

What happens next?

The clerk to the Independent Review Panel will write to you without delay, giving you the panel's decision.

If the panel **quashes** the decision and directs the governors to reconsider the exclusion, the governors must meet again within 10 school days. If the governors do not offer to reinstate your child after this meeting, the IRP has the power to impose a financial penalty on the school, but your child will not return to the school.

If the panel **recommends that the governors reconsider their decision**, the governors must meet again within 10 school days. If the Independent Review Panel had access to new evidence the governors may review this evidence to see whether it changes their decision.

If the governors do not offer to reinstate your child after this meeting your child will not return to the school.

If the panel **upholds** the governor's decision your child will not return to the school.

What if I don't agree with the panel's decision?

If you believe that the panel's decision is unreasonable or think that the procedure was not followed correctly and that this might have made a difference to the panel's decision, you may complain to the Local Government Ombudsman (for maintained schools) or The Secretary of State (for academies) you could also ask for a Judicial Review of the decision through the courts. Please be aware that this may incur a cost.

Useful contacts:



Exclusions Guidance

<https://www.gov.uk/government/publications/school-exclusion>

Rotherham Exclusion Team

Telephone: (01709) 808004

SENDIASS (SEN and Disability Information, Advice and Support Service) Telephone: (01709) 823627

SEND Local Offer

<http://www.rotherhamsendlocaloffer.org>

ACE education runs a limited advice line service on Monday to Wednesday from 10 am to 1 pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/> telephone: 0300 0115 142

The Coram Children's Legal Centre
Website: www.childlawadvice.org.uk

Rotherham Exclusion Team

The Independent Review Panel

Information Leaflet
for Parents and carers

What is an Independent Review Panel?

For Local Authority maintained schools, 3 people form an Independent Review Panel. One member must be a serving or recently retired headteacher, one must be a serving or recently retired school governor and the chair must be someone who has not had a paid job in a school. A clerk is provided from the Council's Legal Service Team and gives advice on the law and how the meeting should be run. The head teacher and a member of the governor's disciplinary meeting will normally represent the school and a Special Educational Needs expert will also attend if you have requested one. The independent review follows the same procedure as the governor's disciplinary meeting

What can the panel do?

The panel can:

- ◆ uphold the governors disciplinary meeting decision
- ◆ recommend that the governors from the disciplinary meeting reconsider their decision
- ◆ quash the decision and direct that the governors consider the exclusion again

The panel cannot directly reinstate your child but their decision is legally binding for the parents, the school and the Local Authority

How do I request an Independent Review ?

If the decision to permanently exclude your child has been upheld at the governors disciplinary meeting you have the right to request a review of this decision by an Independent Review Panel (IRP). You may also request a Special Educational Needs (SEN) expert to be present at the review, even, if your child doesn't have a recognised SEN. For Local Authority maintained schools an IRP is arranged by the Schools Appeals Officer. Academies may arrange their own Independent Review Panel. You will be given details of where to request the review in the decision letter you receive after the governors disciplinary meeting. You have 15 school days from receipt of the letter in which to request a review and your request must:

- ◆ be received on or by the date given in the clerk's letter
- ◆ be in writing
- ◆ give reasons for the review request

If you wish you may:

- ◆ request a Special Educational Needs Specialist

The role of the Special Educational Needs (SEN) expert

The SEN expert's role is similar to an expert witness, providing impartial advice to the panel on how special educational needs might be relevant to the exclusion. The SEN expert will base their advice on the evidence provided to the panel.

The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies in relation to your child, were legal, reasonable and procedurally fair. If the SEN expert believes that this was not the case, they should advise the panel on the possible contribution that this could have made to the circumstances of the exclusion.

Where the school has not recognised that your child has SEN; the SEN expert should advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect of identifying any special educational needs that your child may potentially have and if there are any contributing factors that may have added to the circumstances of the exclusion.

There would be no cost to you for this advice

At the Independent Review

The Independent Review will not be held on the school premises..

Academies may have different arrangements but must follow the same government guidelines and provide you with all the relevant information.

You may bring a friend or representative with you for support and if you have new evidence that you want to share you can do this.

The meeting will follow the same format as the governors disciplinary meeting with the addition of the findings of the SEN expert.