Kimbolton School
Cambridgeshire

EXCLUSION AND REQUIRED REMOVAL POLICY

Policy Owner: Headmaster
Governor Committee: Education
Policy Summary Statement: This policy contains guidelines, which may be adapted as necessary, explaining the circumstances under which a pupil may be excluded from the School, 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 his/her parents.

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DEFINITIONS

The following definitions apply throughout this policy:

- Headmaster: The Headmaster of Kimbolton School; or if they are absent from the School, the Senior Deputy Head.
- Parent: includes one or both of the parents, a legal guardian or education guardian.
- Exclusion: means the dismissal of a pupil from the School following serious misconduct formally recorded.
- Required Removal: means that a pupil has been required to leave the School permanently, but without the stigma of exclusion.
- School: Kimbolton School (including the Prep).

POLICY AIMS

The aims of this policy are:

- to support the School's behaviour and discipline policies and codes of conduct
- to ensure fairness throughout any removal process
- to promote co-operation between the School and Parents when it is necessary for the School that a pupil should leave earlier than expected.

EXCLUSION

The Headmaster has authority from the Governing Body to exclude pupils in line with this policy.
The main categories of misconduct which may result in exclusion include, but are not limited to:

- physical assault against pupils, staff or visitors;
- behaviour which puts the safety of the pupil, or any other person in jeopardy;
- verbal abuse / threatening behaviour;
- fighting;
- serious or persistent bullying (including cyber-bullying), in accordance with the School's Anti-Bullying Policy;
- any form of abuse or unlawful discrimination on the grounds of a protected characteristic (such as race, gender, disability);
- sexual harassment or misconduct, including misconduct online, sexting and/or sexual activity on the School site;
- abuse of tobacco, drugs or alcohol, including the supply of such products whether legal or illegal;
- wilful damage to property;
- theft or unauthorised possession of any property belonging to the School, another pupil, a member of staff, or a visitor;
- bringing illegal, inappropriate, or dangerous items into School, such as drugs, weapons, firearms, or pornographic material;
- persistent disruptive behaviour or serious breaches of the School's Behaviour Management Policy; or
- other serious misconduct which actually, or potentially, or indirectly, brings the School into disrepute or damages its reputation.

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

REQUIRED REMOVAL

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

Only the Headmaster has the authority to require the removal of a pupil. Should the Headmaster be absent, the Senior Deputy Head will assume this role having discussed the case with the Headmaster and the Chair of Governors. A Senior Deputy Head may recommend to Parents that they voluntarily withdraw their child from the School.

The main categories which may result in Required Removal include, but are not limited to:

1. a breakdown of trust between the School and the Parents. This may manifest itself in a number of ways, including:
   1.1 Parents not supporting the School's sanction structures; or
   1.2 vexatious behaviour, such as Parents continually bringing unsubstantiated complaints.
2. abusive behaviour by Parents to School staff, pupils or other parents (including as a spectator at sporting fixtures).
3. a breakdown of trust between the School and pupil. This may manifest itself in a number of ways, including:
   3.1 persistent misconduct such as unauthorised absence from School;
   3.2 when a pupil has brought a malicious and/or unjustified allegation against a member of staff and/or where there are reasonable grounds to believe that this may happen in the future;
   3.3 other serious misconduct which affects the welfare of a pupil, member of staff or visitor and/or which brings the School into disrepute;
   3.4 Other circumstances where the Headmaster is satisfied that it is not in the best interests of the pupil, or of the School, that the child remains at the School.

Breaches of Discipline Outside 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 apply this policy to misbehaviour that occurs outside the School grounds, including activities which take place online.

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, member of staff or member of the public; or
- could adversely affect the reputation of the School.

Reports to the Police (and others)

The School will usually report to the Police any activity which it reasonably suspects may amount to criminal activity which takes place either within the School grounds or outside of its grounds. Possessions or items including (but not limited to) drugs, weapons or phones may be confiscated immediately and held for the Police as potential evidence.

If the School reasonably suspects a pupil may have taken drugs, then the School will seek immediate medical advice and may involve the Police, where necessary.
Sexual offences will generally be reported to the Police immediately, including in cases where a pupil is suspected or alleged to have committed such an offence. The alleged victim's Parents will usually also be informed immediately of the incident and told that the Police have been informed. The School will also apply the terms of its Safeguarding Policy to ensure there is sufficient support in place for the pupils involved. Other agencies may also be notified where necessary and appropriate to the facts of the case.

Equality

Throughout any removal process, the School will make reasonable adjustments related to a pupil's or Parent's disability. Where Exclusion or Required Removal needs to be considered, the School will ensure that a disabled pupil or Parent is able to present his or her case fully where his or her disability might hinder this. Any religious requirements affecting the pupil or Parents will also be considered.

