



# GIGGLESWICK SCHOOL

## Appeal Against Exclusion Procedure

Lead Author(s)	Deputy Head and DSL, Senior School
Reviewed by	Headmaster
Last review	September 2023 (updated December 2023 after an update to the School's Complaints Procedure)
Review frequency	Annually
Next review	August 2024
Policy Type	Statutory

---

## APPEAL AGAINST EXCLUSION PROCEDURE

---

- In this Appeal Against Exclusion Procedure, the following words and expressions have the following meanings:
  - An **Exclusion** refers to the permanent exclusion of The Pupil from Giggleswick School ("the School") as referenced in Clause 7 of the School's Terms and Conditions document.
  - **Parents** refers to those with Parental Responsibility for The Pupil.
  - **The Pupil** means the pupil in respect of whom an appeal is made. Other pupils are referred to as pupils.
  - **Working days** means days other than Saturdays, Sundays, public holidays in the UK, days falling on an Exeat and the usual School holidays. In calculating the number of working days, the day of receipt and the day of despatch shall not be counted.
  - **Working hours** means between 9:30am and 5:30pm on a working day.
  - **The Clerk** means the Clerk to the Governors of Giggleswick School or their deputy.
- In reading this procedure, reference may also be made to the School's formal Complaints Procedure available on the School website.
- An appeal against an exclusion must be made **within ten days of the Exclusion**, in writing to the Clerk to the Governors ("the Clerk"). In that letter, parents should set out the grounds for appealing the decision and any supporting documentation and material that the parents wish the panel to take into account.
- If Parents seek to appeal against the Exclusion, the Clerk, who has been appointed by the Governors to call hearings, will then refer the appeal to the Governor's Appeal Against Exclusion Panel ("the Panel") for consideration.
- The Panel will consist of three persons not directly involved in the Exclusion decision. They shall have no connection with the Pupil or family of the Pupil who is the subject of the Exclusion. At least one of the Panel members shall be independent of the management and running of the School. This means that he/she shall not be employed or engaged by the School and not a current Governor but may be a former Governor. The Panel will appoint one of the Panel members to act as the Chair of the Panel ("Panel Chair").
- The Clerk, on behalf of the Panel, will then acknowledge the appeal **within 5 working days** and schedule a hearing to take place as soon as is practicable and **within 20 working days**.
- If the Panel deems it necessary, it may require that further particulars of the appeal or any related matter be supplied in advance of the hearing, and/or it may invite all those involved in the appeal to supply copies of other documents upon which they intend to rely. Copies of such particulars shall be supplied to all parties **not later than 5 working days prior** to the hearing.
- The hearing will not be conducted in an adversarial way and the primary concern of the Panel will be to determine the appeal justly and fairly. The hearing will take place at a

suitable venue but may be held by videoconference facility at the discretion of the Panel Chairman.

- The Parents may attend the hearing and be accompanied to the hearing by one other person if they wish, provided that **at least two working days before** the day of the hearing they provide the Clerk with the details of such person (including their professional qualifications, if any) and a statement as to the capacity in which they shall be attending. This may be a relative, teacher or friend (over the age of 18 and not a current pupil or person involved in or a witness to the matters relating to the Exclusion). The companion must undertake to accept the confidentiality of the Exclusion, procedures adopted, the persons involved and all documentation. Unless permitted to do so by the Panel Chairman, companions shall not make oral representations on behalf of the Parents, nor answer questions on their behalf.
- Legal representation on a formal or informal basis (e.g. the companion is a practising solicitor or barrister acting without a formal retainer) of either the School or the Parents will not be permitted, save in exceptional circumstances and with the permission of the Panel Chair.
- The Panel will decide whether it would be helpful for witnesses to attend the hearing but shall have no power to compel witnesses to attend the hearing or answer any questions.
- The Panel Chair may, for any reason, adjourn the hearing at any time. It may be for further investigation or for additional documents or material or further particulars of the matters relating to the Exclusion to be presented. In the event of an adjournment, the Panel Chair shall, in consultation with the Clerk, give directions as to the date on which the hearing will reconvene, which should be no longer than a further 10 working days.
- The Parents shall not be permitted to record the hearing. The Clerk or their colleague will keep minutes of the hearing, which (following approval by the Panel Chair) will be circulated to the parties as the official record of the hearing as soon as practicable following the hearing (usually with the Panel's decision, see below).
- If the School or the Parents dispute the contents of the minutes of the hearing, the Panel Chairman may require an amendment to be made or direct that their comments be appended to the minutes.
- The Panel will deliberate in private and reach its decision within 7 working days of the conclusion of the hearing. The Panel may require longer to reach a decision, for example because they consider it necessary to undertake further investigation or seek expert guidance, in which case the parties shall be notified accordingly (via the Clerk).
- The Panel's decision, the reasons for it, and its recommendations, if any, will be sent in writing to the Parents, the Headmaster and the Chair of Governors. A copy will also be available for inspection on the School's premises by the Headmaster and Governors. The decision of the Panel shall be final and conclude this procedure.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially<sup>1</sup>.

If parents are unhappy with this procedure and are not satisfied that due process has been followed, they can contact the *Independent Schools Inspectorate*, Ground Floor, CAP House, 9-12 Long Lane, London EC1A 9HA; telephone 020 7600 0100.

---

<sup>1</sup> Correspondence, statements and records of complaint will be kept confidential except in so far as is required of Giggleswick School by Part 7, para 33(k) of The Education (Independent Schools Standards) Regulations 2014; where disclosure is required in the course of Giggleswick School's inspection; or where any other legal obligation prevails.