



Academy

INTERNATIONAL BOARDING SCHOOLS

EF INTERNATIONAL ACADEMY - TORBAY

Expulsion, Removal and Review Policy

Persons involved in the development of the Policy

Headteacher

School Governing Body

Date of Commencement of the Policy: September 2015

Frequency of Review: 2 Years



1 Introduction

1.1 Scope: This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a student may be expelled from EF Academy or required to leave permanently for misconduct or other reasons. The policy applies to all students at EF Academy Torbay School, but does not cover cases when a student has to leave because of ill-health, non-payment of fees, or withdrawal by his/her parents.

2 Policy statement

2.1 Aims: the aims of this policy are:

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

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

- supply/possession/use of illegal and legal high 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 unauthorised firearms or other weapons
- vandalism and computer hacking
- cyberbullying and inappropriate use of social networking sites and the electronic possession of any material which is objectionable, against the Law or malicious
- 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

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



3 Investigation procedure

3.1 Complaints: Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by a member of the School Senior Leadership Team, and its outcome will be reported to the School's Head. The Head will determine whether or not to recommend a disciplinary meeting. In the event that the Head is unavailable, this role will be discharged by the Deputy Head or another appropriate member of the School's Senior Leadership Team. Parents will be informed as soon as reasonably practicable by the Deputy (or, if he or she is unavailable, by another appropriate member of the Senior Leadership Team) if a complaint under investigation is of a nature that could result in the student being expelled or required to leave.

3.2 Suspension: A student may be suspended from boarding and/or from the School by the Head on the recommendation of the Deputy Head and required to live at home or return to his/her home country while a complaint is being investigated alternatively, he/she may be placed under a segregated regime at school premises.

3.3 Search: We may decide to search a student's space and belongings, and ask him/her to turn out the contents of pockets or a bag, if we consider there is reasonable cause to do so. Care will be taken to ensure reasonable privacy. This policy does not authorise an intimate search or physical compulsion in removing clothing other than in accordance with the School Search Guidance and Protocol (see Behaviour Policy). If necessary, the police would be called. A search of a student's person or possessions and a search of school property used by a student will be undertaken in accordance with the School Search Guidance and Protocol.

3.4 Interview: A student may be interviewed by a member of staff regarding a complaint or rumour

- **Preliminary interview:** As part of the initial enquiry into a complaint or rumour about serious misconduct a student/students who have knowledge of the circumstances may be interviewed by a member of staff undertaking the initial enquiry in order to establish whether there are grounds for a formal investigation.

- **Formal interview:** A student who is interviewed during a formal investigation about a complaint or rumour of serious misconduct will be interviewed formally by the Investigator and arrangements will be made for him/her to be accompanied by a member of staff and/or 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 given access to a toilet and adequate food and drink. A note of the interview will be recorded in writing by the Investigator and signed by the student.



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.

4 Disciplinary meeting

4.1 **Preparation:** The Chair of Governors will be informed of the investigation. Documents available at the disciplinary meeting before the Head will include:

- a statement setting out the points of complaint against the student
- written statements and notes of the evidence supporting the complaint, and any relevant correspondence
- the Investigation Report
- the student's school file and (if separate) day or boarding house file and conduct record
- the relevant school policies and procedures

4.2 **Attendance:** The student and his/her parents (if available) will be asked to attend the disciplinary meeting with the Head at which the Investigator will explain the circumstances of the complaint and his/her investigation. The student may also be accompanied by a member of staff. The student 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 students will be preserved.

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

4.3.1 **The complaints:** The Head will consider the complaint/s and the evidence, including statements made by and/or on behalf of the student. Unless the Head considers that further investigation is needed, s/he will decide whether the complaint has been sufficiently proved. However, where the allegation against the student would amount to a criminal offence under general law, the standard of proof should be beyond reasonable doubt. Appropriate reliance may be placed on hearsay evidence but the Head will not normally refer to the student's disciplinary record at this stage.

4.3.2 **The sanction:** If the complaint has been proved the Head will outline the range of disciplinary sanctions which s/he considers are open to him/her. He/she will take into account any further statement which the student and/or others present on his behalf wish to make. The student's disciplinary record will be taken into account.

Then, or at some later time, normally within 24 hours, the Head will give his decision, with reasons.

4.3.3 **Leaving status:** If the Head decides that the student must leave the School, he/she will consult with a parent before deciding on the student's leaving status (see below).



4.4 Delayed effect: A decision to expel or remove a student shall take effect 72 hours after the decision was first communicated to a parent or until such time as agreed with parents to arrange suitable flight home. Until then, the student may remain suspended and away from school premises. If within 7 days the parents have made a written application for a Review by the Governors, the student shall remain suspended until the Review has taken place.

5 Leaving status

5.1 Explanation: If a student is expelled or required to leave, his/her leaving status will be one of the following: "expelled", "removed".

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 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, his/her 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.
- 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

6 Governors' review

6.1 Request for review: A student or his/her parents, aggrieved at the Head's decision to expel or require a student to leave, may make a written application for a Governors' Review. The application must be accompanied by a completed and signed letter and to be received by the Governors within 7 days of the decision being notified to a parent, or longer by agreement.

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.



6.3 Review Panel: The Review will normally 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. Selection of the Review Panel will be made by 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. If appropriate, the Panel may include an independent member who is not involved with the management and running of the School.

6.4 Review meeting: The meeting will take place normally between 7 and 10 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.

6.5 Attendance: Those present at the Review Meeting will normally be:

- members of the Review Panel and a nominated Clerk to take minutes of the meeting
- the Head and 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 his/her 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.

6.6 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 proceedings will not be tape-recorded without the consent of both the Chair of the Review Panel and a parent and any tape-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 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.

6.7 Procedure: The Panel will consider each of the questions raised by the student or his/her parents so far as relevant to:



- whether the facts of the case were sufficiently proved when the decision was taken to expel or remove of the student.
- 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 Behaviour policy in that respect.
- If for any reason the student 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.

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

6.9 Student's character: Up to two members of the school staff may speak generally about the student's character, conduct and achievements at the School if they are willing to do so.

6.10 Leaving status: If, having heard all parties, the Panel is minded to confirm the Head's earlier decision, it is open to the Panel, with agreement of the Head, the student and his/her parents to discuss the student's leaving status with a view to reaching agreement.

6.11 Decision: When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he may adjourn the meeting; alternatively the Chair 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 Review Panel or the Chair of Governors by letter or telephone within three days of the meeting.

Appendix 1

Record of investigation meeting outcomes