

## Expulsion, Removal & Review Policy

### Introduction

1. **Scope:** This policy contains guidelines explaining the circumstances under which a pupil may be expelled from King's College School (the 'School'), or required to leave permanently for misconduct or other reasons. The guidelines will be applied with any adaptations necessary to the circumstances of a particular case. The policy applies to all the School's pupils whether or not in the care of the School, but does not cover cases when a pupil has to leave because of ill-health, nonpayment of fees, or withdrawal by his/her parents.
2. This is a whole-school policy including Early Years Foundation Stage (EYFS). This policy can be made available in large print or other accessible format if required.
3. **Definitions:**
  - 'Parent' includes one or both of the parents, a legal guardian or education guardian.
  - 'Expulsion' means a dismissal from the School in disgrace, formally recorded.
  - 'Removal' means that a pupil has been required to leave permanently, but without the stigma of expulsion.
  - 'Exclusion' means a pupil has been required to leave either as a neutral act while a complaint is investigated or as a temporary disciplinary sanction.
  - 'Working days': References to 'working days' means Monday to Friday, when the School is open during term time and includes weekends when boarders are in residence. Term dates 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 minimize any hardship or unfairness arising from such delays.

### Policy Statement

3. **Aims:** The aims of this policy are:
  - To support the School's *Policy for Good Discipline* and Terms and Conditions;
  - To help create a culture of safety, equality and protection;
  - To ensure procedural fairness and natural justice;
  - To promote cooperation between the School and parents when it is necessary for a pupil to leave earlier than expected.
4. **Misconduct:** The main categories of misconduct which may result in expulsion or removal are:
  - Supply, sale or sharing of illegal drugs, alcohol or tobacco as prohibited by the School's *Drug and Substance Misuse Policy*;

- Actual or attempted theft, blackmail, physical violence, intimidation, racism or prejudice-based bullying or other potentially criminal offences including being an accessory or conspirator;
  - Physical or emotional abuse or harassment;
  - Harmful or inappropriate sexual behaviour including sexual violence, sexual harassment, upskirting and sexting;
  - Supply or possession of pornography;
  - Behaviour which may constitute a criminal offence, such as possession or use of an unauthorised firearm, knife or other weapon;
  - Vandalism, computer hacking or serious misuse of the School's IT network;
  - Persistent attitudes or behaviour which are inconsistent with the School's ethos;
  - 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) on or off school premises; and
  - Any form of abuse or unlawful discrimination on the grounds of sex, race, religion/belief, disability, special educational needs, sexual orientation and gender reassignment, etc.
5. ***Behaviour related to a disability:*** the School will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Where expulsion needs to be considered, the School will ensure that disabled pupils or parents are able to present their case fully where the disability might hinder this.
6. ***Other Circumstances:*** 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 they remain at the School.

### **Investigation Procedure**

7. ***Complaints:*** Investigation of a complaint or rumour about serious misconduct will normally be coordinated by the Deputy Head, and its outcome will be reported to the Head. Parents will be informed within 7 working days or as soon as possible therein after if a complaint under investigation is of a nature that could result in the pupil being expelled or required to leave.
8. ***Exclusion:*** A pupil may be excluded and required to live at home or with the education guardian while a complaint is being investigated. Should an exclusion continue for a period of more than five School days, the Head will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. The Deputy Head will coordinate the arrangements with the pupil's parents or guardians. 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 school premises.
9. ***Search:*** The School may decide to search a pupil's space and belongings, and ask them to turn out the contents of pockets or a bag, if 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 will be called. See also the School's *Policy for Good Discipline* for further information about search procedures.

10. **Interview:** A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If a pupil is interviewed formally about a complaint, arrangements will be made for them to be accompanied by their parents or by a member of staff of their choice. A pupil who is waiting to be interviewed may be segregated but made as comfortable as possible and supervised continually by a member of staff. A minute of the interview will be recorded in writing by the interviewing member of staff.
11. **Ethos:** An investigation and any subsequent meetings will be conducted fairly and in a way which is appropriate for a school, without formal legal procedures.
12. **Adjournment of an investigation:** It may be necessary to adjourn 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 adjourn an investigation will be subject to periodic review.

