



This Policy is broken down into the following sections:

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1. Aims

- To create the mechanism for appropriate disciplinary measures in the event of misconduct of a serious nature
- To ensure procedural fairness and natural justice
- To enhance co-operation between The National Mathematics and Science College and parents/guardians when it is necessary for pupils to be excluded.

The National Mathematics and Science College aims to promote positive behaviour and strong relationships throughout the whole community. This is, in part, to further the protection and promotion of pupil welfare, which is of paramount importance.

It is also, in part, in the belief that positive behaviour enables the smooth and orderly management of the college academic, pastoral and total-curricular offering and thus facilitates the delivery of its aims in these areas, on behalf of pupils.

However, we recognise that pupils will sometimes find themselves in breach of the College's Rules and Expectations, and that for both their own welfare, safety and education, and that of others, such breaches must be responded to via formal sanctions.

The College reserves the right to treat all serious breaches of the College's Rules and Expectations on a case-by-case basis. This enables a more flexible approach to discipline based on careful review of individual circumstances. It also protects the privacy of those involved on all sides of disciplinary incidents, by enabling reference to "errors of judgement" or "inappropriate behaviour", as experience shows that no two disciplinary incidents contain exactly the same elements.

Terminology

Pupils may be excluded from the College for a number of reasons, including those which are educational, medical, financial or disciplinary (misconduct). The issues below refer primarily to exclusion for misconduct.

1. Full Suspension (Temporary Exclusion) means the exclusion of pupils from College, for a short period, up to 5 days, following an investigation of a disciplinary matter, and as part of the sanction system. It can also mean the exclusion of pupils from boarding at College, while investigations into serious disciplinary offences take place and to allow a period of consideration of a pupil's future at the College.
2. Expulsion (Permanent exclusion) means the formal termination of a pupil's place in the College.
3. The term parent includes one or both of the parents, a legal guardian or education guardian.

Introduction

The National Mathematics and Science College is a caring community committed to equal opportunity for all. It is felt that exclusions of pupils from the College, whether permanent (Expulsions) or temporary (Full Suspensions), are damaging to the College community. Consequently, a pupil will only be expelled or suspended when other strategies and sanctions have not been effective over time, or when there has been a single, clear and serious breach of discipline, or if allowing the pupil to remain in the College would harm the education or welfare of the pupil or other pupils in the College, in the short or long term. In some cases, a behavioural contract may be put in place as a last resort support measure; in order to clarify expectations and prevent a pupil from making the final mistake that brings their position in the College into question.

The College follows the regulations concerning exclusions set out by the Independent Colleges' Inspectorate. For the purpose of definition, a pupil may be excluded if:

1. The pupil has committed a serious disciplinary offence
2. The pupil is accused of a criminal offence
3. The pupil's presence in the College:
 - a. represents a risk to the health and safety of pupils or adults
 - b. is clearly detrimental to the educational experience, happiness or wellbeing of another pupil or adult affects the smooth running of the College.
4. The pupil has ignored repeated warnings and minor punishments for repeated more minor offences.

The expulsion of a pupil is an extreme sanction and is only administered by the Principal, or in the absence of the Principal, whoever is deputising for them.

Suspensions of up to 5 days will usually be administered by the Vice Principal, although all Assistant Principals have the authority to suspend. Any suspended pupil will be required to meet with the Principal at the end of the defined period. Where a pupil is suspended for 3 or more days, the Principal may arrange an interview with his/her parent(s)/guardian(s) on the pupil's return to College.

There are occasions when, at the Principal's discretion, it is considered preferable to administer a suspension within College, either during term time or the College holidays. A Full Suspension administered in College is still recorded as such and is considered to be equally serious. A Full Suspension administered within College should not be confused with an Internal Suspension which is a lesser sanction and does not involve the exclusion of a pupil from academic lessons.

A Full Suspension will never be administered within College if the pupil's presence in College represents a serious risk to the health and safety of pupils and staff.

Behaviour which merits expulsion (permanent exclusion)

A non-exhaustive list of the sorts of behaviour that could merit permanent exclusion includes the following:

- physical assault against pupils or adults
- verbal abuse/threatening behaviour against pupils or adults
- persistent bullying or cyberbullying
- abuse on grounds of race, religion / belief, disability, Special Education Needs (etc.)
- sexual misconduct
- drug and alcohol misuse
- damage to property
- theft
- possession or use of unauthorised firearms, knives or other weapons;
- computer hacking
- persistent disruptive behaviour or attitudes inconsistent with the College's ethos;
- unreasonable or otherwise inappropriate parental behaviour
- any serious misconduct which affects the welfare of a member or members of the College community or which brings the College into disrepute (single or repeated episodes) both on and off the College premises

Please note that exclusion may also be imposed by the College as a sanction for a series of minor misdemeanours.

Breaches of discipline outside of the College grounds

The College takes the conduct of its pupils outside of the College grounds extremely seriously. A student's misbehaviour outside of College can be damaging to the reputation of both the pupil and the College and, therefore, the College may discipline pupils for misbehaviour outside of College premises in accordance with its College Rules and Expectations, to the extent that it is reasonable to do so. Where an incident is reported to the College of a pupil's poor behaviour outside of College grounds and the incident has not been witnessed by College staff, the College will take an evidence-based approach and may talk to witnesses before identifying further action and any sanctions required for such behaviour.

This may apply in the following circumstances:

1. Misbehaviour when the pupil is:
 - Taking part in any activity organised by the College, or related to the College
 - Travelling to and from College

- In some other way identifiable as a pupil of the College.
2. Misbehaviour at any time, whether or not the conditions above apply, that:
 - Could have repercussions for the orderly running of the College
 - Poses a threat to another pupil or member of the public
 - Could adversely affect the reputation of the College

In all cases, the above misbehaviour would apply whether it took place in person, over the telephone or online (including on social media).

In all cases, the member of staff may only discipline the pupil when on College property (or elsewhere, where the pupil is under the supervision of that member of staff).

Required Removal

The College may require the removal of a pupil when, in the opinion of the Principal, there has been a breakdown of the relationship between the pupil and/or parent(s) and the College. This may arise through:

1. A breakdown of trust between the College and the parent(s). This may manifest itself in a number of ways including:
 - Parent(s) not supporting the College in promoting good behaviour
 - Vexatious behaviour, such as parent(s) repeatedly bringing unsubstantiated claims
 - Abusive or unreasonable behaviour by parent(s) to the College's staff, pupils or other parents
 - Failure to meet fee deadlines
2. A breakdown of trust between the College and the pupil. This may manifest itself in a number of ways including:
 - Persistent misconduct such as unauthorised absence from College
 - When a pupil has brought a malicious or unjustified allegation against a member of staff and where there are reasonable grounds that this may happen again in the future
3. Other circumstances where the Principal (after appropriate consultation) is satisfied that it is not in the best interests of the pupil, or of the College, that the child remains at the College.

Overview of the Process

All misbehaviour or disciplinary incidents will be dealt with by the College, as soon as it is possible to do so.

Investigation

In the event of an incident of serious misbehaviour, an investigation is likely to be carried out to establish the facts. Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by a senior member of staff. Parents will be informed if a complaint under investigation is of a nature that could result in the pupil being suspended, expelled or required to leave.

A pupil will always be allowed and encouraged to give his/her account of events and to put forward any mitigating factors. The student(s) and staff involved may also be asked to prepare written statements as soon as possible after the incident has taken place.

As part of the investigation the pupil may also be interviewed informally by a member of staff to establish whether there are grounds for the reported complaint and/or a formal investigation. The College is not required to inform the parent(s) that an informal meeting is to take place but will arrange for a member of staff to be present to support the pupil.

A pupil who is waiting to be interviewed may be segregated and the College may confiscate a pupil's mobile phone or other personal belongings (as appropriate) for such period as is deemed necessary.

All evidence will be very carefully assessed and collated and records will be kept of all exclusion proceedings and the findings of the investigation are presented to the Principal for consultation and consideration.

Suspension pending investigation

A student may be suspended from the College as a neutral act and required to live at home or with his education guardian while a complaint is being investigated. Alternatively, the College may decide to implement a segregated regime on College premises.

Should a suspension continue for a period of more than 5 College days, the College will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil.

The College will co-ordinate these arrangements with the pupil's parents or guardians. Parents or guardians should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set.

Search

The College reserves the right to search pupils and their possessions. More information regarding the College's approach to searches and confiscation can be found in the College's Behaviour Policy.

Reports to the Police (and others)

The College will report to the Police any activity which it believes may amount to a criminal activity which takes place either within the College grounds or outside of its grounds. Possessions or items including (but not limited to) drugs, weapons or phones may be confiscated immediately and held for the Police as potential evidence.

If the College reasonably suspects a pupil may have taken drugs then the College will seek immediate medical advice and may involve the Police, where necessary. Please see the College Drugs and Substance Misuse Policy for further information.

Sexual offences will generally be reported to the Police immediately, including in cases where a pupil is suspected or alleged to have committed such an offence provided a reasonable amount of evidence is available. The alleged victim's parents will usually also be informed immediately of the incident and told that the Police have been informed. The College will also apply the terms of its Safeguarding Policy and Child Protection Procedures to ensure there is sufficient support in place for the pupils involved.

Disciplinary meeting with the Principal

Preparation

The Chair of Governors will be informed of the investigation and that a disciplinary meeting is to be held but will not take part in either of them. Prior to the meeting, certain documents will be made available to students and parents, wherever possible. These documents may include, but are not limited to:

- a statement setting out the points of complaint
- written statements and notes of the evidence supporting the complaint, and any relevant correspondence
- the relevant investigation report
- the pupil's College file, including data on attendance and conduct
- the relevant College policies and procedures

Any such documents may be redacted or a summary provided for reasons of confidentiality and/or data protection. Any written submission provided by, or on behalf of the pupil must arrive at the Principal's office by the end of the working day prior to the hearing at the latest.

Attendance

The pupil and his/her parents/guardian (if available) will be asked to attend the disciplinary meeting with the Principal. The pupil should be in attendance throughout the disciplinary meeting, and may be accompanied to the meeting by a friend or member of staff of their choice.

The pupil's parents may also be accompanied should they so wish but legal representation is not appropriate and is not permitted.

The Principal should be informed of all attendees at least 24 hours prior to the disciplinary meeting.

Proceedings

The process to be followed at the disciplinary meeting shall be determined by the Principal. The meeting will be conducted in a manner appropriate to the age, understanding and maturity of the pupil involved, taking into account any additional needs of the pupil in all circumstances.

Notes will be taken by the College during the disciplinary meeting and a copy of the notes will be provided to the parents upon request.

The pupil will have an opportunity to provide their account of the circumstances surrounding the incident and both the pupil and his/her parents will be able to ask questions. The pupil/parents will also be able to address the Principal on the issue of sanctions. 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 pupils will be preserved.

If the Principal considers that further investigation is needed, the disciplinary meeting may be adjourned and the reason for the adjournment will be explained to the pupil. If an adjournment is not necessary, the Principal will make a decision after the meeting. The Principal will give a written statement about the incident and the appropriate sanction, together with reasons for that decision, as soon as reasonably practicable, usually within 24 hours.

If the Principal considers that exclusion may be the appropriate sanction, the pupil's previous disciplinary history may be considered, and/or any other favourable or unfavourable conduct known to the College when reaching a decision in respect of the pupil.

Delayed effect

A decision to expel a pupil shall take effect 7 days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from College premises. If within 7 days the parents have made a written application for a review by the Governors, the student shall remain suspended until the appeal has taken place and either the sanction is upheld or a reconsidered decision is made. Any pupil who is permanently excluded will not be removed from the College register until the appeal process has been completed.

Pupils who have permanently left the College, irrespective of leaving status, are not permitted to re-enter College premises without prior consent from the College.

