

Permanent Exclusion Policy 2019/20



CHAVAGNES
INTERNATIONAL COLLEGE

1. Introduction

1.1 This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a student may be permanently excluded from the College, or accepts an offer of withdrawal, made at the Head Master's discretion.

1.2 This policy does not have contractual effect, and whilst it gives guidance as to how the permanent exclusions process may be implemented, it is not to be regarded as prescriptive in its application. The College Environment, by its very nature, requires some flexibility of application of this policy, as circumstances dictate. Nevertheless, every effort is made to ensure that should there be a need to invoke the procedure for permanent exclusions or withdrawal of a student, the process is fair and transparent and that natural principles of justice apply.

2. Scope

2.1 The policy applies to all students at the College.

2.2 In keeping with the College rules, as outlined in the Parent Contract, students may be disciplined for misbehaviour when they are:

- Travelling to or from College or
- Taking part in any College-organised or school-related activity or
- Wearing school uniform or
- In some other way identifiable as a student at the College.

2.2.1 Or for misbehaviour at any time, whether or not the conditions above apply, that:

- Could have repercussions for the orderly running of the College or
- Poses a threat to someone else or
- Could adversely affect the reputation of the College.

2.3 This policy does not cover cases when a student has to leave because of ill health or non-payment of fees.

2.4 An understanding of the College's complaints procedure does not apply to complaints arising from the exclusion process.

3. Interpretation

3.1 The following definitions apply throughout this policy:

Parent - Includes one or both of the parents, a legal guardian, a person with parental responsibility, or education guardian.

Permanent Exclusion - Means the dismissal of a student from the School following serious misconduct. This is reserved for the most serious breaches of the College's rules.

Withdrawal - Means that a student has been required by the College to leave, but without the stigma of permanent exclusion.

4. Distribution

4.1 This policy is freely available. It is available to staff on the intranet. This policy can be made available in large print or other accessible format if required.

5. Policy Statement

5.1 The College aims to forge a partnership between students, staff and parents to achieve and maintain high standards of behaviour. Good behaviour is rewarded in a variety of ways in accordance with the College rules which also provide for sanctions which may be applied in cases of unacceptable behaviour.

5.2 Permanent exclusion should only be used as a last resort in response to a serious breach, or persistent breaches, of the College's rules; and where allowing the student to remain in College would seriously harm the education or welfare of the student or others in the College.

6. Aims

6.1 The aims of this policy are:

6.1.1 To support the College's rules.

6.1.2 To ensure procedural fairness and natural justice.

6.1.3 To promote co-operation between the College and parents when it is necessary for the College to consider whether a student should leave earlier than expected.

6.2 Permanent Exclusion

6.2.1 Only the Head Master has the authority to exclude a student permanently.

6.2.2 The main categories of misconduct which may result in permanent exclusion include but are not limited to:

- The supply/possession/use of mind altering substances and solvents or their paraphernalia or substances intended to resemble them, supply of alcohol, possession of alcohol on repeated occasions (the first usually warranting a fixed term exclusion depending on the circumstances), the supply of tobacco/ smoking related paraphernalia or persistent smoking;
- A refusal of a request for drugs screening - please refer to the smoking, alcohol and drugs policy;
- Theft, blackmail, physical violence, intimidation, racism, severe or persistent bullying;
- Misconduct of a sexual nature including the supply or possession of pornography;
- The Possession or use of unauthorised firearms or other weapons;
- Vandalism or computer hacking;
- The persistent disregard for the College rules, or persistent attitudes or persistent behaviour which is disruptive and/or inconsistent with the College's ethos;
- Other serious misconduct on or off College premises (including online) which affects the welfare of a member or members of the College community or which actually, or potentially, or indirectly brings the College into disrepute or damages its reputation (single or repeated episode).

The above categories of behaviour may result in permanent exclusion, irrespective of when and where they occur, including away from the College, in or out of term time.

6.2.3 Circumstances when the Head Master may in his discretion require a student to be withdrawn from College may include (but are not restricted to) where the Head Master reasonably considers that:

- There is a breakdown in the relationship between the College and the parents and / or the student or

- The behaviour or conduct of the student (or the behaviour or conduct of any of the student's parents) is unreasonable; and/or adversely affects (or is likely to adversely affect) any student's progress at the College, or the wellbeing of College staff; and/or is likely to bring the College into disrepute; and/or is not in accordance with the parents' obligations under their contract with the College or
- The student's attendance or progress is unsatisfactory and, in the reasonable opinion of the Head Master, the student's withdrawal is in the College's best interests and/or that of the student.

7. Breaches of Discipline Outside of the College

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

7.2 Students need to remember they are ambassadors for the College at all times, and that their standards of behaviour reflect on the College's reputation.

8. Procedure when Exclusion is being Considered

8.1 The procedure set out below does not have contractual effect. The policy contains guidelines that can be adapted by the College as necessary in the circumstances.

8.2 All procedures will be carried out fairly and in a way that is appropriate to the circumstances.

8.3 Where allegations come to light that require involvement of social care the police or other agencies, the College will make the appropriate notifications. Advice from external agencies will be taken into account and may impact on the procedure to be followed and what information may be shared.

9. Preliminary Steps and Investigation

9.1 A student may be spoken to informally by a member of staff to establish whether or not there are grounds for a formal investigation such as to invoke this policy.

9.2 Investigation of an allegation or concerns about serious misconduct will be coordinated by the Head Master in most circumstances.

9.3 In the event that a decision is taken to investigate allegations or concerns formally, any accounts taken from staff, or students involved in the incident, or others involved, will be signed and dated by the person making the statement and the person taking the notes. If handwritten, typed copies may be prepared for any further proceedings, with the original statement being kept on file.

9.4 If drug misuse is suspected, rigorous procedures will apply.

9.5 Parents will be informed as soon as is reasonably practicable if the allegation or concern under investigation is of a nature that could result in the student being excluded or being required to leave. Where the allegations warrant, or other students may be at risk, a student may be suspended from boarding and/or from the College and required to stay at home or with a guardian appointed by the College. For any suspension, the College will take reasonable steps to put in place arrangements to ensure the continuing education of the student. The relevant Housemaster will co-ordinate these arrangements with the student's parents / guardian. Parents 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.

9.6 The College may search a student and/or their belongings if it is considered reasonable by the College to do so. The police will be called if appropriate.

9.7 Where any student is interviewed formally at College (either as witness or as suspect), arrangements will be made for them to be accompanied by an appropriate adult (who will usually be a member of staff). A student who is waiting to be interviewed may be segregated, if appropriate. A minute of the interview will be recorded in writing by the interviewing member of staff. The student will be advised that any notes of interview may be provided to the police or social care, if an investigation by them subsequently becomes necessary.

9.8 If and once it is determined by the Head Master that a meeting is necessary, the parents and members of the Senior Leadership Team (where appropriate) will be informed, along with details of date, venue and time, and who is invited to attend.

9.9 It may be necessary to suspend an investigation in certain circumstances – 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 the appropriate external agency and will be subject to periodic review.

10. Decisions of the Head Master

10.1 The Head Master is the highest authority in the discipline process.

10.2 Unless further investigation is needed, the Head Master will decide whether the complaint is well founded on a balance of probabilities (i.e. more likely than not). If the complaint is in the opinion of the Head Master not founded, the student's conduct may still have fallen short of the standards required by the College rules, in which case a lesser sanction may apply.

10.3 If the complaint is in the opinion of the Head Master well founded on a balance of probabilities, the Head Master will take into account the seriousness of the matter, any mitigating circumstances (for example provocation, mental health issues, or other personal issues that the student may be experiencing) and the student's disciplinary record in deciding what course of action should be taken. With the exception of Drugs where the Head Master is required to act in the interests and safety of both the College community and the offending student.

11. Adjournment

11.1 A meeting scheduled to take place with the Head Master may be adjourned in certain circumstances. Relevant factors as to whether a meeting should be adjourned will include:

11.1.1 The involvement of other agencies, for example police, social care and advice taken from them;

11.1.2 Whether any criminal charge has been brought against the student and, if so, what the charge is;

11.2.3 Whether relevant witnesses and documents are available;

11.2.4 The effect it may have on the student concerned, the parents, any victim or the College community;

11.2.5 Whether an adjournment, or decision not to adjourn, might result in injustice.

12. Leaving status

12.1 If the Head Master decides that the student must leave the College, he will decide on the student's leaving status which will either be "excluded" or, if the offer is made and accepted, "withdrawn". The Head Master may consult with the parents as appropriate. The decision as to the student's leaving status is entirely within his discretion.

12.2 A decision to permanently exclude or withdraw a student shall usually take effect immediately after the decision has been first communicated to a parent, unless otherwise agreed between the parent and the Head Master. Until then, the student shall remain away from College premises. If, within seven calendar days of the communication of the Head Master's decision, the parents have made a written application for a review by the College authorities, the student shall remain away from College premises until the review has taken place.

12.3 A student who is due to sit public examinations during any period of suspension, or once a decision to permanently exclude has been taken, may be allowed to sit the examinations on College premises, but this is solely in the Head Master's discretion, and on any terms specified by him, but must otherwise remain away from the College.

13. Review

13.1 Any complaint that arises from the Head Master's decision to permanently exclude will be addressed using this policy.

13.2 The parents may make a written request to the Head Master for a review of his decision.

13.3 A request for such a review must be made and received by the Head Master within seven calendar days of the Head Master's decision being notified in writing to the parents. A request must state the grounds on which the parents are asking for a review and the outcome they would like. A disagreement with the Head Master's decision alone is not sufficient grounds for a review. The grounds for a review are limited to a clear that:

13.3.1 Further evidence has come to light or

13.3.2 The process and decision were flawed for reasons of procedure or proportionality.

13.4 The College authorities will convene a panel who are independent of the management and running of the College. None of the panel shall have had any prior involvement in the case. The panel will appoint a Chair from amongst their number.

13.5 The role of the panel is to consider the representations made by the parents and the affected student and to decide whether to uphold the Head Master's decision, or refer the decision back to him with recommendations so that he may consider the matter further. It is not within the powers of the panel to reinstate a student's place at the College against the wishes of the Head Master.

13.6 The review will be held as soon as reasonably practicable after the request has been received, and usually within 14 working days. It will not normally be held during holidays and will normally take place at the College.

13.7 The panel will be provided with all of the original information presented to the Head Master and the minute of the meeting. If either the College or the parents wish to present additional evidence, this should wherever possible be presented to the Chair of the panel a minimum of 3 working days prior to the hearing.

13.8 Where new information is presented, the Chair of the panel will decide whether to:

13.8.1 Include the new information in the bundle

13.8.2 Omit the information if not relevant to the review

13.8.3 Make further inquiries

13.8.4 Refer the information to the Head Master for his consideration as to whether the decision should be revisited.

The admission of evidence will be at the panel's sole discretion, but there must be sufficient time for such evidence to be considered, and any further investigations to be made, prior to the hearing.

13.9 The role of the panel is to assess both sides, consider whether the Head Master's decision was proportionate and in accordance with the College's policies, and decide whether to uphold the Head Master's decision, or to refer the matter back to the Head Master for reconsideration together with recommendations.

13.10 A minute of the review will be taken. All those present will have a reasonable opportunity to ask questions before they make their recommendations. The Chair may at his/her discretion terminate the meeting. If this is necessary, the original decision will stand

13.11 The panel will decide, on the basis of information provided:

13.11.1 Whether the facts of the case are proven on the balance of probabilities, and

13.11.2 Whether a fair procedure was adopted when investigating the facts of the matter, and

13.11.3 Whether the sanction applied was proportionate.

13.12 The Chair of the panel will notify the Head Master and the parents in writing of their decision and recommendations, if any, and reasons therefor, usually within 3 working days of the review.

13.13 The Head Master will provide his response to any of the recommendations, if appropriate, in writing, normally within 24 hours. If it has also been deemed that there are no significant procedural irregularities, the Head Master's decision will be final.

14. Confidentiality

14.1 All aspects of the disciplinary process are private matters. All those concerned and involved in the process are required to keep details confidential unless disclosure is required by law or statutory regulations, or limited disclosure is required to facilitate the disciplinary process or child protection matters.

15. Fees and Deposits

15.1 Where a student is permanently excluded or withdrawn, both the deposit and current term's fees will not be refunded. Any outstanding debts must be paid in full within 30 days of the decision.

16. Monitoring and Review

16.1 This Policy will be reviewed every year by the Head Master, or sooner, if a change in legislation, or review or practice dictates. The College authorities will monitor the implementation of this policy in conjunction with the review of the child protection and safeguarding policy.