



STUDENT STANDARDS APPENDIX 25/26

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HEART OF
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COLLEGE

APPEALS

Students may appeal against any decision made during this process to exclude them within 10 working days of notification. See “How To Appeal”.

To do this the student must inform the College in writing of their intention to appeal and must state the reasons for their appeal in this communication.

The Meeting of Appeal will be chaired by a Vice Principal who has not been involved in the process so far, or by the Principal. **The Chair’s decision is final and completes the procedure.**

As outlined above, in rare and extreme cases a student can be excluded automatically with **no right of appeal. The student will be notified of this.**

MEETINGS OF APPEAL

This procedure is intended to afford a student a full and fair opportunity to present an appeal against any decision made under this policy. When appealing against a suspension or exclusion the student must clearly state the reasons for their appeal.

Where the student is aged under 18 years or up to 24 with an Education Health Care Plan parents/guardians should also be invited to the appeal meeting unless Data Protection prevents this. Alternatively, where a parent or guardian is not able to attend the student may be accompanied by another adult nominated by their parent or guardian, or by an advocate from Student Support. Learners may not be accompanied by legal representation.

Students aged over 18 years may choose to be accompanied by an advocate from Student Support, or one other adult but not by legal representation.

The appeal meeting will be held as soon as reasonably practicable after the notice to appeal has been received. This will normally be **within 10 working days of the notice of the appeal being lodged, with the student receiving at least 5 working days’ written notice of the meeting.** The written notification will detail the date and venue of the hearing and the student’s right to be accompanied.

At the appeal meeting, the student will be given the opportunity to state their case and has the right to be accompanied as detailed above.

The Chair of the appeal meeting should be given all relevant written material and accounts of the procedures followed. They should also inform all participants of:

- The procedural conduct of the meeting (see next paragraph)
- Any time limits on oral submissions

Students are required to notify the Chair of the appeal meeting at least 2 working days before the appeal of the names of any witnesses they intend to call.

At the appeal, the penalty imposed will be reviewed, but it cannot be increased.

The appeal decision is final and will be notified to the student in writing without unreasonable delay.

PROCEDURE OF MEETINGS OF APPEAL

Those present at the Meeting of Appeal will normally be the student (who may be accompanied as stated above), the relevant Curriculum Manager and the student's Personal Tutor plus any additional witnesses who may be called. The Chair of the earlier formal meeting that led to the suspension or exclusion will also be in attendance in order to explain the decision made.

During the hearing, adjournments may be requested by either party or by the Chair and will not be refused unreasonably.

The Chair will ask whether any new evidence has been made available that could not be circulated prior to the hearing and will make a judgement as to whether an adjournment is necessary to allow consideration of such evidence.

The Chair will introduce all those present.

The Chair will set out that the student's companion may:

- Address the hearing to put the student's case;
- Confer with the student during the hearing;
- Sum up the student's case;
- May ask questions on the student's behalf.

The Chair may ask questions at any time. Not every hearing will be conducted in exactly the same way and will depend on the particular circumstances and nature of the allegations. A typical procedure to be followed at an appeal hearing is outlined below.

Part One

The student or companion will state the precise nature of the appeal. They will then explain the student's case and any special circumstances which may exist.

Where appropriate, the student or their companion may introduce any witnesses. The Chair of the hearing may question any witness(es).

Each witness will attend only for their own evidence and will withdraw once their evidence is given.

Part Two

If necessary, the Chair of the hearing may call the manager who made the original disciplinary decision in order to ask any relevant questions.

The student or their companion may question the manager who made the original disciplinary decision.

The manager who made the original disciplinary decision will withdraw.

Part Three

The student or their companion will be given an opportunity to make a short final summary of the appeal, with no new factors to be introduced.

Those present will then withdraw. After the hearing, the Chair will review the case before making a decision, taking account of the original disciplinary decision and the student's representations from the appeal hearing.

Decision

At the appeal, the sanction imposed will be reviewed, but it cannot be increased. If the Chair hearing the appeal is presented with different evidence against the individual from that presented at the original hearing, a further disciplinary procedure may be instigated.

The appeal decision will be notified to the student in writing without unreasonable delay (usually 3 working days) following the appeal hearing.

HOW TO APPEAL AGAINST AN EXCLUSION OR SUSPENSION

Written confirmation of exclusion or suspension sent to a student and/or their parent/guardian will contain notification of the right of appeal. **Students, their parents and/or guardians are unable to appeal against immediate exclusions made because of threats, physical or verbal abuse or assaults as outlined above. Where there is no right of appeal this will be clearly stated in the exclusion letter.**

An appeal against exclusion or suspension must be submitted to the College in writing within ten (10) working days of the College's notification of exclusion or suspension.

The appeal against exclusion or suspension will be heard by a member of the Executive Leadership Team, a Vice Principal or the Principal.

The date set for the appeal hearing will be notified to the student, and their parents/guardians (if under the age of 18 years or up to 24 with an EHCP), and they will have a right of attendance to express their reasons for the appeal.

The decision regarding an appeal will be final.

Appeals should be made either via email to studentappeals@howcollege.ac.uk, or by writing to Principal's Office, Heart of Worcestershire College, Deansway, Worcester WR1 2JF. Requests for an appeal should include the following information:

- Name, Address, Contact Telephone Number, or Email Address
- Relationship to the College, e.g. student / parent / guardian

Note:

- The appeal should be submitted by the student if over 18 years
- For students under 18 years, or up to 24 years with an EHCP the appeal should be submitted by the parent(s)
or guardian(s)
- The grounds for requesting an appeal
- Any supporting information as to why you should not have been excluded or suspended
- What result or outcome do you want from your appeal

By enrolling, students are agreeing to abide by the Student Standards that are upheld in College, particularly those affecting the health and safety of students, staff and visitors. In addition, students are undertaking not to behave in a manner that is detrimental to the work or reputation of the College, and to abide by the Student Standards and to accept the authority of the College Principal on all matters affecting college life.

By upholding the Student Standards, we can ensure that students are able to learn in a safe, welcoming and professional environment, and are clear on the expectations required by employers and will be well prepared for their next steps.