



Coleg Llanymddyfri
Llandovery College

Exclusions Policy

October 2021

This policy covers serious breaches of discipline that may have to result in exclusion.

What sorts of behaviour merit exclusion?

Examples of such behaviour include

- Drug abuse
- Alcohol abuse
- Theft
- Bullying
- Physical assault/ threatening behaviour
- Fighting
- Sexual harassment
- Racist abuse
- Sexual misconduct
- Damage to property
- Persistent disruptive behaviour
- Parental behaviour

Llandovery College recognises the over-arching principle is a duty to act fairly. Whilst the precise procedure to be followed in a given situation depends on the circumstances of the case, some key principles are as follows:

- a fair and thorough investigation will take place
- pupils will be informed of the allegation and the evidence relied upon
- pupils will be given a fair opportunity to exculpate themselves
- an appeal will be offered

Procedure

Llandovery College will follow the correct procedures so that a fair decision-making process is followed from the outset.

When a potential exclusion presents itself, the following considerations will be taken into account:

What exactly is the allegation?

The pupil will be informed of the case against them. For example, if the allegation is that pupil A supplied drugs to pupil B, pupil A will be told all the elements of this (i.e. the identity of the other pupil, what was allegedly supplied, when and where) and asked to explain what happened.

What information is available and what further information is required?

Consideration will be given to what evidence is already available to support

the allegation and whether any additional information is required.
Is anyone at risk (i.e. do the police or social services need to be informed?)
This is an important issue that is addressed more fully in Section iii.

Who should be dealing with this?

The rules of natural justice dictate that, where possible, a different person should conduct each of the following stages:

- interviews with witnesses and general investigation of the allegations
- the hearing
- the appeal

In most circumstances the investigation will be carried out by the Deputy Warden or another member of the Senior Leadership Team; the hearing conducted by the Warden and any appeal will be held by the Governors. The Warden will avoid taking part in the investigation if at all possible, so as to avoid compromising his impartiality at the actual hearing.

Investigation

The following issues will be considered:

- *Information gathering*

Before a decision to exclude can be fairly taken, it will be essential to establish the facts. If exclusion is being considered then witness accounts will be taken from all pupils and staff who were involved in or witnessed the incident. The original accounts will be kept on incident file.

- *Should another adult be present?*

Where possible another adult will be present when pupils are being interviewed by the person charged with the investigation. This will normally be a neutral adult.

- *When should the parents be informed?*

This will always depend on the facts of the particular case. As a general rule, however, parents will be informed after initial investigations have been made but sufficiently in advance of any hearing to allow them time to prepare for that hearing. Clearly, where a pupil has been suspended pending the outcome of a disciplinary process, then parents will be informed immediately of this. Similarly, in cases where Social Services or the Police become involved, parents will be informed as soon as possible. In particularly serious cases as listed above, it may be appropriate for the pupil to be suspended. Any suspension will in principle be as brief as possible. If a relatively lengthy suspension is unavoidable, arrangements will be made for work to be sent home. Parents will be told immediately of any decision to suspend and this will be followed by a confirmatory letter.

Hearing (exclusion only)

Once the information gathering stage has been completed, the hearing itself will be heard. The hearing will generally be heard by the Warden and attended by the pupil, parents, a note taker and any other person required (e.g. witnesses or the member of

staff who carried out the investigation). Guidelines for conducting the hearing are held by the Warden.

Sanction

Once the hearing has been held the decision-taker (almost certainly the Warden) will have a range of sanctions open to him/her. If it is decided that exclusion is necessary, then in fairness an appeal will be offered.

Appeal

Parents or guardians may apply for a review of the decision to exclude a pupil from the college.

Following a decision to exclude

The decision to exclude is always a serious matter for both the pupil and the College. The College will do all it can to manage the process in a humane way both during and after the process. Having followed a fair procedure, the College will do all it reasonably can to minimise the educational impact. In giving references schools owe a legal duty both to the pupil and also the recipient. Any reference must therefore be fair, accurate and not misleading.

