Date: May 2024
Review Date: August 2025
Responsibility: Headmaster

EXCLUSIONS, REMOVAL & REVIEW POLICY

1. Introduction

The principles behind and purposes associated with this Policy are:

- to create the mechanism for appropriate disciplinary measures in the event of misconduct of a serious nature and to support the College's Behaviour Policy;
- to ensure procedural fairness and natural justice;
- to enhance co-operation between the College and parents/guardians when it is necessary for Pupils to be excluded.

2. Terminology

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

- **Suspension** means that the Pupil has been sent or released home for a limited period of time either as a disciplinary sanction or pending the outcome of an investigation or a Governors' Review.
- **Withdrawal** means that the Parents have withdrawn the Pupil from the College.
- **Expulsion** and **Removal** mean that the Pupil has been required to leave (**"asked to leave"**) the College permanently in the circumstances described below.
- **Released home** means that the Headmaster has consented to the Pupil being away from College for a specified period of time.
- **Exclusion** may be used as a general expression to cover any or all of the other expressions used in this Policy.
- **Removal** means that parents may be required to remove a Pupil permanently from the College (or from boarding) if, after consultation with the parents and if appropriate the Pupil, the Headmaster is of the opinion that by reason of the Pupil's conduct, behaviour or progress, the Pupil is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the College; or if the parents have treated the College or members of its staff unreasonably.
- **Expulsion** means that the Pupil may be formally expelled from College if it is proved on the balance of probabilities that the Pupil has committed a grave breach of College discipline or a criminal offence. Expulsion is reserved for the most serious breaches.

The Headmaster shall act with procedural fairness in all such cases. The Headmaster's decision shall be subject to a Governors' Review, if requested by a Parent. Parents will be given a copy of the Review

procedure current at the time. The Pupil shall remain away from College pending the outcome of the Review (see "Governors' Review" below).

3. Misconduct

The main but not exhaustive categories of misconduct, which may result in Pupils being excluded from the College include, but are not limited to:

- supply/possession/use of alcohol or tobacco, or illegal drugs or solvents, or their paraphernalia, or substances intended to resemble them;
- theft, blackmail, physical violence, intimidation or persistent bullying;
- misconduct of a sexual nature, including the supply or possession of pornography;
- possession or unauthorised use of firearms, bladed items (knives) or other weapons;
- vandalism, including computer hacking;
- conduct showing hostility towards others on grounds of race, nationality, gender, disability, sexual orientation, religion, faith or age;
- persistent disregard of the College Rules, aims or ethos;
- other serious misbehaviour, either on or off the premises, which may bring the College into disrepute;
- and failure to behave reasonably in academic matters.

4. Equality

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

5. Other circumstances

A Pupil may be required to leave if, after all appropriate consultation, the Headmaster is satisfied that it is not in the best interests of the Pupil, or of the College, that he / she remains at the College .

6. Procedure

There are 3 stages of procedure in a case where a sanction of Expulsion or Removal may be imposed by the Headmaster. These are as follows:

a) **Initial Disciplinary Procedure** - further details of the clarification procedures to be followed at this stage are set out in **Section 7** below;
b) **Formal Disciplinary Meeting with the Headmaster** - further details of the Disciplinary Meeting are set out in **Section 8** below;
c) **Governors' Review Panel** - further details of the Review are set out in **Section 9** below.

7. The Initial Disciplinary Procedure

Incidences of serious alleged misconduct will be investigated by a senior member of staff, typically by either the Deputy Head or Head of Prep School ("the disciplinary process").

If the Deputy Head considers that a Pupil's conduct could result in Suspension, Withdrawal or Expulsion, he/she will liaise with the Pupil's Housemaster/mistress to ensure that the Pupil's parents are kept informed. The Head of Prep School will liaise directly with any Prep School parents.

The Pupil may have a member of staff of his/her choosing accompany him/her to any meetings or hearings during the disciplinary process.

Following the Disciplinary Procedure, the Deputy Head (Students) or Head of Prep School will liaise with the Headmaster if they feel that disciplinary action may be appropriate. If the Headmaster considers the matter to be sufficiently serious to warrant a penalty greater than a detention, the Headmaster will contact the Pupil's parents before taking that decision and hold a Formal Disciplinary Meeting with them to discuss his decision.

