

PERMANENT EXCLUSION FROM COLLEGE:

Policy and Procedures

A POLICY

1. Permanent exclusion of a student should occur in the following circumstances:
 - When to allow a student to remain would be likely to seriously affect the good order of the College and/or the well-being or education of other students. This may occur, for example, due to an act of gross misconduct constituting a serious breach of the Student Charter, or the persistence of lesser incidents despite the College's reasonable warnings or intervention (see note 2).
 - When a student has made it obvious that they are not subscribing to the educational aims of the College to the point that are unwilling or unable to engage productively to address this. This may occur, for example, by failing after repeated warnings to attend timetabled sessions and/or by failing to engage reasonably with interventions or support from the College (see note 2), in order to be able to complete the requirements of their programme of study.
2. Other than in cases of gross misconduct, exclusion from College will be considered only after strenuous efforts have been made to resolve the issue(s) within the College's student support systems and through the lower levels of the College's intervention/guidance processes.
3. No permanent exclusion of a student will take place without contact being made with parents/carers where appropriate.
4. The exclusion will normally be carried out by one of the Associate Principals and will follow a formal disciplinary hearing. This hearing will normally be held in person but if this is not possible the hearing will be held remotely. The preference for any remote hearing is for this to be done via the student's Microsoft Teams access with video only being used if it is more than a one to one meeting. If this is not possible speaker phone conference calls can be used, in these cases the chair of the hearing may decide to receive a written summary of the evidence from the senior member of staff along with their recommendation. This would be shared with the student in advance of the hearing. The procedures the College has put in place to safeguard over this type of interaction between staff and students should be followed.
5. A student will be entitled and encouraged to have in attendance a parent and/or carer or an agreed supportive person at either a disciplinary hearing or an appeal hearing.
6. A student who is excluded will have the right to request a review of the exclusion decision.

B PROCEDURE FOR HOLDING A DISCIPLINARY HEARING Where exclusion is a possible outcome

Introduction

1. The hearing will normally be chaired by one of the Associate Principals. At the hearing will be the senior member of staff who has recommended that a hearing take place. This will either be the senior member of staff who has undertaken an investigation in to behaviour that is inconsistent with the College's student charter, a case of gross misconduct or the senior member of staff who has overseen the final formal stage of the intervention process.
2. The student will be informed in writing of the date and time of the disciplinary hearing via first class post. They will be given at least five working days' notice. A copy of this Policy and Procedures shall also be sent at this stage.
3. The student must take all reasonable steps to be present the hearing. If the student is unable to be present on the specified date then the hearing will be deferred. The alternative date should be no more than five working days later. Failure to be present at the hearing without good reason may lead to the hearing being held in the student's absence and a decision taken based on available evidence.
4. Any documentary evidence to be considered in the hearing should be circulated as soon as possible and at the latest, two working days in advance of the hearing. This will include a summary of the information that has led to the hearing. The College will send a copy of all appropriate documents to parents/carers or by request an agreed alternative supportive person.
5. In all cases, so that an impartial record of the hearing is kept, the College will have another person present who will keep the record of the hearing. Only a written record of the proceedings is allowed. No recording may be made.
6. It will not usually be necessary for any witnesses to be present at the hearing. Any requests for the joining of witnesses must be made in writing in advance. Presence of witnesses is at the discretion of the chair of the hearing.

Process for the hearing

1. The hearing will open with a general introduction by the chair of the hearing which will outline the procedural arrangements.
2. The student and/or his or her parents/carers or agreed supportive person may then ask any questions on the procedural and administrative arrangements.
3. The chair of the hearing will then set out the purpose of the hearing.
4. The chair of the hearing will then ask the relevant senior member of staff to present the information that has led to the hearing. In the case of a disciplinary incident or gross misconduct, this will be a presentation of evidence gathered in an investigation and/or

details from witnesses. The wider context of any previous disciplinary processes that the student has been involved with will also be considered. In the case of a student not subscribing to the educational aims of the College, it will be a presentation of the information regarding progress and conduct and details of disciplinary warnings. The senior member of staff will also be asked to give their recommendation.

5. The student and/or his or her parents, carers or agreed supportive person can ask questions or seek clarification from the chair of the hearing or the relevant senior member of staff. Where a written summary from the member of staff recommending that a hearing takes place has been used the chair of the hearing can suspend the hearing whilst this clarification is provided.
6. The student will then present their case. The parents/carers or agreed supportive person may assist the student in making their case.
7. The chair of the hearing can ask questions or seek clarification of the student and the relevant senior member of staff. If the chair of the hearing judges that further information is needed before a decision can be made then either the hearing can be suspended so that this further information can be made available or further information can be gathered after the hearing to assist in making the decision.
8. The chair of the hearing will then summarise the facts and any areas of dispute.
9. The chair of the hearing may then adjourn to consider their decision. If new information comes to light whilst the chair is considering their decision the hearing may be reconvened to consider only this additional information using the process outlined above.
10. A decision will normally be made within two working days of the hearing. If the case is upheld and the chair of the hearing agrees with the recommendation then the student will be excluded. If the chair of the hearing decides that there is a case to answer but that the recommendation of exclusion is not appropriate then an alternative disciplinary measure can be imposed. In the case of a disciplinary incident, this is likely to take the form of a disciplinary warning and a student being placed on one of the later stages of the formal intervention processes. In the case of a student not subscribing to the educational aims of the College, the chair of the hearing may give the student a further final opportunity to meet agreed targets.
11. If it is decided that a student will be excluded, the chair of the hearing should make sure that the student is notified immediately, by telephone, and that this is followed by a letter within two working days via first class post. A copy should be sent to parents/carers. Exclusion should normally begin immediately. The exclusion letter should include the date the exclusion takes effect and the reason for the exclusion.
12. In the case of a permanent exclusion the chair of the hearing will judge whether or not it would be appropriate for the excluded student to be allowed to sit examinations at the College; if so, this would normally be as an external candidate and at the student's expense.

