

Bedales School Expulsion & Removal Policy

INCLUDING EYFS

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Tick relevant box(es) how this Policy should appear:

Website	Upload	<input checked="" type="checkbox"/>
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Introduction

This policy contains guidelines, which will be adapted as necessary, explaining the procedures that would be followed should a student be accused of misconduct the consequences of which could result in them being removed or expelled from the School, or required to leave permanently for misconduct or other reasons. The Policy applies to all students at the School whether or not in the care of the School but does not cover cases when a student has to leave because of ill-health, non-payment of fees, or withdrawal by their parents.

Interpretation

"Parent" includes one or both of the parents, a legal guardian or educational guardian. "Expulsion" means a dismissal from the School following serious misconduct, formally recorded. "Removal" means that a student has been required to leave, but without the stigma of expulsion. Subheadings are for ease of reading and not part of the Policy.

Policy Statement

Aims

The aims of this policy are:

- To support the School's behaviour and discipline code
- To ensure procedural fairness and natural justice
- To promote co-operation between the School and parents when it is necessary for a student to leave earlier than expected

Misconduct

The main categories of misconduct which may result in expulsion or removal are:

- Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them
- Theft, blackmail, physical violence, intimidation, racism, harassment and persistent bullying
- Misconduct of a sexual nature as defined in the School rules; supply and possession of indecent images
- Possession or use of firearms or other weapons
- Vandalism and damage to property
- Computer hacking
- Persistent attitudes or behaviour which are inconsistent with the School's ethos
- Other serious misconduct towards a member of the School community or which brings the School into disrepute (single or repeated episodes) on or off School premises

Other Circumstances

A student may be required to leave if, after all appropriate consultation, the School is satisfied that it is not in the best interests of the student, or of the School, that they remain at the School.

Investigation procedure

Each of the three Schools operates an age-appropriate procedure in the event of any concern about a student's conduct which is set out in the individual School's Behaviour Policy. These procedures operate for any sanction up to suspension pending consideration of a student's place in the School.

Informal interview

Staff address any inappropriate, or possibly inappropriate, behaviour informally with students as part of the day-to-day life of school. A student may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. Such a person would normally be their class teacher (Pre-prep), tutor, Head of Blocks 1 & 2, Head of Groups or Deputy Head Pastoral (Prep) or Houseparent (Senior/Prep). If the matter remains unclear or is complex, further informal interviews may be needed, which may require the involvement of other staff. After the informal interview process, parents will be informed if staff believe that there are reasonable grounds for suspecting that the student has been involved in misconduct which, if proven, would normally result in expulsion or required removal. In such instances, the procedure for a formal investigation should take place. If the matter relates, or may relate to a criminal offence, the School may contact the police to seek anonymous advice before contacting parents and will adhere to police guidance. If the matter relates to a safeguarding concern, the school adheres to its Safeguarding and Child Protection Policy.

Formal Investigation

Parents will be informed as soon as reasonably practicable if an allegation under investigation is of a nature that could result in the student being expelled or required to leave. A formal investigation will normally entail questions by a senior member of staff or another person suitably trained and experienced in the role. A note will be taken of the meeting and the student will have an opportunity to correct the record as well as writing their own account. During interviews, arrangements will be made for the student to be accompanied by a member of staff of their choice. At the Pre-prep, they may be accompanied by a parent (if available at the relevant time). A student who is waiting to be interviewed may be segregated but made as comfortable as possible, accompanied or visited regularly by a member of staff, and offered access to a toilet, landline telephone and adequate food and drink. An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to the School, without formal legal procedures.

Search

Searches are conducted in accordance with the law and as per our procedures on searches.. The law permits that the school may take whatever action is reasonable to safeguard a student and may search a student's property for any item with their consent. Under law, any member of staff can search a student's belongings without their consent if they have reasonable cause to believe the student may be in possession of an item that is not permitted at school.

Any member of staff may ask a student to empty their pocket/bag if they have reasonable cause to believe the student may be in possession of a prohibited item. The member of staff must inform the Head of Pre-prep/Deputy Head Pastoral (Prep)/ Deputy Head Pastoral (Senior) of these requests on the same working day and hand in any confiscated items to the Head of Pre-prep/Deputy Head Pastoral (Prep)/ Deputy Head Pastoral (Senior), also on the same working day, or first thing the following day if it is very late.

If a student does not consent to emptying their pockets or a physical search is felt to be necessary, the Head of Pre-prep/Deputy Head Pastoral (Prep)/ Deputy Head Pastoral (Senior) should be contacted by the member of staff immediately, or the on duty senior member of staff if they are not available.

