



EXCLUSION POLICY

Whole School

Internal Suspension/External Suspension/Requirement to Leave /Permanent Exclusion

Suspensions can be either temporary or permanent (exclusion). The Headmistress will authorise suspensions and/or exclusions and will be involved in the interviews and discussions with pupils and parents. In the case of a suspension, the Chair of Governors will be informed and will be consulted before any student is permanently excluded. Parents will be made aware in advance if suspension or exclusion are a possible outcome of any meeting or investigation.

1. Suspensions

- 1.1 As per the Parent Contract, the Headmistress may suspend a girl if she considers that her conduct or behaviour (including behaviour or conduct outside school) is unsatisfactory and the suspension or exclusion is in the School's best interests or the girls concerned. The School Behaviour Policy (Appendix A) sets out or include examples of offences at Level 5 and 6 likely to be punishable by suspension. These examples are not exhaustive and the Headmistress may decide that suspension or expulsion for a lesser offence is justified where there has been previous misbehaviour. All aspects of a girl's record at the School may be taken into account.
- 1.2 For temporary suspensions the school makes a distinction between one which is neutral and one which is a formal sanction. The school will inform parents which approach is being followed. A neutral suspension is one which the school requires a girl to be removed from lessons/school in order that an investigation can be conducted fairly and without further escalation of a problem. This suspension may be either internal or external and should ideally last no longer than two days to allow for an investigation to be completed. Should the investigation find in the girl's favour then they may return to school with no further consequences and with no negative record of the sanction. Should the investigation find that a formal sanction is required, it will be noted on the girl's record. The Headmistress can, at her discretion, count the time spent away from school as part of the recorded punishment.

1.2 Internal Suspension

The likely duration will be between 1 and 3 days. The pupil will be in a room working on their own under supervision. Work will be set for them from their

regular lessons and the Head of School will co-ordinate. They will have a different lunch and break to their peers.

1.3 External Suspension

A sanction must give a message to the pupil concerned and the rest of the School community. A suspension is used when that message must be heard strongly and clearly. Sometimes the misbehaviour is individual and so no public announcement is made. Parents will be contacted as the misbehaviour is investigated and the pupil will be required to stay at home (or with a guardian) for between 1 and 3 days.

2. Exclusion and Managed Removal from the School

In the case of permanent exclusion, a girl's name will be permanently removed from the school roll. In addition, any references requested for the girl by external agencies will set out the facts and circumstances of the reasons behind the exclusion.

Rationale for Exclusion

- 2.1 A decision to exclude permanently will be taken as a last resort when a range of other strategies have been previously employed in line with Sanctions Levels 1 -7 in the Behaviour Policy or if an exceptionally individual offence has been committed. Parents will be concerned to have the School reach a decision which is in the best interest of their child. The School needs also to take account of the interests of the whole School community.
- 2.2 Exclusion will usually be considered only where such action is deemed to be in the best interests of one or more of:
 - the pupil concerned
 - other pupils in the School
 - staff in the School
 - where the pupil's action has brought or is likely to bring the School's reputation into disrepute.
- 2.3 Exclusion will also be considered where the pupil concerned is regarded on the balance of probabilities as having committed a criminal offence, whether or not connected with the School and whether or not criminal proceedings have been instituted.
- 2.4 As per the Parent Contract, the Headmistress may at her discretion require that a girl is removed from the school from the School if her attendance or progress is unsatisfactory.
- 2.5 A pupil is also liable to be excluded if fees remain unpaid unless an arrangement has been agreed with the Bursar for paying off those arrears.
- 2.6 The Headmistress may require that a girl is removed from the school if the relationship between school and parents is no longer functioning in a manner based on mutual trust and respect. As per the Parent Contract a girl may be excluded if:
 - a parent's behaviour or conduct is unreasonable; and/or

- adversely affects the girls' progress in the school or the wellbeing of School staff; and/or
- brings (or is likely to bring) the School into disrepute; and/or
- the school has a legal right to end the contract because of something the parent has done wrong.

Managed Removal

- 2.7 The school draws a distinction between a Managed Removal from the School and Permanent Exclusion. A Managed Removal may be offered by the school at its discretion, as an alternative to permanent exclusion.
- 2.8 In the case of a Managed Removal, the school will require that a girl leaves the school but will provide reasonable assistance in ensuring that she can make a fresh start at an alternative school. In this case, no record of an expulsion will be made in any future references.