Pupils who have permanently left the College, irrespective of leaving status, are not permitted to sit public examinations at the College, unless by express agreement with the Principal. The College may make arrangements for the transfer of any course and project work to either the leaving pupil, the parent(s) or to another School or College.

Withdrawal

The Principal is entitled to discuss with parents the withdrawal of a pupil from the College if he reasonably believes, after consultation with the parents, that the behaviour or performance of the pupil is unsatisfactory, or the health and safety of pupils and staff will be put at risk; and that it is in the best interests of the pupil and/or the College. A parent's decision to withdraw a child may avoid a permanent exclusion.

Note: There is no right of appeal following a withdrawal.

Fees

Please refer to The National Mathematics and Science College Standard Terms and Conditions. No refund of fees will be made in the case of an exclusion or withdrawal, but in the case of withdrawal no fees in lieu of notice will be required.

Appeals against exclusion

- a. The College will always offer the right of appeal to any pupil permanently excluded from the College and appeals will be dealt with by way of a Governors' (currently Executive Committee) review hearing
- b. The right to appeal does not extend to suspensions (whether pending an investigation or as a sanction)
- c. Pending such an appeal, the pupil shall remain suspended from the College

Request for review

Upon notification of the Principal's decision to exclude or require a pupil to leave the College, a pupil or his/her parent(s) may make a written application for a Governors' review hearing. The application must be received by the Clerk to the Governors within 72 hours of the decision being notified to the parent(s) and must clearly set out the grounds on which they are asking for a review and the outcome that they seek. A disagreement with the Principal's decision alone is not sufficient grounds for a review. The grounds for a review are limited to assertions that:

1. Further evidence has come to light or the process and decision were flawed for reasons of procedure or proportionality.

Review Hearing

The review will be undertaken by at least one Governor and at least one person that is independent of the College ("the Review Panel"). They will have no detailed prior knowledge of the case, or of the pupil or parents. Parents will be notified in advance of the names of the members of the Review Panel.

The hearing will take place at the College premises unless notified otherwise, normally no later than 10 days after a request for appeal has been received, during term time.

A review hearing is an internal procedure and all those involved, or who are concerned in the procedure, are required to keep its proceedings confidential. Those present at the hearing will usually be:

- Members of the Review Panel;
- the Clerk to the Governors;
- The Principal and any relevant members of staff whose presence the Principal considers to be necessary to secure a fair outcome for the pupil; and
- The pupil, together with his/her parent(s)/guardian(s). If they wish, the parent(s)/guardian(s) may be accompanied by a friend or relative who is not legally qualified.

Conduct of the review hearing

The review hearing will be chaired by one member of the Review Panel. As with the disciplinary meeting, the hearing will be conducted in a manner appropriate to the age, understanding and maturity of the pupil involved, taking into account any additional needs of the pupil in all circumstances.

The Clerk to the Governors will be asked to take minutes of the hearing and a copy of those minutes will be provided to the parent(s)/guardian(s) after the meeting.

The Chair of the Review Panel will ensure that all those present have the opportunity to ask questions and make appropriate comments.

Decision

The Review Panel review will consider the grounds for the review and shall decide whether to either:

- Uphold the decision of the Principal and, if minded to do so, with the agreement of the Principal, discuss the pupil's leaving status (i.e. permanent exclusion, required removal or withdrawal) with a view to reaching an agreement; or
- Recommend the decision of the Principal be reviewed and, if minded to do so, require the Principal to review the decision including recommending an alternative sanction. The Panel will only recommend this action where it considers, having regard to the process followed by the Principal, that the Principal's decision to exclude/require the removal of the pupil was not a reasonable decision for the Principal to have taken.

The Chair of the Review Panel will endeavor to notify the parent(s)/guardian(s) in writing of the decision and the reasons for the decision within 3 working days of the review meeting.

Confidentiality

All those participating in the application of this policy, including parent(s)/guardian(s) and pupils are required to keep all statements, correspondence, notes and documents confidential except where legally required to disclose them.

Dr A Kemp Principal

Date of Review: Feb 2022

Date of next review: Feb 2024