



# FOREST SCHOOL

## Procedure for Appeals Against Exclusion Whole School including EYFS

v1.3

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Comment:	

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**This procedure should be read in conjunction with:**

- Complaints Procedure
- Behaviour Policy, Prep or Senior, as applicable
- School Rules

## **Introduction**

Independent Schools are not required to have an appeal procedure for exclusion decisions, but Forest School chooses to do so. In the context of this procedure, the appeal process acts as a safety net to address any missteps which a parent thinks may have occurred in reaching the original decision. The appeal takes the form of scrutiny to ensure fairness of the process; in that sense it is a review and not a full re-hearing.

## **1 Right of Appeal**

1.1 Parents dissatisfied with the outcome of the Determination Meeting,<sup>1</sup> contained in the Warden's Determination Letter<sup>2</sup>, may exercise a Right of Appeal in accordance with this Appeals Procedure (subject always to the provisions of Paragraph 9) against the Warden's decision to exclude their child (the pupil) from the School permanently.

1.2 In the event of a parent refusing to attend a Determination Meeting, the School reserves the right to permanently exclude the pupil with effect from the twenty-first 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; this is initiated by the parent via delivery

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<sup>1</sup> A meeting with the Warden, and other senior staff as appropriate, to discuss the reasons for the potential exclusion and to hear the arguments from the parties involved

<sup>2</sup> The letter communicating the Warden's decision following the meeting

of a Notice of Appeal to the School

- 2.2 "**Appeal Hearing**" means an oral hearing with the Appeal Panel to determine an Appeal which the Parent may request
- 2.3 "**Appeal Panel**" means the panel of Governors appointed under paragraph 5 to hear an Appeal
- 2.4 "**Appeal Chair**" means the Governor appointed by the Chair of Governors to act as Chair of the Appeal Panel
- 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 the Pupil permanently
- 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 their Response
- 2.8 "**Governors**" means the Governors of Forest School
- 2.9 "**Notice of Appeal**" means a Written Notice of Appeal delivered to the Clerk either by email or 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 carer/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 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 Decision Letter which follows the Determination Meeting. A Notice of Appeal received after this period 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 evidenced 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 15 School Days of receiving a copy of the Notice of Appeal. The Warden's Response will address directly the Parent's reasons for the Appeal and the Warden will offer the School's final view of the decision to permanently exclude the pupil.

#### **5 Appeal Hearing**

- 5.1 If the Parent remains dissatisfied with the original decision and the subsequent Warden's Response following the Notice of Appeal, they may request an oral hearing of the Appeal Panel. The Parent shall make this request in a Written Notice to the Clerk within 3 School Days of having received the Warden's Response. The Parent's request for an Appeal Hearing *must address directly* the Warden's Response (in which the School's decision to permanently exclude the pupil is explained) and also set out clearly *the specific reasons* the Parent still considers the decision to be wrong, providing any new evidence that has yet to be seen and considered by the Appeal Panel.
- 5.2 Within 3 School Days of receiving the request for an Appeal Hearing the Clerk will ask the Chair of Governors to appoint one of the Governors as the Appeal Chair.
- 5.3 The Appeal Chair will invite two more Governors to the Appeal Panel. No Governor shall be eligible to serve on the Appeal Panel who has had previous involvement in the Decision to permanently exclude the pupil.

#### **6 Appeal Hearing Procedure**

- 6.1 The Clerk will give the Warden and the Parent at least 5 School Days' notice of the date, time and place of the Appeal Hearing. The Clerk 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 procedure regarding permanent exclusion.
- 6.2 The Appeal Panel will meet prior to the Hearing allowing enough time to consider the documentation, request any further details it deems necessary, and to hold meetings with the Warden and/or any other relevant staff should they be required. The Appeal Chair will decide whether 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 other relevant staff involved in the investigation of the matter, if required. Following that meeting the Appeal Chair will decide whether to invite any other relevant staff to join the Warden in attending the Appeal Hearing. The

Warden will automatically attend the Appeal Hearing.

- 6.3 The Appeal Panel's purpose is to identify whether the Warden's decision was 'wrong' (not one any reasonable person could have reached) or 'unjust' (owing to a procedural error). Fundamentally, its purpose is to uphold the principle of finality by confirming the original decision or overturning all or part of it. The procedure for the hearing shall be at the discretion of the Appeal Panel and (unless the Appeal Panel otherwise determines) will be as follows:
- 6.3.1 the Appeal Hearing shall take place in private; the discussion shall be confidential and notes will be taken of the Hearing to support the panel in its consideration only
  - 6.3.2 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
  - 6.3.3 neither the Parent nor the Warden will be entitled to call any witness to give oral evidence to the Appeal Panel without the express, advance agreement of the Appeal Panel Chair
  - 6.3.4 the Parent will first explain their case, the Warden will respond, and the Parent will have the opportunity to deal in reply with any of the Warden's raised oral responses before the Appeal Panel retires to consider and make its decision. The decision will be communicated to the Chair of Governors
  - 6.3.5 if, prior to the Hearing, the parent indicates they do not wish to proceed further, or decides not to attend, the Panel Hearing will be cancelled and the School's original decision, as outlined in the Appeal Response, will stand.

## **7 Delivery of Appeal Decision**

- 7.1 The Appeal Panel Chair will write to the Parent within 10 School Days of the Appeal Hearing. A copy will also be sent to both the Chair of Governors and 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.
- 7.2 The Appeal Panel may make its decision by a majority.
- 7.3 The Appeal Panel's decision shall be final and shall not be subject to further appeal.

## **8 Unpaid Fees**

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

## **9 Time Limits**

- 9.1 Notices or documents, throughout the procedure, will be sent by email (and first class post) and shall therefore, for the purposes of this Appeal Procedure, be assumed to be received by the addressee on the day of the email being sent.