



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

<b>Policy on Expulsion, Removal &amp; Review</b>	
Version	2021.1
Effective from	September 2021
Extent of Policy	Sedbergh School Casterton, Sedbergh Prep School The Mulberry Bush at Casterton
Policy Owner	Headmaster, Sedbergh School
Governor	Jeremy Bedford
Review by	September 2022
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 *Availability:* This policy is published on the School website and is available in hard copy on request. A copy of the policy is available for inspection from the Headmaster's Office during the School day.

- 3 *Interpretation*: The term "*the School*" includes, collectively and/or separately, Sedbergh School ("*the senior school*"), Casterton, Sedbergh Prep School ("*the prep school*") and the Mulberry Bush at Casterton.

References to the "*Headmaster*" include the Headmaster of the senior school or the prep school as appropriate for the pupil under consideration, as well as the Deputy Heads, if authorised to act on his behalf.

"*Parent*" includes all those who have signed the School's acceptance form as well as those who hold parental responsibility for or have care of a pupil, eg 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 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) 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.

"*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.

- 4 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. 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.
- 5 The School will deal with complaints that are deemed unreasonable in line with DfE guidance.

### **Policy statement**

- 6 *Aims*: The aims of this policy are:

- 6.1 To support the School's behaviour and discipline code.
  - 6.2 To ensure procedural fairness and natural justice.
  - 6.3 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.
  - 6.4 To help to create a culture of safety, equality and protection.
- 7 *Misconduct*: Allegations, complaints or rumours of serious breaches of discipline should be referred to the Headmaster. The main categories of misconduct which are likely to be considered to be serious breaches of discipline and which may therefore result in expulsion or removal include but are not limited to:
- 7.1 Supply or facilitation of supply/possession/use of drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol, tobacco or vaping as prohibited by the School policies on alcohol, smoking, drugs and substances].
  - 7.2 Actual or attempted theft, blackmail, intimidation, racism, cyber-based bullying, prejudiced-based bullying, discriminatory-based bullying or severe and/or persistent bullying.
  - 7.3 Physical violence and/or abuse (which may include but is not limited to hitting, kicking, shaking, biting and hair pulling).
  - 7.4 Physical or emotional abuse or harassment (to include behaviour that may be categorised as “banter”, “just having a laugh”, “part of growing up” or “boys being boys”).
  - 7.5 Initiation/hazing type violence and rituals (which may include, but is not limited, to activities involving harassment, abuse or humiliation used as a way of initiating a person into a group).
  - 7.6 Abuse in intimate personal relationships between peers.
  - 7.7 Consensual and non-consensual sharing of youth-produced sexual imagery.
  - 7.8 Sexual violence, sexual harassment and upskirting and other harmful/inappropriate sexual behaviour.
  - 7.9 Behaviour in contravention of the School's the IT Acceptable Use Policy and E-Safety Policy.
  - 7.10 Supply or possession of pornography.
  - 7.11 Behaviour which may constitute a criminal offence, such as:
    - 7.11.1 possession or use of unauthorised firearms or other weapons.
    - 7.11.2 vandalism, defacement and/or destruction of School property; and

- 7.11.3 cybercrime, including computer hacking.
- 7.12 Persistent attitudes, behaviour or minor breaches of discipline which are inconsistent with the School's ethos.
- 7.13 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.
- 8 *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.
- 9 *Sanctions:* sanctions for serious breaches of discipline include suspension, removal and expulsion (as defined above). Sanctions imposed will be fair and proportionate to the breach.
- 10 *Equality:* In respect of a pupil with a disability as defined by the Equality Act 2010, the School will make such adjustments to this policy and its implementation as it is reasonable to have to make to avoid substantial disadvantage to pupil. Any religious requirements affecting the pupil will also be considered. Reference is made to the School's Pupil Equal Opportunity Policy.