Appeal

1. The student should be informed that they have the right of appeal and that the notice of appeal must be made in writing and sent to the Principal within ten working days of the receipt of the exclusion letter.
2. The grounds of appeal are:
 - a) that there was a serious breach of the College's procedures that may have adversely affected the outcome of the disciplinary hearing.
 - b) that new evidence has come to light that was not available at the original disciplinary hearing and could be expected to materially influence the original outcome. Where this occurs, the evidence must be provided to the College together with an explanation as to why it was not provided earlier.
 - c) that the penalty imposed was too severe or unreasonable in the circumstances.
3. A concise written statement outlining the reasons for the appeal should then be delivered to the Principal no later than four working days prior to the appeal hearing. The appeal will take place within ten working days of receiving notice of appeal.
4. The appeal will normally be heard by the Principal. In the event that the Principal has chaired the disciplinary hearing, the appeal would be heard by an appeal committee of three members of the Corporation, one of these members should normally be the Chair or Vice Chair of the Corporation. In this event the Corporation Appeal Committee should act in place of the Principal following the procedures outlined below, with the outcome being the majority view of the committee. Appeals will normally be held in person but if this is not possible the hearing will be held remotely. The preference for any remote hearing is for this to be done via the student's Microsoft Teams access with video only being used if it is more than a one to one meeting. If this is not possible speaker phone conference calls can be used. The procedures the College has put in place to safeguard over this type of interaction between staff and students should be followed.
5. At the appeal hearing against a permanent exclusion, the senior member of staff who chaired the disciplinary hearing will be required to present the case supporting the permanent exclusion of the student. The student will then be invited to explain the grounds of the appeal. The parents/carers or agreed supportive person may assist the student in this.
6. At the appeal hearing the Principal may ask any questions that will assist in determining the final outcome of the appeal. The hearing will then close and the matter will be determined in private.
7. If the appeal is upheld, disciplinary action lesser than permanent exclusion may be imposed. The appeal hearing may also decide that no further disciplinary action should be taken. If the appeal is not upheld then exclusion should normally begin immediately.
8. The final decision will be communicated to the student in person ideally or by telephone within five working days of the appeal hearing. The decision will be confirmed in writing to the student within five working days of the appeal hearing. A copy of the letter should be sent to parents/carers.

9. The appeal to the Principal represents the final stage of the process.

C SUSPENSIONS PENDING INVESTIGATION

1. A student may be suspended from the College where there is reasonable belief that the student has committed a serious breach of the College's Student Charter and that continued attendance of the student at College could:
 - a) interfere with an investigation.
 - b) constitute a continued threat to persons or property.
 - c) cause undue disruption to the normal operation of the College.
 - d) not be in the student's own interest.

The suspension pending investigation will normally be at the direction of a Head of Studies or a member of ELT.

2. Suspension pending investigation is not a form of disciplinary action, but may be appropriate to particular circumstances whilst the facts of a possible disciplinary matter are being investigated. It may (or may not) lead to disciplinary action. If a student wishes to contest a suspension pending investigation, this should be determined by another senior member of staff not previously involved in the matter.
3. If the student is present at the moment of suspension, the senior member of staff will normally give the student a standard letter, explaining the reason for the suspension and how the process for investigation will proceed. Every effort will be made to make parents/carers aware of the suspension. If contact cannot be made by telephone then a copy of the letter given to the student will be sent home, ideally by email. The student will normally be sent directly home and their ID card retained by the College until the proceedings are completed.
4. Where the student is not in College, the senior member of staff will contact the student by telephone to inform them of the suspension and will send a letter to the student to confirm this within three working days of the suspension. Copies of the letter will be sent to the Personal Progress Mentor and their manager as well as to the parents/carers of the student.
5. The student may be invited to an investigatory interview with the senior member of staff investigating the matter. Such an interview should normally take place within five working days of the suspension. Parents/carers should be notified that an investigatory interview will take place and be invited to attend.
6. A student who has been suspended may not enter College premises except with the express permission of a senior member of College staff, or as required for related proceedings. Where a disciplinary hearing is to take place, any student who has been suspended under this provision will remain on suspension until the hearing is convened.