



Expulsion and Removal - Review Policy and Procedure

November 2023

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This procedure applies to the whole School including the Early Years Foundation Stage (EYFS) and the boarding provision. This procedure can be made available in large print or other accessible format if required.

1 Introduction

1.1 Scope: This policy contains guidelines explaining the procedure that will be followed when parents request a Governors' Review of the Head's decision to expel or remove a pupil. The procedure applies to all the School's pupils but does not cover cases when a pupil has to leave because of ill-health, nonpayment of fees, or withdrawal by their parents.

1.2 Interpretation: The definitions in this clause apply to this procedure.

Parent includes one or both of parents, a legal guardian or education guardian.

References to **Expulsion, Removal** and **Exclusion** have the same meaning as defined in the School's *Terms and Conditions*. In this procedure, unless otherwise stated, exclusion is a neutral act whereby the pupil is sent home pending the outcome of an investigation or Governors' Review.

References to **Review** or **Review Hearing** are to the review by the Panel of the Head's decision to expel or require the removal of the pupil, in accordance with this procedure.

References to the **Panel** are to the three members of the Board of Governors selected by the Clerk to the Governors to undertake the Review.

References to 'working days' means Monday to Friday, when the School is open during term time and includes weekends when boarders are in residence. Term dates 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.

2 Aims

2.1 The aims of this procedure are:

- To support the School's *Policy for Good Discipline and Terms and Conditions*;
- To help create a culture of safety, equality and protection;
- To ensure procedural fairness and natural justice;
- To promote cooperation between the School and parents when it is necessary for a pupil to leave earlier than expected.

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

3 Procedure

3.1 The procedure followed by the School in cases where parents request a Governors' Review of the Head's decision to expel or remove a pupil is set out in **Appendix 1**.

3.2 The **Request for a Review Form** to be used if parents wish to request a Review is set out in **Appendix 2**.

4 Records

- 4.1 All records created under this procedure are managed in accordance with the School's *Data Protection and Retention Policy*.
- 4.2 The School will keep a separate record of sanctions imposed for serious misbehaviour, including exclusions, pupils taken off roll, incidents of poor behaviour and use of internal detentions. The record includes:
- 4.2.1 The name and year group of the pupil concerned;
 - 4.2.2 The nature and date of the offence;
 - 4.2.3 The sanction imposed and the reason for it; and
 - 4.2.4 The name of the person imposing the sanction.
- 4.3 This record is reviewed regularly by the Deputy Heads so that patterns in behaviour can be identified and managed appropriately.
- 4.4 The information created in connection with this policy may contain personal data. The School's use of personal data is in accordance with data protection law. The School has published privacy notices on its website which explain how the School uses personal data. Further information may be found in the School's *Data Protection and Retention Policy*.

5 Version Control

Date of policy adoption	November 2023
Date of last review	November 2023
Date of next review	November 2024
Policy owner	Head, Deputy Heads
Authorisation	Rev Dr Stephen Cherry, Chair of Governors on behalf of the Board of Governors

Appendix 1 – Governors’ Review

1 Parents or guardians may request a Review of the Head’s decision to permanently expel, exclude or remove a pupil.

2 How to request a Review

2.1 The application must be made in writing using the Request for Review Form at Appendix 2 and received by the Clerk to the Governors within five working days of the Head’s letter confirming the decision, or any longer period by agreement.

2.2 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 the appropriate arrangements can be made.

2.3 Parents must include the following in their application:

- A copy of all relevant documents in the parents’ possession and full contact details;
- The grounds on which they are asking for a Review and the outcome which they seek, for example if they believe that the decision was not fair procedurally and / or substantively so that the sanction was not proportionate to the breach of discipline;
- A list of the documents which the parents believe to be in the School’s possession and wish the Panel to consider;
- Whether the parents propose to attend the Hearing, and if so, if they will be accompanied.

2.4 For the avoidance of doubt, a mere disagreement with the Head’s decision will not of itself be grounds sufficient for a Governors’ Review.

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

2.6 Every effort will be made to enable the Review to take place within fifteen working days of receipt of the request. The pupil will be excluded from the School until the Review has been completed. While excluded, the pupil shall remain away from the School and will have no right to enter school premises during that time without written permission from the Head.

3 Planning the Review

3.1 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 parents, and the pupil.

3.2 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.

3.3 Copies of any documents additional to those specified in the Review form 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.

3.4 On receipt of new information not previously available to the Head before their 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 Head for consideration as to whether the decision should be revisited.
- 3.5 The Clerk to the Governors will circulate a copy of the bundle of documents to be considered by the Panel to all parties at least three working days prior to the Review.
- 3.6 The parents may be accompanied at the Review Hearing, for example by a friend or relation. The Review is not a legal proceeding. Legal representation is not necessary and will not normally be appropriate, and the precise role to be played by any legal representative is at the discretion of the Panel Chair. The Clerk to the Governors must be given five working days' notice if the parents wish to be accompanied by a person who is legally qualified.
- 3.7 The Clerk to the Governors, or another appointed person, will take minutes of the Review Hearing.

4 Composition of the Panel

- 4.1 The Review Panel will comprise three members of the Board of Governors. Unless circumstances dictate otherwise, the Panel members will have no detailed prior knowledge of the case or the pupils or parents and will not normally include the Chair of Governors. Selection of the 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 detailed information about the case such as, for example, information included in the application for Review or the bundle of documents circulated to all parties by the Clerk to the Governors.
- 4.2 The 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. If appropriate, one Governor appointed to the Panel may be replaced by an independent member who is not concerned with the management or operation of the School.
- 4.3 The Panel members will appoint one of themselves to be the Panel Chair throughout the proceedings.

5 Role of the Panel

- 5.1 The role of the Panel is to consider:
- **Whether, on the facts, the decision-making relating to the breach of School discipline or policy and the 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, exclude or remove the pupil. The civil standard of proof, namely, the 'balance of probability', will apply. Observance of the School's relevant policies and procedures will be taken into account but may not be determinative.
 - **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 other events which are found to have occurred and to the legitimate aims in relation to the School's procedure.

- 5.2 In addressing the matters above, the Panel will consider the documentation provided by the parties and any other factors which the Panel believes to be relevant in order to consider whether the sanction was within the range of reasonable responses.

The Panel will decide whether to uphold the Head's decision or refer the decision back to the Head with recommendations so that the Head may consider the matter further. It is not within the powers of the Panel to reinstate a pupil's place at the School against the wishes of the Head.

6. The Review Hearing

- 6.1 The Review Hearing will take place at the School premises.
- 6.2 The Review Hearing will be conducted in a suitable room and in an informal manner observing principles of natural justice.
- 6.3 During the Review, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Review 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.
- 6.4 All statements made at the Review Hearing will be unsworn. The Clerk to the Governors, or another appointed person, will be asked to keep a hand-written minute of the main points which arise at the hearing. All those present will be entitled, should they wish, to write their own notes for reference purposes.
- 6.5 All those present during the Review are expected to show courtesy, restraint and good manners or, after due warning, the Review 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 is being conducted must say so before the proceedings go any further and their comment will be minuted.
- 6.6 The Panel Chair may, at their discretion adjourn the Review if they consider it appropriate to do so. This may include an adjournment for the parties to seek additional information or take legal advice on a specific issue arising.
- 6.7 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. This requirement is without prejudice to the parties' right to the Panel's decision in any subsequent legal proceedings.
- 6.8 When the Panel Chair is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, they will conclude the Review Hearing.

7. Decision

- 7.1 The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the parents by the Panel Chair within five working days of the hearing.
- 7.2 The Head will provide their response to those recommendations, if appropriate, in writing within five working days.
- 7.3 If the Head's decision is upheld then the decision is final.

- 7.4 If the Head is asked to reconsider their decision, the pupil will remain excluded until this has been done.
- 7.5 In the absence of a significant procedural irregularity, the Head's decision will then be final.

Appendix 2 – Governors’ Review Request Form

To: The Clerk to the Governors of King’s College School, Cambridge

Name of Pupil:

I/We request that a sub-committee (Panel) of the Board of Governors carries out a review of the Head'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 policy supplied to us with this form and I/we agree to abide by the terms of that Policy, and in particular that the proceedings are and will remain confidential and that the Head's decision following consideration of the recommendations made by the Governors' Review will be final, subject to such legal rights (if any) as may exist.

I/We confirm that I/we am/are the person(s) with parental responsibility for the above-named pupil and that I/we have consulted the pupil who wishes the Review to be undertaken.

I/We understand that the panel will be concerned with the fairness and proportionality of the Head's decision in accordance with the School's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

I/We understand that I/we may be accompanied at the review meeting by a friend or relation and will notify the School if this person is legally qualified at least five days before the review meeting (I/We understand this person will not be permitted to act as an advocate).

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 matters which I/we wish to discuss at the review and to ask the panel to take into account are as set out in a statement attached to this sheet.

(Two signatures required where practicable)

Signed	Signed
Full name	Full name
Relationship to pupil	Relationship to pupil
Date	Date
Address	Address
Daytime telephone	Daytime telephone
Evening telephone	Evening telephone