



ALDENHAM FOUNDATION

**Procedure for Appeals Against
Exclusion**

**Revised September 2022
by AJH**

PROCEDURE FOR APPEALS AGAINST EXCLUSION

I. NOTES:

1.1 For the purposes of this document and where the context admits the following definitions shall apply:

1.1.1	"Admission Agreement"	The agreement made between the Parent and the School at the time a place for entry to the School was offered to the Pupil, as may have been varied from time to time, and which incorporates the School's Terms and Conditions.
1.1.2	"Appeal"	An appeal by the Parent against a decision of the Head of Foundation to exclude permanently the Pupil from the School
1.1.3	"Appeal Panel"	The panel appointed by the Chair of Governors for the purpose of determining the Appeal and comprising not less than two members of the Governing Body and one person who is independent of the running of the School. The Chair of Governors shall nominate one member of the Appeal Panel as its Chair
1.1.4	"Clerk"	The Clerk to the Governors is appointed to undertake the organisation and arrangements for the Appeal Panel Hearing
1.1.5	"Head of Foundation"	The Head of Aldenham Foundation
1.1.6	"Head of Foundation's Response"	The Head of Foundation's written response to the Notice of Appeal
1.1.7	"Prep School"	The Aldenham Prep School or St Hilda's School
1.1.8	"Prep School Head"	The Head of the Aldenham Prep School or the Head of St Hilda's School.
1.1.10	"Notice of Appeal"	The Parent's written notice of appeal against the Head of Foundation's decision to exclude permanently the Pupil
1.1.11	"Parent"	The parent, parents or legal guardian of the Pupil who has been excluded
1.1.12	"Permanent exclusion"	The decision of the Head of Foundation to exclude permanently a Pupil from the School
1.1.13	"Proforma"	A proforma to be completed and submitted as part of the appeal process
1.1.14	"Pupil"	A boy or girl receiving education at the School
1.1.15	"School"	Aldenham School and where the context admits includes the Aldenham Prep School and St Hilda' School which together comprise the Aldenham Foundation
1.1.6	"Suspension"	Temporary exclusion from the School
1.1.17	"Working Days"	Mondays to Fridays during full term time, with the exception of holidays

1.2 The admissibility of an Appeal shall be subject always to the provisions of Paragraph 10.1 of this procedure.

2 RIGHT OF APPEAL

2.1 A Parent who is dissatisfied with a decision of the Head of Foundation:

2.1.1 to exclude a Pupil from the Senior School, or

2.1.2 to confirm a decision of the Prep School Head to exclude a pupil from the Prep School may exercise a right of appeal in accordance with the provisions of this Appeals Procedure.

3 NOTICE OF APPEAL

- 3.1 A written Notice of Appeal, together with a completed Proforma must be delivered by the Parent to the Clerk within five working days from the date upon which the decision to exclude took effect or, if later, the date of receipt of the Head of Foundation's written reasons for the decision to exclude. A Notice of Appeal received subsequently will not be considered.
- 3.2 The Notice of Appeal must:
- 3.2.1 Set out all the reasons why the Parent considers the decision is wrong;
 - 3.2.2 Include the completed Proforma outlining the grounds for the appeal;
 - 3.2.3 Have attached all documents on which the Parent intends to rely.
- 3.3 The Clerk shall deliver a copy of the Notice of Appeal to the Head of Foundation at the earliest opportunity.
- 3.4 Pending the outcome of any appeal, the Head of Foundation shall have complete discretion whether to implement or to defer implementation of the decision to exclude.

4 HEAD OF FOUNDATION'S RESPONSE

- 4.1 The Head of Foundation shall send the Head of Foundation's Response to the Clerk within 5 working days of his receipt of a copy of the Notice of Appeal. This shall include any and all documents upon which the Head of Foundation intends to rely. The Clerk shall as soon as practicable convey the Head of Foundation's Response and documents (if any) to the Parent.

5 ORAL HEARING OR WRITTEN DETERMINATION

- 5.1 If after receipt of the Head of Foundation's Response the Parent declines to proceed with the Appeal the Parent shall give written notice to that effect to the Clerk within three days of receipt of a copy of the Head of Foundation's Response.¹

6 APPOINTMENT OF APPEAL PANEL

- 6.1 The Clerk shall within 3 working days of his receipt of a copy of the Head of Foundation's Response ask the Chair of Governors to appoint the Appeal Panel.
- 6.2 No member of the Governing Body shall be eligible to serve on the Appeal Panel who has had any previous involvement in the decision to exclude.

7 PURPOSE OF THE APPEAL HEARING

- 7.1 In all cases, the purpose of the Appeal Hearing is to decide whether permanent exclusion is a reasonable response in the circumstances. However, where a Pupil has been excluded permanently for disciplinary reasons, the Appeal Panel must first decide whether the Pupil committed the offence in question. If the Appeal Panel concludes that the answer to this is no, then the question of whether permanent exclusion is a reasonable response ceases to be relevant and the Pupil shall be re-admitted.

¹ Failure to conduct an oral hearing would contravene the standards set down in the 2003 Regulations pursuant to the Education Act 2002. It is therefore the School's policy to conduct an oral Appeal Hearing unless the Parent making the Appeal specifically declines such a hearing in writing.

