



**Kensington Park**  
S C H O O L

Part of the

 Astrum Education Group

# **POLICY ON EXCLUSION, REMOVAL, SUSPENSION AND REVIEW**

The aim of this policy is to promote the positive behaviour of students while also giving clear guidance for issuing higher level sanctions for misbehaviour

This Policy is governed by the following:

- Equality Act 2010
- DfE Guidance 2014 Behaviour and Discipline in Schools (revised September 2018)
- The Education (Independent School Standards) Regulations 2014 as amended by the Education (Independent School Standards) Regulations 2018 (ISS Regulations)
- The Independent Schools Standards Guidance for Independent Schools, April 2019
- *Keeping Children Safe in Education* (September 2021)

## **POLICY ON EXCLUSION, REMOVAL, SUSPENSION AND REVIEW**

Kensington Park School (KPS) aims to promote positive behaviour and strong relationships throughout the whole community. This is, in part, to further the protection and promotion of student 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 School academic, pastoral and co-curricular offering and thus facilitates the delivery of its aims in these areas, on behalf of students.

However, we recognise that students will sometimes find themselves in breach of the School's Disciplinary Rules, and that for both their own welfare and safety 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 Disciplinary Rules 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.

The School will always act under its responsibilities to safeguard its students and also in accordance with the law. To this end, the School might be required to refer safeguarding issues to the appropriate authorities in accordance with the School's safeguarding procedures, and incidents that could be unlawful or liable to prosecution to the Police.

### **Policy Summary**

This summary is provided to assist students and parents in understanding the detail of this policy, which is presented in the sections below.

This policy explains the circumstances under which a student may be permanently excluded from KPS, removed permanently, or suspended. Any sanctions are designed to be appropriate and proportionate in relation to the offence that has been committed and applied in the light of the student's individual circumstances and record.

In the event of an allegation(s) of misconduct/concern, report or suspicion of significant misconduct, staff will normally follow the following general procedure:

- Allegation, report or suspicion of misconduct (possible immediate action if student safety, safeguarding or welfare is at risk)
- Investigation
- Consideration of evidence
- Action – sanction applied as appropriate

In instances where there are complaints following the School's handling of an exclusion, removal or suspension, rather than the outcome, then such complaints will be handled under the *School's Complaints Policy*. Under these circumstances there would not be an AAB Disciplinary Review and the disciplinary decisions of the School will be final.

It is only in the case of permanent exclusion, removal or a suspension for a period including seven days or more of academic teaching, or where the suspension would prevent a student taking a public examination, that the student/parents have a right of review by the AAB member of the Headmaster's decision. The AAB Disciplinary Review Panel will consider the documentation provided by the parties and representations. It will decide whether to uphold the Headmaster's decision, or refer the decision back to the Headmaster with recommendations so that the Headmaster can consider the matter further. If the decision is referred back to the Headmaster, then there will be discussions between the Panel and the Headmaster, following which the Panel's decision will be final.

The completion of an AAB Disciplinary Review represents the conclusion of School procedures for the matter and there is no provision to raise a subsequent complaint under the *School's Complaints policy*.

## 1. **INTRODUCTION**

### 1.1. **Scope**

This policy contains guidelines which may be adapted as necessary, explaining the circumstances under which a student may be permanently excluded from KPS, required to leave permanently, or suspended for misconduct or other reasons. The policy applies not only to all students whilst they are in the care of the School, but also at times when they are at home or away from the School when their actions have an impact upon the School and/or the School community or their behaviour brings the School into disrepute; it does not cover cases when a student has to leave because of ill health, non-payment of fees, or withdrawal by his or her parents.

### 1.2. **Interpretation**

- References to the '*Headmaster*' include Head of Lower School, Head of Sixth Form and Director of Studies.
- References to the '*Chair of the Astrum Advisory Board*' include any member of the Astrum Advisory Board (AAB) to whom the Chair of the AAB has delegated responsibility to deputise for the Chair of the AAB in aspects relating to the implementation of this policy.
- In respect of this Policy, AAB Members are acting in the manner that would normally reflect the role that governors fulfil in other schools.
- '*Parent*' includes one or both of the parents, a legal guardian or education guardian.
- '*Withdrawal*' takes place when a parent voluntarily withdraws a student. This may happen on the initiative of the parents or the Headmaster; in some cases it might follow a serious breach of discipline. It may also be applied to very different circumstances, such as students making insufficient progress, or the non-payment of fees by parents. It is always a decision of the parents and is a consensual act. A withdrawal may not therefore lead to an AAB Review.

