

REVIEW OF GOVERNORS' DECISION TO PERMANENTLY EXCLUDE

Guidance for Parents

If your child has been permanently excluded from school you can apply for a review of the Governors' decision to the Devon Independent School Appeals Committee. It considers reviews against decisions made by Governing Bodies relating to permanent exclusions.

This Guidance explains how the review process works and will help you to prepare for the review hearing.

Who will hear my application for review?

Your application for review will be heard by a Panel of three members drawn from the Devon Independent School Appeals Committee. There are three categories of members – lay, governor and Headteacher. A member should not normally hear your review if he/she knows you directly, is a Governor/Principal of the school, or has been previously been involved in the exclusion. The Panel follows guidance contained the Department for Education entitled "Exclusions from maintained schools, Academies and pupil referral units in England" 1 September 2012.

What do I have to do?

In accordance with statutory timescales you only have **15 school days** from receipt of the letter from the Governors confirming the Principal's decision to exclude your child to request a review of their decision. Your request for a review cannot be heard if you miss this deadline.

What evidence should I supply?

The Panel will review the Governors decision to permanently exclude your child. You should state in your application the reasons why you want the Governors decision to be reviewed and, if possible, supply information or documentation in support of your application.

Will I receive copies of the documentation supplied by the Governing Body?

Yes. We request that any documentation or information which you, the Governing Body and/or Principal wish the Panel to consider to be sent to the Clerk's office **AT LEAST 5 SCHOOL DAYS PRIOR TO THE DATE OF THE REVIEW**. This will enable the documents to be circulated in advance to the Panel Members and the parties to the review before the hearing.

Who will be present at the review?

It is important that you attend the review. It is helpful to the Panel to hear from you why you have requested a review of the Governors decision. Your child is entitled to attend the review and to speak on his/her behalf if he/she and you agree.

A representative from the Governing Body will attend to explain the Governors decision. The Principal of the school where your child has been permanently excluded and a representative of the Local Authority also have the right to attend and address the Review Panel, if they so wish. They may also be accompanied and/or be represented.

Attendance of Special Educational Needs Expert

You are entitled to request a SEN expert to attend the review hearing. The SEN expert should not have had any previous involvement in the assessment or support of SEN for your child or of any siblings. The final decision on the appointment of a SEN expert rests with the Local Authority and/or Governing Body.

The role of a SEN expert at the review is as an expert witness who can give impartial advice to the Review Panel on how special educational needs might be relevant to the exclusion. The SEN will base their advice on the evidence provided to the Review Panel. The SEN **will not** make an assessment of your child's special educational needs.

Can I be accompanied/bring someone with me to the review?

You may wish to be accompanied by a friend or representative who can help you make your case. Excluded pupils are encouraged to attend and speak on their own behalf if they wish to do so and you agree.

How will the Review be conducted?

- The Governing Body/Principal will present their case and you and the Review Panel may ask them questions.
- You will then be asked to present your case and the Governing Body/Principal and Review Panel may ask you questions.
- The Local Authority, if in attendance, will be asked to present their case and you, the Review Panel and the Governing Body/Principal may ask them questions.
- The Governing Body/Principal and yourself will be asked to sum up.

How will the Panel make their decision?

The Panel will consider the following:

- Did the Principal and/or Governing Body act outside the scope of their legal powers in taking the decision to exclude?
- Was the decision of the Governing Body not to reinstate the pupil so unreasonable that it was not one a sensible person could have made?
- Was the process of exclusion and the Governing Body's consideration so unfair or flawed that justice was clearly not done?

The Panel can decide to:

- Uphold the exclusion decision;
- Recommend that the Governing Body reconsiders their decision, or
- Quash the decision and direct that the Governing Body considers the exclusion again.

When will I be informed of the Panel's decision?

Written notification will be sent to you and the school as soon as possible.

USEFUL CONTACTS

The Clerk to the Independent School Appeals Committee
County Hall, topsham Road, Exeter, EX2 4QD
Tel: 01392 382486
Email: appeals@devon.gov.uk

Advisory Centre for Education (ACE)

United House, The Busworks, 39-41 North Road, London N7 9DP
Advice Line: (Mon-Thur 10am-1pm): 0808 800 5793 (Freephone)
Web: www.ace-ed.org.uk
Text: AskACE to 68808

Coram Children's Legal Centre

Tel: 08088 020 008
Web: www.childrenslegalcentre.com

Department for Education

Guidance on exclusions from schools
Web: www.education.gov.uk/schools/pupilsupport/behaviour/exclusion