

# EXCLUSION POLICY

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**Last Reviewed:** January 2022

**Date of next review:** January 2024





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### **1 Aims of the policy**

- To create the mechanism for appropriate disciplinary measures in the event of misconduct of a serious nature
- To ensure procedural fairness and natural justice
- To enhance co-operation between Oakham School and parents/guardians when it is necessary for pupils to be excluded

Oakham School aims to promote positive behaviour and strong relationships throughout the whole community. This is, in part, to further the protection and promotion of pupil welfare, which is of paramount importance.

It is also, in part, in the belief that positive behaviour enables the smooth and orderly management of the academic, pastoral and co-curricular offerings of the School and thus facilitates the delivery of its aims in these areas, on behalf of pupils.

However, we recognise that pupils will sometimes find themselves in breach of the School's Rules and Expectations, and that for both their own welfare, safety and education, and that of others, such breaches must be responded to via formal sanctions.

The School reserves the right to treat all serious breaches of the School's Rules and Expectations on a case-by-case basis. This enables a more flexible approach to discipline based on careful review of individual circumstances. It also protects the privacy of those involved on all sides of disciplinary incidents, by enabling reference to "errors of judgement" or "inappropriate behaviour", as experience shows that no two disciplinary incidents contain exactly the same elements.

### **2 Terminology**

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



- **Full Suspension** (temporary exclusion) means the exclusion of pupils from school, for a short period, up to 5 days, following an investigation of a disciplinary matter, and as part of the sanction system. It can also mean the exclusion of pupils from boarding at school, while investigations into serious disciplinary offences take place and to allow a period of consideration of a pupil's future at the School
- **Expulsion** (permanent exclusion) means the formal termination of a pupil's place in the School
- **Parent** includes one or both of the parents, a legal guardian or education guardian

### 3 Introduction

Oakham School is a caring community committed to equal opportunity for all. It is felt that exclusions of pupils from the School, whether permanent (Expulsions) or temporary (Full Suspensions), are damaging to the school community. Consequently, a pupil will only be expelled or suspended when other strategies and sanctions have not been effective over time, or when there has been a single, clear and serious breach of discipline, or if allowing the pupil to remain in the School would harm the education or welfare of the pupil or other pupils in the School, in the short or long term. In some cases, a behavioural contract may be put in place as a last resort support measure; in order to clarify expectations and prevent a pupil from making the final mistake that brings their position in the school into question.

The School follows the regulations concerning exclusions set out by the Independent Schools' Inspectorate.

For the purpose of definition, a pupil may be excluded if:

- The pupil has committed a serious disciplinary offence
- The pupil is accused of a criminal offence
- The pupil's presence in the School represents a risk to the health and safety of pupils or adults
- The pupil's presence in the School is clearly detrimental to the educational experience, happiness or wellbeing of another pupil or adult affects the smooth running of the School
- The pupil has ignored repeated warnings and minor punishments for repeated more minor offences.

The expulsion of a pupil is an extreme sanction and is only administered by the Headmaster, or in the absence of the Headmaster, whoever is deputising for him.



Suspensions of up to 5 days will usually be administered by the Senior Deputy Head, although all Deputy Heads have the authority to suspend. Any suspended pupil will be required to meet with the Headmaster at the end of the defined period. Where a pupil is suspended for 3 or more days, the Headmaster may arrange an interview with his/her parent(s)/guardian(s) on the pupil's return to school.

There are occasions when, at the Headmaster's discretion, it is considered preferable to administer a suspension within school, either during term time or the school holidays. A Full Suspension administered in school is still recorded as such and is considered to be equally serious. A Full Suspension administered within school should not be confused with an *Internal Suspension* which is a lesser sanction and does not involve the exclusion of a pupil from academic lessons.

A Full Suspension will never be administered within school if the pupil's presence in school represents a serious risk to the health and safety of pupils and staff.