The Headmaster may apply the sanctions of removal, internal suspension, suspension or expulsion/permanent exclusion:

- 'Suspension' means the exclusion of students from the School, for a short period, usually not exceeding 5 days, following an investigation of a disciplinary matter, and as part of the sanction system. It can also mean the exclusion of students from the School as a neutral act pending the outcome of an investigation or a review by the AAB Disciplinary Review Panel.
- 'Internal Suspension' is used as part of the School's sanction system. It carries the same status within this system as Suspension, but does not require that a student is excluded from boarding. This sanction is used when Suspension is impractical or considered to be detrimental to the future ability of a student to continue to thrive, either academically or socially. There might be occasions when a student may be placed under a segregated regime at School.
- 'Removal' means that parents are required to remove a student permanently from the School if, after consultation with the parents and if appropriate the student, the Headmaster is of the opinion that:
  - by reason of the student's conduct, behaviour or progress, the student is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the School; or
  - if the parents have treated the School or members of its staff unreasonably; or
  - other students will be unduly impacted by the continued attendance of the student.
 At the discretion of the Headmaster, Withdrawal of the student by the parents may be permitted as an alternative to removal being required.
- 'Expulsion', or 'Permanent Exclusion' is reserved for the most serious breaches of discipline. A student may be expelled / permanently excluded if it is proved on the balance of probabilities that the student has committed a very grave breach of discipline or serious criminal offence. If a student is expelled, it usually means that the Headmaster cannot recommend the student to another school.

The subheadings are for ease of reference and do not form part of the policy.

## **POLICY STATEMENT**

### **1.3. Aims**

This Policy is set out with the following aims:

- To support the behaviour and discipline codes of the School;
- 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 the School and parents/guardians when it is necessary for the School to require a student to leave earlier than expected.

### **1.4. Misconduct**

The following list is not exhaustive but illustrates a range of categories of misconduct which may result in expulsion or removal:

- Serious disciplinary offence.
- Involvement in an incident that is, might be considered as, a criminal act.
- The supply/possession/use of alcohol and tobacco, of drugs of abuse and solvents, or their paraphernalia, or substances intended to resemble them;
- Theft, blackmail, physical violence, intimidation, racism, extremism and persistent bullying.
- Misconduct of a sexual nature, sexting, supply and possession of pornography.
- Explicit or intimate sexual relations;
- The possession or use of firearms or other weapons.
- Behaviour that presents a risk to the health, safety and welfare of any member of the school community or the public.
- Vandalism and computer hacking.
- Conduct showing hostility towards others on grounds of race, nationality, gender (either actual or assumed), ability or disability, sexual orientation, religion, faith or age;
- Failure to behave reasonably in academic matters; this might include any of the following (this is not an exhaustive list): poor behaviour in class, repeated failure to satisfy academic expectations, plagiarism etc.
- Persistent unsatisfactory attendance at School or School commitments.
- Persistent attitudes or behaviour which are inconsistent with the ethos of the School.
- Having a deleterious effect upon the School community or individual students.
- Other serious misconduct, either on or off the premises (as single or repeated episodes), towards a member of School community which is actually or potentially harmful to others and brings the School into disrepute.

### **1.5. Equality**

The School will make reasonable adjustments for managing behaviour which is related to a student's special educational need or disability. Where expulsion needs to be considered, the School will ensure that a student 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 student will also be considered.

## **2. INVESTIGATION PROCEDURE**

An allegation, report or suspicion of misconduct, or cases in which the Headmaster considers that a student is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the School; or parents have treated the School, members of its staff or any member of the School community unreasonably; or other students are being unduly impacted by the continued attendance of the student, will be investigated by a senior member of staff. This may include:

- gathering evidence;
- interviews with students, members of staff and others;
- taking written statements usually in order to establish a clear order of events;
- suspension of a student during the investigation;
- searches and/or segregation of students pending interviews;
- liaison with parents/guardians and, where appropriate or where this is a legal requirement, other agencies (e.g. police, social services).

