KINGSTON GRAMMAR SCHOOL

FOUNDED 1561

EXCLUSIONS POLICY

Introduction and aims of the policy

This policy should be read in conjunction with the following policies:

- Behaviour Policy
- School Code of Conduct
- Anti-Bullying Policy (including cyber-bullying)
- Safeguarding & Child Protection Policy and Procedures (including child-on-child abuse)
- Student Mobile Phone and IT/Cyber Security Acceptable Use policy
- Student Device policy
- Online Safety policy
- Student AI policy
- Smoking, Alcohol, Drugs and Other Substance Abuse policy
- Code of Conduct for School Trips
- Attendance Policy

It is hoped that students will respond to the School's positive encouragement and rewards and will comply with the Code of Conduct and other relevant policies. Where students' conduct falls below the standards of behaviour reasonably expected by the School, sanctions may be implemented in line with the School's Behaviour Policy.

All students are entitled to an education where they are protected from disruption and can learn in a calm, safe and supportive environment. For serious breaches of discipline, or less serious offences which are repeated or where repeated previous sanction has proved ineffective, the School may be forced to impose a fixed period or permanent exclusion. Such a decision is never taken lightly, and this policy is designed to ensure that the process is fair and transparent.

- Fixed Period Exclusion: Students remain off school premises for a fixed period of time and work on academic subjects provided by teaching staff.
- Permanent Exclusion: Students are not permitted to continue their education at the School.

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Behaviour that may merit exclusion

A non-exhaustive list of the sorts of behaviour that could merit permanent exclusion (including behaviour or conduct outside of School, and where applicable online) includes the following:

- Bringing illegal, inappropriate or dangerous items into School, such as drugs and other substances, weapons, firearms, pornographic material etc
- Serious or persistent bullying of any kind (including cyber-bullying, prejudice-based and discriminatory bullying)
- Child on Child abuse
- Wilful damage to property
- Deliberate attempt to damage or "hack" into the School's ICT infrastructure
- Dishonesty or cheating in examinations
- Breach of the Smoking, Alcohol, Drugs and Other Substance Abuse Policy
- Fighting
- Behaviour which puts the safety of the student or another person in jeopardy
- Committing a criminal offence
- Theft or unauthorised possession of any property belonging to the School or to another person
- Persistent disruptive behaviour or breaching of School Code of Conduct
- Physical assault, verbal abuse or threatening behaviour
- Racist, sexist, misogynistic, transphobic or homophobic abuse and any other abuse on grounds of religion/belief, disability, SENs etc, or any form of unlawful discrimination
- Sexual harassment or misconduct including non-consensual sharing of nude/semi-nude images and/or videos or the generation and/or sharing of explicit images of others (for example using AI)
- Engaging in inappropriate sexual activity during School activities and/or while on School property
- A series of minor misdemeanours
- Refusal to participate in the School's disciplinary processes
- A malicious allegation against a student or member of staff
- Misuse of social media
- Persistent lateness to school

- Serious academic malpractice, for example, the improper use of AI generated material in externally examined coursework
- Conduct that brings or is likely to bring the School into disrepute.

This list is by no means exhaustive, and any serious misconduct that adversely affects or is likely to adversely affect the welfare of members of the KGS community or conduct that brings, or is likely to bring, the School into disrepute may lead to exclusion.

Fixed Period or Permanent Exclusion may be imposed after a first offence or for a series of more minor misdemeanours, taking all aspects of a student's record into account.

Offences considered under this policy may have taken place on or off the School premises (including online) as set out in the Behaviour Policy.

Special educational needs

In applying sanctions, especially those with serious consequences, we undertake to take reasonable steps to avoid placing students with special educational needs and disabilities (SEND) or a particular vulnerability at a particular disadvantage compared to other students, in accordance with the School's obligations under the Equality Act 2010.

Where there is misbehaviour by a student with SEND, the School will consider whether their SEND has contributed to the misbehaviour and if so, whether it is appropriate and lawful to sanction the student, and the appropriate sanction to be applied. It does not follow that every incident of misbehaviour will be connected to a student's SEND. For further information on this please see the School's Behaviour Policy.

Contextual safeguarding

The School will consider whether any misbehaviour gives cause to suspect that a student is suffering, or is likely to suffer, harm. Where this may be the case, school staff will follow the School's Safeguarding & Child Protection Policy and Procedures and consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

The School will also consider whether any disruptive behaviour might be the result of unmet educational needs, or any other needs, and will discuss concerns with the student's parents accordingly.

Procedure

The procedure that the School will follow before reaching a final decision about a fixed period or permanent exclusion has three distinct steps:

1. Investigation
2. Disciplinary meeting
3. Appeal (if requested)

A different person will normally conduct each stage of the procedure.

