



St Peter's School

YORK

Expulsion, Removal and Review Policy

St Peter's School, York

January 2024

(Next review Easter Term 2025)

1 Introduction

- 1.1 **Scope:** This policy applies St Peter's School, York which comprises of St Peter's 2-8 School (for pupils aged 3 to 8 years), St Peter's 8-13 (for pupils aged 8 to 13 years) and St Peter's School 13-18 (for pupils aged 13 to 18 years), collectively referred to in this policy as the School unless otherwise stated. This Policy, which should be read in conjunction with relevant sections of current Terms and Conditions and the Behaviour and Discipline Policy, and contains guidelines which will be adapted as necessary, explaining the circumstances under which a pupil may be expelled or removed permanently from the School.
- 1.2 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 voluntary withdrawal by their Parents. This policy can be made available in large print or other accessible format if required.
- 1.3 This policy forms part of the School's whole school approach to promoting child safeguarding and well-being, which seeks to involve everyone at the School to ensure that the best interests of pupils underpins and is at the heart of all decisions, systems, processes and policies.
- 1.4 Although this policy is necessarily detailed, it is important to the School that our policies and procedures are transparent, clear and easy to understand for staff, pupils, parents and carers. The School welcomes feedback on how we can continue to improve our policies.
- 1.5 **Interpretation:** The definitions in this clause apply in this policy:
- 1.5.1 **Head Master:** means the Head Master of the School and/or the Heads of each school where applicable.
- 1.5.2 **Parent:** 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.
- 1.5.3 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. Where there are exceptional circumstances resulting in a delay to the timescales set out in this policy, the School will notify the parents and inform them of the new timescales as soon as possible.
- 1.5.4 References to the **Proprietor** are references to the Board of Governors of St. Peter's School, York (registered charity number 1141329)
- 1.5.5 References to the **Review, Review Hearing and Governors' Review Meeting** is to the review by the Panel of the Head Master's decision to expel or require the removal of a pupil, in accordance with Appendix 1 and Appendix 2.
- 1.5.6 References to the **Panel or Review Panel** are to the three-member panel selected by the Chairman of Governors to undertake the Review.

2 Policy statement

2.1 **Aims:** The aims of this policy are:

- to support the School rules and Behaviour and Discipline Policy
- to ensure procedural fairness and natural justice
- to promote co-operation between the School and Parents when it is necessary for the School that a pupil should leave earlier than expected
- to help to promote a whole school culture of openness, safety, equality and protection.

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3 Regulatory framework

3.1 This policy has been prepared to meet the School's responsibilities under:

- 3.1.1 Education (Independent School Standards) Regulations 2014;
- 3.1.2 National minimum standards for boarding schools (Department for Education (DfE), September 2022);
- 3.1.3 EYFS statutory framework for group and school-based providers (DfE, January 2024);
- 3.1.4 Education and Skills Act 2008;
- 3.1.5 Children Act 1989;
- 3.1.6 Childcare Act 2006;
- 3.1.7 Data Protection Act 2018 and UK General Data Protection Regulation (**UK GDPR**);
- 3.1.8 Human Rights Act 1998; and
- 3.1.9 Equality Act 2010.

3.2 The following School policies, procedures and resource materials are relevant to this policy:

- 3.2.1 Parent Contract

- 3.2.2 Whistleblowing Policy
- 3.2.3 Online Safety Policy
- 3.2.4 Anti-bullying Policy
- 3.2.5 Behaviour and Discipline Policy
- 3.2.6 Child Protection and Safeguarding Policy;
- 3.2.7 Policy on Smoking, alcohol, drugs and substances;
- 3.2.8 Policy for Pupils on the Safe and Acceptable Use of ICT
- 3.2.9 Access and Security Policy
- 3.2.10 Disability Policy
- 3.2.11 School rules

4 Publication

- 4.1 This policy is available on request from the Head Master's Office.