**2.1. Ethos**

An investigation and any subsequent meeting will be conducted fairly and in a manner which is appropriate to a school, without formal legal procedures.

**2.2. Investigation**

Investigations will normally be co-ordinated by the Head of Sixth Form or Head of Lower School, or a senior member of staff, in conjunction with the student's Tutor, Head of Year or Head of Boarding (as appropriate), and its outcome will be reported to the Headmaster. Parents will be informed by the Head of Sixth Form, Head of Lower School or Head of Boarding as soon as reasonably practicable if an investigation is of a nature that could result in Suspension, Removal, or Permanent Exclusion.

**2.3. Suspension**

A student may be suspended from the School and required to live at home or with his/her education guardian whilst an allegation(s) of misconduct/concern is being investigated; alternatively, he or she may be placed under a segregated regime at the School. Suspension in these circumstances is a neutral act and is not a sanction in its own right.

**2.4. Search**

The appropriate School staff may decide to search a student's space and belongings, and ask the student to turn out the contents of pockets or a bag, if it is considered 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. If necessary, the police could be called prior to such a search being carried out. In the event that a student objects to the search then the reasons for this are recorded as an addendum to any statement that is taken. A lack of cooperation might be seen by the School as a lack of cooperation in the investigation, and accordingly might be taken into account when decisions over sanctions are made; students will be made aware of this when they are advised of an intended search. Searches will be conducted in accordance with the School's policy on *Screening, Searching and Confiscation*.

**2.5. Interview**

A student may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If a student is interviewed formally about an allegation(s) of misconduct/concern, arrangements may be made for the student to be accompanied by a member of staff, usually the student's Tutor. Students will be advised that their statements may be used in evidence at any potential disciplinary meeting with the Headmaster. Notes of a formal interview will be taken and should be signed and dated by the student and the member of staff conducting the interview.

**2.6. Written Statements**

Usually, written statements will be taken in order to establish a clear order of events. These could be from students who have been involved in, or who witness to, the alleged misconduct were. These should be signed and dated by the student and the member of staff.

**2.7. 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 take into account advice from an external agency where appropriate and will be subject to periodic review.

**3. CONCLUSION OF THE INVESTIGATION & DISCIPLINARY MEETING****3.1. Conclusion of the Investigation**

Findings of a disciplinary investigation are presented to the Headmaster for consultation and consideration. This will usually be in the form of an investigation report prepared by the Head of Sixth Form, Head of Lower School or Head of Boarding in conjunction with the Tutor. On receipt of the report, if the Headmaster considers that Suspension or Internal Suspension is an appropriate sanction, the Head of Sixth Form, Head of Lower School or Head of Boarding will usually be delegated to convey this decision to a student, their Tutor and Parents.

For serious matters in which Removal or Expulsion may be necessary, the Headmaster will conduct a **Disciplinary Meeting** with the student.

### **3.2. Disciplinary Meeting**

The Headmaster will conduct the Disciplinary Meeting in a manner appropriate to the age, maturity and understanding of the individual student concerned. Parents are not involved in the Disciplinary meeting. The student will have a member of staff present to support the student and offer assistance during the meeting, this will usually be their Tutor.

A note will be taken of the disciplinary hearing and any subsequent Sanction Meeting.

The student should normally be present throughout the Disciplinary Hearing, which will usually involve:

- The senior member of staff who conducted the investigation setting out the allegation, the facts giving rise to the allegation and the investigation undertaken.
- Questions from the Headmaster to the investigating senior member of staff about the investigation.
- The student having the opportunity to respond to the allegation against him/her, including the opportunity to provide his/her account of event and, if appropriate, ask the investigating senior member of staff or the Headmaster to speak with other students or witnesses.
- Questions from the Headmaster to the student about allegations and/or the student's response/account of events.

The Headmaster may at any time suspend or postpone the meeting for any reason, which will be explained to the student. The Headmaster will decide whether the allegation against the student has been proved on the balance of probabilities (i.e. whether it is more likely than not).

If the Headmaster, having considered the evidence including any admission by the student, decides that the allegation against the student is proved, he will consider what sanction is to be imposed and inform the student in accordance with the following:

- A sanction other than Removal or Permanent Exclusion may be imposed immediately.
- If the Headmaster considers that the misconduct may warrant Suspension, but not Removal or Permanent Exclusion, he will hold a separate meeting with the student at which the Suspension will be imposed and the reasons for its imposition given.
- If the Headmaster considers that the misconduct may warrant Removal or Permanent Exclusion, he will hold a separate Sanction Meeting in accordance with the provisions below.

In certain circumstances the Headmaster may issue a student with a 'final warning'. A final warning may be issued to a student in circumstances which include the following (this is not an exhaustive list and the decision will depend upon the nature and proximity of the disciplinary incidents):

- a student's disciplinary record is such that there have been a number of significant disciplinary incidents
- a student has been involved in a single disciplinary incident which is of significant seriousness
- a student's ongoing performance and/or behaviour is having a deleterious effect upon the School community
- a student has been bringing the School into disrepute
- a student has received 2 suspensions

Unless otherwise stated, a final warning means that if the student on a final warning contravenes School policy and incurs a major sanction, which includes suspension, then it is likely that he/she will be permanently excluded; in addition, a number of lesser sanctions or behaviour that could have a deleterious impact upon other students could also result in a student on a final warning being permanently excluded.

The parents/guardians will be informed of the outcome of the Disciplinary Meeting and either informed of the sanction imposed or invited to a **Sanction Meeting**.

Where the allegation(s) of misconduct/concern refers to the behaviour of the parents, the parents rather than the student will be expected to attend the meeting and these procedures apply to the parents only.

## **4. SANCTION MEETING**

The Chair of the AAB will be informed of an investigation that results in a Sanction Meeting. In the event that a Sanction Meeting is to be convened then the parents and student will be reminded of their ability to access this policy so that they are can make themselves fully aware of the process.

### **4.1. Documentation**

Anti-Bullying Policy, JPM/o8/21  
Policy Endorsed by the AAB

Last reviewed: 02/2021 (APR/AZ)  
Next review: 10/2022 and by the AAB on a regular basis and as necessary

Documents available at the Sanction Meeting before the Headmaster will include:

- A statement setting out the points of the allegation(s) of misconduct/concern raised against the student – this will also be made available to the parents and student.
- Written statements and notes of the evidence supporting the allegation(s) of misconduct/concern, and any relevant correspondence – only statements written by the student in question will be made available to the parents and student.
- The investigation Report – this will be made available to the parents and student.
- The student's School file and conduct record.
- The relevant School policies and procedures – those pertaining to disciplinary incidents and sanctions will be available on the parent portal in Firefly.
- The student and/or the student's parents/guardians may write to the Headmaster setting out any factors they wish to have considered at the Sanction Meeting. Any such letter should be sent to arrive at the Headmaster's Office at least one working day before the Sanction Meeting.

#### **4.2. Attendance**

The student and his/her parents (if available) will be asked to attend the Sanction Meeting with the Headmaster at which the Head of Lower School/Head of Sixth Form will explain the circumstances of the allegation(s) of misconduct/concern and his/her investigation. The student may also be accompanied by a member of staff of his/her choice. 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 students will be preserved.

If the parents or the student 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 of Lower School/Head of Sixth Form so that appropriate arrangements can be made.

#### **4.3. Proceedings**

The Sanction Meeting will be conducted by the Headmaster and will usually follow the following format:

- an explanation of how the meeting will be conducted and the role of those present;
- a description of the offence and the disciplinary sanction(s) that could be imposed;
- a summary of the evidence which will include an account of the version of events given by the student;
- an opportunity for the student and his/her parents/guardians to be heard and ask questions about the disciplinary meeting.
- an opportunity for the student and his/her parents/guardians to address the Headmaster on the issue of the sanction to be imposed; and
- an explanation of the review procedure that applies if Permanent Exclusion, or Removal, is the outcome.

There are normally three distinct stages of a Sanction Meeting:

##### **4.3.1. *The Allegation(s)***

The Headmaster will consider the allegation(s) of misconduct/concern and the evidence, including statements made by and/or on behalf of the student. Unless the Headmaster considers that further investigation is needed, he will decide whether the allegation(s) of misconduct/concern has been sufficiently proven. 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 Headmaster will not normally refer to the student's disciplinary record at this stage.

##### **4.3.2. *The Sanction***

If the allegation(s) of misconduct/concern has been proven, the Headmaster will outline the range of disciplinary sanctions which he considers are available. He will take into account any further statements, which the student and or others present on his or her behalf may wish to make.

The student's disciplinary record will be taken into account.

Then, or at some later time, normally within 24 hours, the Headmaster will give his decision in writing, with reasons.

##### **4.3.3. *Leaving status***

If the Headmaster decides that a student must leave the School, he will discuss the matter with the parent(s) before deciding on the student's leaving status (see below).

#### **4.4. Delayed Effect**

A decision to permanently exclude, or remove, a student shall take effect seven days after the decision was first communicated to a parent. Until then, the student shall remain suspended and away from the School premises. If within seven days the parents have made a written application for an AAB Disciplinary Review Panel, the student shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision made.

### **5. LEAVING STATUS**

#### **5.1. Explanation**

If a student is expelled or removed, his or her leaving status will be one of the following: 'permanently excluded', 'removed' or, if the offer is made by the Headmaster and accepted by the parents, 'withdrawn by parents'.

#### **5.2. Detail**

Additional points, which may need consideration, are:

- The form of letter which will be written to the parents and, given the provisions of the Data Protection Act, the form of announcement in the School that the student has left.
- The form of reference, if any, which will be supplied for the student.
- The entry which will be made on the School record and the student's status as a leaver.
- Arrangements for the transfer of any course and project work to the student, his parents or another school.
- Whether (if relevant) the student will be permitted to return to the School premises to sit public examinations.
- Whether (if relevant) the School can offer assistance in finding an alternative placement for the student.
- Whether the student will be eligible for membership of the alumni association and, if so, from what date.
- If appropriate, the conditions under which the student may re-enter the School premises in the future.
- Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

The Headmaster will notify the Chair of the AAB of the decision to exclude permanently or require the removal of a student, at the appropriate time.

### **6. ASTRUM ADVISORY BOARD REVIEW – The AAB Disciplinary Review Panel**

In the case of the most serious sanctions, that of permanent exclusion ('expulsion'), or removal, Parents have access to a review by the Astrum Advisory Board. In such circumstances an AAB Disciplinary Review Panel would be convened, the detail of which is shown below.

#### **6.1. Request for Review**

If permanent exclusion or removal by the Headmaster has been deemed appropriate, a student or his/her parents may make a written application for an AAB Review – this should be made using the 'Request for Review Form', which is in Annex A of this document. This right is not available in the event of suspension unless the suspension is for a period including seven days or more of academic teaching, or prevents a student from taking a public examination. The application must be received by the Clerk to the AAB, within seven days of the Headmaster's decision being received by a parent, or longer by agreement.

#### **6.2. Grounds for Review**

In their application of 'Request for Review' a student or his/her parents must state the grounds on which they are asking for a review and the outcome which they seek - only these stated grounds will be considered by the AAB Disciplinary Review Panel. This request will be shared with the AAB Disciplinary Review Panel and the Headmaster.

#### **6.3. AAB Disciplinary Review Panel**

As soon as practicable after the Clerk to the AAB has received the 'Request for Review' the Chair of AAB, or his/her deputy, will convene the AAB Disciplinary Review Panel and the Clerk to the AAB will contact the parents to agree a convenient date, time and place for the review hearing.

The Review will be undertaken by a three member Review Panel appointed on behalf of the Governing Body and selected by the Chair of the AAB. The Chair of the AAB, or his/her deputy will appoint one of the three members to be the Chair of the AAB Review Panel.

The panel members will have no detailed previous knowledge of the case or of the student or parents, will not normally include the Chair of the AAB, and one member will be independent of the management and running of the School. With the exception of the Chair of the AAB, those members of the AAB 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.

***Role of the AAB Disciplinary Review Panel:*** The AAB Disciplinary Review Panel will consider the documentation provided by the parties and representations made at the meeting. It will decide whether to uphold the Headmaster's decision, or refer the decision back to the Headmaster with recommendations so that the Headmaster can consider the matter further. If the decision is referred back to the Headmaster, then there will be discussions between the Panel and the Headmaster, following which the Panel's decision will be final.

#### **6.4. Preparation**

The parents and the Headmaster will be asked to submit any documents they wish to refer to at the meeting to the Clerk to the AAB and a single bundle will be circulated to the AAB Disciplinary Review Panel and the parties simultaneously at least three days before the meeting. This will include the Request for Review, conduct file of the student, notes of the Disciplinary Meeting and the Sanction Meeting.

For complex cases, a single point of contact should be assigned to parents as a case-worker and single point of contact. Their role should be to advise the complainant(s) on the process and ensure effective and efficient passage of information.

If there is material that is particularly sensitive and is held by the School and which are of importance and relevant to the decision that was taken by the Headmaster but, for reasons of a safeguarding nature or otherwise (which, for example, would put a individual at risk following disclosure of such details), cannot be disclosed to the parents and student, either in the bundle or otherwise, then this will be disclosed by the Headmaster to the Chair of the AAB. Following any necessary independent advice the Chair of the AAB will decide:

- If the material is considered to be relevant to the AAB Disciplinary Review Panel then either:
  - it is shared and consider how the concerns over disclosure expressed by the School/Headmaster can/should be mitigated; or
  - it cannot be shared, for whatever reason, and how the presence of this material would be acknowledged to the student and parents.
- If the material is NOT considered relevant to the AAB Disciplinary Review Panel then:
  - to advise the Headmaster that the material cannot be included and cannot be referred to;
  - to ask the Headmaster for his consideration as to whether the original decision should be revisited based upon the absence of this material.

On receipt of new information from the parents, the student or otherwise, which has not previously been available to the Headmaster before his decision was made, the Clerk should contact the Chair of the AAB 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 student about the information; or
- to refer the information to the Headmaster for his consideration as to whether the decision should be revisited.

#### **6.5. The AAB Disciplinary Review Panel**

The meeting will take place at the School premises, normally between 7 and 10 working days after the parents' application has been received. An AAB Disciplinary Review Panel will not normally take place during School holidays.

An AAB Disciplinary Review Panel 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.

### **6.6. Attendance**

Those present at the AAB Disciplinary Review Panel will normally be:

- Members of the Panel and the Clerk to the AAB or his/her deputy.
- The Headmaster, Head of Lower School/Head of Sixth Form and any relevant member of staff whom the student or his or her parents have asked should attend, or whom the Headmaster considers should attend.
- The student together with his/her parents and, if they wish, a member of the School staff who is willing to speak on the student'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 five working days before the Panel if the friend or relation is legally qualified. The parents should note that the Panel will wish to speak to them directly and this person will not be permitted to act as an advocate or to address the meeting unless invited to do so by the Chair of the Review Panel.

### **6.7. Conduct of Meetings**

The appointed Chair of the Panel will chair the meeting and will be conducted in a suitable room and in an informal manner. All statements made at the meeting will be unsworn.

The Clerk to the AAB will be asked to keep hand-written notes of the main points which arise at the meeting and should advise on procedural aspects. 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 the parties 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 his or her discretion adjourn or terminate the meeting. If the meeting is terminated without firm conclusions being reached, the original decision by the Headmaster will stand.

### **6.8. Procedure**

The Review Panel shall conduct the review hearing in accordance with the following procedure:

- The Headmaster will outline the background to the Student's progress at the School; outline the nature of the particular event(s)/incident(s) which led to the allegation(s) of misconduct/concern being raised against the student; present any supporting information or other statements either in written form or drawing on individual representation/witnesses.
- The Panel members will be able to ask questions of the Headmaster and any individual representation/witnesses to seek clarification.
- The parents will formally make their representation using the grounds which they have stated in their formal 'Request for Review'. They may call any witnesses or staff to provide evidence. Only issues which have raised in the 'Request for Review' will be considered. The Panel Members and the Headmaster will be able to ask questions and seek clarification from the parents / and student of any matters arising in the Parents' representation.
- The Review Panel will then, in private, consider their decision on the review.

