

1 Reasons for exclusion

- 1.1 Although we pride ourselves at having the necessary expertise, experience and facilities to accommodate the special needs of our pupils, certain forms of dangerous, harmful, damaging, undisciplined, disruptive or similar conduct or behaviour may necessitate the temporary or permanent exclusion of a pupil from his/her class or the School. This is especially the case where such conduct or behaviour amounts to, or could amount to, a risk to the safety, health or welfare of the pupil, any other pupil, any member of staff or other person, or any loss of or damage to property.
- 1.2 The conduct of the parent or carer shall be disregarded when considering or deciding whether to exclude a pupil from his/her class or the School, and regard shall be had to Section 86 *Victimisation of pupils, etc. for conduct of parents, etc.* of the Equality Act 2010 (a copy of which can be downloaded from the Internet by visiting <http://www.legislation.gov.uk/ukpga/2010/15/section/86> or is available free of charge upon request).

2 Compliance and regard

- 2.1 **It is our intention to comply with the relevant provisions of the EQUALITY ACT 2010** (a copy of which can be downloaded from the Internet by visiting <http://www.legislation.gov.uk/ukpga/2010/15/contents>), and in particular:
- Chapter 1 *Schools* of Part 6 *Education*;
 - Schedule 10 *Accessibility for disabled pupils*;
 - Section 20 *Duty to make adjustments*;
 - Schedule 13 *Education: Reasonable Adjustments*; and
 - Schedule 17 *Disabled pupils enforcement*.
- If at any time you have any reason to believe that any provision of this Act is in any way being contravened, and in particular that any exclusion or step taken by us involves ‘discrimination’, ‘harassment’, ‘victimisation’ or ‘a failure to comply with the duty to make reasonable adjustments’, you must immediately notify the head teacher (which expression shall for the purpose of this Policy include the deputy or acting head teacher for the time being).
- 2.2 **It is our intention to have regard to the relevant provisions of any CODE OF PRACTICE for the time being issued under Section 14 of the Equality Act 2006 as required by paragraph 7 of Schedule 13 *Education: Reasonable Adjustments to the Equality Act 2010*** (currently ‘*Code of Practice for Schools*’, a copy of which can be downloaded from the Internet by visiting <http://www.equalityhumanrights.com/advice-and-guidance/information-for-advisers/codes-of-practice/> or is available free of charge upon request). For the avoidance of doubt, we shall not be bound to comply with any particular provision therein. If at any time you have any reason to believe that due regard is not being had you must immediately notify the head teacher.
- 2.3 **It is our intention to have regard to the relevant provisions of SECTION 52 *Exclusion of pupils of the EDUCATION ACT 2002*** (a copy of which can be downloaded from the Internet by visiting <http://www.legislation.gov.uk/ukpga/2002/32/section/52> or is available free of charge upon request) and all applicable regulations made thereunder. It should be noted that such legislation and regulations have no legal application in respect of the School because it is not a ‘maintained school’, but nevertheless it is our intention to have regard to the principles of good practice set out therein. For the avoidance of doubt, we shall not be bound to comply with any

particular provision therein, and in particular any provision limiting or restricting any period of exclusion. If at any time you have any reason to believe that due regard is not being had you must immediately notify the head teacher.

- 2.4 **It is our intention to have regard to the School's ACCESSIBILITY PLAN for the time being** (a copy of which is available free of charge upon request). For the avoidance of doubt, we shall not be bound to comply with any particular provision therein. If at any time you have any reason to believe that due regard is not being had you must immediately notify the head teacher.

