

SCHEDULES

SCHEDULE 3

Section 26(4).

EXCLUSION ON DISCIPLINE GROUNDS : APPEALS

General

- 1 The articles of government for every county, controlled and maintained special school shall provide for it to be the duty of the local education authority, when (following the consideration which they are required to give to the case by virtue of section 24(a) of this Act) they inform a pupil, or a parent of his, of their decision that he should not be reinstated, to inform the pupil or (as the case may be) parent of his right to appeal against the decision.
- 2 The articles of government for every aided and special agreement school shall provide for it to be the duty of the governing body, when (following the consideration which they are required to give to the case by virtue of section 25(a) of this Act) they inform a pupil, or a parent of his, of their decision that he should not be reinstated, to inform the pupil or (as the case may be) parent of his right to appeal against the decision.
- 3
 - (1) Where, in accordance with any provision of the articles of government of any school made by virtue of section 24(a) of this Act, the local education authority give a direction to the head teacher of the school for the reinstatement of any pupil who has been excluded, the direction shall not have effect for a period of seven days beginning with the day on which the governing body are informed of the direction by the authority unless, within that period, the governing body inform the authority that they do not intend to appeal against the direction.
 - (2) Where, before the end of that period, the governing body lodge an appeal against the direction in accordance with the relevant arrangements—
 - (a) the local education authority shall inform the pupil (if he is aged eighteen or over) or his parent (if he is under eighteen) of his right to make representations to the appeal committee ; and
 - (b) the direction shall not have effect unless it is confirmed by the appeal committee or the appeal is withdrawn.
 - (3) No appeal against such a direction may be made by the governing body after the direction has taken effect.
- 4 Part I of Schedule 2 of the 1980 Act (constitution of appeal committees) shall have effect in relation to appeals with the necessary modifications.
- 5 The Secretary of State may by order amend this Schedule.

Procedure

- 6 An appeal shall be by notice in writing setting out the grounds on which it is made.
- 7 On an appeal by a pupil or parent, the appeal committee—

Status: This is the original version (as it was originally enacted).

- (a) shall afford the appellant an opportunity of appearing and making oral representations ;
 - (b) may allow him to be accompanied by a friend or to be represented ; and
 - (c) shall allow—
 - (i) the local education authority and the governing body to make written representations to the committee ; or
 - (ii) an officer of the authority nominated by the authority, and a governor nominated by the governing body, to appear and make oral representations.
- 8 On an appeal by a governing body, the appeal committee-
- (a) shall afford a governor nominated by the governing body an opportunity of appearing and making oral representations ;
 - (b) shall afford the governing body an opportunity to be represented ;
 - (c) shall allow the pupil, if he is aged eighteen or over, or a parent of his, if he is under eighteen, to make written representations to the committee or to appear and make oral representations ; and
 - (d) shall allow the local education authority to make written representations or an officer of the authority nominated by them to appear and make oral representations.
- 9 The body responsible for making any arrangements under section 26 of this Act shall, in setting any time limits in connection with appeals, have regard to the desirability of securing that appeals are disposed of without delay.
- 10 In considering any appeal, the appeal committee shall take into account (amongst other things) any representations made to it by any of the persons whom it is required to afford an opportunity to make representations.
- 11 In the event of a disagreement between the members of an appeal committee the appeal under consideration shall be decided by a simple majority of the votes cast and in the case of an equality of votes the chairman of the committee shall have a second or casting vote.
- 12 The decision of an appeal committee and the grounds on which it is made shall be communicated by the committee in writing, to the pupil (if he is aged eighteen or over) or a parent of his (if he is under eighteen) and to the local education authority and governing body.
- 13 All appeals shall be heard in private except when otherwise directed by the authority or governing body by whom the arrangements are made but, without prejudice to any of the provisions of this Schedule—
- (a) a member of the local education authority may attend any hearing of an appeal by an appeal committee, as an observer ; and
 - (b) any member, of the Council on Tribunals may attend any meeting of any appeal committee at which an appeal is considered, as an observer.
- 14 Two or more appeals may be combined and dealt with in the same proceedings if the appeal committee consider that it is expedient to do so because the issues raised by the appeals are the Same or connected.
- 15 Subject to the preceding provisions of this Schedule, all matters relating to the procedure on appeals, including the time within which they are to be brought, shall be determined by the authority or governing body by whom the arrangements are made ; and neither section 106 of the Local Government Act 1972 nor paragraph

44 of Schedule 12 to that Act (procedure of committees of local authorities) shall apply to an appeal committee constituted in accordance with Part I of Schedule 2 to the Act of 1980.

16 In this Schedule references to appeals are to appeals under section 26 of this Act.