



Governor – Pupil Expulsion or Removal Review Policy

1.0 Introduction

1.1 Scope - This policy contains guidelines, which are not contractually binding upon the School, explaining the procedure for a Review of a decision of Expulsion or Removal. The policy applies to all pupils at the School but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees or withdrawal by his parents.

The following definitions apply to this policy.

Expulsion - A pupil may be formally expelled from the School if it is proved on the balance of probabilities that the pupil has committed a very grave breach of discipline or a serious criminal offence. Expulsion is reserved for the most serious breaches.

Headmaster - references to the Headmaster may include deputies.

Parents - includes one or both of the parents, a legal guardian or an education guardian.

Removal - Parents may be required to remove a pupil permanently from the School if, after consultation with the parents and if appropriate the pupil, the Headmaster is of the opinion that:

- a) by reason of the pupil's conduct, behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the School; or
- b) if the parents have treated the School or members of its staff unreasonably.

School – any and all schools within the Hampton School Trust.

Suspension - A pupil may be sent or released home for a limited period either a disciplinary sanction or pending the outcome of an investigation or pending a Governors' Review.

2.0 Equality

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

3.0 Applying for a Review

3.1 A pupil or his parents may request a Review by the Governors of the Headmaster's decision to Expel or Remove a pupil using the Request for Review Form. A Review may also be requested of a decision to suspend a pupil if this suspension is for 11 school days or more or would prevent the pupil taking a public examination.

Date updated	February 2017	Date ratified by Governors	March 2017
Date for next review	February 2018	Reason for review	Annual Review

- 3.2 The Request for Review Form (Appendix 1) is available from the Bursary and must be returned to the Clerk to the Governors within seven days of the Headmaster's decision being notified to the parents, or longer by agreement.
- 3.2 If the parents or the pupil have any special educational needs or disabilities which call for additional facilities or adjustments, these should be made known to Clerk so that appropriate arrangements can be made.
- 3.3 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 Headmaster will not of itself be grounds sufficient for a Review.

4.0 The Review Panel

- 4.1 The role of the Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Headmaster's decision or refer the decision back to him with recommendations so that he may consider the matter further.
- 4.2 The Review Panel will consist of a three-member sub-committee of the Board of Governors. The panel members will have no previous detailed knowledge of the case nor of the pupil or parents, and will not normally include the Chairman of Governors. Selection of the Review Panel will be made by the Clerk to the Board of Governors.
- 4.3 With the exception of the Chairman of Governors, those Governors not appointed to the Panel will not be provided with information about the case. 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. The Panel may, if requested by the parents, include an independent member who has no connection with the management or running of the School.

5.0 The Review Hearing

- 5.1 This will take place at the School premises.
- 5.2 Unless there are exceptional circumstances the review hearing will take place within 21 days of the Headmaster's decision being notified to the parents. The hearing will be held at a time convenient to all the parties.
- 5.3 Those present at the review hearing will normally be:
- Members of the Review Panel
 - The Headmaster or a Deputy Head
 - Parents or those with parental responsibility
 - The pupil
 - Clerk to the Governors or a deputy
 - The parents/pupil may make a request to be accompanied by a member of School staff, a friend or relation (attending in that capacity). Any request to be accompanied should be made in writing to the Headmaster at least 7 days in advance of the hearing, and must provide full details of that person (name, address, profession and the capacity in which they are accompanying (e.g. relation)). Save where specific permission has been given by the School, the role of the accompanying person is to provide moral support, not to act as advocate, make representations or answer questions on behalf of the parents/pupil.
- 5.4 A Review will not normally take place during school holidays.
- 5.5 The Clerk to the Governors will notify the parties of the time, date and place of the review hearing.

- 5.6 The parents and the Headmaster will be asked to submit any documents they wish to refer to at the meeting and any written statements to the Clerk to the Governors. A single bundle of documents will be circulated to the Panel and the parties simultaneously at least five days before the meeting.
- 5.7 On receipt of new information not previously available to the Headmaster before his decision was made, the Clerk should contact the Chairman of Governors who will decide whether:
- i) to include the new information in the bundle; or
 - ii) to omit the information if not relevant to the grounds for Review; or
 - iii) to make further enquiries of the parents or the pupil about the information; or
 - iv) to refer the information to the Headmaster for his consideration as to whether the original decision should be revisited.
- 5.8 A Review meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

6.0 Conduct of the Hearing

- 6.1 The proceedings will be chaired by one member of the Review Panel and will be conducted in an informal manner; 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 arising. All those present will be entitled to take notes.
- 6.2 The hearing will be directed at all times by the Chairman of the Review Panel, who will ensure that all those present have the opportunity of asking questions and making comments. Sufficient time will be allowed for each party to make representations.
- 6.3 All those attending the hearing are expected to show appropriate courtesy, restraint and good manners. The Chairman may, at his discretion, adjourn or terminate the hearing. If the hearing is terminated the original decision will stand. If the Chairman does adjourn the hearing, he will give the reasons for this decision.
- 6.4 If the hearing is adjourned, it will be reconvened in accordance with the procedure set out above and on the earliest date convenient to all the parties. The Chairman may, at his discretion, allow the parties to submit additional evidence in advance of the reconvened hearing under the procedures set out above.
- 6.5 If the process is terminated before a decision is made, the original decision will stand.

7.0 Procedure

- 7.1 The Headmaster will provide the parents with a copy of the Review procedure if requested. The Panel will consider each of the points raised by the pupil or his parents and any documentation they wish to rely on so far as relevant to determining:
- whether the decision was fair procedurally and / or substantively
 - whether the facts of the case were sufficiently proved when the Expulsion or Removal decision was taken. 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.

- 7.2 The civil standard of proof, namely, "the balance of probability", will apply. If for any reason the pupil or his parents are dissatisfied with any aspect of the meeting they must inform the Chairman at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

8.0 Decision

- 8.1 When the Chairman decides that all issues have been sufficiently discussed he may adjourn the meeting; alternatively the Chairman may ask those present to withdraw while the Panel considers its recommendations.
- 8.2 The Panel's decision and any recommendations will be notified in writing, with reasons, to the Headmaster and the parents by the Chairman of the Review Panel or the Chairman of Governors within three working days of the meeting.
- 8.3 The Headmaster will provide his response to those recommendations, if appropriate, in writing within 24 hours (excluding non-working days).

Appendix 1

Pupil Review Form

(Please refer to the Governor – Pupil Review Policy)

Date:

Application made by:

Pupil Name:

Address:

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..... Postcode:

Telephone number:

Email:

Please set out your grounds for the Review: