



The Mall School

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EXPULSION AND REMOVAL POLICY

This policy contains guidelines explaining the circumstances under which pupil may be expelled, withdrawn or removed from the School, by reason of serious misconduct or other circumstances referred to below. This is a whole school policy which also applies to EYFS but does not cover cases where pupil has to leave because of ill-health, non-payment of fees or withdrawal by his/her parents. The School follows procedural rules which have been drawn up on the basis of expert legal advice.

DEFINITIONS

- I. "Expulsion" means a dismissal from the School which is formally recorded on the pupil's educational records.
- II. "Head" means the Head of the School or, in his absence, the Deputy Head of the School.
- III. "Parent" or "Parents" includes one or both of the parents or a legal guardian.
- IV. "Removal" means that a pupil has been required to leave but without the stigma of Expulsion.
- V. "Review" means a review by the Governing Body of the Head's decision to expel or remove a pupil from the School.
- VI. "Withdrawal" means the withdrawal of the pupil from the School at the request of the Head.
- VII. "Suspension" means that a pupil has been sent or released home for a limited period either as a disciplinary sanction or pending the outcome of an investigation or a hearing or a Governors' Review.

POLICY AIMS

- To support the school's behaviour and discipline codes.
- To ensure procedural fairness and natural justice.
- 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.

PRACTICE AND PROCEDURE

CIRCUMSTANCES FOR EXPULSION

Examples of misconduct which may result in Expulsion include, but are not limited to, the following:

- Supply/possession/use of certain drugs and solvents (or their paraphernalia or substances intended to resemble them) and alcohol and tobacco products.
- Theft, blackmail, physical violence, intimidation, verbal abuse, racism and persistent bullying (including cyber-bullying).

- Misconduct of a sexual nature; distribution or possession of pornography or the incitement of others to access pornography by supplying website details.
- Possession or use of knives or other weapons.
- Vandalism or computer hacking.
- Tampering with any fire appliance or other safety device.
- Persistent attitudes or behaviour which is inconsistent with the School's codes of behaviour and/or ethos.
- Other serious misconduct towards a member of the School community or which brings the school into disrepute (single or repeated episodes) either on or off the school premises.
- Parental behaviour

CIRCUMSTANCES FOR WITHDRAWAL OR REMOVAL

There may be circumstances where the complaint or allegation against the pupil is upheld but does not warrant expulsion. If, in the opinion of the Head, it is in the best interests of the pupil and/or the School that the pupil should not remain at the School, the Head may, after full consultation with the pupil and his/her Parents, ask the Parents to withdraw the pupil from the School and recommend an appropriate leaving status, as set out in this policy. If the Parents refuse to withdraw the pupil from the School, the Head may require the Removal of the pupil from the School.

INVESTIGATION PROCEDURE

ETHOS

The investigation and any subsequent meetings will be conducted fairly and in a manner consistent with the ethos and values of the school, without formal legal procedures.

CONFIDENTIALITY

Except as required by law, the School and its staff will not be required to divulge to parents or others any confidential information or the identities of pupils or others who have given information which has led to the complaint or which the Headmaster or staff have acquired during an investigation.

Staff will deal with all disciplinary matters with discretion. In particular, if a boy has been suspended or is asked to leave, staff will not disclose this to any other pupil or other person, except on a need-to-know basis (for example, in seeking to help a boy find a place at another school).

COMPLAINTS

Complaints or allegations of serious misconduct will be referred to the Deputy Head who will carry out an investigation. The outcome of the investigation will be reported to the Head. The pupil's Parents will be informed as soon as reasonably practicable that a complaint or allegation has been made about or against the pupil and that he may face disciplinary action.

The Chairman of Governors will also be informed of the investigation.

SUSPENSION

A pupil may be suspended from school while a complaint or other evidence of serious misconduct is being investigated if it is considered by the school to be in the best interests of the pupil concerned and/or of other pupils. Alternatively, he may be placed under a segregated regime within the school premises.

SEARCH

In the course of its investigations, the school may, if it is considered reasonable and pertinent to do so, decide to search a pupil's locker and/or other possessions, and/or to require him/her to turn out the contents of pockets or a bag. Clothing may be searched if a pupil removes it voluntarily. No intimate search or physical compulsion of a pupil to remove clothing will be undertaken.

