



**SEDBERGH SCHOOL
AND
CASTERTON, SEDBERGH PREPARATORY SCHOOL**

Policy on Expulsion, Removal & Review	
Version	2016.2
Effective from	July 2016
Extent of Policy	Sedbergh Senior School Sedbergh Prep School
Policy Owner	Andrew Fleck
Governor	Mark Richardson
Review by	July 2017
Frequency of Audit	Annual
Circulation	Parents by request
Publication	Website

Introduction

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 whether or not in the care of 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 *Headmaster* include Deputies, the Second Master and Assistant Headmistress if authorised to act on his behalf.

"*Parent*" 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 a pupil permanently from the School or from boarding if, after consultation with the parents and if appropriate the pupil, the Headmaster is of the opinion that:

- (a) 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
- (b) if the parents have treated the School, members of its staff or any member of the School community unreasonably.

"*Suspension*": In this policy, unless otherwise stated, suspension is a neutral act whereby the pupil is sent home pending the outcome of an investigation or a Governors' Review. Suspension is also used as a disciplinary sanction.

Subheadings are for ease of reading and not part of the policy.

- 3 Timescales for the procedure are set out below. When we refer to **working days**, we mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website.
- 4 This policy is based on a high level of co-operation between the School in the form of Housemaster/mistress, Second Master/Deputy Head/Assistant Headmistress and Headmaster, or Prep School Headmaster as appropriate, and parents, in all disciplinary matters. This will be the background for the management of serious misconduct.

Policy statement

- 5 *Aims*: The aims of this policy are:
 - 5.1 To support the School's behaviour and discipline code.
 - 5.2 To ensure procedural fairness and natural justice.
 - 5.3 To promote co-operation between the School and parents when it is necessary for the School to require a pupil to leave earlier than expected.
- 6 *Misconduct*: The main categories of misconduct which may result in expulsion or removal include but are not limited to:
 - 6.1 Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco.
 - 6.2 Theft, blackmail, physical violence, intimidation, racism or persistent bullying.

- 6.3 Misconduct of a sexual nature; supply or possession of pornography.
 - 6.4 Possession or use of unauthorised firearms or other weapons.
 - 6.5 Vandalism and computer hacking.
 - 6.6 Persistent attitudes or behaviour which are inconsistent with the School's ethos.
 - 6.7 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.
- 7 *Other Circumstances:* A pupil may be required to leave if, after all appropriate consultation, the Headmaster is satisfied that it is not in the best interests of the pupil, or of the School, that he/she remains at the School.
- 8 *Equality:* The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need and/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.

Procedure

- 9 **The procedure:** The procedure followed by the School in cases where a sanction of expulsion or removal may be imposed by the Headmaster are summarised in the flowchart at Appendix 1 to this Policy. The three stages of this procedure are as follows:
- 9.1 **Investigation Procedure** – further details of the procedures to be followed at this stage are set out at paragraphs 10 to 15.
 - 9.2 **Disciplinary Meeting with the Headmaster** – further details of the disciplinary meeting are set at paragraphs 16 to 21.
 - 9.3 **Governors' Review** – further details of the Review are set out at paragraphs 22 to 30.

Investigation Procedure

- 10 *Complaints:* A complaint or rumour about serious misconduct or cases in which the Headmaster considers that a pupil is unwilling or unable to benefit sufficiently from the educational opportunities and/or the community life offered by the School or parents have treated the School, members of its staff or any member of the School community unreasonably will be investigated. This investigation will normally be co-ordinated by one of the Second Master/Deputy Head/Assistant Headmistress, and its outcome will be reported to the Headmaster. 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 removed from the School.

- 11 *Suspension:* A pupil may be suspended from boarding and/or from the School and required to live at home or with his education guardian while a complaint is being investigated or while an investigation is suspended (see paragraph 15 below). Should a suspension continue for a period of more than five working days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. 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, he/she may be placed under a segregated regime on School premises.
- 12 *Search:* The School 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 it considers 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 policy on searching and confiscation in the Teaching Staff Handbook.
- 13 *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 about a complaint or rumour, 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 minute of the interview will be recorded in writing by the interviewing member of staff.
- 14 *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.
- 15 *Suspension of an investigation:* It may be necessary to suspend 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 suspend an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.

Disciplinary Meeting

- 16 *Preparation:* The Chairman of Governors will be informed of the investigation. Documents available at the disciplinary meeting before the Headmaster will include:
 - 16.1 A statement setting out the points of complaint against the pupil or, where applicable, the parents.
 - 16.2 Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.

- 16.3 The Second Master/Deputy Head/Assistant Headmistress' Investigation Report.
- 16.4 The pupil's School file and (if separate) House file and conduct record.
- 16.5 The relevant School policies and procedures.
- 17 *Attendance:* The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Headmaster at which the Second Master/Deputy Head/Assistant Headmistress will explain the circumstances of the complaint and his investigation. The pupil may also be accompanied by a member of staff of his/her choice. Where the complaint concerns the behaviour of the parents, the pupil will not generally be expected to attend the meeting and this procedure then applies to the parents only.
- 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 (eg parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Headmaster or Second Master/Deputy Head/Assistant Headmistress 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.
- 18 *Proceedings:* There are potentially three distinct stages of a disciplinary meeting:
- 18.1 *The complaints* - the Headmaster will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil or, where applicable, the parents. 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, ie the *balance of probabilities*. Appropriate reliance may be placed on hearsay evidence but the Headmaster will not normally refer to the pupil's disciplinary record at this stage.
- 18.2 *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 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 where the complaint concerns the conduct of the pupil. Then, or at some later time, normally within 24 hours, the Headmaster will give his decision, with reasons.

18.3 *Leaving status* - if the Headmaster decides that the pupil must leave the School, he will consult with a parent before deciding on the pupil's leaving status (see below).

19 *Delayed Effect:* A decision to expel or remove a pupil shall take effect five 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 days the parents have made a written application for a Review of the decision by the Governors, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision made.

Leaving status

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

21 *Detail:* Additional points of leaving status include:

21.1 The form of letter which will be written to the parents and the form of announcement in the School and House that the pupil has left.

21.2 The form of reference which will be supplied for the pupil.

21.3 The entry which will be made on the School record and the pupil's status as a leaver.

21.4 Arrangements for transfer of any course and project work to the pupil, his/her parents or another school.

21.5 Whether (if relevant) the pupil will be permitted to return to School premises to sit public examinations.

21.6 Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.

21.7 Whether the pupil will be entitled to leavers' privileges.

21.8 Whether the pupil will be eligible for membership of the Old Sedberghian Club and if so from what date.

21.9 The conditions under which the pupil may re-enter School premises in the future.

21.10 Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

Governors' Review

- 22 *Request for Review:* A pupil or his / her parents may request a Review by the Governors of the Headmaster's decision to Expel or Remove a pupil or where a decision has been made to impose the disciplinary sanction of suspension on a pupil for 11 School days or more or where such suspension would prevent a pupil from taking a public examination. The application must be made in writing using the Request Form at Appendix 2 and received by the Clerk to the Governors within seven days of the Headmaster's decision being notified 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 Clerk so that appropriate arrangements can be made.
- 23 *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 Review.
- 24 *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. With the exception of the Chairman 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 has no connection with the management or running of the School.
- 25 *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 Headmaster's decision or refer the decision back to him with recommendations so that he may consider the matter further.
- 26 *Review Meeting:* The meeting will take place at the School premises, normally within ten working days of the parents' application receipt. 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 to the Clerk to the Governors and a single bundle will be circulated to the Panel and the parties simultaneously 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 Chairman of Governors who will decide whether:

- 26.1 to include the new information in the bundle; or
- 26.2 to omit the information if not relevant to the grounds for Review; or

- 26.3 to make further enquiries of the parents or the pupil about the information;
or
- 26.4 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.

27 *Attendance:* Those present at the Review Meeting will normally be:

- 27.1 Members of the Review Panel and the Clerk to the Governors or his/her deputy.
- 27.2 The Headmaster and any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Headmaster considers should attend in order to secure a fair outcome.
- 27.3 The pupil together with his/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 a legal proceeding 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 and the parents should note that the Review 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 meeting unless invited to do so by the Chair of the Panel.

