

WOLVERHAMPTON GRAMMAR SCHOOL

PUPIL EXCLUSION REVIEW POLICY

1. Introduction

- 1.1 This policy contains guidelines, which will be adapted as necessary, explaining the procedure for a Review of a decision whereby a pupil is excluded from the School, or required to leave permanently for misconduct or other reasons. 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.

Parent - includes one or both of the parents, a legal guardian or education guardian.

Exclusion - A pupil may be formally excluded from the School if it is proved on the balance of probabilities that the pupil has committed a grave breach of discipline or a serious criminal offence. Exclusion is reserved for the most serious breaches.

Removal - Parents may be required to remove a pupil permanently from the School if, after consultation with the parents and if appropriate the pupil, the Head is of the opinion that:

- a) by reason of the pupil's conduct, behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and/or the community life offered by the School; or
- b) if the parents have treated the School or members of its staff in a manner which is unacceptable.

Suspension - A pupil may be sent or released home for a limited period either as a disciplinary sanction or pending the outcome of an investigation or pending a Directors' Review.

2.0 Equality

- 2.1 The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where exclusion needs to be considered, the School will ensure that a pupil with a disability or special educational need and/or his/her parents are able to present their case fully where the disability or special educational need might hinder this. Any religious requirement affecting the pupil will also be considered.

3.0 Applying for a Review

- 3.1 A pupil's parents may request a Review by the Directors of the Head's decision to Exclude or Remove a pupil. A Review may also be requested of a decision to suspend the pupil if this suspension is for 11 school days or more or would prevent the pupil taking a public examination.

The Request for Review must be made to the Company Secretary within seven days of the Head's decision being notified to the parents, or longer by agreement.

3.2 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 Company Secretary so that appropriate arrangements can be made.

3.3 In their application the parents must state the grounds on which they are asking for a Review and the outcome which they seek. For the avoidance of doubt, a mere disagreement with the decision of the Head will not of itself be grounds sufficient for a Review.

4.0 The Review Panel

4.1 The role of the Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Head's decision or refer the decision back to the Head with recommendations so that they may consider the matter further.

4.2 The Review Panel will consist of a three-member sub-committee of the Directors. The panel members will have no previous detailed knowledge of the case nor of the pupil, parents or guardian. Selection of the Review Panel will be made by the Company Secretary.

4.3 Those Directors not appointed to the Panel will not be provided with information about the case. Parents will be notified in advance of the names of the panel members. Fair consideration by the Chairman of Directors will be given to any bona fide objection to a particular member of the Panel. The Panel may, if requested by the parents, include an independent member who has no connection with the current management or running of the School. Such an independent person would be selected by the Chairman of Directors.

5.0 The Review Hearing

5.1 This will take place at the School premises.

5.2 Unless there are exceptional circumstances the review hearing will take place within 21 days of the Head's decision being notified to the parents. The hearing will be held at a time convenient to all the parties.

5.3 Those present at the review hearing will be either all or any of the following:

- Members of the Review Panel
- The Head or Deputy Head
- Parents or those with parental responsibility
- The pupil
- Note taker
- The parents/pupil may be accompanied by a friend or relation. This person will attend as a friend, not as a representative. Seven clear days' notice to the Company Secretary is required if the parents/pupil wish to be accompanied by a friend who is legally qualified. The hearing is not legal proceedings and the parents should note that the Review Panel will wish to speak directly to them and this person will not be permitted to act as advocate.

5.4 A Review will not normally take place during school holidays.

5.5 The Company Secretary will notify the parties of the time, date and place of the review hearing.

5.6 The parents and the Head will be asked to submit any documents they wish to refer to at the meeting and any written statements to the Company Secretary at least 7 days before the meeting. A single bundle will be circulated to the Panel and the parties simultaneously at least five days before the meeting.

5.7 On receipt of new information not previously available to the Head before their decision was made, the Company Secretary should contact the Chairman of Directors 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 Head for consideration as to whether the decision should be revisited.

5.8 A Review meeting is a private procedure and all those who are concerned with 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.

6.0 Conduct of the Hearing

6.1 The proceedings will be chaired by one member of the Review Panel and will be conducted in an informal manner; all statements made at the hearing will be unsworn. The proceedings will not be tape recorded but a note taker will be asked to keep minutes of the main points arising. All those present will be entitled to take notes.

6.2 The hearing will be directed at all times by the Chairman of the Review Panel, who will ensure that all those present have the opportunity of asking questions and making comments. Sufficient time will be allowed for each party to make representations.

6.3 All those attending the hearing are expected to show appropriate courtesy, restraint and good manners. The Chairman may, at their discretion, adjourn or terminate the hearing. If the hearing is terminated the original decision will stand. If the Chairman does adjourn the hearing, they will give the reasons for this decision.

6.4 If the hearing is adjourned, it will be reconvened in accordance with the procedure set out above and on the earliest date convenient to all the parties. The Chairman may, at their discretion, allow the parties to submit additional evidence in advance of the reconvened hearing under the procedures set out above.

6.5 If the meeting is terminated, the original decision will stand.

7.0 Procedure

7.1 The Head will provide the parents with a copy of the current Review procedure. The Panel will consider each of the points raised by the pupil's parents and any documentation they wish to rely on so far as relevant to:

- whether the decision was fair procedurally and/or substantively - whether the facts of the case were sufficiently proved when the decision was taken to Exclude or Remove the pupil. The civil standard of proof, namely, "the balance of probability", will apply and

- whether the sanction was proportionate - that is whether it was warranted 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 policy in that respect.

7.2 The requirements of natural justice will apply. If for any reason the pupil or their parents are dissatisfied with any aspect of the meeting they must inform the Chairman at the time and ask the Company Secretary to note their dissatisfaction and the reasons for it.

8.0 Decision

8.1 When the Chairman decides that all issues have been sufficiently discussed and if by then there is no consensus, they may adjourn the meeting; alternatively the Chairman may ask those present to withdraw while the Panel considers its recommendations.

8.2 The Panel's decision and any recommendations will be notified in writing, with reasons, to the Head and the parents by the Chairman of the Review Panel or the Chairman of Directors within three days of the meeting.

8.3 The Head will respond to those recommendations, if appropriate, in writing within 24 hours. In the absence of a significant procedural irregularity, the Head's decision will then be final.

9.0 Data processing

9.1 Following a pupil exclusion, the School will keep a written record of all relevant data. The School processes the data in accordance with its Privacy Notice for Pupils and Parents. In dealing with exclusions, the School may process a range of information which may contain the following:

- Date when the issue was raised
- Name of parent
- Name of pupil
- Description of the issue
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name of member(s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails and records of phone conversations)

9.2 This may also contain 'special category personal data' as detailed in the Privacy Notice for Pupils and parents where this is necessary owing to the nature of the exclusion.

9.3 The School will keep records in accordance with its Privacy Notice but in most cases for period of at least six years after the pupil leaves the School.

ATWF
September 2023

Next Review:
September 2024