

## EXPULSION, REMOVAL AND REVIEW POLICY

### I Introduction

1.1 **Scope:** This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be expelled from Manchester High School for Girls (**the School**), or required to leave permanently for misconduct or other reasons. The policy applies to all pupils at the School but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by her parents.

1.2 **Interpretation:** The definitions in this clause apply in this policy.

**Parent:** includes one or both of the parents, a legal guardian or education guardian.

**Expulsion:** A pupil may be 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 if, after consultation with the parents and if appropriate the pupil the Head Mistress is of the opinion that the parents have treated the School, members of its staff or any member of the School community unreasonably.

Parents may also be required to remove a pupil if, 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.

### 2 Policy statement

2.1 **Aims:** The aims of this policy are:

2.1.1 to support the School's behaviour code

2.1.2 to ensure procedural fairness and natural justice

2.1.3 to promote co-operation between the School and parents when it is necessary for the School that a pupil should leave earlier than expected.

2.2 **Misconduct:** The main categories of misconduct which may result in expulsion or removal include but are not limited to:

- 2.2.1 supply/possession/use/misuse of certain drugs<sup>1</sup> and solvents or their paraphernalia or substances intended to resemble them, alcohol, tobacco or anything that can be smoked and includes, but is not limited to, cigarettes, electronic cigarettes, pipes, (including water pipes such as shisha and hookah pipes), cigars, vapes and herbal cigarettes
  - 2.2.2 theft, blackmail, physical violence, intimidation, racism or bullying
  - 2.2.3 misconduct of a sexual nature; supply or possession of pornography
  - 2.2.4 possession or use of firearms or other weapons
  - 2.2.5 vandalism or computer hacking
  - 2.2.6 persistent attitudes or behaviour which are inconsistent with the School 's ethos
  - 2.2.7 other serious misconduct which affects the welfare of other pupils and / or members of the teaching and non-teaching staff or which brings the School into disrepute (single or repeated episodes) on or off School premises.
  - 2.2.8 misconduct on social media
  - 2.2.9 conduct which breaks the law
- 2.3 **Equality:** The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational needs or disability. Where expulsion needs to be considered, the School will ensure that a pupil with a disability or special educational needs is 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.
- 2.4 **Other circumstances:** A pupil may be required to leave if, after all appropriate consultation, the Head Mistress is satisfied that it is not in the best interests of the pupil, or of the School, that she remains at the School.
- 2.5 **Mitigating circumstances:** The fact that a pupil's offence is the first serious one cannot, on its own, be deemed a reason for not excluding a pupil.

### 3 Procedure

- 3.1 **The procedure:** The three stages of this procedure are as follows:
  - 3.1.2 **Investigation procedure**
  - 3.1.3 **Disciplinary meeting with the Head Mistress**
  - 3.1.4 **Governors' Review meeting**

#### Investigation procedure

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<sup>1</sup> 'drugs' as defined as controlled drugs, prescription and non-prescription drugs and medicines, substances or compounds resembling drugs, substances or compounds referred to as 'legal highs'

1. **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Deputy Head (Pastoral). The investigation will include an interview with the pupil who will be asked to write and date an account of the incident. If there were witnesses to the incident, these will also be interviewed and asked to write and date their accounts. The pupils involved will be advised not to discuss the issue with other pupils.
2. **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.
3. **Search:** The Head Mistress may delegate two members of the Senior Leadership Team to search the pupil's space and belongings if there is a reasonable cause to do so. (Refer to Behaviour and Discipline policy for further information on the School's power to search and confiscate).
4. The information which has been gathered by this stage will be forwarded to the Head Mistress and parents will be informed, as soon as reasonably practical, that an investigation is taking place.
5. **Suspension:** A pupil may be suspended from the School while a complaint is being investigated or while an investigation is suspended (see paragraph 6 below). Should a suspension continue for a period of more than five School days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The relevant Head of Year will co-ordinate these arrangements with the pupil's parents or guardians. 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, the pupil may be placed under a segregated regime on School premises. If the pupil is suspended from the School, she must not try to enter the School during the period of the suspension.
6. **Suspension of an investigation:** It may be necessary to suspend an investigation, for example where external agencies such as the police or social 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 with the Head Mistress**

### **I. Preparation**

- I.1 If there is a possibility that the pupil will be expelled or removal required, the Head Mistress will inform the Chair of Governors of the disciplinary meeting. The following documents will be circulated in advance of the meeting:
  - I.1.1 a statement setting out the points of complaint against the pupil
  - I.1.2 written statements and notes of the evidence supporting the complaint, and any relevant correspondence
  - I.1.3 the Deputy Head's (Pastoral) Investigation Report
  - I.1.4 a summary of the pupil's conduct
  - I.1.5 the relevant School policies and procedures

## 2. Attendance

- 2.1 The Head Mistress will invite the pupil and her parents to attend the disciplinary meeting. The disciplinary meeting will take place at least one working day and no more than seven working days after the investigation has been completed.
- 2.2 The pupil may be accompanied by her parent/s or guardian/s. When the latter are not available, then an adult 'friend' may be substituted. This cannot be a legal representative.
- 2.3 The Head Mistress, the Deputy Head Mistress (Pastoral) who conducted the investigation and a note-taker will be present at the meeting.
- 2.3 If the parents or the pupil have any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Head Mistress or the Deputy Head (Pastoral) so that appropriate arrangements can be made.
- 2.4 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 with the disciplinary process and their daughter's education. If the parent/s or guardian/s are unwilling to attend the meeting, the Head Mistress will lead the meeting which will go ahead regardless.

## 3. Proceedings

- 3.1 There are potentially three distinct stages of a disciplinary meeting:
  - 3.1.1 **The complaints:** The Head Mistress will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. The staff member who conducted the investigation will also be asked to present her evidence. Interviews and witness statements can be referred to if relevant. The pupil will have the opportunity to present her own point of view. The Head Mistress may ask questions to clarify her understanding of the events. The pupil and parent/s / guardian/s may provide other relevant information or raise any concerns they may have. The Head Mistress will clarify the facts of the case. Unless the Head Mistress considers that further investigation is needed, she will decide whether the complaint has been sufficiently proved. The standard of proof shall normally be the civil standard, i.e. the balance of probabilities.
  - 3.1.2 **The sanction:** If the complaint has been proved the Head Mistress will outline the range of disciplinary sanctions which she considers are open to her. She will take into account any further statement which the pupil and/or others present on her behalf wish to make. The pupil's disciplinary record will be taken into account. Then, or at some later time, normally within 72 hours, the Head Mistress will give her decision, with reasons.
  - 3.1.3 **Leaving status:** If the Head Mistress decides that the pupil must leave the School, she will consult with a parent before deciding on the pupil's leaving status (see below). If the pupil is to be expelled or removed from the School, the Head Mistress will inform the parent/s / guardian/s of the review

procedure (see below). The pupil will be suspended until the review hearing can be convened.

#### **4. Delayed effect**

- 4.1 A decision to expel or remove a pupil shall take effect seven 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 days the parents have made a written application for a Review by the Governors, the pupil shall remain suspended until the Review has taken place.

#### **5. Leaving status**

- 5.1 **Explanation:** If a pupil is expelled or required to leave, her leaving status will be one of the following: expelled, removed or withdrawn by parents.

- 5.2 **Detail:** Additional points of leaving status include:

- 5.2.1 the form of letter which will be written to the parents and the form of announcement in the School
- 5.2.2 the form of reference which will be supplied for the pupil
- 5.2.3 the entry which will be made on the School record and the pupil's status as a leaver
- 5.2.4 arrangements for transfer of any course and project work to the pupil, her parents or another school
- 5.2.5 whether (if relevant) the pupil will be permitted to return to School premises to sit public examinations
- 5.2.6 whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil
- 5.2.7 whether the pupil will be entitled to leavers' privileges
- 5.2.8 the conditions under which the pupil may re-enter School premises in the future
- 5.2.9 financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited.

### **Suspended Expulsion**

The Head Mistress may decide that the expulsion should be suspended for a specified period of time. This may be because:

1. The pupil will be sitting final public examinations during the next six months
2. The age of the pupil raises concern over the extent to which she understood the seriousness of her conduct

### 3. The serious misconduct being a first offence

In these cases, the suspended expulsion may be subject to review by the Head Mistress at her discretion during the period of the sanction. After the review, the Head Mistress may decide that the pupil's conduct is such that the expulsion should come into force, the expulsion is lifted or there is a further review date set. The parents may request a Governors' Review of a suspended expulsion using the procedure below.

## **Governors' Review**

1. **Request for review:** Parents may request a Governors' Review of the Head Mistress's decision to expel or require a pupil to leave, or where a decision has been made to suspend a pupil for 11 School days or more, or where suspension would prevent the pupil from taking a public examination. The application must be made in writing and received by the Clerk to the Governors within seven days of the Head Mistress's decision being notified to the parents, 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.
2. **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 Head Mistress will not of itself be grounds sufficient for a Governors' Review. The Review will focus on the specific grounds on which the request was made.
3. **Review Panel:** The Review will be undertaken by a three member panel. The 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 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. The panel will include an independent member who is not concerned with the management or running of the School. The parents may be accompanied by a friend or relation, but legal representation will not be necessary. If the parents wish to be accompanied by a legally qualified person, the role of that person will be limited to providing advice to the parents if a point of law arises and they will not be permitted to act as an advocate as the hearing is not a legal proceeding. The Clerk to the Governors must be given seven days' notice if the friend or relation is legally qualified.
4. **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 Head Mistress's decision or refer the decision back to her with recommendations so that she may consider the matter further.
5. **Review meeting:** The meeting will take place at the School premises, normally within ten school days after the parents' application has been received. A Review will not normally take place during school holidays. The parents and the Head Mistress will be asked to submit any documents they wish to refer to at the meeting and a single bundle will be circulated at least three days before the meeting. On receipt of new information not previously available to the Head Mistress before her

decision was made, the Clerk should contact the Chair of Governors who will decide whether:

- 5.1 to include the new information in the bundle; or
- 5.2 to omit the information if not relevant to the grounds for Review; or
- 5.3 to make further enquiries of the parents or the pupil about the information; or
- 5.4 to refer the information to the Head Mistress for her 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.

**6. 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 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.

**7. Procedure:** The Panel will consider each of the points raised by the pupil or her parents and any documentation they wish to rely on so far as relevant to:

- 8.1 whether the facts of the case were sufficiently proved when the decision was taken to expel or require the removal of the pupil. The civil standard of proof, namely, "the balance of probability", will normally apply and
- 8.2 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 aims of the School's policy in that respect.

The requirements of natural justice will apply. If for any reason the pupil or 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.

**8. Decision:** When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he / she may adjourn the meeting; alternatively the Chair may ask those present to withdraw while the Panel considers its recommendations. The Panel's recommendations will be notified in writing, with reasons, to the Head Mistress and the parents by the Chair of the Review Panel or the Chair of Governors within three days of the meeting. The Head Mistress will provide her response to those recommendations in writing within 72 hours. In the absence of a significant procedural irregularity, the Head Mistress's decision will then be final.

**Approved by Governors at Academic Development Committee Meeting May 2023**