

## Independent Review Panels - A Guide for Parents

### What is an Independent Review?

If your child is permanently excluded from school, you'll be invited to a review meeting 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). The governors must tell you how to do this.

The Education Act 2002 requires all local Authorities, academies and pupil referral units to make arrangements to enable parents to apply for a review of the decision not to reinstate a pupil who has been permanently excluded from a school maintained by them.

An Independent Review Panel (IRP) has no power to reinstate your child. They can make one of the following three decisions:

1. to uphold the decision to permanently exclude your child;
2. to recommend that the school reconsiders its decision; or
3. quash the decision and direct that the school reconsiders the exclusion again

However, you may have the decision reviewed by an IRP even if you don't wish for your child to return to the school. You can also apply for a review even if you did not attend or make representations to the meeting at which the school's governing board considered your child's permanent exclusion. If you think that your child's special educational needs have not properly been taken into account or that the meeting of the governing board was unfair in any way, you might wish to consider applying for a review.

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.

### Who has the right to apply for a review?

Where a young person has reached the age of 18, they are able to apply for a review. Where a child or young



person is under 18, his or her parents can apply. This includes any person who has parental responsibility, which includes the local authority where it has a care order in respect of the child, and any person with whom the child lives – for example, a foster carer.

### **How do I apply for a review?**

There are three steps to follow:

- 1 Either complete an application for review form shared by the school or write a letter to request this.
- 2 State your reasons for applying for a review and, if relevant, state how you consider your child's Special Educational Needs (SEN) are relevant to the exclusion.
- 3 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.

You may want to appoint someone to make written and/or verbal representations and you may also bring a friend with you to the review hearing. If you decide to apply for a review you must do this within 15 days of the governing board deciding not to allow your child to return to the school. You lose your right to a review hearing if your application is received after the 15th school day on which you were informed, in writing, of the governing board's decision not to reinstate your child. Any application received after this legal deadline must be rejected.

### **When will my review be heard?**

The Independent Review Panel must meet to consider your application for review within 15 school days of your review request being received.

### **Who will attend the review?**

You and your partner if you wish, a friend, legal representative or legal advisor and your child if you feel this is appropriate. Also in attendance will be a clerk along with the headteacher from the school, a representative from the governing body of the school, any witnesses called by the school or by you, a local authority representative, and a SEN expert if you have requested this.

There will also be three Independent Review Panel Members who will have no connection of any kind to those attending or involved with the case.



### **What information will be available at the review?**

The clerk will circulate paperwork to all those involved in the review.

This may include:

Copies of relevant paperwork such as:

- The governing board's decision letter;
- The minutes of the governing board's meeting;
- Your application for a review and any supporting paperwork you have provided;
- Any policies or documents that the governing board was required to consider when making their decision;

In addition to this, any witness statements - which should be signed and dated but can be anonymised. Physical evidence could also be made available.

### **What will happen on the day?**

It is up to the Independent Review Panel to decide how to conduct the hearing, however the order is likely to be:

- a. Chairman's introduction
- b. Case for the school
- c. Questions to the representatives of the school
- d. Local authority view (where relevant)
- e. Questions to the local authority (where relevant)
- f. Parent's case including your child's view
- h. Questions to parents and pupil
- i. SEN expert view (if required)
- j. Questions to the SEN expert
- k. Summing up by school
- l. Summing up by parent / young person

### **When will I hear the outcome of my review?**

The clerk will telephone you as soon as possible after the Independent Review Panel has decided on your case and will also write to you, the head teacher and governing board detailing the decision as soon as possible.

### **Where can I get more information, advice, or support?**

SENDiass can:

- provide you with advice and support in preparing for an Independent Review Panel
- accompany you to the review
- provide you with details of other organisations, support groups and services that may be of help