Other points for consideration

Confidentiality

Exclusion cases will normally be treated in the strictest confidence.

The Police

As a rule, Llandovery College will report to the Police anything that is believed to amount to a criminal activity. Drugs and weapons will be confiscated and held for the Police as potential evidence. If the school believes a pupil may have taken drugs then medical advice will also be sought. Sexual offences will generally be reported to the Police immediately, including in cases where a pupil is only suspected or alleged to have committed such an offence provided a reasonable amount of evidence is available. The alleged victim's parents will also be informed immediately of the incident and told that the Police have been informed. Whether the victim and parents then speak to the Police is a matter for them.

Social Services

The obligation to refer matters to social services applies in all cases where the school believes a child may be suffering, or may be at risk of suffering, significant harm.

APPEAL PROCEDURE FOR PARENTS

Important Note

These guidelines are non-contractual in nature. They have been prepared for the information and guidance of all who may become concerned in an appeal following the decision of the Warden that a pupil should be expelled, excluded or required to be removed or forbidden to return.

Applying for a Review

Parents/guardians may apply for a review of a decision to expel, exclude, require removal, or forbid the return of their child, in which case they must do so in writing (within three working days of a decision) to the Warden who will pass it on to the Governors.

Unless there are exceptional circumstances the appeal will take place within five working days after the parents request the review.

Each member of the appeal panel will be supplied with a copy of any relevant documents including a conduct file of the pupil. The parents shall be entitled to copies of all those documents save any which, in the opinion of the Warden, should not be disclosed.

The Panel

This will consist of two Governors and one person who is independent of the running of the school. The panel members will have no previous detailed knowledge of the case or of the pupil, parents or guardians, and will not normally include the Chairman of the Governing Body. Selection of the panel will be made following consultation by the Clerk to the Governing Body with the Chairman of the Governing Body.

The Appeal Hearing

This will normally take place at the school premises but in certain circumstances a neutral venue may be felt to be more appropriate.

Those present at the hearing will normally be:

- Members of the panel
- The Warden
- Parents
- The pupil
- Clerk to the Governing Body

The parents/pupil may be accompanied by a friend or relation and by a member of the College staff if desired. In most cases the matter is normally best addressed in an informal way. This avoids the technicalities and the tensions which tend to arise when the parents (and therefore the Warden) are legally represented. The adversarial approach that this can lead to does not necessarily enable the most suitable solution to be found for the pupil.

In normal circumstances it would not usually be expected that participants would appoint a person with legal qualifications to represent them.

The proceedings will be chaired by one member of the panel (chosen by them) and will be conducted in an informal manner, and all statements made at the hearing will be unsworn.

The proceedings will not be tape recorded but the Clerk will be asked to keep minutes

of the main points that arise. All present will be entitled, should they wish, to write their own notes.

The hearing shall be directed at all times by the Chairman of the panel who will conduct the hearing in such a manner as to ensure that all those present have the opportunity of asking questions and making comments.

All those attending the hearing are expected to show courtesy, restraint and good manners. The Chairman may in his/her discretion adjourn or terminate the hearing. If the hearing is terminated the Warden's decision will stand.

Each of the grounds given by the appellants will be considered and discussed.

If the Warden considers it necessary in the interest of the individual or of the College that the identity of any person should be withheld, the Chairman of the panel may require that the name of that person and the reasons for withholding it be written down and shown to the panel. The Chairman in his/her discretion may direct that the person be identified.

Up to two members of College staff may speak generally about the pupil's character, conduct and achievements at the College if they are willing to do so.

When the Chairman decides that all issues have been sufficiently discussed and if by then there is no consensus he or she may adjourn the hearing.

The decision of the panel will be final. It will be notified to the parents by the Chairman of the panel or the Chairman of the Governing Body by letter or telephone within three days of the hearing.