

Hulme Hall Grammar School



Exclusions & Appeal Procedure

Policy Control	
Report	Exclusions and Appeal Procedure
Approval Body	Education Committee
Date Reviewed	November 2020
Review Schedule	Bi-Annual
Next Review due	November 2022

This is a whole School policy and also refers to the Early Years' Foundation Stage (EYFS).

Statement on Exclusion

This statement is drafted to provide particulars of the school's policy on exclusion pursuant to the Education (Independent School Standards) (England) Regulations 2003. The statement should be read in conjunction with the School's Behaviour and Discipline Policy.

The statement does not attempt to cover the situations when a temporary (fixed term) or permanent exclusion would be appropriate, since each case is determined entirely on its own merits. This procedure refers to the situation where the Headmaster has taken a decision to permanently exclude a pupil for whatever reason.

Following a decision to permanently exclude, the Headmaster will forward his recommendation for permanent exclusion to the Governing Body. The Governing Body must authorise the Headmaster's recommendation before it becomes effective.

As the parents have the right to request a review of the Headmaster's decision to permanently exclude their child, the Headmaster will provide a copy of this Procedure and a 'Request for Commencement of Appeal Procedure' form to the parents of the pupil concerned.

There will be no review or right of appeal against a fixed term (temporary) exclusion.

The Decision to Exclude

The Headmaster can require Parents at any time to remove the pupil, without refund of fees, either temporarily or permanently if, after consultation, he reasonably believes that the conduct or progress of the pupil has been unsatisfactory, or that the pupil is unable or unwilling to profit from the opportunities at the school, or a parent has treated the school or members of its staff unreasonably and in any such case where exclusion is considered to be justified.

The Headmaster can exclude a pupil at any time, either temporarily or permanently, if he reasonably believes that the pupil has behaved in a manner (whether in or out of term time or on or off school premises) which is a serious breach of the School Rules or damages the School's reputation. The Headmaster can also temporarily exclude a pupil pending any investigation into a breach of discipline. Such action will only be taken in serious circumstances, or where the presence of the pupil may unduly hamper the process of any investigation.

There will be no refund of fees following either a temporary or permanent exclusion. In the event of a permanent exclusion, all outstanding sums (including fees) must be paid within 28 days of the date when the pupil's exclusion becomes effective.

Non-Payment of School Fees

The non-payment of school fees can result in the exclusion, either temporarily or permanently, of a pupil from the school. Such matters are the responsibility of the School's Business Manager.

In situations where parents may be facing hardship, the Business Manager will make every effort to negotiate a mutually acceptable financial arrangement (in consultation with the Governing Body) that secures the child's future in the school.

If the terms of any such arrangement are persistently broken by the parent, the Business Manager will inform the Governing Body who, may, after full consideration of the situation, make the decision to exclude the pupil permanently from the school.



Appeal Procedure

General

This procedure is intended to apply where a decision has been made by the Headmaster to permanently exclude a pupil from the school. At this time, the Headmaster will provide a 'Request for Commencement of Appeal Procedure' form (see Appendix 1) and a copy of this procedure to the parent. Only a parent may lodge an appeal against the Headmaster's decision. [A Parent is defined as a person who has parental responsibility for the pupil and/or has agreed to pay fees for the pupil either solely, jointly or severally].

Initiation of the Procedure

Where the parent of a pupil subject to a decision for permanent exclusion wishes to appeal against that decision, the Parent should complete a 'Request for Commencement of Appeal Procedure' form and send it to the Chairman of Governors requesting an appeal. The completed form must be sent to the school and marked for the attention of the Chairman of Governors and **must be received within 7 days of the decision to exclude being notified to the parent**. Any request received after this period will not be accepted.

The request for an appeal must set out the matters the parent would like to be reviewed, together with any documents that the parent wishes the Appeal Panel to consider.

During the period from exclusion to the date of conclusion of the appeal procedure, the pupil will remain excluded and will be forbidden from entering school premises without the prior permission of the Headmaster.

The Hearing

- The Chairman of Governors will call a meeting of the Appeal Panel to take place **within 7 days of receipt of the request for an appeal or as soon thereafter as reasonably practicable**
- The Appeal Panel should consist of not fewer than 3 Governors and shall **not** include the Chairman of Governors
- The parent will be notified of the date, time and venue of the meeting giving **not less than 2 days notice**
- The parent may make written submissions to be considered at the hearing and/or may attend the hearing in person
- The Headmaster may make written submissions to be considered at the hearing and/or may attend in person
- The Clerk to the Governors (The Business Manager) will prepare and send to the parent and Headmaster **not less than 2 days before the hearing**, any relevant documentation to be used at the hearing, consisting of, where appropriate, witness statements, written submissions and any other relevant documentation. The Panel Chairman may allow any documents not included in the original bundle to be cited as evidence at the hearing at his/her discretion
- The parent and the Headmaster may be represented at the hearing if they wish, but this does **not** extend to legally qualified representatives.

The procedure followed at the hearing will be at the Panel Chairman's discretion, but shall normally be as follows. It is stressed that the aim is to make the hearing as informal as possible:

- The Headmaster will present his case with any supporting witnesses
- The parent may ask questions of the Headmaster and/or his witnesses
- The parent will present their case with any supporting witnesses
- The Headmaster may ask questions of the parent and/or their witnesses
- The Headmaster will sum up his case for permanent exclusion
- The parent will sum up his/her case for the appeal against the Headmaster's decision
- At any time, a member or members of the Panel may ask questions of the Headmaster or parent
- The Appeal Panel shall adjourn the hearing to consider their decision.

The Decision

The decision of the panel shall be that of the majority. The Chairman of the Panel shall have a casting vote if the decision is split equally.

Where the Panel upholds the Headmaster's recommendation, it shall confirm the decision to permanently exclude the pupil.

Where the Panel considers that:

- the Headmaster did not have before him all the relevant evidence
- the Headmaster may not have given sufficient weight to any particular evidence or argument
- not all relevant arguments or submissions were put before the Headmaster
- the procedures were unfair.

The Appeal Panel may require the Headmaster to reconsider his recommendation in the light of the findings of the panel.

Following the Hearing

The Panel Chairman shall within 2 days of the hearing or as soon as reasonably practicable thereafter, notify the Parent in writing that the Panel:

- has confirmed the Headmaster's decision to permanently exclude the pupil, or
- has requested the Headmaster to reconsider his decision.

The Panel Chairman shall within 2 days of the hearing or as soon as reasonably practicable thereafter, notify the Headmaster in writing that the Panel:

- has confirmed his decision, or
 - requires the Headmaster to reconsider his decision. The Panel Chairman shall set out in writing what evidence, submissions or arguments the Headmaster should additionally take into account.
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Where the Appeal is Upheld

Where the Headmaster is required by the Appeal Panel to reconsider his decision, he shall, **within 3 days of receiving notification, write to the parent and the Panel Chairman**, to confirm his decision to reconsider.

For the avoidance of doubt during this period, the pupil shall continue to remain excluded from the school.

The Headmaster's letter will state the date on which the pupil will be re-admitted to the school and will acknowledge the evidence, submissions or arguments presented by the Panel and, upon which, he reconsidered his decision. The letter will also contain clear guidance for future expectations, for example relating to behaviour and / or attitude to work etc.

The **final decision**, to exclude or re-instate, shall not be the subject of any further appeal.



Appendix 1

Request for Commencement of Appeal Procedure

To the Chairman of Governors

Name of Pupil		Form
Date of Birth		
Name of Parent 1		
Address		
Tel No.		
Name of Parent 2		
Address		
Tel No.		
I/We wish to appeal against the Headmaster's decision on ⁽¹⁾		
(1) Enter date of decision		
to permanently exclude ⁽²⁾		
(2) Enter pupil's name	from the School.	
I/We would like the Appeal Panel to consider the following: ⁽³⁾		
(3) Enter all the matters to be the subject of the review such as a wrong determination of facts or unfair procedure		

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I/We attach documents that I/we wish the Appeal Panel to consider as follows:

(4) List all documents such as witness statements or other documents

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I/We understand that ⁽⁵⁾

5) Enter pupil's name

shall be suspended from the school pending the conclusion of the appeal procedure.

Signature of Complainant

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Date

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Note

Ensure that this completed and signed request is received by the Chairman of Governors no later than 7 days after the Headmaster's decision to exclude. Requests for appeal that are neither signed nor fully completed or are received after this period, shall not be accepted.



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