28 *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 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 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 Chair may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

29 *Procedure:* The Headmaster will provide the parents with a copy of the current Review procedure if requested. The Panel will consider each of the questions raised by the pupil or his/her parents and any documentation they wish to rely on so far as relevant to:

- 29.1 **Whether the decision was fair procedurally and/or substantively** - whether the facts of the case were sufficiently proved and an appropriate procedure

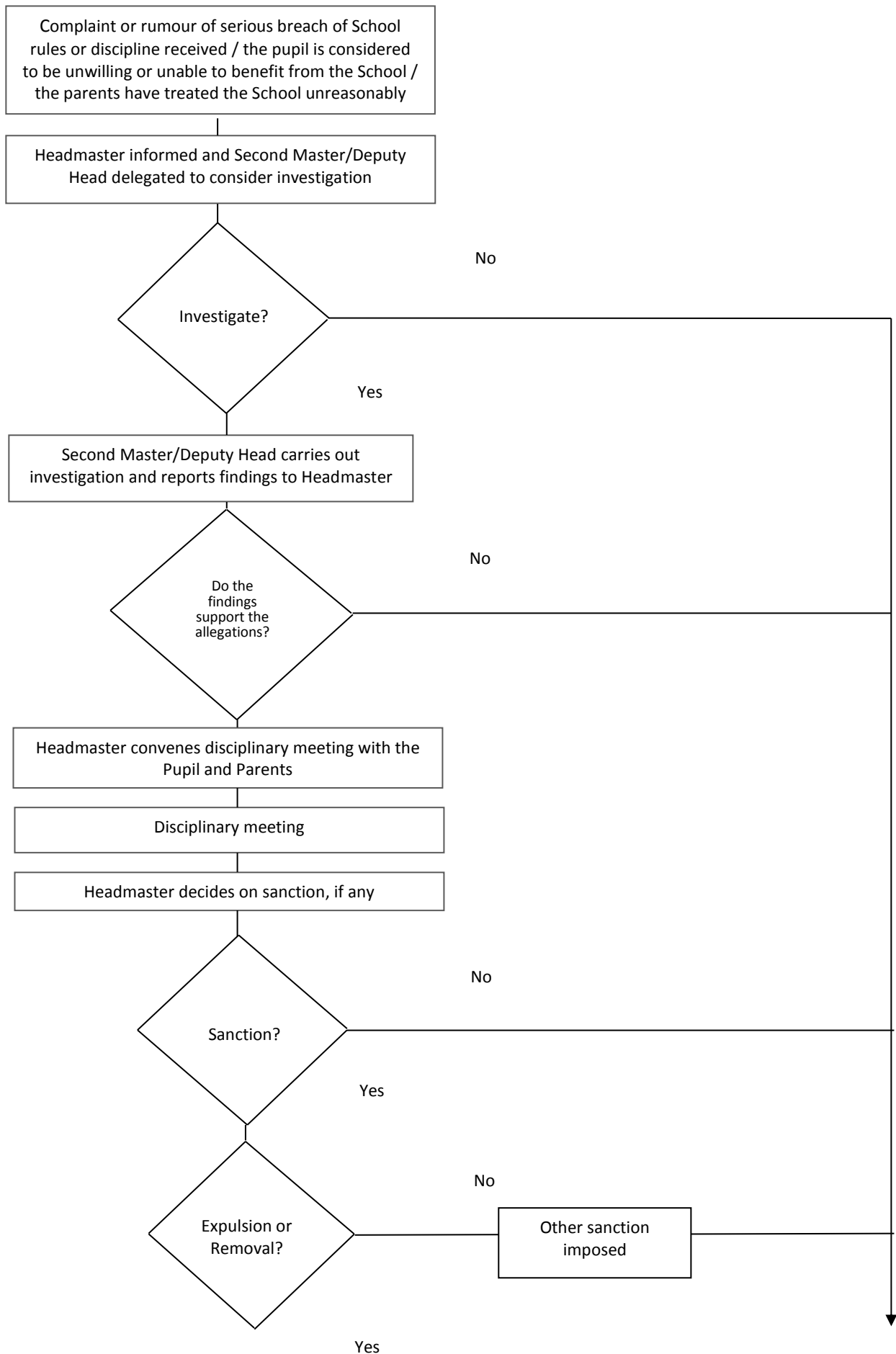
followed when the decision was taken to expel or remove of the pupil. The civil standard of proof, namely, "*the balance of probability*" will apply; and