### 3.1 Behaviour which merits expulsion (permanent exclusion)

A non-exhaustive list of the sorts of behaviour that could merit permanent exclusion includes the following:

- Physical assault against pupils or adult
- Verbal abuse/threatening behaviour against pupils or adults
- Persistent bullying or cyberbullying
- Abuse directed against the protected characteristics: age, race, religion / belief, disability, sex, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity
- Sexual misconduct
- Drugs and alcohol misuse/supply/possession including: substances intended to resemble drugs and solvents, tobacco, e-cigarettes; and unprescribed drugs including new psychoactive substances (formally known as 'legal highs') such as stimulants, 'downers', hallucinogens, dissociative drugs, and synthetic cannabinoids.
- Damage to property
- Theft
- Blackmail and/or intimidation
- Possession or use of unauthorised firearms, knives or other weapons.
- Computer hacking
- Racism, sexism, or any prejudiced or extremist behaviour
- Persistent disruptive behaviour or attitudes inconsistent with the School's ethos
- Unreasonable or otherwise inappropriate parental behaviour



- Any 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) both on and off the school premises

Please note that exclusion may also be imposed by the School as a sanction for a series of minor misdemeanours.

### 3.2 Behaviour related to a disability

Due consideration will be given to Pupils with a disability or statement of Special Educational Needs or and Educational Health Care plan. Where exclusion needs to be considered, the School will ensure that a disabled pupil is able to present their case fully where their disability might hinder this.

### 3.3 Breaches of discipline outside of the School grounds

The School takes the conduct of its pupils outside of the school grounds extremely seriously. A pupil's misbehaviour outside of school can be damaging to the reputation of both the pupil and the School and, therefore, the School may discipline pupils for misbehaviour outside of school premises in accordance with its School Rules and Expectations, to the extent that it is reasonable to do so.

Where an incident is reported to the School of a pupil's poor behaviour outside of school grounds and the incident has not been witnessed by school staff, the School will take an evidence-based approach and may talk to witnesses before identifying further action and any sanctions required for such behaviour. This may apply in the following circumstances:

1. Misbehaviour when the pupil is:
  - Taking part in any activity organised by the School, or related to the School
  - Travelling to and from School
  - Wearing school uniform
  - In some other way identifiable as a pupil of the School.
2. Misbehaviour at any time, whether or not the conditions above apply, that:
  - Could have repercussions for the orderly running of the School
  - Poses a threat to another pupil or member of the public
  - Could adversely affect the reputation of the School

In all cases, the above misbehaviour would apply whether it took place in person, online, via social media, or other means of communication.



In all cases, the member of staff may only discipline the pupil when on school property (or elsewhere, where the pupil is under the supervision of that member of staff).

### 3.4 Required Removal

The School may require the removal of a pupil when, in the opinion of the Headmaster, there has been a breakdown of the relationship between the pupil and/or parent(s) and the School. This may arise through:

1. A breakdown of trust between the School and the parent(s). This may manifest itself in a number of ways including:
  - Parent(s) not supporting the School in promoting good behaviour
  - Vexatious behaviour, such as parent(s) repeatedly bringing unsubstantiated claims
  - Abusive or unreasonable behaviour by parent(s) to the School's staff, pupils or other parents (for example as a spectator at School fixtures)
  - Failure to meet fee deadlines
2. A breakdown of trust between the School and the pupil. This may manifest itself in a number of ways including:
  - Persistent misconduct such as unauthorised absence from school
  - When a pupil has brought a malicious or unjustified allegation against a member of staff and where there are reasonable grounds that this may happen again in the future
3. Other circumstances where the Headmaster (after appropriate consultation) is satisfied that it is not in the best interests of the pupil, or of the School, that the child remains at the School.

## 4 Overview of the process

All misbehaviour or disciplinary incidents will be dealt with by the School, as soon as it is possible to do so.

### 4.1 Investigation

In the event of an incident of serious misbehaviour, an investigation is likely to be carried out to establish the facts. Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by a senior member of staff. Parents will be informed if a complaint under investigation is of a nature that could result in the pupil being suspended, expelled or required to leave.



A pupil will always be allowed and encouraged to give his/her account of events and to put forward any mitigating factors. The pupil(s) and staff involved may also be asked to prepare written statements as soon as possible after the incident has taken place. As part of the investigation the pupil may also be interviewed informally by a member of staff to establish whether there are grounds for the reported complaint and/or a formal investigation. The School is not required to inform the parent(s) that an informal meeting is to take place, but will arrange for a member of staff to be present to support the pupil.

A pupil who is waiting to be interviewed may be segregated and the School may confiscate a pupil's mobile phone or other personal belongings (as appropriate) for such period as is deemed necessary.

All evidence will be very carefully assessed and collated and records will be kept of all exclusion proceedings and the findings of the investigation are presented to the Headmaster for consultation and consideration.

### **4.2 Suspension pending investigation**

A pupil may be suspended from the School as a neutral act and required to live at home or with his education guardian while a complaint is being investigated. Alternatively the School may decide to implement a segregated regime on school premises.

Should a suspension continue for a period of more than 5 school days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil.

The School will co-ordinate these 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.

### **4.3 Search**

The School reserves the right to search pupils and their possessions. More information regarding the School's approach to searches and confiscation can be found in the School's Rules and Expectations.

### **4.4 Reports to the Police (and others)**

The School will report to the Police any activity which it believes may amount to a criminal activity which takes place either within the school grounds or outside of its grounds. Possessions or items including (but not limited to) drugs, weapons or phones may be confiscated immediately and held for the Police as potential evidence.

If the School reasonably suspects a pupil may have taken drugs then the School will seek immediate medical advice and may involve the Police, where necessary. Please see the





Drugs and Substance Misuse section of the School's Rules and Expectations for further information.

Sexual offences will generally be reported the Police immediately, including in cases where a pupil is suspected or alleged to have committed such an offence provided a reasonable amount of evidence is available. The alleged victim's parents will usually also be informed immediately of the incident and told that the Police have been informed. The School will also apply the terms of its Safeguarding Policy and Child Protection Procedures to ensure there is sufficient support in place for the pupils involved.

### **5 Disciplinary meeting with the Headmaster**

#### **5.1 Preparation**

The Chair of Trustees will be informed of the investigation and that a disciplinary meeting is to be held but will not take part in either of them. Certain documents will be made available to pupils and parents at the meeting, wherever possible. These documents may include, but are not limited to:

- A statement setting out the points of complaint
- Written statements and notes of the evidence supporting the complaint, and any relevant correspondence
- The relevant investigation report
- The pupil's school file, including data on attendance and conduct
- The relevant School policies and procedures

Any such documents may be redacted or a summary provided for reasons of confidentiality and/or data protection. Any written submission provided by, or on behalf of the pupil must arrive at the Headmaster's office by the end of the working day prior to the hearing at the latest.

#### **5.2 Attendance**

The pupil and his/her parents/guardian (if available) will be asked to attend the disciplinary meeting with the Headmaster. The pupil should be in attendance throughout the disciplinary meeting, and may be accompanied to the meeting by a friend or member of staff of their choice.

The pupil's parents may also be accompanied should they so wish but legal representation is not appropriate and is not permitted.





The Headmaster should be informed of all attendees at least 24 hours prior to the disciplinary meeting.

Appropriate arrangements will be made with regard to any special needs or disabilities of the attendees, providing that these requirements have been made known to the Headmaster or Senior Deputy Head in advance. The School will make reasonable efforts to accommodate parents who have difficulty in attending due to disability, travel or work commitments.

### 5.3 Proceedings

The process to be followed at the disciplinary meeting shall be determined by the Headmaster. The meeting will be conducted in a manner appropriate to the age, understanding and maturity of the pupil involved, taking into account any additional needs of the pupil in all circumstances.

Notes will be taken by the School during the disciplinary meeting and a copy of the notes will be provided to the parents upon request.

The pupil will have an opportunity to provide their account of the circumstances surrounding the incident and both the pupil and his/her parents will be able to ask questions. The pupil/parents will also be able to address the Headmaster on the issue of sanctions. 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 Headmaster considers that further investigation is needed, the disciplinary meeting may be adjourned and the reason for the adjournment will be explained to the pupil. If an adjournment is not necessary, the Headmaster will make a decision after the meeting. The Headmaster will communicate his decision, together with reasons, in writing as soon as reasonably practicable, usually within 24 hours.

If the Headmaster considers that exclusion may be the appropriate sanction, the pupil's previous disciplinary history may be considered, and/or any other favourable or unfavourable conduct known to the School when reaching a decision in respect of the pupil.

### 5.4 Delayed effect

A decision to expel a pupil shall take effect 7 days after the decision was first communicated to a parent. 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 Trustees, the pupil shall remain suspended until the appeal has taken place and either the sanction is upheld or a reconsidered decision is made. Any pupil who is permanently excluded will not be removed from the school register until the appeal process has been completed.



Pupils who have permanently left the School, irrespective of leaving status, are not permitted to re-enter School premises without prior consent from the School.