### **Disciplinary Meeting**

13. **Preparation:** The Chair of Governors will be informed of the investigation at the earliest appropriate opportunity. The following documents will be available to all parties at the disciplinary meeting:
  - 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 Deputy Head's investigation report;
  - The pupil's school file(s);
  - The relevant school policies and procedures.
14. **Attendance:** The pupil and their parents (if available) will be asked to attend the disciplinary meeting with the Head at which the Deputy Head will explain the circumstances of the complaint and the subsequent investigation. The pupil may also be accompanied by a member of staff of their choice. The pupil and their 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 other 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 Deputy 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.

15. **Proceedings:** There are 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 further investigation is needed, the Head 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 available. The Head will take into account any further statement which the pupil and/or others present wish to make. The pupil's disciplinary record will be taken into account. The Head will deliver the decision in writing, with reasons, within 24 hours.
  - *Leaving status* - if it is decided that the pupil must leave the School, the Head will consult with the pupil's parents before deciding on the pupil's leaving status (see below).
16. **Delayed Effect:** A decision to expel or remove a pupil shall take effect 7 days after the decision was first communicated to the parents. Until then, the pupil shall remain suspended and away from school premises. If within 7 days the parents have made a written application for a review by the Governors, the pupil shall remain suspended until the review has taken place and either the sanction is upheld or a reconsidered decision is made.

## LEAVING STATUS

17. **Explanation:** If a pupil is expelled or required to leave, their leaving status will be one of the following: "expelled", "removed" or, if the offer is made and accepted, "withdrawn by parents", as defined in the School's Terms and Conditions.
18. **Detail:** The leaving status of the Pupil will have a material effect upon the following which, for ease of reference, are set out in a table at the end of this policy:
- The form of letter which will be written to the parents;
  - 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, their 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;
  - Whether the pupil will be eligible for membership of the KCSA and, if so, from what date;
  - The conditions under which the pupil may re-enter School premises in the future; and

- Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunding of prepaid fees.

## GOVERNORS' REVIEW

19. **Request for Review:** A pupil or their parents may make a written application for a Governors' Review of the Head's decision to expel or require a pupil to leave, or where a decision has been made to exclude a pupil for 11 School days or more, or where exclusion would prevent the pupil from taking a public examination. The application must be received by the Clerk to the Governors within 7 days of the decision being notified to parents, or longer by agreement. 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 the Clerk so that appropriate arrangements can be made.
20. **Grounds for 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 Head's decision will not of itself be grounds sufficient for a Governors' review.
21. **Review Panel:** The review will be undertaken by a three member committee composed of 2 Governors and one external adviser with experience in school management. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not normally include the Chair of Governors. Selection of the Review Panel will be made by the Chair of Governors. With the exception of the Chair of Governors, those members of the Governing Body 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.
22. **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 the Head with recommendations so that the Head may consider the matter further. It is not within the powers of the panel to reinstate a pupil's place at the school against the wishes of the Head.
23. **Review Meeting:** A review meeting will take place at the school premises, normally between 3 and 10 days after the parents' application has been received. A review meeting 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 and a single bundle will be circulated at least three days before the meeting. On receipt of new information not previously available to the Head before the Head's decision was made, the Clerk should contact the Chair of Governors who will decide whether to:
  - 23.1 include the new information in the bundle; or
  - 23.2 omit the information if not relevant to the grounds of the review; or
  - 23.3 make further enquiries of the parents or the pupil about the information; or
  - 23.4 to refer the information to the Head for consideration as to whether the decision should be revisited.

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

24. **Attendance:** Those present at the review meeting will normally be:

- Members of the review panel and the Clerk to the Governors or the deputy.
- The Head and any relevant member of staff whom the pupil or their parents have asked to attend and whom the Head considers should attend in order to secure a fair outcome.
- The pupil, together with their 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 meeting is not a legal proceeding and so legal representation is not necessary. The Clerk must be notified at least three school days before the review meeting if the friend or relation is legally qualified. The parents should note that the review panel will wish to speak to them directly and any legally qualified person will not be permitted to act as an advocate.

