



THE
KING'S SCHOOL
CANTERBURY

Exclusion, Removal and Review Policy

Responsible Person: Senior Deputy Head

Publication Date: September 2024

Latest Review Completed: September 2024

Next Review Due: September 2025

Summary of changes compared to previous version: N/A

Exclusion, Removal and Review Policy

Applies to: Whole School (King's School Canterbury, Junior Kings' School and the International College).

Responsible Person: KSC Senior Deputy Head

Latest Review Completed: September 2024

Future reviews: To be reviewed at least annually, and no later than August 2025

Aims

This policy aims to:

- support School rules and policies on behaviour and discipline;
- ensure procedural fairness and natural justice;
- promote co-operation between the School and Parents when it is necessary for the School to require a pupil to leave earlier than expected; and
- help to promote a whole school culture of openness, safety, equality and protection.

This policy forms part of the School's whole school approach to promoting child safeguarding and well-being, which seeks to involve everyone at the School to ensure that the best interests of pupils underpins and is at the heart of all decisions, systems, processes and policies.

Although this policy is necessarily detailed, it is important to the School that our policies and procedures are transparent, clear and easy to understand for staff, pupils, parents and carers. The School welcomes feedback on how we can continue to improve our policies.

The policy applies to all pupils in any part of the school but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or voluntary withdrawal by their parents.

A copy of this policy is available in hard or electronic form upon request, and on the School's website.

Regulatory framework

This policy has been prepared to meet the School's responsibilities under:

- Education (Independent School Standards) Regulations 2014;
- Boarding schools: national minimum standards (Department for Education (DfE), September 2022)
- Statutory framework for the Early Years Foundation Stage (DfE, January 2024)
- Education and Skills Act 2008
- Children Act 1989
- Childcare Act 2006
- Equality Act 2010

- Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR)
- Human Rights Act 1998.

The following School policies, procedures and resource materials are relevant to this policy:

- Terms and Conditions;
- Behaviour Policy;
- Anti-Bullying Policy;
- Drugs, Alcohol and Smoking Policy;
- Safeguarding and Child Protection Policy and Procedures;
- Special Educational Needs and Disability Policy; and
- Any other policy or rule adopted by the School from time to time, breach of which may cause a pupil to forfeit their place at the School.

Definitions and interpretation

References to **working days** mean a weekday or Saturday in term time when lessons are being taught. The dates of terms are published on the School's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening School holidays, the School's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delays.

References to the **Head** may include any other member of the Whole School Strategic Group which includes the Principals of the International College, Head of JKS and the Deputy Heads of KSC.

References to the **Investigator** are to the senior member of staff appointed to investigate alleged misconduct under this policy.

References to **Parent** or **Parents** can include one or both parents, those with parental responsibility, and/or a legal or education guardian.

References to the **Review** and **Review Hearing** are to the review by the Panel of the Head's decision to exclude or require the removal of a pupil, in accordance with this policy.

References to the **Panel** are to the three-member panel selected by the Clerk to the Governors to undertake the Review.

The **School** refers to each of the Kings School Canterbury (KSC), Junior Kings School (JKS) and/or the International College (IC).

Misconduct leading to Exclusion

The main but not exhaustive categories of misconduct, which may result in pupils being excluded from the School include, but are not limited to:

- supply / possession / use of alcohol or tobacco, or certain drugs or solvents, or their paraphernalia, or substances intended to resemble them;

- theft, blackmail, physical violence, intimidation or bullying including cyber-bullying (including, but not limited to, any of these behaviours which is in any way prejudice based or motivated by discrimination);
- misconduct of a sexual nature, including the supply or possession of pornography, sharing of nude or semi-nude images and/or videos;
- any behaviour falling within the description of ‘child-on-child’ abuse as set out in the School’s Safeguarding Policy;
- possession or unauthorised use of firearms, bladed items (knives) or other weapons;
- vandalism, including computer hacking;
- discrimination or harassment on the grounds of a protected characteristic according to the Equality Act 2010 or any hate incident or hate crime;
- persistent attitudes which are inconsistent with the School Rules, aims or ethos, or one-off extreme behaviour which falls into the same category, either on or off the premises, which may bring the School into disrepute;
- 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);
- damage to property.

These examples are not exhaustive and the Head may decide that suspension or exclusion for a lesser offence is justified where there has been previous misbehaviour. All aspects of your child's record at the School may be taken into account.

Required Removal

The School’s Terms and Conditions set out the circumstances in which the Head may in his or her discretion require a parent to remove their child from the School. Included below are further illustrations of the circumstances in which this might arise. In case of any disagreement, the School’s Terms and Conditions shall prevail.

The circumstances which could lead to Required Removal due to pupil behaviour include, but are not limited to, the following:

- Displaying recurring unwillingness to engage academically;
- Misconduct having received a warning from the school that further misdemeanours could result in the pupil losing their place at the School;
- Displaying recurring low-level disobedience of the School rules;
- Any other circumstance in which the School deems the pupil is unwilling or unable to benefit from the educational opportunity available;
- At the Head’s discretion a pupil may be required to be removed as an alternative to exclusion.

The circumstances which could lead to Required Removal due to parental behaviour include, but are not limited to:

- Treating the School or a member of staff unreasonably;
- Making an allegation about the School, a member of staff, or pupil that is untrue;

- Communicating with the School in any manner which is vexatious, relentless, confrontational, unreasonable or overly aggressive;
- Behaving in a manner which could or does adversely affect the School's reputation or the welfare of any member of its community(s);
- Behaving in a manner that could or does adversely affect a pupil's progress at the School;
- Behaving in a manner which leads the Head to conclude that the relationship of trust and confidence between the School and one or more parent has broken down;
- Breaching the Schools Terms and Conditions.

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 the pupil remains at the School.

Procedure

There are up to three potential stages in the procedure in a case where a sanction of Exclusion or Removal may be imposed by the Head. These are as follows:

- A. Investigation
- B. Formal Disciplinary Meeting with the Head
- C. Review Procedure

A. Investigation

Ethos and approach: An investigation will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures. The School has a clear set of sanctions and discipline measures. In more complex and serious situations, particularly those that involve multiple children, a senior member of staff will conduct an investigation into allegations when they come to light, before any determination on sanctions is decided. The Investigator never presupposes guilt in these situations. Staff who work on pastoral and safeguarding matters are trained to be sensitive and impartial. Government guidance, which all schools must follow, exhorts us to recognise that 'It could happen here' in relation to a wide range of harmful behaviours – but this is a warning against complacency rather than a presumption of guilt. Ultimately, the standard that staff adhere to is the 'balance of probabilities', ie: is it more likely that the allegations are true than they are not. This is not the same as the standard applied by the police, for example, when they consider allegations against the criminal standard of 'beyond reasonable doubt'.

Incidences of serious alleged misconduct will be investigated by a senior member of staff who has not been directly involved in the management of the allegation. We refer to this person as the '**Investigator**' in this policy, and typical steps that the Investigator might take or be responsible for include:

- a) Gathering evidence;
- b) Interviewing pupils, members of staff and others;
- c) Searching in accordance with relevant policy;

- d) Segregating pupils pending an interview and/or disciplinary. For the purposes of reliable segregation, the School may confiscate a pupil's mobile telephone for such a period as it reasonably deems necessary;
- e) Liaising with parents / guardians and, where appropriate or where there is a legal requirement, other agencies (e.g. police, social services).

If the allegation involves child protection/safeguarding issues, the Designated Safeguarding Lead will record the matter and may refer it to the Local Authority.

Interview

Where the Investigator thinks it is necessary to interview any pupils about the incident, the pupil will normally be accompanied by an appropriate adult (usually a member of staff) who can act as their advocate, unless this would impose a delay in proceedings which might jeopardise the veracity of evidence. A minute of the interview will be recorded in writing. The pupil may be asked to make a signed statement; this is used on a need-to-know basis, although the School may reserve the right to protect a pupil's anonymity where necessary (for example where there are Safeguarding concerns, and/or they are at risk of retaliation or other harm).

Suspension

1. A pupil may be suspended from boarding and / or the School while a complaint is being investigated or while an investigation is suspended (see paragraph below)
2. A member of staff, usually the HSM, will notify the parents of the reason and period of suspension and arrange with them for the pupil to leave the School.
3. Should a suspension continue for a period of more than six working days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. 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.

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.

