



## **POLICY DOCUMENTS**

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| <b>Citation</b>                           | This document shall be cited as:<br><b>Exclusion Policy</b> |
| <b>Person responsible</b>                 | Headmaster  |
| <b>Comments to</b>                        | Headmaster  |
| <b>Last reviewed/updated</b>              | November 2020   |
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| <b>Reason for review/update</b>           | Annual review   |
| <b>Person reviewing/updating document</b> | Nick Seward   |
| <b>Source/Author of document</b>          | Nick Seward   |
| <b>Implementation of the policy</b>       | On-going  |



## Exclusion Policy

### 1. Introduction

- **Scope.** This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be excluded from the School. The policy applies to all pupils at the School [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 parents for other than disciplinary reasons.
- **Interpretation.** The “Head” includes deputies. “Parent/s” includes one or both of the parents, legal guardians or education guardians. “Exclusion” refers to expulsion or removal, where “Expulsion” means that a pupil has been formally dismissed from the School, and “Removal” means that a pupil has been required to leave, but without the stigma of expulsion. “Review” refers to a formal review by the Governors of the decision to exclude a pupil. Subheadings are for ease of reading and not part of the policy.

### 2. Policy statement

- **Aims.** The aims of this policy are:
  - To support the School’s behaviour and disciplinary code
  - To ensure procedural fairness and natural justice
  - To promote understanding and co-operation between the School and parents when a pupil is excluded.
- **Misconduct.** The main categories of misconduct which may result in exclusion 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, unfair discrimination and persistent bullying
  - Misconduct of a sexual nature, or supply and possession of pornography
  - Possession, or use of unauthorised firearms or other weapons
  - Vandalism, or computer hacking
  - Persistent attitudes, or behaviours which are incompatible with the School’s ethos
  - Other serious misconduct towards a member of the School community, or which brings the School into disrepute on or off school premises.
- **Other Circumstances.** A pupil may be required to leave if, after 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

- **Complaints.** Investigation of a complaint, or rumour about serious misconduct will normally be undertaken by the Second Deputy, and its outcome will be reported to the Head. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the pupil being excluded.
- **Suspension.** A pupil may be suspended from boarding and/or from the School and required to live at home or with his/her education guardian while a complaint is being investigated; alternatively, he/she may be placed under a segregated regime on school premises.
- **Search.** We may decide to search a pupil's space and belongings, and ask him/her to turn out the contents of pockets or bags, if we consider there is reasonable cause to do so. Clothing will not be searched until it has been removed, and care will be taken to ensure reasonable privacy. This policy does not authorise an intimate search, or physical compulsion in removing clothing. If necessary, the police will be called.
- **Interview.** A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If the pupil is then interviewed formally about a complaint or rumour, 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). A pupil who is waiting to be interviewed may be segregated, but in such circumstances he/she will be 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.
- **Ethos.** An investigation and any subsequent meetings will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.

### 4. Disciplinary meeting

- **Governors.** The Chairman of Governors will be informed of the investigation.
- **Documents.** The documents made available at the disciplinary meeting before the Head 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 Second Deputy's investigation report
  - The pupil's School file and any other relevant records
  - The relevant School policies and procedures.
- **Attendance.** The pupil and his/her parents will be asked to attend the disciplinary meeting with the Head at which the Second Deputy will explain the circumstances of the complaint and his/her investigation. The pupil may also be accompanied by a member of staff of his/ her choice.

The pupil 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 pupils will be preserved.

- **Proceedings.** There are potentially four distinct stages of a disciplinary meeting:
  - **The complaints:** The Head 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, he will decide whether the complaint has been sufficiently proved. The standard of proof shall be the civil standard, which is 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
  - **The sanction:** If the complaint has been proved the Head will outline the range of disciplinary sanctions, which he considers are open to him. He will take into account any further statement, which the pupil and/or others present on his/her behalf wish to make. The pupil's disciplinary record will be taken into account. Then, or at some later time, but normally within 24 hours, the Head will give his decision, with reasons
  - **Leaving status:** If the Head decides that the pupil must leave the School, he will consult with a parent before deciding on the pupil's leaving status (see below)
  - **Delayed effect:** A decision to expel, or remove a pupil shall take effect not later than 72 hours after the decision is first communicated to a parent. Until then, the pupil shall remain suspended and off school premises. If within 72 hours the pupil or parents 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

- **Explanation.** If a pupil is excluded, his/her leaving status will be one of the following: Expelled, Removed or Withdrawn by parents.
- **Detail.** Additional points of leaving status include:
  - The form of letter which will be written to parents and the form of announcement in the School and House that the pupil has left
  - The form of reference which will be supplied for the pupil
  - The entry which will be made on the pupil's school record and his/her status as a leaver
  - Arrangements for transfer of any course and project work to the pupil, his/her parents, 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
  - The conditions under which the pupil may return to the School in the future, if appropriate
  - The payment of any outstanding fees and extras; whether the deposit will be returned or credited, and any prepaid fees will be refunded.

