



PACKWOOD HAUGH SCHOOL
(Including EYFS)

Suspension, Expulsion, Removal and Review

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Signed: <i>James Pitt</i> , Chair of Governors	

POLICY FOR SUSPENSION, EXPULSION, REMOVAL AND REVIEW

This policy can be made available in large print or other accessible format if required.
This policy will be reviewed on an annual basis.

- **Aims**

The aims of this policy are:

- To support the School's Behaviour and Discipline Policy.
- To ensure procedural fairness.
- To promote co-operation between the School and parents when it is necessary for the School that a pupil be required to leave earlier than expected.

- **Suspension of a pupil**

If the Head decides that it is appropriate to suspend a pupil for a fixed period he will immediately:

- Inform the parents of the pupil and the pupil of the suspension, the length of the suspension and the reasons for it.
- Give the parents of the pupil notice in writing of the period of the suspension and the reasons for it.
- Work will be provided for the period of the suspension. This will be co-ordinated by the Deputy Head.

- **Removal or Expulsion**

Examples of misconduct which may result in expulsion or removal are:

- Supply/possession/use of alcohol.
- Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
- Misconduct of a sexual nature; supply and possession of pornography.
- Possession or use of unauthorised firearms or other weapons; possession of articles resembling weapons or firearms or used in a way that resembles a firearm or weapon.
- Possession of fireworks.
- 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.

Other Circumstances: A pupil may be required to leave if the Head is satisfied that it is not in the best interests of the pupil, or of the School, that he/she remains at the

School; because of the pupil's behaviour or that of the parents as stated in the School's Terms and Conditions.

Leaving status

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his/her leaving status will be one of the following: "expelled", "removed" or if the offer is made and accepted "withdrawn by parents".

Detail: Additional points of leaving status include the following which will be determined by the Head:

- 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 work to the pupil, his/her parents or another school.
 - Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.
 - Financial aspects: payment of outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.
- **Review Procedure:** This procedure is intended to apply where a decision has been made by the Head for the removal or expulsion of a pupil from the School following an investigation as outlined in Appendix 1. At this time the Head will give a Review Request form and a copy of this procedure to the parents of the pupil. Only parents as defined in the Terms and Conditions may request a review of the Head's decision.

These guidelines are non-contractual in nature. They have been prepared for the information and guidance of all who may become concerned in a review following expulsion or the required removal of a pupil.

The purpose of the **Review** is to give those with parental responsibility for the pupil concerned the opportunity to appeal against the procedure (See Appendix 1) used in reaching the initial disciplinary decision, including the fairness of the decision made. The review will not, however, be by way of rehearing the evidence.

Initiation of the Review Procedure

Where the parents of a pupil subject to a decision for removal or expulsion wish that decision to be reviewed the parents should complete a Request for Commencement of Review Procedure form (Appendix 2) and send it to the Chairman of Governors requesting a review. The completed form should be sent to the School marked for the attention of the Chairman and must be received at the School within five working days of the decision to remove or expel being notified to the parents. Any request after this period will not be accepted.

The request for a review must set out the matters the parents would like to be reviewed together with any documents that the parents wish the Review Panel to consider.

During the period from expulsion or removal to the date of conclusion of the review procedure, the pupil shall be suspended and will be forbidden from entering School premises without the prior permission of the Head.

What to expect at the Review: The review will normally be conducted by a three member panel (*Review Panel*) appointed by the Chairman of Governors who will consider all the circumstances and any new circumstances that are raised. The Review Panel will be made up of members who have no detailed previous knowledge of the case or of the pupil, parents or guardian and will not normally include the Chairman of Governors.

The Chairman will call a meeting of the Review Panel to take place within ten working days of receipt of the request for a review or as soon thereafter as is reasonably practicable.

The parents will be notified of the date, time and venue of the meeting on not less than two days' notice. They will also 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.

Those present at the meeting: Those present throughout the review will normally be the members of the Review Panel, the Head, those with parental responsibility (*parents*) and the Clerk to the Governors of his/her representative.

The parents may make written submissions to be considered at the hearing and/or may attend the hearing in person.

The Head may make written submissions to be considered at the hearing and/or may attend the hearing.

The parents may be accompanied by a friend or relation and by a member of the School staff if desired but not by a legal representative.

The Clerk to the Governors will prepare and send to the parents and the Head not less than two days before the hearing a bundle of papers to be used at the hearing consisting of any written submissions and any other relevant documents. The Panel Chairman may allow any documents not included in the bundle to be adduced at the hearing in his discretion.

The procedure: The proceedings will be chaired by one member of the review panel. The seating will be arranged so that, as far as practicable, everyone present can see and speak to each other without difficulty. However, at the Chairman's discretion, a sequential hearing may be chosen.

The procedure to be followed at any hearing will be at the Panel Chairman's discretion but shall normally be as follows:

- Each of the grounds given in the parents' Request for Review will be considered and discussed.
- The Head may comment on each of the grounds.
- The parents may ask questions of the Head.
- The parents will be asked if there are any further comments they wish to make.
- The Head will sum up the case for expulsion/removal.
- The parents will sum up the case for a review of the Head's decision.

In relation to each issue raised, the members of the Review Panel will normally consider all of the following:

- The nature and gravity of the complaint/s against the pupil;
- Whether or not the grounds of the complaint have been reasonably well-established;
- Whether the complaint was investigated fairly;
- Whether the original decision made was reasonable.

