



ANNEX 4

EXCELSIOR ACADEMY NEWCASTLE

SERIOUS INCIDENTS OF MISBEHAVIOUR LEADING TO FIXED PERIOD OR PERMANENT EXCLUSION

1. In discharging their duties the Head and Governors of Excelsior Academy Newcastle will have regard to the Secretary of State's guidance on exclusions¹ as if the Academy were a maintained school, except that:

- references to the maintaining LEA in paragraph 26(c) of the guidance should be construed as a references to the LEA in which an excluded child is resident;
- the Academy, and not the LEA, is responsible for making arrangements for independent appeal panels to hear appeals against permanent exclusions where the governors do not direct reinstatement (see paragraph 35 and part 5 of the guidance, and below);
- the governors are not expected to seek the advice of an LEA officer when considering an exclusion (paragraph 73 of the guidance), although an LEA officer may attend any meeting to consider an exclusion at the request of a parent; and
- part 8 of the guidance (arrangements for money to follow pupils who have been permanently excluded from school) does not apply.

Constitution and conduct of independent appeal panels

2. The Academy will be responsible for carrying out the functions assigned to the LEA in part 5 of the guidance with regard to the management of the appeal procedure. Appeals panels must be impartial and constituted in accordance with the detailed provisions of paragraphs 95-97 of the guidance. The Academy will arrange suitable training for appeal panel members and clerks.

3. The appeal panel's decision is final and binding on the Academy. A parent may seek a judicial review of a panel's decision. A parent may not, however, appeal to the Commissioner for Local Administration (the Local Government Ombudsman) about maladministration because the Commissioner's remit is limited to considering the conduct of appeal panels

¹ References in this annex to the Secretary of State's guidance are to "Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units", which is published on the DfES website at: <http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance/>. The guidance may be subject to amendment, and the Academy is required to have regard to the guidance as it stands at any given time.

Excelsior Academy NEWCASTLE



constituted by LEAs.