

International School of Creative Arts

# Exclusion Policy

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## Control Page

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## ISCA Exclusion Policy

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### Scope

This policy contains guidelines to explain the circumstances under which a student may be permanently excluded from the School. The policy applies to all students at the School but does not cover cases when a student has to leave because of ill-health, non-payment of fees, failure to satisfy UKVI regulations or withdrawal by parents.

A student may be permanently excluded from the School if it is proved on the balance of probabilities that the student has committed a very grave breach of discipline or a serious criminal offence (below).

Permanent exclusion may also apply if, after due investigation, the Executive Director and Head of School are of the opinion that by reason of the student's conduct they:

1. are no longer able or willing to benefit from the educational opportunities and/or the community life offered by ISCA.
2. pose a threat to the safety and wellbeing of themselves, other students and staff members that cannot reasonably be managed.

## Policy Statement

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### Aims

The aims of this policy are:

- to support the Student Behavior Policy
- to ensure procedural fairness and natural justice
- to promote co-operation between the School and parents when it is necessary for the School that a student leave earlier than expected.

### Misconduct

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

- Persistent attitudes or behaviour which are inconsistent with the School 's ethos
- Any form of deliberate racial or sexual harassment
- Any behaviour that deliberately threatens or endangers the health, safety and well-being of other people or brings the school into disrepute
- Drug possession, supply and/or abuse
- Students of legal drinking age who buy alcohol for or sell alcohol to underage students
- Computer used for illegal purposes
- Theft, blackmail, physical violence, intimidation, or racism
- Persistent bullying or cyberbullying.
- Possession or use of unauthorized firearms or other weapons
- Any other illegal activity, on or off the school premises
- Repeat incidents of Gross Misconduct and/or failure to implement Stage 4 Corrective Action Plans (CAP) in agreed timeframe\*

- \* *see Student Behaviour Policy for a description of the various categories of misconduct and of the stages in the Disciplinary Process*

## Equity

The School will make reasonable adjustments for managing behaviour which is related to a student's special educational need or disability. Where permanent exclusion needs to be considered, the School will ensure that a student with a disability or special educational needs and / or their parents are able to present their case fully where their disability or special educational needs might hinder this. Any religious requirements affecting the student will also be considered.

## Procedure

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The procedure followed by the School in cases where a sanction of permanent exclusion may be imposed are summarised as follows:

1. **Initial Investigation** (see *Appendix 1*)  
Head of School (or delegated person) investigates allegations made against a student. This will include interviews with the student(s) involved.
2. **Disciplinary Panel Meeting** (see *Appendix 2*)  
If findings support allegations, the Head of School convenes a meeting with the School Disciplinary Panel made up of the Executive Director, the Head of School and a third member of the Senior Management Team. The purpose of this meeting is to decide on the most appropriate response, in particular, whether or not the situation warrants permanent exclusion.  
  
The parents and/or guardian of the student concerned will be informed ahead of time of the Disciplinary Panel meeting taking place and invited to present the student's version of events.
3. **Disciplinary Meeting with Student**  
If exclusion is agreed, the Head of School convenes a Disciplinary Meeting with the student and (if possible) the parents or guardian to explain the decision to them. Unless new evidence is presented, the decision of the Disciplinary Panel will stand.
4. **Review Meeting** (see *Appendix 3*)  
Should a student appeal the decision to exclude them, a subcommittee of the Board of Directors meets to review the Disciplinary Panel's assessment and to finalise the School's response.

## Appendix 1: Initial Investigation Procedure

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1. **Complaints:** Investigation of a complaint or rumour about Misconduct will be co-ordinated by a senior member of staff appointed by the Head of School, and its outcome will be reported to the Head of School. 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 permanently excluded from the School.
2. **Suspension:** A student may be suspended from the School while a complaint is being investigated or while an investigation is suspended (see paragraph 6 below).
3. **Search:** If there are reasonable grounds to think a student is involved in illicit or illegal activity, the School reserves the right to search a student's space and belongings, including asking them to turn out the contents of pockets and/or bags and searching their accommodation. 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. Only outer clothing will be searched. If necessary, the police will be called.
4. **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, they may choose to be accompanied by a member of staff of their choice or by a parent/guardian (if available at the relevant time).
5. **Ethos:** An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a School, without formal legal procedures.
6. **Suspension of an investigation:** It may be necessary to suspend an investigation, 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 an appropriate external agency and will be subject to periodic review.