- **Conduct of the Review**

The review shall be directed in all respects by the Chairman of the Review Panel. Statements made at the review shall be unsworn. The Chairman of the Review Panel will conduct the review in such a manner as s/he thinks fit in order to ensure that all those present have the opportunity of asking questions and making comments.

If the Head considers it necessary in the interests of the individual or of the School that the identity of any person shall be withheld, the Chairman may require the name of that person and the reasons for withholding identity to be written down and shown to the Review Panel. The Chairman, in his/her discretion, may direct that the person be identified.

A member 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.

All those attending the review are expected to show courtesy, restraint and good manners; otherwise the Chairman may, in his/her discretion, adjourn or terminate the review. If the review is terminated the original decision will stand.

The review will not be a rehearing of the original evidence. The proceedings will not be tape recorded but the Clerk will be asked to keep a minute of the main points that arise. All present will be entitled, should they wish, to write their own notes. Pen and paper will be provided.

The Review Panel shall bring the hearing to a close in order consider their decision.

- **The Decision**

The decision of the Panel shall be that of the majority. The Chairman of the Panel shall have a casting vote if the decision is split equally.

The Review Panel shall not be entitled to set aside the decision of the Head to remove or expel a pupil nor to substitute some other penalty or sanction.

Where the Review Panel upholds the decision of the Head it shall confirm the decision to remove or expel.

Where the Review Panel considers that: -

- the Head did not have before him all the relevant evidence
- the Head may not have given sufficient weight to any particular evidence or argument
- not all relevant arguments or submissions were put before the Head
- the procedures followed were unfair

The Review Panel may require the Head to reconsider his decision in the light of the findings of the Panel.

• **Following the Hearing**

The Panel Chairman shall within three working days of the hearing or as soon as reasonably practicable thereafter notify the parents in writing that the Panel:-

- has confirmed the Head's decision, or
- has requested the Head to reconsider his decision.

The Panel Chairman shall within five working days of the hearing or as soon as reasonably practicable thereafter notify the Head in writing that the Panel:-

- has confirmed his decision, or
- requires the Head to reconsider his decision in which case the Panel Chairman shall set out in writing what evidence or further evidence, or what arguments or submissions the Head should additionally take into account. The Panel may additionally make recommendations to the Head relating to his decision but these shall not be binding on the Head.

Where the Review is upheld

Where the Head is required by the Review Panel to reconsider his decision he shall reconsider his decision and shall within three days of being notified in writing of the Panel's decision or as soon as reasonably practicable thereafter, notify the parents and the Panel Chairman in writing of his reconsidered decision. For the avoidance of doubt during this period the pupil shall continue to remain suspended from the School.

Final Decision

The reconsidered decision of the Head shall be final and shall not be the subject of any further review.

Appendices

Appendix 1 – The Investigation Procedure

Appendix 2 – Request for Commencement of Review Procedure Form

Appendix 1

Investigation Procedure

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 his/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.

- **Complaints:** Investigation of possible serious misconduct will normally be co-ordinated by the Deputy Head, and its outcome will be reported to the Head. Parents will be informed as soon as reasonably practicable if an investigation is of a nature that could result in the pupil being expelled or required to leave.
- **Suspension:** A pupil may be suspended from boarding and/or from the School and required to live at home or with his/her guardian while a complaint is being investigated. The School will provide work for the pupil during this period to allow the continued education of the pupil. This will be co-ordinated by the Deputy Head.
- **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. See also the School's Behaviour and Discipline Policy for information about searching procedures.
- **Interview:** A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If the pupil is then interviewed formally as part of an investigation, arrangements will be made for him/her to be accompanied by a member of staff of his/her choice and/or by a parent (if available at the relevant time). A pupil who is waiting to be interviewed may be segregated but made as comfortable as possible, accompanied by a member of staff, and given access to a toilet and adequate food and drink.
- **Adjournment of an investigation:** It may be necessary to adjourn 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 adjourn an investigation will take into account advice from an external agency where appropriate and will be subject to periodic review.
- **Meeting with the Head:** The Chairman of the Governors will be informed of the investigation. The following documents will be made available at the meeting with the Head:
 - A statement setting out the points of complaint against the pupil.
 - 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.
 - The relevant school policies and procedures.
- **Attendance:** The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Head at which the Deputy Head will explain the circumstances of the complaint and his/her investigation. The pupil may also be accompanied by a member of staff of his/her choice. The pupil 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 pupils will be preserved. 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 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, remotely if necessary, with the disciplinary process and their child's education.

- **Proceedings:** There are potentially three distinct stages of a disciplinary meeting.

The allegations – the Head will consider the allegation/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head considers that further investigation is needed, he will decide whether the complaint has been sufficiently proved. The standard of proof shall normally 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.

The sanction – if the complaint has been proved the Head 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 Head will give his decision in writing, with reasons.

Leaving Status – if the Head 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).

The Chairman of the Governors will be informed of the decision.

- **Delayed Effect:** A decision to expel or remove a pupil shall take effect seven days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from school premises. If within seven days the parents have made a written application for a Review by the Governors, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision is made.

Appendix 2

Request for Commencement of Review Procedure Form

Name of Pupil:.....

I/We confirm that we wish to instigate a review of the decision to expel/remove
.....(name of pupil) from Packwood
Haugh School.

Please state the outcome that you are seeking:

Please outline the matters that you would like to be reviewed and attach any
documents that you would like the Review Panel to consider.

Signed:.....

Name:

Date: