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# Mill Hill

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**Instilling values, inspiring minds**

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# The Mill Hill School Foundation Expulsion, Removal and Review Policy

**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 expelled from the Mill Hill School Foundation (the 'Foundation'), or required to leave permanently for misconduct or other reasons. The policy applies to all Foundation Pupils, namely Pupils at Mill Hill School, Belmont Mill Hill Preparatory School, Grimsdell Mill Hill Pre-Preparatory School, Mill Hill International and Cobham Hall (whether or not in the care of 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 Parent(s). The phrase the 'School' refers to the Foundation School attended by the relevant Pupil.

#### 1.2 Interpretation

- 1.2.1** References to the Head include the Head of Mill Hill School, the Head of Belmont Mill Hill Preparatory School, the Head of Grimsdell Mill Hill Pre-Preparatory School, the Head of Mill Hill International, the Head of Cobham Hall and their Deputies.
- 1.2.2** "Exclusion" relates only to a Pupil being asked to leave the School due to non-payment of fees and is not the subject of this Policy.
- 1.2.3** "Parent" includes one or both of the Parent(s), a legal guardian or education guardian.
- 1.2.4** "Permanent Expulsion" means a dismissal from the School after a formal Disciplinary Meeting has determined that the Pupil should not remain in the School.
- 1.2.5** "Removal" means that a Pupil has been required to withdraw from the Foundation but without the stigma of expulsion.
- 1.2.6** "Suspension" means an internal or external expulsion for a fixed term.
- 1.2.7** Subheadings are for ease of reading and not part of the policy.

#### 1.3 Related Policies

- Promoting Positive Behaviour Policy
- Expectations and Standards: Guidance for Pupils (Mill Hill School and MHI)
- Anti-Bullying Policy
- Policy to Safeguard and Promote the Welfare of Children who are Pupils at the Foundation
- SEND Policy
- Concerns and Complaints Policy
- Searches Guidance and Protocol

### 2. Policy Statement

#### 2.1 Aims

The aims of this policy are:

- To support the School's behaviour and discipline code
- To ensure procedural fairness and natural justice



- To promote co-operation between the School and Parent(s) 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:

- Supply/possession/use of certain 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, including:
  - sexual harassment/bullying, such as sexual comments, remarks, jokes and online sexual harassment, which may be standalone or part of a broader pattern of abuse;
  - the supply and possession of pornography, including the consensual and non-consensual sharing of nude and semi-nude images and/or videos (also known as sexting or youth produced sexual imagery).
- 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 liable to be libellous or malicious
- Verbal abuse/threatening behaviour
- Fighting
- Serious or 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 or damages its reputation

A Permanent Expulsion may also be imposed by the School as a sanction for a series of minor misdemeanours.

This is a non-exhaustive list of the sorts of Pupil behaviour that could result in expulsion or removal.

## **2.3 Breaches of Discipline Outside of the School Grounds**

The School takes the conduct of its Pupils outside of School grounds extremely seriously. A Pupil's misbehaviour outside of School can be damaging to the reputation of both the Pupil and the School, and the School may discipline Pupils for misbehaviour outside of School premises, in accordance with the provisions of its Promoting Positive Behaviour Policy, to the extent that it is reasonable to do so. Where a serious incident is reported to the School of a Pupil's poor behaviour outside of the School grounds, the School will follow the investigation procedure set out in this policy. In any event, whether the misbehaviour is a serious or minor incident, the School will take an evidence-based approach and may talk to witnesses before identifying further action and any sanctions required for such behaviour.

This may apply in the following circumstances:

Misbehaviour when the Pupil is:

- Taking part in any activity organised by the School, or related to the School
- Travelling to and from School
- Wearing School uniform; or



- In some other way identifiable as a Pupil of the School

Misbehaviour at any time, whether or not the conditions above apply, that:

- Could have repercussions for the orderly running of the School
- Poses a threat to another Pupil or member of the public or
- Could adversely affect the reputation of the School

In all cases, the above misbehaviour would apply whether it took place in person, over the telephone or online (including on social media).

In all cases, the member of staff may only discipline the Pupil when on School property (or elsewhere, where the Pupil is under the supervision of that member of staff).

