

ANNEX C

**SERIOUS INCIDENTS OF MISBEHAVIOUR LEADING TO FIXED PERIOD OR
PERMANENT EXCLUSION**

Serious incidents of misbehaviour leading to fixed period or permanent exclusion

General Duties

1. Subject to the exceptions in paragraph 4, the Company shall act and shall ensure that the Principal of each Academy shall act in accordance with the law on exclusions as if each Academy were a maintained school. For this purpose, reference in the law on exclusions to the Head Teacher and Governing Body shall respectively be deemed to be the Principal of the relevant Academy and the Company.
2. Without limiting the generality of paragraph 1, the Company shall ensure that the relevant Local Authority is informed of an exclusion decision in the same circumstances as required by a maintained school under the law on exclusions.
3. Subject to the exceptions in paragraph 4, the Company shall ensure that in carrying out their functions each Principal and the Company have regard to the Secretary of State's guidance on exclusions including in relation to any appeals process¹ as if each Academy were a maintained school.
4. The exceptions to the duties imposed under paragraphs 1 and 3 are:
 - the Company shall make arrangements for enabling appeals against any decision of the Company to permanently exclude a pupil in accordance with the functions assigned to the Local Authority. Any appeal panel will be impartial, constituted in accordance with the Secretary of State's guidance and any decision of such a panel will be binding on the Company². The requirements in relation to appeals apply to the Company only to the extent that the Local Authority is required to carry out such functions for maintained schools under the law on exclusions.
 - the Company is not expected to seek the advice of a Local Authority officer when considering an exclusion, although a Local Authority officer may attend any meeting to consider an exclusion at the request of a parent; and

¹References 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 DfE website at: <http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/2008guidance/>. 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.

² A parent may seek a judicial review of any appeal panel. A parent may not appeal to the Commissioner for Local Administration (the Local Government Ombudsman) about maladministration as the Commissioner's remit is limited to considering the conduct of appeal panels constituted by Local Authorities.

Annex C Multi

- subject to the Company's obligations under clause 32 of this Agreement relating to an agreement with the LA on the flow of funds following an exclusion , the arrangements for money to follow pupils who have been permanently excluded from school does not apply.