**Appointment of Independent Review Panels**

**Information for applicants**

Thank you for your interest in becoming a member of the Independent Admissions Appeals Panel.

This booklet provides information on the operation of the Panel and the appeal process. Hopefully it will give you all the information you need to help you decide whether to apply to become a Panel Member, however if you need anything further please contact Stephanie Lewis on 01392 382486 or email [appeals@devon.gov.uk](mailto:appeals@devon.gov.uk)

1. **Background**

The School Standards and Framework Act 1998 makes provisions for the establishment of independent appeals panels. The School Admission Appeals Code (the Code) has been issued under this Act. The Code sets out the requirements and guidelines for Independent Appeal Panels in respect of admissions.

Independent Review Panels follow the ‘Exclusion from maintained schools, academies and pupil referral units in England’ (2017) Guidance, as issued by the Department for Education, when hearing appeals in relation to a school exclusion (link below).

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf>

1. **School Exclusions**

All Panel Members are provided with a copy of the guidance issued by the Department for Education (2017).

In most cases permanent exclusion is the last resort after a range of measures have been tried to improve a pupil’s behaviour. Only the Headteacher or teacher in charge of a Pupil Referral Unit can exclude a pupil. There is no right of appeal against fixed-term exclusions, only against permanent exclusions.

1. **Exclusion Appeals**

When a pupil is permanently excluded from school the parent, or pupil if 18 or over, has the right to appeal to an Independent Review Panel. Such appeals are the final stage in the exclusion appeal process. Prior to this, the parents' case will have been considered by the School Governing Body Discipline Committee.

1. **Role of an Independent Review Panel**

The Role of the IRP is to review the Governing Body’s decision not to reinstate a permanently excluded pupil and to ensure this decision was impartial and independent. To do that the Panel must consider the interest and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

An Independent Review Panel has the power to:

* uphold the governing board’s decision;
* recommend that the governing board reconsiders reinstatement; or
* quash the decision and direct that the governing board reconsiders reinstatement.

It does not have the power to reinstate an excluded pupil.

1. **Exclusion appeal hearings**

Hearings take place during the day and usually take two to three hours. Refreshments, including lunch, are provided.

Those parties usually represented at exclusion hearings include:

* + The parent(s) of the excluded pupil
  + The Headteacher and a representative of the school’s Governing Body Discipline Committee
  + The local authority representative
  + A Special Educational Needs Expert

The excluded pupil has the right to attend the hearing if they wish, and may attend for all or part of the hearing. Each of the above may attend and state their case to the Panel. It is the role of the Panel to listen to the presentations and also to question the parties so that they have enough information to reach a decision. Once the parties have stated their case and all questions have been asked, all parties leave the room and the Panel makes a decision in private.

The Panel will decide, on the balance of probabilities, whether the pupil did what they are alleged to have done. They will consider the basis of the decision to exclude and the procedures that followed, taking account of a number of factors; and then decide whether or not to uphold the decision to exclude. This is recorded by the Clerk, who subsequently notifies the parties of the Panel’s decision. Full training will be given to Panel Members on the decision-making process.

1. **Panel Members**

Panel Members are expected to read all of the papers that are sent to them and to play an active part in questioning all parties at the hearing. They should show no favour to either party and avoid expressing personal opinions during the course of a hearing, acting independently of the local authority and the school.

Panel Members need the ability to carefully consider the cases of all parties and then make a balanced and reasoned decision based on what they have read and heard.

Everyone involved in an appeal hearing needs to be familiar with the Department for Education’s ‘Exclusion from maintained schools, academies and pupil referral units in England’ (2017) guidance, which will be provided to you.

Panel Members are also required to attend training and briefing sessions.

The role is voluntary, although expenses are paid for attending panel hearings and briefing/training sessions.

1. **Training for Panel Members**

All newly appointed Panel Members will receive full training and you will not be able to take part in hearings until you have been properly trained which will include the provision of the statutory guidance for admission appeals.

The Clerk provides an independent source of advice on procedure for all parties. They keep up to date with developments in case law and changes in legislation and guidance and provides additional training or briefings to Panels if required.

1. **Time Commitment**

The number of hearings a member attends each year varies with each individual and it is usually possible to accommodate each Member’s level of availability.

The Appeal Panel relies heavily on people giving their time in a voluntary capacity and therefore the more people we have on the Panel the more the work can be evenly spread.

1. **Venue for appeal hearings**

Since March 2020 hearings have been held remotely via Microsoft Teams which had been allowed under relevant Coronavirus legislation.

Before this, hearings were held at County Hall in Exeter and parking provided to all Panel Members.

In the future it is likely we will adopt both ways of working although this depends on government legislation allowing us to do so.