



The Peterborough School Permanent Exclusion and Removal: Review Procedure

Policy Reference:	Permanent Exclusion and Removal: Review Procedure
Review Date:	September 2023
Reviewed by:	Headmaster
Next Review:	September 2024
Review Frequency:	1 year

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1 Aims

- 1.1 This is the permanent exclusion and removal: review procedure of the Peterborough 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 2023);
 - 3.1.3 Education and Skills Act 2008;
 - 3.1.4 Children Act 1989;
 - 3.1.5 Childcare Act 2006;
 - 3.1.6 Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR);
 - 3.1.7 Human Rights Act 1998; and
 - 3.1.8 Equality Act 2010.
- 3.2 The following School 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 online safety and acceptable use policy (pupils);
- 3.2.4 anti-bullying policy;
- 3.2.5 alcohol, drugs and smoking policy
- 3.2.6 safeguarding and child protection policy and procedures;
- 3.2.7 school Code of Conduct / pupil handbook.

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.
- 4.3 A copy of the policy is available for inspection from the School Office during the School day.
- 4.4 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 **Governing Body** are references to the proprietor of the School.
 - 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 **Headmaster** may include deputies.
 - 5.1.4 References to **Parent** or **Parents** includes one or both of the parents, or those with parental responsibility, or care of a child e.g. a legal guardian or education guardian.
 - 5.1.5 References to a **Review** and / or **Review Hearing** are to the review by a Panel of the Headmaster'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 Governing Body 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 Governing Body 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	Headmaster	As required, and at least annually
Monitoring the implementation of the policy	Headmaster	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	Headmaster	As required
Formal annual review	Headmaster	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.

Appendix 1 Review procedure

1 Review

- 1.1 A pupil or their Parents may request a Review of the Headmaster's decision to permanently exclude 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.

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 5 working days of the date of the Headmaster'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 3 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 Headmaster.

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 Headmaster, 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 10¹ 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 7 working days prior to the Review.
- 4.4 On receipt of new information not previously available to the Headmaster 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 Headmaster 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 Headmaster at least 3 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 3 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

¹ Or less if agreed



- 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 procedure was followed allowing the facts of the case to be sufficiently proved when the decision was taken to permanently exclude 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 Headmaster's decision or refer the decision back to the Headmaster with recommendations so that he 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, they 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 Headmaster and the Parents by the Chair of the Panel or the Chair of Governors within 3 working days of the Review Hearing.
- 8.2 The Headmaster will provide their response to those recommendations, if appropriate, in writing within 3 working days.
- 8.3 In the absence of a significant procedural irregularity, the Headmaster's decision will then be final.
- 8.4 If the Headmaster's decision is upheld then the decision will be final.
- 8.5 If the Headmaster 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

I / we request a Review of the Headmaster's decision to permanently exclude 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 permanent exclusion 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.

Grounds for Review	
Desired outcome	
Details of accompanying person	
List of all documents which we wish the Panel to consider	



(please enclose copies if you have them)	
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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)