



# EXCLUSIONS POLICY

Last reviewed:	<b>September 2023</b>
Next review date:	<b>September 2024</b>
Responsibility:	<b>Head</b>
Governance:	<b>Education Committee: Approved 06/10/23</b>

## Introduction

This policy should be read in conjunction with the School's Behaviour Management Policy.

This policy is available on the School's website and also on request from the School office.

At Plymouth College we encourage the establishment of good teacher / pupil relationships and support for the School's values through a system of rewards and sanctions which are designed to promote a calm, disciplined learning environment. Our system of rewards includes:

- verbal praise and written praise for good work;
- academic merits for both effort and achievement, which are publicly celebrated;
- annual prizes for progress and achievement;
- posting examples of excellent work in art/design, sports, and drama and concert achievements on the School's website and social media, so that the community can celebrate success; and
- reports to parents

## Sanctions for breaches of discipline that do not merit exclusion / required removal

When poor behaviour is identified, sanctions are implemented in line with the Plymouth College's Behaviour Management Policy. We have a range of disciplinary measures which may include:

- a verbal reprimand from a member of School staff;
- reports to parents (which are always worded to be as constructive as possible);
- additional school work or repeating unsatisfactory work until it meets the required standard;
- the setting of written tasks as sanctions, for example, letters of apology or an essay relevant to the poor behaviour (e.g. the dangers of smoking);
- loss of privileges;

- missing break time;
- detention including during lunch-time, after school and at weekends;
- School-based service or imposition of a task – such as removing chewing gum or picking up litter under the supervision of a member of staff; and
- regular reporting, including early morning reporting; scheduled uniform and other behaviour checks; or being identified for behaviour monitoring.

The process and escalation of sanctions is covered in the School's Behaviour Management Policy.

### **Breaches of discipline outside of the School grounds:**

The School takes the conduct of its pupils outside of school grounds extremely seriously. A pupil's misbehaviour outside of School can be damaging to the reputation of both the pupil and the School. Where an incident is reported to the School of a pupil/s' poor behaviour outside of the School grounds and the incident has not been witnessed by School staff, the School will take an evidence-based approach and/or talk to witnesses before identifying further action and any sanctions required for such behaviour.

The School will usually 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. Suspected drugs and weapons will be confiscated immediately and held for the police as potential evidence. If the School believes a pupil may have taken drugs, then the School will seek immediate medical advice and may involve the police.

Alleged sexual offences will generally be reported to the police immediately.

Other agencies, for example Children's Social Care, may also be notified where necessary and appropriate to the facts of the case.

### **Breaches of School Rules by pupils which merit exclusion:**

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

- physical assault against pupils or adults;
- behaviour which puts the safety of the pupil, or any other person, in jeopardy;
- verbal abuse/threatening behaviour against pupils or adults;
- bullying, including (cyber-bullying) [in accordance with the School's Anti-Bullying Policy];
- committing a criminal offence;
- fighting;
- abuse on the grounds of race, religion/belief, disability, SENs (etc.) or any form of unlawful discrimination;
- sexual harassment or misconduct, including youth-produced sexual imagery;
- drug and alcohol misuse (including supply/possession/use);
- damage to property;
- vandalism or computer hacking;
- theft or unauthorised possession of any property belonging to the School, another pupil, or a member of staff;
- wilful damage to property;

- bringing illegal, inappropriate or dangerous items into School, such as drugs, weapons, firearms, pornographic material etc;
- misconduct which adversely affects or is likely to adversely affect the welfare of a member or members of the School community;
- persistent or significant disruption to the learning environment/education of other pupils;
- misconduct which brings or is likely to bring the School into disrepute; and
- persistent disruptive behaviour or breaches of the School's [Behaviour Policy] or School Rules.

As set out in the School's Terms and Conditions (Parent Contract), the School may require the removal of a pupil in circumstances where the Head considers in their discretion that the behaviour or conduct of a parent (or both parents) is unreasonable; and/or adversely affects (or is likely to adversely affect) their child's or other children's progress at the School, or the wellbeing of School staff; and/or brings (or is likely to bring) the School into disrepute; and/or is not in accordance with their obligations under the Parent Contract. A non-exhaustive list of the sorts of behaviour that could merit required removal of a pupil on the grounds unacceptable parental behaviour or conduct includes the following:

- treating the School or a member of staff unreasonably;
- making a malicious allegation about a member of staff or the School;
- communicating with the School in person or in writing (directly or indirectly), in a manner which is deemed voluminous, and/or relentless, and/or confrontational, and/or unreasonable, and/or overly aggressive;
- behaving in a manner which adversely affects (or in a manner which is likely to adversely affect) the welfare of a member or members of the School community; and
- breaching the School's Terms and Conditions (Parent Contract).

The School reserves the right to impose sanctions for parental behaviour falling short of required removal, including but not limited to placing restrictions on a parent's access to School / School events, communications with the School and/or the imposition of a warning (up to and including a final written warning).

As set out in the School's Terms and Conditions (Parent Contract), the School may require the removal of a pupil in circumstances where the Head considers in their discretion that the pupil's attendance or progress at the School is unsatisfactory and, in the reasonable opinion of the Head, the removal of the pupil is in the School's best interests and/or those of the pupil or other children.

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

#### **Other Circumstances:**

A pupil may be required to leave if, after all appropriate consultation, the Head is satisfied that it is not in the best interests of the pupil, or of the School, that the pupil remains at the School.

#### **Equality:**

In respect of a pupil with a disability as defined by the Equality Act 2010, the School will make such adjustments to this policy and its implementation as it is reasonable to have to make to avoid substantial disadvantage to the pupil. Any religious requirements affecting the pupil will also be considered.

## Investigation Procedure

The Head for their part undertakes to apply any sanctions fairly, and, where appropriate, after due investigative action has taken place (such investigation to be carried out by the Head or their nominee). Any findings of fact will be made on the basis of the balance of probabilities. Parents will be informed as soon as reasonably practicable if a complaint or allegation under investigation is of a nature that could result in the pupil being excluded.

The School reserves the right to require the pupil to remain away from School as a neutral act during an investigation procedure. Alternatively, the pupil may be placed under a segregated regime if they remain on School premises.

Upon the conclusion of the investigation, the findings will be reviewed by another senior member of staff to scrutinise the findings and decide whether any recommendation is substantiated. This will be communicated to the Head.

Prior to any decision being taken by the Head to exclude or require the removal of the pupil, the Head (or their nominee) will meet with the pupil and their parents or (in circumstances involving the possibility of the pupil's required removal on the grounds of parental unreasonable behaviour) the parents.

The meeting will have key elements:

The complaint(s) – the Head will consider the allegation(s), complaint(s) or rumour(s) and the evidence, including statements made by and/or on behalf of the pupil or, where applicable, the parents. Unless the Head considers that further investigation is needed, they will decide whether the allegation, complaint or rumour has been sufficiently proved and whether the findings constitute serious misconduct. 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 Head will not normally refer to the pupil's disciplinary record at this stage. The pupil and their parents will have an opportunity to make representations on the investigator's findings and whether they constitute serious misconduct, and the appropriate sanction to be imposed.

The sanction – if the allegation, complaint or rumour has been proved the Head will outline the range of disciplinary sanctions which they consider are open to them. They will take into account any further statement which the pupil and/or others present on their behalf wish to make when considering the appropriate sanction to be imposed. The pupil's disciplinary record will also be taken into account where the allegation, complaint or rumour concerns the conduct of the pupil. Then, or at some later time, normally within 48 hours, the Head will inform the pupil and their parents of their decision in writing, with reasons.

Leaving status – if the Head decides that the pupil must leave the School, they 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 five days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from School premises. If within seven working days the parents have made a written application for a Review of the decision by the Governors, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision made.

Leaving status:

Explanation: If a pupil is expelled or removed, their leaving status will be one of the following: "expelled", "removed" or, if the offer is made by the Head and accepted by the parents, "withdrawn by parents".

Additional points of leaving status to be considered may include:

- The form of letter which will be written to the parents and the form of announcement in the School and House that the pupil has left.
- The form of reference which will be supplied for the pupil.
- The entry which will be made on the School record and the pupil's status as a leaver.
- Arrangements for transfer of any course and project work to the pupil, their parents or another school.
- Whether (if relevant) the pupil will be permitted to return to School premises to sit public examinations.
- Whether (if relevant) the School 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 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.

If the Head considers that further investigation is needed, the meeting may be adjourned, and the reason for the adjournment will be explained to the pupil / their parents.

Following the conclusion of the meeting the Head will reach their decision. The Head will communicate their decision in writing within five working days from the meeting.

### **Appeals against exclusion / required removal**

The School will always offer the right of appeal to any pupil excluded or required to be removed from the School.

A pupil or their parents may request a review by the Governors of the Head's decision to expel or remove a pupil or where a decision has been made to impose the disciplinary sanction of suspension on a pupil for 10 School days or more or where such suspension would prevent a pupil from taking a public examination.

The application must be made in writing and received by the Clerk to the Governors within seven days of the Head's decision being notified to a parent.

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 the Clerk so that appropriate arrangements can be made. In their request 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 Head will not of itself be grounds sufficient for a Review.

Following a request for a Review, the Pupil will be suspended from School until the review procedure has completed. While suspended the Pupil shall remain away from School and shall not have the rights to enter School premises or attend School events without written permission from the Head.

### **Review Panel:**

The Review will be undertaken by a three-member sub-committee of the Board of Governors. The Panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not

normally include the Chairman of Governors. Selection of the Review Panel will be made by the Clerk to the Governors. With the exception of the Chairman 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 School.

### **Role of the Panel:**

The role of the Panel is to consider the documentation provided by the parties, the representations made and any other factors which the Panel considers to be relevant, and to determine whether to uphold the Head's decision or refer the decision back to the Head with recommendations so that they may consider the matter further.

### **Review Meeting:**

The meeting will take place at the School premises, normally within ten working days of the parents' application receipt. A Review will not normally take place during School holidays. The Clerk to the Governors will send written notification to each party of the process, date, time and place of the Review at least 10 working days before the date of the Review. The parents and the Head will be asked to submit any documents they wish to refer to at the meeting to the Clerk to the Governors 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 Head before their decision was made, the Clerk should contact the Chairman of Governors who will decide whether:

- to include the new information in the bundle;
- 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 Head for their consideration as to whether the decision should be revisited.

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.

### **Attendance:**

Those present at the Review Meeting will normally be: Members of the Review Panel and the Clerk to the Governors or their deputy. The Head and any relevant member of staff whom the pupil or their parents have asked should attend and whom the Head considers should attend in order to secure a fair outcome. The pupil together with their parents and, if they wish, a member of the School staff who is willing to speak on the pupil's behalf. If the allegation, complaint or rumour concerns the behaviour of the parents, the pupil will not be expected to attend. 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 five working days' notice if the friend or relation is legally qualified and the parents should note that the Review Panel will wish to speak to the parents 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 Panel.

**Conduct of 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 but fair and unbiased manner. During the Review, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Review is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. All statements made at the meeting will be unsworn. The proceedings will not be recorded but the Clerk 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 comments. Everyone is expected to show courtesy, restraint and good manners. The Chair may at their discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

**Procedure:**

The Head will provide the parents with a copy of the current Review procedure if requested. The Panel will consider each of the questions raised by the pupil or their parents and any documentation they wish to rely on so far as relevant to:

Whether, on the facts, the decision-making relating to the breach of School policy/ies and sanction imposed followed a fair process – whether an appropriate procedure was followed allowing the facts of the case to be sufficiently proved when the decision was taken to expel or remove the pupil. The civil standard of proof, namely, "the balance of probability" will apply. Observance of the School's relevant policies and rules will be taken into account but may not be determinative in this respect; and

Whether the sanction was within the range of reasonable responses – whether it was within the range of reasonable responses 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 requirements of natural justice will apply. If for any reason the pupil or their parents are dissatisfied with any aspect of the meeting they must inform the Chair at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

**Decision:**

When the Chair decides that sufficient consideration has been given to the documentation provided, the representations made by the parties and other relevant circumstances, they will conclude the meeting and the Panel will consider its decision and recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the parents by the Chair of the Review Panel or the Chairman of Governors within three working days of the meeting.

The Head will provide their response to those recommendations, if appropriate, in writing within 48 hours. In the absence of a significant procedural irregularity, the Head's decision will be final. If the Head's decision is upheld then the decision will be final.

If the Head is asked to reconsider their decision, the pupil will remain suspended until this has been done.

The outcome of the appeal process is final and there shall be no further right to appeal.

If a decision is taken by the parents to withdraw the pupil, the parents will waive any right to an appeal.

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

### **Recording and monitoring**

Where the sanction imposed is exclusion, required removal or suspension, the written report on the investigation will be placed on the pupil's file.

Details of the exclusion, required removal or suspension will be recorded on the School's Sanctions Record.