3 Emergency exclusion procedure

3.1 Emergency exclusion

- 3.1.1 Where the head teacher:
- a. has reasonable grounds to believe that one or more reasons for exclusion are occurring or are likely to occur in respect of a pupil; AND
 - b. considers that in all the circumstances an emergency exclusion of the pupil is necessary to remove or avoid any risk to the safety, health or welfare of the pupil, any other pupil, any member of staff or other person, or any loss of or damage to property
- the head teacher may take such steps as he/she considers necessary to forthwith exclude that pupil from his/her class or the School.
- 3.1.2 An emergency exclusion may only be a temporary exclusion for a specified period not exceeding 15 school days. In the event that the head teacher considers that a longer period or a permanent exclusion is necessary, the procedure set out under 'Temporary or Permanent Exclusion Procedure' (see below) shall be followed.
- 3.1.3 The head teacher shall at all times keep the board of directors fully informed of all matters and developments relating to an emergency exclusion.
- 3.1.4 IN THE EVENT OF AN EMERGENCY EXCLUSION WE SHALL (WITHOUT DELAY) TAKE REASONABLE STEPS TO COMPLY WITH THE PROCEDURE SET OUT BELOW.

3.2 Collection by parent or carer

- 3.2.1 The head teacher shall contact the parent or carer to;
- a. inform him/her of the fact of the emergency exclusion; and
 - b. arrange that he/she forthwith collects the pupil.
- 3.2.2 At the time of contact the head teacher shall orally provide the parent or carer with the following information:
- a. the period of the emergency exclusion;
 - b. a summary of the reasons for the emergency exclusion;
 - c. that he/she will be given the opportunity to make representations about the emergency exclusion to the head teacher;
 - d. the means by which such representations may be made (making reference to the means set out in this Policy); and
 - e. that an emergency exclusion meeting (see below) will be convened and held in due course.
- 3.2.3 At the time of collection the head teacher shall orally confirm such information to the parent or carer.
- 3.2.4 After collection the head teacher shall supply the parent or carer with:
- a. written confirmation of such information; and
 - b. a copy of this Policy.

- 3.2.5 After collection the head teacher shall:
- a. give the relevant local education authority written notification of the following:
 - the fact of the emergency exclusion;
 - the name, address, age and date of birth of the pupil;
 - the name and contact details of the parent or carer;
 - the period of the emergency exclusion;
 - a summary of the reasons for the emergency exclusion;
 - that it will be given the opportunity to make representations about the emergency exclusion to the head teacher;
 - the means by which such representations may be made (making reference to the means set out in this Policy); and
 - that an emergency exclusion meeting (see below) will be convened and held in due course; and
 - b. supply it with:
 - a copy of the written confirmation provided to the parent or carer; and
 - a copy of this Policy.

3.3 Collection by local education authority

- 3.3.1 In the event that for any reason the parent or carer can not be contacted or forthwith collect the pupil, the head teacher shall contact the relevant local education authority to:
- a. inform it of:
 - the fact of the emergency exclusion;
 - the name, address, age and date of birth of the pupil;
 - the name and contact details of the parent or carer; and
 - the fact that the parent or carer can not be contacted or forthwith collect the pupil (as the case may be); and
 - b. demand that it forthwith collects the pupil.
- 3.3.2 At the time of contact the head teacher shall orally provide the local education authority with the following information:
- a. the period of the emergency exclusion;
 - b. a summary of the reasons for the emergency exclusion;
 - c. that it will be given the opportunity to make representations about the emergency exclusion to the head teacher;
 - d. the means by which such representations may be made (making reference to the means set out in this Policy); and
 - e. that an emergency exclusion meeting (see below) will be convened and held in due course.
- 3.3.3 At the time of collection the head teacher shall orally confirm such information to the local education authority's representative attending.
- 3.3.4 After collection the head teacher shall supply the local education authority with:
- a. written confirmation of such information; and
 - b. a copy of this Policy.
- 3.3.5 After collection the head teacher shall:
- a. give the parent or carer written notification of the following:
 - the fact of the emergency exclusion;
 - the steps taken to establish contact with him/her and procure collection of the pupil;
 - the fact that he/she could not be contacted or forthwith collect the pupil (as the case may be);

- the fact that the pupil has been collected by the local education authority;
 - the name and contact details of the local education authority;
 - the period of the emergency exclusion;
 - a summary of the reasons for the emergency exclusion;
 - that he/she will be given the opportunity to make representations about the emergency exclusion to the head teacher;
 - the means by which such representations may be made (making reference to the means set out in this Policy); and
 - that an emergency exclusion meeting (see below) will be convened and held in due course; and
- b. supply him/her with a copy of this Policy.

