

Each day, discovery.



ELTHAM COLLEGE

## **15a Exclusion Procedure**

**Last reviewed: March 2019**



## Version Control Information

Reason For Amendment	Name	Date	Main changes
Annual Review	Bursar	August 2016	
Annual Review	HR Manager	August 2017	Checked for staffing changes
	Bursar	Feb 2018	Removal of conditional language
Annual Review	HM	March 2019	None

## Other Related Policy Documents

- Sanctions and Support Policy (Junior School);
- Sanctions and Support Policy (Senior School);
- Complaints Policy.



## **1 Introduction**

This note sets out an outline of the procedures that are followed if a student has been expelled or their removal requested according to according to Section 3 (f)(i) or Section 6 of the Standard Terms and Conditions governing the relations between Eltham College and the parents and guardians of students at the school (“the parent contract”);

This note does not apply to a termination of a student’s schooling by agreement.

For the purposes of this note:

- a. a right of appeal is a procedure which encompasses the possibility of a rehearing by a panel of governors of Eltham College of matters of fact and discretion;
- b. a right of review is a procedure under which the panel considers whether the Headmaster (or other decision-maker) has acted within the limits of his discretion and properly directed himself as to the issues and the applicable rules.

## **2 Rights Available to Parents**

If there is an exclusion, a right of appeal exists.

If the removal of a student has been required, a right of review exists. The Governing Body has nevertheless decided that the procedures applicable to a right of appeal may be made available in any case where the removal of a student has been required in grave circumstances.

If, after being given the full details of the school’s position in relation to the matter, a parent agrees to remove a student prior to the Headmaster proceeding to an exclusion, the right of appeal is forfeit.

If a parent or guardian intends to exercise their right of appeal to, or of review by, a panel of Governors, they must give notice of their intention, in writing, within five days of the notification of exclusion/requirement to remove. Any appeal/review is heard within ten days of the notice of appeal. These time limits may be extended by agreement if the decision-maker and the parent or guardian agree. Please note that if notice is received during a school holiday period or the time within which it is to be dealt with enters the school holiday period the times set out above may be delayed if it proves impossible to make contact with staff who are material to the matter in question.

If notice of intention to appeal or to apply for a review is made, the Headmaster advises the parent or guardian of the procedure to be followed and supplies a copy of this note.

## **3 Procedure**

The Chairman of the Governors of Eltham College appoints a panel of not fewer than two Governors and one person independent of the running of the school, to hear the appeal or to conduct the review.

The DFE has given the following guidance as to who may serve as an independent panel member: “Our general view is that people who have held a position of responsibility and are used to scrutinising evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force.” The names of the panel are notified to the Headmaster and to the parent(s) or guardian of the student.



The panel is independent of the Headmaster, acts impartially and is answerable to the Governing Body.

The panel is sent copies of all papers relevant to the appeal or the review (“the case papers”). It decides its initial procedures. It may decide to convene an initial meeting involving the panel members only: it will generally be appropriate to convene an initial meeting where there is a preliminary point to consider.

If, on preliminary consideration, the panel provisionally considers that there has been neither an exclusion nor a requirement to remove, it so informs the parties in writing and requests representations from the parties. It will be open to either party to submit written representations on the preliminary issue. Any response to a request under this paragraph is made available to the other party.

On preliminary consideration, the panel may also decide to ask the parties to provide further written information by way of clarification or expansion of any point made in the case papers or to put forward written representations. Any response to a request under this paragraph is made available to the other party.

## **4 Panel Proceedings**

**If the panel is considering an appeal or is reviewing a requirement to remove a student in grave circumstances**, it is free (but not obliged) to re-examine the facts, the decision on the facts and the sanction imposed.

The panel holds a meeting/hearing at which oral representations may be put forward. The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend provided they are not legally qualified. Legal representation is not normally appropriate. In general, there is no formal evidence-taking or questioning of each party. However, the panel has the right to ask questions and to determine disputes of fact.

The panel also considers the case papers, together with any such written representations or further information as may have been submitted.

**If the panel is reviewing a requirement to remove a student in circumstances other than those described above**, it holds a meeting to consider the case papers, together with any such written representations or further information as may have been submitted.

Within ten days of the meeting/hearing, the panel reaches its decision. If the decision will take longer to reach, the parties are informed. The same time limits apply to a decision on any preliminary issue.

The decision is in writing and contains reasons. The panel’s decision is final.

A written record of the outcome and any actions taken by the school as a result of the review or appeal (regardless of whether or not it was upheld) is kept for seven years.

If the interests of fairness and/or natural justice so require, the panel may adopt other supplementary procedures.