### **Procedure**

- 11 **The procedure:** The procedure followed by the School in cases where a sanction of expulsion or removal may be imposed by the Headmaster is summarised in the flowchart at Appendix 1 to this Policy. The three stages of this procedure are as follows:
- 11.1 **Investigation Procedure** – further details of the procedures to be followed at this stage are set out at paragraphs 12 to 17.
- 11.2 **Disciplinary Meeting with the Headmaster** – further details of the disciplinary meeting are set at paragraphs 18 to 24.
- 11.3 **Governors' Review** – further details of the Review are set out at paragraphs 25 to 36.

### **Investigation Procedure**

- 12 *Complaints:* Any allegation, 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 where parents have treated the School, members of its staff or any member of the School community unreasonably, will be investigated. The purpose of such an investigation is to make findings on the balance of probabilities, where possible, as to what has happened. This investigation will normally be co-ordinated by a Deputy Head, provided that he/she has not had any prior involvement in the management of any of the matters under investigation. The outcome will be reported to the Headmaster. Parents will be informed as soon as reasonably practicable if an allegation, complaint or

rumour under investigation is of a nature that could result in the pupil being expelled or removed from the School, unless the School is prevented from doing so by the police if they are involved.

- 13 *Suspension:* A pupil may be suspended from boarding and/or from the School and required to live at home or with his/her education guardian pending the outcome of the disciplinary process (see paragraph 17 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 and will keep the terms of the suspension under regular review. 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.
- 14 *Search:* A pupil's space and/or, following appropriate risk assessment, belongings may be searched and she/he may be asked to turn out the contents of pockets or a bag, if the School 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.
- 15 *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 an allegation, 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. If considered necessary, the School may make arrangements for legal representation for the pupil, to be funded at the parents' expense. The School will provide appropriate pastoral and other support for all those affected by the investigation whilst they remain at the School.
- 16 *Ethos:* An investigation and any subsequent meeting will be conducted in a fair and unbiased manner and in a way which is appropriate to a school, without formal legal procedures.
- 17 *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. In relation to alleged sexual violence or sexual harassment, the School will have regard to the DfE guidance sexual violence and sexual harassment between children in schools and colleges (September 2021) and the School's Designated Safeguarding Lead (or a Deputy) will take a leading role on any such decision.

## **Disciplinary Meeting**

- 18 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 Headmaster will take place.
- 19 *Preparation:* The Chairman of Governors will be informed of the outcome of the investigation. Documents available at the disciplinary meeting before the Headmaster will include:
- 19.1 A statement setting out the points of the allegation, complaint or rumour against the pupil or, where applicable, the parents.
  - 19.2 Written statements and notes of the evidence supporting the allegation, complaint or rumour, and any relevant correspondence.
  - 19.3 The investigation report.
  - 19.4 The pupil's School file and (if separate) House file and conduct record.
  - 19.5 The relevant School policies and procedures.

- 20 *Attendance:* The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Headmaster at which the Deputy Head will explain the circumstances of the allegation, complaint or rumour and his/her investigation. The pupil may also be accompanied by a member of staff of his/her choice. Where the allegation, complaint or rumour 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 person who undertook the investigation will be in attendance to explain the circumstances of the allegation, complaint or rumour and his/her investigation and findings.

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 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.

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

- 21.1 *The complaint(s)* - the Headmaster will consider the allegation(s), complaint(s) or rumour(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 allegation, complaint or rumour has been sufficiently proved and whether the findings constitute serious misconduct. 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. The pupil and his/her parents will have an opportunity to make representations on the investigator's findings and whether they constitute serious misconduct, and the appropriate sanction to be imposed.
- 21.2 *The sanction* - if the allegation, complaint or rumour 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/her behalf wish to make when considering the appropriate sanction to be imposed. The pupil's disciplinary record will also be taken into account where the allegation, complaint or rumour concerns the conduct of the pupil. Then, or at some later time, normally within 48 hours, the Headmaster will inform the pupil and his/her parents of his decision in writing, with reasons.
- 21.3 *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).
- 22 *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 seven working 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**

- 23 *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".
- 24 *Detail:* Additional points of leaving status to be considered may include:
- 24.1 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.
- 24.2 The form of reference which will be supplied for the pupil.
- 24.3 The entry which will be made on the School record and the pupil's status as a leaver.

