

# ST FRANCIS XAVIER CATHOLIC SIXTH FORM COLLEGE

## APPEALS PROCEDURE AGAINST PERMANENT EXCLUSION

### Preamble

The Principal is responsible for the maintenance of student discipline. Within the rules and procedures made by the Governing Body, the Principal is responsible for the suspension or expulsion of students on disciplinary grounds and for implementing decisions to expel students because of the standard of their work or for other academic reasons [Articles of Government 5(3)(f) and 15(4)(b)]. Under Section 15(4)(b) [delegation of functions], the Principal has delegated this function to a member of the Senior Management Team.

The following rules and procedures are endorsed by the Governing Body under Article 19(2) of the College's Articles of Government.

### General principles

The Principal shall ensure that both parties have a reasonable opportunity to present their cases and that the requirements of natural justice are observed, that there is a right to be heard, a right to have the case considered objectively, and a right to be treated fairly. The Principal will conduct any appeal in the light of the College's Mission Statement, its Articles of Government and relevant policies, including its Equal Opportunities Policy.

Unless the context requires otherwise, "student" includes a parent/guardian of a student under the age of 18 or a nominated person to represent the interests of a student over 18 who declines or may not have recourse to parent/guardian. Any reference to "days" means College term days.

**If you wish to appeal and the grounds for the appeal fall within the points below, then please forward your appeal, by letter, to the Principal, Mr. G Thompson, within 10 term days of the date of the letter of exclusion. The appeal may be made by the student who is the subject of the appeal or by the next of kin/carer.**

### **The grounds on which you may appeal are as follows:**

- The stated reason for the exclusion does not lie within the College code of conduct
- In pursuing the exclusion there was a material irregularity with respect to the College's disciplinary procedures which rendered the process leading to the decision unfair
- The imposed penalty is considered too harsh
- There are extenuating circumstances with respect to the subject of the exclusion that have not been brought to bear on the decision

### Procedures

1. The Associate Principal (Student Welfare) will ratify any decision to exclude a student permanently on academic grounds after giving him or her the opportunity to make representations.
2. The decision to exclude a student on disciplinary grounds will be ratified by the Associate Principal (Student Welfare) after giving the student the opportunity to make representations. In significant cases, of a serious breach of the code of conduct, and for the safety of our College community a decision to permanently exclude may have to be taken immediately.

3. The student or parent/carer of the student may appeal to the Principal against expulsion from the College within the specified period (within 10 term days of the written communication of the decision to exclude).
4. If the Principal has a direct interest or has had any prior involvement in the matter in question s/he shall not consider the appeal, but the Chairman of the Governing Body shall appoint another (which may be him/herself) to hear the appeal on behalf of the Governing Body. In this case, references to "the Principal" in these procedures shall be read as meaning that person.
5. Parties to the hearing may prepare a written statement of their case. Such submissions, together with other relevant documentation, must be with the Principal's P.A. two working days in advance of the hearing.
6. The Principal's P.A. will circulate identical papers to the Student or Parent/ Carer, Principal and any other member of the Senior Team who may assist the Principal in the hearing.
7. The student is entitled to be accompanied by a parent/carer who may speak on behalf of the student. If the student is over 18 h/she should nominate an adult to accompany them and let the College know of the status of the accompanying adult. Should the subject of the appeal (student) wish to bring a second adult to the proceedings, they should make the request of the College in advance of the scheduled hearing.
8. The proceedings will normally be conducted in the following order, subject to the power of the Principal to alter the procedure where necessary:
  - (i) The Principal will consider evidence presented by the College by a representative of the Senior Team.
  - (ii) The Principal will hear the appeal case as represented by the student and his/her companion
  - (iii) The Principal and student will have the opportunity to discuss the submission and evidence and ask further questions.
  - (iv) The Principal and the student or parent/carer (or nominated person) will have the opportunity to sum up their cases.
9. Following the meeting the Principal will deliberate upon the evidence and the content of the appeal hearing. The Principal may seek additional evidence prior to making a final decision. The Principal will make a decision following the meeting and will confirm the outcome of the appeal hearing within five term days of the hearing.
10. The Principal's decision is final.

*Reviewed September 2021*