## **2.4 Other Circumstances**

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

## **3. Investigation Procedure**

### **3.1 Discovery of a pupil disciplinary incident**

If a serious Pupil disciplinary incident comes to light, the incident will be referred to the Head of the relevant School as soon as possible. The Head will then make a decision as to which member of their Senior Management Team/Senior Leadership Team (SMT/SLT), based on the nature of the issue, will conduct an investigation into the incident ('the Investigator').

The Investigator will then conduct the investigation and will determine whether or not to recommend a Disciplinary Meeting with the Head.

Parent(s) will be informed as soon as reasonably practicable by the Investigator if a complaint under investigation is of a nature that could result in the Pupil being expelled or required to leave.

### **3.2 Suspension**

A Pupil may be suspended from boarding and/or from the School (whether as a day or boarding Pupil) by the Head on the recommendation of the Investigator and required to live at home or with his/her legal or education guardian while a complaint is being investigated. Alternatively, he/she may be placed under a segregated regime on the School premises. When a Pupil is suspended, teachers will set work to be completed by the Pupil during their period of absence. This will be appropriate to the age of the Pupil.

### **3.3 Search**

SMT/SLT may decide to search a Pupil's space and belongings (including their mobile phone and/or other electronic equipment) and ask him/her to turn out the contents of pockets or a bag, if they 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 Foundation's Search Guidance and Protocol. If necessary, the police would be called. A search of a Pupil's person or possessions and a search of School property used by a Pupil will be undertaken in accordance with the Foundation's Search Guidance and Protocol.

### **3.4 Further Evidence**

As part of the investigation further evidence may need to be collected including accounts from members of staff; physical evidence; CCTV images and the results of any biological tests. All such evidence will be collected in a fair and proper manner as part of the investigation.

### **3.5 Interview**

A Pupil may be interviewed by the Investigator and his/her Housemaster/mistress regarding a complaint or rumour.

- A Pupil who is interviewed during an investigation about a complaint or rumour of serious misconduct will be interviewed formally by the Investigator and his/her Housemaster/ mistress or another member of school staff where appropriate. 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). All Pupil interviews will be recorded in the Pupil Interview Form (a copy of which is contained in Appendix B hereto) and the Investigator will adhere to the Guidelines set out on the front page of the Pupil Interview Form
- A Pupil 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, telephone and adequate food and drink. A note of the interview will be recorded in writing by the Investigator

- 3.6** In the event that a discrepancy becomes apparent from the evidence obtained or further information comes to light, there may be a need to reinterview a pupil. The above conditions will apply to any such interview.

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.

### **3.7 Report**

The Investigator will then produce a final report for the Head which will set out the processes and procedures taken in connection with the Investigation; the Investigator's findings and the Investigator's final recommendation as to whether the incident warrants the holding of a Disciplinary Meeting or another course of action. A Disciplinary Meeting should usually be held when there is a chance that the Pupil may be expelled. The Head will inform the Pupil's Parent/s of the outcome of the Investigation.

## **4. Disciplinary Meeting**

A formal Disciplinary Meeting is necessary where the investigation has identified a case for the Pupil to answer for which Permanent Expulsion is a possible outcome and/or the Pupil has been suspended pending the outcome of the disciplinary process.



## **Preparation**

The Head will write to the Pupil's Parent/s informing them of the need to hold a Disciplinary Meeting and outlining the complaints made concerning their child. The Head will then convene a meeting to consider the matter (such consideration to include the Documents specified below) and will invite the Pupil and his/her Parent(s) to attend the meeting. The Chair of Governors will be informed of the investigation.

### **4.1 Documents**

Prior to the meeting, certain documents will be made available to Pupils and Parent(s), wherever possible. These Documents may include:

- a statement setting out the points of complaint against the Pupil
- written statements and notes of the evidence supporting the alleged incident, and any relevant correspondence
- the Investigation Report
- the relevant School policies and procedures which could include the Expulsion, Removal and Review Policy, Promoting Positive Behaviour Policy, Expectations and Standards and the current Terms and Conditions

Any such documents may be redacted or a summary provided to protect a Pupil's identity or for reasons of confidentiality and/or data protection. Any written submission provided by, or on behalf of the Pupil must arrive at the Head's office no later than the working day before the Disciplinary Meeting.

### **4.2 Attendance**

The Pupil and his/her Parent(s) or legal /educational guardian (if available) will be asked to attend the Disciplinary Meeting with the Head at which the Investigator will explain the circumstances of the disciplinary incident and his/her investigation. The Pupil may also be accompanied by a member of staff of his/her choice. The Pupil and his/her Parent(s)/ educational guardian will have an opportunity to state their side of the case. Members of staff could 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.