- 24.4 Arrangements for transfer of any course and project work to the pupil, his/her parents or another school.
- 24.5 Whether (if relevant) the pupil will be permitted to return to School premises to sit public examinations.
- 24.6 Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.
- 24.7 Whether the pupil will be entitled to leavers' privileges.
- 24.8 Whether the pupil will be eligible for membership of the Old Sedberghian Club and if so from what date.
- 24.9 The conditions under which the pupil may re-enter School premises in the future.
- 24.10 Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

### **Governors' Review**

- 25 *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 the Clerk so that appropriate arrangements can be made.
- 26 *The Request:* The request should include a copy of all relevant documents and full contact details; the grounds on which the parents are asking for a Review and the outcome desired; a list of the documents which the parents believe to be in the School's possession and wish the Panel to consider; and whether the parents propose to attend the Review Meeting, and, if so, if they are to be accompanied.
- 27 *Grounds for Review:* In their request 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.
- 28 *Equality:* 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 Clerk to the Governors when parents make their request so that appropriate arrangements can be made.
- 29 *Pupil's status pending a Review:* Following a request for a Review, the Pupil will be suspended from School until the review procedure has completed. While suspended the

Pupil shall remain away from School and shall not have the rights to enter School premises or attend School events without written permission from the Headmaster.

- 30 *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.
- 31 *Role of the Panel:* The role of the Panel is to consider the documentation provided by the parties, the representations made and any other factors which the Panel considers to be relevant, and to determine whether to uphold the Headmaster's decision or refer the decision back to him with recommendations so that he may consider the matter further.
- 32 *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 Clerk to the Governors will send written notification to each party of the process, date, time and place of the Review at least 10 working days before the date of the Review.

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:

- 32.1 to include the new information in the bundle; or
- 32.2 to omit the information if not relevant to the grounds for Review; or
- 32.3 to make further enquiries of the parents or the pupil about the information; or
- 32.4 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.

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

- 33.1 Members of the Review Panel and the Clerk to the Governors or his/her deputy.
- 33.2 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.
- 33.3 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 allegation, complaint or rumour 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.
- 34 *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 but fair and unbiased manner. During the Review, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Review is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account. 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.
- 35 *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:
- 35.1 **Whether, on the facts, the decision-making** relating to the breach of School policy/ies and sanction imposed **followed a fair process** – whether an appropriate procedure was followed allowing the facts of the case to be sufficiently proved when the decision was taken to expel or remove of the pupil. The civil standard of proof, namely, "*the balance of probability*" will apply. Observance of the School's relevant policies and rules will be taken into account but may not be determinative in this respect; and
- 35.2 **Whether the sanction was within the range of reasonable responses** – whether it was within the range of reasonable responses 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.

- 35.3 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.
- 36 *Decision:* When the Chair decides that sufficient consideration has been given to the documentation provided, the representations made by the parties and other relevant circumstances, she/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 48 hours. In the absence of a significant procedural irregularity, the Headmaster's decision will be final. If the Headmaster's decision is upheld then the decision will be final. If the Headmaster is asked to reconsider his/her decision, the pupil will remain suspended until this has been done.

### **Privacy**

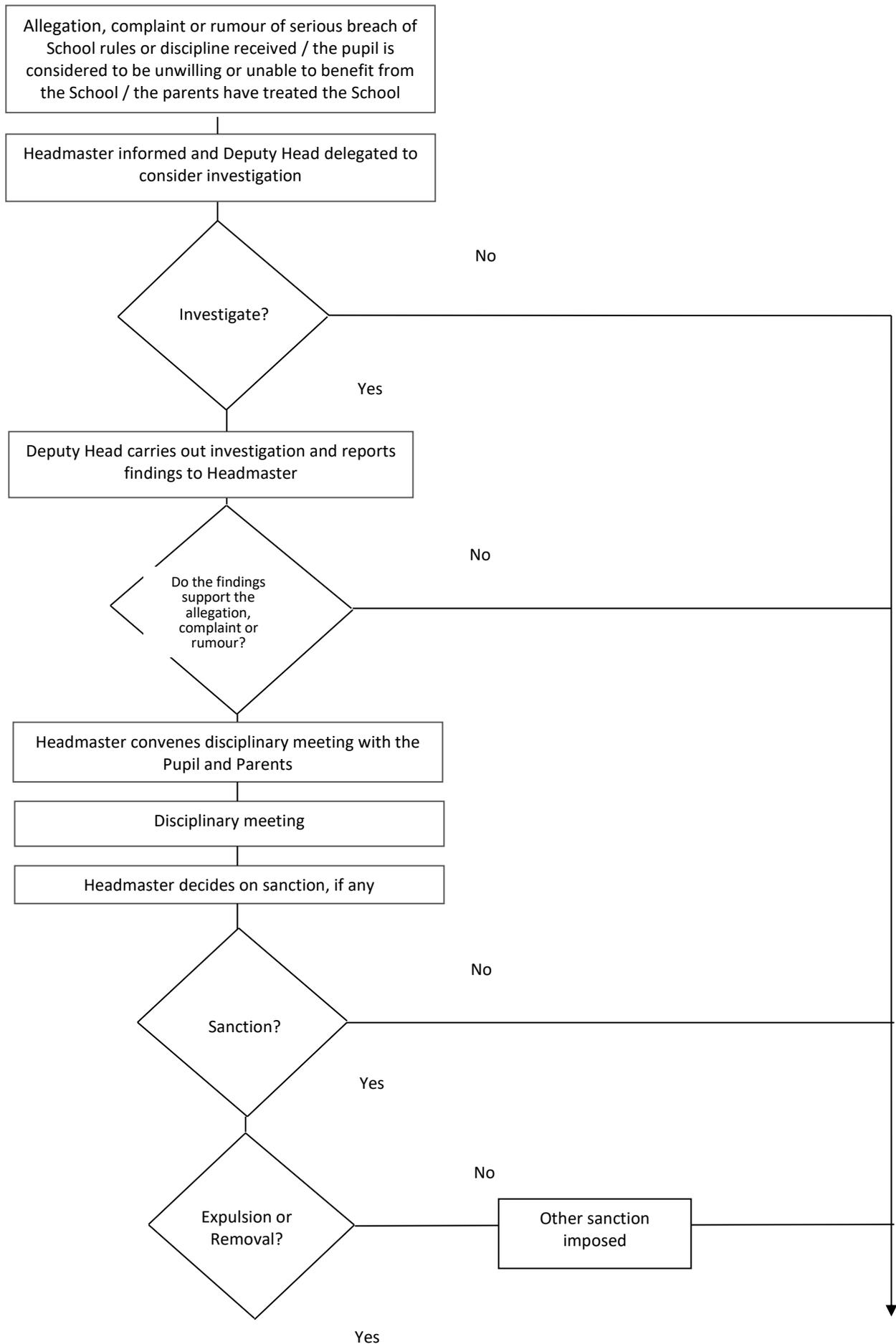
- 37 The School processes data in accordance with its Privacy Notice which is available on the School's website. When dealing with reviews of a Headmaster decision, the School (including any panel member appointed to participate in a review panel) may process a range of information. This may include 'special category personal data' (please see the School's Privacy Notice which explains how the School uses such personal data), where this is necessary owing to the nature of the decision under review.