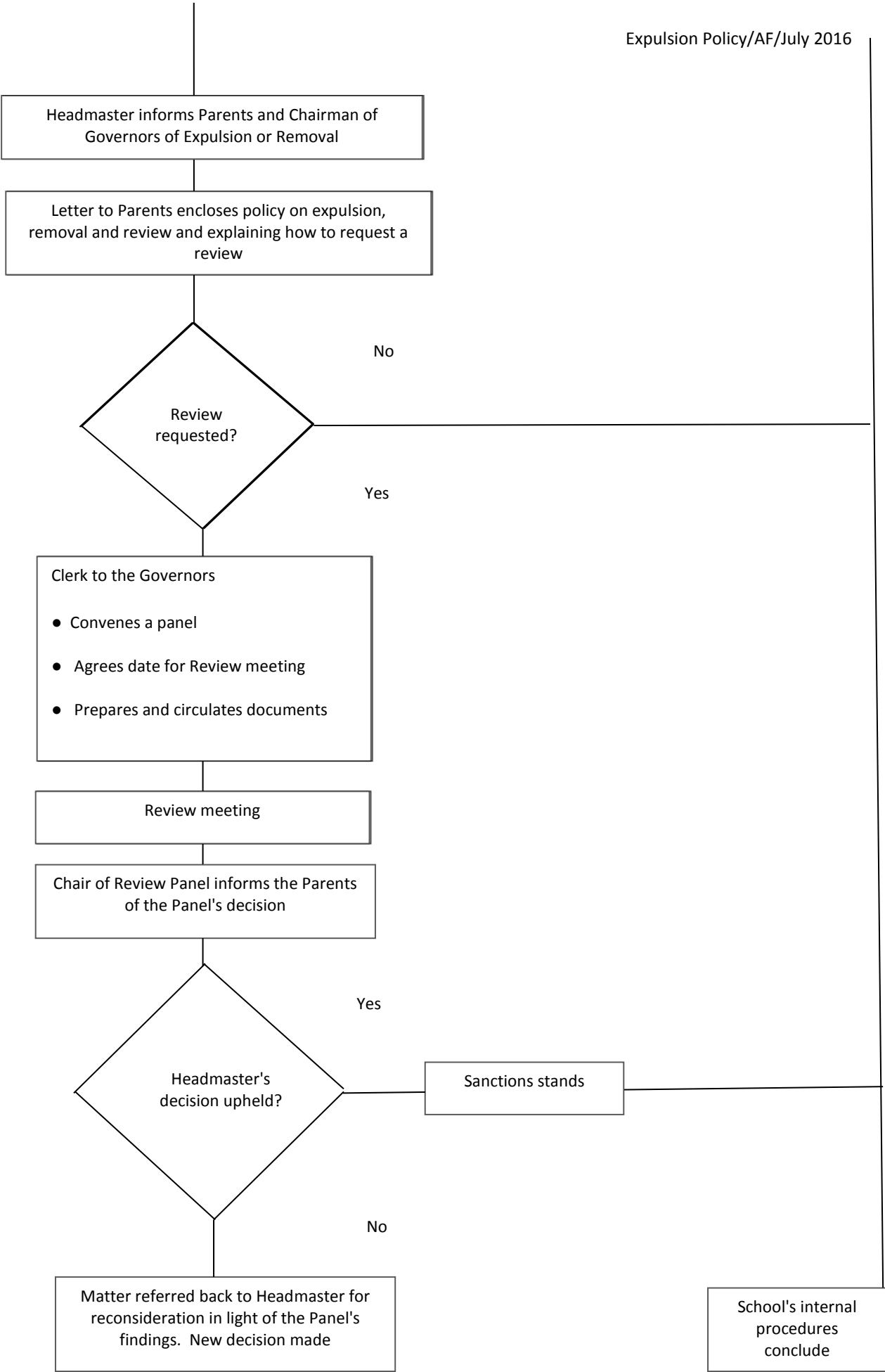
- 29.2 **Whether the sanction was proportionate**, that is, whether it was warranted in respect of the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the School's policy in that respect.
- 29.3 The requirements of natural justice will apply. If for any reason the pupil 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.
- 30 *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 meeting 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 Headmaster and the parents by the Chair of the Review Panel or the Chairman of Governors within three working days of the meeting. The Headmaster will provide his response to those recommendations, if appropriate, in writing within 24 hours. In the absence of a significant procedural irregularity, the Headmaster's decision will be final.

