



EPSOM

COLLEGE

EXCLUSIONS, REQUIRED REMOVAL AND REVIEW POLICY

1. Introduction

The principles behind and purposes associated with this Policy are:

- to create the mechanism for appropriate disciplinary measures in the event of misconduct of a serious nature and to support the College's Behaviour Policy;
- to ensure procedural fairness and natural justice;
- to enhance co-operation between the College and parents/guardians when it is necessary for pupils to be excluded.

2. Terminology

Pupils may be excluded from the College for a number of reasons, including those which are educational, medical, financial or disciplinary (misconduct). The issues below refer primarily to exclusion for misconduct.

- **Suspension** means that the Pupil has been sent or released home for a limited period of time either as a disciplinary sanction or pending the outcome of an investigation or a Governors' Review.
- **Withdrawal** means that the Parents have withdrawn the pupil from the College.
- **Expulsion** and **Removal** mean that the Pupil has been required to leave ("**asked to leave**") the College permanently in the circumstances described below.
- **Released home** means that the Head has consented to the Pupil being away from College for a specified period of time.
- **Exclusion** may be used as a general expression to cover any or all of the other expressions used in this Policy.
- **Removal** means that parents may be required to remove a pupil permanently from the College (or from boarding) if, after consultation with the parents and if appropriate the pupil, the Head is of the opinion that by reason of the pupil's conduct, behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the College; or if the parents have treated the College or members of its staff unreasonably.
- **Expulsion** means that the Pupil may be formally expelled from College if it is proved on the balance of probabilities that the Pupil has committed a grave breach of College discipline or a criminal offence. Expulsion is reserved for the most serious breaches.

The Head shall act with procedural fairness in all such cases. The Head's decision shall be subject to a Governors' Review if requested by a Parent. Parents will be given a copy of the Review procedure current at the time. The Pupil shall remain away from College pending the outcome of the Review (see "Governors' Review" below).

Sanctions for breaches of discipline that do not merit exclusion/ required removal will be dealt with in line with the College Behaviour Policy.

3. Misconduct

A non-exhaustive list of the sorts of behaviour that could merit permanent exclusion (including behaviour or conduct outside of College) includes the following:

- physical assault against pupils or adults;
- behaviour which puts the safety of the pupil, or any other person, in jeopardy;
- verbal abuse/threatening behaviour against pupils or adults;
- bullying, including (cyber-bullying) [in accordance with the College's Anti-Bullying Policy];
- committing a criminal offence;
- fighting;
- abuse on the grounds of race, religion/belief, disability, SENs (etc.) or any form of unlawful discrimination;
- sexual harassment or misconduct, including non-consensual sharing of nudes or semi-nude images and/or videos;
- drug and alcohol misuse (including supply/possession/use);
- damage to property;
- vandalism or computer hacking;
- theft or unauthorised possession of any property belonging to the College, another pupil, or a member of staff;
- wilful damage to property;
- bringing illegal, inappropriate or dangerous items into College, such as drugs, weapons, firearms, pornographic material etc;
- misconduct which adversely affects or is likely to adversely affect the welfare of a member or members of the College community;
- misconduct which brings or is likely to bring the College into disrepute; and
- persistent disruptive behaviour or breaches of the College's [Behaviour Policy] or College Rules.
- may bring the College into disrepute;
- and failure to behave reasonably in academic matters.

The College takes the conduct of its pupils outside of College grounds extremely seriously. A pupil's misbehaviour outside of College can be damaging to the reputation of both the pupil and the College. Where an incident is reported to the College of a pupil/s' poor behaviour outside of the College grounds and the incident has not been witnessed by College staff, the College will take an evidence-based approach and/or talk to witnesses before identifying further action and any sanctions required for such behaviour.

The College will usually report to the police any activity which it believes may amount to a criminal activity which takes place either within the College grounds or outside of its grounds. Suspected drugs and weapons will be confiscated immediately and held for the police as potential evidence. If the College believes a pupil may have taken drugs then the College will seek immediate medical advice and may involve the police.

Alleged sexual offences will generally be reported to the police immediately.

Other agencies, for example Children's Social Care, may also be notified where necessary and appropriate to the facts of the case.

4. Equality

The College will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where expulsion needs to be considered, the College will ensure that a pupil with a disability or special educational needs and / or his / her parents are able to present their case fully where their disability or special educational needs might hinder this. Any religious requirements affecting the pupil will also be considered.

5. Other circumstances that could merit required removal

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 College, that he / she remains at the College.

A non-exhaustive list of the sorts of circumstances that could merit required removal (including behaviour or conduct outside of College) includes the following:

- Conduct or behaviour (including conduct or behaviour outside of College) which is unsatisfactory and/or in the reasonable opinion of the Head, the removal is in the College's best interests, and/or those of the pupil in question and/or other children;
- Where attendance is unsatisfactory and/or, in the reasonable opinion of the Head, the removal is in the College's best interests and/or those of the pupil in question and/or of other children;
- Where progress is unsatisfactory and/or, in the reasonable opinion of the Head, the removal is in the College's best interests and/or those of the pupil in question and/or of other children;
- Circumstances where the College is unable to meet the pupil's needs, including cases where the College cannot reasonably accommodate adjustments or reasonably provide the nature or level of support required.

As set out in the College's Terms and Conditions, the College may also require the removal of a pupil in circumstances where the Head considers in their discretion that the behaviour or conduct of a parent (or both parents) is unreasonable; and/or adversely affects (or is likely to adversely affect) their child's and/or other children's progress at the College, and/or the wellbeing of College staff; and/or brings (or is likely to bring) the College into disrepute (among the College community or the general public); and/or is not in accordance with their obligations under the Parent Contract. A non-exhaustive list of the sorts of behaviour that could merit required removal of a pupil on the grounds unacceptable parental behaviour or conduct includes the following:

- treating the College or a member of staff unreasonably;
- making a malicious allegation about a member of staff or the College;
- communicating with the College in person or in writing (directly or indirectly), in a manner which is deemed voluminous, and/or relentless, and/or confrontational, and/or unreasonable, and/or overly aggressive;
- behaving in a manner which adversely affects (or in a manner which is likely to adversely affect) the welfare of a member or members of the College community; and
- breaching the Terms and Conditions.

The College reserves the right to impose sanctions for parental behaviour falling short of required removal, including but not limited to placing restrictions on a parent's access to College / College events, communications with the College and/or the imposition of a warning (up to and including a final written warning).

Please note that exclusion / required removal may also be imposed by the College as a sanction for a series of more minor misdemeanours (whether that be pupil or parental related) and/or repeated short-term absence in the case of the pupil (as well as long term absence).

6. Procedure

There are 3 stages the procedure in a case where a sanction of Expulsion or Removal may be imposed by the Head. These are as follows:

- A. **Initial Disciplinary Procedure** - further details of the clarification procedures to be followed at this stage are set out in **Section 7** below;
- B. **Formal Disciplinary Meeting with the Head** - further details of the disciplinary meeting are set out in **Section 8** below;
- C. **Governors Review Panel** - further details of the Review are set out in **Section 9** below.

7. The Initial Disciplinary Procedure

Incidences of serious alleged misconduct will be investigated by a senior member of staff, typically the Second Master ("the disciplinary process").

If the Second Master or senior member of staff considers that a pupil's conduct could result in Suspension, Withdrawal or Expulsion, he/she will liaise with the pupil's Housemaster/Housemistress (HMM) to ensure that the pupil's parents are kept informed.

The pupil may have a member of staff of his/her choosing to accompany him/her to any meetings or hearings during the disciplinary process (this will usually be the child's HMM/Head of Lower College as appropriate).

Following the Disciplinary Procedure, the Second Master or senior member of staff will liaise with the Head if they feel that disciplinary action may be appropriate. If the Head considers the matter to be sufficiently serious to warrant a penalty greater than Suspension, the Head will contact the pupil's parents before taking that decision and hold a Formal Disciplinary Meeting with them to discuss his decision.

Parents/guardians may appeal against a Permanent Exclusion. A panel of the Epsom College Governors who have not had any part in the proceedings hitherto will be appointed by the Chairman of the Board of Governors to consider the appeal.

Other agencies may be notified at any stage of the procedure, as and when necessary and appropriate. In the absence of the Head or Second Master, the person deputising in that role will undertake actions identified in the procedure.

Conducting the Disciplinary Process: In the event of a report of misconduct (or suspicion thereof) occurring, clarification interviews will be conducted by the Second Master or a senior member of staff. This may include:

- A. gathering evidence;
- B. interviews with pupils, members of staff and others;
- C. segregation of pupils pending a hearing; and
- D. liaison with parents/guardians and, where appropriate or where there is a legal requirement, other agencies (e.g. police, social services).