3.4 Collection by emergency services

- 3.4.1 In the event that for any reason BOTH the parent or carer AND the relevant local education authority can not be contacted or forthwith collect the pupil, the head teacher shall contact the appropriate emergency services to;
- a. inform them of:
- the fact of the emergency exclusion;
 - the name, address, age and date of birth of the pupil;
 - the name and contact details of the parent or carer;
 - the fact that the parent or carer can not be contacted or forthwith collect the pupil (as the case may be);
 - the name and contact details of the local education authority;
 - the fact that the local education authority can not be contacted or forthwith collect the pupil (as the case may be); and
 - that an emergency exclusion meeting (see below) will be convened and held in due course; and
- b. demand that they forthwith collect the pupil.
- 3.4.2 At the time of contact the head teacher shall orally provide the appropriate emergency services with the following information:
- a. the period of the emergency exclusion;
 - b. a summary of the reasons for the emergency exclusion;
 - c. that they will be given the opportunity to make representations about the emergency exclusion to the head teacher;
 - d. the means by which such representations may be made (making reference to the means set out in this Policy); and
 - e. that an emergency exclusion meeting (see below) will be convened and held in due course.
- 3.4.3 At the time of collection the head teacher shall orally confirm such information to the appropriate emergency services' representative attending.
- 3.4.4 After collection the head teacher shall supply the appropriate emergency services with:
- a. written confirmation of such information; and
 - b. a copy of this Policy.
- 3.4.5 After collection the head teacher shall:
- a. give the parent or carer written notification of the following:
 - the fact of the emergency exclusion;
 - the steps taken to establish contact with him/her and procure collection of the pupil;

- the fact that he/she could not be contacted or forthwith collect the pupil (as the case may be);
 - the steps taken to establish contact with the local education authority and procure collection of the pupil;
 - the fact that the local education authority could not be contacted or forthwith collect the pupil (as the case may be);
 - the fact that the pupil has been collected by the appropriate emergency services;
 - the name and contact details of the appropriate emergency services;
 - the period of the emergency exclusion;
 - a summary of the reasons for the emergency exclusion;
 - that he/she will be given the opportunity to make representations about the emergency exclusion to the head teacher;
 - the means by which such representations may be made (making reference to the means set out in this Policy); and
 - that an emergency exclusion meeting (see below) will be convened and held in due course; and
- b. supply him/her with a copy of this Policy.
- 3.4.6 After collection the head teacher shall:
- a. give the local education authority written notification of the following:
 - the fact of the emergency exclusion;
 - the name, address, age and date of birth of the pupil;
 - the name and contact details of the parent or carer;
 - the steps taken to establish contact with the parent or carer and procure collection of the pupil;
 - the fact that the parent or carer could not be contacted or forthwith collect the pupil (as the case may be);
 - the steps taken to establish contact with it and procure collection of the pupil;
 - the fact that the it could not be contacted or forthwith collect the pupil (as the case may be);
 - the fact that the pupil has been collected by the appropriate emergency services;
 - the name and contact details of the appropriate emergency services;
 - the period of the emergency exclusion;
 - a summary of the reasons for the emergency exclusion;
 - that it will be given the opportunity to make representations about the emergency exclusion to the head teacher;
 - the means by which such representations may be made (making reference to the means set out in this Policy); and
 - that an emergency exclusion meeting (see below) will be convened and held in due course; and
 - b. supply it with a copy of this Policy.

3.5 Documentation

- 3.5.1 The head teacher shall gather together:
- a. all relevant documentation relating to:
 - the pupil and his/her attendance at the School; and
 - the emergency exclusion; and
 - b. such other documentation as the he/she may decide.

- 3.5.2 At any time before or during the emergency exclusion meeting (see below) the head teacher shall without charge supply such information and documentation relating to the emergency exclusion as may be reasonably requested by:
- a. the pupil (where appropriate);
 - b. the parent or carer;
 - c. the relevant local education authority;
 - d. the appropriate emergency services (where applicable); and
 - e. any other individual or organisation as the head teacher may decide.

3.6 Investigation

- 3.6.1 Before the emergency exclusion meeting (see below) the head teacher shall:
- a. review and consider all relevant documentation;
 - b. carry out such an investigation as he/she considers necessary to establish all the facts and issues relating to the emergency exclusion (including interviewing and taking statements from any witnesses);
 - c. reduce the investigation and its outcome into a written report; and
 - d. serve a copy of the written report on:
 - the pupil (where appropriate);
 - the parent or carer;
 - the relevant local education authority;
 - the appropriate emergency services (where applicable); and
 - any other individual or organisation as the head teacher may decide.

3.7 Means of making representations

- 3.7.1 Written representations about the exclusion may be made at any time before or during the emergency exclusion meeting (see below) by:
- a. the pupil (where appropriate);
 - b. the parent or carer;
 - c. the relevant local education authority;
 - d. the appropriate emergency services (where applicable);
 - e. any other individual or organisation as the head teacher may decide.
- 3.7.2 Such written representations shall be:
- a. hand delivered or sent by pre-paid first class post to the following address:
Private and Confidential
FAO Head teacher
Woodcroft School
Whitakers Way
Loughton
Essex IG10 1SQ; or
 - b. sent by email to *mail@woodcroftschoo.net*
- 3.7.3 The head teacher shall check the School's post intray and email inbox before an emergency exclusion meeting to ensure that he/she is possessed of all written representations prior to commencement.
- 3.7.4 Oral representations about the exclusion may be made at any time during an emergency exclusion meeting by any attendee.

3.8 Emergency exclusion meeting

- 3.8.1 Before the expiry of the period of the emergency exclusion (see below) the head teacher shall convene, hold and chair an emergency exclusion meeting with:
- a. the pupil (where appropriate);
 - b. the parent or carer;

- c. the relevant local education authority;
 - d. the appropriate emergency services (where applicable); and
 - e. any other individual or organisation as the head teacher may decide.
- 3.8.2 The emergency exclusion meeting:
- a. shall take place before the expiry of the period of emergency exclusion;
 - b. subject to the foregoing, may be held on such day and at such time as the head teacher may decide;
 - c. shall be held at the School or such other place as the head teacher may decide having regard to the collective and individual requirements of the attendees; and
 - d. shall be conducted in such a way as the head teacher considers necessary to ensure that the matter is dealt with justly and equitably.
- For the avoidance of doubt, the head teacher may adjourn the emergency exclusion meeting for such period(s) as he/she considers necessary to ensure that the matter is dealt with justly and equitably.
- 3.8.3 At the emergency exclusion meeting the head teacher shall:
- a. REVIEW and CONSIDER all relevant information and documentation;
 - b. REVIEW and CONSIDER all representations about the emergency exclusion made in accordance with the means set out above;
 - c. having regard to such information and documentation and representations, REVIEW and RE-CONSIDER:
 - the reasons for the emergency exclusion;
 - the circumstances of the emergency exclusion; and
 - the steps taken in connection with the emergency exclusion;
 - d. CONSIDER whether or not the pupil SHOULD be reinstated on the ground that all risk to the safety, health or welfare of the pupil, any other pupil, any member of staff or other person, or any loss of or damage to property has been removed or avoided;
 - e. CONSIDER whether or not the pupil COULD be reinstated on the ground that all risk to the safety, health or welfare of the pupil, any other pupil, any member of staff or other person, or any loss of or damage to property could be removed or avoided with reinstatement on a particular date or on particular terms; and
 - f. DISCUSS such other matters relating to the emergency exclusion and the pupil generally as the head teacher decides.
- 3.8.4 The head teacher shall procure that minutes of the emergency exclusion meeting are taken.
- 3.8.5 After the emergency exclusion meeting the head teacher shall
- a. decide whether to:
 - uphold the emergency exclusion;
 - forthwith reinstate the pupil; OR
 - reinstate the pupil on a particular date or on particular terms; AND
 - b. prepare written reasons supporting his/her decision.
- 3.8.6 In making his/her decision the head teacher shall:
- a. have regard to both the interests of the excluded pupil and to the interests of other pupils, members of staff and other persons (including persons working at the School voluntarily); and
 - b. not decide that a pupil should be excluded or reinstated merely because of a failure to comply with any procedural requirement imposed by this Policy or any legal requirement.

