

HERTFORDSHIRE COUNTY COUNCIL
Permanent School Exclusion
Reviews

A Parent's Guide to
Exclusion Reviews

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INTRODUCTION

This booklet provides information and guidance for parents who wish to request a review of the decision taken to permanently exclude their child from a school or academy. It explains how you can make a request for a review and how the review process works.

This guidance updates and replaces any previous guidance published by Hertfordshire County Council for parents whose children have been permanently excluded on or after 1 September 2012 from maintained schools, Academies and Education Support Centres (ESCs), otherwise known as Pupil Referral Units (PRUs).

The Education Act 2002 (as amended by the Education Act 2011) requires all Local Authorities (LA) and Academies to make arrangements to allow parents to apply for a review of the decision to permanently exclude their child. If your child has been permanently excluded from an academy trust, as you read through this booklet please substitute the word “Academy” where you see “School”; and “Principal” where you see “Headteacher”.

Under the Education Act, the definition of “parent”, in addition to a child’s birth parents, includes any person who has parental responsibility. This includes the LA where it has a care order in respect of the child and any person who the child lives with, for example, a foster carer. Where a pupil has reached the age of 18, the pupil themselves has the right to apply for a review of their permanent exclusion.

1. How will I know about my right to request a review?

You will have received formal notice from the Headteacher of your child’s school of the decision to permanently exclude your child. You should also have received, without delay, written notification from the school’s governing body of their decision to confirm the permanent exclusion. The letter from the governing body should have stated:

- the reasons for their decision
- your right to ask for their decision to be reviewed by an Independent Review Panel (IRP), and the date by which your request for review **must** be received by the Clerk to the IRP
- the address of the Clerk to the IRP to whom an application for a review should be submitted
- that your application, where appropriate, should include reference to how your child’s special educational needs (SEN) are considered to be relevant to the exclusion

- that you have a right to request an SEN expert to attend the review, regardless of whether your child has recognised special educational needs
- details of the role of the SEN expert
- that a request for an SEN expert to be appointed must be made on your application for a review, and that there would be no cost for the appointment
- that you have a right to appoint someone to represent you at your own expense and/or to bring a friend to the review
- that if you believe the exclusion has occurred as a result of discrimination, in addition to requesting a review by an IRP, you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination
- that any claim of discrimination under these routes should be **lodged within six months of the date on which the discrimination is alleged to have taken place:** that is, the day on which your child was excluded

IMPORTANT

- **If your claim is successful, the First-tier Tribunal can direct the school to reinstate your child.**

2. How do I decide whether I should apply for a review?

You have reasons to apply for a review if:

- you do not believe your child did what he or she is accused of doing, and/or
- you do not believe the school was right to exclude your child permanently for what he or she is accused of doing.

You may request a review of your child's permanent exclusion even if you did not attend the meeting when the governing body considered your child's permanent exclusion and/or you do not wish your child to return to the school.

Exclusions from school and any reviews that follow must be conducted in accordance with the law and regulations governing school exclusions. In reaching your decision on whether or not to request a review, it may help you to know what guidance has been given to schools about exclusions.

The Department for Education (DfE), issues guidance to maintained schools, Academies, Free schools and Pupil Referral Units (PRU), (known as Education Support Centres (ESC) in Hertfordshire). This provides statutory guidance which all those that have legal responsibilities in relation to exclusions must have regard to. This includes headteachers; governing bodies, LA's; Academy Trust's; SEN experts and Independent Review Panel's and clerks. The most recent guidance was issued in June 2012 and came into force on

1 September 2012 and is entitled 'Exclusion from maintained schools, Academies and pupil referral units in England'. The following is a summary of the guidance given to schools:

