

PERMANENT EXCLUSION (EXPULSION) POLICY incorporating Appeal Procedure

**COVERING BOTH SCHOOLS
INCLUDING EYFS AND BOARDING**

Governors' Committee normally reviewing:	Education Committee
Date last formally approved by the Governors :	Autumn Term 2022
Date policy became effective :	December 2010

Period of Review:	Three Yearly
Next Review Date :	Autumn Term 2025

Person responsible for implementation and monitoring :	Heads
Other relevant policies :	<ul style="list-style-type: none"> ● Discipline and Exclusions Policy ● Interviewing Pupils Policy ● Parent Terms and Conditions ● Equal Opportunities Policy ● Safeguarding and Promoting Pupil Welfare Policy ● Anti-Bullying Policy ● Drugs and Drug Testing Policy ● Policy for Managing Children with Attachment and Trauma Issues in School

The following Policy encompasses the Aims and Ethos of the Preparatory School and the Senior School

[Aims and Ethos](#)

SAFEGUARDING STATEMENT

Felsted is committed to maintaining a safe and secure environment for all pupils and a 'culture of vigilance' to safeguard and protect all in its care, and to all aspects of its 'Safeguarding (Child Protection and Staff Behaviour) Policy'.

EQUAL OPPORTUNITIES STATEMENT

The aims of the School and the principles of excellent pastoral care will be applied to all children irrespective of their race, sex, disability, religion or belief, sexual orientation, gender reassignment or pregnancy or maternity; equally these characteristics will be recognised and respected, and the School will aim to provide a positive culture of tolerance, equality and mutual respect.

PERMANENT EXCLUSION (EXPULSION) POLICY

1. INTRODUCTION

Permanent exclusion (expulsion) is to be viewed as a last resort in disciplining a student, and all other reasonable avenues to manage student behaviour and integrate them successfully should be explored, unless the seriousness of offences committed means that they are a danger to themselves or to others (which might include being guilty of breaking the law and committing a criminal offence). This might be for a first offence if that offence came into this most serious category and put the individual, or others, or the reputation of the school at significant risk of harm.

2. PROCESS FOR INVESTIGATION OF AN INCIDENT WHICH MIGHT LEAD TO PERMANENT EXCLUSION OR EXPULSION

This is provided as guidance for investigations of the most serious nature. While the exact sequence might change if appropriate to the investigation, this process will be applied consistently and fairly in all cases.

- 2.1 Some preliminary investigation will have taken place, probably by the HM or Phase Leader, for the incident to be considered sufficiently serious possibly to warrant expulsion.
- 2.2 Issues discussed with HM/Phase Leader, and Senior Deputy Head and other adults who might be directly involved in order to agree the right way forward.
- 2.3 Head to interview pupil with a member of the Senior Leadership Team (or HM or AHM) present. Leading questions may not be asked but student to be invited to explain what occurred / describe what took place. Care to be exercised over the student while being interviewed – water available, comfort break if required, sensitivity to their emotional state if they find issues difficult. The pupil should have a member of staff present to support and represent them, unless this is impossible for some reason.
- 2.4 Allegations against pupil explained. Pupil to give his/her account.
- 2.5 Notes to be taken of the meeting. Student to read notes and sign as a true record of what was said, or make amendments as they wish to and then sign.
- 2.6 Other witnesses interviewed as soon as possible to gather clear evidence and establish what occurred as closely as possible.
- 2.7 Parents should be informed of the investigation the same day. Careful consideration should be given as to whether this should be before the investigation begins.
- 2.8 If pupil's evidence conflicts with allegation and other sources of evidence, further investigation to occur, witnesses to be seen etc. Accused pupil to return to House under supervision of HM, or the pupil may return home that evening if the parents are close enough to facilitate this. If this is not possible, the pupil may be moved away from other members of the school, including being relocated to the Medical Centre, if necessary and appropriate. Consideration must be given to the age of the pupil, and their state of mind before this decision is taken.

3. MAKING A DECISION

- 3.1 If evidence supports possible expulsion or required removal, pupil to be temporarily excluded from school as soon as possible. No decision to be made there and then. Evidence shared with parents, and the circumstances explained fully. Time taken to reflect and weigh up the issues carefully. Decision to be confirmed, either by telephone or in person, as soon as possible, following discussion with Chair of Governors. The decision will be based on establishing the balance of probabilities, based on the evidence available.
- 3.2 Either parents accept the decision: The School will then help to find an alternative school;
- Or, parents wish to appeal. School continues to provide work for pupil, HM/Phase Leader to act as contact between school and parents until another school has been found and/or appropriate alternatives explored.
- 3.3 Appeal unsuccessful: School helps to find an alternative school.
- 3.4 Appeal successful: the pupil will be allowed to return to the school. Other sanctions may still be applied at this stage, if appropriate to the outcome of the appeal. Under these circumstances, communication about the return of the pupil must be handled carefully to ensure that there is no fall out from this process.

4. COMMUNICATING THE DECISION

The decision to permanently exclude must be communicated to parents in writing as soon as possible, and clear arrangements made for the student to collect their effects and be provided with academic work for at least the initial period of temporary exclusion, pending their finding another school. Parents must be informed of their right of appeal and the relevant Policies enclosed for their information.

APPEAL PROCEDURE FOLLOWING EXPULSION OR THE REQUIRED REMOVAL OF A PUPIL FROM FELSTED SCHOOL

1. APPLYING FOR AN APPEAL

- 1.1 Parents must apply for an Appeal against a decision to expel or require removal, using the Request for Appeal Form.
- 1.2 This Form is available from the Heads Office and must be returned to the Clerk to the Governors within seven working days of receipt of the written notification of the decision in question.

