



Expulsion and Required Removal Policy

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	The Designated Teacher for Looked-After and Previously Looked-After Children [2018]
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1. Policy aims

1.1 The aims of this Policy are:

- to support the Foundation's Behaviour Policy, Durham School's School Rules, and Chorister School's Five Golden Rules;
- to ensure procedural fairness and natural justice; and
- to promote co-operation between the Foundation and parents when it is necessary for the Foundation that a pupil should leave earlier than expected.

2. Policy scope

2.1 This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be expelled from Durham Cathedral Schools Foundation (DCSF), or required to leave permanently for misconduct or other reasons.

2.2 This Policy applies to all pupils at the Foundation and at all times when a pupil is:

- in or at Chorister School or Durham School;
- representing their School or wearing School uniform;
- travelling to or from their School;
- on School-organised trips; or
- associated with the Foundation at any time.

2.3 This Policy shall apply to pupils at all times and places including out of school hours and off school premises in circumstances where failing to apply this Policy may:

- affect the health, safety, or well-being of a member of the Foundation community or a member of the public;
- have repercussions for the orderly running of the Foundation; or
- bring the Foundation into disrepute.

2.4 This Policy does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by their parents.

3. Definitions

3.1 The definitions in this clause apply in this Policy.

- 3.1.1 Principal:** references to the Principal of DCSF and, if the Principal is away from School, the Deputy Head of Durham School designated to deputise for the Principal.

- 3.1.2 **Head Teacher of Chorister School:** references to the Head Teacher of Chorister School and, if the Head Teacher is away from School, the Principal of DCSF or the Deputy Head of Chorister School designated to deputise for the Head Teacher.
- 3.1.3 **Deputy Head:** references to the Deputy Head may relate to the Deputy Head (Academic) or (Pastoral) of either Durham School or Chorister School.
- 3.1.4 **Parent:** includes one or both of the parents, a legal guardian or educational guardian of a pupil.
- 3.1.5 **Expulsion:** means the dismissal of a pupil from the Foundation following serious misconduct formally recorded (see clause 4.1 below).
- 3.1.6 **Required Removal:** means that a pupil has been required to leave the Foundation (see clause 4.2 below).
- 3.1.7 **Working days:** means Monday to Friday when the Schools are open during term time. The dates of terms are published on the Foundation's website. In the event that the application of this definition is likely to introduce an excessive delay, due to intervening school holidays, the Foundation's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delays.

4. Policy statements

4.1. Expulsion:

- 4.1.1 Only the Principal and the Head Teacher of Chorister School have the authority to expel a pupil.
- 4.1.2 The main categories of serious misconduct which may result in expulsion include but are not limited to:
- Physical violence, assault or intimidation;
 - Vandalism, arson, computer hacking or the creation/posting of highly offensive or libellous material online concerning another member of the Foundation community;
 - Theft;
 - Verbal abuse or threatening behaviour towards another member of the Foundation community, including online or through social media, and including blackmail;
 - Persistent disruptive behaviour in class;
 - Persistent unacceptable behaviour around School;
 - Sexual misconduct or inappropriate sexual behaviour;
 - Substance abuse to include the supply/possession/use of certain drugs and solvents or their paraphernalia, or substances intended to resemble them;
 - Possession of an offensive weapon;

- Any illegal act;
- Bullying (including cyber-bullying) deemed to be sufficiently persistent and/or severe;
- Threats, harassment or behaviour that violates another member of the Foundation community's dignity, and/or makes them feel intimidated, degraded or humiliated and/or creates a hostile, offensive or sexualised environment. This may include the supply or possession of pornography;
- Indecency;
- Other serious misconduct which affects the welfare of a member or members of the Foundation community, or which brings the Foundation into disrepute (single or repeated episodes);
- Malicious allegations against staff.

4.2 Required removal:

4.2.1 Only the Principal and the Head Teacher of Chorister School have the authority to require the removal of a pupil.

4.2.2 A pupil may be required to leave if, after all appropriate consultation, the Principal or the Head Teacher of Chorister School is satisfied that it is not in the best interests of the pupil, or of the Foundation, that they remain on the school roll. For example, the Foundation may require the removal of a pupil when there is a breakdown of the relationship between the Foundation and the parents and/or the pupil.

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

- a breakdown of trust between the School and the parents. This may manifest itself in a number of ways, including:
 - parents not supporting the Foundation's sanction structures, or the policies on which these rely such as the Behaviour Policy;
 - unreasonable or abusive behaviour by parents to Foundation staff, pupils, other parents / visitors to the School (including as a spectator at school fixtures) or other members of the Foundation community;
 - a breakdown of trust between the Foundation and pupil. This may manifest itself in a number of ways, including:
 - persistent minor breaches of discipline or attitudes or behaviour which are inconsistent with the School's ethos; or
 - other serious misconduct which affects the welfare of a member or members of the Foundation Community, or which brings the Foundation into disrepute (single or repeated episodes).

4.3 If a pupil is withdrawn before the conclusion of a disciplinary procedure, the Foundation reserves the right to complete the procedure in the absence of the pupil and their parents and to make a finding. In these circumstances, the Foundation reserves the

right to report findings to inspectors/regulators and/or local authorities/the police and/or refer to disciplinary procedures and findings in any reference provided thereafter for the pupil.

- 4.4 Possible behaviours or situations which may lead to expulsion or required removal are mentioned as follows in DCSF's Terms and Conditions:

'if the child's attendance, progress or behaviour including behaviour outside school is seriously unsatisfactory and in the reasonable opinion of the Principal, the removal is in the Foundation's best interests and of those of the child or other children'; and

'if behaviour is, in the opinion of the Principal, unreasonable and affects or is likely to affect adversely the child's or other children's progress at the School or the wellbeing of Foundation staff or bring the Foundation into disrepute'.

4.5 **Malicious allegations:**

4.5.1 Where a pupil makes an accusation against a member of staff or a pupil and there is reasonable suspicion that the accusation has been deliberately invented or is malicious, the Principal or the Head Teacher of the Chorister School will consider whether to take disciplinary action against the pupil in accordance with this Policy.

4.5.2 The Foundation will consider whether the police should be asked to consider if action might be appropriate against the person responsible for the allegation.

4.5.3 The Foundation will consider a malicious allegation to be one where there is sufficient evidence on the balance of probabilities to disprove the allegation and that, by the same test there is sufficient evidence that there has been a deliberate act to deceive.

- 4.6 **Equality:** The Foundation will make reasonable adjustments for managing behaviour which is related to any protected characteristic, and to the processes explained in the Policy, for example: where expulsion or required removal needs to be considered, the Foundation will ensure that a disabled pupil is able to present their case fully where their disability might hinder this; and any religious requirements affecting the pupil will also be considered.

- 4.7 **Children in Care and Children Previously in Care:** The circumstances and particular needs of Children in Care and Children Previously in Care will be considered and provided for in the application and review of this Policy. The Foundation will make every effort to avoid expelling or requiring the removal of pupil who is or who was previously in Care, and Foundation procedures, in line with appropriate statutory guidance, are in place to reduce the risk of this happening.

5. Investigation procedure

- 5.1 **Complaint(s):** Investigation of an allegation, complaint or rumour about serious misconduct will be conducted by a senior member of staff, usually a Deputy Head (who should not have had any prior involvement in the matters under investigation) and its outcome will be reported to the Principal for a Durham School pupil or to the Head Teacher of Chorister School for a Junior School pupil. The Principal or Head Teacher of the Chorister School will inform parents as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the pupil being expelled or required to leave. Parents will be informed as soon as reasonably practicable after it becomes clear the pupil may face disciplinary action for a serious breach of discipline unless the Foundation is prevented from doing so (or is advised not to do so on procedural grounds) by the police or other external agency.
- 5.2 **Suspension:** A pupil may be suspended from school and be required, as a neutral act, to stay at home or with their educational guardian/host family while a complaint is being investigated or while an investigation is adjourned (see clause 5.5 below). Should a suspension continue for a period of more than three working days, the Foundation will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The relevant Head of Year or Section will coordinate these arrangements with the pupil's parents or educational guardian. Parents or educational 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, and at the discretion of the Principal or Head Teacher of Chorister School, the pupil may be placed in a room separated from other pupils on School premises.
- 5.3 **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, this will be done by a maximum of two members of staff at a time. One of whom will be a member of staff involved in the pupil's pastoral care and who will be there to act as a support to the pupil. A pupil who is waiting to be interviewed may be segregated but would be 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. Interviews will be conducted in an age-appropriate manner (see also the Behaviour Policy).
- 5.4 **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. The standard of proof shall normally be the civil standard, e.g., the balance of probabilities.
- 5.5 **Adjournment of an investigation:** It may be necessary to adjourn an investigation, for example where external agencies such as the police or children's services are involved and have advised that this is necessary. A decision to adjourn an investigation will be

subject to periodic review. Regardless of delays caused by a police or other external agency investigation, the Foundation will provide appropriate pastoral and other support for all pupils affected by the allegations under investigation.