Parents/guardians may appeal against a Permanent Exclusion. A panel of the Epsom College in Malaysia Governors, who have not had any part in the proceedings hitherto, will be appointed by the Chairman to consider the appeal.

Other agencies may be notified at any stage of the procedure, as and when necessary and appropriate. In the absence of the Headmaster, Deputy Head (Students), Deputy Head (Academic) or Head of Prep School, the person deputising in that role will undertake actions identified in the procedure.

Conducting the Clarification Process: In the event of a report of misconduct (or suspicion thereof) occurring, clarification interviews will be conducted by a senior member of staff. This may include:

a) gathering evidence;
b) interviews with Pupils, members of staff and others;
c) segregation of Pupils pending a hearing; and
d) liaison with parents/guardians and, where appropriate or where there is a legal requirement, other agencies (e.g. police).

Searches: In gathering evidence apart from interviews, searches of Pupils' rooms and belongings will only be conducted with their permission and in their presence, unless a search without their consent is deemed necessary, for example in order to protect others or to prevent disorder, criminal activity, or destruction of evidence.

The College may decide to search a Pupil's space and belongings and ask him / her to turn out the contents of pockets or a bag, if considered reasonable cause to do so. Clothing will not be searched until it has been removed from the wearer and care will be taken to ensure reasonable privacy. This policy does not authorise an intimate search or physical compulsion in removing clothing. Only outer clothing will be searched. If necessary, the police would be called.

In these situations, the search will be undertaken in the presence of the Deputy Head (Students), Deputy Head (Academic) or Head of Prep School.

Segregation: It may be necessary to segregate Pupils. For the purposes of reliable segregation, the College may confiscate a Pupil's mobile telephone for such a period as it reasonably deems necessary.

Suspension: A Pupil may be suspended from the College while a complaint is being investigated or while an investigation is suspended (see paragraph below). Should a suspension continue for a period of more than five College days, the College will take reasonable steps to put in place arrangements to ensure the

continuing education of the Pupil. Parents or guardians should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set. Alternatively, the Pupil may be placed under a segregated regime on College premises.

Following the initial stages of the clarification process, the Deputy Head (Students) or Head of Prep School will consider whether the alleged misconduct may lead to Suspension, Removal or Permanent Exclusion and if so, he/she:

a) will ensure that the Pupil's Housemaster/mistress is informed of the allegation against the Pupil, the facts giving rise to the allegation and that Suspension, Removal or Permanent Exclusion may be the outcome;
b) if the Deputy Head (Students) or Head of Prep School has not conducted the clarification, ensure that the Headmaster is informed of the allegation against the Pupil and the facts giving rise to the allegation;
c) will ensure that the Pupil is informed of the allegation against him/her, the facts giving rise to that allegation, that the Headmaster will consider the allegation and that he/she may have a member of staff with him/her during the Formal Disciplinary Meeting with the Headmaster;
d) will notify the Headmaster's office that a Formal Disciplinary Meeting is required, giving the Pupil's name, the allegation against the Pupil and the facts giving rise to the allegation.

When it is considered that the clarification has been completed, but before a Meeting with the Headmaster takes place, the Deputy Head (Students) or Head of Prep School shall review the clarification, considering the following questions in particular:

a) Are further enquiries needed?
b) Would an objective bystander consider the manner of the investigation fair?
c) What is the Pupil's disciplinary record in the College?
d) Is it appropriate to hold a hearing with the prospect of Removal/Permanent Exclusion before the Pupil?

The Housemaster/mistress (or Head of Prep School) will contact the Pupil's parents/guardians before a Formal Disciplinary Meeting with the Headmaster and inform them of the allegation against the Pupil, the facts giving rise to the allegation and that the allegation is to be considered by the Headmaster because Suspension, Removal or Permanent Exclusion may be the outcome. The Housemaster/mistress will ensure that the Pupil's parents/guardians are kept informed of the progress of the matter.

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 have advised that this is necessary. A decision to suspend an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.

8. The Formal Disciplinary Meeting

Preparation: Given the seriousness of the misconduct, in most cases where a Formal Disciplinary Meeting is to be held it will be appropriate for the Pupil's parents/guardians to attend the Disciplinary Meeting and for the Pupil to be temporarily suspended until the Disciplinary Meeting. The Headmaster will inform the Pupil that a Disciplinary Meeting is to be held and (if a Suspension is imposed) that the Pupil is suspended until that meeting.

The Disciplinary Meeting will usually be held within 3 College working days of the conclusion of the clarification process. The Pupil and the Pupil's parents/guardians will be informed in writing, or more likely by telephone, of:

a) the date, time and place of the Disciplinary Meeting and the College's expectation that they or the Pupil's guardian should attend (if possible);
b) the findings of the Disciplinary clarification process conducted by the Deputy Head(s) or another senior member of staff;
c) any relevant previous disciplinary issues concerning the Pupil;
d) any other favourable or unfavourable conduct known to the College which will be taken into account;
e) the purpose of the Disciplinary Meeting and who will be attending;
f) the availability of copies of this policy (enclosing a copy if appropriate).

The Pupil and/or the Pupil's parents/guardians may write to the Headmaster setting out any factors they wish to have considered at the Disciplinary Meeting. Any such letter should be sent to arrive at the Headmaster's office at least one College working day before the Disciplinary Meeting.

Attendance: The Pupil and his / her parents (if available) will be asked to attend the Disciplinary Meeting with the Headmaster at which the Deputy Head (Students) or Head of Prep School will explain the circumstances of the complaint and his / her investigation. The Pupil may also be accompanied by a member of staff of his / her choice. If either the Pupil, the parents/guardians or the Headmaster wish to be accompanied, he/she/they should notify the others of by whom they will be accompanied at least 24 hours before the meeting.

The Pupil and his / her parents will have an opportunity to state their side of the case. Members of staff will be on hand to join the meeting if needed, and their statements will be disclosed but, in most cases, the anonymity of Pupils will be preserved. If the parents or the Pupil have any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Headmaster or Deputy Head (Students) or Head of Prep School so that appropriate arrangements can be made.

If a parent is unable to attend because of, for example, travel and working commitments, the College will make reasonable alternative arrangements to ensure the parent can be involved, remotely if necessary, with the disciplinary process and their child's education.

Proceedings: A senior member of staff (usually the Deputy Head (Students) and/or Head of Prep School) will attend the meeting to note the events and to prepare a record of the main points discussed. Notes of the meeting may be taken but the meeting is not to be recorded electronically on any such device. The Disciplinary Meeting will be conducted by the Headmaster and there are potentially three distinct stages of a disciplinary meeting:

- **The complaints**: The Headmaster will consider the complaint/s and the evidence, including statements made by and/or on behalf of the Pupil. Unless the Headmaster considers that further investigation is needed, he will decide whether the complaint has been sufficiently proved. The standard of proof shall be the civil standard, i.e. the balance of probabilities. Appropriate reliance may be placed on hearsay evidence but the Headmaster will not normally refer to the Pupil's disciplinary record at this stage.
- **The sanction**: If the complaint has been proved the Headmaster will outline the range of disciplinary sanctions which he considers are open to him. He will take into account any further statement which

the Pupil and/or others present on his behalf wish to make. The Pupil's disciplinary record will be taken into account. Then, or at some later time, normally within 3 College working days, the Headmaster will give his decision in writing, with reasons.

- **Leaving status**: If the Headmaster decides that the Pupil must leave the College, he will consult with a parent before deciding on the Pupil's leaving status (see below).

Delayed effect: A decision to Expel or Remove a Pupil shall take effect seven days after the decision was first communicated to a parent. Until then, the Pupil shall remain suspended and away from College premises. If within seven days the parents have made a written application for a Review by the Governors of the decision, the Pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision made.

Leaving status: If a Pupil is Expelled or Removed, his / her leaving status will be one of the following: Expelled, Removed or, if the offer is made and accepted, Withdrawn by Parents.

Additional points of leaving status include:

- the form of letter which will be written to the parents and the form of announcement in the College;
- the form of reference which will be supplied for the Pupil;
- the entry which will be made on the College record and the Pupil's status as a leaver;
- arrangements for transfer of any course and project work to the Pupil, his /her parents or another College;
- whether (if relevant) the Pupil will be permitted to return to College premises to sit public examinations;
- whether (if relevant) the College can offer assistance in finding an alternative placement for the Pupil;
- whether the Pupil will be entitled to leavers' privileges;
- the conditions under which the Pupil may re-enter College premises in the future;
- financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunded of prepaid fees.

