



# Expulsion and Removal: Appeal Procedure

September 2020

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## 1 Aims

- 1.1 This is the expulsion and removal: Appeal procedure of Bancroft's School (**School**).
- 1.2 The aims of this policy are as follows:
  - 1.2.1 to support the School rules and policies on behaviour, rewards and sanctions;
  - 1.2.2 to ensure procedural fairness and natural justice;
  - 1.2.3 to promote co-operation between the School and Parents when it is necessary for the School to require a pupil to leave earlier than expected; and
  - 1.2.4 to help to create a culture of safety, equality and protection.

## 2 Scope and application

- 2.1 This policy applies to the whole School.
- 2.2 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 / her Parents.

## 3 Regulatory framework

- 3.1 This policy has been prepared to meet the School's responsibilities under:
  - 3.1.1 Education (Independent School Standards) Regulations 2014;
  - 3.1.2 Education and Skills Act 2008;
  - 3.1.3 Children Act 2004;
  - 3.1.4 Data Protection Act 2018 and General Data Protection Regulation (**GDPR**); and
  - 3.1.5 Equality Act 2010.
- 3.2 The following School policies, procedures and resource materials are relevant to this policy:
  - 3.2.1 parent contract;
  - 3.2.2 behaviour, rewards and sanctions policy;
  - 3.2.3 anti-bullying policy;
  - 3.2.4 policy on smoking and alcohol;
  - 3.2.5 drugs policy;
  - 3.2.6 on- line safety policy;
  - 3.2.7 safeguarding and child protection policy and procedures;
  - 3.2.8 SENDA policy; and
  - 3.2.9 school rules and procedures.

## 4 Publication and availability

- 4.1 This policy is published on the School website.

- 4.2 This policy is available in hard copy on request.
- 4.3 A copy of the policy is available for inspection from the Bursar during the School day.
- 4.4 This policy can be made available in large print or other accessible format if required.

## 5 Definitions

- 5.1 Where the following words or phrases are used in this policy:
  - 5.1.1 References to **working days** mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening School holidays, the School's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delays.
  - 5.1.2 References to the **Head** may include deputies.
  - 5.1.3 References to **Parent** or **Parents** includes one or both of the parents, or those with parental responsibility, or care of a child e.g. a legal guardian or education guardian.
  - 5.1.4 References to an Appeal and / or **Appeal Hearing** are to the review by a Panel of the Head's decision to expel or require the removal of a pupil, in accordance with this policy.
  - 5.1.5 References to a **Panel** are to a three-member panel selected by the Chairman of Governors to undertake the Appeal.

## 6 Responsibility statement and allocation of tasks

- 6.1 The Board of Governors has overall responsibility for all matters which are the subject of this policy.
- 6.2 To ensure the efficient discharge of its responsibilities under this policy, the Board of Governors has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	Senior Deputy Head	As required
Monitoring the implementation of the policy	Senior Deputy Head	As required, and at least annually
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR	Senior Tutor	As required, and at least annually
Seeking input from interested groups (such as pupils, staff, Parents) to consider improvements to the School's	Senior Tutor	As required, and at least annually

Task	Allocated to	When / frequency of review
processes under the policy		
Formal annual review	Board of Governors	Annually

## 7 Staff training

- 7.1 The School ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.
- 7.2 The level and frequency of training depends on the role of the individual member of staff.
- 7.3 The School maintains written records of all staff training.

## 8 Record keeping

- 8.1 All records created in accordance with this policy are managed in accordance with the School's policies that apply to the retention and destruction of records.
- 8.2 The School will keep a separate record of sanctions imposed for serious misbehaviour. Their record includes:
- 8.2.1 the name and year group of the pupil concerned;
  - 8.2.2 the nature and date of the offence;
  - 8.2.3 the sanction imposed and reason for it;
  - 8.2.4 the name of the person imposing the sanction;
  - 8.2.5 This record is reviewed regularly by the Senior Tutor so that patterns in behaviour can be identified and managed appropriately.
- 8.3 The records created in accordance with this policy may contain personal data. The School has a number of privacy notices which explain how the School will use personal data about pupils and parents. The privacy notices are published on the School's website. In addition, staff must ensure that they follow the School's data protection policies and procedures when handling personal data created in connection with this policy. This includes the School's data protection policy.

