

7. Useful Addresses

OMBC – Children, Young People and Families
Exclusions Team – 0161 770 3158
Appeal Arrangements – 0161 770 4170/4715/4728

Local Government Ombudsman
Beverley House
17 Shipton Road
York
YO30 5DZ

The Secretary of State, DfES
Sanctuary Buildings
Great Smith Street
Westminster
London
SW1P 3BT

Office of the School Adjudicator
Vincent House
2 Woodland Road
Darlington
DL5 7PJ

Should you have any queries about the arrangements for the appeal hearing, please contact Constitutional Services at the Civic Centre by telephoning 0161 770 4710/4715/4728

For any advice on the exclusion process and guidance, please contact Pupil Service on 0161 770 3158

Children, Young People and Families

**EXCLUSION APPEALS
INFORMATION BOOKLET FOR
PARENTS**

Academic Year 2007/2008

**This booklet explains how to make an appeal
and tells you what happens at appeal hearings**

1. Introduction

When a permanent exclusion is upheld by the governing body of a school, parents have a right to submit an appeal to an Independent Appeal Panel.

Parents have a right to an appeal even if they did not make a case to, or attend, the governors' disciplinary meeting.

Parents must explain their grounds for appealing in writing no more than 15 days after receiving the governors' notification letter upholding a permanent exclusion.

At the appeal hearing you are given the opportunity to explain to a panel of people who are independent of the School and the Local Authority (LA) why you wish your child to be admitted back in to the School and the permanent exclusion overturned.

Any appeal made after the latest date for lodging an appeal will be out of time and must be rejected by the LA.

6. The Decision Making Process

The panel will decide on the balance of probabilities, whether your child has done what has been alleged. They must also look at the head teachers and governing body decision, whether correct procedure and guidance have been followed and whether the exclusion was fair and justified.

The panel must balance the interest of the excluded pupil against the interests of all other members of the school community.

An appeal panel may:

- Uphold the decision to exclude
- Overturn the exclusion and direct reinstatement or
- Overturn the exclusion, but decide reinstatement in the excluding school is not in the best interests of all concerned.

The decision of the Appeal Panel is final and binding upon you, the governing body, the LA and the school.

The panel must let all parties know of their decision by the end of the second working day after the hearing.

Should you believe that the appeal hearing was not conducted properly then a parent can complain to the Local Government Ombudsman about maladministration by the appeal panel.

If either the parent or governing body considers the panel's decision to be unlawful or not one that a reasonable panel could have reached, they may apply to the High Court for judicial review.

5. The Appeal Hearing

The hearing is formal and certain procedures must be followed to make certain that everyone who has submitted an appeal is given a fair chance to present their case.

However, the Chair of the Panel will try to put you at ease.

The following is a summary of what usually happens at an appeal hearing:

- The Chair of the Appeal Panel will give introductions.
- The School will present their case as to why the head teacher has excluded your child and why the governing body has upheld the decision.
- You may ask questions about the school's case, as can the the LA and the Appeal Panel.
- You will be asked to present your case.
- The School, LA and Appeal Panel may ask you questions.
- The LA representative will give the LA's views.
- All parties will be given the chance to sum up.

All parties will then be asked to leave the room, whilst the Appeal panel makes the decision.

Only the three Appeal Panel Members will make the decision to allow your appeal or not.

2. How to submit an Appeal

You should write down all your representations and where necessary include any evidence that you wish to use to support your case. This should be submitted before the hearing. It is important you tell the Independent Appeal Panel ALL the reasons why you want your child back in school and do not agree with the permanent exclusion.

Send all your documents to:

Oldham Metropolitan Borough Council
School Exclusion Appeals
Constitutional Services (Room 447)
Civic Centre
West Street
Oldham
OL1 1UL

(If you do not receive a letter acknowledging receipt of your appeal within 7 days, please ring the appeals officer on 0161 770 4710/4715/4728)

3. The Appeal Process

An officer from Constitutional Services will arrange the date of the appeal. An appeal panel must meet to consider an exclusion appeal no later than the 15th school day after the day on which the appeal was lodged.

In advance of the meeting you will be sent a copy of the schools case together with copies of your own and any other papers that have been submitted. The members of the Independent Appeal Panel, the school and the LA representative will also receive copies of all the same documents.

Although you do not have to attend the hearing, it may be easier to explain your case if you are there in person. Most parents do take this opportunity and we would strongly advise you to do so.

If you are unable or do not wish to attend, the appeal will be decided in your absence upon the information provided, including all the written information you have sent.

In some circumstances the panel may decide to adjourn the hearing. This might include circumstances where more information is awaited. The panel can also consider to adjourn at the parents request, if they deem it appropriate. The panel can adjourn on more than one occasion.

If the issues raised by two or more appeals are the same or connected, the panel may decide to combine the hearings. In such cases the panel must consult all parties and in particular check whether any party objects to this approach.

All parties including parents, school, the LA and the governing body are entitled to make written representations, appear and make oral representations, and to be represented (including legally).

Your child should be encouraged to attend the hearing and to speak on his or her own behalf.

4. The Panel Members

There are usually three people on the Appeal Panel who are all completely independent of the Local Authority and the school your child has been excluded from.

The chair must be a lay member who is unconnected with education. One member must be, or have been in the last 5 years, a head teacher of a maintained school. One member must be, or have been, a governor of a maintained school, provided they have served in this capacity for at least 12 consecutive months in the last 6 years.

Advising the Appeal Panel is a Clerk who provides legal advice.

The Clerk provides an independent source of advice on procedure for all parties. Clerks will have up to date knowledge on case law, legislation and guidance.

Only the members of the Independent Appeal Panel make the decision on whether to allow your appeal or not. The Clerk, the LA representative or the school are not included in the decision-making.