



# Shebbear College

## Exclusion Policy

### Whole School Policy from EYFS to Sixth Form

**Lasted reviewed by Governing Body – 9<sup>th</sup> November 2017**

**Next Review by Governing Body by November 2018**

#### Policy Review at Shebbear College

The Governors acknowledge their responsibility to ensure that this policy is effective and follows regulatory requirements. Governors undertake a regular review (at least annually) to satisfy themselves that the implementation of this policy is effective.

### Introduction

#### 1. Terminology

Pupils may be excluded from the College for a number of reasons, including those which are medical, financial or disciplinary. The definitions below refer largely to exclusion for serious breaches of discipline.

- a). Expulsion means the formal and permanent exclusion of pupils.
- b). Suspension means the exclusion of pupils either:
  - i. As a precautionary measure and to allow an investigation to be carried out or
  - ii. As a punishment and for a finite period, after which they will be re-instated.
- c). Removal means the requirement of parents/guardians that they remove pupils from the School. Removal may be as a result of serious breaches of discipline, but not such that they warrant formal expulsion. It may also be applied in very different circumstances, such as pupils not making sufficient progress either academically or socially.
- d). Misconduct: The main categories of misconduct which may result in Expulsion or Removal are:

- i. Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.
- ii. Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
- iii. Misconduct of a sexual nature; supply and possession of pornography.
- iv. Possession or use of unauthorised firearms or other weapons.
- v. Vandalism and computer hacking (including accessing pornographic sites)
- vi. Persistent attitudes or behaviour which are inconsistent with the School's ethos.
- vii. Other serious misconduct towards a member of the school community or which brings the school into disrepute (single or repeated episodes) on or off school premises.
- viii. 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 she/he remains at Shebbear.

## **2. Legal Issues**

Article 3 of the Human Rights Act 1998 prohibits inhuman or degrading punishment.

Article 6 safeguards the right to a fair trial and, although not directly applicable to civil proceedings, is the principle underlying the DfE guidance that pupils should have the freedom and opportunity to be heard.

The principles of natural justice will normally be satisfied if:

- a. Pupils are not pre-judged;
- b. Procedures are fair unbiased and impartial;
- c. All necessary investigations are carried out;
- d. Pupils and parents/guardians are given the opportunity to be heard; and
- e. Pupils and parents/guardians are informed of the consequences of exclusion and of an appeal/complaints mechanism.

## **The Disciplinary Procedure**

### **1. Conducting an Investigation**

In the event of the report or suspicion of a serious breach of discipline (an 'offence') occurring, an investigation will be conducted by a senior member of staff. This may

include:

- a. interviews with pupils, members of staff and others;
- b. gathering evidence;
- c. segregation of pupils; and

d. liaison with parents/guardians and other agencies (e.g. police, social services)

There are no hard and fast rules about who should be present at an interview. However, it is College practice to ensure that a pupil is accompanied by an appropriate adult who can act as a friend, and for there to be another member of staff present to note the main points of the interview in writing and to act as a witness. The date, start and end times are noted. At the end of an interview or subsequently, the notes are read over to the interviewee, amended if necessary, and initialled by the person conducting the interview.

In gathering evidence apart from interviews, searches of pupils' rooms etc., are only conducted with their permission unless a search is deemed necessary without their consent in order to protect others or to prevent disorder or crime.

It may necessary to segregate pupils on the School's premises, in which case they should be accompanied by a member of staff at all times. An alternative is to suspend them. In either case they should be told the reason for their segregation/suspension.

It is usually appropriate for investigations to be completed before parents/guardians or other agencies are contacted.

## **2. Reaching a Decision**

When an investigation has been completed, the following questions should be addressed.

- a. Is innocence/guilt well established or are further enquiries needed?
- b. Would an objective bystander consider the proceedings fair?
- c. What is the pupil's standing in the School (disciplinary record etc)?
- d. What is the appropriate action to be taken in the light of the evidence gathered?
- e. Who should be notified of the outcome of the investigation?

## **3. Notifying Pupils, Parents/Guardians et al**

Depending upon the decision reached and the gravity of the punishment, if any, a senior member of staff or the Head in person, should notify the pupils concerned and their parents/guardians of the outcome of the investigation. In the case of expulsion or removal, a person with parental responsibility should accompany pupils to the meeting with the Head. At the meeting, there should be:

- a. a description of the offence;
- b. a summary of the evidence;
- c. an account of the pupil's version of events and the School's response;
- d. an explanation of the decision reached and its consequences;
- e. an opportunity for the pupil and his parents/guardians to be heard;
- f. the offer of appropriate support; and

g. an explanation of the appeal/review procedure.

What is said at the meeting should be noted. It is College policy that another member of staff is present to record the main points and to act as a witness.

In accordance with established procedures, the Head will notify the Chairman of Governors of the decision to expel or require the removal of a pupil, at the appropriate time. No other details of the case should be notified to governors pending a review.

Other agencies should be notified as necessary and appropriate.