

PARENT LINK- INFORMATION SHEET no. 9

Independent Appeal Panels (Exclusion)

What are they?

If your child has been permanently excluded from school you have the right of appeal to the GOVERNOR'S DISCIPLINARY COMMITTEE. When the disciplinary committee uphold (agree) with the decision to exclude you have the right to appeal to an independent panel. They can also hear cases where there may have been racial disability discrimination.

Who tells me how to appeal?

You will be told in a letter from the governing body the reasons why the governors upheld the permanent exclusion, and who you need to write to if you want to appeal. There will be a deadline and if you miss it you lose your right to appeal.

When will the appeal hearing be?

It must be within 15 school days of you writing to say you will appeal. Appeal panels may be adjourned.

How do I make my case?

You need to write down the reasons for appealing and you will present your case to a panel. PARENTLINK can help you do this. ?

Who will be on the panel?

There will be 3 people.

- The chair must be someone who doesn't do paid work in schools (a lay person)
- One person who has worked as a school governor (of a school that isn't the one your child attended) for at least a year in the last six years)
- One person who is or has been a head teacher in the last 5 years.

There will also be a clerk who is the legal expert and records what's happened.

The Area Reintegration Officer will also be there.

Who else may attend?

You (the parent or carer) you may have a representative (usually one person other than yourself)

The Head teacher

A governor

A legal representative for the governors

Your child (if you and they agree)

If there is an alleged victim in the case the clerk can ask them if they want to speak to the panel.

The panel can't *make* witnesses come to the hearing

Where will it be held?

The appeal will not be in the school that your child has been excluded from. It will be in private at a suitable place for everyone.

Before the hearing

All written documents should be sent to every one involved 5 days before the hearing.

What will happen at the hearing?

The chair will tell everyone what will happen. There will be introductions then everyone will have a chance to speak. People will speak one at a time and the panel and all parties will have chance to ask questions.

No party will be alone with the panel without any other party.

Evidence and witnesses

Physical evidence like photographs, signed witness statements etc can be submitted. There can be new evidence provided but not new reasons for the exclusion.

Witness statements are usually enough but any direct witnesses can be asked to attend.

The panel may agree that character witnesses can be called

Reaching a Decision?

The panel must decide

- ON THE BALANCE OF PROBABILITY the pupil did what they were alleged to have done

They must take into account whether

- the Heads followed the law and guidance about exclusions
- the school's behaviour, equal opportunities, anti bullying, race equality and special needs policy
- if the exclusion was fair in comparison to other pupils involved in the same incident

They must decide if Permanent Exclusion was the right response.

The Decision

The panel can decide that the exclusion was the right response.

The panel can decide that exclusion was not the right response. If so, they need to think about the pupils return to the school.

The panel can decide that the pupil can return to school straight away or at some future date (once arrangements have been agreed).

The panel can decide that the pupil should be able to return to school, but this may not be what the parents wish or be impractical; in this case they decide that reinstatement was justified but impractical and this will be recorded.

The panel will also hear claims of RACIAL or DISABILITY discrimination

What happens after the hearing?

- The panel's decision is final and binding
- Everyone must know what the decision is after the second working day after the hearing with the reasons
- If they agree with the exclusion the LEA will be notified and should make arrangements as quickly as possible for a suitable full time education for the pupil. The school should take the pupil off roll.
- If panel decides that exclusion was not the right response and directs the school to readmit the child the Head should be told of this and when the child should return

Details of the exclusion will remain on the school record even if the child is reinstated, but parents can ask for their appeal statement to be put on their child's file

What if you are not satisfied about the hearing? You can contact the clerk to the exclusions appeal panel who will tell you about your options.

Sometimes there is Police involvement or criminal proceedings happening at the same time-what happens then?

The appeal still will take place. However the panel will meet and a judgement will be made on the basis of the evidence available to the panel at that time and if the appeal will be adjourned or continue as planned.

Useful Contacts

About the appeal process

Independent Appeal Panel Committee Clerk, P O Box 5, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1SW 01273 481000

About Exclusions

AREA REINTEGRATION OFFICERS

East 01424 852819

West 01323 897923

About disability issues

Disability Rights Commission

Tel 08457 622 633

Text phone 08457 622 644

E mail enquiry@drc-gb.org

About racial issues

CRE

St Dunstan's House

201-211 Borough High Street

London SE1 1GZ

tel 020 7939 0000

fax 020 7939 0001