- 3.8.7 The head teacher shall:
- a. give each of the below individuals and organisations written notification of the following:
 - his/her decision;
 - the right of appeal against the decision;
 - the fact that any notice of appeal should be given to the board of directors;
 - that any notice of appeal must contain the grounds of appeal; and
 - the last date on which an appeal may be made (being not less than 7 calendar days from the date of service of the written notification); and
 - b. provide each of the below individuals and organisations with the following:
 - a copy of the written reasons supporting his/her decision; and
 - a copy of the minutes of the emergency exclusion meeting.
- 3.8.8 The individuals and organisations referred to above are:
- a. the pupil (where appropriate);
 - b. the parent or carer;
 - c. the relevant local education authority;
 - d. the appropriate emergency services (where applicable); and
 - e. any other individual or organisation as the head teacher may decide.
- 3.8.9 IN THE EVENT OF AN APPEAL WE SHALL (WITHOUT DELAY) TAKE REASONABLE STEPS TO COMPLY WITH THE APPEAL PROCEDURE SET OUT BELOW.

4 Temporary or permanent exclusion procedure

4.1 Exclusion

- 4.1.1 Where the head teacher has reasonable grounds to believe that one or more reasons for exclusion are occurring or are likely to occur in respect of a pupil the head teacher may take such steps as he/she considers necessary to temporarily or permanently exclude the pupil from his/her class or the School.
- 4.1.2 The head teacher shall at all times keep the board of directors fully informed of all matters and developments relating to an exclusion.
- 4.1.3 IN THE EVENT THAT THE HEAD TEACHER IS CONTEMPLATING AN EXCLUSION WE SHALL (WITHOUT DELAY) TAKE REASONABLE STEPS TO COMPLY WITH THE PROCEDURE SET OUT BELOW.

4.2 Informal resolution

- 4.2.1 The head teacher shall informally discuss the matter with:
- a. the pupil (where appropriate);
 - b. the parent or carer;
 - c. the relevant local education authority; and
 - d. any other individual or organisation as he/she may decide.
- 4.2.2 The purpose of the informal discussion shall be to seek to reach agreement on a course of action which will avoid the need to exclude the pupil from his/her class or the School.
- 4.2.3 In the event that agreement is reached the head teacher shall send written confirmation of the terms of the agreement to:
- a. the pupil (where appropriate);
 - b. the parent or carer;
 - c. the relevant local education authority; and
 - d. any other individual or organisation as he/she may decide.

4.3 Notification

- 4.3.1 In the event that agreement can not be reached the head teacher shall:
- a. give the parent or carer (and where appropriate the pupil) written notification of the following:
 - the fact that of the contemplated exclusion;
 - the terms of the contemplated exclusion (eg whether temporary or permanent, the period of any temporary exclusion etc);
 - a summary of the reasons for the contemplated exclusion;
 - that he/she will be given the opportunity to make representations about the contemplated exclusion to the head teacher;
 - the means by which such representations may be made (making reference to the means set out in this Policy); and
 - that an exclusion meeting (see below) will be convened and held in due course; and
 - b. supply him/her with a copy of this Policy.
- 4.3.2 The head teacher shall:
- a. give the relevant local education authority (and any other individuals or organisations he/she may decide) written notification of the following:
 - the fact that of the contemplated exclusion;
 - the name, address, age and date of birth of the pupil;
 - the name and contact details of the parent or carer;
 - the terms of the contemplated exclusion (eg whether temporary or permanent, the period of any temporary exclusion etc);
 - a summary of the reasons for the contemplated exclusion;
 - that it will be given the opportunity to make representations about the contemplated exclusion to the head teacher;
 - the means by which such representations may be made (making reference to the means set out in this Policy); and
 - that an exclusion meeting (see below) will be convened and held in due course; and
 - b. supply it with a copy of this Policy.