5 Responsibility and allocation of tasks

- 5.1 The Proprietor has overall responsibility for all matters which are the subject of this policy.
- 5.2 To ensure the efficient discharge of its responsibilities under this policy, the Proprietor has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	Director of External Relations	As required, and at least termly
Monitoring the implementation of the policy	Senior Deputy Head	As required, and at least annually
Formal annual review	Proprietor	Annually

6 Staff Training

- 6.1 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 policy and have the necessary knowledge and skills to carry out their roles.

6.2 The level and frequency of training depends on the role of the individual member of staff.

6.3 The School maintains written records of all staff training.

7 Record keeping

7.1 All records created in accordance with this policy are managed in accordance with the School's policies that apply to the retention and destruction of records.

7.2 The records created in accordance with this policy may contain personal data. The School's use of this personal data will be in accordance with data protection law. The School has published on its website privacy notices which explain how the School will use personal data.

Authorised by	The Board of Governors March 2024
Policy owner (SPLT)	The Head Master
Policy owner (Proprietor)	Chairman of Governors
Next Review	Easter Term 2025

Appendix 1 - Governors' Review Meeting

1. **Request for a Governors' Review Meeting:** A pupil or their Parents may request a Governors' Review of the Head Master's decision to Expel or require the removal of a pupil, or where a decision has been made to impose the disciplinary sanction of suspension on a pupil for 11 working days or more, or where suspension would prevent the pupil from taking a public examination.
2. **How to request a review:** The application must be made in writing to the Chairman of Governors (direct or via the Clerk to the Governors, or their deputy) using the Request Form at **Appendix 2**. This must be received within five working days of the date of the Head Master's letter confirming his decision, or longer in exceptional circumstances, by agreement with the Chairman of Governors. 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 Clerk using the request form in Appendix 2 so that appropriate arrangements can be made.
3. **Grounds for review:** The request should include:
 - a copy of all relevant documents and full contact details;
 - the grounds on which the Parents are asking for a review and the outcome desired;
 - a list of the documents which the Parents believe to be in the School's possession and wish the Panel to consider; and
 - whether the Parents propose to attend the Hearing, and, if so, to be accompanied

The Clerk to the Governors will acknowledge the request for a Review in writing within three working days of receipt.

4. **Pupil's status pending a review:** Following a request for a Review, the pupil will be suspended from School until the review procedure has completed. While suspended the pupil shall remain away from School and shall not have the right to enter School premises or attend School events without written permission from the Head Master.
5. **Review Panel:** The Governors' Review Meeting will be undertaken by a three member sub-committee of the Board of Governors. The panel members will have no detailed previous knowledge of the case or of the pupil or Parents and will not include the Chairman of Governors. Selection of the Review Panel will be made by the Chairman of Governors, who will invite one of the members to be appointed as Chair of the panel (**Chair of the Panel**). Parents will be notified in advance of the names of the panel members. Fair consideration will be given to any reasonable objection to a particular member of the panel raised within two working days of the names being notified to the parents.
6. **Preparation for the Governors' Review meeting:** The Clerk to the Governors 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 Head Master, the Parent(s) and the Pupil. Every effort will be made to enable the Governors' Review Meeting to take place within 15 working days of receipt of the Parents' application for a Governors' Review Meeting. The Clerk to the Governors will send written notification to each party of the process, date, time and place of

the Governors' Review Meeting within three working days of the Clerk's acknowledgement of the Parents' request.

Copies of any documents additional to those specified in the request for a Review form that the Parents wish the Panel to consider should be sent to the Clerk to the Governors to be received at least seven working days prior to the Governors' Review Meeting.

On receipt of new information not previously available to the Head Master before his decision was made, the Clerk should contact the Chairman of the Governors who will decide whether:

- to include the new information in the bundle; or
- to omit the information if not relevant to the grounds for Review; or
- to make further enquiries of the parents or the pupil about the information; or
- to refer the information to the Head Master for their consideration as to whether the decision should be revisited.