1. **The headteacher's power to exclude – a guide to the law**
 - 1.1 Only the headteacher, or acting headteacher, of a school can exclude a pupil and this can only be on disciplinary grounds.
 - 1.2 The behaviour of pupils outside school can be considered as grounds for exclusion but this will be a matter of judgement for the headteacher in accordance with the school's published behaviour policy.
 - 1.3 Any decision to permanently exclude must be lawful (in respect of the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention of Human Rights), rational, reasonable, fair and proportionate.
 - 1.4 When establishing the facts in relation to an exclusion decision the headteacher must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.
 - 1.5 Headteachers must take account of the school's duties in relation to the Equality Act 2010 and apply these to their policies and practices, ensuring they do not discriminate against pupils by unfairly increasing their risk of exclusion.
 - 1.6 Headteachers must take account of their statutory duties in relation to SEN when administering the exclusion process, which includes having regard to the SEN Code of Practice.
2. **Factors to consider before making the decision to exclude a pupil**
 - 2.1. A decision to exclude a pupil should be taken only:
 - a) in response to a serious breach, or persistent breaches, of the school's behaviour policy; and
 - b) where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
 - 2.2 The decision on whether to exclude is for a headteacher to take. However, where practical, headteachers should give pupils an opportunity to present their case before taking the decision to exclude.
 - 2.3 Whilst exclusion may still be an appropriate sanction, headteachers should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.
 - 2.4 Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. Headteachers should also consider the use

of multi-agency assessment for pupils who demonstrate persistent disruptive behaviour.

3. Guidance on the exclusion of pupils with SEN or looked after children

- 3.1 Headteachers should, as far as possible, avoid excluding permanently any pupil with a statement of SEN or a looked after child.
- 3.2 Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to children looked after, schools should co-operate proactively with foster carers or children's home workers and the LA that looks after the child.
- 3.3 Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with a statement of SEN or a looked after child it should, in partnership with others including the LA, consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an SEN statement, schools should consider requesting an early annual review or interim / emergency review.

4. When exclusion is not appropriate

- 4.1 It is unlawful to exclude or to increase the severity of exclusion for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as:
- academic attainment / ability
 - the action of a pupil's parents; or
 - the failure of a pupil to meet specific conditions before they are reinstated.

However, pupils who repeatedly disobey their teachers' academic instructions could be subject to exclusion.

- 4.2 'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.
- 4.3 Maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents. However, the threat of exclusion must never be used to influence parents to remove their child from the school.

5. Procedures following permanent exclusion

- 5.1 During the first 5 school days of a permanent exclusion (or until the start date of any alternative provision where this is earlier) the school should send work home for the pupil to complete. During this initial period parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification. You may receive a fixed penalty notice or prosecution if you fail to do this.

3. Are there circumstances where I do not have the right to a review hearing?

Yes, there are two instances where you would lose your right to a review hearing:

- If your application is not received by the 15th school day after written notification from the governors confirming your child's permanent exclusion; or
- If having submitted an application you subsequently withdraw your request for a review hearing.

4. How can I request a review?

You can apply for a review by phoning the Clerk to the Independent Review Panel (IRP) on the helpline below to request an application form. You should complete the form setting out the grounds on which your request is made and return it to the clerk's office at the address below:

**The Clerk to the Independent Review Panel
Appeals Team, Customer Services (CS)
Postal Point CHO120
County Hall
Hertford SG13 8DF
Helpline Tel: 01992 588548
Fax: 01992 556140
E-mail: school.appeals@hertscc.gov.uk**

We must receive your form **within 15 school days** from the date that you receive the letter from the Governing Body confirming the decision of the headteacher to exclude your child permanently.

However, where a claim of discrimination has been made to the First-tier Tribunal (Special Educational Needs and Disability), an application for a review can either be made simultaneously or delayed until the discrimination claim is decided. In this case the application for review must be made **within 15 school days** of the Tribunal's final decision.

Remember:

- **You can apply for a review by an IRP even if you did not make a case to, or attend, the meeting at which the governing body considered your child's permanent exclusion.**
- **You must request a review in writing.**
- **Any request for review received after the legal time frame will be out of time and must be rejected.**

5. Timetable of exclusion review process

Action	By when
The decision to permanently exclude your child is taken by the headteacher.	Day 1
Meeting of the Governors Discipline Committee (GDC) to review the headteacher's decision to permanently exclude.	Within 15 school days of receiving notice of the exclusion.
A letter sent by the governors informing you of the GDC's decision, your right to an independent review and the last day for submitting a request for a review, that being the 15th school day after receipt of this letter.	Without delay following the meeting.
A supplementary application form with a copy of this guidance will be sent to you.	Within 2 working days of receipt of your request for a review.
A hearing will be arranged with an Independent Review Panel (IRP).	No later than the 15th school day after receipt of your request for a review.
A letter sent informing you of the IRP's decision with reasons.	Without delay following the hearing

6. What are Independent Review Panels (IRPs)?

These are statutory panels set up by the Appeals Team in Customer Services (CS) on behalf of the LA or Academy Trust. They consider the decision of a governing body not to reinstate a permanently excluded pupil at the request of parents, carers or pupils themselves who have reached the age of 18. IRPs are independent of schools, academies and of the LA and come under the supervision of the Administrative Justice and Tribunals Council, soon to be replaced by the Ministry of Justice.

