

## **POLICY FOR APPEALS AGAINST EXCLUSION / SUSPENSION**

This procedure is intended to apply where a decision has been made by the Headteacher for the removal or expulsion of a pupil from the school. At this time the Headteacher will give a request form and a copy of this procedure to the Parent of the pupil. Only a parent as defined in the Terms and Conditions may request a review of the Headteacher's decision.

These guidelines are non-contractual in nature. They have been prepared for the information and guidance of all who may become concerned in a review following expulsion or the required removal of a pupil.

The purpose of the *Review* is to give those with parental responsibility for the pupil concerned the opportunity to appeal against the procedure used in reaching the initial disciplinary decision, including the fairness of the decision made. The review will not, however, be by way of rehearing the evidence.

### **Initiation of the Procedure**

Where the parents of a pupil subject to a decision for removal or expulsion wish that decision to be reviewed the parents should complete a Request for Commencement of Review Procedure form and send it to the Chairman of Governors (the Chairman) requesting a review. The completed form should be sent to the School marked for the attention of the Chairman and must be received at the School within ten working days of the decision to remove or expel being notified to the parents. Any request received after this period will not be accepted.

The request for a review must set out the matters the parents would like to be reviewed together with any documents that the parents wish the Review Panel to consider.

During the period from expulsion or removal to the date of conclusion of the review procedure, the pupil shall be suspended and will be forbidden from entering School premises without the prior permission of the Headteacher.

### **What to expect at the Review**

The review will normally be conducted by a three member sub-committee of the Board of Governors ("*Review Panel*") who will consider all the circumstances and any new circumstances that are raised and also the matters listed at section 4 below. The Review Panel will be made up of members who have no detailed previous knowledge of the case or of the pupil, parents or guardian and will not normally include the Chairman of Governors. Selection of the Review Panel will be made by the Chairman of the Board of Governors.

The Chairman will call a meeting of the Review Panel to take place within ten working days of receipt of the request for a review or as soon thereafter as is reasonably practicable.

The parents will be notified of the date, time and venue of the meeting on not less than two days notice.

Those present throughout the review will normally be the members of the Review Panel, the Headteacher, those with parental responsibility ("*parents*") and the Clerk to the Governors or his or her representative.

The parents may make written submissions to be considered at the hearing and/or may attend the hearing in person.

The Headteacher may make written submissions to be considered at the hearing and/or may attend the hearing.

The parents may be accompanied by a friend or relation and by a member of the School staff if desired, but not by a legal representative. The Clerk to the Governors will prepare and send to the parents and Headmaster not less than two days before the hearing a bundle of papers to be used at the hearing consisting of any written submissions and any other relevant documents. The Panel Chairman may allow any documents not included in the bundle to be produced at the hearing in his discretion.

### **The Procedure**

Informality is expected. The proceedings will, however, be chaired by one member of the review panel. The seating will be arranged so that, as far as practicable, everyone present can see and speak to each other without difficulty.

The procedure to be followed at any hearing will be at the Panel Chairman's discretion but shall normally be as follows.

- 3.1 Each of the grounds given in the parents' *Request for Review* will be considered and discussed.
- 3.2 The Headteacher may comment on each of the grounds.
- 3.3 The parents may ask questions of the Headteacher.
- 3.4 The parents will be asked if there are any further comments they wish to make
- 3.5 The Headmaster will sum up the case for expulsion/removal.
- 3.6 The parents will sum up the case for a review of the Headteacher's decision.

In relation to each issue raised, the members of the Review Panel will normally consider all of the following

- i. the nature and gravity of the complaint/s against the pupil;
- ii. whether or not the grounds of the complaint have been reasonably well-established;
- iii. whether the complaint was investigated fairly;
- iv. whether the original decision made was reasonable.

### **Conduct of the Review**

The review shall be directed in all respects by the chairman of the Review Panel. Statements made at the review shall be unsworn. The chairman of the Review Panel will conduct the review in such a manner as s/he thinks fit in order to ensure that all those present have the opportunity of asking questions and making comments.

If the Headteacher considers it necessary in the interests of the individual or of the School that the identity of any person shall be withheld, the chairman may require the name of that person and the reasons for withholding identity to be written down and shown to the Review Panel. The chairman, in his/her discretion, may direct that the person be identified.

A member of the School staff may speak generally about the pupil's character, conduct and achievements at the School if they are willing to do so.

All those attending the review are expected to show courtesy, restraint and good manners; otherwise the chairman may, in his/her discretion, adjourn or terminate the review. If the review is terminated the original decision will stand.

The review will not be a rehearing of the original evidence. The proceedings will not be tape recorded but the Clerk will be asked to keep a minute of the main points that arise. All present will be entitled, should they wish, to write their own notes. Pens and paper will be provided.

The Review Panel shall bring the hearing to a close in order to consider their decision.

### **The Decision**

The decision of the Panel shall be that of the majority. The Chairman of the Panel shall have a casting vote if the decision is split equally.

The Review Panel shall not be entitled to set aside the decision of the Headteacher to remove or expel a pupil nor to substitute some other penalty or sanction.

Where the Review Panel upholds the decision of the Headteacher it shall confirm the decision to remove or expel.

Where the Review Panel considers that :-

- ❖ The Headteacher did not have before him all the relevant evidence
- ❖ The Headmaster may not have given sufficient weight to any particular evidence or argument
- ❖ Not all relevant arguments or submissions were put before the Headmaster
- ❖ The procedures followed were unfair

The Review Panel may require the Headteacher to reconsider his decision in the light of the findings of the Panel.

### **Following the Hearing**

The Panel Chairman shall within two days of the hearing or as soon as reasonably practicable thereafter notify the parents in writing that the Panel:-

- ❖ Has confirmed the Headmaster's decision, or
- ❖ Has requested the Headmaster to reconsider his decision.

The Panel Chairman shall within two days of the hearing or as soon as reasonably practicable thereafter notify the Headmaster in writing that the Panel :-

- ❖ Has confirmed his decision, or
- ❖ Requires the Headmaster to reconsider his decision in which case the Panel Chairman shall set out in writing what evidence or further evidence, or what arguments or submissions the Headmaster should additionally take into account. The Panel may additionally make recommendations to the Headmaster relating to his decision but these shall not be binding on the Headmaster.

### **Where the Review is Upheld**

Where the Headteacher is required by the Review Panel to reconsider his decision he shall reconsider his decision and shall within three days of being notified in writing of the Panel's decision or as soon as reasonably practicable thereafter, notify the parents and the Panel Chairman in writing of his reconsidered decision. For the avoidance of doubt during this period the pupil shall continue to remain suspended from the School.

### **Final Decision**

The reconsidered decision of the Headteacher shall be final and shall not be the subject of any further review.