



# Reach for the stars.

## HILL VIEW PRIMARY ACADEMY EXCLUSIONS APPEAL GUIDELINES

### Appeals

All correspondence regarding an exclusion from the school will inform parents of their right to appeal to the Governing Body against the decision to exclude. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is the Clerk to the Governors.

### Responsibilities of the Governing Body

The Governing Body will establish a nominated governor and when the need arises an Independent Review Panel.

- The Governing Body will establish a Discipline Committee.
- The Governors do not have the right to exclude a pupil.
- Governors will review the use of exclusion in school regularly.

### Informing the Governors

The Headteacher will inform the nominated governor of:

- All permanent exclusions
- All exclusions which result, separately or in total, in the pupil missing more than five school days in any one term

### The Role of the Governors in Permanent Exclusion Cases

The Discipline Committee will consist of no less than three Governors who will review the use of exclusion within the school. The Governing Body will appoint a clerk to the Discipline Committee to provide advice on the exclusions process and to handle the administrative arrangements for considering exclusions.

If the exclusion is for five school days or fewer the Discipline Committee will not direct to reinstatement.

The governing body discipline committee must meet in cases of:

- Permanent exclusions
- Fixed term exclusions that have been converted to permanent exclusions

The governing body discipline committee must meet to:

- a) Consider the circumstances in which the pupil was excluded;
- b) Consider any representations about the exclusion made by the parent;
- c) Consider whether the pupil should be reinstated immediately, reinstated by a particular date or not reinstated.

For permanent exclusion, the governing body discipline committee should normally satisfy itself that all possible strategies to improve a pupil's behaviour were tried without success; strategies should include those in DfE guidance, including a Pastoral Support Programme. For children with statements of SEN, revising the statement might be better than resorting to exclusion.

For permanent exclusions the governing body discipline committee will consider the exclusion and decide whether the pupil should be reinstated. Such consideration will take account of the pupil's behaviour record and the likely impact of their continued attendance.

The governing body discipline committee may not attach conditions to the reinstatement of a pupil.

If the governing body discipline committee upholds the Headteacher's decision to exclude a pupil permanently, it will write within one school day to the parent(s)/carer(s) giving the reasons for the decision and all other guidance as set out in *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012*.

If the governing body discipline committee upholds a decision to exclude a pupil permanently it will notify the Local Authority in writing of this decision within one school day of the hearing.

#### **After the meeting – Permanent Exclusions**

A note of the governing body committee views on the exclusion shall normally be placed on the pupil's record with a copy of the Headteacher's exclusion letter.

Parent(s)/carer(s) whose child is excluded permanently from the school have the right to appeal against the governing body discipline committee decision to uphold the exclusion. This should follow statutory guidelines as set out in *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012*.

#### **Independent Review Hearings**

If applied for by parents within the legal time frame (15 days), the school will arrange for an Independent Review Panel hearing to review the decision of a governing body not to reinstate a permanently excluded pupil.

Any application made outside the legal time frame will be rejected by the school.

Parents may request an independent review panel even if they did not make a case to, or attend the meeting at which the governors made their decision

All arrangements for the Independent review hearing will be made by the school or the organisation commissioned by the school to manage this process on their behalf and this includes: -

- Establishing an Independent Review Panel which complies with DfE regulations
- Agreeing suitable date, time and independent venue for the hearing to take place (hearings will not take place at the excluding School)
- Appointing an independent Clerk to administer the process including the circulation of the meeting pack, take notes of the hearing and sending out the decision letter (the Clerk to the excluding School)
- governing body will not be eligible to perform this role)

The Clerk may also provide advice to the panel and parties to the review on procedure, legislation and statutory guidance on exclusions

Where it has been requested, arrange for a SEN expert to attend the review hearing

The role of the panel is to review the governing body's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded and have regard to the interests of other pupils and people working at the school. The panel must also apply the civil standard of proof "on the balance of probabilities rather than the criminal standard of "beyond reasonable doubt"

Following its review the panel can decide to:

- a. Uphold the exclusion decision
- b. Recommend that the governing body reconsiders their decision or,
- c. Quash the decision and direct the governing body to consider the exclusion again

The decision of the Independent Review Panel is binding on the; pupil, parents, governing body, LA and school.

New supporting evidence may be presented to the panel but the school may not introduce new reasons for the exclusion and panels will disregard any new reasons that are introduced

Where present the panel must seek and have regard to the SEN expert's view of how SEN might be relevant to the pupil's exclusion

Members of the School Permanent Exclusion Committee and School presenting team will be invited to attend the hearing to present their case to the panel

As with the governing body exclusion hearing, parents will be invited to attend and may bring another member of the family or supportive adult. If they are not present, the case will be heard in their absence

Where a panel quashes the governing body's decision and directs it to reconsider an exclusion it has the power to order that the School makes a payment of £4k to the Local Authority if the governing body does not offer to reinstate the pupil within 10 School days of receiving notice of the panel's decision. (This sum would be in addition to any budget that would normally follow a pupil to a new school.)

A review cannot continue if the panel no longer has representation from the required categories of panel members. In this event the panel will be adjourned until the number can be restored.

Following the review, the panel must issue written notification to all parties without delay. This notification must include: -

- a. The panel's decision and the reason for it
- b. Where relevant, details of any financial payment to be made if the governing body subsequently decides not to offer to reinstate a pupil
- c. Any information that must be recorded on the pupil's educational record to reflect the decision

If the panel upholds the decision, the Clerk will immediately notify the local authority and if the pupil lives outside the LA of the School, the pupil's "home local authority".

### **Relationship to other school policies**

The Exclusion Policy should be read in tandem with the school's Behaviour Policy as well as other relevant school policies, particularly the Special Educational Needs Policy and the Single Equality Scheme. It also has a close inter-relationship with the Anti-Bullying Policy and Attendance Policy.

### **Monitoring and Review**

The impact of this policy will be reviewed by the governors.

The Headteacher will provide the Governors with regular monitoring reports which will help it to evaluate the effectiveness of the policy and procedures.

The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key

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