## 6. Governors' review

- **Request for review.** A pupil, or his/her parents, aggrieved at the Head's decision to exclude, may make a written request for a Governors' Review. The application must be received by the Clerk to the Governors within 72 hours of the decision being notified to a pupil or parent, or longer by agreement.
- **Grounds for review.** In the application, the pupil, or parents must state the grounds on which they are asking for a review and the outcome which they seek.
- **Review panel.** The review panel will consist of at least three persons not directly involved in the matters detailed in the complaint, and always an odd number. These will usually be the Vice Chairman of Governors, one or other governors as may be appointed for the occasion and one other person independent of the management and running of the School. Each of the panel members will be appointed by the Board of Governors. A secretary, normally the Clerk to the Governors, shall also be appointed to the panel for the purpose of making a written record of the proceedings. The panel members will have no detailed previous knowledge of the case, or of the pupil or parents. Parents will be notified in advance of the names of the panel members. Consideration will be given to any *bona fide* objection to a particular member of the panel.
- **Review meeting.** The review meeting will take place on School premises, normally between 3 and 10 days after the 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.
- **Attendance.** Those present at the review meeting will normally be:
  - Members of the review panel and the Clerk to the Governors or deputy
  - The Head and any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Head considers should attend in order to secure a fair outcome
  - The pupil together with his/her parents and, if they wish, a member of the school staff who is willing to speak on the pupil's behalf; the parents may be accompanied by a friend or relation. The Clerk to the Governors must be given 7 days' notice if the friend or relation is legally qualified.
- **Conduct of meeting.** The meeting will be chaired by a 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 the chairman, the pupil and the 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 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 chairman who will conduct it so as to ensure that all those present have a reasonable opportunity to ask questions and make appropriate comment. Everyone is expected to show courtesy, restraint and good manners.

The chairman may, at their discretion, adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

- **Procedure.** The panel will consider each of the questions raised by the pupil, or his/her parents so far as relevant to:
  - Whether the facts of the case were sufficiently proved when the decision was taken to exclude 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 requirements of natural justice will apply. If for any reason the pupil, or his/her parents are dissatisfied with any aspect of the meeting they must inform the chairman at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

- **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 chairman may require that the name of that person and the reasons for withholding it be written down and shown to the panel members. The chairman at his discretion may direct that the person be identified, or not.
- **Pupil's character.** Up to two members of the School staff may speak generally about the pupil's character, conduct and achievements if they are willing to do so.
- **Leaving status.** If, having heard all parties, the panel is minded to uphold the Head's decision, it is open to the panel, with the agreement of the Head, the pupil and his/her parents, to discuss the pupil's leaving status with a view to reaching agreement.
- **Decision.** When the chairman decides that all issues have been sufficiently discussed and if by then there is no consensus, he may adjourn the meeting; alternatively the chairman may ask those present to withdraw while the panel considers its decision. The decision of the review panel will be final. It will be notified, with reasons, to the pupil and his/her parents by the chairman of the review panel or the Chairman of Governors by letter, or telephone within three days of the meeting.

This policy was ratified on .....

and will be reviewed November 2021

Signed by the Chairman of Governors .....

Reviewed and updated by Nick Seward (November 2020)

**Parental Request for a Governors' Review of a decision by the Head to exclude or require a pupil to leave**

To: The Clerk to the Governors of Kingham Hill School,  
Kingham, Chipping Norton, Oxon OX7 6TH

Name of Pupil:

I REQUEST that a Review Panel convened by the Board of Governors 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.

I UNDERSTAND that I may be accompanied at the Review meeting by a friend or relation who is not normally legally qualified and that I 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 I seek a Review and the matters which I 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)

First Signature ..... Second Signature .....

Full name ..... Full name .....

Relationship to Pupil ..... Relationship to Pupil .....

Address..... Address.....

.....

Telephone numbers

Daytime .....

Evening .....

Date .....20.....

Telephone numbers

Daytime .....

Evening .....

Date .....20.....

**Pupil Request for a Governors' Review of a decision by the Head to exclude or require a pupil to leave**

To: The Clerk to the Governors of Kingham Hill School,  
Kingham, Chipping Norton, Oxon OX7 6TH

Name of Pupil:

I REQUEST that a Review Panel convened by the Board of Governors 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 the pupil who has been excluded from Kingham Hill School.

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.

I UNDERSTAND that I may be accompanied at the Review meeting by a friend or relation who is not normally legally qualified and that I may ask up to two members of the School staff to attend the meeting and speak on my behalf if they are willing to do so.

THE GROUNDS upon which I seek a Review and the matters which I 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.

(Signature of parent or guardian)

|                         |                             |
|-------------------------|-----------------------------|
| Pupil's Signature ..... | Second Signature .....      |
| Full name .....         | Full name .....             |
| .....                   | Relationship to Pupil ..... |
| Address.....            | Address.....                |
| .....                   | .....                       |

Telephone numbers

Daytime .....

Evening .....

Date .....20.....

Telephone numbers

Daytime .....

Evening .....

Date .....20.....

## **Policy Summary**

[To be included in Pupil Handbook]

### **Policy on Exclusion**

1. A pupil will not be excluded without grave cause. The circumstances which may lead to expulsion (or required removal as an alternative to expulsion) include:
  - 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, unfair discrimination and persistent bullying.
  - Misconduct of a sexual nature, or supply and possession of pornography.
  - Possession, or use of unauthorised firearms or other weapons.
  - Vandalism, or computer hacking.
  - Persistent attitudes, or behaviours 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 on or off School premises.
2. A complaint which could lead to your being excluded or required to leave the School permanently will be investigated thoroughly and fairly. You will have an opportunity with assistance of your parents and/or a teacher to state your side of the case. You also have a right to ask for the decision to be reviewed by a panel of the Governors.