INTERVIEW

A pupil may be interviewed informally by a member of staff in order to establish whether there are grounds for a formal investigation. If the pupil is then interviewed formally about a complaint or allegation under this policy, arrangements will be made for him to be accompanied by a member of staff of his choice and/or by a Parent (if available at the time). A pupil awaiting such an interview may be segregated but will be kept under close supervision to ensure his welfare. Where appropriate, the pupil may make a written statement in response to the complaint or allegation.

DISCIPLINARY MEETING

If the Deputy Head's report concludes that there is a case to answer, a disciplinary meeting will be convened within 14 days of the Head receiving the report.

PREPARATION

Prior to the disciplinary meeting, the following documents will be provided to the Head and the pupil and his Parents:

- A statement or statements setting out the points of complaint and/or other evidence of serious misconduct
- The Deputy Head's investigation report
- Statements from members of staff and pupils collated as part of the Deputy Head's investigation
- The pupil's school file and conduct record
- The relevant school policies and procedures

ATTENDANCE

The pupil and his 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/or other evidence and of the investigation. The pupil may also be accompanied by a member of staff of his choice. The pupil and his Parents will have the opportunity to state their side of the case.

PROCEEDINGS

There are potentially three distinct stages of a disciplinary meeting:

- i) The Complaint and/or other evidence:

The Head will consider the complaint/s and the other evidence, including statements made by and/or on behalf of the pupil. If appropriate, the members of staff who prepared statements as part of the Deputy Head's investigation will attend the meeting. The Head and the pupil and his Parents will have the opportunity to ask them questions.

Where pupils submit evidence, their anonymity will normally be preserved, and they will not be required to attend the disciplinary meeting.

ii) The Decision

If the Head feels that he has all the necessary information and no further investigation is needed, he will decide whether the case has been sufficiently proved. The Head will normally make his decision within 24 hours of the disciplinary meeting. The Head will confirm his decision and the reasons for it in writing within 3 days of the disciplinary meeting.

The Head will make his decision based on the balance of probabilities. If appropriate, the Head may take the pupil's disciplinary record into account.

The pupil shall stay away from the school premises following the disciplinary meeting pending the outcome of the Head's decision and during any Review period.

iii) 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 statements or representations which the pupil and/or others present on his behalf may wish to make. The Head will confirm the sanction in writing.

LEAVING STATUS

If the decision of the Head is that the pupil must leave the school, he will consult with the Parents before deciding the pupil's leaving status (see below). If a pupil is expelled or required to leave, his status will be one of the following: "expelled", "removed" or "withdrawn by parents".

Additional points of leaving status include:

- The form of letter which will be written to the Parents and the form of announcement within the school that the pupil has left
- The form of reference which will be supplied for the pupil
- The entry which will be made on the school record and the pupil's status as a leaver
- Arrangements for transfer of any course and project work to the pupil, his Parents or another school
- Whether (if relevant) the pupil will be permitted to return to the school in order to sit public examinations
- Whether the School can offer assistance in finding an alternative placement for the pupil
- Whether the pupil will be entitled to leavers' privileges
- The conditions under which the pupil may re-enter school premises in the future
- Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

TIME FRAMES

In the case of Expulsion, the decision shall take effect immediately upon communication to the pupil and his Parents.

In the case of a Withdrawal or Removal, the time frame shall be a matter for mutual agreement between school and parents, but will normally be timed to coincide with the end of the term in which the decision for Withdrawal or Removal is made.

FEES IN LIEU OF NOTICE

In the case of Expulsion, there will be no refund of the Acceptance Deposit or of Fees for the current or past Terms. There will be no charge to Fees in lieu of Notice, but save for any contrary provisions in any other agreement made between the Parents and the School, all arrears of Fees and any other sums due to the School will be payable

In the case of a Withdrawal or Removal, and where the decision is made for the pupil to leave the School earlier than the end of the term in question, at the discretion of the Headmaster, a refund will be made for that part of the term for which the pupil will no longer be in attendance at the school as a result of the Withdrawal or Removal. The Deposit would be forfeited and all outstanding fees and charges must be paid but Fees in lieu would not be charged.

(Note – This paragraph is not dealt with directly in the new parent contract 2017. However, it does state that fees are only to be refunded/reduced at the sole discretion of the Headmaster in a case of genuine hardship)

THE GOVERNING BODY REVIEW

REQUEST FOR REVIEW

Parents may make a written application to the Governing Body to review the Head's decision to expel the pupil, ask for the pupil's withdrawal from the School or require the pupil's removal. The application must be made using the form attached to this policy at Appendix 1 and be received by the Clerk to the Governing Body (the Bursar) within 3 days of the decision being notified to the Parents.

