

Brampton College Exclusion, Removal & Review Policy

Introduction

- 1 *Scope:* This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a student may be expelled from the College, or required to leave permanently for misconduct or other reasons. The policy applies to all students at the College (whether or not in the care of the College) but does not cover cases when a student has to leave because of ill-health, non-payment of fees, or withdrawal by his/her parents.
- 2 *Interpretation:* References to the *Vice-Principal* includes both the Vice-Principal and the assistant Vice Principal. "*Parent*" includes one or both of the parents, a legal guardian or education guardian. "*Expulsion*" means a dismissal from the College, formally recorded sometimes known as 'permanent exclusion.' "*Removal*" means that a student has been required to leave, but without the stigma of expulsion.

Policy statement

- 3 *Aims:* The aims of this policy are:
 - 3.1 To support the College's behaviour and discipline code (refer to the College's policy on promoting good behaviour).
 - 3.2 To ensure procedural fairness and natural justice.
 - 3.3 To promote co-operation between the College and parents when it is necessary for the College that a student leaves earlier than expected.
- 4 *Misconduct:* The main categories of misconduct which may result in expulsion or removal are:
 - 4.1 Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol.
 - 4.2 Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
 - 4.3 A single instance of abusive or offensive behaviour if intended to deliberately hurt, harm, discredit abuse or otherwise detrimentally affect another member of the college community or the college itself.
 - 4.4 Spreading, sharing or creating hateful or damaging material about another person
 - 4.5 Misconduct of a sexual nature; supply and possession of pornography.
 - 4.6 Possession or use of unauthorised firearms or other weapons.
 - 4.7 Vandalism and computer hacking.

- 4.8 Persistent attitudes or behaviour which are inconsistent with the College's ethos or incompatible with the college's aims including the aims it has for its students.
 - 4.9 Other serious misconduct towards a member of the College community or which brings the College into disrepute (single or repeated episodes) on or off College premises.
- 5 *Other Circumstances:* A student may be required to leave if, after all appropriate consultation, the Principal or Vice-Principal is satisfied that it is not in the best interests of the student, or of the College, that he/she remains at the College.

Investigation procedure

- 6 *Complaints:* Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated or conducted by the Vice-Principal or another senior member of staff. The Vice-Principal may ask a senior member of staff to act as "investigator," and the outcome of the investigation will be reported to the Vice-Principal. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the student being expelled or required to leave.
- 7 There may be instances in which the Principal may make some initial contribution to the investigation (for example if the complaint is made directly to him and/or includes the Vice Principal or another member of SLT). However, the investigation will remain in the hands of the Vice Principal or Assistant Vice Principal as appropriate.
- 8 *Suspension:* A student may be suspended from the College and required to stay at home while a complaint is being investigated. Such a suspension may last for up to 14 days after which time the investigation should be completed.
- 9 *Interview:* A student may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If the student is then interviewed formally about a complaint or rumour, arrangements will be made for him/her to be accompanied by a member of staff of his/her choice and/or by a parent (if available at the relevant time). A student who is waiting to be interviewed may be segregated but made as comfortable as possible, accompanied or visited regularly by a member of staff, and given access to a toilet, telephone and adequate food and drink.
- 10 *Search:* As part of an initial informal interview, we may decide to search a student's space (such as a locker) and belongings and ask him/her to turn out the contents of pockets or a bag, if we consider there is reasonable cause to do so. Clothing will not be searched until it has been removed from the wearer and care will be taken to

ensure reasonable privacy. This policy does not authorise an intimate search or physical compulsion in removing clothing. If necessary, the police would be called.

- 11 *Ethos:* An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a college without formal legal procedures.

