

Exclusion and Removal: Review Policy



Westbury House School

September 2022

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1 Aims

- 1.1 This is the exclusion and removal: review procedure of Westbury House **School**.
- 1.2 The aims of this policy are as follows:
 - 1.2.1 to support School rules and policies on behaviour and discipline
 - 1.2.2 to ensure procedural fairness and natural justice; and
 - 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.

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 withdrawal by his / her 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 2021)
 - 3.1.3 Education and Skills Act 2008
 - 3.1.4 Childcare Act 2006
 - 3.1.5 Data Protection Act 2018 and General Data Protection Regulation (GDPR); and
 - 3.1.6 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 Management policy
 - 3.2.3 Anti-bullying policy
 - 3.2.4 Safeguarding and child protection policy and procedures (including online safety)
 - 3.2.5 Acceptable use policy

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 Secretary during the School day.
- 4.4 This policy can be made available in large print if required.

5 Definitions

5.1 Where the following words or phrases are used in this policy:

5.1.1 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.

5.1.2 References to the **Head** may include deputies.

5.1.3 References to **Parent** or **Parents** includes one or both of the parents, a legal guardian or education guardian.

5.1.4 References to the **Review** and **Review Hearing** are to the review by the Panel of the Head's decision, in accordance with this policy.

5.1.5 References to the **Panel** are to the three-member panel selected by the appointed Clerk to undertake the Review.

6 Responsibility statement and allocation of tasks

6.1 The Proprietor 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 Proprietor 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	Head	As required, and at least annually
Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness	ILG	As required, and at least annually
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR	Head (or SLT in their absence)	As required, and at least termly
Formal annual review	Proprietor	Annually

7 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 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 Administration of major punishments are recorded, with the name of the pupil concerned, the reason for the punishment including relevant dates, and the name of the person administering the punishment. This log is reviewed regularly by the Deputy Head so that patterns in behaviour can be identified and managed appropriately.

8.3 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 data protection policy and information security policy.

9 **Version control**

Date of adoption of this policy	March 2021
Date of last review of this policy	September 2022
Date for next review of this policy	Autumn 2022
Policy owner (SMT)	Head
Policy owner (Proprietor)]	Amit Mehta

Appendix 1 Review procedure

1 Review

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

2 How to request a Review

- 2.1 A request for a Review must be put in writing to the appointed Clerk using the request form at Appendix 2. The request must be made within five working days of the date of the Head'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 be accompanied to the Review Hearing by someone who is legally qualified.
- 2.3 For the avoidance of doubt, a mere disagreement with the decision of the Head will not of itself be grounds sufficient for a Review.
- 2.4 If assistance with the request is required, for example because of a disability, this should be indicated in the request form.
- 2.5 The appointed Clerk will acknowledge the request for a Review in writing within three working days of receipt.
- 2.6 Every effort will be made to enable the Review to take place within 15 working days of receipt of the request.

3 Planning the Review

- 3.1 The appointed Clerk will send written notification to each party of the date, time and place of the Review at least ten working days before the date of the Review.
- 3.2 Copies of any documents additional to those specified in the Review form that the Parents wish the Panel to consider should be sent to the appointed Clerk to be received at least seven working days prior to the Review.
- 3.3 On receipt of new information not previously available to the Head before his decision was made, the appointed Clerk should contact the Chair of Governors who will decide whether to:
 - 3.3.1 include the new information in the bundle; or
 - 3.3.2 omit the information if not relevant to the grounds for Review; or
 - 3.3.3 make further enquiries of the Parents or the pupil about the information or

3.3.4 refer the information to the Head for their consideration as to whether the decision should be revisited.

3.4 The appointed Clerk will circulate a copy of the bundle of documents to be considered by the Review Panel to all parties at least three working days prior to the Review.

3.5 The Parents may be accompanied at the Review Hearing, for example by a relative or friend. The Review is an internal proceeding, not legal proceedings, and legal representation is unnecessary.

3.6 The Parents are required to notify the appointed Clerk if they wish to be accompanied by someone who is legally qualified in their initial request for a Review. The Parents should note that the Panel will wish to speak to them directly. The legally qualified person will not be permitted to act as an advocate or to address the Review unless invited to do so by the Chair of the Panel.

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

4 **Composition of the Panel**

4.1 The Panel will comprise at least three individuals who have no detailed prior knowledge of the case or of the pupil or the Parents and will not include the Proprietor.

4.2 The Parents may ask the appointed Clerk to inform them who has been appointed to sit on the Panel ahead of the Review. Fair consideration will be given to any reasonable objection to a particular member of the Panel.

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

5 **Role of the Panel**

5.1 The role of the Panel is to consider:

5.2 **Whether the decision-making 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 exclude or remove 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.

5.3 **Whether the sanction was proportionate:** whether it was warranted in respect of the breach of discipline or the other events that are found to have occurred and to the legitimate aims of the School's policy in that respect.

5.4 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.

5.5 The Panel will determine whether to uphold the Head's decision or refer the decision back to the Head with recommendations so that he / she may consider the matter further.

6 Review Hearing

- 6.1 The Review will be conducted in an informal manner observing principles of natural justice.
- 6.2 During the Review, the parties shall 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 and / or may take written statements into account.
- 6.3 All statements made at the Review will be unsworn. The parties will be entitled to write their own notes for reference purposes.
- 6.4 All those present during 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 his / her comment will be minuted.
- 6.5 The Chair of the Panel may, at his / her discretion, adjourn the Review if he / she considers it appropriate to do so. This may include an adjournment for the parties to take legal advice on a specific issue arising.
- 6.6 A Review 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.
- 6.7 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, he / she will conclude the Review Hearing.

7 Decision

- 7.1 The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the Parents by the Chair of the Panel within three working days of the Review Hearing.
- 7.2 The Head will provide his / her response to those recommendations, if appropriate, in writing within three working days.
- 7.3 In the absence of a significant procedural irregularity, the Head's decision will then be final.

Appendix 2 Form for requesting a Review

To []

Subject [name of pupil]

I / we request a Review of the Head's decision to 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 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.

I / we understand that the Panel will be concerned with the fairness and proportionality of the Head's decision in accordance with the School 's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

I / we understand that we may be accompanied at the Review Hearing by a friend or relation.

If I / we wish to bring a friend or relation who is legally qualified I / we set out details of this person below.

I / we will inform [name] 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 if legally qualified	
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)