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**EF ACADEMY – TORBAY**

# **Expulsion, Removal and Review Policy**



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<b>Document title:</b>	Expulsion, Removal & Review Policy
<b>Date Created:</b>	September 2015
<b>Author:</b>	Head Teacher
<b>Individuals Involved in Developing the Document:</b>	Executive Committee
<b>Document Purpose:</b>	To explain circumstances & process under which a student may be expelled from EF Academy
<b>Related Documents:</b>	Behaviour Rewards and Sanction Policy Safeguarding Policy
<b>Date of Next Review:</b>	September 2020
<b>Change Log (what changes have been made, by who and when):</b>	September 2017 MBR – Clarification of expulsion process re: collection / flights home. June 2018 – MBR: updated to include the school's duty to work with the police; minor word changes. September 2018 – RTA: Related documents, minor word changes September 2020 – RTA: changes to relevant names, roles and contacts



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## 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 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



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**2.3 Other circumstances:** A student may be required to leave if, after all appropriate consultation, the Head Teacher 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 Head Teacher. The Head Teacher will determine whether or not to recommend a disciplinary meeting. In the event that the Head Teacher is unavailable, this role will be discharged by the Head or another appropriate member of the School's Senior Leadership Team. Parents will be informed as soon as reasonably practicable by the Head (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.

From time-to-time a complaint may include an allegation that a crime has been committed. The school will always liaise with the police and the local safeguarding hub where this is the case. If police become involved investigating a complaint, the school's authority is superseded and the school will take direction from the police regarding any further processes. This may limit the school's ability to contact parents or to hold further investigatory meetings.

See separate school guidance regarding allegations of peer-on-peer sexual abuse and/or harassment.

**3.2 Suspension:** A student may be suspended from boarding and/or from the School by the Head Teacher on the recommendation of the 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 Searching and Confiscation Policy and Procedure. If necessary, the police would be called. A search of a



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student's person or possessions and a search of school property used by a student will be undertaken in accordance with the Searching and Confiscation Policy and Procedure.

**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 the Executive Committee will be informed of the investigation. Documents available at the disciplinary meeting before the Head Teacher, or Deputy Head where the meeting is suitably delegated, 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



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- 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 may also be accompanied by an independent representative or impartial member of staff, usually their relevant Head of Boarding. Where possible, the student(s) subject to the meeting will be able to have parents join via video conferencing with translation from the home office if required. 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 Teacher will consider the complaint/s and the evidence, including statements made by and/or on behalf of the student. Unless the Head Teacher

considers that further investigation is needed, s/he will decide whether the complaint has been sufficiently proved. Appropriate reliance may be placed on hearsay evidence but the Head Teacher 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 Teacher 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 Teacher will give his decision, with reasons.

**4.3.3 Leaving status:** If the Head Teacher 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 as soon as possible after the decision was first communicated to a parent but not until such time as agreed with parents to arrange suitable flight home or collection in person or by an appointed guardian such as a close family member. Until then, the student may remain suspended and away from school premises

## 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".



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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 Executive Committee review

6.1 **Request for review:** A student or his/her parents, aggrieved at the Head Teachers decision to expel or require a student to leave, may make a written application for an Executive Committee Review. The application must be accompanied by a completed and signed letter and to be received by the Executive Committee 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 Executive Committee. The panel members will have no detailed previous knowledge of



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the case or of the student or parents and will not normally include the Chair of the Executive Committee. Selection of the Review Panel will be made by the Executive Committee.

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 Teacher and any relevant member of staff whom the student or his/her parents have asked should attend and whom the Head Teacher 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 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.





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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 Rewards, Sanctions & 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 the Executive Committee by letter or telephone within three days of the meeting.



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## 7 Grounds for Immediate Removal

**7.1 Significant risk:** Particularly where a crime has been committed, is realistically thought to have been committed or may credibly be believed to be committed in the near future, it may be necessary to enact the immediate removal of a student from school and boarding, usually at the direction of the police. The school will always act in the best interests of all students, but where student(s') actions pose a credible threat to safety – of the student(s) in question or of the wider student body – it may be necessary to arrange immediate removal of said student. Parents of the student(s) to be removed will always be informed where this is the case and the school will seek to work with parents to ensure their child/children are appropriately cared for. This does not affect the parents' right to request Executive Committee review.