**Elmfield Rudolf Steiner School**

**Expulsion, Removal and Review Policy**

|  |  |
| --- | --- |
| Issued by | School Lead |
| Last review | Sept 23 |
| Approved by Council | Oct 23 |
| Circulation | Elmfield Website  Staff Portal |

## Introduction

### Scope

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances

under which a pupil may be expelled from Elmfield (the “School”), or required to leave

permanently for misconduct or other reasons. The policy applies to all pupils at Elmfield but does

not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or

withdrawal by their parents.

### Interpretation

References to the “School Lead” includes, where appropriate, the Education Manager. “Parent”

includes one or both of the parents or a legal guardian. “Removal” means that a pupil has been

required to leave, but without the stigma of expulsion. Subheadings are for ease of reading and

not part of the policy.

### Definitions

Expulsion: This is for the most serious of offences. On the balance of probability if a pupil has

committed a very serious breach of discipline or a criminal offence.

Removal: The School may require a pupil to be permanently removed by parents if after

consultation the School Lead believes that:

(a) the pupil’s conduct, behaviour or progress shows that they are unwilling or unable to

benefit sufficiently from the education or the community life offered by the School; or

(b) the parents have treated the School, members of its staff or any member of the School

community unreasonably.

Withdrawn by parents: this is where parents choose to remove their child from the School,

following discussions with the School Lead as to the best way forward

Suspension: unless otherwise stated, suspension is a neutral act whereby the pupil is sent home

pending the outcome of an investigation. Suspension as a disciplinary sanction is defined in the

School’s Behaviour Policy.

## Policy

### Aims

The aims of the 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 pupil

to leave earlier than expected.

### 2. 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, and alcohol and tobacco.

Theft, blackmail, physical violence, intimidation, racism and persistent bullying.

Misconduct of a sexual nature; supply and possession of pornography.

Possession or use of offensive weapons.

Vandalism and computer hacking, inappropriate use of social networking sites.

Persistent attitudes or behaviour which are inconsistent with the School’s aims and 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.

### 3. Other Circumstances

A pupil may be required to leave if, after all appropriate consultation, the School Lead is

satisfied that they have persistently failed to meet the required standard of effort in academic

work and/or that it is not in the best interests of the pupil, or of the School, that they remain

at the school.

### 4. Implementation

Investigation and disciplinary action may potentially involve three separate stages:

Internal Investigation

Disciplinary Meeting

Trustees’ Review

In the event that the school suspects or knows that a crime may have been committed then the

police will be contacted immediately.

## Internal Investigation

### Complaints

Investigation of a complaint or concern about serious misconduct will normally be co-ordinated by

the Education Manager. The Investigation Report will be given to the School Lead.

If there is a complaint or allegation of a safeguarding / child protection nature, then the DSL or

DDSLs will be contacted immediately and that no investigation will take place until the LADO has

been consulted.

### Suspension

A pupil may be suspended and required to live at home or with their guardian while a complaint is

being investigated.

### Search

The School may decide to search a pupil’s space and belongings, and ask them to turn out the

contents of pockets or a bag, if the School considers there is reasonable cause to do so. Two

members of staff will be present when conducting the search unless the staff member considers

or suspects there is immediate danger to the pupil or others. This search may also include a

pupil’s computer or other electronic devices and, where appropriate, they will be asked for access

to their social networking sites. 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. If necessary, the police would be

called.

### Interview

If a pupil is interviewed formally about a complaint, arrangements will be made for them to be

accompanied by a member of staff of their choice. A pupil 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 given access to a toilet, telephone and adequate food and drink.

### 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.

### Informal Meeting

The School Lead may ask to meet the parents informally, with or without the pupil, for a

preliminary discussion before the formal disciplinary meeting or a review meeting takes place. In

some cases, matters may be resolved at this stage.

## Disciplinary meeting

### Preparation

The Chair of Trustees will be informed of the investigation. Documents available at the disciplinary

meeting with the School Lead will include:

A statement setting out the points of complaint against the pupil

Written statements and notes of the evidence supporting the complaint and any relevant

correspondence

The Investigation Report

Relevant documents from the pupil’s school file and any record of conduct available

The relevant School policies and procedures

Where practicable the documents will be made available to the pupil and their parents before the

meeting.

### Attendance

The pupil and their parents (if available) will be asked to attend the disciplinary meeting with the

School Lead at which the Education Manager will explain the circumstances of the complaint and

investigation. The pupil may also be accompanied by a member of staff of their choice. The pupil

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 pupils will be preserved.

### Proceedings

There are potentially three distinct stages of a disciplinary meeting:

1. The complaints

The School Lead will consider the complaint(s) and the evidence, including statements made by

and/or on behalf of the pupil. Unless the School Lead 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 and any documents such as School Rules and work or attendance record that

may be relevant to the factual basis of the complaint, but the School Lead will not normally refer

to the pupil’s disciplinary record at this stage.

1. The sanction

If the complaint has been proved the School Lead 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 their behalf wish to make. The pupil’s disciplinary record will be

taken into account. Then, or at some later time within 24 hours, the School Lead will give his

decision, with reasons.

1. Leaving Status

If the School Lead decides that the pupil must leave permanently, the School Lead will either then,

or at some later stage, communicate with the parents concerning the pupil’s leaving status (see

below).

### Delayed Effect

A decision to expel or remove a pupil shall take effect 72 hours after the decision was first

communicated to a parent. Until then, the pupil shall remain suspended and away from School

premises. If within 72 hours the parents have made a written application for a Trustees’ Review,

the pupil shall remain suspended until the Review has taken place.

## Leaving status

### Explanation

If a pupil is expelled or required to leave, their leaving status will be one of the following:

“expelled”, “removed” or “withdrawn by parents”.

### Detail

Additional points of leaving status may include:

* The form of letter that will be written to the parents and the form of announcement in the

School that the pupil has left.

* The form of reference that will be supplied for the pupil.
* The entry that 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, their parents or

another school.

* Whether (if relevant) the pupil will be permitted to return to the School premises to sit

public examinations.

* Whether (if relevant) 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 the School premises in the future.
* Financial aspects: payment of any outstanding fees and extras; whether the acceptance

deposit will be returned or credited; the refund of prepaid fees.

## Governors’ Review

### Request for Review

A pupil or their parents, if aggrieved at the School Lead’s decision, may make a written

application for a Review by a panel of members of the Trustees. The application must be

received by the Operations Manager within 72 hours of the decision being notified to parents, or

longer by agreement.

### Grounds for Review

In their application, the pupil or parents must state the grounds on which they are asking for a

Review and the outcome that they seek.

### Review Panel

The Review will be undertaken by a three-member committee of the Trustees (the “Review

Panel”). The Review Panel members will have no detailed previous knowledge of the case or of

the pupil or parents and will not normally include the Chair of Council. Selection of the Review

Panel will be made by the Operations Manager in consultation with the Chair of Council. Parents

will be notified in advance of the names of the Review Panel members. Fair consideration will be

given to any bona fide objection to a particular member of the Review Panel.

### Review Meeting

The Review Meeting will take place at the School premises, normally within 14 days after the

parents’ application has been received. A Review Meeting 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, subject to law.

### Attendance

Those present at the Review Meeting will normally be:

Members of the Review Panel and the Operations Manager.

The School Lead and any relevant member of staff whom the pupil or their parents have

asked should attend and whom the School Lead considers should attend in order to secure

a fair outcome.

The pupil together with her 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 but not a legal representative acting in that capacity. The Operations Manager

must be given seven days’ notice of the identity, occupation and relationship with the

parents of any proposed attendee.

### Conduct of Meeting

The Review Meeting will be chaired by one member of the Review Panel and will be conducted in

a suitable room and in an informal manner. The proceedings will not be tape-recorded without

the consent of both the Chair of the Panel and parent(s) and any tape-recording will be used only

to assist the Review Panel members in reaching their decision and formulating their reasons and

will belong to the School. The Operations Manager will be asked to keep a hand-written minute

of the main points which arise at the Review Meeting. All those present will be entitled, should

they wish, to write their own notes. The Review 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 or her discretion adjourn or terminate the Review

Meeting. If the Review Meeting is terminated, the original decision will stand.

### Procedure

The Review Panel will consider each of the questions raised by the pupil or their 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. The civil standard of proof, namely the balance of probabilities

will apply; and

Whether the sanction was warranted, that is, whether it was proportionate to the breach

of discipline or 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 pupil or their parents are

dissatisfied with any aspect of the Review Meeting they must inform the Chair at the time and ask

the Operations Manager to note their dissatisfaction and the reasons for it.

### Identification

If the School Lead considers it necessary in the interests of an individual or of the School that the

identity of any person should be withheld, the Chair may require that the name of that person and

the reasons for withholding it be written down and shown to the Review Panel members. The

Chair at his or her discretion may direct that the person be identified, or not, as the case may be.

### 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.

### Decision

When the Chair decides that all issues have been sufficiently discussed and if by then there is no

consensus, he or she may adjourn the Review Meeting; alternatively, the Chair may ask those

present to withdraw while the Review 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 Review Panel or the Chair of Governors by letter or

telephone within three days of the meeting.

## Other related school policies and procedures

* Behaviour Policy