B. The Formal Disciplinary Meeting

Preparation

Given the seriousness of the misconduct, in most cases where a Disciplinary Meeting is to be held it will be appropriate for the pupil's parents/guardians to attend and for the pupil to be temporarily suspended pending that meeting.

Where natural justice or the School's Terms and Conditions requires consultation with the Parent(s) prior to reaching a decision, it should be noted that consultation does not require itemisation of every fact, matter or incident forming part of the allegation(s). The School will instead seek to ensure that Parent(s) have adequate and timely information of the allegation(s) and their possible consequences, and an opportunity to respond to them. Consultation may take place at a meeting called for that purpose, or may be satisfied by other means of communication.

The pupil and/or the pupil's parents/guardians may write to the Head setting out any factors they wish to have considered at the Disciplinary Meeting. Any such letter should be sent to arrive at the Head's office at least one school working day before the Disciplinary Meeting.

The pupil and his/her parents (if available) will be asked to attend the Disciplinary Meeting with the Head at which the Investigator or other appropriate senior member of staff will explain the circumstances of the complaint and the investigation. The pupil may also be accompanied by a member of staff, usually the HSM. 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. 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 Head so that appropriate arrangements can be made. If a parent is unable to attend because of, for example, travel and working commitments, the School will make reasonable alternative arrangements to ensure the parent can be involved, remotely if necessary, with the disciplinary process and their child's education.

Note that in cases concerning the conduct of parent(s) rather than pupil(s), the meeting will usually involve the parent(s) only and not the pupil(s).

Proceedings

A member of staff (usually the Head's PA) will attend the meeting to note the events and to prepare a record of the main points discussed. The Disciplinary Meeting will be conducted by the Head and there are potentially three distinct stages of a disciplinary meeting:

The complaint: 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/she will decide whether the complaint has been sufficiently proved. The standard of proof shall 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.

The sanction: If the complaint has been sufficiently proved the Head will outline the range of disciplinary sanctions which he/she considers are open to them. The Head will take into account any further statement which the pupil and/or others present on the pupil's behalf wish to make. The pupil's disciplinary record will be taken into account, along with any mitigating factors that might have contributed to the behaviour (such as special needs or bereavement). Then, or at some later time, normally within 5 school working days, the Head will give a decision in writing, with reasons.

Leaving status: If the Head decides that the pupil must leave the School, he/she will decide on the pupil's leaving status - Excluded or Removed.

If a parent wishes to withdraw their child, this should be requested in writing. The School reserves the right to conclude the investigation and reach a decision on the balance of probabilities, even where the pupil has been withdrawn by parents. The right to request a review of the Head's decision does not apply where the parents voluntarily withdraw their child.

Delayed effect:

A decision to Exclude or Remove a pupil shall take effect seven 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 Review by the Governors of the decision, the pupil shall remain suspended until the Review has taken place and a decision is made either to uphold or reconsider the sanction.

Points to be considered when a pupil is withdrawn, excluded or removed include:

- i. the form of letter which will be written to the parents and the form of announcement in the School;
- ii. the form of reference which will be supplied for the pupil;
- iii. the entry which will be made on the School record and the pupil's status as a leaver;
- iv. arrangements for transfer of any coursework and project work to the pupil, his/her parents or another School;
- v. whether (if relevant) the pupil will be permitted to return to School premises to sit public examinations and in what capacity (ie: as an external/private candidate);
- vi. whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil;
- vii. whether the pupil will be entitled to leavers' privileges;
- viii. the conditions under which the pupil may re-enter School premises in the future;
- ix. financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

C. Review Procedure

A pupil or his / her Parents may request a Review of the Head's decision to permanently exclude or require the removal of a pupil.

Request for a Review

A request for a Review must be put in writing to the Clerk to the Governors. The request must be made within seven working days of the date of the Head's letter confirming a decision to permanently exclude or require the removal of a pupil.

The request should include:

- a copy of all relevant documents and full contact details;
- the grounds on which the Parents are asking for a Review and the outcome desired;
- a list of the documents which the Parents believe to be in the School's possession and wish the Panel to consider; and
- whether the Parents propose to be accompanied to the Review Hearing by someone who is legally qualified.