Pupils who have permanently left the School, irrespective of leaving status, are not permitted to sit public examinations at the School, unless by express agreement with the Headmaster. The School may make arrangements for the transfer of any course and project work to either the leaving pupil, the parent(s) or to another school.

### 5.5 Withdrawal

The Headmaster is entitled to discuss with parents the withdrawal of a pupil from the School if he reasonably believes, after consultation with the parents, that the behaviour or performance of the pupil is unsatisfactory, or the health and safety of pupils and staff will be put at risk; and that it is in the best interests of the pupil and/or the School. A parent's decision to withdraw a child may avoid a permanent exclusion.

***Note: There is no right of appeal following a withdrawal.***

### 5.6 Fees

Please refer to *Oakham School Standard Terms and Conditions*. No refund of fees will be made in the case of an exclusion or withdrawal, but in the case of withdrawal no fees in lieu of notice will be required.

## **6 Appeals against exclusion**

- The School will always offer the right of appeal to any pupil permanently excluded from the School and appeals will be dealt with by way of a Trustees' review hearing
- The right to appeal does not extend to suspensions (whether pending an investigation or as a sanction)
- Pending such an appeal, the pupil shall remain suspended from the School

### 6.1 Request for review

Upon notification of the Headmaster's decision to exclude or require a pupil to leave the School, a pupil or his/her parent(s) may make a written application for a Trustees' review hearing. The application must be received by the Clerk to the Trustees within five working days of the decision being notified to the parent(s) and must clearly set out the grounds on which they are asking for a review and the outcome that they seek.

A disagreement with the Headmaster's decision alone is not sufficient grounds for a review.



The grounds for a review are limited to assertions that further evidence has come to light or the process and decision were flawed for reasons of procedure or proportionality.

### 6.2 Review Hearing

The review will be undertaken by at least two Trustees and a third person that is independent of the School ("the Review Panel"). They will have no detailed prior knowledge of the case, or of the pupil or parents. Parents will be notified in advance of the names of the members of the Review Panel.

The hearing will take place at the School premises unless notified otherwise, normally no later than ten days after a request for appeal has been received, during term time.

A review hearing is an internal procedure and all those involved, or who are concerned in the procedure, are required to keep its proceedings confidential. Those present at the hearing will usually be:

- Members of the Review Panel
- The Clerk to the Trustees
- The Headmaster and any relevant members of staff whose presence the Headmaster considers to be necessary to secure a fair outcome for the pupil
- The pupil, together with his/her parent(s)/guardian(s). If they wish, the parent(s)/guardian(s) may be accompanied by a friend or relative who is not legally qualified.

If any of the required attendees have any special needs or disabilities which call for additional facilities or adjustments, these should be made known to the Clerk to the Trustees in advance so that appropriate arrangements can be made.

### 6.3 Conduct of the review hearing

The review hearing will be chaired by one member of the Review Panel. As with the disciplinary meeting, the hearing will be conducted in a manner appropriate to the age, understanding and maturity of the pupil involved, taking into account any additional needs of the pupil in all circumstances.

The Clerk to the Trustees will be asked to take minutes of the hearing and a copy of those minutes will be provided to the parent(s)/guardian(s) after the meeting.



The Chair of the Review Panel will ensure that all those present have the opportunity to ask questions and make appropriate comments.

### 6.4 Decision

The Review Panel review will consider the grounds for the review and shall decide whether to either:

- Uphold the decision of the Headmaster and, if minded to do so, with the agreement of the Headmaster, discuss the pupil's leaving status (i.e. permanent exclusion, required removal or withdrawal) with a view to reaching an agreement
- Recommend the decision of the Headmaster be reviewed and, if minded to do so, require the Headmaster to review the decision including recommending an alternative sanction. The Panel will only recommend this action where it considers, having regard to the process followed by the Headmaster, that the Headmaster's decision to exclude/require the removal of the pupil was not a reasonable decision for the Headmaster to have taken

The Chair of the Review Panel will endeavor to notify the parent(s)/guardian(s) in writing of the decision and the reasons for the decision within three working days of the review meeting.

### 6.5 Confidentiality

All those participating in the application of this policy, including parent(s)/guardian(s) and pupils are required to keep all statements, correspondence, notes and documents confidential except where legally required to disclose them.