The Headmaster will notify the Chairman of Governors of the decision to exclude permanently or require the removal of a Pupil, at the appropriate time.

9. Governors' Review

Request for a Review: Parents may ask for a Governors' Review of a decision to expel or require the removal of the Pupil from the College or from boarding (but not a decision to suspend the Pupil unless the suspension is for 11 College days or more, or would prevent the Pupil taking a public examination).

The request must be made to the ECiM Secretaries in writing as soon as possible and in any event within seven days of the decision being notified to the Parents.

If the parents or the Pupil have any special needs or disabilities, which call for additional facilities or adjustments, these should be made known to ECiM personnel so that appropriate arrangements can be made.

Grounds for a Review: In their application the parents must state the grounds on which they are asking for a Review and the outcome, which they seek. For the avoidance of doubt, a mere disagreement with the decision of the Headmaster will not of itself be grounds sufficient for a Review.

Review Panel: The Review will be undertaken by a three member sub-committee of the Governing Body. The panel members will have no detailed previous knowledge of the case or of the Pupil or parents and will not include the Chair of Governors. With the exception of the Chair of Governors, those Governors 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. The Panel may, if requested by the parents, include an independent member who has no connection with the management or running of the College.

Role of the Panel: The role of the Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Headmaster's decision or refer the decision back to him with recommendations so that he may consider the matter further.

Review Procedure: The meeting will take place at the College premises, normally within twelve College working days after the parents' application has been received. A Review will not normally take place during College holidays. The parents and the Headmaster will be asked to submit any documents they wish to refer to at the meeting to the ECiM Board Secretary and a single bundle will be circulated to the Panel and the parties simultaneously at least three days before the meeting. On receipt of new information not previously available to the Headmaster before his decision was made, the Secretariat should contact the Chair of Governors 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 Pupil about the information; or
- to refer the information to the Headmaster for his consideration as to whether the decision should be revisited.

Attendance: Those present at the Review meeting will normally be:

- members of the Review Panel and an appointed Secretary;
- the Headmaster and any relevant member of staff whom the Pupil or his / her parents have asked should attend and whom the Headmaster considers should attend in order to secure a fair outcome;
- the Pupil together with his / her parents and, if they wish, a member of the College staff who is willing to speak on the Pupil's behalf. The parents may be accompanied by a friend or relation. The meeting is not a legal proceeding and so legal representation is not necessary. The Clerk to the Governors must be given seven days' notice if the friend or relation is legally qualified and the parents should note that the Review Panel will wish to speak to them directly and this person will not be permitted to act as an advocate.

Conduct of the meeting: The meeting will be chaired by one member of the Review Panel and will be conducted in a suitable room and in an informal manner. All statements made at the meeting will be unsworn. The meeting will not be recorded but the Secretary will be asked to keep a hand-written minute of the main points, which arise at the meeting. All those present will be entitled, should they wish, to write their own notes. The meeting will be directed by the Chair who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chair may at his / her discretion adjourn or terminate the meeting.

If the meeting is terminated, the original decision will stand.

Procedure: The Panel will consider each of the points raised by the Pupil or his / her parents and any documentation they wish to rely on so far as relevant to:

- **whether the decision was fair procedurally and / or substantively** - whether the facts of the case were sufficiently proved when the decision was taken to Expel or Remove of the Pupil. The civil standard of proof, namely, "the balance of probability", will apply and
- **whether the sanction was proportionate** - that is whether it 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 College 's policy in that respect.

The requirements of natural justice will apply. If for any reason the Pupil or his / her parents are dissatisfied with any aspect of the meeting they must inform the Chair at the time and ask the Secretary to note their dissatisfaction and the reasons for it.

Decision: When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he / she may adjourn the meeting; alternatively the Chair may ask those present to withdraw while the Panel considers its recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Headmaster and the parents by the Chair of the Review Panel or the Chair of Governors within three days of the meeting. The Headmaster will provide his / her response to those recommendations, if appropriate, in writing within 24 hours. In the absence of a significant procedural irregularity, the Headmaster's decision will then be final.

A Review meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.