1. Investigation

The Head for their part undertakes to make decisions in respect of exclusions fairly, and, where appropriate, after due investigative action has taken place (such investigation to be carried out by the Head's nominee who will recommend to the Head at the conclusion of the investigation whether or not in their opinion a disciplinary meeting is appropriate).

Parents/carers will be informed as soon as reasonably practicable if there is a complaint, concern, allegation or circumstance of a nature that could result in the student being excluded.

The nature and level of investigation carried out by the School will depend on the circumstances of the case.

Although the School will endeavour to process investigations and disciplinary steps as swiftly as reasonably practicable, there may be factors which require the School to pause or delay their internal processes.

The School reserves the right to require the student to remain away from school as a neutral act during an investigation procedure. This may be, for example, to protect the integrity of any investigation or to support the welfare of the student themselves and/or other members of the School community or in compliance with direction from statutory agencies. Alternatively, depending on the circumstances of the case, the student may be placed under a segregated regime if they remain on school premises.

2. Disciplinary meeting

Procedure:

- If it is decided that a disciplinary meeting is appropriate, the meeting will be convened as soon as is practicable.
- The meeting will normally be conducted by the Head (and may in his absence be conducted by a Deputy Head who has had no previous involvement in the matter).
- The parents will be provided (to the extent appropriate) with the information/evidence collated which is relevant to the allegation, concern or circumstance (which could result in a student's exclusion) and which the School proposes to consider when reaching its decision. Statements from other students will not ordinarily be disclosed in order to protect their confidentiality.
- The student should normally attend the meeting. Their parents/carers may also attend with them, and may be accompanied by one other person, if they wish. This may be a relative, friend or work colleague. Legal representation is not permitted.
- At the meeting, the person who conducted the investigation will give a full account of their findings. A member of staff will take minutes at the meeting so that a record of what is said is taken by the School. Wherever possible a member of staff with pastoral knowledge of the student will be present e.g. the student's Head of Year. The Head, the parents/carers and the student will be given the opportunity to ask questions at this stage. The parents/carers and the student will then be given the opportunity to offer any further contextual information or detail of any mitigating factors they would like to be taken into account before any decision is reached. The Head may ask further questions of the parents/carers and/or the student.
- If the Head considers that further investigation/information is needed, the meeting may be adjourned, and the reason for the adjournment will be explained to the student/their parents/carers.

Decision:

- Following the meeting, the Head will adjourn to consider his decision, which will be reached on the balance of probability and having taken all relevant circumstances into account. The parents/carers will be informed of the decision in writing no later than two working days after the meeting.
- In making decisions about exclusion the Head will take into account any special educational needs, disabilities and cultural differences that may be relevant to the case.
- A decision to permanently exclude will take effect immediately.

- If the Head reaches the view that the student is guilty of misconduct but decides not to exclude them, a lesser sanction may be imposed, in accordance with the School's Behaviour Policy.
- Any complaint relating to actions taken under the investigation or disciplinary meeting stages of this procedure will be dealt with by the School as an appeal under this Exclusions Policy.

3. Appeal

3.1 Written Appeal

- If the Head decides to exclude the student permanently the parents/carers may appeal the decision to the Governing Body by writing to the Clerk to the Governing Body ("the Clerk").
- This should be done within 5 working days of being notified of the decision, setting out in full the grounds for appeal (as outlined below) and including any supporting evidence which the parents/carers wish to rely on.
- Receipt of the appeal request will normally be acknowledged by the Clerk within 5 working days.
- For clarity, the student will remain excluded from the School pending the outcome of the appeal.

3.2 Nature of the Appeal / Grounds of Appeal

- It is important to understand that an appeal is not a re-run of the original meeting. It does not look again at the facts in the way that the Head did and then decide whether to exclude or not.
- The appeal is a review of the reasonableness of the original decision and the proportionality of the sanction imposed. It looks to see if the School conducted the investigation and the disciplinary meeting fairly and if the Head came to a reasonable and proportionate decision.
- If there is new evidence in the appeal which was not available for the disciplinary meeting, the panel may at their discretion look at this and decide if it might have led the Head to a different decision. The Head will be asked to give an opinion as to whether any new evidence might have materially affected their decision, and their answer will be taken into account when assessing the reasonableness of the decision making.
- In order to have a successful appeal, parents/carers must therefore be able to show either that the School did not conduct the investigation or the disciplinary meeting fairly, or

that the Head's decision was unreasonable or disproportionate; the reasons why parents/carers think this is the case are known as the grounds of appeal.

- In considering the reasonableness of the decision, the panel may look at the evidence which the Head had when making the decision to exclude permanently and a record of the process followed (notes of the disciplinary meeting etc).

