ANNEX D

Serious incidents of misbehaviour leading to fixed period or permanent exclusion

General Duties

1. Subject to the exceptions in paragraph 4, the Thetford Learning Trust shall act and shall ensure that the Principal shall act in accordance with the law on exclusions as if The Thetford 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 and Governing Body of the Thetford Learning Trust.

2. Without limiting the generality of paragraph 1, the Thetford Learning Trust shall ensure that Norfolk County Council is informed of an exclusion decision in the same circumstances as required by maintained schools under the law on exclusions.

3. Subject to the exceptions in paragraph 4, the Thetford Learning Trust shall ensure that in carrying out their functions the Principal, the Governing Body and the Independent Appeal Panel (established in accordance with paragraph 5) have regard to the Secretary of State’s guidance on exclusions¹, as if The Thetford Academy were a maintained school.

4. The exceptions to the duties imposed under paragraphs 1 and 3 are:
   - the Thetford Learning Trust, and not the Local Authority, is responsible for making arrangements for Independent Appeal Panels to hear appeals against permanent exclusions where the governors do not direct reinstatement;
   - the Governing Body 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
   - subject to the Thetford Learning Trust’s obligations under clause 52 of this Agreement relating to an agreement with the Norfolk County Council 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.

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 DCSF website at: http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance/. The guidance may be subject to amendment and The Thetford Academy is required to have regard to the guidance as it stands at any given time.
Independent Appeal Panels

5. The Thetford Learning Trust shall, in relation to The Thetford Academy, carry out the functions assigned to Norfolk County Council to establish and manage the appeal procedure for exclusions under the law on exclusions, as if The Thetford Academy were a maintained school.

6. Independent Appeals Panels must be impartial and constituted in accordance with the detailed provisions of paragraphs 123-126 of the Secretary of State’s guidance on exclusions. However, the reference to a “maintained school” in paragraph 123(c) shall be deemed to mean a maintained school or an Academy. The Thetford Learning Trust shall arrange suitable training for appeal panel members and clerks.

7. The Independent Appeal Panel’s decision is final and binding on the Thetford Learning Trust. A parent may seek a judicial review of an Independent Appeal 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 constituted by local authorities.