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**Exclusion Policy**

This document can be made available in other formats, on request
EXCLUSION POLICY, PROCEDURE AND GUIDANCE

Introduction

The Exclusion Policy is considered when all possible actions identified through the Code of Conduct Policy have been exhausted or the serious nature of the behaviour(s) being addressed require investigation without possible interference or are likely to impact upon the safety of the individual or others in the College. Formal exclusion is the only means by which a student may be formally asked to leave Newbury College.

The Role of the Principal and Deputy Principal

The Principal or Deputy Principal are the only personnel permitted to permanently exclude a student. They are required to follow the procedures set out in the Code of Conduct Policy, which are designed to ensure fairness and openness and minimise the need for an appeal against the decision.

All Code of Conduct cases including exclusions are treated in the strictest confidence. Only those who need to know the details of exclusion should be informed of them.

Types of Exclusion:

Students can be excluded from the College in two ways:
1: Suspension or fixed term exclusion
2: Permanent exclusion.

1: Suspension / Fixed term exclusions

Suspension/ fixed term exclusion can only be decided by the Deputy Principal or the Safeguarding Officer together with a Curriculum Manager or Duty Manager in presence.

Suspension or fixed term exclusion is not intended to correct student behaviour. This process will only be used when:
Health and safety is compromised where a student’s presence is believed to be a risk to themselves or others
- To allow an investigation to take place following a serious incident where the student’s presence may affect the procedure, such as drug related investigation or a fight on College premises.
- The student has put themselves beyond the control of the College by breaking the Code of Conduct and rules for their safety and/or the safety of others e.g. A Pre-16 age student leaving College premises without permission.

A student aged under 16 can only be suspended from their normal classes, not the College and will have their lessons provided in an identified support zone within College until:
- willingness to keep to the Code of Conduct is demonstrated.
- the outcome from the Code of Conduct meeting supports the student’s return to their standard timetable.

The Principal should be notified by the Chair of the Code of Conduct meeting of a short term suspension if it will impact on the student completing a public examination.

Re-admittance following a suspension can only take place following a Code of Conduct meeting between the student, parents, guardians, legal carers or employers with the Safeguarding and Tutorial Support Officer and/or the Pre-16 Engagement Officer and the Deputy Principal.
2: Permanent exclusion
Permanent exclusion may be applied when:

- the procedures outlined in the Code of Conduct policy and related support strategies have been used and exhausted without any demonstration of improvement to the student’s behaviour.
- the behaviour being addressed puts the student's or others’ safety at risk.
- students are found to be in possession of drugs or drugs related equipment
- damage to College property has been caused.

Before a Permanent Exclusion:
A Stage 3 Code of Conduct Meeting should take place. Where this is likely to lead to a permanent exclusion, the Deputy Principal must ensure that all reasonable strategies to address behaviour have been considered and applied e.g. interventions from:

- The Safeguarding Officer,
- Learning Support Team Leader,
- Curriculum Manager and other support team members depending on the student needs.
- External agencies.

Informing the Parent/Guardian
Whenever there is a possibility of permanently excluding a student, the parent/guardian must be notified immediately by the Deputy Principal or Principal, ideally by telephone followed up by a letter (e-mail letter).

The letter must state:

- the parent's right to attend and provide information to the Code of Conduct Panel leading on the decision of exclusion and how the student may be involved in this;
- the person whom the parent should contact if they wish to make such representations - usually the Safeguarding Officer;
- the reasons for the Stage 3 Code of Conduct Meeting;
- the College days on which the parent of a Pre-16 student is required to ensure that their child is not present in a public place without justification; and that the parent of a Pre-16 student may be prosecuted, or may be given a fixed penalty notice, if they do not do so;
- the latest date by which the Code of Conduct Panel must meet to consider the circumstances in which the student may be permanently excluded;
- the parent's right to see and have a copy of his or her child's record upon written request to the College;

NB Letters may need to be translated into other languages, where parent/guardians' first language is not English.

Any investigation for a Stage 3 Code of Conduct Meeting should be carried out by an independent Manager or Team Leader who will report to the Chair of the Stage 3 Code of Conduct meeting.
Interviewing a student for a serious Code of Conduct incident

Before the Code of Conduct meeting the student concerned will be encouraged to:

- write, sign and date a statement of what happened in their own words.
- agree to an interview to present their side of what happened in an incident.