6. Disciplinary meeting before the Principal or Head Teacher of Chorister School

6.1 Where the findings of the investigation into an allegation, complaint, or rumour of a serious breach of discipline appear to support the allegation, complaint or rumour, a disciplinary meeting with the Principal or Head Teacher of Chorister School will take place.

6.2 **Preparation:** The Chair of Governors or their Deputy will be informed of the investigation/meeting. Documents available to the Principal or Head Teacher of Chorister School at the disciplinary meeting 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 report of the member of staff who conducted the investigation into the complaint;
- the relevant parts of the pupil's school file to include their conduct record; and
- the relevant Foundation policies and procedures.

6.3 Parents will be given copies of the documents described in clause 6.2 above. They may also be given copies of any statements made by their child and summaries / redacted versions of other documents subject to the redaction or summary of any comingled data. Therefore, the full text of statements made by other pupils will not be made available to parents.

6.4 **Attendance:** The pupil and their parents (if available) will be asked to attend the disciplinary meeting with the Principal or Head Teacher of Chorister School, at which the Deputy Head will explain the circumstances of the complaint and the investigation undertaken.

6.5 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. 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.

6.6 If the parents or the pupil have any special needs or disabilities 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 Principal's or Head Teacher's PA so that appropriate arrangements can be made.

6.7 If the pupil or the pupil's parents experience difficulty in attending due to a disability or any other protected characteristic, the Foundation will make reasonable alternative

arrangements to accommodate this. If a parent is unable to attend because of, for example, travel and work commitments, the Foundation will make reasonable alternative arrangements to ensure the parent can be involved with the disciplinary process and their child's education.

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

6.8.1 The complaint(s): The Principal or Head Teacher of Chorister School will consider the complaint(s) and the evidence, including statements made by and/or on behalf of the pupil. Unless the Principal or Head Teacher of Chorister School 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, i.e., 'the balance of probabilities'. Appropriate reliance may be placed on hearsay evidence, but the Principal or Head Teacher of Chorister School will not normally refer to the pupil's disciplinary record at this stage.

6.8.2. The sanction: If the complaint has been proved, the Principal or Head Teacher of Chorister School will outline the range of disciplinary sanctions which they consider are open to them. They will take into account any further statement which the pupil and/or others present on their behalf wish to make. The pupil's disciplinary record will be taken into account. Then, or at some later time, normally within one working day, the Principal or Head Teacher of Chorister School will give their decision, with reasons.

6.8.3 Leaving status: If the Principal or Head Teacher of Chorister School decides that the pupil must leave the School, they may consult with a parent before deciding on the pupil's leaving status (see clause 7 below).

6.9 Delayed effect: A decision to expel or remove a pupil shall take effect five 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 five working days the parents have made a written application for a Review by the Governors, the pupil shall remain suspended until the Review has taken place.

7. Leaving status

7.1 Explanation: If a pupil is expelled or required to leave, their leaving status will be one of the following: expelled, removed or, if agreed, withdrawn by parents.

7.2 Detail: Parents will be informed of the additional points of 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, their 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 Foundation can offer assistance in finding an alternative placement for the pupil;
- the conditions under which the pupil may re-enter School premises in the future;
- financial aspects: payment of any outstanding fees and extras;
- whether or not the deposit will be returned or credited; and/or
- whether or not prepaid fees will be refunded.

7.3 A pupil who is expelled or removed from their School ceases to be a member of the Foundation, and loses membership of the Old Dunelmian (OD) Society.

