



Norfolk House School

# **Exclusion and Removal: Review Procedure**

## **1. Aims**

- 1.1. This is the Exclusion and Removal: Review Procedure of Norfolk House School (**School**).
- 1.2. The aims of this procedure are as follows:
  - 1.2.1. to support the School rules and policies on behaviour and discipline;
  - 1.2.2. to ensure procedural fairness and natural justice;
  - 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; and
  - 1.2.4. to help to promote a culture of safety, equality and protection.

## **2. Scope and application**

- 2.1. This procedure applies to the whole School including the Early Years Foundation Stage (**EYFS**).
- 2.2. The procedure 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 procedure 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, March 2017);
  - 3.1.3. Education and Skills Act 2008;
  - 3.1.4. Children Act 1989;
  - 3.1.5. Childcare Act 2006;
  - 3.1.6. Data Protection Act 2018 and UK General Data Protection Regulation (**GDPR**); and
  - 3.1.7. Equality Act 2010.
- 3.2. The following School policies, procedures and resource materials are relevant to this procedure:
  - 3.2.1. The School's Terms and Conditions;

- 3.2.2. Behaviour and Discipline Policy;
- 3.2.3. Acceptable Use Policy;
- 3.2.4. Anti Bullying Policy;
- 3.2.5. Online Safety Policy;
- 3.2.6. Safeguarding and Child Protection Policy;
- 3.2.7. Disability Policy;
- 3.2.8. School Rules.

#### **4. Publication and availability**

- 4.1. This procedure is published on the School website and in the Virtual Staffroom and is available in hard copy on request.

#### **5. Definitions**

- 5.1. Where the following words or phrases are used in this procedure:
  - 5.1.1. References to the **Proprietor** are references to the Board of Directors of Norfolk House School Limited.
  - 5.1.2. 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.
  - 5.1.3. References to the **Headmistress** may include deputies.
  - 5.1.4. References to **Parent** or **Parents** includes one or both of the parents, or those with parental responsibility, or care of a child e.g. a legal guardian or education guardian.
  - 5.1.5. References to a **Review** and / or **Review Hearing** are to the review by a Panel of the Headmistress' decision to exclude or require the removal of a pupil, in accordance with this procedure.
  - 5.1.6. References to a **Panel** are to a three-member panel selected by the School's Chair of Directors 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 procedure.

6.2. To ensure the efficient discharge of its responsibilities under this procedure, the Proprietor has allocated the following tasks:

<b>Task</b>	<b>Allocated to</b>	<b>When / frequency of review</b>
Keeping the procedure up to date and compliant with the law and best practice	Headmistress	As required, and at least termly
Monitoring the implementation of the procedure	“ “ “	As required, and at least every 2 years
Maintaining up to date records of all information created in relation to the procedure and its implementation as required by the UK GDPR	“ “ “	As required, and at least every 2 years
Seeking input from interested groups (such as pupils, staff, Parents) to consider improvements to the School's processes under the procedure	“ “ “	As required, and at least every 2 years
Formal review	Proprietor, Headmistress	Every 2 years

## **7. Staff 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 procedure and have the necessary knowledge and skills to carry out their roles.
- 7.2. The level and frequency of training depends on the 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 procedure are managed in accordance with the School's policies that apply to the retention and destruction of records.

- 8.2. The School will keep a separate record of sanctions imposed for serious misbehaviour. Their record includes:
- 8.2.1. the name and year group of the pupil concerned;
  - 8.2.2. the nature and date of the offence;
  - 8.2.3. the sanction imposed and reason for it;
  - 8.2.4. the name of the person imposing the sanction;
  - 8.2.5. This record is reviewed regularly by the Headmistress and Head of Pastoral Care so that patterns in behaviour can be identified and managed appropriately.
- 8.3. The records created in accordance with this procedure may contain personal data. The School has 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 procedure. This includes the School's Data Protection Policy.

## 9. Version control

Date of adoption of this procedure	21.6.21
Date of last review of this procedure	21.6.21
Date for next review of this procedure	21.6.23
Procedure owner (SLT)	Headmistress
Procedure owner (Proprietor)	Chair of Directors

## **Appendix 1: Review procedure**

### **1. Review**

- 1.1. A pupil or his / her Parents may request a Review of the Headmistress' decision to exclude permanently or require the removal of a pupil, or where a decision has been made to impose the disciplinary sanction of fixed term exclusion on a pupil for 11 working days or more.

### **2. How to request a Review**

- 2.1. A request for a Review should be put in writing to the Chair of Directors using the request form at Appendix 2. The request must be made within 5 working days of the date of the Headmistress' letter confirming her 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 Pupil / Parents are asking for a Review and the outcome desired;
  - 2.2.3. a list of the documents which the Pupil / Parents believe to be in the School's possession and wish the Panel to consider; and
  - 2.2.4. whether the Pupil / Parents propose to attend the Hearing, and, if so, to be accompanied.
- 2.3. If assistance with the request is required, for example because of a disability, this should be indicated in the request for a Review.
- 2.4. The Chair of Directors will acknowledge the request for a Review in writing within 3 working days of receipt.
- 2.5. Every effort will be made to enable the Review to take place within 15 working days of receipt of the request.

