



# Harrow Hong Kong Expulsion and required Removal Policy

## 1. Introduction:

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be expelled from Harrow Hong Kong, 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 their parents.

### 1.1 Interpretation:

The definitions in this clause apply in this policy.

1.1.1 **Head:** references to the Head may include deputies or delegated representatives

1.1.2 **Parent:** includes one or both of the parents, a legal guardian or education guardian.

1.1.3 **Expulsion:** means that a pupil is required to leave the School permanently if it is proved on the balance of probabilities that the pupil has not abided by the School's rules / regulations or expected standard of behaviour or has committed a criminal offence. Expulsion is reserved for the most serious breaches.

1.1.4 **Removal:** means that the permanent removal of a pupil is required if, after consultation with the parents and if appropriate the pupil, the Head is of the opinion that:

- by reason of the pupil's conduct, behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the School; or
- the parents have treated the School, members of its staff, pupil or any other member of the School community unreasonably; or
- where the Head considers that a pupil's behaviour or continued behaviour (whether on or off the School premises, or in or out of term time) makes their presence detrimental to School discipline or to the School's reputation.

1.1.5 **Withdrawal:** Parents have the option to withdraw their son/daughter from the School in advance of the results of a formal disciplinary hearing following which expulsion is a possible consequence. This means that expulsion or required removal is not on their School record. However, withdrawal cannot take place after the results of the disciplinary hearing have been announced. i.e. it is not possible to withdraw after a student has been expelled.

## 2. Aims:

The aims of this policy are:

- to support the School's behaviour policy, discipline code, Harrow Values and Social Vision statement
- to ensure procedural fairness
- to promote co-operation between the School and parents when it is necessary for the School that a pupil be required to leave earlier than expected.

## 3. Reasons for Expulsion:

The main categories of misconduct which may result in expulsion include but are not limited to:

- 3.1 supply/possession/use of illegal drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco-based products
- 3.2 theft, blackmail,
- 3.3 physical violence, intimidation, racism or bullying

- 3.4 misconduct of a sexual nature; supply or possession of pornography
- 3.5 possession or use of unauthorised firearms or other weapons
- 3.6 vandalism or computer hacking
- 3.7 academic malpractice or dishonesty
- 3.8 persistent attitudes or behaviour which are inconsistent with the School's ethos 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, including online platforms
- 3.9 other illegal activity

#### **4. Required Removal:**

The School may require the removal of a pupil when there is a breakdown of the relationship between the School and the parents and/or the pupil.

The main categories of misconduct which may result in removal are:

- 4.1 a breakdown of trust between the School and the parents. This may manifest itself in a number of ways, including,
  - parents not supporting the School's sanction structures;
  - vexatious behaviour, such as parents continually bringing unsubstantiated complaints;
- 4.2 abusive behaviour by parents to School staff, pupils or other parents (including as a spectator at school fixtures).
- 4.3 a breakdown of trust between the School and the pupil or parents. This may manifest itself in a number of ways, including
  - persistent misconduct such as unauthorised absence from School;
  - when a pupil has brought a malicious and unjustified allegation against a member of staff and where there are reasonable grounds that this may happen again in the future;
  - 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.

**5. Equality:** The School will make reasonable adjustments for managing behaviour which is related to a pupil's disability in line with the Harrow Equal Opportunities, Equality and Diversity Policy (HS30)

**6. Other circumstances:** A 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 they remain at the School.

#### **7. Investigation procedure**

- **7.1 Complaints:** Investigation of a complaint, report and sometimes rumour about serious misconduct will normally be co-ordinated by a member of the Senior Leadership Team, and its outcome will be reported to the Head. Parents will normally be informed if a complaint under investigation is of a nature that could result in the pupil being expelled or required to leave.

**7.2 Suspension:** A pupil may be suspended from boarding and/or from the School and required to live at home or with their education guardian while a complaint is being investigated or while an investigation is suspended (see below). Should a suspension continue for a period of more than five school days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The School will co-ordinate 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 a segregated regime on School premises (an internal suspension).

- **7.3 Searches:** Please refer to policy 5.3f Searches Procedure

- **7.4 Interview:** A pupil may be interviewed informally by a member of staff to establish whether or not there are grounds for a formal investigation. If the pupil is then interviewed formally about a complaint or rumour, arrangements may be made for them to be accompanied by a member of staff of their choice and/or by a parent (if available at the relevant time). 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 and adequate food and drink. Minutes of the interview will be recorded in writing by the interviewing member of staff. Parents will be informed beforehand of any interviews which involve their children but do not have the right to withdraw their child from such an interview.
- **7.5 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.
- **7.6 Suspension of an investigation:** It may be necessary to suspend an investigation, for example where external agencies such as the police or social services are involved and have advised that this is necessary. A decision to suspend an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.

## 8. Disciplinary meeting with the Head

- **8.1 Preparation:** The Head will have regard to any documentation they consider to be relevant to the matter.
- **8.2 Attendance:** The pupil and their parents will be asked to attend the disciplinary meeting with the Head. A member of the Senior Leadership Team will also be present and other members of staff as appropriate. The pupil may also be accompanied by a member of staff of their choice. The pupil and their parents will have an opportunity to state their side of the case. Relevant paperwork should be shared in advance of the meeting between all parties. Relevant members of staff may be asked to join the meeting if needed and may act as witnesses, 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 School so that appropriate arrangements can be made.