8. Governors' Review

8.1 **Review:** Parents who wish an expulsion, required removal or extended suspension decision to be reviewed should write to the Chair of Governors with full details of the grounds for the Review within five working days of receiving the decision letter. They should ensure that a copy of all relevant documents and their full contact details accompany their letter to the Chair, along with a list of any documents which they believe to be in the Foundation's possession and wish the appointed governors to see. Such a request will be acknowledged in writing within two working days. If a parent requires assistance with their request, for example, because of a disability, they should contact the Clerk who will be happy to make appropriate arrangements.

8.2 A Governors' Review will then take place. This will be conducted by three members of the Governing Body appointed by the Chair. A Review Chair will also be appointed by the Chair of the Governing Body. The Review will take place as soon as reasonably practicable and usually within ten working days of receipt of the request, but will not normally be scheduled during half terms or school holidays. As soon as reasonably practical and in any event, at least five working days before the Review, the Clerk will send the parents written notification of the date, time, and place of the Review, together with brief details of the governors who will be present. If the governors involved deem it necessary, they may require that further particulars of the matter or any related matter be supplied in advance of the Review. Any copies of such particulars shall be supplied to all parties no later than three days prior to the Review.

8.3 The parents will be invited to attend the Review and may be accompanied by one other person such as a relative, teacher, or friend. It is not necessary for that person to be legally qualified; indeed, as a Governors' Reviews are not legal proceedings, if a parent is accompanied by a legally qualified person, that person will be attending in a supportive capacity only and will not be permitted to advocate on the parent's behalf. If appropriate,

parents should notify the Foundation at least three working days before the Review the name of the person who will be accompanying them, and in what capacity. A pupil, aged 13 and above, may attend part or all of the Review at the discretion of the Review's Chair.

- 8.4 Once a parent has indicated a wish for a Governors' Review, for compliance purposes a Review should take place unless the parent later indicates that they are now satisfied and do not wish to proceed further. In the event that the parent subsequently decides not to attend the Review, the governors will consider the matter in the parent's absence and issue their findings, thereby bringing the matter to a conclusion.
- 8.5 The Review Chair will conduct the Review in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The Review is not a legal proceeding, and the appointed governors shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. The Clerk will be asked to take a handwritten minute of the proceedings. A Governors' Review is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press, other media, or any third party.
- 8.6 All those attending the Review are expected to show courtesy, restraint, and good manners or, after due warning, the Review may be adjourned or terminated at the discretion of the Review Chair. If terminated by the Chair due to the conduct of the parents, the original decision will stand. Any person who is dissatisfied with any aspect of the way the Review is conducted must say so before the proceedings go any further and their comment will be minuted.
- 8.7 If possible, the appointed governors will conclude the Review immediately without the need for further investigation. The Review Chair may, however, at their discretion, adjourn the Review for further investigation of any relevant issue. This may include an adjournment to take legal advice. Where further investigation is required, the appointed governors will decide how it should be carried out.
- 8.8 After due consideration of all facts they consider relevant, the appointed governors will reach a decision (unless there is an agreed position) and may make recommendations, which it shall complete normally within ten working days of the Review. The Review Chair will write to the parent informing them of the decision of the governors and the reasons for it by email. If the parent does not wish to receive the decision by email, a copy will be given or posted to them. The decision of the governors will be final. The governors' findings and, if any, recommendations will be sent in writing to the parent, the Principal, and the Governing Body. A copy of such decisions, findings and any recommendations will be retained for inspection on the Foundation premises by the Governing Body and the Principal.

9. Record keeping and data protection

- 9.1 All records created in accordance with this Policy are managed in accordance with the Foundation's policies that apply to the retention and destruction of records.
- 9.2 Administration of major sanction are recorded, with the name of the pupil concerned, the reason for the sanction including relevant dates, and the name of the person administering the sanction. This log is reviewed regularly by the Principal and Head Teacher of Chorister School so that patterns in behaviour can be identified and managed appropriately. A summary of serious sanctions is also reported to the Full Board of governors on a termly basis.
- 9.3. The records created in accordance with this Policy may contain personal data. The Foundation's privacy notice explains how the Foundation will use personal data about pupils and parents. The privacy notice is published on the Foundation's website. In addition, staff must ensure that they follow the Foundation's Data Protection Policy and related procedures when handling personal data created in connection with this Policy.

10. Oversight

- 10.1 This Policy is overseen by the Education Committee of the Governing Body. It will be reviewed annually.