### **3. Pupil's status pending a Review**

- 3.1. Following a request for a Review, the Pupil will be subject to fixed term exclusion until the review procedure has completed.
- 3.2. While subject to fixed term exclusion the Pupil shall remain away from School and shall not have the rights to enter School premises or attend School events without written permission from the Headmistress.

#### 4. **Planning the Review**

- 4.1. The Chair of Directors will be responsible for arranging the Review which will usually involve a Review Hearing at which the Panel will consider relevant documents and hear from the Headmistress, the Parent(s) and (where appropriate) the Pupil.
- 4.2. The Chair of Directors will send written notification to each party of the process, date, time and place of the Review Hearing at least 10<sup>1</sup> working days before the date of the Review.
- 4.3. Copies of any documents additional to those specified in the request for a Review that the Parents wish the Panel to consider should be sent to the Chair of Directors to be received at least 7 working days prior to the Review.
- 4.4. On receipt of new information not previously available to the Headmistress before her decision was made, the Chair of the Review Panel will decide whether to:
  - 4.4.1. include the new information in the bundle; or
  - 4.4.2. omit the information if not relevant to the grounds for Review; or
  - 4.4.3. make further enquiries of the Parents or the pupil about the information; or
  - 4.4.4. refer the information to the Headmistress for her consideration as to whether the decision should be revisited.
- 4.5. The Chair of Directors will circulate a copy of the bundle of documents to be considered by the Review Panel to the Panel, the Parent(s) and the Headmistress at least 3 working days prior to the Review Hearing.
- 4.6. The Parents may be accompanied at the Review Hearing, for example by a relative or friend. The Review is an internal procedure, not legal proceedings, and legal representation is unnecessary.
- 4.7. The Parents are required to notify the Chair of Directors if they wish to be accompanied. The Parents should note that the Panel will wish to speak to them directly. Anyone accompanying them will not be permitted to act as an advocate or to address the Review Panel unless invited to do so by the Chair of the Panel.
- 4.8. A person will be appointed to take a minute of the Review Hearing.

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<sup>1</sup> Or less if agreed  
June 2021

## 5. **Composition of the Panel**

- 5.1. The Panel will comprise at least 3 individuals who have had no prior involvement in the case.
- 5.2. The Parents may ask the Chair of Directors to inform them who has been appointed to sit on the Panel ahead of the Review Hearing. Fair consideration will be given to any reasonable objection to a particular member of the Panel.

## 6. **Role of the Panel**

- 6.1. The role of the Panel is to consider:
- 6.2. **Whether, on the facts, the decision-making relating to the breach of school policy/policies and to the sanction imposed 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 permanently or require the removal of the pupil. The civil standard of proof, namely, "the balance of probabilities", will apply. Observance of the School's relevant policies and rules will be taken into account but may not be determinative in this respect.
- 6.3. **Whether the sanction was within the range of reasonable responses:** whether it was within the range of reasonable responses in respect of the breach of discipline or the other events that are found to have occurred and the legitimate aims of the School's policy in that respect.
- 6.4. 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 in order to consider whether the sanction was reasonable.
- 6.5. The Panel will determine whether to uphold the Headmistress' decision or refer the decision back to the Headmistress with recommendations so that she may consider the matter further.

## 7. **Review Hearing**

- 7.1. The Review Hearing will be conducted in an informal but fair and unbiased manner.
- 7.2. During the Review Hearing, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Review Hearing 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.

- 7.3. All statements made at the Review Hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.
- 7.4. All those present during the Review Hearing are expected to show courtesy, restraint and good manners or, after due warning, the Review Hearing 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 Hearing is being conducted must say so before the proceedings go any further and his / her comment will be minuted.
- 7.5. The Chair of the Panel may, at his / her discretion, adjourn the Review Hearing if he / she considers it appropriate to do so. This may include an adjournment for additional information to be obtained, or for the parties to take legal advice on a specific issue arising.
- 7.6. A Review Hearing 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.
- 7.7. 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.

## 8. **Decision**

- 8.1. 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 or the Chair of Directors within 3 working days of the Review Hearing.
- 8.2. The Headmistress will provide her response to those recommendations, if appropriate, in writing within 3 working days.
- 8.3. In the absence of a significant procedural irregularity, the Headmistress' decision will then be final.
- 8.4. If the Headmistress' decision is upheld then the decision will be final.
- 8.5. If the Headmistress is asked to reconsider her decision, the pupil will remain subject to fixed term exclusion until this has been done.

## Appendix 2: Form for requesting a Review

To [• ]

Subject [• name of pupil]

I / we request a Review of the Headmistress' decision to expel 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 procedure.

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 and any other person with parental responsibility for the pupil.

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

I / we will inform the Chair of Directors 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.

<b>Grounds for Review</b>	
<b>Desired outcome</b>	
<b>Details of accompanying person</b>	

<p><b>List of all documents which we wish the Panel to consider (please enclose copies if you have them)</b></p>	
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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)