## 9 Version control

Date of adoption of this policy	08/09/2020
Date of last review of this policy	September 2020
Date for next review of this policy	September 2021
Policy owner (SLT)	Debbie Picton
Policy owner (Board of Governors)	Ed Sautter

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## **Appendix 1 Appeal procedure**

### **1 Appeal**

- 1.1 A pupil or his / her Parents may request an Appeal of the Head's decision to expel or require the removal of a pupil or where a decision has been made to impose the disciplinary sanction of suspension on a pupil for 11 working days or more or where such suspension would prevent a pupil from taking a public examination.

### **2 How to request an Appeal**

- 2.1 A request for an Appeal should be put in writing to the Clerk to the Governors using the request form at Appendix 2. The request must be made within 5 working days of the date of the Head's letter confirming his decision.
- 2.2 The request should include:
- 2.2.1 a copy of all relevant documents and full contact details;
  - 2.2.2 the grounds on which the Parents are asking for an Appeal and the outcome desired;
  - 2.2.3 a list of the documents which the Parents believe to be in the School's possession and wish the Panel to consider; and
  - 2.2.4 whether the Parents propose to attend the Appeal Hearing, and, if so, to be accompanied (providing details of the identity, occupation and relationship to the Parents of that person).
  - 2.2.5 whether the Parents wish to call any witnesses (identifying them and the matters to which their evidence is relevant).
- 2.3 If assistance with the request is required, for example because of a disability, this should be indicated in the request for an Appeal.
- 2.4 The Clerk to the Governors will acknowledge the request for an Appeal in writing within 3 working days of receipt.
- 2.5 Every effort will be made to enable the Appeal to take place within 15 working days of receipt of the request.

### **3 Pupil's status pending an Appeal**

- 3.1 Following a request for an Appeal, the Pupil will be suspended from School until the Appeal procedure has completed.
- 3.2 While suspended the Pupil shall remain away from School and shall not have the rights to enter School premises or attend School events without written permission from the Head.

### **4 Planning the Appeal**

- 4.1 The Clerk to the Governors will be responsible for arranging the Appeal which will usually involve an Appeal Hearing at which the Panel will consider relevant documents and hear from the Head, the Parent(s) and the Pupil.

- 4.2 The Clerk to the Governors will send written notification to each party of the process, date, time and place of the Appeal Hearing at least 10 working days before the date of the Appeal.
- 4.3 Copies of any documents additional to those specified in the request for an Appeal that the Parents wish the Panel to consider should be sent to the Clerk to the Governors to be received at least 7 working days prior to the Appeal.
- 4.4 On receipt of new information not previously available to the Head before his decision was made, the Clerk to the Governors should contact the Chair of the Appeal Panel who will decide whether to:
  - 4.4.1 include the new information in the bundle; or
  - 4.4.2 omit the information if not relevant to the grounds for Appeal; or
  - 4.4.3 make further enquiries of the Parents or the pupil about the information; or
  - 4.4.4 refer the information to the Head for his / her consideration as to whether the decision should be revisited.
- 4.5 The Clerk to the Governors will circulate a copy of the bundle of documents to be considered by the Appeal Panel to the Panel, the Parent(s) and the Head at least 2 working days prior to the Appeal Hearing.
- 4.6 The Parents may be accompanied at the Appeal Hearing, for example by a relative or friend. The Appeal is an internal procedure, not legal proceedings, and legal representation is unnecessary.
- 4.7 The Parents are required in their request for an Appeal Hearing to notify the Clerk to the Governors if they wish to be accompanied. The Parents should note that the Panel will wish to speak to them directly. Anyone accompanying them will not be permitted to act as an advocate or to address the Appeal Panel unless invited to do so by the Chair of the Panel.
- 4.8 A person will be appointed to take a minute of the Appeal Hearing.

