



MARLBOROUGH COLLEGE

Policy for Review in Cases of Permanent Exclusion

This policy should be read in conjunction with the Exclusion for Misconduct Policy, which provides an explanation of how serious breaches of discipline are dealt with by the College.

REVIEW PROCEDURE FOLLOWING PERMANENT EXCLUSION

Important Note: These guidelines are non-contractual in nature and will be followed in accordance with their spirit rather than their letter. They have been prepared for the information of all who may become concerned in a review hearing following expulsion or required removal of a pupil.

What to expect at the Review Hearing

1. The review will be conducted by a Review Panel comprising three members of Council not previously involved in the matter. One member of the Panel will be chosen to act as its Chair. The Chairman of Council may not be a member of a Review Panel.
2. Those present throughout the hearing will normally be the Review Panel, the Master, the parents/guardian ("parents"), the pupil and the Clerk to the Council. The parents may be accompanied by a friend or relation and by a member of the College staff, if desired.
3. It is intended that the review hearing will be conducted in an informal way. The proceedings will, however, be chaired by the nominated member of Council. The seating will be arranged so that, as far as practicable, everyone present can see and speak to each other without difficulty.
4. Each of the grounds given in the parents' *Request for Review of Permanent Exclusion* (form located at the end of this document) will be considered in turn and discussed. The proceedings will not be tape-recorded but the Clerk to the Council will be asked to keep a Minute of the main points that arise. All present will be entitled, should they wish, to write their own notes. Pens and paper will be provided.

Matters which the Review Panel may consider

In relation to each issue raised, the members of the Review Panel may take into account all of the following circumstances:

1. The nature and gravity of the complaint(s) against the pupil.
2. Whether or not the guilt of the pupil has, on the balance of probabilities, been established from the evidence that is before the Review Panel, including any given at the original hearing.
3. Whether or not the complaint was investigated fairly.
4. The level of co-operation that has been given by the pupil and his/her parents/guardian.
5. The actual or likely effect of the pupil's alleged conduct on other members of the College community.
6. The general record of the pupil during his/her time at the College.
7. The interests of the College community balanced with those of the individual pupil.
8. Any other relevant circumstances, including the personal circumstances of the individual pupil.

How to apply for a Review

1. At the time of the expulsion the parents will be given a form of ***Request for Review of Permanent Exclusion***, together with a copy of these procedures. If parents seek review, the request form must be completed and returned to the Clerk to the Council within three working days after they were first aware of the expulsion decision.
2. Unless there are exceptional circumstances, the review must be heard within 7 to 14 days of the expulsion or required removal and may be heard sooner if all concerned agree.
3. As soon as practicable after the Clerk to the Council has received the ***Request for Review of Permanent Exclusion*** he/she will convene the Review Panel and contact the parents to agree a convenient date, time and place for the review hearing. Each member of the Review Panel will be provided with a copy of any relevant documents including the conduct file of the pupil. The parents shall be entitled to copies of all those documents save any which, in the reasonable opinion of the Chairman, should not be disclosed.

Conduct of the Review Hearing

1. The review hearing shall be directed in all respects by the Chairman of the Review Panel. Statements made at the hearing shall be unsworn. The Chairman of the Review Panel will conduct the hearing in such a manner as he/she thinks fit in order to ensure that all those present have the opportunity of asking questions and making comments.
2. If the Master considers it necessary in the interests of the individual or of the College that the identity of any witnesses shall be withheld, the Chairman may require the name of the witness and the reasons for withholding identity to be written down and shown to the Review Panel. The Chairman, at his/her discretion, may direct that the witness be identified.
3. Up to two members of the College staff may speak generally about the pupil's character, and conduct and achievements at the College if they are willing to do so.
4. All those attending the review hearing are expected to show courtesy and good manners, otherwise the Chairman may, at his/her discretion adjourn or terminate the review hearing. If the hearing is terminated the original decision will stand.
5. When the Chairman decides that all issues have been sufficiently discussed he/she may require all those present (except the members of the Review Panel) to withdraw to another room while the Review Panel decides:
 - a. Whether it is likely to be able to reach a decision within the next hour; in which case the decision will be given at that time; or
 - b. Whether, during the course of the review, some consensus has been reached so a formal decision will be unnecessary; or
 - c. Whether more time will be required before a decision can be reached. If more than one hour will be required the Chairman may adjourn the review hearing and arrange for the decision of the Review Panel to be notified to the parents/guardian.
6. The decision of the Review Panel will normally be notified by the Chairman of the Review Panel by telephone, confirmed in a letter, or by letter alone, within 7 days of the hearing. The decision of the Review Panel will be final.

Author: Chairman of Council
Where found: College Website
Policy Date: Lent 2019
Policy Review: Lent 2021



MARLBOROUGH COLLEGE

REQUEST FOR REVIEW OF PERMANENT EXCLUSION

To: The Clerk to the Council

Name of Pupil:

Names of those with Parental Responsibility:

Address(es) of Parents/Guardian:

Telephone numbers:

I, being a person with parental responsibility for the above named pupil, request that a Review Panel of the Council carries out a review of the decision to expel or require the removal of the pupil:

1. We have received with this form a copy of the *Review Procedure* and we agree to abide by its terms.
2. We also agree that the proceedings are and will remain confidential and that this review will be final subject to such (if any) legal rights as may exist.
3. The grounds upon which we seek a review and the matters which we wish to discuss at the review and to ask the sub-committee to take into account are as set out on the reverse side of this sheet.
4. We understand that we may be accompanied at the review hearing by a friend or relation or by a member of the College staff who knows and who is willing to speak on behalf of the pupil.

Two signatures (or initials, if completing electronically) required where practicable.

First Signature:

Second Signature:

Full Name:

Full Name:

Relationship to Pupil:

Relationship to Pupil:

Date:

Date:

Please outline the grounds upon which you are seeking a review below: