



# FOREST SCHOOL

## PROCEDURE FOR APPEALS AGAINST EXCLUSION

v1.2

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Owner (Name, Title):	<b>Warden</b>
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This procedure should be read in conjunction with:

Complaints Procedure

## 1 Right of Appeal

- 1.1 A Parent of a Pupil who is dissatisfied with a decision of the Warden to exclude permanently the Pupil from the School, may exercise a right of Appeal in accordance with this Appeals Procedure (subject always to the provisions of Paragraph 9).
- 1.2 In the event of a parent refusing to attend or recognise the outcome of a Determination Meeting, the School will permanently exclude the pupils with effect from the 21st School Day of suspension without the right to appeal.

## 2 Definitions

In this procedure the following words have the following respective meanings:-

- 2.1 "Appeal" means an appeal against a Decision initiated by delivery of a Notice of Appeal;
- 2.2 "Appeal Chair" means the Governor appointed by the Chair of Governors to the office of Appeal Chair for a particular appeal;
- 2.3 "Appeal Hearing" means an oral hearing by or meeting of the Appeal Panel to determine an Appeal;
- 2.4 "Appeal Panel" means the panel of Governors appointed under paragraph 6 to hear an Appeal;
- 2.5 "Clerk" means the Clerk to the Governors of Forest School whose address is c/o Forest School, College Place, London E17 3PY;
- 2.6 "Decision" means the decision of the Warden to exclude permanently the Pupil;
- 2.7 "Documents" means (i) all documents submitted to the Clerk with the Notice of Appeal by the Parent and/or (ii) all documents submitted by the Warden to the Clerk with her Response (as the context permits);

- 2.8 "Governors" means the Governors of the School;
- 2.9 "Notice of Appeal" means a Written Notice of Appeal delivered to the Clerk in an envelope clearly marked Appeal and (where the context permits) includes documents accompanying that notice upon which the Parent intends to rely;
- 2.10 "Parent" means the parent/s or guardian/s of the Pupil;
- 2.11 "Pupil" means the pupil of the School in respect of whom the Decision is made;
- 2.12 "Response" means the written response of the Warden to the Notice of Appeal and (where the context permits) includes documents accompanying that response upon which the Warden intends to rely;
- 2.13 "the School" means the foundation known as Forest School;
- 2.14 "School Days" means any weekday during School term on which lessons are taught.

### 3 Notice of Appeal

- 3.1 A Notice of Appeal must be delivered by the Parent to the Clerk within 10 School Days from the date of receipt of the Warden's written reasons for the Decision. (A Notice of Appeal received subsequently will not be considered). In the case of parents not living together the Warden's Decision will be sent to both parents.
- 3.2 The Notice of Appeal must:-
  - a) set out all the reasons why the Parent considers the Decision is wrong;
  - b) have attached all Documents on which the Parent intends to rely;

### 4 Warden's Response

- 4.1 The Clerk shall deliver a copy of the Notice of Appeal to the Warden at the earliest opportunity.
- 4.2 The Warden shall send his Response to the Clerk and to the Parent within 10 School Days of his receipt of a copy of the Notice of Appeal. The response will address the reasons for the appeal cited by the Parent directly and in light of the reasons stated will offer the School's final view of the decision to permanently exclude the pupil.

### 5 Hearing or Written Determination

- 5.1 If, following receipt of the Warden's Response, the Parent wishes to have an oral hearing of the Appeal, the Parent shall give Written Notice to that effect to the Clerk within three School Days of his/her receipt of a copy of the Warden's Response. The Parent's request for an oral hearing of the Appeal should address the Warden's response directly and in light of the Warden's response confirm the specific reasons the Parent still considers the decision to be wrong and in need of consideration by the Appeal Panel.
- 5.2 If no such notice is given the Appeal Panel may determine the Appeal on the basis of the Documents only.

### 6 The Appeal Panel

- 6.1 The Clerk shall within five School Days of the receipt of a copy of the request for an oral

hearing ask the Chair of Governors to assign the position of Appeal Chair to one of the Governors. The Appeal Chair will invite two more Governors to the Appeal Panel.

- 6.2 No Governor shall be eligible to serve on the Appeal Panel who has had previous involvement in the Decision.

## 7 Hearing Procedure

- 7.1 The Clerk shall give the Warden and the Parent not less than five days' notice of the date, time and place of the Appeal Hearing, whether it is to be determined by oral hearing or upon the basis of the Documents only. The Clerk to the Governors will provide each member of the Appeal Panel with all relevant documentation relating to all parties in good time prior to the Hearing. This will include a copy of the current School policy regarding permanent exclusion.
- 7.2 The Appeal Panel will meet prior to the Hearing in enough time to consider the documentation and request any further details of the matter and to hold meetings with the Warden and/or the Deputy Head Pastoral should they be required. The Appeal Chair will decide whether he/she wishes to seek clarification or further explanation of, or context for, the information in the documents provided by the Warden on which his determination was based. The Appeal Chair will convene a meeting with the Warden and/or the Deputy Head Pastoral as chief investigator, if required. Following that meeting the Appeal Chair will decide whether he/she wishes to invite the Deputy Head Pastoral to join the Warden in attending the Appeal Hearing. The Warden will automatically attend the Appeal Hearing.
- 7.3 In the case of an oral Appeal Hearing the procedure that the hearing follows shall be at the discretion of the Appeal Panel and (unless the Appeal Panel otherwise determines):-
- 7.3.1 the Appeal Hearing shall be in private and everything said at the Appeal Hearing shall be confidential
- 7.3.2 neither the Parent nor the Warden will be entitled to put before the Appeal Panel any new document or other statement which did not accompany the Notice of Appeal or the Response
- 7.3.3 neither the Parent nor the Warden will be entitled to call any witness to give oral evidence before the Appeal Panel without the express agreement of the Appeal Panel (oral evidence only normally being admitted where there is no reasonable and fair alternative method of establishing any disputed fact). In the event of oral evidence being admitted then cross examination of the witness giving oral evidence shall be entirely at the discretion of the Appeal Chair who may refuse a request for cross examination or limit or restrict the scope and nature of cross examination as he or she deems fit
- 7.3.4 the Parent will first explain his or her case, the Warden will respond, and the Parent will have the opportunity to deal in reply with any of the raised Warden's oral responses before the Appeal Panel retires to consider and make its decision. The decision will be communicated to the Chair of Governors
- 7.3.5 unless the parent indicates prior to the Appeal Panel that they are now satisfied and do not wish to proceed further, the panel hearing should proceed notwithstanding that the parent may subsequently decide not to attend. If necessary, the panel should consider the parent's evidence in his/her absence and issue findings on the substance of the appeal thereby bring the matter to a conclusion.

## 8 Delivery of Appeal Decision

- 8.1 The Chair of Governors will instruct the Clerk to write to the Parent within seven days of the Appeal Hearing, with a copy to the Warden setting out the Appeal Panel's reasoned decision. In the case of parents not living together the Appeal Panel's decision will be sent to both parents.
- 8.2 The Appeal Panel may make its decision by a majority.
- 8.3 The Appeal Panel's decision shall be final and shall not be subject to further appeal.

## 9 Unpaid Fees

- 9.1 An Appeal relating to the exclusion or suspension of a Pupil from School will not be entertained if any fees or other sums payable to the School are in arrears.

## 10 Time Limits

- 10.1 Notices or documents will be sent by first class recorded delivery post and shall therefore for the purposes of this Appeal Procedure be assumed to be received by the addressee on the day after posting, ignoring for this purpose Saturdays, Sundays and statutory holidays.