Disciplinary meeting

- 12 *Preparation:* The Principal will be informed of the investigation. Documents available at the disciplinary meeting before the Principal will include:
- 12.1 A statement setting out the points of complaint against the student.
 - 12.2 Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
 - 12.3 The Vice-Principal's Investigation Report.
 - 12.4 The student's College file and conduct record.
 - 12.5 The relevant College policies and procedures.
- 13 *Attendance:* The student and his/her parents (if available) will be asked to attend the disciplinary meeting with the Principal at which the Vice-Principal will explain the circumstances of the complaint and his investigation. The student may also be accompanied by a member of staff of his/her choice. The student and his/her parents will have an opportunity to state their side of the case. Members of staff will be on hand to join the meeting if needed, and their statements will be disclosed but, in most cases, the anonymity of students will be preserved.
- 14 *Proceedings:* There are potentially three distinct stages of a disciplinary meeting:
- 14.1 *The complaints:* the Principal will consider the complaint/s and the evidence, including statements made by and/or on behalf of the student. Unless the Principal considers that further investigation is needed, he will decide whether the complaint has been sufficiently proved. The standard of proof shall normally be the civil standard, ie. the *balance of probabilities*. However, where the allegation against the student would amount to a criminal offence under general law, the standard of proof should be *beyond reasonable doubt*. The police may be contacted for advice by the college to determine whether the offence needs to be reported to them and/or to check whether the offence would constitute a criminal offence. Appropriate reliance may be placed on hearsay evidence but the Principal will not normally refer to the student's disciplinary record at this stage.
 - 14.2 *The sanction:* if the complaint has been proved the Principal will outline the range of disciplinary sanctions which he considers are open to him. He will take into account any further statement which the student and/or others present on his behalf wish to make. The student's disciplinary record will be taken into account. Then, or at some later time, normally within 24 hours, the Principal will give his decision, with reasons. Note that other sanctions

are available to the Principal and, even if a complaint is upheld a suspension or expulsion is not inevitable. See the College's policy on Promoting Good Behaviour for details of alternative sanctions.

- 14.3 *Leaving status:* if the Principal decides that the student must leave the College, he will consult with a parent before deciding on the student's leaving status (see below).
- 15 *Delayed Effect:* A decision to expel or remove a student shall take effect 72 hours after the decision was first communicated to a parent. Until then, the student shall remain suspended or be suspended and away from College premises. If within 72 hours the parents have made a written application for a Review by the Complaints Panel, the student shall remain suspended until the Review has taken place.

Leaving status

- 16 *Explanation:* If a student is expelled or required to leave, his/her leaving status will be one of the following: "expelled", "removed" or "withdrawn by parents"
- 17 *Detail:* Additional points of leaving status include:
- 17.1 The form of letter which will be written to the parents and the form of announcement in the College that the student has left.
 - 17.2 The form of reference which will be supplied for the student.
 - 17.3 The entry which will be made on the College record and the student's status as a leaver.
 - 17.4 Arrangements for transfer of any course and project work to the student, his/her parents or another College.
 - 17.5 Whether (if relevant) the student will be permitted to return to College premises to sit public examinations.
 - 17.6 Whether (if relevant) the College can offer assistance in finding an alternative placement for the student.
 - 17.7 The conditions under which the student may re-enter College premises in the future.
 - 17.8 Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

Panel review

- 18 *Request for Review:* A student or his/her parents, aggrieved at the Principal's decision to expel or require a student to leave, may make a written application for a Panel Review. The Principal's Personal Assistant (PA) must receive the application within 72 hours of the decision being notified to a parent, or longer by agreement.
- 19 *Grounds for Review:* In their application the parents must state the grounds on which they are asking for a review and the outcome which they seek.

- 20 *Review Panel:* A three-member panel will undertake The Review. The panel members will have no detailed previous knowledge of the case or of the student or parents and will not include the Principal. Selection of the Review Panel will be made by the Principal. 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.
- 21 *Review Meeting:* The meeting will take place at the College premises, normally between 3 and 10 days after the parents' application has been received. A Review will not normally take place during College holidays. 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.
- 22 *Attendance:* Those present at the Review Meeting will normally be:
- 22.1 Members of the Review Panel and the Principal's PA, acting as Clerk to the Panel.
 - 22.2 The Principal, the Senior Vice-Principal or Vice Principal who co-ordinated the investigation and any relevant member of staff whom the student or his/her parents have asked should attend and whom the Principal considers should attend in order to secure a fair outcome.
 - 22.3 The student together with his/her parents and, if they wish, a member of the College staff who is willing to speak on the student's behalf. The parents may be accompanied by a friend or relation. The Clerk to the Panel must be given 7 days' notice if the friend or relation is legally qualified.
- 23 *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 manner. All statements made at the meeting will be unsworn. The proceedings will not be recorded without the consent of both the Chairman and a parent and any recording will be used only to assist the panel members in reaching their decision and formulating their reasons and will belong to the College. The Clerk will be asked to keep a hand-written minute of the main points that 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 Chairman who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chairman may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.
- 24 A review panel is not a court of law. The Principal, Vice-Principal and other members of college are not legally qualified. The college may take legal advice before a hearing. There will be no opportunity at a panel hearing to 'cross-examine.'