4.4 Documentation

- 4.4.1 The head teacher shall gather together:
- a. all relevant documentation relating to:
 - the pupil and his/her attendance at the School; and
 - the contemplated exclusion; and
 - b. such other documentation as he/she may decide.
- 4.4.2 At any time before or during the exclusion meeting (see below) the head teacher shall without charge supply such information and documentation relating to the contemplated exclusion as may be reasonably requested by:
- a. the pupil (where appropriate);
 - b. the parent or carer;
 - c. the relevant local education authority; or
 - d. any other individual or organisation as the head teacher may decide.

4.5 Investigation

- 4.5.1 Before the exclusion meeting (see below) the head teacher shall:
- a. review and consider all relevant documentation;

- b. carry out such an investigation as he/she considers necessary to establish all the facts and issues relating to the contemplated exclusion (including interviewing and taking statements from any witnesses);
- c. reduce the investigation and its outcome into a written report; and
- d. serve a copy of the written report on:
 - the pupil (where appropriate);
 - the parent or carer;
 - the relevant local education authority; and
 - any other individual or organisation as the head teacher may decide.

4.6 Means of making representations

- 4.6.1 Written representations about the contemplated exclusion may be made at any time before or during the exclusion meeting (see below) by:
 - a. the pupil (where appropriate);
 - b. the parent or carer;
 - c. the relevant local education authority; or
 - d. any other individual or organisation as the head teacher may decide.
- 4.6.2 Such written representations shall be:
 - a. hand delivered or sent by pre-paid first class post to the following address:
 - Private and Confidential*
 - FAO Head teacher*
 - Woodcroft School*
 - Whitakers Way*
 - Loughton*
 - Essex IG10 1SQ*; or
 - b. sent by email to *mail@woodcroftschoo.net*
- 4.6.3 The head teacher shall check the School's post intray and email inbox before an exclusion meeting to ensure that he/she is possessed of all written representations prior to commencement.
- 4.6.4 Oral representations about the contemplated exclusion may be made at any time during an exclusion meeting by any attendee.

4.7 Exclusion meeting

- 4.7.1 The head teacher shall convene, hold and chair an exclusion meeting with:
 - a. the pupil (where appropriate);
 - b. the parent or carer;
 - c. the relevant local education authority; and
 - d. any other individual or organisation as the head teacher may decide.
- 4.7.2 The exclusion meeting:
 - a. may be held on such day and at such time as the head teacher may decide;
 - b. shall be held at the School or such other place as the head teacher may decide having regard to the collective and individual requirements of the attendees; and
 - c. shall be conducted in such a way as the head teacher considers necessary to ensure that the matter is dealt with justly and equitably.

For the avoidance of doubt, the head teacher may adjourn the exclusion meeting for such period(s) as he/she considers necessary to ensure that the matter is dealt with justly and equitably.
- 4.7.3 At the exclusion meeting the head teacher shall:
 - a. REVIEW and CONSIDER all relevant information and documentation;

- b. REVIEW and CONSIDER all representations about the contemplated exclusion made in accordance with the means set out above;
 - c. having regard to such information and documentation and representations, REVIEW and RE-CONSIDER the reasons for the contemplated exclusion;
 - d. CONSIDER whether or not exclusion SHOULD be avoided on the ground that the risk arising from the pupil's alleged dangerous, harmful, damaging, undisciplined, disruptive or similar conduct or behaviour has for any reason disappeared;
 - e. CONSIDER whether or not exclusion COULD be avoided on the ground that the risk arising from the pupil's alleged dangerous, harmful, damaging, undisciplined, disruptive or similar conduct or behaviour could be removed or avoided with the imposition of any specified conditions on the pupil's continuing attendance at the School; and
 - f. DISCUSS such other matters relating to the contemplated exclusion and the pupil generally as the head teacher decides.
- 4.7.4 The head teacher shall ensure that minutes of the exclusion meeting are taken.
- 4.7.5 After the exclusion meeting the head teacher shall:
- a. decide whether to:
 - discontinue the contemplated exclusion;
 - discontinue the contemplated exclusion subject to the imposition of specified conditions on the pupil's continuing attendance at the School;
 - temporarily exclude the pupil for a specified period; or
 - permanently exclude the pupil; and
 - b. prepare written reasons supporting his/her decision.
- 4.7.6 In making his/her decision the head teacher shall:
- a. have regard to both the interests of the pupil and to the interests of other pupils, members of staff and other persons (including persons working at the School voluntarily); and
 - b. not decide that a pupil should be excluded or reinstated merely because of a failure to comply with any procedural requirement imposed by this Policy or any legal requirement.
- 4.7.7 The head teacher shall:
- a. give each of the below individuals and organisations written notification of the following:
 - his/her decision;
 - the right of appeal against the decision;
 - the fact that any notice of appeal should be given to the board of directors;
 - that any notice of appeal must contain the grounds of appeal; and
 - the last date on which an appeal may be made (being not less than 7 calendar days from the date of service of the written notification); and
 - b. supply each of the below individuals and organisations with the following:
 - a copy of the written reasons supporting his/her decision; and
 - a copy of the minutes of the exclusion meeting.
- 4.7.8 The individuals and organisations referred to above are:
- a. the pupil (where appropriate);
 - b. the parent or carer;
 - c. the relevant local education authority; and
 - d. any other individual or organisation as the head teacher may decide.
- 4.7.9 IN THE EVENT OF AN APPEAL WE SHALL (WITHOUT DELAY) TAKE REASONABLE STEPS TO COMPLY WITH THE APPEAL PROCEDURE SET OUT BELOW.

