

EXCLUSION APPEAL NOTICE

NOTES FOR GUIDANCE

YOUR RIGHTS

Where a pupil has been permanently excluded from school and the Governing Body has considered the case but decided not to overturn the Headteacher's decision, either the parent of the pupil or the pupil himself or herself if they are over the age of 18 years, has the right to appeal against the Governing Body's refusal to order the reinstatement of the pupil. It is important to understand that, if the pupil is over 18 years old, it is the pupil, not the parent, who has the right of appeal and in those cases, when we refer to 'you' later on in these notes, we really mean the pupil, not the parent. To deal with appeals, Independent Appeal Panels will be set up and the Local Authority, the School Governors and the Headteacher will have to abide by the Appeal Panels' decisions. The Appeal Panels are administered by the County Solicitor, not the Director of Children & Young People's Service.

The Appeal Panel which will look at your appeal will consist of three members:

- a. A lay member (i.e. someone not personally involved in the management of a school or the provision of education in a school (except as a Governor or in a voluntary capacity)).
- b. A current or recently retired School Governor.
- c. A serving or recently retired Headteacher.

These arrangements are in line with the Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 as amended. The Appeal Panels are independent of the Local Authority, the School Governors, the Headteacher and the Director of Children & Young People's Service. No member of the Appeal Panel will have had anything to do with the decision against which you are appealing.

THE APPEAL NOTICE AND WHAT TO DO WITH IT

The Education Act 2002 and the Regulations, which give you your right of appeal, also say that your appeal must be in writing and you must state why you are appealing.

If you wish to appeal, you must complete the Notice of Appeal and return it ensuring that it is received by the County Solicitor within the time limit set out in the letter.

HOW APPEALS ARE HANDLED

When you have put in your appeal, you will receive the case from the Governors and Headteacher in writing. You will then be able to see what they have to say about your appeal. A few days before the Appeal Panel meets to discuss your appeal, each member of the Appeal Panel will be sent a copy of your completed Notice of Appeal and any other supporting documents which you may have chosen to send with it and any written comments of the Local Authority and the School Governors. In this way, we have found that parents do not have to go over everything they have written but can concentrate on their important points.

The emphasis is on informality. The Appeal Panels are not open to the public and press and we regard them as confidential. The aim is to give every parent a fair opportunity to put their point of view to the Appeal Panel. Appeals will be heard usually at County Hall and you will be told at least two weeks in advance when your appeal will be considered, although you may be asked to agree to shorter notice.

As we have said, the emphasis is on informality and you will have a fair opportunity to tell the Appeal Panel why you think your appeal should be allowed.

Your appeal will be determined on the basis of any written representation or documents which have been produced, together with the oral submissions made and any evidence heard at the Appeal Panel meeting itself.

ATTENDING THE APPEAL PANEL (Questions 4 and 5)

Parts (a), (b) and (c) of question 4 cover someone coming along to the meeting of the Appeal Panel - either yourself, yourself and a friend or yourself and a representative.

If you say that you wish to attend the Appeal Panel and then do not come to the meeting, the Appeal Panel can decide your appeal in your absence on the basis of any written information you may have sent us beforehand.

If you wish to come by yourself, tick box (a) in question 4 and ignore question 5.

You may wish to be accompanied by a 'friend' for moral support when you put forward your views. If you wish your appeal to be handled in this way, tick box (b) in question 4 and answer 5. Where the pupil is over 18 years old, the 'friend' could be a parent or guardian of theirs.

WRITTEN COMMENTS (Question 4)

If you can, please come to the Appeal Panel hearing. However, we know that some parents may not want to do this or may not be able to do so. The

Appeal Panel can, if you wish, decide your appeal on your written comments and the comments of the School Governors, Headteacher or Local Authority.

If you wish to have your appeal dealt with in this way, tick the last box (d) in question 4 and ignore question 5.

You may wish to be 'represented', that is, someone else to speak and ask questions for you at the Appeal Panel. If you are represented, we would not expect you to speak at the Appeal Panel except to answer questions. You will have to pay the costs of your representation. Legal representation will seldom be necessary or appropriate. If you wish your appeal to be handled in this way, tick box (c) in question 4 and answer question 5. It is particularly important that you give a full address and telephone number in question 5, since we will send copies of all letters to your representative.

REASONS FOR APPEALING (Question 6)

This is your chance to put forward your views - in fact, the Regulations require you to do so at this stage. But there is more to it than that - as we have said, we will send to each member of the Appeal Panel, in advance of the meeting, copies of anything you send us to support your point of view. In this way the Panel will know why you are appealing. It makes sense, therefore, to answer question 6 as fully as you can. If you enclose original documents with this appeal notice and you would like them back, please tell us and we will copy them and return them to you either straightaway or after the Panel has met.

If you believe that your child has been excluded for a reason related to their disability or because of some other discriminatory act, then you should insert details of this in the appeal form.

DON'T FORGET!

You do not have much time in which to appeal.

If you wish to appeal, complete the appeal notice, sign it and send it as soon as possible to the County Solicitor at the address at the top of the notice. It is advisable for you to keep a copy of all the documentation you submit. The appeal must reach the County Solicitor by a set date - the letter which you received from the Director of Children & Young People's Service with the appeal form will say what that date is.

Your notice **must** be in the County Solicitor's Department no later than close of business that day. Late appeals (even by one day) will not be accepted and the Regulations in relation to appeals state that there is no discretion to extend the deadline and, therefore, **no exceptions can be allowed**. We suggest that you should use first class mail or fax to avoid delay - but if time is short, deliver the notice to the County Solicitor's Department at County Hall by hand, because the post, even first class post is not always reliable.

If you require this information in an alternative version e.g. large print, Braille, tape or help in understanding it in your language or if you require the services of an interpreter or signer at the appeal hearing, please contact us so that we can make arrangements for this.

CONTACTS

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