Only staff trained to carry out a search of electronic devices, lockers and rooms (e.g. dorms or studies) may do so and permission must be sought beforehand from the Head of Pre-prep/Deputy Head Pastoral (Prep)/Deputy Head Pastoral (Senior), or the senior staff on duty if they are unavailable.

Either the person conducting this type of search or the additional member of staff, supporting the search, will be of the same sex as the student being searched. A student can request that both adults be of the same sex as the student being searched. Only outer layers of clothing will be searched, and only once 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. Staff must never physically search a student's person or clothing when the student is wearing them. If necessary, the police would be called.

Items found during a search may be confiscated or destroyed (or deleted in the case of digital items) if deemed appropriate by the Head of the Pre-prep/Deputy Head Pastoral (Prep)/ Deputy Head Pastoral (Senior).

Parents' consent will not be sought before a search, but parents will be notified as soon as possible if a search has taken place and prohibited items are found.

Where the member of staff investigating the incident has reasonable grounds for believing that the incident involves criminal activity the school will report the incident to the police or any other authority it considers appropriate in all the circumstances.

Weapons or an item which could cause harm, controlled drugs and stolen items will be given to the police. Images of children which may be indecent will not be deleted until police have advised the school. This may require the school to retain devices or other belongings on which such images are or may be held. Fireworks, alcohol and smoking paraphernalia will not be returned to a student.

Allegations

An investigation of an allegation about serious misconduct will normally be co-ordinated by the Head of the Pre-prep, the Head of the Prep School or the Deputy Head Pastoral (Senior) and its outcome will be reported to the Head of Bedales Schools.

Suspension (Internal and External)

A student may be suspended from boarding and/or from the School and required to live at home or with their educational guardian while an allegation is being investigated. Alternatively, they may be placed under a segregated internal suspension on the School premises.

In the event that the Head of the Pre-prep, the Head of the Prep School or the Deputy Head Pastoral (Senior) decides that a student will be suspended pending consideration of their place in the School, parents/guardians and the Head of Bedales Schools will be notified. The PA to the Head of the relevant school will make arrangements for the disciplinary meeting, details of which are set out below.

Disciplinary Meeting

Preparation

The Chair of Governors will be informed of the investigation.

In order for the Head to consider the evidence from the investigation and conduct the disciplinary hearing, the following documents will be provided:

- Any necessary written statements and notes of the evidence supporting the allegations, and any relevant correspondence (The originals kept securely)
- The Investigation Report including a statement setting out the points of the allegations against the student
- The relevant School policies and procedures
- The student's School file and conduct record

Copies of the typed documentation of the first 3 bullet points above will be provided to the parents a minimum of 24 hours before the hearing.

Attendance

The student and their parents (if available) will be asked to attend the disciplinary meeting with the Head at which they or another member of the senior team, will explain the circumstances of the allegations and the investigation. If the parents are unable to attend, the student may instead be accompanied by a member of staff of their choice. The student and their 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 other students, including witnesses, will be preserved.

Proceedings

There are potentially three distinct stages of a disciplinary meeting:

The allegations - the Head will consider the allegations and the evidence, including statements made by and/or on behalf of the student. Unless the Head considers that further investigation is needed, they will decide whether the allegations have been sufficiently proved. The standard of proof shall be the civil standard, i.e. that it is more likely than not (50% + 1) that the substance of the allegations is true (the balance of probabilities test). The Head will not normally refer to the student's disciplinary record at this stage.

The sanction - if the allegations have been proved the Head will outline the range of disciplinary sanctions that are possible. The Head will take into account any further statement which the student and/or others present on their behalf wish to make. The student's disciplinary record will be taken into account. Then, normally within 24 hours, the Head will verbally give their decision, with reasons. This will then be confirmed in writing within 7 days.

Leaving status - if the Head decides that the student must leave the School, they will consult with a parent before deciding on the student's leaving status. There are three possible options in these circumstances:

Expulsion: the student may be formally expelled from the School if it is proved on the balance of probabilities that the student has committed a very grave breach of discipline or a serious criminal offence. Expulsion is reserved for the most serious breaches. The leaving status would be "expelled".

Removal: the Head may require the parents to remove the student permanently from the School if it is proved on the balance of probabilities that the student has committed a grave breach of discipline. The leaving status would be "Removed".

Withdrawn by Parents: Should the decision be that the student should be removed, at the sole discretion of the Head, withdrawal of the student by the parents may be permitted as an alternative to removal being required. The leaving status would be "withdrawn by parents".

Delayed Effect

A decision to expel or remove a student shall formally take effect seven days after the decision was first orally communicated to the parents and confirmed thereafter in writing. Until then, the student shall remain suspended and away from school premises.

