

Expulsion and Required Removal Policy

Berkhamsted Prep and Pre-Prep

Berkhamsted Senior Schools & Sixth

Heatherton

Berkhamsted Day Nursery Ltd.

Berkhamsted School Enterprises Ltd.

Revision and Terminology: Please refer to the School's Policies Policy.

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Contents

Contents	2
Scope of this policy	3
1 Introduction	3
Policy statement	4
2 Policy Statement.....	4
3 Investigation procedure	6
4 Disciplinary meeting before the Principal	7
5 Leaving status.....	8
6 Governors' Review	9
7 Record keeping and data protection	9

Scope of this policy

I Introduction

- 1.1 **Scope:** This policy contains guidelines, which will be adapted as necessary, explaining 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 and at all times when a pupil is:
- 1.1.1 in or at School;
 - 1.1.2 representing the School or wearing School uniform;
 - 1.1.3 travelling to or from School;
 - 1.1.4 on School-organised trips; or
 - 1.1.5 associated with the School at any time.
- 1.2 This policy does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by his/her parents.
- 1.3 This policy shall apply to pupils at all times and places including out of school hours and off-school premises in circumstances where failing to apply this policy may:
- 1.3.1 affect the health, safety or well-being of a member of the School community or a member of the public;
 - 1.3.2 have repercussions for the orderly running of the School; or
 - 1.3.3 bring the School into disrepute.
- 1.4 This policy can be made available in large print or other accessible format if required.
- 1.5 **Interpretation:** The definitions in this clause apply in this policy.
- 1.5.1 **Principal:** references to the Principal and, if the Principal is away from School, the Vice Principal deputising for the Principal.
 - 1.5.2 **Headteacher:** references to the Headteacher and Deputy Heads of the various parts of the Berkhamsted Schools Group: the Pre-Prep, Prep, Heatherton, Boys, Girls, and the Sixth.
 - 1.5.3 **Parent:** includes one or both of the parents, a legal guardian or education guardian.
 - 1.5.4 **Expulsion:** means the dismissal of a pupil from the School following serious misconduct formally recorded (see clause 2.2 below).
 - 1.5.5 **Required Removal:** means that a pupil has been required to leave (see clause 2.3 below).
 - 1.5.6 **Working days:** mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening School holidays, the School's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delays.

Policy statement

2 Policy Statement

2.1 **Aims:** The aims of this policy are:

- 2.1.1 to support the School's behaviour and discipline code
- 2.1.2 to ensure procedural fairness and natural justice
- 2.1.3 to promote co-operation between the School and parents when it is necessary for the School that a pupil should leave earlier than expected.

2.2 **Expulsion:**

- 2.2.1 Only the Principal has the authority to expel a pupil.
- 2.2.2 The main categories of serious misconduct which may result in expulsion include but are not limited to:
 - 2.2.2.1 supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco;
 - 2.2.2.2 theft, blackmail, physical violence, intimidation, discrimination or action amounting to expression of hatred, or soliciting hatred for a protected characteristic (for example by age, race, religion or belief, sexual orientation, disability, gender reassignment, or sex) or persistent bullying;
 - 2.2.2.3 misconduct of a sexual nature; supply or possession of pornography;
 - 2.2.2.4 possession or use of unauthorised firearms or other weapons;
 - 2.2.2.5 vandalism, computer hacking, or the creation/posting of highly offensive or libellous material online concerning another member of the School community;
 - 2.2.2.6 harmful sexual behaviour including sexual violence and/or sexual harassment;
 - 2.2.2.7 other misconduct specifically provided for in the School's parent contract and School rules;
 - 2.2.2.8 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).

2.3 **Required Removal:**

- 2.3.1 A pupil may be required to leave if, after all appropriate consultation, the Principal is satisfied that it is not in the best interests of the pupil, or of the School, that he / she remains at the School. For example, the School may require the removal of a pupil when there is a breakdown of the relationship between the School and the parents and/or the pupil.
- 2.3.2 Only the Principal has the authority to require the removal of a pupil.
- 2.3.3 The main categories of misconduct which may result in removal are:
 - 2.3.3.1 a breakdown of trust between the School and the parents. This may

manifest itself in a number of ways, including:

2.3.3.1.1 parents not supporting the School's sanction structures, or the policies on which these rely such as the *Behaviour and Discipline Policy* or the *Drugs, Alcohol and Smoking Policy*; or

2.3.3.1.2 unreasonable or abusive behaviour by parents to School staff, pupils, other parents / visitors to the School (including as a spectator at school fixtures) or other members of the School community.

2.3.3.2 a breakdown of trust between the School and pupil. This may manifest itself in a number of ways, including:

2.3.3.2.1 persistent minor breaches of discipline or attitudes or behaviour which are inconsistent with the School's ethos; or

2.3.3.2.2 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).

- 2.4 If a pupil is withdrawn before the conclusion of a disciplinary procedure, the School reserves the right to complete the procedure in the absence of the pupil and the parents and to make a finding. In these circumstances, the School reserves the right to report findings to inspectors/regulators and/or local authorities/ the police and/or refer to disciplinary procedures and findings in any reference provided thereafter for the pupil.
- 2.5 **Malicious allegations:** Where a pupil makes an accusation against a member of staff or a pupil and there is reasonable suspicion that the accusation has been deliberately invented or is malicious, the Principal will consider whether to take disciplinary action against the pupil in accordance with this policy. The School will consider whether the police should be asked to consider if action might be appropriate against the person responsible for the allegation. The School will consider a malicious allegation to be one where there is sufficient evidence on the balance of probabilities to disprove the allegation and that, by the same test there is sufficient evidence that there has been a deliberate act to deceive.
- 2.6 **Equality:** The School will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Where expulsion or required removal needs to be considered, the School will ensure that a disabled pupil is able to present his or her case fully where his or her disability might hinder this. Any religious requirements affecting the pupil will also be considered.
- 2.7 **Looked After Children (CLA) and Previously Looked After Children (PLA):** This policy has regard to the Government guidance *The designated teacher for looked-after and previously looked-after children: Statutory guidance on their roles and responsibilities* (DfE, February 2018). The circumstances and particular needs of Looked After Children (CLA) and Previously Looked After Children (PLA) will be considered and provided for in the application and review of this policy. The School will make every effort to avoid expelling or requiring the removal of a CLA / PLA pupil, and school procedures are in place to reduce the risk of this happening. For further details, please refer to section 16 of the Children Looked After Policy.

3 Investigation procedure

- 3.1 **Complaint(s):** Investigation of an allegation, complaint or rumour about serious misconduct will normally be co-ordinated by the relevant Headteacher (who should not have had any prior involvement in the matters under investigation) and its outcome will be reported to the Principal. The relevant Headteacher, or Deputy Head in the case of the Prep Schools, will inform parents 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. Parents will be informed as soon as reasonably practicable after it becomes clear the pupil may face disciplinary action for a serious breach of discipline, unless the School is prevented from doing so (or is advised not to do so on procedural grounds) by the police or other external agency.
- 3.2 **Suspension:** A pupil may be suspended from boarding and/or from the School and be required, as a neutral act, to stay at home or with his education guardian/host family while a complaint is being investigated or while an investigation is adjourned (see clause 3.6 below). Should a suspension continue for a period of more than three working days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The relevant Deputy Head or Head of House will co-ordinate these arrangements with the pupil's parents or education guardian. Parents or education 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, and at the discretion of the Principal, the pupil may be placed in a room separated from other pupils on School premises.
- 3.3 **Search:** A member of staff 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. Only outer clothing will be searched. If necessary, the police would be called. (See also the School's separate policy on searching and confiscation for details about the School's power to search in the Behaviour and Discipline Policy and the Drugs, Alcohol and Smoking Policy.)
- 3.4 **Interview:** A pupil may be interviewed informally by a member of staff to establish whether or not there are grounds for a formal investigation. If the pupil is then interviewed formally about a complaint, arrangements will be made for him/her to be accompanied by a member of staff of his/her choice. If this is not possible the pupil will be accompanied by a member of staff responsible for the pupil's pastoral care. A pupil who is waiting to be interviewed may be segregated but would be 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. A minute of the interview will be recorded in writing by the interviewing member of staff. Interviews will be conducted in an age-appropriate manner (see also the Behaviour and Discipline Policy).
- 3.5 **Ethos:** An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.
- 3.6 **Adjournment of an investigation:** It may be necessary to adjourn an investigation, for example where external agencies such as the police or children's services are involved and have advised that this is necessary. A decision to adjourn an investigation will be subject to periodic review. Regardless of delays caused by a police or other

external agency investigation, the School will provide appropriate pastoral and other support for all pupils affected by the allegations under investigation.

4 Disciplinary meeting before the Principal

- 4.1 Where the findings of the investigation into an allegation, complaint or rumour of a serious breach of discipline appear to support the allegation, complaint or rumour, a disciplinary meeting with the Principal will take place.
- 4.2 **Preparation:** The Chair of Governors will be informed of the investigation/meeting. Documents available to the Principal at the disciplinary meeting will include:
- 4.2.1 a statement setting out the points of complaint against the pupil
 - 4.2.2 written statements and notes of the evidence supporting the complaint, and any relevant correspondence
 - 4.2.3 the relevant Headteacher/Deputy Head's Investigation Report
 - 4.2.4 the relevant parts of the pupil's school file and (if separate) house file and conduct record
 - 4.2.5 the relevant school policies and procedures.
- 4.3 Parents will be given copies of the documents described in clauses 4.2.1 and 4.2.5 above. They may also be given copies of any statements made by their child and summaries / redacted versions of other documents subject to the redaction or summary of any co-mingled data. Therefore the full text of statements made by other pupils will not be made available to parents.
- 4.4 **Attendance:** The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Principal at which the relevant Headteacher or Deputy Head will explain the circumstances of the complaint and his/her investigation.
- 4.5 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.
- 4.6 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 Principal's PA (01442 358002) so that appropriate arrangements can be made.
- 4.7 If the pupil or the pupil's parents experience difficulty in attending due to a disability, the School will make reasonable alternative arrangements to accommodate the disability. 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.
- 4.8 **Proceedings:** There are potentially three distinct stages of a disciplinary meeting:
- 4.8.1 The complaint(s): The Principal will consider the complaint(s) and the evidence, including statements made by and/or on behalf of the pupil. Unless the Principal considers that further investigation is needed, he/she 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 Principal will not normally refer to the pupil's disciplinary record at this stage.

- 4.8.2 **The sanction:** If the complaint has been proved, the Principal will outline the range of disciplinary sanctions which he/she considers are open to him/her. He/she 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 one working day, the Principal will give his/her decision, with reasons.
- 4.8.3 **Leaving status:** If the Principal decides that the pupil must leave the School, he/she may consult with a parent before deciding on the pupil's leaving status (see clause 5 below).
- 4.9 **Delayed effect:** A decision to expel or remove a pupil shall take effect five working days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from School premises. If within five working 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.

5 Leaving status

- 5.1 **Explanation:** If a pupil is expelled or required to leave, his/her leaving status will be one of the following: expelled, removed or, if agreed, withdrawn by parents.
- 5.2 **Detail:** Parents will be informed of the additional points of leaving status which may include some or all of the following:
- 5.2.1 the form of letter which will be written to the parents and the form of announcement in the School that the pupil has left;
 - 5.2.2 the form of reference which will be supplied for the pupil;
 - 5.2.3 the entry which will be made on the School record and the pupil's status as a leaver;
 - 5.2.4 arrangements for transfer of any course and project work to the pupil, his/her parents or another school;
 - 5.2.5 whether or not (if relevant) the pupil will be permitted to return to School premises to sit public examinations;
 - 5.2.6 whether or not (if relevant) the School can offer assistance in finding an alternative placement for the pupil;
 - 5.2.7 whether or not the pupil will be entitled to leavers' privileges;
 - 5.2.8 the conditions under which the pupil may re-enter School premises in the future;
 - 5.2.9 financial aspects: payment of any outstanding fees and extras;
 - 5.2.10 whether or not the deposit will be returned or credited; and/or
 - 5.2.11 whether or not prepaid fees will be refunded.

6 Governors' Review

- 6.1 **Review:** Parents/Guardians who wish an expulsion, required removal or extended suspension decision to be reviewed should write to the Chairman of Governors with full details of the grounds for the review within five working days of receiving the decision letter.
- 6.2 The procedures for an Expulsion, Required Removal or Extended Suspension Review are outlined in the Governors' Review Procedure which will be provided to relevant Parents / Guardians upon request.

7 Record keeping and data protection

- 7.1 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.
- 7.2 Administration of major punishments are recorded, with the name of the pupil concerned, the reason for the punishment including relevant dates, and the name of the person administering the punishment. This log is reviewed regularly by the Principal so that patterns in behaviour can be identified and managed appropriately.
- 7.3 The records created in accordance with this policy may contain personal data. The School has a number of privacy notices which explain how the School will use personal data about pupils and parents. The privacy notices are published on the School's website. In addition, staff must ensure that they follow the School's data protection policies and procedures when handling personal data created in connection with this policy. This includes the School's Data Protection Policy for Staff.