### **4.3 Proceedings**

There are potentially three distinct stages of a disciplinary meeting:

#### **4.4.1 The Incident**

The Head will consider the incident(s) and the evidence, including statements made by and/or on behalf of the Pupil. Unless the Head considers that further investigation is needed, she/he will decide whether the disciplinary incident has been sufficiently proved. The standard of proof shall normally be the civil standard, i.e. the balance of probabilities. Appropriate reliance may be placed on hearsay evidence but the Head will not normally refer to the Pupil's disciplinary record at this stage. Notes will be taken by the School during the disciplinary meeting. A copy of the notes will be provided to the Pupil's Parent(s), on request.



Where the allegation against the Pupil amounts to a criminal offence in law, the school are obligated to call the police and will cooperate with them. The matter will thereafter be dealt with by them.

#### **4.4.2 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 Pupil and/or others present on his behalf wish to make. The Pupil's disciplinary record and any mitigating circumstances will be taken into account. In deciding an appropriate sanction, the Head will take into account whether the Pupil has a Child Student (formerly known as Tier 4) visa sponsored by the Foundation to the extent that if such a Pupil receives 10 or more days of continuous unauthorised absence the Foundation must notify the Home Office and the Child Student visa may be withdrawn. Then, or at some later time, normally within 24 hours, the Head will give his/her decision, with reasons.

#### **4.4.3 Leaving Status**

If the Head decides that the Pupil must be withdrawn from the School by a specified date failing which they will be expelled or that the Pupil must be expelled immediately, he/she will consult with a Parent before deciding on the Pupil's leaving status (see below). The Leaving status will be confirmed by the Head in a letter to the Parent(s) normally within one working day of the Head's said consultation.

#### **4.4.4 Delayed Effect**

A decision to expel or remove a Pupil shall take effect 72 hours after the decision was first communicated to a Parent. Until then, the Pupil shall remain suspended and away from School premises. If within 7 days the Parent(s) 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, his/her leaving status will be one of the following: "expelled", "removed" or "withdrawn by Parent(s)".

#### **5.2 Detail**

Additional points of leaving status to be decided by the Head include:

- The form of letter which will be written to the Parent(s) 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 Parent(s) or another School
- Whether (if relevant) the Pupil 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 Pupil
- Whether the Pupil will be entitled to leavers' privileges
- Whether the Pupil will be eligible for membership of the Old Millhillians Club and/or the Old Belmontian Association 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; refund of prepaid fees

If the decision is made by the Parent(s) to withdraw the Pupil, there will be no right to appeal.

## **6. Governors' Review**

The School offers the right of appeal to Parent(s) or guardian(s) of any Pupil that has been expelled, or is otherwise required to leave the School other than where the Pupil is withdrawn by the Parent(s). Appeals will be dealt with by way of a Governors' review hearing. The right to appeal does not extend to suspensions (whether pending an investigation or as a sanction).

Pending such appeal, the Pupil shall remain suspended from the School.

### **6.1 Request for Review**

A Pupil or his/her Parent(s), aggrieved at the Head's decision to expel or require a Pupil to leave, may make a written application for a Governors' Review. The application must be accompanied by a completed and signed Request Form attached at Appendix A and to be received by the Clerk to 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 Parent(s) 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 three members of the Board of Governors. The panel members will have no detailed previous knowledge of the case or of the Pupil or Parent(s) and will not normally include the Chair of Governors. Selection of the Review Panel will be made by the Clerk to the Governors. Parent(s) will be notified in advance of the names of the panel members. Parent(s) may ask for the appointment of an independent panel member who is not involved with the management and running of the School and nominated by the Chair of Governors and approved by the Parent(s), such approval not to be unreasonably withheld. Fair consideration will be given to any bona fide objection to a particular member of the panel.