3. Process for Permanent Exclusion

- 3.1 The decision to permanently exclude for non-financial matters is taken by the Headmistress after discussion with senior staff and the Chair of Governors. The parents are informed of the decision and asked to collect the pupil as soon as possible. Parents will be made aware in advance, if exclusion is the possible outcome of any meeting or investigation.
- 3.2 While the precise procedure to be followed in a given situation depends on the circumstances of the case, the procedure outline below would apply wherever possible:
- A fair and thorough investigation will be led by the appropriate Deputy Head
 - Pupils must be informed of the allegation and the evidence relied upon
 - Pupils must be given a fair opportunity to exculpate themselves
 - Parents will be informed as soon as practically possible
 - A hearing will be conducted by the Headmistress and a decision reached
 - An appeal should be offered and this will be conducted by the Chair of Governors
- 3.3 Before a decision is made to exclude a pupil from Kent College, Pembury permanently, a full investigation will be undertaken by one of the Deputy Heads and the appropriate Head of School. The Headmistress will not take part in the investigation as this may compromise her impartiality at the actual hearing.

4. Appeals process

- 4.1 If a pupil is excluded by the Headmistress, the parent may appeal against the decision in line with **Stage 3 of the School's Complaints policy**. Such an appeal should be made in writing to the Chair of the Appeals Committee within 14 days of the decision to exclude and should set out the reasons for disputing the Headmistress's decision.
- 4.2 A pupil whose exclusion is subject to such an appeal will be suspended from attending the School pending the outcome of the appeal.

- 4.3 The Chair of Governors will appoint an 'Appeal Panel' of three persons. The Panel will consist of at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the school.
- 4.4 If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties no later than 5 days prior to the hearing.
- 4.5 The parents are invited to attend the Panel Hearing and maybe accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.
- 4.6 After due consideration of all the facts it considers relevant, the Panel will reach a decision and may make recommendations, which it shall complete within usually 7 days of the Hearing.
- 4.7 The Panel's findings and recommendations will be sent by electronic mail or otherwise given to the appellant. The Panel's findings and recommendations will then be made available for inspection on the school premises by the Governors and the Headmistress.
- 4.8 The decision of the Panel will be final.

For details of the procedures for holding a hearing, please see Appendix 1.

This policy should be read in conjunction with the School's:

- Alcohol –consumption on school premises policy
- Anti-Bullying Policy
- Attendance Policy
- Behaviour Policy
- Complaints Procedure
- Drugs Policy
- E-Safety Policy
- Parent Contract

Agreed by Exec: January 2018

Approved by Governors:

Appendix 1 – Procedures for Holding an Exclusion Hearing

Once the information gathering stage has been completed, the next step is obviously to hold the hearing itself. The hearing will generally be heard by the Headmistress and attended by the pupil, parents, a note taker and any other person required (e.g. witnesses or the member of staff who carried out the investigation).

BEFORE THE HEARING

Notify the pupil and parents of the hearing.

Make sure the letter sets out precisely what allegations have been made. It should also contain all relevant practical details (e.g. the time, date, place and purpose of the hearing and who will be attending).

Circulate the evidence to be relied upon by the School.

Provide copies of all evidence to be relied on by the School (including witness statements) and ask for any written submissions from the pupil/parents (including witness statements) to be provided for circulation by a specified (reasonable) date. Make sure all parties have sufficient time to prepare for the hearing.

Circulate any further evidence produced by the pupils/parents. Ideally, all parties should have copies of all evidence to be relied on, five working days before the actual hearing. If this is not possible then consider whether a brief postponement is preferable.

AT THE HEARING

A checklist for conducting the hearing is set out below (Excluding Pupils – A Practical Guide for Independent Schools – August 2005):

As a general rule, the pupils should attend the hearing. Natural justice requires that a pupil is able to hear the case against her/him and defend herself/himself. Unless there are strong reasons to the contrary, therefore, the pupil should be present and allowed to speak on her/his own behalf if she/he wishes to do so and the parents agree.

Particularly where the other witnesses are also pupils, it is generally preferable to rely on written statements at the hearing. Sometimes it may be felt that a witness should be present, for example to allow necessary questioning on the content of their statement. If so, the pupil may be asked to appear but should not be compelled to do so and the parents of that pupil must first consent.

Parents should not bring legal representatives to the hearing unless there are compelling reasons for allowing it (e.g. illness, English not parents' first language). You may, however, wish to consider allowing parents to bring a non-legally qualified supporter, making it clear in advance that this person is not able to make representations. If this offer is made then parents should also be asked to name any such supporter in advance of the hearing.

Explain the purpose of the hearing. The Headmistress should set out how the hearing will be conducted and the School presents its case. Generally this will be done by the person who conducted the investigation. If witness statements have been obtained then these should be read out loud.

Parents are entitled to know the precise nature of the alleged facts. From a practical perspective, allowing sufficient questioning will reinforce the impression of fairness. The pupil/parents present their case. The parents will normally undertake this role, but the pupil should be allowed to comment if appropriate. The Headmistress asks questions of the pupil/parents. The objective is for the Headmistress to establish all the relevant facts to allow a fair decision to be reached

Minute the hearing

A designated note-taker should note the names and roles of all people present, all written documents considered, all oral evidence given and the decision reached, including the reasons stated.

Adjourn

In all but the most straightforward of cases, however, it is good practice to adjourn the hearing before announcing the decision. Failure to do so creates the impression that the outcome was predetermined. Before adjourning, explain what will happen next and when.

FOLLOWING THE HEARING

Inform all parties of the decision.

This can be done face to face in the first instance but should always be confirmed in writing, preferably within one school day of the hearing. The letter should state the decision in relation to the charge (or each of them), the sanction, when it takes effect, the reasons, to whom the parents may appeal and the deadline.

Once the hearing has been held, the decision-taker (almost certainly the Headmistress) will have a range of sanctions open to her. The fairness of the sanction selected is another area open to legal challenge.

Before concluding that exclusion is justified, the Headmistress and Governor should ask the following questions:

Has the burden of proof been discharged?

No matter what offence the pupil is accused of, the Headmistress should decide the matter on the balance of probabilities. (New guidance entitled *Improving Behaviour and Attendance: Guidance on exclusion from schools and pupil referral units* states that the more serious the allegations, the more convincing the evidence substantiating the allegation needs to be. The regulations and guidance do not apply directly to independent schools who are still free to set

their own behaviour policies. Like the Behaviour and Attendance Guidance, however, the documents do provide a useful benchmark.

Is exclusion fair in all circumstances?

The decision to exclude is a very serious one with significant potential repercussions. In general, the decision should only be taken in response to a serious breach of the School's Behaviour Policy, once other options have been exhausted and if allowing the pupil to remain in School would seriously harm the education or welfare of the pupil or others in the School.

Once guilt has been established, the following questions will be considered before a decision to exclude is taken:

- Does the offence fall within the School's list of offences which may lead to exclusion? Although the list states that it is non-exhaustive, exclusion will be harder to challenge if the offence is contained in the published policy.
- Have pupils been excluded for similar offences in the past? (As a general rule, it is dangerous to exclude a pupil where previous offenders have been let off with, for example, a suspension).
- Has this pupil committed a serious disciplinary offence in the past?

Excluding for a first breach of discipline is far more susceptible to challenge than where a pupil has a proven track record of misbehaviour. The sorts of first offence that may justify exclusion typically involve:

- Violence
- Sexual assault
- Drugs and/or
- Offensive weapons

Even then, a decision to exclude should have regard to all the relevant circumstances.

- Have the relevant domestic circumstances been taken into account and whether the pupil was provoked, perhaps as a result of bullying or harassment?
- Are any other pupils involved in the investigation being dealt with in the same way? (Again, it is dangerous to scapegoat one pupil in circumstances where others are to be treated more leniently).

Check for consistency

- Are the interests of the pupil outweighed by those of the School community as a whole? How much harm will it do to the School and those in it if this pupil is allowed to remain?

If the answer to any of these questions is "no", a less draconian sanction may be considered as more appropriate.

Suspension (perhaps accompanied by a final warning) is the logical and less severe alternative. The Headmistress may consider agreeing to a managed move of the pupil to another school, provided such an alternative can be readily identified.

Another option may be to allow the parents an opportunity to withdraw the pupil rather than having an exclusion imposed.

Both these options should be used with care and are generally to be avoided where there is no confidence in the quality of the relationship between the School and parents going forward. Furthermore, these two sanctions both present an inconsistency in the School's position – if exclusion is not justified on the evidence then it is logically hard to justify a "lesser" sanction which will involve the removal of the pupil from the School.

The Headmistress will take advice before offering either of these options.