



**ST JAMES**  
SCHOOLS

## **Expulsion and Removal: Review Procedure**

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**St James Schools**

September 2022

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## 1 Aims

- 1.1 This is the expulsion and removal: review procedure of St James Schools comprising the St James Preperatory School, the Senior Girls' School and the Senior Boys' School (**School**).
- 1.2 The aims of this policy are as follows:
  - 1.2.1 to support the School rules and policies on behaviour and discipline;
  - 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 promote a whole school culture of openness, safety, equality and protection.
- 1.3 This policy forms part of the School's whole school approach to promoting child safeguarding and well-being, 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 Scope and application

- 2.1 This policy applies to the whole School, including the Early Years Foundation Stage (**EYFS**).
- 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 voluntary withdrawal by their 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 Statutory framework for the Early Years Foundation Stage (DfE, September 2021);
  - 3.1.3 Education and Skills Act 2008;
  - 3.1.4 Childcare Act 2006;
  - 3.1.5 Data Protection Act 2018 and UK General Data Protection Regulation (**UK GDPR**);
  - 3.1.6 Human Rights Act 1998; and
  - 3.1.7 Equality Act 2010.
- 3.2 The following Relevant School (as defined at paragraph 5.1.5 below) policies, procedures and resource materials are relevant to this policy:
  - 3.2.1 parent contract;
  - 3.2.2 behaviour and discipline policy;

- 3.2.3 staff acceptable use policy;
- 3.2.4 anti-bullying policy;
- 3.2.5 policy on smoking, alcohol, drugs and substances;
- 3.2.6 e-safety policy;
- 3.2.6 pupil ICT acceptable use policy
- 3.2.7 safeguarding and child protection policy and procedures;
- 3.2.8 disability policy;
- 3.2.9 school rules.

#### 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 from the Clerk to the Governors during the School day.
- 4.3 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 the **Proprietor** are references to the Board of Trustees of the Independent Educational Association Limited.
  - 5.1.2 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.
  - 5.1.3 References to the **Head** are references to the Head of the Relevant School and may include deputies.
  - 5.1.4 References to **Parent** or **Parents** includes one or both of the parents<sup>1</sup>, or those with parental responsibility, or care of a child e.g. a legal guardian or education guardian.
  - 5.1.5 References to **Relevant School** are references to the Preparatory School, the Senior Girls' School or the Senior Boys' School, as appropriate.
  - 5.1.5 References to a **Review** and / or **Review Hearing** are to the review by a Panel of the Head's decision to exclude or require the removal of a pupil, in accordance with this policy.
  - 5.1.6 References to a **Panel** are to a three-member panel selected by the Chair or the Clerk to the Governors to undertake the Review.

## 6 Responsibility statement and allocation of tasks

- 6.1 The Proprietor 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 Proprietor 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	Clerk to the Governors	As required, and at least termly
Monitoring the implementation of the policy	Clerk to the Governors	As required, and at least annually
Seeking input from interested groups (such as pupils, staff, Parents) to consider improvements to the School's processes under the policy	Clerk to the Governors	As required, and at least annually
Formal annual review	Chair 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 records created in accordance with this policy may contain personal data. The School's use of this personal data will be in accordance with data protection law. The School has published on its website privacy notices which explain how the School will use personal data.

## 9 Version control

Date of adoption of this policy	01/09/2022
Date of last review of this policy	August 2022
Date for next review of this policy	July 2023

Policy owner (SMT)	Deputy Headteacher
Policy owner (Proprietor)	Chair of Governors

## Appendix 1 Review procedure

### 1 Review

- 1.1 A pupil or their Parents may request a Review 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<sup>2</sup>.

### 2 How to request a Review

- 2.1 A request for a Review should be put in writing to the Clerk to the Governors using the request form at Appendix 2. The request must be made within five working days of the date of the Head's letter confirming their 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 a Review 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 Hearing, and, if so, to be accompanied.
- 2.3 If assistance with the request is required, for example because of a disability, this should be indicated in the request for a Review.
- 2.4 The Clerk to the Governors will acknowledge the request for a Review in writing within three working days of receipt.
- 2.5 Every effort will be made to enable the Review to take place within 15 working days of receipt of the request.

### 3 Pupil's status pending a Review

- 3.1 Following a request for a Review, the pupil will be suspended from School until the review 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 Review

- 4.1 The Clerk to the Governors will be responsible for arranging the Review which will usually involve a Review 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 Review Hearing at least ten<sup>3</sup> working days before the date of the Review.
- 4.3 Copies of any documents additional to those specified in the request for a Review that the Parents wish the Panel to consider should be sent to the Clerk to the Governors to be received at least seven working days prior to the Review.
- 4.4 On receipt of new information not previously available to the Head before their decision was made, the Clerk to the Governors should contact the Chair of Governors / the Chair of the Review 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 Review; 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 their 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 Review Panel to the Panel, the Parent(s) and the Head at least three working days prior to the Review Hearing.
- 4.6 The Parents may be accompanied at the Review Hearing, for example by a relative or friend. The Review is an internal procedure, not legal proceedings, and legal representation is unnecessary.
- 4.7 The Parents are required 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 Review 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 Review Hearing.

## 5 **Composition of the Panel**

- 5.1 The Panel will comprise at least three 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 Review 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

<sup>3</sup> Or less if agreed



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 probability", 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 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 / she may consider the matter further.

## 7 **Review Hearing**

- 7.1 The Review Hearing will be conducted in an informal but fair and unbiased manner.
- 7.2 During the Review Hearing, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Review 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 Review Hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.
- 7.4 All those present during the Review Hearing are expected to show courtesy, restraint and good manners or, after due warning, the Review 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 Review Hearing is being conducted must say so before the proceedings go any further and their comment will be minuted.
- 7.5 The Chair of the Panel may, at their discretion, adjourn the Review Hearing if they consider 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 A Review 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 Review 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 three working days of the Review Hearing.
- 8.2 The Head will provide their response to those recommendations, if appropriate, in writing within three 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 their decision, the pupil will remain suspended until this has been done.

## Appendix 2 Form for requesting a Review

To Clerk to the Governors

Subject [name of pupil]

I / we request a Review of the Head's decision to expel or require the removal of the above named pupil. I/we agree that the Review will be carried out in accordance with the School's expulsion and removal: review 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 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 Hearing by a friend or relation.

I / we will inform the Clerk to the Governors 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 as set out below.

<b>Grounds for Review</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)