In coming to its decision, the Panel will consider the issues raised by the student or his/her parents in the review submission so far as they are relevant to:

- whether the decision was fair procedurally and/or substantively - whether the facts of the case were sufficiently proved and an appropriate procedure followed when the decision was taken to expel or remove the student. The civil standard of proof, namely, *'the balance of probability'* will apply.
- 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 Panel will also consider

- The nature and gravity of the misconduct/concern(s) raised against the student.

- Whether or not the guilt of the student has been reasonably well established on the evidence that is before the Review Panel including any given at the original discipline hearing.
- Whether or not the allegation(s) of misconduct/concern was investigated fairly.
- The level of co-operation that has been given by the student and his/her parents/guardian.
- The actual or likely effect of the student's alleged conduct on other members of the School community.
- The general record of the student during his/her time at the School.
- The interests of the School community balanced with those of the individual student.
- Any other relevant circumstances, including the personal circumstances of the individual student.

The requirements of natural justice will apply. If for any reason the student or his/her 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 the AAB to note their dissatisfaction and the reasons for it.

### **6.9. Identification of Witnesses**

If the Headmaster 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 his/her discretion may direct that the person be identified, or not as the case may be.

### **6.10. Student's Character**

Up to two members of the School staff may speak generally about the student's character, conduct and achievements at the School if they are willing to do so.

### **6.11. Decision**

When the Chair of the Review Panel decides that all issues have been sufficiently discussed, the Panel will then withdraw to consider its decision in private. The Panel will decide whether to uphold the Headmaster's decision, or refer the decision back to the Headmaster with recommendations so that the Headmaster can consider the matter further. If the decision is referred back to the Headmaster, then there will be discussions between the Panel and the Headmaster, following which the Panel's decision will be final. The Panel's decision will either be conveyed in person immediately after this has been completed, or the decision will be notified by the Chair of the Review Panel to the Parents and the Headmaster in writing within 7 days of the hearing.

Approved by Headmaster 27 October 2021

DocuSigned by:  
  
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Approved by Chair of Advisory Board

01 November 2021  
DocuSigned by:  
  
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**Annex A - REQUEST FOR REVIEW FORM** – this form should be completed and sent to the address below within seven days of the Headmaster’s decision being received by a parent:

To the:

**Clerk to the Astrum Advisory Board**

Kensington Park School  
Sixth Form  
59 Queen’s Gate  
South Kensington  
London  
SW7 5JP

Tel No: +44 (0)20 3725 3194

Email: clerk@astrumeducation.com

Name of Student: .....

Names of those with Parental Responsibility: .....  
.....

Address of Parents/Guardian: .....  
.....  
.....  
.....

Telephone numbers: (day time) .....  
(evening) .....

Email addresses: .....  
.....

I, being a person with parental responsibility for the above named student, request that an AAB Disciplinary Review Panel carries out a review of the decision to expel or remove the student:

- We have received with this form a copy of the *Review Procedure* and we agree to abide by its terms.
- We also agree that the proceedings are and will remain confidential and that this review will be final subject to such (if any) legal rights as may exist.
- The grounds upon which we seek a review and the matters which we wish to discuss at the review and to ask the AAB Disciplinary Review Panel to take into account are as set out on the reverse side of this sheet. It is these points which will be considered by the panel.
- We understand that we may be accompanied at the review hearing by a friend or relation and that we may ask that the review hearing is attended by a member of the School staff who knows and who is willing to speak on behalf of the student.

*(Two signatures required where practicable)*

First Signature	.....	Second Signature	.....
Full Name	.....	Full Name	.....
Relationship to Student	.....	Relationship to Student	.....
Date	.....	Date	.....

## Procedure for Policy on Exclusion, Removal, Suspension and Review

