

SCHOOL EXCLUSION APPEALS

HOW TO FILL IN YOUR APPEAL NOTICE

NOTES FOR GUIDANCE

(Please read these before filling in your appeal notice)

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, special appeal panels will be set up and the local education 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 Education.

It is likely that 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; and
- c) a serving or recently retired Headteacher.

These arrangements are in line with the Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002. The Appeals Panels are independent of the Local Education Authority, the School Governors, the Headteacher and the Director of Education. 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. The attached form has six simple questions which are aimed at finding out some basic information.

If you wish to appeal, you must answer each of the six questions and send the completed notice so that I, the County Solicitor, (NOT the Director of Education) receive it at County Hall within the time limit.

The first two questions should be easy enough to answer. We thought that you might like some idea of the kind of answers we are hoping for in the answers to questions 3 to 6. If the pupil is over 18 years old, the pupil, not the parent, should answer question 2 and ignore question 3. If the pupil is under 18 years old, then the parent should answer both questions 2 and 3.

HOW THE 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 education 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 in the morning or afternoon 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 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.

Now that you have some idea of our arrangements for handling your appeal, we need to know how you would like us to handle your appeal. The answers to questions 4 and 5 will tell us this. You can always change your mind, but if you can, please tell us about it.

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'. The idea of a 'friend' is that you may like to have the moral support of a friend sitting beside you 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 question 5. We find that many 'friends' are, in fact, the spouse or partner of the parent or guardian who is appealing and in that case there is no need to complete the address in question 5, unless it is different from your own. Equally, where the pupil is over 18 years old, the 'friend' could be a parent or guardian of theirs.