



Expulsion Appeals Procedure 2021-2022

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Policy

This policy sets out the procedure to be followed in cases where the parents (or guardians) of a child who is expelled by the Head or who is required to leave on the grounds of unsatisfactory behaviour [or attainment] wish to appeal against the exclusion to the Governing Body.

Procedure

- When an appeal against exclusion is made, the Governing Body may establish an Appeal Panel of the Governing Body consisting of three Governors to hear the appeal. The Chairman, at his discretion, may substitute one external independent member for one of the Governors. No technical irregularity informing the Appeal Committee will invalidate any hearing.
- The membership of the Appeal Panel shall not include a Governor who has had any form of prior involvement in the case or whose presence on the committee might reasonably give rise to doubt as to that Governor's impartiality.
- Notice of appeal must be made in writing to the Clerk to the Governors within 14 days of the expulsion and it must set out the grounds for the appeal.
- The Clerk to the Governors will convene a meeting of the Appeal Panel as soon as reasonably practicable. The objective will be that the appeal will be heard within 15 school days of the notice of appeal being received, but this is not a binding obligation.
- At least five school days before the hearing each side will supply the Appeal Panel (through the Clerk to the Governors) and the other party copies of any documents to be used at the hearing. At the hearing no documents may be presented which have not previously been supplied to the other side unless the Chairman of the Appeal Panel decides that it is fair to allow this.
- The parents may have a friend or representative with them to present the case or help with its presentation. The parents may be legally represented, but in that case the Appeal Panel must be notified at least five days in advance of the hearing so that the School may arrange for the Head also to be legally represented. If it is not possible to do this within five days the hearing will be adjourned for such time as is necessary to enable the School to arrange for the Head to be represented.
- The meeting will be chaired by one member of the Appeal Panel and will be conducted in a suitable room and in an informal manner. The Clerk will be asked to keep a hand-written minute of the main points which arise at the meeting. All those present will be entitled, should they wish, to write their own notes. The meeting will be directed by the Chair of the meeting who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chair may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.
- Each of the grounds given in the parents' request for the appeal will be considered and discussed. The Panel will consider questions raised by the pupil

or her parents and any documentation they wish to rely on so far as relevant to:

- whether the facts of the case were sufficiently proved when the decision was taken to expel or remove the pupil. The civil standard of proof, namely, the balance of probabilities, will normally apply; and
 - whether the sanction was warranted, that is, whether it was proportionate to the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the school's policy in that respect.
- The requirements of natural justice will apply. If for any reason the pupil or her parents are dissatisfied with any aspect of the meeting they must inform the Chair at the time and ask the Clerk to note their dissatisfaction and the reasons for it.
- If the Head considers it necessary in the interests of an individual or of the school that the identity of any person should be withheld, the Chair may require that the name of that person and the reasons for withholding it be written down and shown to the Panel Members. The Chair at his/her discretion may direct that the person be identified, or not as the case may be.
- Up to two members of the school staff may speak generally about the pupil's character, conduct and achievements at the school if they are willing to do so but will not be expected to express a view about the decision which is being reviewed.
- If, having heard all parties, the Panel is minded to recommend that the Head's earlier decision should be confirmed, it is open to the Panel, with agreement of the Head, the pupil and her parents to discuss the pupil's leaving status with a view to reaching agreement.
- When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he/she may adjourn the meeting; alternatively the Chair may ask those present to withdraw while the Panel considers its recommendations. The panel's recommendations will be notified in writing, with reasons, to the Head and the parents by the Chair of the Appeals Panel or the Chair of Governors within three school days of the meeting. The Head will provide their response to those recommendations in writing within 48 hours. In the absence of a significant procedural irregularity, the Head's decision will then be final.