If the pupil or the parents experience difficulty in attending due to a disability or the parent's travel and working commitments prevent them from attending, the School will make reasonable alternative arrangements to ensure the pupil and their parents can be involved in the review.

25. **Conduct of 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 proceedings will not be recorded without the consent of both the Chair of the review panel and the parents of the pupil and any recording will be used only to assist the panel members in reaching their decision and formulating their reasons. Any recording made will belong to the School. The Clerk will be asked to keep a 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 Chair 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 Chair of the review panel may at their discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

26. **Procedure:** The Head will provide the parents with a copy of the current review procedure if requested. In summary, the panel will consider each of the questions raised by the pupil or their 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 the pupil. The civil standard of proof, namely, "the balance of probabilities" will apply; and
- **whether the sanction was proportionate** - that is whether the sanction 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 School's policy in that respect.

The requirements of natural justice will apply. If for any reason the pupil or their parents are dissatisfied with any aspect of the meeting they must inform the Chair of the review panel at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

27. **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 Chair of the review panel may require that the name of that person and the reasons for withholding it be written down and shown to the panel members. The Chair of the review panel at their discretion may direct that the person be identified, or not as the case may be.
28. **Pupil's Character:** Up to two members of the school staff may speak generally about the pupil's character, conduct and achievements at the School if they are willing to do so.
29. **Decision:** When the Chair of the review panel decides that all issues have been sufficiently discussed and if by then there is no consensus, the Chair may adjourn the meeting; alternatively, the Chair of the review panel may ask those present to withdraw while the panel considers its decision. 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 review panel or the Chair of Governors within three days of the meeting. The Head will provide a response to those recommendations, if appropriate, in writing within 24 hours. The Head's decision will then be final.

**Signed:**



The Reverend Dr Stephen Cherry  
Dean, King's College, Cambridge  
Chair of Governors, King's College School

24<sup>th</sup> March 2020

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Date of Last Review:	March 2020
Date for Next Review:	March 2021
Policy Owner:	Head/Deputy Head
Authorisation:	Chair of Governors, on behalf of the Board of Governors

## Appendix 1

<b>Expulsion of Pupil</b>	<b>Required Removal</b>	<b>Withdrawal by Parent</b>
<p><i>Letter:</i> A letter will be written to the parents confirming that the pupil has been expelled from the School and explaining the following points of leaving status, which arise from that decision.</p>	<p><i>Letter:</i> A letter will be written to the parents explaining that the pupil has been removed from the School and explaining the following points of leaving status, which apply.</p>	<p><i>Letter:</i> A letter will be written to parents confirming the Head's consent to the parents withdrawing the pupil from the School, and explaining the following points of leaving status, which apply.</p>
<p><i>Reference:</i> Every reference for the pupil will state that they were expelled, the date of their expulsion and the reason for it.</p>	<p><i>Reference:</i> Every reference for the pupil will state that they were removed from the School and the date of their removal. No reason will be given unless asked.</p>	<p><i>Reference:</i> Every reference for the pupil will state that they were withdrawn from the School and the date of their removal. No reason will be given unless asked.</p>
<p><i>School Record:</i> The record will show that the pupil was expelled on a specific date and their name will then be removed from the school roll.</p>	<p><i>School Record:</i> The record will show the date on which the pupil was removed.</p>	<p><i>School Record:</i> The record will show the date on which the pupil was withdrawn.</p>
<p><i>Status as Leaver:</i> The pupil's name will be excluded from the list of leavers in that year.</p>	<p><i>Status as Leaver:</i> The pupil's name will be included in the list of leavers for that year.</p>	<p><i>Status as Leaver:</i> The pupil's name will be included in the list of leavers for that year.</p>
<p><i>Course &amp; project work:</i> Immediate steps will be taken to identify and collect up the pupil's work to be returned to the parents or transferred to another school.</p>	<p><i>Course &amp; project work:</i> Immediate steps will be taken to identify and collect up the pupil's work to be returned to the parents or transferred to another school.</p>	<p><i>Course &amp; project work:</i> Immediate steps will be taken to identify and collect up the pupil's work to be returned to the parents or transferred to another school.</p>