8 HEARING PROCEDURE

- 8.1 The Clerk shall give the Head of Foundation and the Parent not less than 5 days' notice of the date, time and place of the Appeal Hearing.
- 8.2 In the case of an oral Appeal Hearing there may be circumstances where it is unwise to hold the hearing at the School if this can be avoided. In this case, and subject to the provisions of paragraph 10.2 below, the Clerk will arrange a more neutral location that is convenient to all parties.
- 8.3 The procedure that the Appeal Hearing follows shall be at the discretion of the Appeal Panel. Unless the Appeal Panel determines otherwise:

8.3.1 The Appeal Hearing shall be conducted in private and everything said at the Appeal Hearing shall be confidential; at the discretion of the Appeal Panel, the Clerk may electronically record the proceedings but save for that record, no other recording shall be made. Any electronic or other record shall itself be kept confidential save only as the Chair of the Appeal Panel may direct. Parents are asked to keep their own notes as a record of the proceedings of the Hearing.

8.3.2 The Appeal Panel shall make it clear at the outset that their decision shall be final and shall not be subject to further appeal.

8.3.3 To such extent as may be necessary, the Head of Foundation shall outline the circumstances of the Pupil's permanent exclusion after which the Parent and the Appeal Panel shall have the right to ask such questions as the Appeal Panel deem appropriate. In the absolute discretion of the Appeal Panel, oral evidence may thereafter be called by the Head of Foundation with similar provision for questions by the Parent and the Appeal Panel. Save for permanent exclusions from the Prep School (when the Prep School Head shall also give evidence) that discretion will only normally be exercised when there is no reasonable and fair alternative method of establishing any disputed facts.

8.3.4 The Parent shall thereafter outline the case on behalf of the Pupil, after which the Head of Foundation and the Appeal Panel shall have the right to ask such questions as the Appeal Panel deem appropriate. Unless otherwise directed by the Appeal Panel (whether because of the age of the Pupil or otherwise in their absolute discretion), the Pupil will then have the opportunity to speak and will answer such questions from the Parent, the Head of Foundation and the Appeal Panel as the Appeal Panel deem appropriate. In the discretion of the Appeal Panel for like reasons as in relation to the Head of Foundation, oral evidence may thereafter be called by the Parent.

8.3.5 Relevant new evidence that has come to light subsequent to the decision to exclude and that relates to the issues considered when that decision was taken may be admitted. Such evidence must be sent to all parties in advance of the Appeal Hearing and in sufficient time to allow for its consideration; if that is not done, the Appeal Panel shall have the right to adjourn consideration of the Appeal on such terms as it believes proper. Save as aforesaid or with the permission of the Appeal Panel, neither the Head of Foundation nor the Parent will be entitled to put before the Appeal Panel any document or witness statement which did not accompany the Notice of Appeal or the Head of Foundation's Response.

8.3.6 For the avoidance of doubt, although the Appeal Panel may consider new evidence relating to the reason for permanent exclusion, no evidence shall be introduced which seeks to justify permanent exclusion for a new reason. This does not prevent the Head of Foundation taking further disciplinary steps for other reasons.

8.3.7 After the conclusion of the evidence, the Head of Foundation and then the Parent shall have the opportunity finally to address the Appeal Panel.

8.3.8 In the event of a permanent exclusion for disciplinary reasons and a dispute as to whether the Pupil committed the offence, the Appeal Panel shall first determine in private whether the Pupil did so and then announce (in short form) its decision. Thereafter, and in the event that the Appeal Panel reaches a conclusion adverse to the Pupil, the procedure will be repeated (to such extent as is necessary) dealing with the issue of the propriety of the sanction.

8.3.9 The Parent and Head of Foundation each may, with the prior approval of the Appeal Panel, be accompanied and assisted by another person who must undertake to respect the confidentiality of the Appeal Hearing but who, save with the permission of the Appeal Panel, shall not have the right to address the Appeal Panel;

8.3.10 The Clerk may advise the School prior to the Appeal Hearing but after commencement of the Appeal Hearing he shall take no part in the Appeal save that he shall minute the decision of the Appeal Panel.

8.3.11 The Appeal Panel may take any decision by a majority but shall not allow an appeal against a permanent exclusion solely on the basis of a technical defect of procedure unless the defect was such as rendered the procedure unfair.

9 DELIVERY OF THE APPEAL DECISION

9.1 The Appeal Panel's decision shall be final and shall not be subject to further appeal. As soon as is practicable after the Appeal Hearing, the Clerk shall write to the Parent, with a copy to the Head of Foundation, setting out the Appeal Panel's reasoned decision.

10 PRELIMINARY MATTERS

10.1 No appeal relating to the permanent exclusion of a Pupil from School will be entertained if any fees or other sums payable to the School under the Admission Agreement are in arrears.

10.2 Any dispute as to the date, time or place of the Appeal Hearing or in relation to any other matter touching the Appeal Hearing in advance of it taking place shall be decided by the Chair of the Appeal Panel following written representations from the Head of Foundation and the Parent.

11 TIME LIMITS

11.1 Save in relation to the giving of Notice of Appeal pursuant to paragraph 2 of this procedure, the Chair of the Appeal Panel shall have the power to extend the time within which any step shall be taken.

11.2 Notices or documents sent by first class post shall for the purposes of this Appeal Procedure be assumed to be received by the addressee on the day after posting, ignoring for this purpose Saturdays, Sundays and statutory holidays.

4. Do you and your child / ward intend to be accompanied by anyone else at a Panel Hearing? If so, please include this person's details and their connection to your family.
(N.B. If this person is legally qualified, please state the nature of their involvement. If a legally qualified person is to accompany you, the Appeal Panel must be informed of this in advance and reserve the right to be supported in the hearing by the Foundation's legal representatives)

Name:

Signed:

Date: