Felsted

PERMANENT EXCLUSION (EXPULSION) POLICY incorporating Appeal Procedure

WHOLE SCHOOL
INCLUDING EYFS AND BOARDING

Governors' Committee normally reviewing:	Pupil Focus Group
Date last formally approved by the Governors :	Autumn Term 2025
Date policy became effective :	December 2010

Period of Review:	Three Yearly
Next Review Date :	Autumn Term 2028

Person responsible for implementation and monitoring :	Heads
Other relevant policies :	● Behaviour and Discipline Policy ● Interviewing Pupils Policy ● Parent Terms and Conditions ● Equal Opportunities Policy ● Safeguarding (Child Protection) Policy ● Anti-Bullying Policy ● Drugs and Drug Testing Policy ● Drugs (Substances) and Education Policy

The following Policy encompasses the Aims and Ethos of the Preparatory School and the Senior School

Aims and Ethos

SAFEGUARDING STATEMENT
Felsted is committed to maintaining a safe and secure environment for all pupils and a 'culture of vigilance' to safeguard and protect all in its care, and to all aspects of its 'Safeguarding (Child Protection) Policy and Staff Behaviour Policy'.

EQUAL OPPORTUNITIES STATEMENT
The aims of the School and the principles of excellent pastoral care will be applied to all children irrespective of their race, sex, disability, religion or belief, sexual orientation, gender reassignment or pregnancy or maternity; equally these characteristics will be recognised and respected, and the School will aim to provide a positive culture of tolerance, equality and mutual respect.

PERMANENT EXCLUSION (EXPULSION) POLICY

1. INTRODUCTION

Permanent exclusion (expulsion) is to be viewed as a last resort in disciplining a student, and all other reasonable avenues to manage student behaviour and integrate them successfully should be explored, unless the seriousness of offences committed means that they are a danger to themselves or to others (which might include being guilty of breaking the law and committing a criminal offence). This might be for a first offence if that offence came into this most serious category and put the individual, or others, or the reputation of the school at significant risk of harm.

This policy will be applied in accordance with the relevant clauses of the Felsted School Parent Agreement.

The School understands its obligations under the Equality Act 2010 and will consider if adjustments are required and whether an adjustment required is a reasonable adjustment.

2. PROCESS FOR INVESTIGATION WHICH MIGHT LEAD TO PERMANENT EXCLUSION OR EXPULSION OR THE REQUIRED REMOVAL OF A PUPIL

This is provided as guidance for investigations of the most serious nature. While the exact sequence might change if appropriate to the investigation, this process will be applied consistently and fairly in all cases.

2.1 Some preliminary investigation will have taken place, probably by the HM or Phase Leader, for the incident to be considered sufficiently serious possibly to warrant expulsion.

2.2 Issues discussed with HM/Phase Leader, and Senior Deputy Head and other adults who might be directly involved in order to agree the right way forward.

2.3 Head to interview pupil with a member of the Senior Leadership Team (or HM or AHM) present. Leading questions may not be asked but pupil to be invited to explain what occurred / describe what took place. Care to be exercised over the student while being interviewed – water available, comfort break if required, sensitivity to their emotional state if they find issues difficult. The Head will consider, and liaise with the SENCO if necessary, if any special arrangements are required for the pupil. The pupil should have a member of staff present to support and represent them, unless this is impossible for some reason.

2.4 Allegations against pupil explained. Pupil to give their account.

2.5 Notes to be taken of the meeting. Pupil to read notes and sign as a true record of what was said or make amendments as they wish to and then sign.

2.6 Other witnesses interviewed as soon as possible to gather clear evidence and establish what occurred as closely as possible.

2.7 Parents should be informed of the investigation the same day. Careful consideration should be given as to whether this should be before the investigation begins.

2.8 If the pupil's evidence conflicts with the allegation and other sources of evidence, further investigation needs to occur and witnesses to be seen, the. pupil may return to House under supervision of HM, or the pupil may return home that evening if the parents are close enough to facilitate this. If this is not possible, the pupil may be moved away from other members of the school, including being relocated to the Medical Centre, if necessary and appropriate. Consideration must be given to the age of the pupil, and their state of mind before this decision is taken. In circumstances where the potential ground for removal or exclusion relates to the conduct of the pupil or engages their safety or well-being, the School reserves the right to require the pupil to remain away from School as a neutral act during an investigation procedure.

REQUIRED REMOVAL

2.9 In circumstances where the School believes removal may be warranted because the School is unable to meet the pupil's needs, reasonably accommodate adjustments or reasonably provide the level or nature of support required, the School will collate relevant information and evidence (including where available and appropriate any external or expert evidence or assessments), share and discuss these with the parents and provide the parent with a reasonable opportunity to share their views.

3. MAKING A DECISION

3.1 The Head will not expel or require the removal of the pupil without consulting with parents and giving parents and the pupil a reasonable opportunity to know the grounds on which such action is proposed and an opportunity to be heard as to why that action should not be taken.

3.2 If evidence supports possible expulsion or required removal:

- pupil to be temporarily excluded from school as soon as possible.
- No decision to be made there and then.
- Evidence shared with parents, and the circumstances explained fully.
- Time taken to reflect and weigh up the issues carefully.
- Decision to be confirmed, either by telephone or in person, as soon as possible, following discussion with the Chair of Governors.
- The decision will be based on establishing the balance of probabilities, based on the evidence available.

3.3 Where the decision to permanently exclude a pupil is accepted by the parents, the School will then help to find an alternative school;

If, parents wish to appeal, the decision will be effective unless and until the outcome of the review results in the pupil being reinstated. The School will continue to provide work for the pupil and the HM/Phase Leader will act as contact between school and parents during the appeal process.

3.4 Appeal unsuccessful: School helps to find an alternative school.

3.5 Appeal successful: the pupil will be allowed to return to the school. Other sanctions may still be applied at this stage, if appropriate to the outcome of the appeal. Under these circumstances, communication about the return of the pupil must be handled carefully to ensure that there is no fall out from this process.

4. COMMUNICATING THE DECISION

The decision to permanently exclude must be communicated to parents in writing as soon as possible, and clear arrangements made for the student to collect their effects and be provided with academic work for at least the initial period of exclusion, pending their finding another school. Parents must be informed of their right of appeal and the relevant Policies enclosed for their information.

APPEAL PROCEDURE FOLLOWING EXPULSION OR THE REQUIRED REMOVAL OF A PUPIL FROM FELSTED SCHOOL

1. APPLYING FOR AN APPEAL

1.1 Parents must apply for an Appeal against a decision to expel or require removal, using the Request for Appeal Form.

1.2 This Form is available from the Heads Office and must be returned to the Clerk to the Governors within seven working days of receipt of the written notification of the decision in question.

1.3 Any complaint relating to action taken under the expulsion or required removal policy will be dealt with by the School as an appeal under this procedure and not under the Schools Complaints Policy and Procedure. A decision made under this appeal procedure will be final.

2. PROCEDURE

2.1 The Chair of Governors will consider if the appeal should be considered under Section 3 (Appeal Review) or Section 4 (Appeal Hearing) of this procedure. An Appeal Review will be undertaken by a single governor, who will be on the Board of Directors.
An Appeal Hearing should be undertaken by a three-member panel, that may include one member who will be independent of the management of the school.

2.2 The member/s will have no previous detailed knowledge of the case or of the pupil, parents or guardian, and will not normally include the Chair of Governors, although they will have been consulted with regard to the initial decision.

2.3 Unless there are exceptional circumstances, the Appeal Review or Appeal Hearing will take place within fourteen days of the removal or expulsion, and may be sooner if convenient to all parties.

2.4 The governor/s responsible for the Appeal Review or each member of the Appeal Hearing Panel will be supplied with a copy of any relevant documents.

2.5 The parents shall be entitled to copies of all those documents save any which are protected by privilege.

3. PROCEDURE - APPEAL REVIEW

3.1 The Appeal Review will consider each of the representations raised by the parents/pupil so far as these are relevant to:

- whether the facts of the case, so far as they relate to the pupil, were sufficiently proved when the decision was taken to expel or to

require removal of the pupil. The standard of proof will be the balance of probability;

- whether the sanction was warranted, i.e. proportionate to the breach of discipline or other events that are found to have occurred; and

- whether the sanction is consistent with previous cases.