Searches: In gathering evidence apart from interviews, searches of pupils' rooms and belongings will only be conducted with their permission and in their presence, unless a search without their consent is deemed necessary, for example in order to protect others or to prevent disorder, criminal activity, or destruction of evidence.

The College may decide to search a pupil's space and belongings and ask him / her to turn out the contents of pockets or a bag, if it considers there is reasonable cause to do so. Clothing will not be searched until it has been removed from the wearer and care will be taken to ensure reasonable privacy. This policy does not authorise an intimate search or physical compulsion in removing clothing. Only outer clothing will be searched. If necessary, the police would be called.

In these situations, the search will be undertaken in the presence of the Second Master or senior staff member.

Segregation: It may be necessary to segregate pupils. For the purposes of reliable segregation, the College may confiscate a pupil's mobile telephone for such a period as it reasonably deems necessary.

Suspension: A pupil may be suspended from the College while a complaint is being investigated or while an investigation is suspended (see paragraph below). Should a suspension continue for a period of more than five school days, the College 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. Alternatively, the pupil may be placed under a segregated regime on College premises.

Following the initial stages of the disciplinary process, the Second Master or senior staff member conducting the clarification will consider whether the alleged misconduct may lead to Suspension, Removal or Permanent Exclusion and if so, he/she:

- A. will ensure that the pupil's HMM is informed of the allegation against the pupil, the facts giving rise to the allegation and that Suspension, Removal or Permanent Exclusion may be the outcome;
- B. if the Second Master has not conducted the clarification, ensure that the Second Master is informed of the allegation against the pupil and the facts giving rise to the allegation;
- C. will ensure that the pupil is informed of the allegation against him/her, the facts giving rise to that allegation, that the Head will consider the allegation and that he/she may have a member of staff with him/her during the Formal Disciplinary Meeting with the Head;
- D. will notify the Head's office that a Formal Disciplinary Meeting is required, giving the pupil's name, the allegation against the pupil and the facts giving rise to the allegation.

When it is considered that the clarification has been completed, but before a Meeting with the Head takes place, the Second Master shall review the clarification, considering the following questions in particular:

- A. Are further enquiries needed?
- B. Would an objective bystander consider the manner of the investigation fair?
- C. What is the pupil's disciplinary record at the College?
- D. Is it appropriate to hold a hearing with the prospect of Removal/Permanent Exclusion before the pupil?

The HMM will contact the pupil's parents/guardians before a Formal Disciplinary Meeting with the Head and inform them of the allegation against the pupil, the facts giving rise to the allegation and that the allegation is to be considered by the Head because Suspension, Removal or Permanent Exclusion may be the outcome. The HMM will ensure that the pupil's parents/guardians are kept informed of the progress of the matter.

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.

8. The Formal Disciplinary Meeting

Preparation: Given the seriousness of the misconduct, in most cases where a Formal Disciplinary Meeting is to be held it will be appropriate for the pupil's parents/guardians to attend the Disciplinary Meeting and for the pupil to be temporarily suspended until the Disciplinary Meeting. The Head will inform the pupil that a Disciplinary Meeting is to be held and (if a Suspension is imposed) that the pupil is suspended until that meeting.

The Disciplinary Meeting will usually be held within 3 school working days of the conclusion of the clarification process. The pupil and the pupil's parents/guardians will be informed in writing, or more likely by telephone, of:

- A. the date, time and place of the Disciplinary Meeting and the College's expectation that they or the pupil's guardian should attend (if possible);
- B. the findings of the Disciplinary clarification process conducted by the Second Master or another senior member of staff;
- C. any relevant previous disciplinary issues concerning the pupil;
- D. any other favourable or unfavourable conduct known to the College which will be taken into account;
- E. the purpose of the Disciplinary Meeting and who will be attending;
- F. the availability of copies of this policy (enclosing a copy if appropriate).

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.

Attendance: The pupil and his / her parents (if available) will be asked to attend the Disciplinary Meeting with the Head at which the Second Master 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. If either the pupil, the parents/guardians or the Head wish to be accompanied, he/she/they should notify the others of by whom they will be accompanied at least 24 hours before the meeting.

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 or Second Master so that appropriate arrangements can be made.

If a parent is unable to attend because of, for example, travel and working commitments, the College will make reasonable alternative arrangements to ensure the parent can be involved, remotely if necessary, with the disciplinary process and their child's education.