5 Appeal

5.1 Nomination of director

- 5.1.1 In the event that an appeal is made the board of directors shall nominate a director who has had no previous direct involvement in the matter to handle the appeal, and thereafter that director shall have conduct of the appeal through to its determination.

5.2 Notification

- 5.2.1 The director shall:
- a. give each of the below individuals and organisations written notification of the following:
 - the fact of the appeal;
 - the fact that a director has been nominated to handle the appeal;
 - the name and contact details of the director;
 - that he/she or it will be given the opportunity to make representations about the appeal to the director;
 - the means by which such representations may be made (making reference to the means set out in this Policy); and
 - that an appeal hearing (see below) will be convened and held in due course; and
 - b. supply him/her or it with:
 - a copy of the notice of appeal (containing the grounds of appeal); and
 - a copy of this Policy.
- 5.2.2 The individuals and organisations referred to above are:
- a. the head teacher;
 - b. the pupil (where appropriate);
 - c. the parent or carer;
 - d. the relevant local education authority;
 - e. the appropriate emergency services (where applicable); and
 - f. any other individual or organisation as the director may decide.

5.3 Documentation

- 5.3.1 The director shall gather together:
- a. all documentation generated in connection with:
 - the emergency exclusion or contemplated exclusion (as the case may be); and
 - the appeal; and
 - b. such other documentation as he/she may decide.
- 5.3.2 At any time before or during the appeal hearing (see below) the director shall without charge supply such information and documentation relating to the emergency exclusion or contemplated exclusion (as the case may be) as may be reasonably requested by:
- a. the head teacher;
 - b. the pupil (where appropriate);
 - c. the parent or carer;
 - d. the relevant local education authority;
 - e. the appropriate emergency services (where applicable); and
 - f. any other individual or organisation as he/she may decide.

5.4 Investigation

- 5.4.1 Before the appeal hearing (see below) the director shall:
- a. review and consider all relevant documentation;
 - b. carry out such an investigation as he/she considers necessary to establish all the facts and issues relating to the emergency exclusion or contemplated exclusion (as the case may be) (including interviewing and taking statements from any witnesses);
 - c. reduce the investigation and its outcome into a written report; and
 - d. serve a copy of the written report on:
 - the head teacher;
 - the pupil (where appropriate);
 - the parent or carer;
 - the relevant local education authority;
 - the appropriate emergency services (where applicable); and
 - any other individual or organisation as he/she may decide.