3.3 Appeal procedures

- The appeal procedures are set out below. There may be circumstances in which the School considers it necessary and appropriate to deviate from these procedures and the School will inform the parents of this.

3.4 The Panel

- The Clerk will convene a panel consisting of two governors, one of whom will chair the panel, and a third member who is independent of the management and running of the School.
- The Clerk will notify the parents/carers and the Head of the names of the panel members.

3.5 Notice of Appeal Hearing

- An appeal hearing will be scheduled to take place as soon as practicable, normally within 15 working days of receipt of the request for an appeal.

3.6 Prior to the Hearing

- The panel will have the sole and full authority to determine the outcome of the appeal and all matters of procedure arising prior to, or in the course of, the hearing, whether or not provided for in this procedure.
- The panel may request further information from either party in advance of the hearing.
- If either party has any other additional information they would like the panel to consider, they should provide this to the Clerk no later than 7 working days in advance of the hearing. Any documentation which is submitted late may result in a delay in the panel reaching their decision.
- Unless directed otherwise by the panel, all information and documentation supplied by either party will be shared with the other. In exceptional circumstances where disclosure of documents by the Head will disclose information about other students, in breach of their rights under the data protection act or for reasons of Child Protection

and where redacting names would not be adequate, copies of these documents may be supplied to the panel only.

- The Clerk will prepare a bundle of papers for transmission to both parties and the panel members, normally at least 5 working days prior to the hearing.

3.7 Attendance at the Hearing

- The parents/carers may attend the appeal hearing and be accompanied by their child and one other person, if they wish. This may be a relative, friend or work colleague. Legal representation will not normally be permitted.
- The identity of a companion should be confirmed to the Clerk as soon as possible and no later than two working days before the hearing.

3.8 Role of the Clerk

- The panel may retain the services of a Clerk (usually the Clerk to the Governors) who may take a written record of the hearing.
- The notes will not be verbatim but an accurate reflection of what was discussed.
- The Clerk may also provide guidance to the panel on the procedures and policy but shall take no part in deciding the appeal.

3.9 Hearing Procedure

- The hearing shall take place in private and shall be confidential. No recording may be made of the proceedings.
- The manner in which the hearing is conducted shall be at the discretion of the panel.
- The student and their parents/carers will be allowed to make representations to the Panel and ask questions.
- The Head and normally the member of staff who conducted the investigation will be present to explain the process followed and the basis on which the final decision was reached.
- Members of the panel may ask further questions of those present.

3.10 Appeal Outcome

- Following an adjournment, the panel will reach a decision and can only overturn a decision to exclude permanently if, having heard all the evidence, it feels that either the process was unfair or the sanction was disproportionate in the circumstances.
- The panel will write to the parents/carers informing them of its decision and the reasons for it, normally within 5 working days of the hearing.
- The decision of the panel will be final and there is no further right to appeal.
- A copy of the panel's findings, any recommendations and the notes of the hearing will be sent by electronic mail or otherwise given to the parents/carers as well as the Chair of Governors and the Head.

After Disciplinary Meeting

Following a fixed period exclusion, the School will provide support for the student returning to School. This process begins with the student attending a meeting, usually led by the Head with the Head of Year or Head of Section present, to welcome the student back into the School and to discuss the student's feelings towards the event, work completed during the fixed period exclusion and looking to the future. Expectations of behaviour following the fixed period exclusion are made clear to the student and this will be monitored closely in upcoming weeks and months. The student's transition back to normal School life will be monitored for a suitable period of time, usually by the tutor and/or Head of Year, to ensure the wellbeing of the student, as well as that of any potential victims e.g. in the case of fixed period exclusion due to bullying. It may be appropriate to conduct some restorative justice or other strategies, and this will usually have been discussed and agreed with students and their parents during the investigation process. Staff will be made aware of any potential impact and will be asked to remain vigilant, reporting any concerns immediately to the tutor and Head of Year.

If there is no appeal following the Head's decision for permanent exclusion, the student's family will begin the process of transitioning to another school. It is not the responsibility of the School to find a suitable alternative but in some cases advice may be offered. The School will be supportive during this process and provide as positive a reference as possible when asked to do so. It may be appropriate for the School to continue to provide work for the student during this time and this decision is left to the discretion of the Head.

Timeframes

For the purposes of this policy "working days" refers to weekdays (Monday to Friday) during term time, excluding bank holidays, holiday periods and half term.

Recording and monitoring

Where the sanction imposed is fixed period or permanent exclusion, the written report on the investigation will be placed on the student's file.

Details of the fixed period or permanent exclusion will be recorded on the School's Student's Sanctions Record.

Monitoring and evaluation

The monitoring and evaluation of the effectiveness of this policy and its implementation will be carried out by the Head. The Senior Management Team will meet annually to review the effectiveness of the policy.