2. PROCEDURE

- 2.1 The Chair of Governors will consider if the appeal should be considered under Section 3 (Appeal Review) or Section 4 (Appeal Hearing) of this procedure. An Appeal Review will be undertaken by a single governor, who will be on the Board of Directors.

An Appeal Hearing should be undertaken by a three-member panel, that may include one member who will be independent of the management of the school.

- 2.2 The member/s will have no previous detailed knowledge of the case or of the pupil, parents or guardian, and will not normally include the Chair of Governors, although they will have been consulted with regard to the initial decision.
- 2.3 Unless there are exceptional circumstances, the Appeal Review or Appeal Hearing will take place within fourteen days of the removal or expulsion, and may be sooner if convenient to all parties.
- 2.4 The governor/s responsible for the Appeal Review or each member of the Appeal Hearing Panel will be supplied with a copy of any relevant documents.
- 2.5 The parents shall be entitled to copies of all those documents save any which are protected by privilege.

3. PROCEDURE - APPEAL REVIEW

- 3.1 The Appeal Review will consider each of the representations raised by the parents/pupil so far as these are relevant to:
 - whether the facts of the case, so far as they relate to the pupil, were sufficiently proved when the decision was taken to expel or to require removal of the pupil. The standard of proof will be the balance of probability;
 - whether the sanction was warranted, i.e. proportionate to the breach of discipline or other events that are found to have occurred; and
 - whether the sanction is consistent with previous cases.

The requirements of natural justice will apply.

- 3.2 If the Head considers it necessary in the interests of the individual or of the school that the identity of any persons should be withheld, the Appeal Review Governor may require that the name of that person be made available to them. In their discretion they may direct that the person be identified.
- 3.3 The Appeal Review Governor will consider the decision. Their decision will be final. It will be notified to the parents by the Appeal Review Governor or the Chair of Governors by letter within the timescales of section 1.3.

4. PROCEDURE - APPEAL HEARING

- 4.1 The Appeal Hearing will be organised by the Clerk to the Board of Governors.
- 4.2 This will take place at the school premises.
- 4.3 Those present at the Appeal Hearing will normally be:
 - Members of the Appeal Hearing Panel
 - The Head
 - Parents, or those with parental responsibility
 - The pupil
 - Clerk to the Governors or their deputy

The parents/pupil may be accompanied by a friend or relation and by a member of the school staff if desired. That person will attend as a friend, not as a representative.

- 4.4 The proceedings will be chaired by one member of the Appeal Hearing Panel and will be conducted in an informal manner, and all statements made at the Hearing will be unsworn. The proceedings will not be tape recorded, but the Clerk will be asked to keep a note of the main points that arise. The Hearing shall be directed at all times by the Chair of the Panel who will conduct the Hearing in such a manner as to ensure that all those present have the opportunity to ask questions and make comments.
- 4.5 All those attending the Appeal Hearing are expected to show courtesy, restraint and good manners. If this does not occur then the Chair may at their discretion adjourn or terminate the Hearing. If the Hearing is terminated the original decision will stand.
- 4.6 The Panel will consider each of the representations raised by the parents/pupil so far as these are relevant to:
- whether the facts of the case, so far as they relate to the pupil, were sufficiently proved when the decision was taken to expel or to require removal of the pupil. The standard of proof will be the balance of probability;
 - whether the sanction was warranted, i.e. proportionate to the breach of discipline or other events that are found to have occurred; and
 - whether the sanction is consistent with previous cases.

The requirements of natural justice will apply.

- 4.7 If the Head considers it necessary in the interests of the individual or of the school that the identity of any persons should be withheld, the Chair of the panel may require that the name of that person and the reasons for withholding it be written down and shown to the Appeal Hearing Panel. The Chair in his or her discretion may direct that the person be identified.
- 4.8 The Chair of the Panel may decide to adjourn the Hearing or to terminate the Hearing once all the issues have been sufficiently discussed.
- 4.9 The Appeal Hearing Panel will consider their decision. The decision of the Appeal Hearing Panel will be final. It will be notified to the parents by the Chair of the Appeal Hearing Panel or the Chair of Governors by letter within three days of the Hearing.

**APPLICATION FORM FOR APPEAL HEARING
Felsted School
Dunmow, Essex CM6 3LL
Telephone 01371 822600 Fax 01371 822607**

To the Clerk to the Governors

Name of Pupil:

Names of Parents or those with Parental Responsibility:

Address of Parents/Guardian:

Telephone numbers: (day): _____ (evening): _____

I, being the parent or person with parental responsibility for the above named pupil, request that a member of the Board of Governors conducts an Appeal against the decision to require removal of or to expel the pupil.

We have received with this Form a copy of the Appeal Procedure and we agree to abide by its terms. We also agree that the proceedings are, and will remain, confidential and that this Appeal will be final, subject to such (if any) legal rights as may exist.

The grounds upon which we seek an Appeal and the matters which we wish to discuss at the Review and to ask the Governor to take into account are as set out on the reverse of this sheet.

We understand that if an Appeal Panel Hearing is held, we may be accompanied by a friend or relation or by a member of the school staff who knows and who is willing to speak on behalf of the pupil.

(Two signatures required where practicable)

First Signature

Full Name

Relationship to pupil

Date

Second Signature

Full Name

Relationship to pupil

Date