At this interview:

- a member of staff will be present to ask questions and take notes
- Another person should be available to support the student e.g. a parent or member of staff

The supporting person should be over 18 and should be there to help the student to put their case and not add to any pressure put on the student.

If necessary, an additional person may attend to assist communication.

A record will be kept of all interviews and their date and time. Students and their support will be given the opportunity to amend errors or point out omissions in the notes taken. Once the text is agreed it should be signed by all parties.

The student’s support may act as scribe to record the student’s statement if the student has weak literacy skills or is refusing to co-operate. Students may be asked to re-draft or correct their statement if its truth is questionable or is at odds with other information available.

If interviews are prolonged the student’s physical and emotional needs will be considered. Time will be allowed for toilet breaks, fresh air and for food and drink.

Witness statements:
The content of witness statements and their sources will be shared with the student as they are entitled to know the source and nature of the evidence. However, if the College has a concern for the health and safety or the emotions of a witness the Deputy Principal may allow the statement to remain anonymous, even if the circumstances lead to a permanent exclusion of the student.

All information on the student’s behaviour issues together with any investigation information must be provided to the Deputy Principal for consideration.

To avoid unfair or ‘heat of the moment’ reactions, before reaching a final decision about the appropriate sanction, the Deputy Principal will:

- review the evidence that has been submitted
- consider relevant mitigating and aggravating factors
- review the student’s records
- consult with other members of the teaching and support team as relevant.
- meet with the student and their parents
Examples of possible mitigating factors are:

- Provocation e.g. as a result of persistent bullying or racial abuse
- The student’s general medical and emotional condition
- New to the College (possible unawareness of the behaviour code)
- Coercion or being encouraged by others
- A relatively minor role in the incident compared to others
- An impulsive act or one committed in the heat of the moment
- A first offence
- Previous behaviour and character of the student suggesting that repetition is unlikely
- An apology for the behaviour
- Showing repentance and willingness to assume responsibility
- Voluntary co-operation with the investigation
- Admission of the offence
- Readiness to make restitution towards the victim(s)

Examples of possible aggravating factors are:

- Failing to heed warnings about similar behaviour in the past
- Previous warnings about the risk of exclusion
- Premeditated offence
- Use of a weapon
- A history of similar incidents
- Witness intimidation
- The victim(s) sustaining physical injury requiring medical attention
- The victim being particularly vulnerable e.g. a much younger or weaker student
- Ignoring significant previous support from the College to modify his/her behaviour
- Encouraging others to behave inappropriately in relation to the offence
- Showing no contrition or no willingness to accept responsibility
- Not co-operating with the investigation, or worse, actively seeking to frustrate it

It is important to note that these are examples and are not an ‘excuse list’.

Proof:
The Code of Conduct meeting will draw upon evidence of a student’s past behaviour; the risk of a repeat of the unacceptable behaviour and the likelihood to respond positively to the guidance, actions and sanctions available. There is no requirement for the Deputy Principal to have hard evidence proof, but sufficient serious suspicion should suffice.

The decision to exclude:
In all cases where a student is to be permanently excluded, information and guidance will be provided to the student to advise of possible alternative places of study. Students aged 16 to 19 will be referred to the local careers guidance service.

Where a Pre-16 student is at serious risk of permanent exclusion, a managed move to another educational provider may be considered. If a managed move is rejected by the parents, the Deputy Principal will put this in writing to evidence that the strategy was suggested if a permanent exclusion is imposed at a future point.
Informing SMT
Within one day of the exclusion decision, the Deputy Principal must inform the Senior Management Team (SMT) of:

- permanent exclusions;
- suspensions or exclusions which would result in the student being out of College for more than five days in any one term;
- exclusions which would result in the student missing a public examination.

For a permanent exclusion, if a Pre-16 student lives outside the local authority (LA) in which the College is located, the Deputy Principal must also advise the home LA of the exclusion, so that they can make arrangements for the student's ongoing full-time education.

The Course Leader and Management Information System (MIS) team should also be informed.

Parent's Responsibilities
If a parent sends an excluded student, (fixed period or permanent), to the College or refuses to collect them, guidance suggests that the College’s duty of care remains, as the College must have due regard for the student's safety. For Post-16 students, the College will ensure they have safe and adequate means to travel to their home. However, if a Post 16 student attends the College against advice with the intention of disrupting College’s normal working practices or threaten others, the Deputy Principal may decide to seek police help to remove the student from College’s premises.

