



INDEPENDENT REVIEW PANELS (IRPS)

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If your child is permanently excluded from school, you'll be invited to a review meeting ('GDC' Governor's Disciplinary Committee) with the school's governors. This will happen within 15 school days.

If the governors don't overturn the exclusion, you can ask for an independent review by your local council (or the academy trust if the school is an academy). You have 15 days from the decision being received from the GDC to request an IRP, if you are late your request must be rejected.

An Independent Review Panel of three people, who have no connections with the school will hear your review and carefully consider your case and that of the school. They will consider three things:

Illegality - did the governing board act outside the scope of its legal powers in deciding that the pupil should not be reinstated?

Irrationality - did the governing board rely on irrelevant points, fail to take account of all relevant points, or make a decision so unreasonable that no governing board acting reasonably in such circumstances could have made it?

Procedural impropriety - was the governing board's consideration so procedurally unfair or flawed that justice was clearly not done? Procedural impropriety means not simply a breach of minor points of procedure but something more substantive that has a significant effect on the quality of the decision making process.

There are three potential outcomes:

Upheld: The IRP may uphold the exclusion. This will end the challenge process unless the family is also bringing a discrimination claim in the First Tier Tribunal or County Court or bringing a claim for judicial review.

Recommended reconsideration: the IRP sends the decision back to the school's governing board. The governing board has to meet within 10 working days to reconsider.

Directed reconsideration: the IRP quashes the governing board's decision to uphold the exclusion and sends it back to be reconsidered. The governing board must meet within 10 working days to reconsider. The difference between recommended and directed reconsideration lies in what steps the governing body must follow if the governing body refuse to reinstate following reconsidering.

Requesting an independent review

To request a review you must, **within 15 days** of receiving the governor's response do the following:

- If school share an application form then you can either complete this or write a letter requesting an independent review.
- State your reasons for applying for a review.
- If relevant, state how you consider your child's Special Educational Needs and/or Disabilities (SEND) are relevant to the exclusion.
- If you would like a SEN expert to attend the review hearing and in the case of an academy school a local authority representative, you must state this in your application.
- You must also state whether you wish your child to attend the review hearing.



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Responsibilities of the IRP before the hearing

The IRP must choose a venue that is accessible to all parties. 'Neutral ground' is good practice but not a requirement.

There must be at least one panellist who is or has been a head teacher in the past five years, a person who is or was a governor in the past five years, and a chair who has no experience as a paid member of staff at a school. All panellists must have no connection to the family or the excluding school. The IRP should appoint an SEN expert who is independent of all the parties if one has been requested. The IRP must appoint a clerk who is independent of all the parties. The clerk will have responsibility for the administration of the panel.

The clerk should collect grounds and evidence from all parties, create a bundle, and circulate it to all parties **at least five school days** before the hearing.

Role of the SEN expert

The SEN expert should be a professional with first-hand experience of the assessment and support of SEN, as well as an understanding of the legal requirements on schools in relation to SEND. Families are given the opportunity to request an SEN expert to be present at an independent review panel (IRP), regardless of whether or not their child has identified SEND. They are free to request and may be able to answer some questions you have, however, they will not know your child or their needs personally.

The hearing

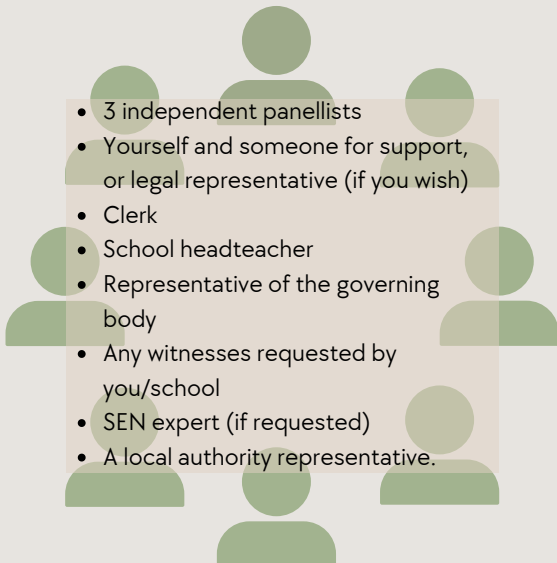
There is no law setting out the order or content of the hearing. The chair should outline the procedure to be followed. A typical format is:

- Introductions from the panel and attendees;
- The school makes a statement;
- The panel and family ask questions of the school;
- The family make a statement;
- The panel and school ask questions of the family;
- The school makes a closing statement;
- The family makes a closing statement.

The order may vary, but it is important they all happen. If there is a local authority representative and/or a SEN expert they will also share their view and be asked questions.

It is a requirement that panellists ensure that the hearings are procedurally fair.

- All parties should enter and leave the hearing room at the same time. If one party leaves, no others should remain behind to ensure they cannot discuss the case with the IRP in private.
- All parties should be given equal time, and parties should not be allowed to speak over one another.
- Sufficient time should be allowed for the hearing so submissions can be fully heard.
- A person should be able to present the arguments they wish to in their defence, and the IRP must not pre-judge arguments, dismiss them, or prevent a party from making them.

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- 3 independent panellists
 - Yourself and someone for support, or legal representative (if you wish)
 - Clerk
 - School headteacher
 - Representative of the governing body
 - Any witnesses requested by you/school
 - SEN expert (if requested)
 - A local authority representative.

Generally, the clerk to the IRP will write to the family, the headteacher, and the governing board within five working days (as soon as possible) of the IRP review detailing the IRP's decision and reasons for making that decision.