The parents and the Head Master will be asked to submit any documents they wish to refer to at the meeting to the Clerk to the Governors and a single bundle will be circulated to the Panel, the Parent(s) and the Head Master simultaneously at least three working days before the meeting.

Once the bundles have been received, if the Panel requires further information from the Parents or Head Master, this request will be discussed with the Chairman of Governors and made through the Clerk.

7. Attendance: Those present at the Governors' Review Meeting will normally be:

- members of the Review Panel and the Clerk to the Governors or their deputy
- the Head Master and the Senior Deputy Head and any further member of staff whom the Head Master considers should attend in order to ensure a fair process, following consultation with the Chair of the Panel.
- the pupil together with their Parents. If the complaint concerns the behaviour of the parents, the pupil will not be expected to attend.

The Parents may be accompanied to the Governors' Review Meeting by a friend or relation. The Governors' Review Meeting is an internal proceeding, not legal proceedings, and legal representation is not necessary. The Parents are required to notify the Clerk to the Governors at least five working days' before the Review if they wish to be accompanied and if the friend or relation is legally qualified. The parents should note that the Review Panel will wish to speak to the parents directly. The legally qualified person will not be permitted to act as an advocate or to address the meeting unless invited to do so by the Chair of the Panel.

8. Conduct of Governors' Review Meeting: The review will be chaired by the nominated member of the Review Panel and will be conducted in a suitable room. The Review Hearing will be conducted in an informal but fair and unbiased manner.

All statements made at the review will be unsworn. 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 Panel who will conduct it so as to ensure that the parties have the opportunity to ask questions and make comments in an appropriate manner. The Review 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. All those present are expected to show courtesy, restraint and good manners or, after due warning, the Chair of the Panel may at their discretion adjourn or terminate the meeting. Any person who is dissatisfied with any aspect of the way the Review is being conducted must say so before the proceedings go any further and their comment will be minuted.

The Chair of the Panel may, at their discretion, adjourn the Review if they consider 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.

9. Procedure: The role of the Panel is to consider:

- **Whether, on the facts, the decision-making relating to the breach of School policy/ies and 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 Expel or Remove the pupil. The civil standard of proof, namely, "the balance of probability" will apply. Observance of the School's relevant policies and rules will be taken into account but may not be determinative in this respect.
- **whether the sanction was within the range of reasonable responses** - that is 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.

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.

The Panel will determine whether to uphold the Head Master's decision or refer the decision back to the Head Master with recommendations so that they may consider the matter further.

A Review 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.

10. Decision: 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, they will conclude the Review Hearing.

The Chair of the Panel will notify, in writing, the Head Master, the parents and the Chairman of Governors, of the Panel's findings and recommendations with reasons as soon as possible and within five working days of the meeting. The outcome will

either be that the Head Master's decision is upheld or that the matter is referred back to the Head Master with recommendations for reconsideration.

If the panel has made recommendations, the Head Master will consider them and then communicate his response to those recommendations to the Parents as soon as possible and within five working days of the Panel's decision. In the absence of a significant procedural irregularity, the Head Master's decision will then be final.

If the Head Master's decision is upheld then the decision will be final.

If the Head Master is asked to reconsider their decision, the pupil will remain suspended until this has been done.

Appendix 2 - Form for requesting a Governors' Review

To The Clerk to the Governors, St Peter's School, York

Subject [Name of pupil]:

I/we request a review of the Head Master's 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 Review Procedure supplied to us with this form 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 Governors' Review Meeting by a friend or relation

I/we will inform the Clerk if I/we have any special needs or disabilities requiring additional facilities or adjustments.

The grounds upon which I/we seek a Review, the outcome sought and the list of documents which we wish to discuss at the Governors' Review Meeting and to ask the Panel to take into account are as set out in a statement attached to this sheet.

(Two signatures required where practicable)

Signed	Signed
Full name	Full name
Relationship to pupil	Relationship to pupil
Date	Date
Address	Address
Telephone number	Telephone number