PROCESS

Investigation

Before any pupil is excluded or required to be removed under this policy, the School will carry out an appropriate investigation in line with its own internal guidelines. If the investigation concludes that removal, either Exclusion or Required Removal, may be an appropriate sanction the following process will be adopted.

Disciplinary Meeting with the Headmaster

The Headmaster will inform the Chair of Governors that an investigation has been conducted and that it has concluded Required Removal or Exclusion may be appropriate sanctions.

A disciplinary meeting will be arranged with the Headmaster. The Headmaster will be provided with evidence collected during the investigation in advance of the meeting.

The pupil and his/her Parents will be asked to attend the disciplinary meeting. The Headmaster may agree with the parents in advance that it is not appropriate for the pupil to attend this meeting (for example, because of their age or the circumstances of the allegation).

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 Senior Deputy Head in advance so that appropriate arrangements can be made. If a parent is unable to attend the disciplinary meeting because of, for example, travel and working commitments, the School will make reasonable alternative arrangements to ensure the Parent can be involved with the disciplinary process and their child's education.

A senior member of staff who has been involved in the investigation will be in attendance and other members of staff will be on hand to attend if needed.

The member of staff in attendance will explain the circumstances of the complaint and outline his/her investigation and findings. Where evidence from staff forms part of the investigation this will be shared with the parents and the pupil; evidence from another pupil will only be disclosed where their anonymity can be preserved.

The pupil and his/her parents will have an opportunity to ask questions, to state their side of the case and to provide any evidence in mitigation.

Unless the Headmaster considers that further investigation is needed, he/she will decide whether on the balance of probabilities the complaint has been sufficiently proved. The Headmaster may place appropriate reliance on hearsay evidence; where the Headmaster believes it to be relevant, they may also refer to the pupil's previous disciplinary record.

If the complaint has been proved, the Headmaster will briefly outline the range of disciplinary sanctions which he/she considers are open to him/her; possible sanctions include Exclusion, Required Removal, or voluntary removal by the parents. At this stage, the Headmaster will take into account any further statement which the pupil and/or parents wish to make. The Headmaster will, normally within 24 hours, give his/her decision to the parents in writing.

Leaving status

The Headmaster will set out in his/ her letter the leaving status of the pupil, this may include details of:

- 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 (if at all)
- financial aspects: payment of any outstanding fees and extras
- whether or not the deposit will be returned or credited
- whether or not prepaid fees will be refunded.

GOVERNORS' REVIEW

In cases of Exclusion or Required Removal the parents may request a Governor Review of the decision. Where parents decide to voluntarily withdraw their child there is no right to review.

Grounds of review

Parents may request a Governors' Review on the following grounds only:

- Procedural deviation to the extent that a decision/outcome is "unsafe"
- A decision/outcome that is demonstrably unfair

Not agreeing with the decision or not deeming it to be in the best interests of the child are not grounds for appeal.

Procedure

Parents wishing to request a review should write to the Clerk to the Governors setting out their grounds for review; the request must be received by the Clerk within 7 calendar days of the date of the Headmaster's letter.

A review panel will be made up of at least two Governors and an independent member; the panel members will have no detailed prior knowledge of the case, or of the pupil or parents. Where possible the panel will

meet within 15 school days after the request for a review has been received. Where a request for review is received at the end of a school term, it may not be possible to arrange a review panel until the start of the following term; such a delay will be communicated to parents.

The following people will usually attend the Governor Review meeting:

- The panel members (at least two Governors, plus one independent member)
- The Clerk to the Governors (as minute taker)
- The parents
- The pupil
- The Headmaster and other senior staff as required (typically not more than two others)

The Clerk to the Governors may agree in advance with parents that it is not appropriate or necessary for the pupil to attend, for example because of their age or the nature of the complaint.

The parents have the right to be accompanied by a friend or family member who is not legally qualified.

The review hearing will be chaired by one member. As with the disciplinary meeting, 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 circumstances.

Panel members will be provided with evidence from the investigation in advance of the review hearing. At the review they will hear evidence from the Headmaster or other staff. The pupil and parents will be provided with an opportunity to ask questions and to make appropriate comment, including explaining any mitigating circumstances.

The Chair may at his/her discretion adjourn or terminate the hearing. If the hearing is terminated without a conclusion being reached, the original decision of the Headmaster's disciplinary meeting will stand. The Chair may also at his/her discretion ask the pupil to temporarily leave the room at any stage of the hearing as they feel necessary or appropriate.

Decision

Governors review will consider the grounds for the review and shall decide whether to either:

- uphold the decision of the Headmaster; or
- require the decision of the Headmaster to be reviewed.

The decision will be notified to the parents by the Clerk to the Governors in writing within 3 school days of the review meeting. The Clerk to the Governors will also inform the Chair of Governors of the decision.

Confidentiality

All those participating in the application of this policy including parents and pupils are required to keep all statements, correspondence, notes and documents confidential except where legally required to disclose them.