5.5 Means of making representations

- 5.5.1 Written representations about the emergency exclusion or contemplated exclusion (as the case may be) may be made at any time before or during the appeal hearing (see below) by:
- a. the head teacher;
 - b. the pupil (where appropriate);
 - c. the parent or carer;
 - d. the relevant local education authority;
 - e. the appropriate emergency services (where applicable); and
 - f. any other individual or organisation as the director may decide.
- 5.5.2 Such written representations shall be:
- a. hand delivered or sent by pre-paid first class post to the following address:
Private and Confidential
FAO Head teacher
Woodcroft School
Whitakers Way
Loughton
Essex IG10 1SQ; or
 - b. sent by email to *mail@woodcroftschoo.net*
- 5.5.3 The director shall check the School's post in tray and email inbox before an exclusion meeting to ensure that he/she is possessed of all written representations prior to commencement.
- 5.5.4 Oral representations about the emergency exclusion or contemplated exclusion (as the case may be) may be made at any time during an appeal hearing by any attendee.

5.6 Appeal hearing

- 5.6.1 The director shall convene, hold and chair an appeal hearing with:
- a. the head teacher;
 - b. the pupil (where appropriate);
 - c. the parent or carer;
 - d. the relevant local education authority;
 - e. the appropriate emergency services (where applicable); and
 - f. any other individual or organisation as the he/she may decide.

- 5.6.2 The appeal hearing:
- a. may be held on such day and at such time as the director may decide;
 - b. shall be held at the School or such other place as the director may decide having regard to the collective and individual requirements of the attendees; and
 - c. shall be conducted in such a way as the director considers necessary to ensure that the matter is dealt with justly and equitably.
- For the avoidance of doubt, the director may adjourn the appeal hearing for such period(s) as he/she considers necessary to ensure that the matter is dealt with justly and equitably.
- 5.6.3 At the appeal hearing the director shall:
- a. REVIEW and CONSIDER all relevant information and documentation relating to the emergency exclusion or contemplated exclusion (as the case may be);
 - b. REVIEW and CONSIDER all representations about the emergency exclusion or contemplated exclusion (as the case may be) made in accordance with the means set out above;
 - c. having regard to such information and documentation and representations, REVIEW and RE-CONSIDER the reasons for the emergency exclusion or contemplated exclusion (as the case may be);
 - d. CONSIDER whether or not exclusion SHOULD be avoided on the ground that the risk arising from the pupil's alleged dangerous, harmful, damaging, undisciplined, disruptive or similar conduct or behaviour has for any reason disappeared;
 - e. CONSIDER whether or not exclusion COULD be avoided on the ground that the risk arising from the pupil's alleged dangerous, harmful, damaging, undisciplined, disruptive or similar conduct or behaviour could be removed or avoided with the imposition of any specified conditions on the pupil's continuing attendance at the School; and
 - f. DISCUSS such other matters relating to the emergency exclusion or contemplated exclusion (as the case may be) and the pupil generally as the director decides.
- 5.6.4 The director shall ensure that minutes of the appeal hearing are taken.
- 5.6.5 After the appeal hearing the director shall:
- a. decide whether to:
 - uphold the decision(s) of the head teacher;
 - discontinue the emergency exclusion or contemplated exclusion (as the case may be); or
 - discontinue the emergency exclusion or contemplated exclusion (as the case may be) subject to the imposition of specified conditions on the pupil's continuing attendance at the School; and
 - b. prepare written reasons supporting his/her decision.
- 5.6.6 In making his/her decision the director shall:
- a. have regard to both the interests of the pupil and to the interests of other pupils, members of staff and other persons (including persons working at the School voluntarily); and
 - b. not decide that a pupil should be excluded or reinstated merely because of a failure to comply with any procedural requirement imposed by this Policy or any legal requirement.
- 5.6.7 The director's decision shall be final and binding.

- 5.6.8 The director shall:
- a. give each of the below individuals and organisations written notification of the following:
 - his/her decision;
 - the fact that his/her decision is final and binding; and
 - the fact that there is no further right of appeal; and
 - b. supply each of the below individuals and organisations with the following:
 - a copy of the written reasons supporting his/her decision; and
 - a copy of the minutes of the appeal hearing
- 5.6.9 The individuals and organisations referred to above are:
- a. the head teacher;
 - b. the pupil (where appropriate);
 - c. the parent or carer;
 - d. the relevant local education authority;
 - e. the appropriate emergency services (where applicable); and
 - f. any other individual or organisation as the director may decide.