



## **Kirkstone House School Permanent Exclusion and Removal Review Procedure**

**This policy applies to all sections of the School.**

### **Introduction.**

**Scope:** these guidelines explain the procedure that will be followed when parents request a panel Review of the Headteacher's decision to Permanently Exclude or Remove a pupil. The procedure 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 parents.

This policy is published on the school's website. A copy of this policy is available for inspection from the main Office during the School day.

References to permanent Exclusion and Removal have the same meaning as defined in the School's Terms and Conditions. In this procedure, unless otherwise stated, Exclusion is a natural act whereby the pupil is sent or released home for a limited period pending the outcome of an investigation or Panel Review.

References to Review and Review Hearing are to the review by the panel of the Headteacher's decision to permanently Exclude or require the Removal of the pupil, in accordance with this procedure.

References to the Panel are to the 3- member panel selected by the Assistant Bursar to undertake the Review. The Panel will comprise at least 3 individuals who have no detailed prior knowledge of the case.

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 web site. In the event of 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 minimize any hardship or unfairness arising from such delays.

### **Aims.**

The aims of this policy are:

- To support the School's behaviour and discipline code.
- To help promote a school culture of openness, safety, equality and protection.
- To ensure procedural fairness and natural justice.
- To ensure consistency of approach.
- To promote co-operation between the school and parents when it is necessary for the School that a pupil is required to leave earlier than expected.



This policy forms part of the School's whole school approach to promoting child safeguarding and wellbeing 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.

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.

### **Regulatory Framework.**

This policy has been prepared to meet the School's responsibilities under the:

- Education (independent School Standards) 2014;
- Education and Skills Act 2008;
- Children Act 1989;
- Data protection Act 2018 and UK General data Protection regulation (UKGDPR);
- Human Rights Act 1998; and
- Equality Act 2010.

### **Related Policies.**

Behaviour and Discipline Policy.  
Parent Contract.  
Upper School Rules.

### **Procedure.**

The procedure followed by the School in cases where a Panel Review of the Head's decision to Permanently exclude or Remove a pupil is set out in Appendix 1.

The request for a Review form to be used if parents wish to request a Review is set out at Appendix 2.

### **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.



## Records.

All records created in accordance with this procedure are managed in accordance with the School's Records management Policy and Records Retention Schedule.

The records created in connection with this procedure may contain personal data. The School's use of personal data will be in accordance with data protection law. The School has published privacy notices on its website which explain how the School will use personal data.

Date of adoption of this procedure:	11 <sup>th</sup> November 2024
Date of last review of this policy:	November 2023
Date for next review of this policy:	November 2025
Owner: Mrs C L Jones <i>Cosvine Jones</i>	Headteacher
Authorised by:	E G Wyman, Proprietor
Circulation:	Staff, parents, pupils on request.



## **Appendix 1.**

### **Panel Review.**

A parent or guardian may request a Review of the Headteacher's decision to permanently Exclude or Remove a pupil (but not Exclude the pupil unless this is for 11 School days or more, or would prevent the Pupil taking public examinations).

### **How to request a Review.**

The application must be made in writing using the Request Form Appendix 2 and received by the Proprietors via the Assistant Bursar within 5 working days of the date of the Headteacher's letter confirming the decision or any longer period by agreement.

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 proprietors so that appropriate adjustments can be made.

In their application, the parents must include:

- 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 or 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, to be accompanied.

For the avoidance of doubt, a mere disagreement with the decision of the Headteacher will not of itself be sufficient grounds for a Panel Review.

The Assistant Bursar will acknowledge the request for a Review in writing within 5 working days of the receipt.

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

It is in everyone's interest that a decision is reached as soon as possible. Where there are exceptional circumstances resulting in a delay to the School's ability to act within the timescales for the review procedure, the parents will be notified and informed of any new timescales as soon as possible.

The pupil will be Excluded from the School until the Review has been completed. While Excluded, the pupil shall stay away from the School until the Review has been



completed. While Excluded, the pupils shall remain away from School and will have no right to enter School premises during that time without written permission from the Headteacher.

### **Planning the Review.**

The Assistant Bursar 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 Headteacher, the parent (s) and pupil.

The assistant Bursar will send written notification to each party of the process, date, time and place of the Review at least 10 working days before the date of the Review.