The requirements of natural justice will apply.

3.2 If the Head considers it necessary in the interests of the individual or of the school that the identity of any persons should be withheld, the Appeal Review Governor may require that the name of that person be made available to them. In their discretion they may direct that the person be identified.

3.3 The Appeal Review Governor will consider the decision. Their decision will be final. It will be notified to the parents by the Appeal Review Governor or the Chair of Governors by letter within the timescales of section 1.2.

4. PROCEDURE - APPEAL HEARING

4.1 The Appeal Hearing will be organised by the Clerk to the Board of Governors.

4.2 This will take place at the school premises.

4.3 Those present at the Appeal Hearing will normally be:

- Members of the Appeal Hearing Panel
- The Head
- Parents, or those with parental responsibility
- The pupil
- Clerk to the Governors or their deputy

The parents may be accompanied by one other person if they wish. This may be a relative, teacher or friend. An Appeal Hearing is a non-legal forum, and there is no right to have a legal representative make representations on parents' behalf. As such, legal representation will not be appropriate and the companion should not be a lawyer. The parents should notify the Clerk to the Governors at least 3 working days in advance of the hearing of the name and occupation of an accompanying person (if relevant) and any reasonable adjustments required by the parents.

4.4 The proceedings will be chaired by one member of the Appeal Hearing Panel and will be conducted in an informal manner, and all statements made at the Hearing will be unsworn. The proceedings will not be tape recorded, but the Clerk will be asked to keep a note of the main points that arise. The Hearing shall be directed at all times by the Chair of the Panel who will conduct the Hearing in such a manner as to ensure that all those present have the opportunity to ask questions and make comments.

4.5 All those attending the Appeal Hearing are expected to show courtesy, restraint and good manners. If this does not occur, then the Chair may at their discretion adjourn or terminate the Hearing. If the Hearing is terminated the original decision will stand.

4.6 The Panel will consider each of the representations raised by the parents/pupil so far as these are relevant to:

- whether the facts of the case, so far as they relate to the pupil, were sufficiently proved when the decision was taken to expel or to require removal of the pupil. The standard of proof will be the balance of probability;
- whether the sanction was warranted, i.e. proportionate to the breach of discipline or other events that are found to have occurred; and
- whether the sanction is consistent with previous cases.

The requirements of natural justice will apply.

4.7 If the Head considers it necessary in the interests of the individual or of the school that the identity of any persons should be withheld, the Chair of the panel may require that the name of that person and the reasons for withholding it be written down and shown to the Appeal Hearing Panel. The Chair in his or her discretion may direct that the person be identified.

4.8 The Chair of the Panel may decide to adjourn the Hearing or to terminate the Hearing once all the issues have been sufficiently discussed.

4.9 The Appeal Hearing Panel will consider their decision. The decision of the Appeal Hearing Panel will be final. It will be notified to the parents by the Chair of the Appeal Hearing Panel or the Chair of Governors by letter within three days of the Hearing.

APPLICATION FORM FOR APPEAL HEARING
Felsted School
Dunmow, Essex CM6 3LL
Telephone 01371 822600 Fax 01371 822607

To the Clerk to the Governors

Name of Pupil:

Names of Parents with Parental Responsibility:

Address of Parents/Guardian:

Telephone numbers: (day): (evening):

I, being the parent with parental responsibility for the above named pupil, request that a member of the Board of Governors conducts an Appeal against the decision to require removal of or to expel the pupil.
We have received with this Form a copy of the Appeal Procedure and we agree to abide by its terms. We also agree that the proceedings are, and will remain, confidential and that this Appeal will be final, subject to such (if any) legal rights as may exist.

The grounds upon which we seek an Appeal and the matters which we wish to discuss at the Review and to ask the Governor to take into account are as set out on the reverse of this sheet.

We understand that if an Appeal Panel Hearing is held, we may be accompanied by one other person as per 4.3 of the Appeal Procedure.

(Two signatures required where practicable)

First Signature .....

Full Name .....

Relationship to pupil .....

Date .....

Second Signature .....

Full Name .....

Relationship to pupil .....

Date .....