AF
May 2016

Appendix 1

Procedural flowchart





Appendix 2

Sedbergh School and Casterton, Sedbergh Preparatory School

Request for a Governors' Review of a decision by the Headmaster to expel or require a pupil to leave

To: The Clerk to the Governors of Sedbergh School, The Bursary, Malim Lodge, Sedbergh LA10 5RY

Name of Pupil:

I/WE REQUEST that a sub-committee ("Panel") of the Board of Governors carries out a review of the Headmaster'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 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/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 Headmaster'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 I/we may be accompanied at the Review Meeting 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 [•5] working days' notice as required.

I/WE WILL INFORM the Clerk to the Governors if I/we have any special needs or disabilities requiring additional facilities or adjustments.

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 account 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:

Appendix 3

Exclusions Policy – Action Points

UNDERTAKING	BY WHOM
<ul style="list-style-type: none"> Investigate a complaint or rumour about serious misconduct and report the outcome of the investigation to the Headmaster 	Second Master/ Deputy Head/Asst Headmistress
<ul style="list-style-type: none"> Inform the 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 	Second Master/ Deputy Head/Asst Headmistress
<ul style="list-style-type: none"> Clothing will only be searched after it has been removed from the wearer, and care will be taken to ensure privacy 	Second Master/ Deputy Head/Asst Headmistress/ Housemaster/ Mistress
<ul style="list-style-type: none"> Make arrangements for a pupil subject to formal interview about a complaint or rumour to be accompanied by a member of staff of his/her choice and/or a parent (if available at the relevant time) 	Second Master/ Deputy Head/Asst Headmistress
<ul style="list-style-type: none"> Inform the Chairman of Governors of the investigation 	Second Master/ Deputy Head/Asst Headmistress
<ul style="list-style-type: none"> Provide documents to the Headmaster for the disciplinary meeting including statement of the points of complaint, written statements and notes of evidence supporting the complaint, the Second Master/Deputy Head's investigation report, pupil's School and House file, any relevant School policies and procedures 	Second Master/ Deputy Head/Asst Headmistress
<ul style="list-style-type: none"> The pupil and his/her parents will be asked to attend the disciplinary meeting, at which the pupil may be accompanied by a member of staff of his/her choice 	Headmaster
<ul style="list-style-type: none"> The Second Master/Deputy Head will explain the circumstances of the complaint and his investigation, and the pupil and his/her parents will have the opportunity to state their side of the case 	Second Master/ Deputy Head/Asst Headmistress
<ul style="list-style-type: none"> Consider the complaint/s and evidence, and decide whether the complaint has been sufficiently proved 	Headmaster
<ul style="list-style-type: none"> Outline the disciplinary sanctions available should the complaint be proved 	Headmaster
<ul style="list-style-type: none"> When making his decision, take into account any further statement which the pupil and/or others present on his/her behalf wish to make, and also the pupil's disciplinary record 	Headmaster
<ul style="list-style-type: none"> Give his decision within 24 hours 	Headmaster
<ul style="list-style-type: none"> If an application for review is received within seven days of the decision being notified, form a Review Panel of three members of the Governing Body who have no previous knowledge of the case or of the pupils/parents, and excluding the Chairman 	Clerk to the Governors
<ul style="list-style-type: none"> Notify the parents in advance of the names of the panel members 	Clerk to the Governors
<ul style="list-style-type: none"> Conduct a review meeting at the School premises, within ten working days of the application being received 	Review Panel

UNDERTAKING	BY WHOM
<ul style="list-style-type: none"> • Conduct the meeting so that all present have a reasonable opportunity to ask questions and make appropriate comment 	Chair of Review Panel
<ul style="list-style-type: none"> • Consider each questions raised by the pupil or his/her parents so far as relevant 	Review Panel
<ul style="list-style-type: none"> • Notify the parents of the decision within three working days of the meeting, either by letter or telephone, giving reasons for the decision. In the absence of significant procedural irregularity, the decision of the Review Panel will be final. 	Chair of Review Panel or Chairman of Governors