### **6.4 Review Meeting**

The meeting will take place at the School premises, normally between 7 and 10 working days after the Parent(s)' 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 the Clerk to the Governors or his/her deputy
- The Head and any relevant member of staff whom the Pupil or his/her Parent(s) have asked should attend and whom the Head considers should attend in order to secure a fair outcome
- The Pupil together with his/her Parent(s) and, if they wish, a member of the School staff who is willing to speak on the Pupil's behalf. The Parent(s) may be accompanied by a friend or relation who is not legally qualified

## **6.6 Conduct of Meeting**

The meeting will be chaired by one member of the Review Panel (the Chair) 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 and a Parent and any 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 handwritten 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. The hearing will be conducted in a manner appropriate to the age, understanding and maturity of the Pupil involved, taking into account any additional needs of the Pupil in all the circumstances.

## **6.7 Procedure**

The Panel will consider each of the questions raised by the Pupil or his/her Parent(s) 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 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 Parent(s) 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 Pupil's Character**

Up to two members of the School staff may speak generally about the Pupil'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 Pupil and his/her Parent(s) to discuss the Pupil'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 Parent(s) by the Chair of the Review Panel or the Chair of Governors by letter or telephone within three days of the meeting.

### **7. Confidentiality**

All those participating in the application of this policy including Parent(s) and Pupils are required to keep all statements, correspondence, notes and documents confidential except where legally required to disclose them

### **8. Review**

Last review February 2022

Next review February 2024

This Policy has been approved by the Pastoral Committee of the Court of Governors in May 2022.



## APPENDIX A

### REQUEST FOR A GOVERNORS' REVIEW OF A DECISION TO EXPEL OR REQUIRE A PUPIL TO LEAVE

**To:** The Clerk to the Governors of the Mill Hill School Foundation, Walker House, Millers Close, The Ridgeway, London NW7 1AQ Telephone: 0208 959 8131

**Name of Pupil:** .....

**I request** that a sub-committee ("Panel") of the Court carries out a review of the Head's decision to expel or require removal of the above named Pupil. I agree that the Review will be carried out in accordance with the Review Procedure supplied to us with this form and I 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 confirm** that I am a person with Parental responsibility for the above named Pupil and that I have consulted the Pupil who wishes the Review to be undertaken.

**I understand** that the Panel will be concerned with the fairness and proportionality of the Head's decision in accordance with the School's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

**We understand** that we may be accompanied at the Review Meeting by a friend or relation who is not legally qualified and that 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.

**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)

<b>Signed</b>	<b>Signed</b>
<b>Full Name</b>	<b>Full Name</b>
<b>Relationship to Pupil</b>	<b>Relationship to Pupil</b>
<b>Date</b>	<b>Date</b>
<b>Address</b>	<b>Address</b>
<b>Daytime Telephone</b>	<b>Daytime Telephone</b>
<b>Evening Telephone</b>	<b>Evening Telephone</b>



## APPENDIX B

### PUPIL INTERVIEW FORM

<b>Name of Pupil:</b>
<b>Date of Interview:</b>
<b>Interviewer:</b>
<b>Time of Interview:</b>
<b>Other Staff Present:</b>

#### Guidelines for the Interview:

1. Please complete the relevant sections of the front cover in advance of the interview. At the end of the interview please complete the rest of the form and attach your notes to the front cover
2. **At the start of the interview**, ask the Pupil if they are comfortable with the staff support in place (usually the Housemaster/Housemistress/Head of Year). If they are not, please do not proceed with the interview. Discuss with Deputy Head Pastoral to make arrangements for a Parent/guardian to be present
3. Ensure that the Pupil has access to water, toilets and tissues
4. Stop the interview immediately if a Pupil is distressed. Offer them support and only resume the interview once the Pupil feels able to do so
5. Contact the Deputy Head Pastoral /Head, if you believe it is necessary to request a 30 minute extension to the 1hr limit set for an interview or it is past 9.30pm for boarders
6. Write accurate notes during the interview which are clear and concise
7. **At the end of the interview**, read over the notes with the Pupils to make sure that you have recorded the correct information. Initial any amendments made at this stage
8. Once the Pupil is happy with the notes, please ask them to sign and date the end of the interview notes.
9. At the end of the interview you need to sign and date the cover sheet
10. Attach your notes to the cover sheet and keep them in a file dedicated to that particular investigation. You may need to use these notes to help you to write a summary of the incident or to help you to complete an investigation report

**NB:** Notes may need to be presented as part of a disciplinary meeting and may be disclosed to a parents/guardian. In this case, the names of other Pupils involved in an incident will need to be redacted before being disclosed and a key put in place to identify each Pupil

Signed:..... Date.....  
(Interviewer)

[illegible]

(Interviewer)

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