

Expulsion and Removal: Review Policy

Withington Girls' School

September 2023

1 Introduction

- 1.1 **Scope and application:** This is the Expulsion and Removal: Review Policy of Withington Girls' School (School). 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 voluntary withdrawal by her Parents.

This policy is published on the School website and available in hard copy. This policy can be made available in large print or other accessible format if required.

- 1.2 **Aims:** The aims of this policy are:

- to support the School's behaviour and discipline policy
- to ensure procedural fairness and natural justice
- to promote co-operation between the School and parents when it is necessary for the School that a pupil should leave earlier than expected
- to help to promote a whole school culture of safety, openness equality and protection.

- 1.3 This policy forms part of the School's whole school approach to promoting child safeguarding and wellbeing, which seeks to involve everyone at the School to ensure that the best interests of pupils underpins and is at the heart of all decisions, systems, processes and policies.

- 1.4 Although this policy is necessarily detailed, it is important to the School that our policies and procedures are transparent, clear and easy to understand for staff, pupils, parents and carers. The School welcomes feedback on how we can continue to improve our policies.

2 Definitions and interpretation:

- 2.1 The following definitions apply in this policy:

The Board of Governors means references to the proprietor of the School;

Working days: means Monday to Friday, when the School is open during term time. The dates of terms and 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.

Headmistress: references to the Headmistress may include deputies.

Parent/s: 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.

References to a **Review and / or Panel Hearing** are to the review by a Panel of the Headmistress's decision to expel or require the removal of a pupil, in accordance with this policy.

References to a **Panel** are to a three-member panel selected by the Clerk to the Governors to undertake the Review.

- 2.2 **Equality:** the School will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Where expulsion needs to be considered, the School will ensure that a pupil with a disability and / or her parents are able to present their case fully where their disability might hinder this. Any religious requirements affecting the pupil will also be considered.

3 Regulatory Framework

- 3.1 This policy has been prepared to meet the School's responsibilities under:
- Education (Independent School Standards) Regulations 2014;
 - Education and Skills Act 2008;
 - Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR);
 - Human Rights Act 1998; and
 - Equality Act 2010.

- 3.2 The following School policies, procedures and resource materials are relevant to this policy:
- parent contract;
 - behaviour and discipline policy;
 - searching, screening and confiscation of banned items policy;
 - acceptable use policy;
 - anti-bullying policy;
 - e-safety policy;
 - safeguarding and child protection policy and procedures; and
 - school rules.

4 Procedures

- 4.1 **The procedure:** The procedures followed relating to the Governors' Review are set out in **Appendix 1** of this policy.

5 Training

- 5.1 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.
- 5.2 The level and frequency of training depends on role of the individual member of staff.
- 5.3 The School maintains written records of all staff training.

6 Record Keeping

- 6.1 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.
- 6.2 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 and information security policy.

7 Version control

Effective date of the policy: September 2023

Date of last review of this policy: Summer 2023

Date of next review of this policy Summer 2024

Policy owners Jen Baylis, Jane Allred

Appendix 1 - Governors' review

1. **Request for review:** A pupil or her parents may request a Governors' Review of the Headmistress's decision to Expel or require the removal a pupil, or where a decision has been made to suspend a pupil for 11 School working days or more, or where suspension would prevent the pupil from taking a public examination.

The request should be made in writing using the Request Form at **Appendix 2** and received by the Clerk to the Governors within five working days of the Headmistress's decision being notified in writing to a parent, or longer by agreement. If the Parents or the pupil have any special needs or disabilities which call for additional facilities or adjustments, these should be made known to the Clerk so that appropriate arrangements can be made. Requests should include:

- a copy of all relevant documents and full contact details;
- the grounds on which the Parents are asking for a Review and the outcome desired;
- a list of the documents which the Parents believe to be in the School's possession and wish the Panel to consider; and
- whether the Parents propose to attend the Review and, if so, to be accompanied.

The Clerk to the Governors will acknowledge the request for a Review in writing within three working days of receipt.

Every effort will be made to enable the Review to take place (usually on the School premises) within 10 working days of receipt of the request.

2. **Grounds for Review:** 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 Headmistress will not of itself be grounds sufficient for a Governors' Review.
3. **Pupil's status pending a Governors' Review:** Following a request for a Review, the pupil will be suspended from School until the review procedure has completed. While suspended the pupil shall remain away from School and shall not have the rights to enter School premises without written permission from the Headmistress.
4. **Planning the Governors' Review:** The Clerk to the Governors will be responsible for arranging the Review which will usually involve a Review at which the Panel will consider relevant documents and hear from the Headmistress, the Parent(s) and the Pupil. The Clerk to the Governors will send written notification to each party of the date, time and place of the Review at least ten working days before the date of the Review. Copies of any documents additional to those specified in the request for a Review form that the Parents wish the Panel to consider should be sent to the Clerk to be received at least seven working days prior to the Review. The Clerk to the Governors will circulate a copy of the bundle of documents to be considered by the Review Panel to the Panel, the Parent(s) and the Head at least three working days prior to the Review Hearing.