For the avoidance of doubt, a mere disagreement with the decision of the Head will not of itself be grounds sufficient for a Review.

If assistance with the request is required, for example because of a disability, this should be indicated in the request.

The Clerk to the Governors will acknowledge the request for a Review in writing within three working days of receipt.

Every effort will be made to enable the Review to take place within 15 working days of receipt of the request.

Pupil's status pending a Review

Following a request for a Review, the Pupil will be suspended from School until the review procedure has completed.

While suspended the Pupil shall remain away from School and shall not have the right to enter School premises or attend School events without written permission from the Head.

If the pupil's visa is sponsored by the School, the School shall defer making a report to UKVI regarding its withdrawal of sponsorship pending the Review.

Planning the Review

The Clerk to the Governors will send written notification to each party of the date, time and place of the Review at least ten working days before the date of the Review.

Copies of any documents additional to those specified in the Review form that the Parents wish the Panel to consider should be sent to the Clerk to the Governors to be received at least seven working days prior to the Review.

On receipt of new information not previously available to the Head before his/her decision was made, the Clerk to the Governors should contact the Chair of Governors who will decide whether to:

- include the new information in the bundle; or
- omit the information if not relevant to the grounds for Review; or
- make further enquiries of the Parents or the pupil about the information; or
- refer the information to the Head for his / her consideration as to whether the decision should be revisited.

The Clerk to the Governors will circulate a copy of the bundle of documents to be considered by the Review Panel to all parties at least three working days prior to the Review.

The Parents may be accompanied at the Review Hearing, for example by a relative or friend. The Review is an internal proceeding, not legal proceedings, and legal representation is unnecessary.

The Parents are required to notify the Clerk to the Governors if they wish to be accompanied by someone who is legally qualified in their initial request for a Review. The Parents should note that the Panel will wish to speak to them directly. Anyone accompanying the Parents will not be permitted to act as an advocate or to address the Review unless invited to do so by the Chair of the Panel.

A person will be appointed to take a minute of the Review Hearing.

Composition of the Panel

The Panel will comprise at least three individuals who have no detailed prior knowledge of the case, the pupil, or their Parents and will not include the Chair of Governors. With the exception of the Chair of Governors, Governors not appointed to the Panel will not be provided with information about the case.

The Parents may ask the Clerk to the Governors to inform them who has been appointed to sit on the Panel ahead of the Review. Fair consideration will be given to any reasonable objection to a particular member of the Panel.

The Panel members will appoint one of themselves to be the Chair of the Panel throughout the proceedings.

Role of the Panel

The role of the Panel is to consider:

- Whether the decision-making followed a fair process: whether an appropriate procedure was followed allowing the facts of the case to be sufficiently proved when the decision was taken to exclude or require the removal of the pupil. The civil standard of proof, namely, "the balance of probability", will apply. Observance of the School's relevant policies and rules will be taken into account but may not be determinative.
- Whether the sanction was within the range of reasonable responses in respect of the breach of discipline or the other events that are found to have occurred and to the legitimate aims of the School's policy in that respect.

In addressing the matters above, the Panel will consider the documentation provided by the parties, representations made by the parties and any other factors which the Panel considers to be relevant.

The Panel's purpose is to determine 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.

Review Hearing

The Review will be conducted in an informal manner observing principles of natural justice.

During the Review, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Review is not a legal proceeding and the Panel 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 Review will be unsworn. The parties will be entitled to write their own notes for reference purposes.

All those present during 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 Chair of the Panel. Any person who is dissatisfied with any aspect of the way the Review is being conducted must say so before the proceedings go any further and their comment will be minuted.

The Chair of the Panel may, at their discretion, adjourn the Review if they consider it appropriate to do so. This may include an adjournment for additional information to be obtained or for the parties to take legal advice on a specific issue arising.

A Review 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 Panel's decision in any subsequent legal proceedings.

When the Chair of the Panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, they will conclude the Review Hearing.

Outcome

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 Panel or the Chair of Governors within three working days of the Review Hearing.

The Head will provide their response to those recommendations, if appropriate, in writing within three working days.

In the absence of a significant procedural irregularity, the Head's decision will then be final.

If the Head's decision is upheld then the decision will be final.

If the Head is asked to reconsider their decision, the pupil will remain suspended until this has been done.