## 5 **Composition of the Panel**

- 5.1 The Panel will comprise at least 3 individuals who have no detailed prior knowledge of the case and will not include the Chair of Governors. With the exception of the Chair of Governors, Governors not appointed to the Panel will not be provided with personal information about the case.
- 5.2 The Parents may ask the Clerk to the Governors to inform them who has been appointed to sit on the Panel ahead of the Appeal Hearing. Fair consideration will be given to any reasonable objection to a particular member of the Panel.

## 6 **Role of the Panel**

- 6.1 The role of the Panel is to consider:
- 6.2 **Whether, on the facts, the decision-making relating to the breach of school policy/ies and sanction imposed followed a fair process:** whether an appropriate procedure was followed allowing the facts of the case to be sufficiently proved when the decision was taken to expel or require the removal of the pupil. The civil standard of proof, namely, "the balance of probabilities", will apply. Observance of



the School's relevant policies and rules will be taken into account but may not be determinative in this respect.

- 6.3 **Whether the sanction was within the range of reasonable responses:** whether it was within the range of reasonable responses in respect of the breach of discipline or the other events that are found to have occurred and the legitimate aims of the School's policy in that respect.
- 6.4 In addressing the matters above, the Panel will consider the documentation provided by the parties, representations made by the parties and any other factors which the Panel considers to be relevant in order to consider whether a fair process was followed and the sanction was reasonable.
- 6.5 The Panel will determine whether to uphold the Head's decision or refer the decision back to the Head with recommendations so that he may consider the matter further.

## 7 **Appeal Hearing**

- 7.1 The Appeal Hearing will be conducted in an informal but fair and unbiased manner.
- 7.2 During the Appeal Hearing, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Appeal Hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.
- 7.3 All statements made at the Appeal Hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.
- 7.4 All those present during the Appeal Hearing are expected to show courtesy, restraint and good manners or, after due warning, the Appeal Hearing may be adjourned or terminated at the discretion of the Chair of the Panel. Any person who is dissatisfied with any aspect of the way the Appeal Hearing is being conducted must say so before the proceedings go any further and his / her comment will be minuted.
- 7.5 The Chair of the Panel may, at his / her discretion, adjourn the Appeal Hearing if he / she considers it appropriate to do so. This may include an adjournment for additional information to be obtained, or for the parties to take legal advice on a specific issue arising.
- 7.6 An Appeal Hearing 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.
- 7.7 When the Chair of the Panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he / she will conclude the Appeal Hearing.

## 8 **Decision**

- 8.1 The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the Parents by the Chair of the Panel or the Chair of Governors within 10 working days of the Appeal Hearing.

- 8.2 The Head will provide his / her response to those recommendations, if appropriate, in writing within 3 working days.
- 8.3 In the absence of a significant procedural irregularity, the Head's decision will then be final.
- 8.4 If the Head's decision is upheld then the decision will be final.
- 8.5 If the Head is asked to reconsider his/her decision, the pupil will remain suspended until this has been done.

**Appendix 2 Form for requesting an Appeal**

To [• ]

Subject [• name of pupil]

I / we request an Appeal of the Head's decision to expel or require the removal of the above named pupil. I/we agree that the Appeal will be carried out in accordance with the School's expulsion and removal: appeal procedure and I / we agree to abide by the terms of that policy.

I / we confirm that I / we have parental responsibility for the above named pupil and that I / we have consulted the pupil who wishes the Appeal to be undertaken and any other person with parental responsibility for the pupil.

I / we understand that we may be accompanied at the Appeal Hearing by a friend or relation.

I / we will inform [• name] if I / we have any special needs or disabilities requiring additional facilities or adjustments.

The grounds upon which I / we seek an Appeal and the outcome which I / we seek are as set out below.

<b>Grounds for Appeal</b>	
<b>Desired outcome</b>	
<b>Details of accompanying person</b>	
<b>List of all documents which we wish the Panel to consider (please enclose copies if you have them)</b>	

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Signed	Signed
Full name	Full name
Relationship to pupil	Relationship to pupil
Date	Date
Address	Address
Telephone number	Telephone number

(Two signatures required where practicable)