STONYHURST
INTERNATIONAL SCHOOL
PENANG

Expulsion, Removal and Review Policy

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Expulsion, Removal and Review Policy

1. Introduction

1.1 **Scope:** This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be suspended or expelled from 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 his/her parents. This policy can be made available in large print or other accessible format if required.

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

School: This term applies to Stonyhurst International School Penang.

Principal: references to the Principal of the School

Deputy Principal: references to the Deputy Principal of the School

Governing Body: reference to the Governing Body means the governing body of Stonyhurst International School.

Parent: includes one or both parents, a legal guardian or an educational guardian.

Suspension: temporary removal from school following recorded serious misconduct.

Expulsion: means a permanent dismissal from the School following serious misconduct formally recorded.

Removal: means that a pupil has been required to leave, but without the stigma of expulsion.

Withdrawal: means that the pupil is removed from school by the parent, but without the stigma of expulsion.

School day: means any day Monday to Friday inclusive during term time.

Working days: means any day Monday to Friday inclusive during term time when the School is open.

2. Policy statement

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

- to support the School's Behaviour Policy.
- to ensure procedural fairness and natural justice.

- to promote cooperation between the School and parents when it is necessary for the School that a pupil leaves earlier than expected.

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

- Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco.
- Theft, blackmail, physical violence, intimidation, racism or persistent bullying, including cyberbullying.
- Misconduct of a sexual nature; supply or possession of pornography.
- Possession or use of unauthorised firearms or other weapons.
- Vandalism or computer hacking.
- Self-radicalisation and hate speech
- Other serious misconduct which affects the welfare of a member or members of the school community or which brings the School into disrepute (single or repeated episodes) on or off school premises

In addition, the School may make the decision to remove a pupil where persistent low-level misconduct or repeated breaches of the School's expectations occur, and there is little or no sustained improvement despite appropriate pastoral support, restorative approaches, reasonable adjustments, behaviour plans, sanctions and opportunities to improve. The School may determine that a pupil is unwilling or unable to engage positively with the expectations of the School community, despite individual incidents themselves not meeting the categories listed above.

2.3 **Behaviour related to a disability:** The School recognises that behaviour may arise from a pupil's disability or additional educational needs. The School will make reasonable adjustments, consider appropriate support strategies, complete risk assessments where appropriate and seek specialist advice where necessary before determining whether disciplinary action is appropriate.

A pupil will not be expelled or required to leave solely because they have a disability or additional educational need. However, where, despite reasonable adjustments, appropriate support and consultation with parents and relevant professionals, the School concludes that it is unable to safely or reasonably meet the pupil's needs, or that the pupil's continued placement presents an unacceptable risk to themselves or others or significantly compromises the education or welfare of the wider school community, the School may determine that the placement can no longer continue.

2.4 **Other circumstances:** A pupil may be required to leave if, after all appropriate consultation, the Principal is satisfied that it is not in the best interests of the pupil, or of the School, that he/she remains at the School.

This may include circumstances where, despite the School making reasonable adjustments, implementing appropriate support strategies, completing risk assessments and seeking appropriate specialist advice, the School concludes that it is unable to safely or reasonably meet the pupil's educational, behavioural, emotional or welfare needs within its available provision.

Where the School has recommended further assessment or specialist involvement in order to understand or support a pupil's needs, parents are expected to engage reasonably with this process. If appropriate assessments or recommendations cannot be implemented because of parental refusal or a failure to engage, the School will make decisions based on the information available. Where, as a result, the School determines that it cannot safely or appropriately meet the pupil's needs, it may conclude that the placement can no longer continue.

Continued placement at the School also depends upon a constructive partnership between the School and parents. Where parents repeatedly refuse to engage with reasonable school processes, including attendance at required meetings, implementation of agreed behaviour or support plans, collection of a child following suspension where required, or other reasonable measures necessary to safeguard the pupil or wider school community, the School may conclude that the essential partnership has broken down. Where this prevents the School from appropriately supporting or managing the pupil, removal may be considered.

3. Investigation procedure

3.1 **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be coordinated by the Assistant Head of Pastoral (Junior or Senior), and its outcome will be reported to the Deputy Principal and Principal of the School. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result or has resulted in the pupil being internally or externally suspended, expelled or required to leave.

3.2 **Suspension:** A pupil may be suspended from the School and required to stay at home or with their education guardian while a complaint is being investigated or while an investigation is adjourned (see section 3.6 below). Should a suspension continue for a period of more than 5 school days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The relevant Assistant Head of Pastoral (Junior or Senior) will coordinate 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 an internal suspension where they will complete their studies separate from their peers in class.

3.3 **Search:** It may be necessary to search a pupil's space and belongings, and ask him/her to turn out the contents of pockets or a bag, if 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 parents would be called. Mobile phones, and other personal digital devices may be confiscated if there is a belief that they contain material related to behavioural misconduct. These may be searched. All related searches are deemed as a facts-gathering process, rather than an investigation.

3.4 **Interview:** A pupil may be interviewed informally by any member of staff to establish whether there are grounds for a formal investigation. If the pupil is then interviewed formally, this will either be completed or witnessed by a member of SLT. To ensure interviews are completed in a fair environment without bias, interviews can be conducted without a parent/guardian present. A pupil who is waiting to be interviewed may be kept separate from their peers, accompanied, or visited regularly by a member of staff, and given access to a toilet and adequate food and drink. Minutes of the interview will be recorded in writing by the interviewing member of staff.

3.5 **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.

3.6 **Adjournment of an investigation:** It may be necessary to adjourn an investigation, for example, where external agencies are involved and have advised that this is necessary. A decision to adjourn an investigation will take into account advice from any external agency and will be subject to periodic review.

4. Disciplinary meeting before the Principal

4.1 **Preparation:** The Chairman of the Governing Body will be informed of the investigation. Documents available at the disciplinary meeting before the Principal 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 Assistant Head of Pastoral Investigation Report
- the pupil's school file and (if separate) and conduct record from ISAMS
- The relevant school policies and procedures

4.2 **Attendance:** The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Principal at which the Assistant Head of Pastoral will explain the circumstances of the complaint, the investigation, and the decision made by the school. 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 Assistant Head of Pastoral, so that appropriate arrangements can be made.

If a parent requires a translator this should be known in advance of the meeting. An agreed translator can be approved by both parties.

If a parent requests for a "friend" to attend the meeting as a support, this needs to be known in advance and agreed by both parties. The "friend" may attend the meeting but must not take part in the formal proceedings. If the "friend's" behaviour or interactions with formal proceedings is deemed to be inappropriate, the Principal has the right to ask them to leave the meeting.

If the parent requests for legal representation, this must be made in advance, and is at the discretion of the school. In cases where the parent requests as such, this requires the School to also have legal representation.

4.3 If the pupil or the pupil's parents experience difficulty in attending due to a disability, the School will make reasonable alternative arrangements to accommodate the disability. If a parent is unable to attend because of travel and working commitments, the School will make reasonable alternative arrangements to ensure the parent is notified of the complaint, the result of the investigation, and decision made by the school.

4.4 **Proceedings:** There are potentially three distinct stages of a disciplinary meeting:

4.4.1 **The complaints:** The Deputy Principal or Principal will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. The Deputy Principal/Principal will state that the emphasis of the meeting is on hearing what the parents have to say. Unless the Deputy Principal/Principal considers that further investigation is needed, they will decide whether the complaint has been sufficiently proved. The standard of proof shall normally be the civil standard, e.g. the balance of probabilities. In considering any sanction, the Principal may also take into account patterns of repeated behaviour over time, the pupil's engagement with restorative processes and support strategies, the effectiveness of previous interventions, and the extent to which the pupil and parents have engaged constructively with reasonable measures implemented by the School.

4.4.2 **The sanction:** If the complaint has been proven, the School will outline the range of disciplinary sanctions which they consider are open to him/her. They will consider any further statement which the pupil and/or others present on his behalf wish to make. The pupil's disciplinary record will be considered. The Principal will then reflect on the matter for a minimum of 24 hours before communicating his decision, with reasons, to the parents. Where possible, the School can offer emotional support of counselling during this period, or make a referral to an external counsellor for emotional support.

4.4.2 **Alternative**- If the complaint has been proven, the School will outline the decision taken. They will consider any further statement which the pupil and/or others present on his behalf wish to make. The pupil's disciplinary record will be considered. The decision will be communicated to the parents face to face if present in a meeting, or via alternative communication such as email in a situation where parents cannot attend a requested meeting. Where possible, the School can offer emotional support of counselling during this period, or make a referral to an external counsellor for emotional support.

4.4.3 **Leaving status:** If the Deputy Principal/Principal decides that the pupil must leave the School, they will consult with the parent before deciding on the pupil's leaving status (see below).

4.5 **Delayed effect:** A decision to expel or remove a pupil shall take effect seven days after the decision to proceed to a dismissal 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 Governing Body, 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, his/her leaving status will be one of the following: expelled, removed or withdrawn by parents.

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

- the form of letter which will be written to the parents and the form of announcement in 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/her parents, or another school
- whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations - under close supervision and in a separate location.
- 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
- whether the pupil will be eligible for membership of the Stonyhurst International Alumni Society and if so from what date
- 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; or a refund made of prepaid fees. Where a pupil is expelled, removed or withdrawn from the School by the parent, in doing so forfeits the right to any refunds of any monies paid in advance.

6 Review

6.1 **Request for review:** A pupil or his/her parents may request a Review of the Deputy Principal/Principals decision to expel or require a pupil to leave, or where a decision has been made to suspend a pupil for seven school days or more, or where suspension would prevent the pupil from taking a public examination. The application must be made in writing using the Request Form at Appendix 1 and received by the Chairman of the Governing Body within seven days of the School's decision being notified in writing 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 the Chairman so that appropriate arrangements can be made.

6.2 **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 School will not of itself be grounds sufficient for a Review.

6.3 **Review Panel:** The Review will be undertaken by a minimum of three member subcommittee of the Governing Body. 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 the Governing Body. Selection of the Review Panel will be made by the Chairman of the Governing Body. 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 parents may ask for the appointment of an independent panel member who is not concerned with the management or running of the School nominated by the Governors and approved by the parents. Such approval should not be unreasonably withheld.

6.4 **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 Deputy Principal/Principal's decision or to refer the decision back to him with recommendations so that he may consider the matter further. It is not within the powers of the Panel to reinstate a pupil's place at the School against the wishes of the Deputy Principal/Principal.

6.5 **Review meeting:** The meeting will take place at the school premises, normally between three and ten working days after the parents' application has 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 law.

6.6 **Attendance:** Those present at the Review Meeting will normally be:

- members of the Review Panel and the Clerk to the Governing Body or his/her Deputy

- the Deputy Principal/Principal and any relevant member of staff whom the School considers should attend in order to secure a fair outcome

- the pupil together with his/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 relative.. The parents must indicate on the Request Form if the friend or relation is legally qualified.

6.7 If the pupil or the pupil's parents experience difficulty in attending due to a disability or the parent's travel and working commitments prevent them from attending, the School will make reasonable alternative arrangements to ensure the pupil and/or their parents can be involved in the Review.

6.8 **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 Chairman who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comments. 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.

6.9 **Procedure:** The Panel will consider each of the questions raised by the pupil or his/her parents so far as relevant to establish:

- whether the facts of the case were sufficiently proven when the decision was taken to expel or remove the pupil. The civil standard of proof, namely, 'the balance of probability' will normally apply.

- 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 his/her 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.

6.10 **Identification:** If the School considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chairman may require that the name of that person and the reasons for withholding it be written down and shown to the Panel Members. The Chairman at his/her discretion may direct that the person be identified, or not as the case may be.

6.11 **Leaving status:** If, having heard all parties, the Panel is minded to recommend that the School's earlier decision should be confirmed, it is open to the Panel, with agreement of the Deputy Principal/Principal, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement.

Decision: When the Chairman decides that all issues have been sufficiently discussed and if by then there is no consensus, he may adjourn the meeting; alternatively the Chairman 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 Deputy Principal/Principal and the parents by the Chairman of the Review Panel or the Chairman of the Governing Body within three working days of the meeting. The Deputy Principal/Principal will provide his response to those recommendations in writing, usually within 24 hours. In the absence of a significant procedural irregularity, the Principal's decision will then be final.

Appendix 1: Request for a Review of a Decision to Expel a Pupil

To: The Chairman of Governors, Stonyhurst International School, Penang

Subject [Name of pupil]

I/We request that a sub-committee (**Panel**) of the Governing Body carries out a review of the Principal'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 Principal's decision following consideration of the recommendations made by the Review will be final, subject to such legal rights (if any) 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 Principal'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. The friend or relation accompanying me/us [is / is not] (delete as appropriate) legally qualified and acting as my/our representative.

I/We will inform the Chairman if I/we have any special needs or disabilities requiring additional facilities or adjustments.

The grounds upon which I/we seek a Review and the matters which I/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)

Signed	Signed
Full name	Full name
Relationship to pupil	Relationship to pupil
Date	Date
Address	Address
Telephone number	Telephone number