suspension as a disciplinary sanction is defined in the School's Behaviour and Discipline Policy. In this policy, unless otherwise stated, suspension is a neutral act whereby the pupil is sent home:

:

- (a) Pending the Headmistresses decision following a disciplinary meeting;

- (b) During the period before the Headmistresses decision takes effect; and/or
- (c) Pending the outcome of a Governor's Review if requested by the Parent.

2.2 **Equality:** the School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where expulsion needs to be considered, the School will ensure that a pupil with a disability or special educational needs and / or her parents are able to present their case fully where their disability or special educational needs might hinder this. Any religious requirements affecting the pupil will also be considered.

3 Procedures

3.1 **The procedure:** The procedures followed by the School in cases where a sanction of Expulsion or Removal may be imposed by the Headmistress are summarised in the flowchart at **Appendix 1** to this Policy.:

3.1 The procedures relating to the disciplinary meeting are set out in **Appendix 2**.

3.2 The procedures relating to the Governors' Review are set out in **Appendix 3**.

4 Training

4.1 The School ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.

4.2 The level and frequency of training depends on role of the individual member of staff.

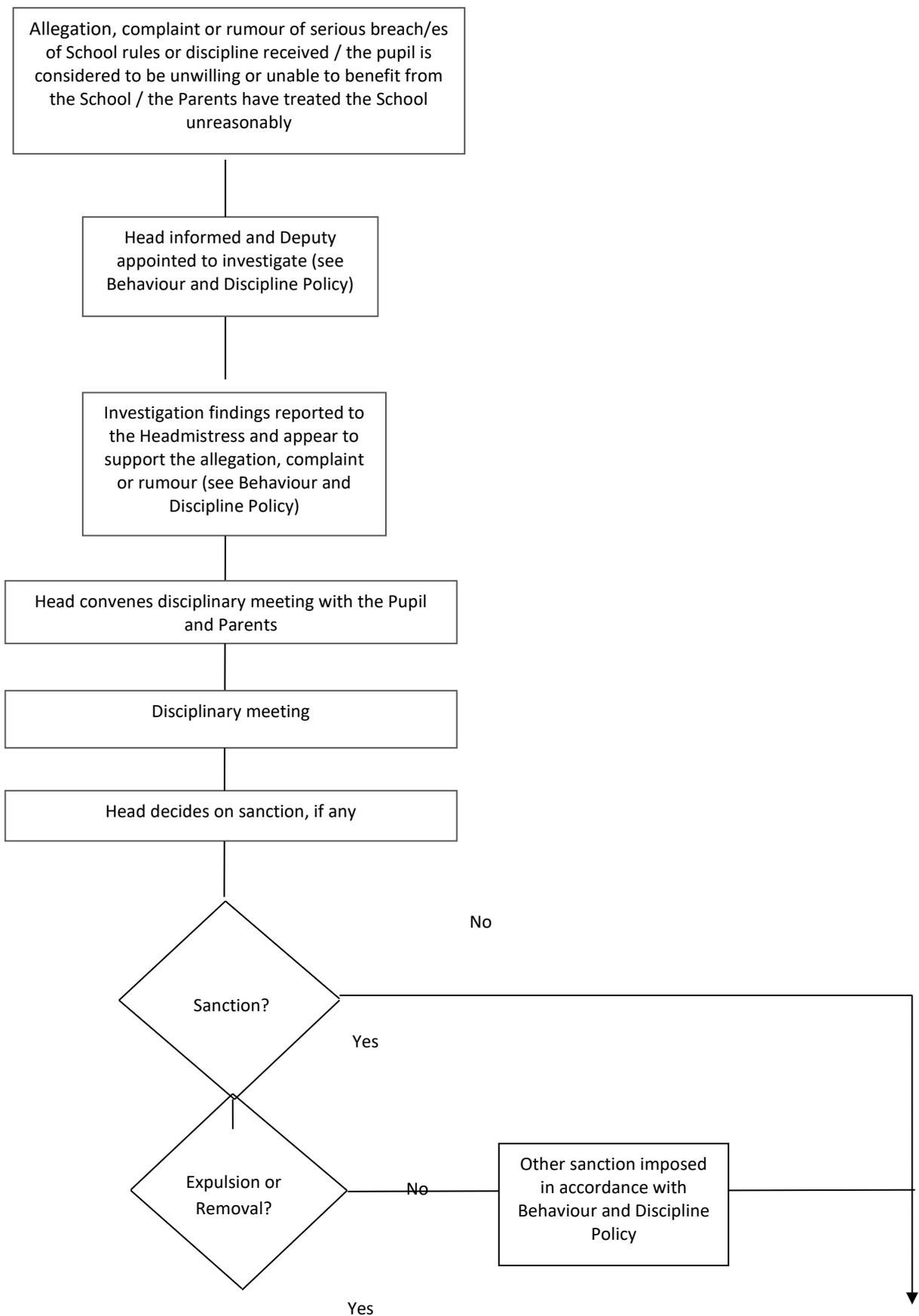
4.3 The School maintains written records of all staff training.