On receipt of new information not previously available to the Headmistress before her decision was made, the Clerk should contact the Chair of Governors who will decide whether:

- to include the new information in the bundle; or
- to omit the information if not relevant to the grounds for Review; or
- to make further enquiries of the Parents or the pupil about the information; or
- to refer the information to the Headmistress for her consideration as to whether the decision should be revisited.

5. **Panel:** The Review will be undertaken by a three member sub-committee of the Board of Governors. The Panel members will have no detailed previous knowledge of the case and will not normally include the Chair of Governors. Selection of the Review Panel will be

made by the Clerk to the Governors. With the exception of the Chair 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 reasonable objection to a particular member of the Panel. The Panel may, if requested by the Parents, include an independent member who is not concerned with the management or running of the School.

6. Role of the Panel: The role of the Panel is to consider:

- **Whether, on the facts, the decision making relating to breach of school policy/ies and sanction followed a fair process** - whether the facts of the case were sufficiently proved and an appropriate procedure followed when the decision was taken to Expel or require the remove of the pupil. The civil standard of proof, namely, 'the balance of probability' will normally apply. Observance of the School's relevant policies and rules will be taken into account but may not be determinative in this respect; and
- **Whether the sanction was within the range of reasonable responses** - whether the sanction was within the range of reasonable responses, that is, whether it was proportionate to the breach of discipline or the other events which are found to have occurred and the legitimate aims of the School's policy in that respect.

In addressing the matters above, the Panel will consider the documentation provided by the parties and representations made by the parties and any other factors which the Panel consider to be relevant in order to consider whether the sanction was reasonable. The Panel will determine whether to uphold the Headmistress's decision or refer the decision back to her with recommendations so that she may consider the matter further.

7. Review Hearing:

A Review Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law. This requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

8. Attendance: Those present at the Review Meeting will normally be:

- members of the Panel and an appointed Clerk;
- the Headmistress and any relevant member of staff whom the pupil or her Parents have asked should attend and whom the Headmistress considers should attend in order to secure a fair outcome; and
- the pupil together with her Parents and, if they wish, a member of the School staff who is willing to speak on the pupil's behalf. If the complaint concerns the behaviour of the parents, the pupil will not be expected to attend.

The Parents may be accompanied by a friend or relation. The Review Hearing is not legal proceedings and so legal representation is not necessary. The Clerk to the Governors must be given five working days' notice they wish to be accompanied. The Parents should note that the Panel will wish to speak to the Parents directly. Anyone accompanying them will not be permitted to act as an advocate or to address the Panel unless invited to do so by the Chair of the Panel.

9. Conduct of Review: The Review Hearing will be chaired by one member of the Review Panel and will be conducted in a suitable room and in an informal but fair and unbiased manner. All statements made at the Review Hearing will be unsworn. The Review will not be electronically recorded but the Clerk will be asked to keep a hand-written minute of the main points which arise at the Review Hearing. All those present will be entitled, should they wish, to write their own notes. The Review will be directed by the Chair who will conduct it so as to ensure that the parties have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and

good manners. The Chair may at his/her discretion adjourn the Review for additional information to be obtained, or for the parties to take legal advice on a specific issue arising.

The requirements of natural justice will apply. If for any reason the pupil or her Parents are dissatisfied with any aspect of the Review Hearing they must inform the Chair at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

11. **Decision:** When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he will conclude the Review and the Panel will consider its decision and recommendations.

The Panel's decision and any recommendations will be notified in writing, with reasons, to the Headmistress and the Parents by the Chair of the Review Panel or the Chair of Governors within three working day of the Review Hearing. The Headmistress will provide her response to those recommendations if appropriate in writing within three working day. In the absence of a significant procedural irregularity, the Headmistress's decision will then be final. If the Headmistress's decision is upheld then the decision will be final. If the Headmistress is asked to reconsider his/her decision the pupil will remain suspended until this has been done.

Appendix 2 - Form for requesting a Governors' Review

To The Clerk to the Governors of Withington Girls' School

Subject [Name of pupil]

I/we request a Review of the Headmistress's decision to expel or require removal of the above named pupil. I/we agree that the Review will be carried out in accordance with the Review Procedure supplied to us with this form and I/we agree to abide by the terms of that Procedure.

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 Review to be undertaken and any other person with parental responsibility for the pupil.

I/we understand that we may be accompanied at the Review by a friend or relation

I/we will inform the Clerk if I/we have any special needs or disabilities requiring additional facilities or adjustments.

The grounds upon which I/we seek a Review and the outcome which I/ we seek are set out below:

Grounds for Review	
Desired outcome	
Details of accompanying person	
List of all documents which we wish the Panel to consider (please enclose copies	

if you have them)	
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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)