Proceedings: A senior member of staff (usually the Second Master) 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 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, 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 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 behalf wish to make. The pupil's disciplinary record will be taken into account. Then, or at some later time, normally within 3 school working days, the Head will give his decision in writing, with reasons.
- **Leaving status:** If the Head decides that the pupil must leave the College, 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 seven days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from College 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 either the sanction is upheld, or a reconsidered decision made.

Leaving status

If a pupil is Expelled or Removed, his / her leaving status will be one of the following: Expelled, Removed or, if the offer is made and accepted, Withdrawn by Parents.

Additional points of leaving status include:

- the form of letter which will be written to the parents and the form of announcement in the College;
- the form of reference which will be supplied for the pupil;
- the entry which will be made on the College 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 (if relevant) the pupil will be permitted to return to College premises to sit public examinations;
- whether (if relevant) the College 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 re-enter College premises in the future;
- financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunded of prepaid fees.

The Head will notify the Chairman of the Board of Governors of the decision to exclude permanently or require the removal of a pupil, at the appropriate time.

9. Governors' Review

Request for a Review: Parents may ask for a Governors' Review of a decision to expel or require the removal of the Pupil from the College or from boarding (but not a decision to suspend the Pupil unless the suspension is for 11 school days or more or would prevent the Pupil taking a public examination).

The request must be made to the Clerk to Governors in writing as soon as possible and in any event within seven days of the decision being notified to the Parents.

If the parents or the pupil have any special needs or disabilities which call for additional facilities or adjustments, these should be made known to Clerk so that appropriate arrangements can be made.

Grounds for a Review: In their application the parents must state the grounds on which they are asking for a Review and the outcome which they seek. For the avoidance of doubt, a mere disagreement with the decision of the Head will not of itself be grounds sufficient for a Review.

Review Panel: The Review will be undertaken by a three-member sub-committee of the Governing Body. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not include the Chairman of the Board of Governors. With the exception of the Chairman, those Governors not appointed to the Panel will not be provided with information about the case. Parents will be notified in advance of the names of the panel members. Fair consideration will be given to any bona fide objection to a particular member of the Panel. The Panel may, if requested by the parents, include an independent member who has no connection with the management or running of the College.

Role of the Panel: The role of the Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Head's decision or refer the decision back to him with recommendations so that he may consider the matter further.

Review Procedure: The meeting will take place at the College premises, normally within twelve school working days after the parents' application has been received. A Review will not normally take place during school holidays. The parents and the Head will be asked to submit any documents they wish to refer to at the meeting to the Clerk to the Governors and a single bundle will be circulated to the Panel and the parties simultaneously at least three days before the meeting. On receipt of new information not previously available to the Head before his decision was made, the Clerk should contact the Chairman of the Board of Governors who will decide whether:

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

Attendance: Those present at the Review meeting will normally be:

- members of the Review Panel and an appointed Clerk;
- 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 College staff who is willing to speak on the pupil's behalf. The parents may be accompanied by a friend or relation. The meeting is not a legal proceeding and so legal representation is not necessary. The Clerk to the Governors must be given seven days' notice if the friend or relation is legally qualified and the parents should note that the Review Panel will wish to speak to them directly and this person will not be permitted to act as an advocate.

Conduct of the meeting: The meeting will be chaired by one 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 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. No recording of the meeting by any electronic or digital means shall be permitted. The meeting will be directed by the Chairman of the Review Panel who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chairman of the Review Panel may at his / her discretion adjourn or terminate the meeting.

If the meeting is terminated, the original decision will stand.

Procedure: The Panel will consider each of the points raised by the pupil or his / her parents and any documentation they wish to rely on so far as relevant to:

- **whether the decision was fair procedurally and / or substantively** - whether the facts of the case were sufficiently proved when the decision was taken to Expel or Remove of the pupil. The civil standard of proof, namely, "the balance of probability", will apply and
- **whether the sanction was proportionate** - that is whether it was warranted in respect of the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the College'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 of the Review Panel at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

Decision: When the Chairman of the Review Panel decides that all issues have been sufficiently discussed and if by then there is no consensus, he / she may adjourn the meeting; alternatively, the Chairman may ask those present to withdraw while the Panel considers its recommendations.

The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the parents by the Chairman of the Review Panel or the Chairman of the Board of Governors within three days of the meeting. The Head will provide his / her response to those recommendations, if appropriate, in writing within 24 hours. In the absence of a significant procedural irregularity, the Head's decision will then be final.

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. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.