- 25 *Procedure:* The Panel will consider each of the questions raised by the student or his/her parents so far as relevant to:
- 25.1 Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove the student. The civil standard of proof, namely, "*the balance of probability*" will normally apply except where the case involves an allegation of a criminal offence in which case the standard of proof will be "*beyond reasonable doubt*"; and
 - 25.2 Whether the sanction was warranted, that is, whether it was proportionate to the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the College's policy in that respect.
 - 25.3 The requirements of natural justice will apply. If for any reason the student or his/her parents are dissatisfied with any aspect of the meeting they must inform the Chairman at the time and ask the Clerk to note their dissatisfaction and the reasons for it.
- 26 *Identification:* If the Principal considers it necessary in the interests of an individual or of the College that the identity of any person should be withheld, the Chairman may require that the name of that person and the reasons for withholding it be written down and shown to the Panel Members. The Chairman at his/her discretion may direct that the person be identified, or not as the case may be.
- 27 *Student's Character:* Up to two members of the College staff may speak generally about the student's character, conduct and achievements at the College if they are willing to do so.
- 28 *Leaving Status:* If, having heard all parties, the Panel is minded to confirm the Principal's earlier decision, it is open to the Panel, with agreement of the Principal, the student and his/her parents to discuss the student's leaving status with a view to reaching agreement.
- 29 *Decision:* When the Chairman decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he may adjourn the meeting; alternatively the Chairman may ask those present to withdraw while the Panel considers its decision. In the absence of a significant procedural irregularity, the decision of the Review Panel will be final. It will be notified, with reasons, to the parents by the Chairman of the Review Panel or the Principal by letter or telephone within three days of the meeting.

Suspension

- 30 Suspension or 'temporary exclusion' is a sanction used by the college as a sanction when there is a breach of the college's behavioural code as outlined in the policy on Promoting Good Behaviour.

- 31 Suspension can be used as a sanction in its own right or may be imposed pending investigation of a disciplinary issue (as detailed in this policy and the policy on Promoting Good Behaviour)
- 32 There is no right to appeal a suspension but parents who are unhappy at the imposition of as suspension as a sanction may use the College's Complaints Policy to raise a complaint. A suspension (which can be up to 14 days but is usually much shorter) would normally have been served by the time the complaint could be fully investigated. It is therefore not practicable to use the complaints procedure to prevent a suspension from taking place nor to have it rescinded.

Brampton College

Request for a Review of a decision by the Principal to expel or require a student to leave

To: The Clerk to the Review Panel of Brampton College

Name of Student:

I REQUEST that a committee ("Panel") carries out a review of the Principal's decision to expel or require removal of the above named student. I agree that the Review will be carried out in accordance with the Review Procedure supplied to us with this form and I agree to abide by the terms of that Procedure and in particular that the proceedings are and will remain confidential and that the Review will be final, subject to such (if any) legal rights as may exist.

I CONFIRM that I am a person with parental responsibility for the above named student and that I have consulted the student who wishes the Review to be undertaken.

I UNDERSTAND that the Panel will be concerned with the fairness and proportionality of the Principal's decision in accordance with the College's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

WE UNDERSTAND that we may be accompanied at the Review Meeting by a friend or relation who is not legally qualified and that we may ask up to two members of the College staff to attend the meeting and speak on behalf of the student if they are willing to do so.

THE GROUNDS upon which we seek a Review and the matters which we wish to discuss at the Review and to ask the Panel to take into account are as set out in a statement attached to this sheet.

(Two signatures required where practicable)

First Signature

Second Signature.....

Full Name

Full Name

Relationship to Student.....

Relationship to Student.....

Address:.....

Address:

.....

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Telephone Numbers

Telephone Numbers

Daytime:

Daytime:.....

Evening:

Evening:.....

Date20

Date20