Leaving Status (additional points of consideration)

- The form of letter which will be written to the parents and the form of announcement in the School and House that the student has left
- The form of reference which will be supplied for the student
- The entry which will be made on the school record and the student's status as a leaver
- Arrangements for transfer of any course and project work to the student, their parents or another school
- Whether (if relevant) the student will be permitted to return to school premises to sit public examinations
- Whether (if relevant) the School can offer assistance in finding an alternative placement for the student
- Whether the student will be entitled to leavers' privileges
- Whether the student will be eligible for membership of the Bedales Association and if so from what date
- The conditions under which the student 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

Governors' Review

Request for Review

The parents may request a Governors' Review of a decision that results in a leaving status for the student of "Expelled" or "Removed" or if the decision is that the student should be removed permanently from boarding. Any such review would have to be on the basis that the parents feel that the Head has made an incorrect decision based on the facts presented. The request must be made in writing and received by the Clerk to the Governors within seven days of the decision being confirmed in writing to the parent and must be made using the form at Appendix A. If the parents request a Governors' Review, the student shall remain suspended until the review procedure has been completed. While suspended, the student shall remain away from School and will have no right to enter School premises during that time without written permission from the Head.

Grounds for Review

In their application the parents must state the grounds on which they are asking for a review of the Head's decision and the outcome which they seek.

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 student or parents and will not normally include the Chair of Governors, unless after best efforts another governor cannot attend. Selection of the Review Panel will be made by the Clerk to the Governors. 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 meeting will take place at the School premises, normally within ten school days of the parents' application having been received. A Review will not normally take place during school holidays. A Review Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to any legal requirement to disclose.

Attendance

Those present at the Review Meeting will normally be:

- Members of the Review Panel and the Clerk to the Governors or his/her deputy.
- The Head
- Any relevant member of staff whom the student or his/her parents have asked should attend and whom the Head considers should attend in order to secure a fair outcome.
- The student together with their parents and, if they wish, a member of the School staff who is willing to speak on the student's behalf. The parents may be accompanied by a friend or relation, who may speak in support, or on behalf of, the parents or student. The Clerk to the Governors must be given seven days' notice if the friend or relation is legally qualified. Legal representation will not normally be appropriate.

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 without the consent of both the Chair of the Panel and a parent and any 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 account, rather than minutes, of the main points which arise at the meeting. All those present will be entitled to write their own notes, should they so wish. The meeting will be directed by the Chair of the Panel 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 of the Panel may at their 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 student or their parents so far as relevant to:

- a. **Whether the decision was fair procedurally and or substantively.** Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove of the student. The civil standard of proof, namely, "the balance of probability" will apply [see above];
- b. **Whether the sanction was proportionate.** Whether the sanction 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.

The requirements of natural justice will apply if for any reason the student or their parents are dissatisfied with any aspect of the meeting they must inform the Chair of the Panel at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

Identification

If the Head considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chair of the Panel may require that the name of that person and the reasons for withholding it be written down and shown to the Panel Members. The Chair of the Panel at their discretion may direct that the person be identified, or not as the case may be.

Student's Character

One member of the School's staff may speak generally about the student's character, conduct and achievements at the School if they are willing to do so.

Leaving Status

If, having heard all parties, the Panel is minded to confirm the original decision that the student be removed or expelled, it is open to the Panel, with agreement of the Head, the student and their parents to discuss the student's leaving status with a view to reaching agreement. In such circumstances, it may be decided in agreement with the parents that they withdraw the student from the School.

Decision

When the Chair of the Panel decides that all issues have been sufficiently discussed and if by then there is no consensus, they may adjourn the meeting; alternatively, the Chair of the Panel may ask those present to withdraw while the Panel considers its decision. In the absence of a significant procedural irregularity, the decision of the Review Panel will be final. It will be notified, with reasons, to the parents by the Chair of the Panel or the Chair of Governors by letter or telephone within three days of the meeting.

Bedales School

Request for a Governors' Review of a decision by the Head to expel or require the removal of a student

To: The Clerk to the Governors of Bedales School, Petersfield, Hampshire GU32 2DG

Name of Student:

I/We REQUEST that a sub-committee ("Panel") of the Board of Governors carries out a review of the Head's decision to expel or require removal of the above named student. I agree that the Review will be carried out in accordance with the Review Procedure supplied to us with this form and I agree to abide by the terms of that Procedure and in particular that the proceedings are and will remain confidential and that the outcome of the Governors' Review will be final, subject to such (if any) legal rights as may exist.

I/We CONFIRM that I am a person with parental responsibility for the above named student and that I have consulted the student 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 care and administration matters.

I/We UNDERSTAND that 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 student 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 seven days' notice as required.

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 Student	Relationship to Student.....
Address.....	Address.....
.....
.....
Tel. No. (daytime).....	Tel. No. (daytime).....
Tel. No. (evening).....	Tel. No. (evening)
Date:.....	Date:.....