



## EXCLUSIONS POLICY

**Updated September 2017**  
**Approved by the Governing Body**

**This policy refers to and should be read in conjunction with the following policies:**

- Learning and Behaviour Policy

### 1. Purpose

1.1 This policy sets out procedures for the exclusion of students, which will only come into effect in at least one of the following circumstances:

- a) That the disciplinary process laid out in the Learning and Behaviour Policy is exhausted
- b) That there has been an incident of gross misconduct which endangers the safety of other students
- c) That there has been an incident of gross misconduct which is unlawful.

1.2 The exclusion of students is at the discretion of the Principal.

1.3 Notice of a learner's exclusion will be given in writing as soon as possible after a disciplinary hearing, usually within three working days.

### 2. Appeals

2.1 Learners have the right to appeal against an exclusion following a disciplinary hearing or the decision to withdraw them from the course and/or Academy.

2.2 To request an appeal, the learner must write to the Clerk to the Governors at Big Creative Academy, Clifton Avenue, London E17 6HL within 10 working days of receiving notification of the exclusion.

2.3 The appeal letter must clearly explain the reasons for requesting an appeal and include all statements and other documents that they wish to rely upon. Learners may request an appeal based on the following grounds:

- a) New material evidence is available which was not reasonably available at the time of the exclusion.
- b) The belief that the outcome or disciplinary process was unfair and/or resulted in a sanction that was excessive or disproportionate to the breach.
- c) The Learning & Behaviour Policy was not followed and this considerably disadvantaged the learner.

2.4 For information on independent support and guidance in making an appeal please contact the Clerk to the Governors.

2.5 The Academy has the right to reject an appeal if the request for an appeal is not received within the set time or the grounds for requesting an appeal set out above are not met.

### **3. Appeal Hearings**

3.1 If an appeal is to be heard there will be an Appeal Hearing. The learner will be:

- a) Given at least five working days written notice of the date/time of the appeal hearing.
- b) Sent copies of all documents that were considered in making the decision that they are appealing against and any other documents the Academy intends to use in responding to the appeal.

3.2 Learners must attend the hearing in person. The following people may/may not attend an appeal hearing with a learner:

- a) Learners can bring up to two people (for example: a friend, a relative or student representative).
- b) Learners may not bring legal representatives with them
- c) With the agreement of the Academy, learners with particular requirements may bring three people:
  - (i) Learners with a learning difficulty and/or disability may bring a support worker.
  - (ii) Learners for whom English is a second language may have an interpreter.
- d) Learners must inform the Clerk to the Governors at least three working days before the Appeal Hearing if they wish to bring three people or if they need help with arranging a support worker or interpreter.

3.3 Academy staff present at an Appeal Hearing include:

- a) An Academy Governor, who will act as Chair.
- b) An Academy senior manager who has not previously been involved with the case.
- c) The Principal
- d) A Personal Assistant (or equivalent) will take minutes of the Hearing.

3.4 The process to be followed at the Appeal Hearing will be:

- a) The learner (or parent/carer/support person) will present their appeal, explaining any special circumstances
- b) The Principal will respond to the appeal
- c) The members of the panel may ask questions
- d) The learner will summarise their appeal
- e) The panel will adjourn, to consider their decision.

3.5 The panel may conclude the following outcomes:

- a) Allow the appeal (dismiss the exclusion/withdrawal) and readmit the learner to their course/s - previous findings will be removed from the learner's record
- b) Impose a further stage to the disciplinary process in place of the exclusion/withdrawal
- c) Uphold the exclusion

3.6 The Learner will be informed in writing of the outcome of the appeal as soon as possible, usually within three working days of the Appeal Hearing.