## 9. Proceedings:

There are potentially three distinct stages of a disciplinary meeting:

- **9.1 The complaints:** The Head (or delegated representative) will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head considers that further investigation is needed, they will decide whether the complaint has been sufficiently proven. The standard of proof shall be the civil standard, i.e. the balance of probabilities.
- 9.2 The sanction:** If the complaint has been proven the Head will outline the range of disciplinary sanctions which they consider are open. The Head may take into account any further statement which the pupil and/or others present on their behalf wish to make. The Head will consider any factors they deem to be relevant when determining the sanctions, including the pupil's disciplinary record. Then, or at some later time, the Head will give their decision in writing, with reasons.

- **9.3 Leaving status:** If the Head decides that the pupil must leave the School, they may consult with a parent before deciding on the pupil's leaving status, which may include some or all of the following:
  - 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 or not (if relevant) the pupil will be permitted to return to School premises to sit public examinations
  - whether or not (if relevant) the School can offer assistance in finding an alternative placement for the pupil
  - whether or not the pupil will be entitled to leavers' privileges
  - the conditions under which the pupil may re-enter School premises in the future
  - whether or not the deposit will be returned or credited
  
- **9.4 Delayed effect:** A decision to expel or remove a pupil shall take effect seven working days after the decision 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 Governors' Review, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision is made.
  
- **9.5 Leaving status:** If a pupil is expelled or required to leave, their leaving status will be one of the following: "expelled", "removed" or, if agreed previously, "withdrawn by parents".

## 10. Governors' Review

- **10.1 Request for review:** A pupil or their parents may request a Governors' Review of the Head's decision to expel or require a pupil to leave. The request must be made in writing and received by the Chair of Governors within seven working days of the Head's decision being notified in writing to a parent, or longer by agreement. If the parents or the pupil have any special educational needs or disabilities which call for additional facilities or adjustments, these should be made known to the Chair so that appropriate arrangements can be made. The Chair of Governors can be contacted via the clerk to the Governors, which is the Head's Executive Assistant.
  
- **10.2 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 Head will not of itself be grounds sufficient for a Governors' Review.
  
- **10.3 Reviewers:** The Review will be undertaken by at least one member of the Board of Governors or of the Board of Harrow International Management Services. The Review member(s) will have no detailed previous knowledge of the case. If appropriate, the reviewer(s) may include an independent member who is not concerned with the management or running of the School. With the exception of the Chair of Governors, those members of the Governing Body not appointed to the Review will not be provided with information about the case. Parents will be notified in advance of the names of the reviewer(s). Fair consideration will be given to any bona fide objection to a particular member of the review.
  
- **10.4 Role of the Reviewer(s):** The role of the Reviewer(s) is to consider the representations made and to decide whether to uphold the Head's decision or refer the decision back to the Head with recommendations so that they may consider the matter further. It is not within the powers of the Reviewer(s) to reinstate a pupil's place at the School against the wishes of the Head.

- **10.5 Review meeting:** The meeting will take place at the School premises. A Review will not normally take place during School holidays or outside school working hours. The parents and the Head will be asked to submit any documents they wish to refer to at the meeting and a single bundle will be circulated at least three days before the meeting. On receipt of new information not previously available to the Head before the decision was made, the Chair of Governors or their delegated representative will decide whether:
  - to include the new information in the bundle; or
  - to omit the information if not relevant to the grounds of the Review; or
  - to make further enquiries of the parents or the pupil about the information; or
  - to refer the information to the Head for her 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 Review's decision in any subsequent legal proceedings.

- **10.6 Attendance:** Those present at the Review Meeting will normally be:
  - members of the Review and the Clerk to the Governors or their appointed deputy.
  - the Head and any relevant member of staff whom the pupil or their parents have asked should attend and whom the Head considers should attend in order to secure a fair outcome.
  - the pupil together with their parents. The parents may be accompanied by a friend or relation. That person will attend as a friend not as a representative. The meeting is not a legal proceeding and so legal representation is not allowed. The Clerk must be notified at least seven working days before the Review meeting of the name of the friend and if the friend or relation is legally qualified. The parents should note that the Reviewer(s) will wish to speak to them directly and this person will not be permitted to act as an advocate.
- **10.7 Conduct of meeting:** The meeting will be chaired by one member of the Review. All statements made at the meeting will be unsworn. The meeting will not be tape recorded, but minutes of the main points which arise at the meeting will be written. 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 their discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.
- **10.8 Procedure:** The Panel will consider each of the questions raised by the pupil or their parents and any documentation they wish to rely on so far as relevant to:
  - whether the facts of the case were sufficiently proved following fair procedure when the decision was taken to expel or remove the pupil. The civil standard of proof, namely, "the balance of probability" will 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 Head has a duty to act fairly. If for any reason the pupil or their 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.

- **10.9 Decision:** The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the parents by the Chair of the Review or the Chairman of Governors normally within seven working days of the meeting. The Head will provide her response to those recommendations, if appropriate, in writing normally within five working days. In the absence of a significant procedural irregularity, the Head's decision will then be final.

**Reviewed: March 2024**

**Next Review: April 2025**

**Owner: Principal Deputy Head (Pastoral and Wellbeing)**

