



EXPULSION AND REMOVAL: REVIEW PROCEDURE

Independent Day School for Boys and Girls
Fairley House School

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Named person responsible for review:	Headmaster
Approved by:	Board of Governors

www.fairleyhouse.org.uk

Headmaster Michael Taylor BA (Hons) PGCE FRGS

Registered Office: 30 Causton Street London SW1P 4AU.
A non-profit making company limited by guarantee.
Registered in England no 1535096 Registered charity no 281680



Junior Department
218 -220 Lambeth Road
London
SE1 7JY

T 020 7630 3789
F 020 7620 1069
E junior@fairleyhouse.org.uk

Senior Department
30 Causton Street
London
SW1P 4AU

T 020 7976 5456
F 020 7976 5905
E senior@fairleyhouse.org.uk

Aim and Scope

This is the expulsion and removal: review procedure of Fairly House School (School).

For details regarding the School's approach to the promotion of good behaviour and the proper investigation and management of allegations of poor behaviour and/or breaches of discipline see the whole school Behaviour Policy.

This 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 withdrawal by his/her parents.

The aims of this policy are to:

- To support the School rules and policies on behaviour and discipline;
- To form part of a comprehensive approach by the School to establishing and supporting a positive environment in which good order is upheld;
- To ensure procedural fairness and natural justice;
- 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
- To help create a culture of safety, equality and protection.

This policy is published on the School website and is available in hard copy on request. A copy of this policy is made available for inspection from the Bursar during the School day.

This policy has been prepared to meet the School's responsibilities under the Education (Independent School Standards) Regulations 2014, the Education and Skills Act 2008, the Children Act 1989, the Childcare Act 2006, the GDPR and Data Protection Act 2018 and the Equality Act 2010.

The following School policies and procedures are relevant to this policy:

- Parent contract
- Behaviour Policy (Whole School)
- Behaviour Policy (Senior School)
- Behaviour Policy (Junior School)
- Anti-bullying policy
- E-safety policy

Broad Guidelines

Only the Headmaster may expel or require the removal of a pupil from the school. Prior to this decision a plan will be devised in a meeting between the Headmaster and Deputy Head, parents and the child to try to avoid expulsion or required removal, as described in the School's Behaviour policies. In his absence, and only in an emergency, the Deputy Head may exclude or require the removal of a pupil.

Parents who disagree with the Headmaster's decision to expel or require the removal of the pupil may request a Governors' Review of the Headmaster's decision.

Reference to a Governors' Review 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. Reference to a Panel is to a three member panel selected by the Chair to undertake the Review.

Responsibility statement

The Board of Governors has overall responsibility for all matters which are the subject of this policy.

Staff training

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.

The level and frequency of training depends on the role of the individual member of staff. The School maintains written records of all staff training.

Record keeping

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.

The School will keep a separate record of sanctions imposed for serious misbehaviour. Their record includes:

- the name and year group of the pupil concerned;
- the nature and date of the offence;
- the sanction imposed and reason for it; and
- the name of the person imposing the sanction.

This record is reviewed regularly by the Deputy Head so that patterns in behaviour can be identified and managed appropriately.

The records created in accordance with this policy may contain personal data. The School has a number of privacy notices which explain how the School will use personal data about pupils and parents. The privacy notices are published on the School's website. In addition, staff must ensure that they follow the School's data protection policies and procedures when handling personal data created in connection with this policy. This includes the School's GDPR Information and Records Retention Policy.

Appendix I Review procedure

How to request a Review

A request for a Review should be put in writing to the Clerk to the Governors. The request must be made within 5 working days of the date of the Headmaster's letter confirming his decision.

The request should include:

- a copy of all relevant documents and full contact details;
- the grounds on which the parents are asking for a Review and the outcome desired;
- a list of the documents which the parents believe to be in the School's possession and wish the Panel to consider; and
- whether the parents propose to attend the Hearing, and, if so, to be accompanied.

If assistance with the request is required, for example because of a disability, this should be indicated in the request for a Review.

The Clerk to the Governors will acknowledge the request for a Review in writing within 3 working days of receipt.

Every effort will be made to enable the Review to take place within 15 working days of receipt of the request.

Pupil's status pending a Review

Following a request for a Review, the pupil will be suspended from School until the review procedure has completed.

While suspended the pupil shall remain away from School and shall not have the right to enter School premises or attend School events without written permission from the Headmaster.

Planning the Review

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.

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 10 working days before the date of the Review.

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.

On receipt of new information not previously available to the Headmaster before his decision was made, the Clerk to the Governors should contact the Chair of Governors who will decide whether to:

- include the new information in the bundle; or

- omit the information if not relevant to the grounds for Review; or
- make further enquiries of the parents or the pupil about the information; or
- refer the information to the Headmaster for his consideration as to whether the decision should be revisited.

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.

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.

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.

A person will be appointed to take a minute of the Review Hearing.

Composition of the Panel

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.

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.

Role of the Panel

The role of the Panel is to consider:

- **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 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.
- **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.

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.

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.

Review Hearing

The Review Hearing will be conducted in an informal but fair and unbiased manner.

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.

All statements made at the Review Hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.

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 his / her comment will be minuted.

The Chair of the Panel may, at his / her discretion, adjourn the Review Hearing if he / she considers 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.

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.

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.

Decision

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.

The Headmaster will provide his response to those recommendations, if appropriate, in writing within 3 working days.

In the absence of a significant procedural irregularity, the Headmaster's decision will then be final. If the Headmaster's decision is upheld, then the decision will be final.

If the Headmaster is asked to reconsider his decision, the pupil will remain suspended until this has been done.