5 Record Keeping

5.1 All records created in accordance with this policy are managed in accordance with the School's policies that apply to the retention and destruction of records.

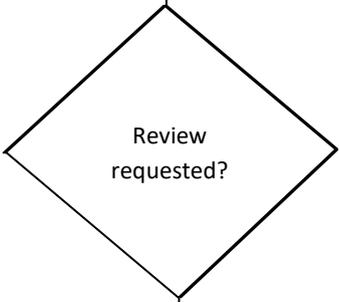
Effective date of the policy	September 2018
Circulation	Governors / teaching staff / all staff / parents / pupils on request
	Mandatory

Appendix 1 Procedural flowchart



Headmistress informs Parents and Chair of Governors of Expulsion or Removal

Letter to Parents encloses policy on Expulsion, Removal and Review and explaining how to request a Review



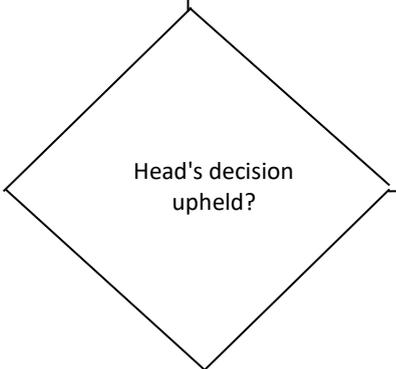
No

Yes

- Clerk to the Governors
- Convenes a Panel
 - Agrees date for Review meeting
 - Prepares and circulates documents

Review meeting

Chair of Panel informs the Parents of the Panel's decision



Yes

No

Sanctions stands

Matter referred back to Headmistress for reconsideration in light of the Panel's findings. New decision made

School's internal procedures conclude

Appendix 2 - Disciplinary meeting with the Headmistress

1. Where the findings of the investigation carried out in accordance with the School's Behaviour and Discipline Policy appear to support the allegation, complaint or rumour, a disciplinary meeting with the Headmistress will take place.

The Chair of Governors will be informed of the meeting.

2. **Attendance:** The pupil and her Parents (if available) will be asked to attend the disciplinary meeting with the Headmistress. The Deputy Head will be in attendance to explain the circumstances of the complaint and his/her investigation and an additional members of staff will be present to minute the meeting.

The pupil may also be accompanied by a member of staff of her choice. The pupil and 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 pupils will be preserved.

Where the complaint concerns the behaviour of the Parents, the pupil will not generally be expected to attend the meeting and this procedure applies to the Parents only.

If the Parents or the pupil 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 Headmistress or Deputy Head so that appropriate arrangements can be made.

. If a Parent is unable to attend because of, for example, travel and working commitments, the School will make reasonable alternative arrangements to ensure the Parent can be involved with the disciplinary process and their child's education.

3. **Meeting**

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

- a statement setting out the points of complaint against the pupil or, where applicable, the parents;
- written statements and notes of the evidence supporting the complaint, and any relevant correspondence;
- the Deputy Head's Investigation Report;
- the pupil's school file and conduct record; and
- the relevant School policies and procedures.

The Headmistress will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil or where applicable, the parents.

The pupil and 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 pupils will be preserved.

The Headmistress will inform the pupil and her Parents of the range of disciplinary sanctions which the Headmistress considers are open to him / her if the allegation, complaint or rumour is sufficiently proved.

Unless the Headmistress considers that further investigation is needed, she will close the meeting and inform the pupil and the Parents that they will be notified of her decision in writing.

4. Decision

The Headmistress will consider whether the allegation, complaint or rumour has been sufficiently proved. The standard of proof shall be the civil standard, i.e. the balance of probabilities. The pupil's disciplinary record will be taken into account where the complaint concerns the conduct of the pupil.

The Headmistress may Expel or Remove a pupil or impose any other sanction she considers to be appropriate in accordance with the School's Behaviour and Discipline Policy. The Headmistress will notify the Parents of her decision in writing, with reasons, within three working days of the disciplinary meeting.

A decision to Expel or Remove a pupil shall take effect seven working days after the decision was first communicated to a Parent. Until then, the pupil shall remain suspended and away from School premises.

Review

The Parents or the pupil may request a Review of the Headmistress's decision to Expel or Remove a pupil from the School within seven working days after the decision was first communicated to a Parent.

If such a request is made, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision made.

See Appendix 3 for further information about requesting and the detail of the Review procedure.

6. Leaving status

6.1 If a pupil is Expelled or Removed, her leaving status will be one of the following: Expelled, Removed or if the offer is made and accepted by the Parents, withdrawn by the Parents.

6.2 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;
- the form of reference which will be supplied for the pupil;
- the entry which will be made on the School record and the pupil's status as a leaver;
- arrangements for transfer of any course and project work to the pupil, her parents or another school;
- whether (if relevant) the pupil 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 pupil;
- whether the pupil will be entitled to leavers' privileges;
- whether the pupil will be eligible for membership of the Alumnae and if so from what date;

- the conditions under which the pupil may re-enter School premises in the future; and
- financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunded of prepaid fees.

Appendix 3 - Governors' review

1. **Request for review:** A pupil or her parents may request a Governors' Review of the Headmistress's decision to Expel or Remove a pupil, or where a decision has been made to suspend a pupil for 11 School working days or more, or where suspension would prevent the pupil from taking a public examination. The application must be made in writing using the Request Form at **Appendix 4** and received by the Clerk to the Governors within five working days of the Headmistress's decision being notified in writing to a parent, or longer by agreement. If the Parents or the pupil have any special 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.
2. **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 Headmistress will not of itself be grounds sufficient for a Governors' Review.
3. **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 Chair of Governors. Selection of the Review Panel will be made by the Clerk to the Governors. With the exception of the Chair of Governors, those Governors 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. The Panel may, if requested by the Parents, include an independent member who is not concerned with the management or running of the School.
4. **Role of the Panel:** The role of the Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Headmistress's decision or refer the decision back to her with recommendations so that she may consider the matter further.
5. **Panel Hearing:** The Review will take place at the School premises, normally within ten working days after the Parents' application has been received. A Review will not normally take place during school holidays. The Parents and the Headmistress will be asked to submit any documents they wish to refer to at the meeting to the Clerk to the Governors and a single bundle will be circulated at least three working days before the meeting. On receipt of new information not previously available to the Headmistress before her 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 for Review; or
 - to make further enquiries of the Parents or the pupil about the information; or
 - to refer the information to the Headmistress for her 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. This requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.
6. **Attendance:** Those present at the Review Meeting will normally be:
 - members of the Panel and an appointed Clerk;

- the Headmistress and any relevant member of staff whom the pupil or her Parents have asked should attend and whom the Headmistress considers should attend in order to secure a fair outcome; and
- the pupil together with her Parents and, if they wish, a member of the School staff who is willing to speak on the pupil's behalf. If the complaint concerns the behaviour of the parents, the pupil will not be expected to attend. The Parents may be accompanied by a friend or relation. The meeting is not legal proceedings and so legal representation is not necessary. The Clerk to the Governors must be given five working days' notice if the friend or relation is legally qualified. The Parents should note that the Panel will wish to speak to the Parents directly and this person will not be permitted to act as an advocate or to address the Hearing unless invited to do so by the Chair of the Panel.

7. Conduct of Review: The Review 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 review will not be recorded but 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 Review will be directed by the Chair who will conduct it so as to ensure that the parties 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 Review. If the meeting is terminated, the original decision will stand.

8. Procedure: The Panel will consider each of the points raised by the pupil or her Parents and any documentation they wish to rely on so far as relevant to:

- **Whether the decision was fair procedurally and / or substantively** - whether the facts of the case were sufficiently proved and an appropriate procedure followed when the decision was taken to Expel or Remove of the pupil. The civil standard of proof, namely, 'the balance of probability' will normally apply; and
- **Whether the sanction was proportionate** - 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 pupil or 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.

9. Decision: When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he will conclude the Review and the Panel will consider its decision and recommendations. The panel's decision and any recommendations will be notified in writing, with reasons, to the Headmistress and the Parents by the Chair of the Review Panel or the Chair of Governors within three working day of the meeting. The Headmistress will provide her response to those recommendations if appropriate in writing within three working day. In the absence of a significant procedural irregularity, the Headmistress's decision will then be final.

Appendix 5 - Form for requesting a Governors' Review

To The Clerk to the Governors of Withington Girls' School

Subject [Name of pupil]

I/we request a Review of the Headmistress's decision to expel or require removal of the above named pupil. I/we agree that the Review will be carried out in accordance with the Review Procedure supplied to us with this form and I/we agree to abide by the terms of that Procedure.

I/we confirm that I/we have parental responsibility for the above named pupil and that I/we have consulted the pupil who wishes the Review to be undertaken.

I/we understand that the Panel will be concerned with the fairness and proportionality of the Headmistress's decision in accordance with the School 's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

I/we understand that we may be accompanied at the Review Hearing by a friend or relation and that I/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. If I/we wish to bring a friend or relation who is legally qualified I/we will provide five working days' notice as required.

I/we will inform the Clerk if I/we have any special needs or disabilities requiring additional facilities or adjustments.

The grounds upon which I/we seek a Review and the outcome which I/ we seek are set out below:

Grounds for Review	
Desired outcome	

Signed	Signed
Full name	Full name
Relationship to pupil	Relationship to pupil
Date	Date
Address	Address
Telephone number	Telephone number

(Two signatures required where practicable)