



## **Permanent Exclusion and Required Removal Policy**

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September 2020

## Associated guidance and policies

*Equality Act (2010)*

'Guidelines for Life at Rugby School'

'Rugby School Complaints Procedure'

'Rugby School Discipline and Rewards Policy'

'Rugby School Document Retention Policy'

'Rugby School Standard Terms and Conditions (Parent Contract)'

'Rugby School Student Manual'

## 1 Introduction

This policy contains guidelines on the circumstances in which a student may be permanently excluded or required to be removed from Rugby School ('the **School**').

Permanent Exclusion requires the immediate and permanent removal of a student from the School and expunges the student's name from the roll of the School. A student's reference will refer to 'Permanent Exclusion' from the School.

Required Removal is a less aggravated form of exclusion than Permanent Exclusion. Required Removal does not expunge a student's name from the roll of the School and the student's reference will state that they were 'required to be removed'.

## 2 Aims:

2.1 The aims of this policy are:

2.1.1 to ensure procedural fairness and natural justice; and

2.1.2 to promote cooperation between parents and the School when it is necessary that a student is required to leave the School earlier than expected.

## 3 Scope:

3.1 The policy applies to all students at the School but does not cover cases when a student has to leave because of ill health, non-payment of fees, or withdrawal by their parents.

3.2 This policy will be made available in large print or other accessible format if required.

3.3 The Head is responsible for updating this policy.

4 **Interpretation:** The definitions in this clause apply in this policy.

**Head:** references to the Head may include the Head of Rugby School or the Executive Head Master of the Rugby School Group.

**Parent:** means parent(s), legal guardian or education guardian.

**Permanent Exclusion:** means that a student must permanently leave the School if it is proved on the balance of probabilities that they have committed a very grave breach of discipline or a serious criminal offence. Permanent exclusion is reserved for the most serious breaches.

**Rustication:** means that a student must be temporarily excluded from the School for usually a 48 or 72 hour period.

**Required Removal:** means that the permanent removal of a student is required if:

- (a) after consultation with the parents (and the student, if appropriate), the Head considers that the conduct of a parent is unreasonable; or
- (b) by reason of the student's conduct, attitude or progress, they are unwilling or unable to benefit sufficiently from the educational opportunities and/or the community life offered by the School.

**Working day:** a weekday during term time when lessons are being taught. For the avoidance of doubt, term dates are published on the School's website and in the Calendar. Information about term dates is made available to parents and students periodically.

## 5 Permanent Exclusion

5.1 The main types of misconduct which could result in Permanent Exclusion are:

- 5.1.1 supply/possession/use of alcohol, tobacco, certain drugs or solvents (including their paraphernalia or substances intended to resemble them);
- 5.1.2 theft, blackmail or physical violence;
- 5.1.3 discrimination or harassment on the grounds of a protected characteristic according to the *Equality Act 2010*;
- 5.1.4 bullying (including cyber-bullying);
- 5.1.5 misconduct of a sexual nature (including engaging in sexual relationships, sexual assault and/or the supply or possession of indecent images);
- 5.1.6 possession or use of unauthorised firearms or other weapons;
- 5.1.7 vandalism or computer hacking;
- 5.1.8 damage to property;
- 5.1.9 hate incidents or hate crime;
- 5.1.10 persistent attitudes which are inconsistent with the School's ethos or one-off extreme behaviour which falls into the same category; and
- 5.1.11 other serious misconduct, whether one-off or multiple incidents, which affects the School's reputation or the welfare of any member of its community.

## 6 Required Removal

6.1 The main circumstances which could result in Required Removal due to unreasonable parental behaviour are:

- 6.1.1 treating the School or a member of staff unreasonably;
- 6.1.2 making a malicious allegation about the School, a member of staff, or student;

- 6.1.3 communicating with the School in any manner which is vexatious, relentless, confrontational, unreasonable or overly aggressive;
  - 6.1.4 behaving in a manner which could or does adversely affect the School's reputation or the welfare of any member of its community(s);
  - 6.1.5 behaving in a manner which could or does adversely affect a student's progress at the School; and
  - 6.1.6 breaching the School's 'Standard Terms and Conditions' (i.e. the Parent Contract).
- 6.2 The main circumstances which could result in Required Removal due to the student's conduct, attitude or progress are:
- 6.2.1 displaying recurring unwillingness to engage academically;
  - 6.2.2 serious misconduct having received a warning from a member of the Senior Management Team that further misdemeanours could result in the student losing their place at the School;
  - 6.2.2 displaying recurring low-level disobedience of the School rules; and
  - 6.2.2 any other circumstance in which the School deems the student is unwilling or unable to benefit from the educational opportunity available.

## **7 Behaviour related to a disability**

The School will make reasonable adjustments for managing behaviour which is related to a student's disability. Where Permanent Exclusion or Required Removal needs to be considered, the School will ensure that a disabled student is able to present their case fully where their disability might hinder this.

- 8 The procedure:** The Appendix sets out the procedure which is normally followed for Permanent Exclusion or Required Removal but this will not have contractual effect. All procedures will be conducted fairly and in a way that is appropriate to the circumstances.

<b>Authorised: Compliance and Risk Committee:</b>
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<b>23 September 2020</b>
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## APPENDIX: Procedure for Permanent Exclusion or Required Removal

Where a parent's first language is not English or they have a disability, reasonable steps will be taken to ensure that this procedure has been understood.

### 1. Investigation

1.1. **Management:** Investigation of serious misconduct will normally be coordinated by a senior member of staff and its outcome will be reported to the Head. Parents will be informed of the incident and ongoing investigation, usually in writing and as soon as reasonably possible.

#### 1.2. Suspension:

1.2.1. A student may be suspended from boarding and/or the School and required to live with their parent while an incident(s) is being investigated (see the School's 'Discipline and Rewards Policy').

1.2.2. A member of staff, usually the Hm, will notify the parents of the reason and period of suspension, and the parents' right to make representations to the governing body.

1.2.3. If a suspension continues for more than five working days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the student. The School will coordinate these with the parents, who should note that there may be a delay in providing work whilst teaching staff determine what work should be set.

1.3. **Interview:** Where a member of staff investigating the matter thinks it is necessary to interview any students about the incident, the student will normally be accompanied by an appropriate adult (usually a member of staff), unless this would impose a delay in proceedings which might jeopardise the veracity of evidence. A minute of the interview will be recorded in writing and normally sent to each party as soon as practicable after the interview ends. Alternatively, the pertinent facts from the interview will be communicated to parents in a summary letter from the investigator, rather than in the form of minutes. The student may be asked to make a signed statement; this is used on a need to know basis, although the school may reserve the right to protect a student's anonymity where necessary (for example, where they are at risk of retaliation or other harm).

1.4. **Suspension of an investigation:** It may be necessary to suspend an investigation, for example, where external agencies such as the police or social services are involved and advise that this is necessary. If so, relevant staff will consider advice from an appropriate external agency and the process will be subject to periodic review.

### 2. Disciplinary meeting with the Head

2.1. **Preparation:** The Chair of Governors will be informed of the meeting and the Head will consult any documents he considers relevant. The parents will receive a full report of the investigation at least two working days before the meeting and will have the opportunity to submit any documents they believe are relevant. Parents may waive their right to this two-day period if it is in their interest to proceed with the meeting sooner.

2.2. **Attendance:**

- 2.2.1. The student (and their parent(s), if available) will be asked to attend the disciplinary meeting with the Head. This invitation will be in writing and make clear that a possible outcome of the meeting is the student's removal from the School.
- 2.2.2. In the meeting, the student may be accompanied by a member of staff of their choosing. The student and parent(s) will have an opportunity to state their side of the case. In general, signed witness statements (in accordance with item 1.3) will be relied on, rather than witnesses attending the meeting itself.
- 2.2.3. If the parent(s) or student have any special needs or disabilities that call for additional facilities or adjustments (e.g. parking or the provision of documents in accessible format), those requirements should be made known to the School so that appropriate arrangements can be made.

2.3. **Proceedings:** There are two distinct stages of a disciplinary meeting:

- 2.3.1. **The incident:** The Head will consider the incident and the evidence, including statements made by and/or on behalf of the student. Unless the Head considers that further investigation is needed, he will decide whether a serious breach of discipline has been sufficiently proved. The standard of proof is the balance of probabilities i.e. the student must be more likely than not to have committed a disciplinary breach.
- 2.3.2. **The sanction:** If a disciplinary breach has been proved, the Head will outline to the student the range of sanctions that he considers to be available (see the School's 'Discipline and Rewards Policy').
- 2.3.3. The Head will consider any facts he thinks are relevant when determining which sanction to use, including the student's disciplinary record and mitigating factors that may have contributed to the behaviour (such as special needs or bereavement).
- 2.3.4. All relevant evidence and reasons will be recorded in writing and retained in accordance with the School's 'Document Retention Policy'. The Head, having consulted members of the Senior Management Team, will communicate his decision in writing to the student's parents within five working days of the disciplinary meeting.

3. **Delayed effect:** A decision to Permanently Exclude or Require the Removal of a student shall take effect seven days after the decision is first communicated to a parent. Until then, the student shall remain suspended and away from School premises. If, within seven days, the parents have made a written application for a Panel Review (see item 3), the student shall remain suspended until the Review has taken place and a decision is made either to uphold or reconsider the sanction.

4. **Leaving status:** If a student is Permanently Excluded or Required to be Removed, their leaving status will be: "permanently excluded" or "required removal".

- 4.1. In certain circumstances, and at the Head's discretion, the parents may be offered the opportunity of withdrawal in lieu of Required Removal or Permanent Exclusion. In this event, the Student's leaving status will be "withdrawn by parents with the agreement of the Head" and the Head shall be free to explain the background in any reference for ongoing education. If a decision is freely taken by the parents to withdraw the student in these circumstances, the parents will waive any right to an appeal.

**5. Panel review**

- 5.1. **Request for review:** A student or their parents have the right to request a Governors' Review of the Head's decision. Appeals are dealt with by way of a Panel Hearing under Stage 3 of the 'Complaints Procedure'.