## Appendix 2: Disciplinary Panel meeting

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1. **Student Interview:** Ahead of the Disciplinary Panel meeting, the student and their parents/guardian (if available) will be invited to attend the meeting with the Head of School at which the circumstances of the complaint and the ongoing investigation will be explained. The student may be accompanied by a member of staff of their choice if the parents or guardian are not available. The student and their parents/guardian 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. If the parents or the student have any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Head of School so that appropriate arrangements can be made.
2. **Documentation:** Documents available at the disciplinary meeting will include:
  - a statement setting out the points of complaint against the student
  - written statements and notes of the evidence supporting the complaint, and any relevant correspondence
  - the investigation report
  - the student's School file
  - the relevant School policies and procedures
3. **Proceedings:** There are potentially three distinct stages of a Disciplinary Panel meeting:
  - 3.1 The complaints: The Panel will consider the complaint/s and the evidence, including statements made by and/or on behalf of the student. Unless the Panel considers that further investigation is needed, it will decide whether the complaint has been sufficiently proved. The standard of proof shall be the civil standard, i.e. the balance of probabilities.
  - 3.2 The sanction: If the complaint has been proved the Panel will outline the range of disciplinary sanctions which it considers are open to it. It will take into account any further statement which the student and/or others present on their behalf wish to make. The student's disciplinary record will be taken into account. Then, or at some later time, normally within 48 hours, the Panel will give its decision in writing, with reasons.
  - 3.3 Leaving status: If the Panel decides that the student must leave the School, the Head of School will consult with a parent before deciding on the student's leaving status (see below).
4. **Leaving Status:** A decision to permanently exclude a student shall take effect seven days after the decision was first communicated to a parent. Until then, the student shall remain suspended and away from School premises. If within seven days the parents have made a written application for a Review by the Board of Directors of the decision, the student shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision made.

## Appendix 3: Appeals

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1. **Request for review:** A student or their parents may appeal the decision of the Disciplinary Panel to exclude them and request a review by the Board of Directors. The application must be made in writing and received by the Executive Director within seven days of the Disciplinary Panel's decision being notified to the parents. If the parents or the student have any special needs or disabilities which call for additional facilities or adjustments, these should be made known to Executive Director so that appropriate arrangements can be made.
2. **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. For the avoidance of doubt, a mere disagreement with the decision of the Disciplinary Panel will not of itself be sufficient grounds for a review.
3. **Review Panel:** The Review will be undertaken by a three member sub-committee of the Board of Directors. Selection of the Panel will be made by the Chair of Proprietorial Body. 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.
4. **Role of the Panel:** The role of the Review Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Disciplinary Panel's decision or refer the decision back to it with recommendations so that the case may be considered further.
5. **Review meeting:** The meeting will take place on the School premises, normally within 15 School days after the parents' application has been received. A Review will not normally take place during School holidays. The parents and the Head of School will be asked to submit any documents they wish to refer to at the meeting to the School Secretary, who will pass on the information to the Chair of Proprietorial Body. On receipt of new information not previously available to the Disciplinary Panel before their decision was made, the Chair of Proprietorial Body will decide whether:
  - to include the new information; or
  - to omit the information if not relevant to the grounds for Review; or
  - to make further enquiries of the parents or the student about the information; or
  - to refer the information to the Head of School for his consideration as to whether the decision should be revisited.

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. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.
6. **Attendance:** Those present at the Review meeting will normally be:
  - members of the Review Panel and an appointed Clerk
  - the Head of School and any relevant member of staff whom the student or their parents have asked should attend and whom the Panel considers should attend in order to secure a fair outcome



- the student together with their parents/guardian and, if the parents/guardian are not available, a member of the School staff who is willing to speak on the student's behalf. The parents may be accompanied by a friend or relation to help with translation if necessary. The meeting is not a legal proceeding and so legal representation is not required.
7. **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 meeting will not be recorded but the Clerk will be asked to keep a hand-written minute of the main points which arise at the meeting. The meeting will be directed by the Chair 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 Chair may at his / her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.
8. **Procedure:** The Head of School will provide the parents with a copy of the current Review procedure if requested. The Review Panel will consider each of the points raised by the student or their parents/guardian and any documentation they wish to rely on so far as relevant to:
- **whether the decision was fair procedurally and / or substantively** - whether the facts of the case were sufficiently proved when the decision was taken to permanently exclude the student following fair procedure. The civil standard of proof, namely, "the balance of probability", will apply and
  - **whether the sanction was proportionate** - that is whether it was warranted in respect of the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the School's policy in that respect.

The requirements of natural justice will apply. If for any reason the student or their parents/guardian are dissatisfied with any aspect of the meeting they must inform the Chair at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

9. **Decision:** When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he may adjourn the meeting; alternatively, the Chair may ask those present to withdraw while the Panel considers its recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head of School. The decision will also be shared with the parents by the Chair of the Review Panel or the Chair of Proprietary Body within three days of the meeting. In the absence of a significant procedural irregularity, the Review Panel's decision will then be final.