For Pre-16 students, the College has to ensure the students have arrived safely and have adequate supervision at home. Parents may also be warned in the exclusion letter that failing to comply with their duties in this regard may form part of a case for a parenting order to be issued by the magistrate's court.

There is a responsibility placed on Pre-16 students’ parents to ensure that an excluded student is not in a public place during College hours without reasonable justification, or a fixed penalty could be imposed.

Guidance for Permanent Exclusions
Permanent exclusion is the final step in the process for dealing with disciplinary offences when a wide range of other strategies have been tried and failed. It is used in very serious cases of:

1. Violence, including threatened violence.
2. Persistent, malicious disruptive behaviour including open defiance and refusal to agree with College policies which prevents other students from learning or presents a health and safety risk to themselves and other.
3. Selling/supplying drugs on premises.

When the Deputy Principal recommends permanent exclusion, all the following criteria will have been met:
- There has been a serious breach of the College's Code of Conduct Policy.
- There have been similar incidents in the past (unless this is a serious single incident)
- Strategies have been used to support the student to change/improve behaviour.
- If the student remained at the College there would be serious harm to the education, welfare and safety of staff/students.

The Exclusion Procedure
The procedure is as follows:

- The student is kept in isolation during investigation of the incident. This normally acts as suspension off College premises; unless the student is under the age of 16 then it is suspension into the support zone.
- Letter prepared for parents / guardians, including a return date, informing them of suspension period.
- Written details of the incident collected from those involved before any decision is made.
- Parent/carer telephoned by Safeguarding and Pastoral Support Officer to explain the incident and to arrange for the student to be sent home.
- Student takes letter home if possible, with one copy posted.
- Relevant staff are kept informed.
- Parent/guardian and student attend Code of Conduct meeting panel with Deputy Principal.
- A record of the meeting to be kept in the student’s record file.
- When appropriate the student is placed on report, with monitoring and review procedures agreed.
- When appropriate, an apology given to staff/student.
- When appropriate a permanent exclusion entered on the College’s Exclusion Record.

Appeal for re-instatement against a permanent exclusion
Appeals must be in writing to the Principal, setting out reasons for appeal and sent within one week of date of letter confirming permanent exclusion decision.

The Principal, or a delegated officer on the behalf of the Principal other than the deputy Principal, will review all appeals against permanent exclusion. The Principal will appoint the Teaching and Quality Manager as a new investigating officer unless she has been involved in the Code of Conduct meeting. If this is the case, the Principal will appoint a member of College Management Team (CMT) to act as the investigating officer.

The role of the investigating officer is to confirm to the Principal the following:

1. The Code of Conduct Panel has followed College procedure
2. The Deputy Principal has acted fairly and considered all relevant matters at the time of the meeting
3. If there is any new or further information to consider
If any of the above has not taken place then the Principal will ask for the Code of Conduct meeting to take place again and she will chair the panel instead of the Deputy Principal.

Where the investigating officer confirms all procedures were followed fairly and all information was considered, the outcome of the original Stage 3 Code of Conduct meeting will be upheld.

If the Principal re-instates an excluded student, a separate meeting between the Principal and the Code of Conduct Review Panel should take place to plan the careful re-integration of the student. The College must meet its duty of care by taking steps to reduce the likelihood of a recurrence of the original behaviour and incident.

For example, if a student were re-instated after a drug-related offence, it would be appropriate to offer counselling as part of the re-integration plan. The re-integration plan should be supportive and developmental and leave no room for the student to feel victimised.

**Police involvement and parallel criminal proceedings**

If it is necessary to contact the police, staff members should notify the Principal, Deputy Principal or, in their absence, a senior member of College staff.

A College related incident may sometimes also be the subject of a police investigation which may subsequently result in criminal proceedings. This can mean that the evidence available to the Deputy Principal is very limited. It should be remembered that the police and the courts will be applying the criminal standard of proof — beyond reasonable doubt — whereas the Deputy Principal and SMT must apply the civil standard of proof (the balance of probabilities). The possibility of criminal proceedings should not delay or postpone the Code of Conduct decision.