<p><b>Public examinations:</b> The pupil will not be entitled to return to school premises to sit public examinations.</p>	<p><b>Public examinations:</b> The pupil will be permitted to sit public examinations at school premises (if relevant).</p>	<p><b>Public examinations:</b> The pupil will be permitted to sit public examinations at school premises (if relevant).</p>
<p><b>Alternative placement:</b> It is unlikely that the Head and staff will offer assistance in finding an alternative placement for the pupil.</p>	<p><b>Alternative placement:</b> It is likely that the Head and staff will assist in finding an alternative placement.</p>	<p><b>Alternative placement:</b> It is likely that the Head and staff will assist in finding an alternative placement.</p>
<p><b>KCSA:</b> The pupil will not be eligible for membership.</p>	<p><b>KCSA:</b> The pupil will be eligible for membership from his/her 13<sup>th</sup> birthday.</p>	<p><b>KCSA:</b> The pupil will be eligible for membership from his/her 13<sup>th</sup> birthday.</p>
<p><b>Leavers' Privileges:</b> The pupil will not be entitled to any of the privileges of a leaver such as attendance at Ball or at other celebrations or parties on school premises.</p>	<p><b>Leavers' Privileges:</b> The pupil will not be entitled to any of the privileges of a leaver such as attendance at Ball or at other celebrations or parties on school premises.</p>	<p><b>Leavers' Privileges:</b> At the discretion of the Head, the pupil may be entitled to attend the Leavers' Ball or other celebrations or at parties on school premises.</p>
<p><b>Re-entering school premises:</b> The pupil will not at any time in the future be entitled to re-enter school premises without the prior written consent of the Head.</p>	<p><b>Re-entering school premises:</b> The pupil will be entitled to re-enter school premises after his/her 19<sup>th</sup> birthday, subject to the normal permissions.</p>	<p><b>Re-entering school premises:</b> The pupil will be entitled to re-enter school premises after his/her 19<sup>th</sup> birthday, subject to the normal permissions.</p>
<p><b>Financial:</b> Any unpaid balance of account is payable, including the remainder of the expulsion term. The deposit is not returned or credited. Fees in lieu of notice will not be payable.</p>	<p><b>Financial:</b> Any balance of account is payable, including the remainder of the term. The deposit will be refunded in full without interest. Fees in lieu of notice will not be payable.</p>	<p><b>Financial:</b> Any balance of account is payable, including the remainder of the term. The deposit will be refunded in full without interest. Fees in lieu of notice will not be payable.</p>

## Request for a Governors' Review of a Decision to Expel or Require a Pupil to Leave

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**To:** The Clerk to the Governors of King's College School, Cambridge

**Name of Pupil:**

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**I/We request** that a sub-committee (**Panel**) of the Board of Governors carries out a review of the Head's decision to expel or require removal of the above named pupil. I/we agree that the review will be carried out in accordance with the Policy supplied to us with this form and I/we agree to abide by the terms of that Policy, and in particular that the proceedings are and will remain confidential and that the Head's decision following consideration of the recommendations made by the Governors' Review will be final, subject to such (if any) legal rights as may exist.

**I/We confirm** that I/we am/are the person(s) with parental responsibility for the above named pupil and that I/we have consulted the pupil who wishes the review to be undertaken.

**I/We 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/We understand** that I/we may be accompanied at the review meeting by a friend or relation and will notify the School if this person is legally qualified at least three days before the review meeting (I/we understand this person will not be permitted to act as an advocate). I/We also understand that we 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/we seek a review and the matters which I/we 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)

<b>Signed</b>	<b>Signed</b>
<b>Full name</b>	<b>Full name</b>
<b>Relationship to pupil</b>	<b>Relationship to pupil</b>
<b>Date</b>	<b>Date</b>
<b>Address</b>	<b>Address</b>
<b>Daytime telephone</b>	<b>Daytime telephone</b>
<b>Evening telephone</b>	<b>Evening telephone</b>