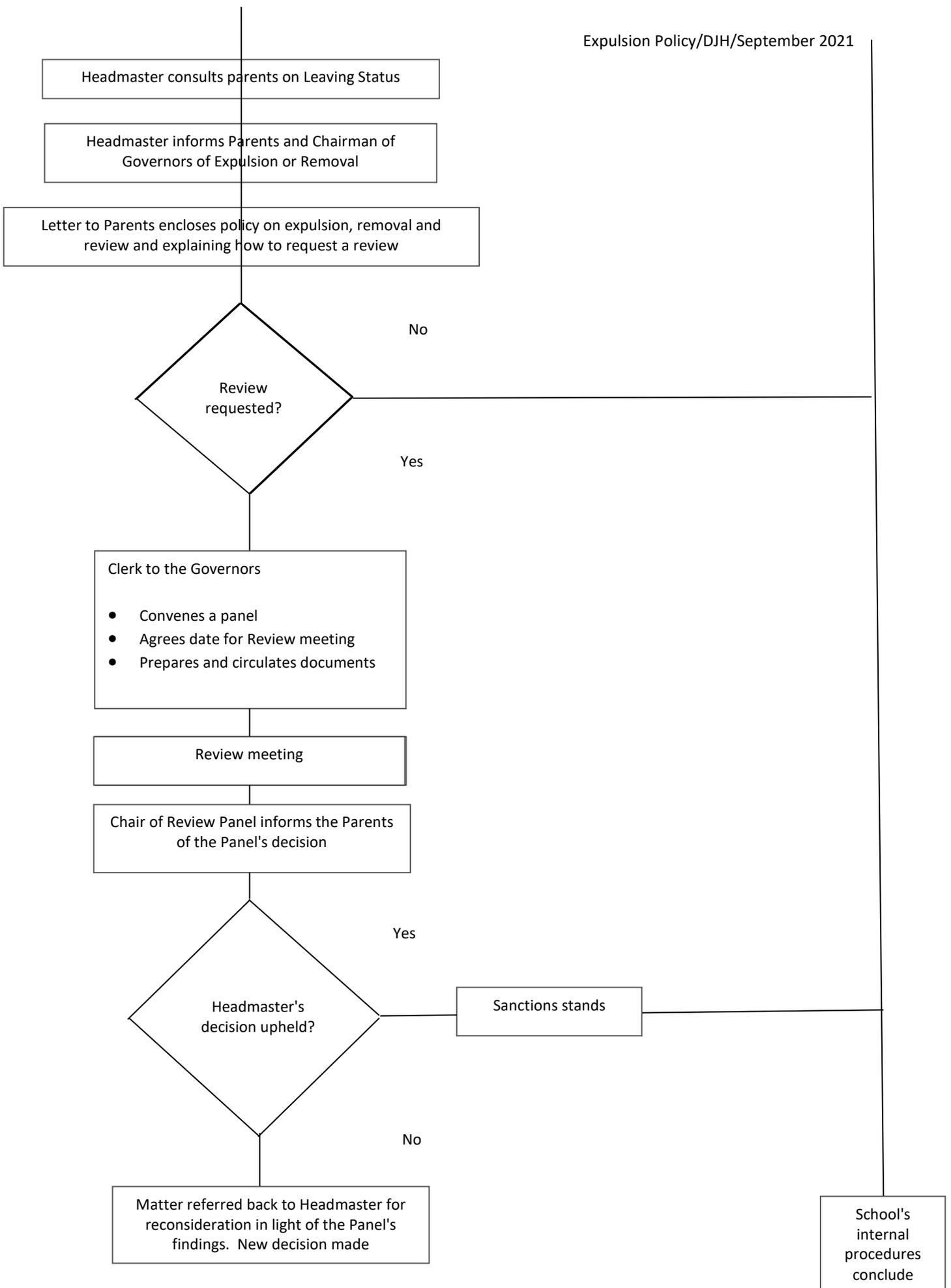
The School will keep records of reviews and panel hearings, as required by regulation. It will do so in accordance with its Privacy Notice and Retention of Records Policy. Complaints which do not have safeguarding implications will be retained for a period of at least seven years (a period determined by the six-year inspection cycle with allowance for unforeseen circumstances).

Daniel Harrison  
Headmaster, Sedbergh School  
September 2021

# 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 and any other person with parental responsibility for the pupil.

**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, the matters which we wish to discuss at the Review and to ask the Panel to take into account and the outcome I/we are seeking 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:** .....