GROUNDINGS FOR REVIEW

The application must clearly state the grounds on which the review is being requested and the outcome which is being sought.

REVIEW PANEL

The Review will be undertaken by a panel of three members. Selection of the Review Panel will be made by the Chair of Governors. Two of the Review Panel will be drawn from the Board of the Governing Body and one of whom will act as Chairman. The third member of the Review Panel will be independent of the governance, management and running of the school. The panel members will have no detailed previous knowledge of the case or of the pupil or his/her Parents and will not normally include the Chairman of Governors.

The pupil and his/her 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.

REVIEW MEETING

The Review Meeting will take place at the school premises, normally between 3 and 10 working days after the Parents' application has been received. A Review will not normally take place during the school holidays. A Review Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, save as required by law.

ATTENDANCE

Those present at the Review Meeting will normally be:

- Members of the Review Panel and the Clerk to the Governing Body
- The Head and any relevant member of staff whom the pupil or his parents have asked should attend and/or whom the Head considers should attend in order to secure a fair outcome.
- The pupil together with his Parents and, if they wish, a member of the school staff who is willing to speak on the pupil's behalf. The Parents may be accompanied by a friend or relation. Legal representation will not usually be appropriate.

CONDUCT OF THE MEETING

The meeting will be chaired by one member of the Review Panel and will be conducted in an informal manner. All statements made at the meeting will not be required to be made under oath. The proceedings will not be tape-recorded without the consent of both the Chairman and the Parents and any tape-recording will be used only to assist the panel members in reaching their decision and formulating their reasons and will belong to the school. 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 written decision will serve as the formal minute of the meeting. The meeting will be directed by the Chairman who will conduct it so as to ensure that all those present have a reasonable opportunity to ask questions and make appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chairman may, at his/her discretion, adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

PROCEDURE

The panel will consider each of the questions raised by the pupil or his parents so far as relevant to:

- Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove the pupil on the basis of the balance of probabilities.
- Whether the sanction was warranted, that is, whether it was proportionate to the breach of discipline or the other events which are found to have occurred and to the legitimate claims of the school's policy in that respect.

If for any reason the pupil or his Parents are dissatisfied with any aspect of the meeting they must inform the Chairman at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

PUPIL'S CHARACTER

Up to two members 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 but will not be expected to express an opinion about the decision which is being reviewed.

LEAVING STATUS

If, having heard all parties, the Panel is minded to confirm the Head's earlier decision, it is open to the panel, with the agreement of the Head, the pupil and his Parents to discuss the pupil's leaving status with a view to reaching agreement.

DECISION

The decision of the Review Panel will be final. It will be notified, with reasons, to the pupil and his Parents by the Chairman of the Governing Body by letter or telephone within 3 days of the meeting. Notification by telephone will be confirmed in writing.

Summer 2018
(Review Summer 2021)

APPENDIX

Request for the Governing Body Review of a decision to expel or require a pupil to leave

TO: The Clerk to the Governors (The Bursar)

Name of pupil:

I/we request that a sub-committee ("Panel") of the Board of the Governing Body carries out a review of the Head's decision to expel/request the withdrawal/require the removal of the above named pupil. I/we agree that the Review will be carried out in accordance with the Review procedure supplied to me/us with this form and I/we agree to abide by the terms of that Procedure. I/we also agree that the proceedings will and shall remain confidential and that the decision of the Governing Body Review will be final, subject to such (if any) legal rights as may exist.

I/we confirm that I am/we are a person/persons with 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 Head's decision in accordance with the school's existing policies (where applicable and relevant) on educational, pastoral and administrative matters.

I/we understand that I/we may be accompanied at the Review Meeting by a friend or relation who is not legally qualified (unless notified to the Clerk to the Governors at least 7 days in advance of the meeting) 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.

The grounds upon which I/we seek a Review and the matters that we wish to discuss at the Review and to ask the Panel to take into account are as set out in the statement attached to this sheet.

(Two signatures required where appropriate)

Signed: Signed:

Full name: Full name:

Relationship to pupil: Relationship to pupil:

Date:

Signed: Signed:

Full name: Full name:

Relationship to pupil: Relationship to pupil:

Date: