



# SEDBERGH INTERNATIONAL SUMMER SCHOOL

<b>Policy on Expulsion, Removal and Review</b>	
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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 International Summer School. The policy applies to all pupils at the Summer 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 Interpretation:
 

References to the *Bursar* include the Course Director and the Operations Director(s) if authorised to act on his behalf.

*“Parent”* includes one or both of the parents, a legal guardian or education guardian. In some cases, it may also include the agent who speaks to the Summer School on the parents’ behalf.

*“Expulsion”*: A pupil may be formally expelled from the Summer School if the pupil has committed a grave breach of discipline or a criminal offence.

*“Removal”*: Parents may be required to remove a pupil permanently from the Summer School if, after consultation with parents and if appropriately the pupil, the Bursar is of the opinion that:

  - (a) as shown by the pupil’s behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational and cultural opportunities offered by the Summer School;

- (b) if the parents or pupil have treated the Summer School, members of its staff or any member of the Summer School community unreasonably; or
- (c) if the pupil has a damaging effect on the Summer School environment which has a detrimental effect on the other students' wellbeing or experience within the Summer School.

Subheadings are for ease of reading and are not part of the policy.

- 3 Timescales for the procedure are set out below. When we refer to working days, we mean Monday to Friday. Although the Summer School runs daily, staff we may need to contact when dealing with a pupil may work Monday to Friday. The dates of the Summer School are set out on the website.
- 4 This policy is based on a high level of co-operation between the Summer School in the form of Bursar, Course Director, Operations Director, House Parents as appropriate, and parents, in all disciplinary matters. This will be the background for the management of serious misconduct.

### **Policy Statement**

- 5 Aims: The aims of this policy are
  - 5.1 To support the School's behaviour and discipline code (as set out in student handbooks)
  - 5.2 To ensure procedural fairness
  - 5.3 To promote co-operation between the Summer School and parents when it is necessary for the Summer School to require a pupil to leave earlier than expected.
- 6 *Misconduct:* The main categories of misconduct which may result in expulsion or removal include but are not limited to:
  - 6.1 Supply/possession/use of certain drugs or solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco.
  - 6.2 Theft, blackmail, physical violence, intimidation, racism or persistent bullying.
  - 6.3 Misconduct of a sexual nature; supply of possession of pornography.
  - 6.4 Possession of use of firearms or other weapons.
  - 6.5 Vandalism and computer hacking.
  - 6.6 Persistent attitudes or behaviour which are inconsistent with the Summer School's ethos.
  - 6.7 Other serious misconduct which affects the welfare of a member or members of the Summer School community or which brings the Summer School into disrepute (single or repeated episodes) on or off the Summer School premises.

- 7 *Other Circumstances:* A pupil may be required to leave if, after all appropriate consultation, the Bursar is satisfied that it is not in the best interests of the pupil, or the Summer School, that he/she remains at the Summer School.
- 8 *Equality:* The Summer School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need and/or disability. Where expulsion needs to be considered, the Summer School will ensure that a pupil with a disability or special educational needs and/or his/her parents are 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. Reference is made to the School's Equal Opportunity Policy, available on the main Senior School's website.

### Procedure

- 9 **The procedure:** The procedure followed by the Summer School in cases where a sanction of expulsion or removal may be imposed by the Bursar are summarised in the flowchart of Appendix 1 to this Policy. The three stages of this procedure are as follows:
- 9.1 **Investigation procedure** – further details of the procedures to be followed at this stage are set out at paragraphs 10 to 15.
- 9.2 **Disciplinary meeting with the Bursar** – further details of the disciplinary meeting are set out at paragraphs 16 to 21.
- 9.3 **Governor's review** – further details of the review are set out at paragraphs 22 to 30

### Investigation Procedure

- 10 *Complaints:* A complaint or rumour about serious misconduct or cases in which the Bursar considers that a pupil is unwilling or unable to benefit sufficiently from the educational opportunities and/or the community life offered by the Summer School or parents have treated the Summer School, members of its staff or any member of the Summer School community unreasonably will be investigated. This investigation will normally be co-ordinated by the Course Director and Operations Director, and its outcome will be reported to the Bursar. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the pupil being expelled or removed from the Summer School.
- 11 *Search:* The Summer School may decide to search a pupil's space and belongings and ask him/her to turn out the contents of pockets or a bag, if it 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.
- 12 *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 interviewed formally about a 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.

- 13 *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.
- 14 *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 consider advice from an appropriate external agency and will be subject to periodic review.

### **Disciplinary Meeting**

- 15 *Preparation*: The Chairman of Governors will be informed of the investigation. Documents available at the disciplinary meeting before the Bursar will include:
- 15.1 A statement setting out the points of complaint against the pupil or, where applicable, the parents.
  - 15.2 Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
  - 15.3 The Course Director's Investigation Report.
  - 15.4 The pupil's Summer School file and (if separate/applicable) any correspondence or records from House Parents, Teachers and other members of Summer School staff.
  - 15.5 The relevant School policies and procedures.
- 16 *Attendance*: The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Bursar at which the Course Director will explain the circumstances of the complaint and his/her investigation. The pupil may also be accompanied by a member of staff of his/her choice. Where the complaint 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 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 (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Bursar or Course Director so that appropriate arrangements can be made. If a parent is unable to attend because of, for example, travel and working commitments, the Summer 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.
- 17 *Proceedings*: There are potentially three distinct stages of a disciplinary meeting:
- 17.1 *The complaints*: the Bursar will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil or, where applicable, the parents. Unless the Bursar 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 but the Bursar will not normally refer to the pupil's disciplinary record at this stage.

- 17.2 *The sanction* - if the complaint has been proved the Bursar 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 behalf wish to make. The pupil's disciplinary record will be taken into account where the complaint concerns the conduct of the pupil. Then, or at some later time, normally within 24 hours, the Bursar will give his decision, with reasons.
- 17.3 *Leaving status* - if the Bursar decides that the pupil must leave the School, he will consult with a parent before deciding on the pupil's leaving status (see below).

- 18 *Delayed Effect*: A decision to expel or remove a pupil shall take effect as soon as it is physically possible for the parent to remove the pupil. The pupil will be suspended and may be removed from Summer School lessons and activities. If necessary, arrangements will be made to have the pupil stay with a guardian until the time when parents can collect the pupil. If within five 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

- 19 *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 Bursar and accepted by the parents, "withdrawn by parents".
- 20 *Detail*: Additional points of leaving status include:
- 20.1 The form of letter which will be written to the parents and the form of announcement in the Summer School and House that the pupil has left.
- 20.2 The form of reference which will be supplied for the pupil, if necessary.
- 20.3 The entry which will be made on the School record and the pupil's status as a leaver.
- 20.4 Arrangements for transfer of any course and project work to the pupil, his/her parents or another school.
- 20.5 Whether (if relevant) the pupil will be permitted to return to School premises to sit examinations.
- 20.6 Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.
- 20.7 The conditions under which the pupil may re-enter School premises in the future.
- 20.8 Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

## Governor's Review

- 21 *Request for Review:* A pupil or his/her parents may request a Review by the Governors of the Bursar's decision to Expel or Remove a pupil. 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 Bursar'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 Clerk so that appropriate arrangements can be made.
- 22 *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 Bursar will not of itself be grounds sufficient for a Review.
- 23 *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 Summer School.
- 24 *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 Headmaster's decision or refer the decision back to him with recommendations so that he may consider the matter further.
- 25 *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 when the Summer School is running, however every effort will be made by the Summer School to ensure a review is available when requested. The parents and the Bursar 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 prior to the meeting. On receipt of new information not previously available to the Bursar before his decision was made, the Clerk should contact the Chairman of Governors who will decide whether:
- 25.1 To make further enquiries of the parents or the pupil about the information; or
- 25.2 to refer the information to the Bursar 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.

- 26 *Attendance:* Those present at the Review Meeting will normally be:
- 26.1 Members of the Review Panel and the Clerk to the Governors or his/her deputy.
  - 26.2 The Bursar and any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Bursar considers should attend in order to secure a fair outcome.
  - 26.3 The pupil together with his/her parents and, if they wish, a member of the Summer School staff who is willing to speak on the pupil's behalf. If the complaint 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.
- 27 *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 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.
- 28 *Procedure:* The Bursar 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:
- 28.1 **Whether the decision was fair procedurally and/or substantively** - whether the facts of the case were sufficiently proved and an appropriate procedure followed when the decision was taken to expel or remove of the pupil. The civil standard of proof, namely, "*the balance of probability*" will apply; and
  - 28.2 **Whether the sanction was proportionate**, that is, whether it 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 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.

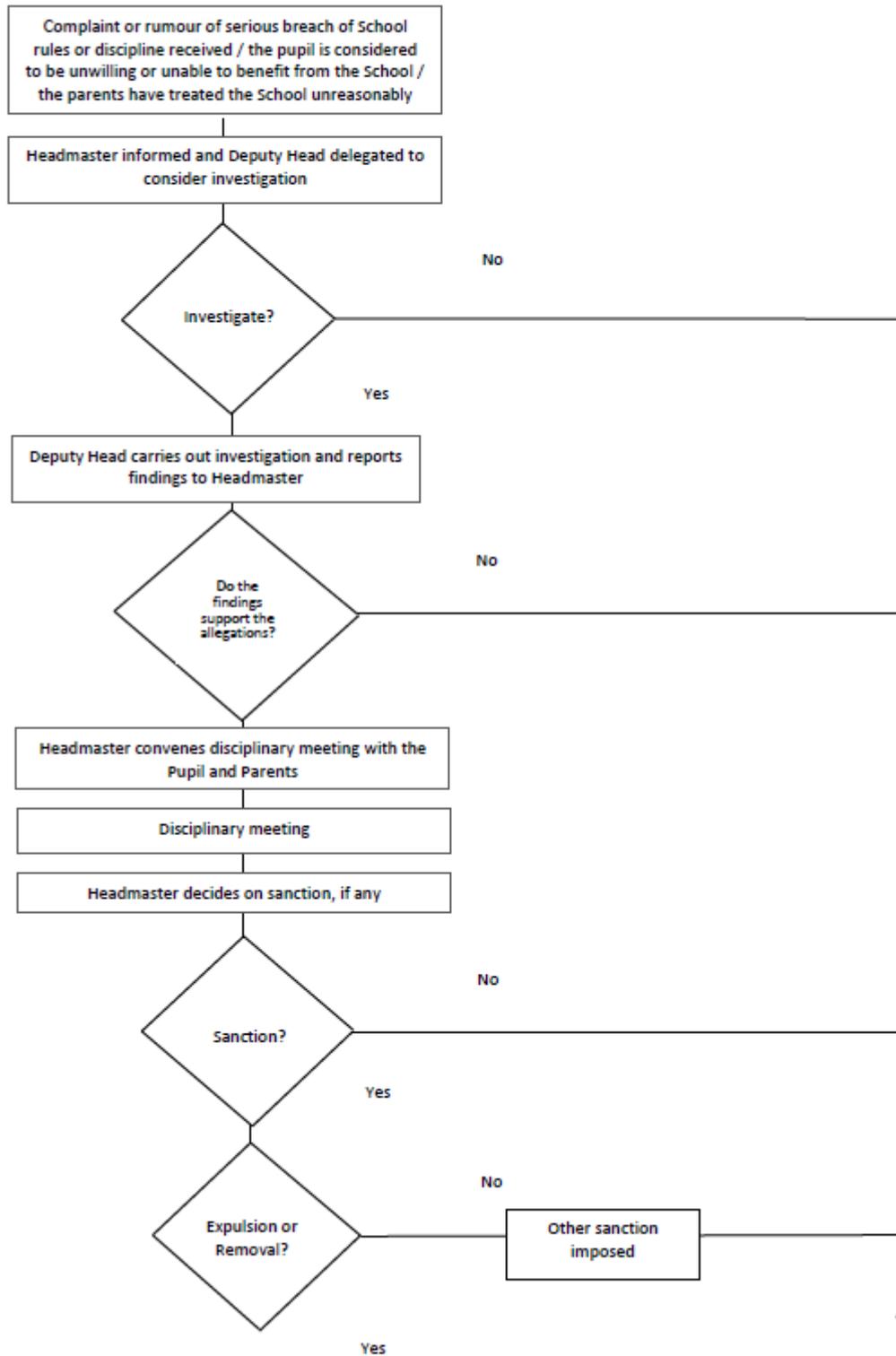
- 29 *Decision:* When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he will conclude the meeting and the Panel will consider its decision and recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Bursar and the parents by the Chair of the Review Panel or the Chairman of Governors within three working days of the meeting. The Bursar will provide his response to those recommendations, if appropriate, in writing within 24 hours. In the absence of a significant procedural irregularity, the Bursar's decision will be final.

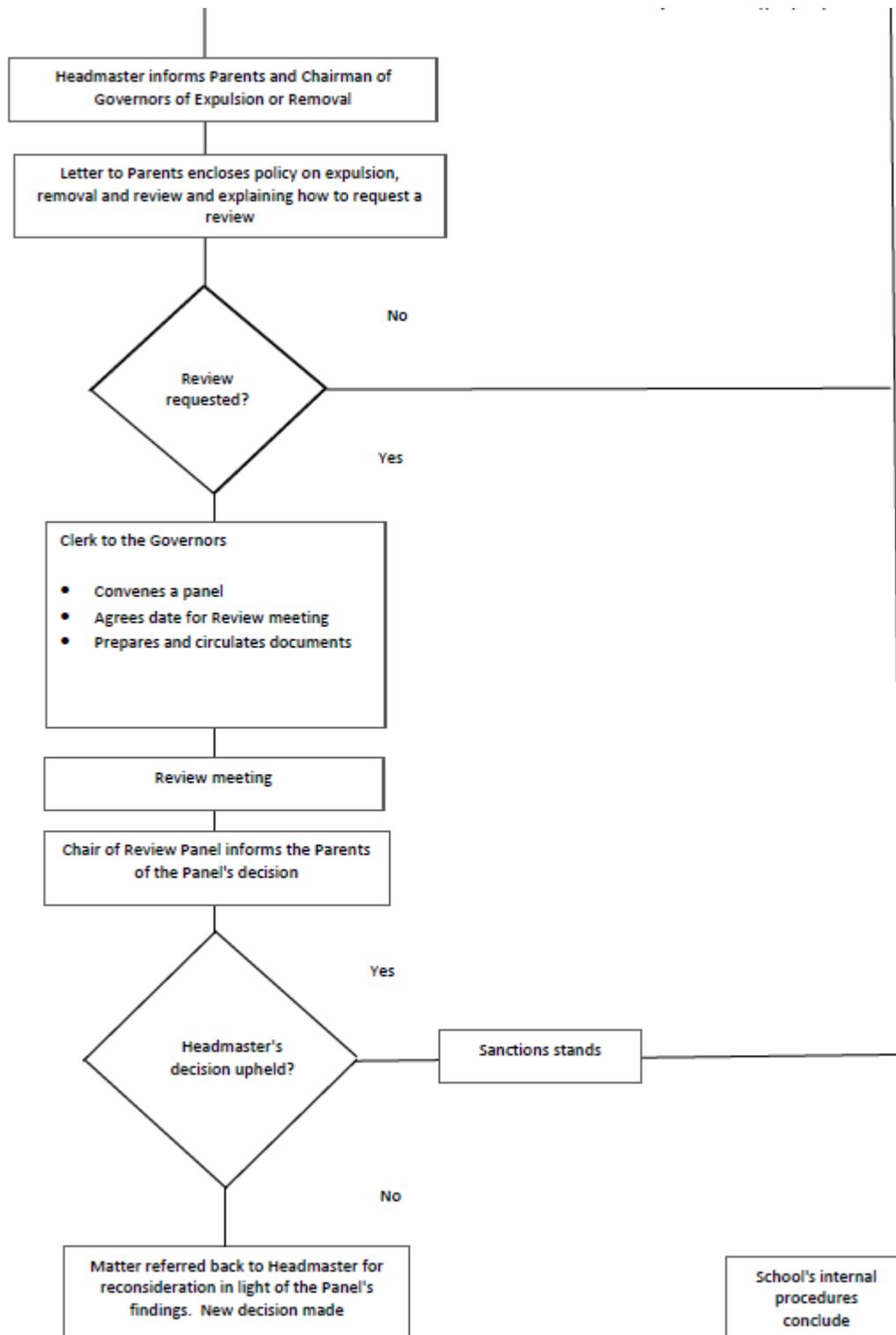
**Appendix 1**

**Procedural flowchart ('Headmaster' here refers to 'Bursar')**

**Appendix 1**

**Procedural flowchart**





Appendix 2

Sedbergh International Summer School

Request for a Governor's Review of a decision made by the Bursar 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.

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 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 Pupil..... Relationship to Pupil.....

Address:..... Address:.....

.....

Telephone Numbers Telephone Numbers

Daytime: ..... Daytime: .....

Evening: ..... Evening: .....

Date: ..... Date: .....