Copies of any document additional to those specified in the Review form that the parents wish the panel to consider should be sent to the Assistant Bursar to be received at least 7 working days prior to Review.

On receipt of new information not previously available to the Headteacher, before their decision was made, the Assistant Bursar will contact the Proprietor who will decide whether:

- to include the new information; or
- to omit the information if not relevant to the grounds for the Review; or to make further enquiries of the parents or the pupil about the information; or
- to refer the information to the Headteacher for consideration as to whether the decision should be re-visited.

The Assistant Bursar will circulate the documents to be considered by the panel to all parties at least 3 working days prior to the Review.

The parents may be accompanied at the Review Hearing, for example by a friend or relation. The Review is an internal procedure, not legal proceedings. Legal representation is not necessary and will not normally be appropriate. The Parents should note that the panel will wish to speak with them directly. Anyone accompanying them will not be permitted to act as an advocate or to address the Review Panel unless they are invited to do so by the Chair. The Assistant Bursar must be given 5 working days' notice if the parents wish to be accompanied by a person who is legally qualified.

The Assistant Bursar will take minutes of the Review Hearing.

### **Composition of the Panel.**

The Review Panel will comprise 3 School advisors. The panel members will have no previous knowledge of the case nor unless circumstances dictate otherwise, the pupil or parents and will not normally involve the Proprietor.



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. There is always one panel member who is independent and who is not concerned with the management or operation of the School.

The Panel members will appoint one of themselves to be the Panel Chair throughout the proceedings.

### **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 permanently 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 rules 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 the other events which are found to have occurred and to the legitimate aims of the School's procedure 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 within the range of reasonable responses.

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

### **Review Hearing.**

The Review Hearing will take place at the School premises.

The Review Hearing will be conducted in a suitable room and in an informal, fair and unbiased manner observing principles of natural justice.

During the Review, the parties will 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 / or may take written statements into account.



All statements made at a Review Hearing will be unsworn. The Assistant Bursar 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.

All those present at 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.

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.

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 refer to the panel's decision in any subsequent legal proceedings.

When the Panel Chair is satisfied that sufficient consideration has been given to the documentation provided and any representations made by parties, they will conclude the Review Hearing.

### **Decision.**

The Panel's decision and any recommendations will be notified in writing with reasons to the Headteacher and the Parents by the panel Chair, usually within 5 days of the Hearing.

The Headteacher will provide their response to those recommendations if appropriate in writing usually within 5 working days.

If the Headteacher's decision is upheld, then the decision is final.

If the Headteacher is asked to reconsider their decision, the pupil will remain excluded from School until this has been done.

In the absence of a significant procedural irregularity, the Headteacher's decision is final.



## Appendix 2.

### Form requesting a Panel Review.

**Subject: Name of Pupil:**

I / We request that a three-member panel carries out a review of the decision to permanently Exclude or require Removal of the pupil. I / We agree that the Review will be carried out in accordance with the Review Procedure supplied to us with this form and I / we agree to abide by the terms of that procedure and in particular that the proceedings are and will remain confidential and that the Headteacher's decision following considerations of the recommendations made by the panel Review will be final, subject to such legal rights (if any) as may exist.

I / we confirm that I / we have parental responsibility for the above-named pupil and that I/we have consulted the pupil and any other person with parental responsibility for the pupil who wishes the Review to be undertaken.

I /we understand that I / we may be accompanied at the Review Hearing by a friend or relation, I /we understand that the Review is an internal procedure, not legal proceedings and that legal representation is not necessary and will not normally be appropriate. I / we note that the panel will wish to speak to me / us directly and that anyone accompanying me / us will not be permitted to act as an advocate or to address the panel unless invited to by the Chair. I / we will provide 5 working days' notice if I / we wish to be accompanied by a person who is legally qualified.

I / we will inform the assistant Bursar if I/ we have any special educational 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 the outcome which I / we seek and to ask the Panel to take into account are set out on the accompanying sheet.

Details of any person accompanying me / us to the Review Hearing	Is this person legally qualified?
List of documents I / we wish the Review Panel to consider: (Please enclose)	





**Grounds for Review:**

**Outcome (s) Sought:**

(Two signatures required where practicable)

Signed:	Signed:
Full name:	Full name:
Relationship to pupil:	Relationship to pupil:
Date:	Date:
Address:	Address:
Telephone number:	Telephone number:

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