7. Who will consider my review?

The Appeals Team will set up an IRP, which will consist of **three** people from the following categories:

- a **lay member** to chair the panel, who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- a **school governor** who has served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or headteachers during this time.
- a **headteacher** or individual who has been a headteacher within the last five years.

The governor and headteacher should where possible be from the same phase of education as the excluding school i.e. primary / secondary and where possible reflect the type of school, for example, special or boarding school.

The IRP is independent and must be fair to both sides. A person will **not** be allowed to serve on a review panel if they:

- are a member / director of the LA / Academy Trust or governing body of the excluding school;
- are the headteacher of the excluding school or anyone who has held this position in the last five years;
- are an employee of the LA /Academy Trust, or the governing body, of the excluding school (unless they are employed as a headteacher at another school);
- have, or at any time have had, any connection with the LA / Academy Trust; school; parents or pupil; or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality (though an individual must not be taken to have such a connection simply because they are a headteacher at another school).

8. When will my review hearing take place?

The Independent Review Panel (IRP) must meet to consider your review no later than the **15th school day** after the day on which your application for a review is received. However the IRP may decide to postpone the hearing if, having regard to the particular circumstances of your case, they consider that it would not be appropriate to proceed because, for example, more information is needed. This may be the case where there are parallel criminal proceedings taking place.

If you have concerns about disability discrimination in relation to your child's exclusion you should take your case to the First-tier Tribunal (Special Educational Needs and Disability), who have the ability to reinstate your child if your claim is successful. Making a claim to the Tribunal does not prevent an IRP from considering issues of discrimination in reaching its decision.

9. Combined reviews

If the issues raised by two or more applications for review are the same or connected, the IRP may decide to combine the hearings. In such cases the IRP must first consult all parties to ensure there are no objections. The IRP has the discretion to combine the reviews or refuse a request for reviews to be combined, having taken all the relevant considerations into account, including the views expressed by all those involved.

Only the IRP should decide whether to combine reviews, not the clerk or the LA or Academy Trust, and must be able to justify the way it has reached its decision. If the panel decides not to combine reviews that are the same or connected, wherever possible the same panel should hear the related reviews to ensure fairness and consistency.

10. What arrangements will be made in advance of the hearing?

The Appeals Team will write to you regarding the time, date and venue for your review hearing, which will be held in private.

Review hearings will always take place during the school day, normally starting at 10.00 a.m. It is important to make sure that all parties have a fair and impartial hearing, with every opportunity to say what you need to say, and to ask as many questions as you feel necessary. Therefore, there is no time limit and the hearing may occasionally last all day and possibly into the evening.

Water will be available on the tables throughout the day and coffee during a morning break **but you will need to make your own private arrangements for other refreshments during breaks.**

If you have any matters to raise or documents you wish to produce for the hearing, which were not included with your original application, you should submit them to the Appeals Team no later than **6 school days** prior to your hearing. The school will be asked to do the same. This is to ensure you, the school and the panel have sufficient time to read and consider any items submitted.

You, the school, and the LA representative if applicable, will be sent everything that has been submitted in writing to the clerk for circulation to the panel **5 school days** before the hearing. This will include the statement of decision by the governing body, your application for review and any other written evidence you send us together with policies and documents that the governing body was required to have regard to in making their decision. It will also include any written representation from the LA if applicable. You will be sent details of all those attending the IRP hearing and their role as well as an Order of Proceedings for the hearing.

If you raise matters or produce documents at the hearing, which were not included with your original submission or at least **5 school days** prior to your hearing, an adjournment may be necessary for all parties to consider them.

11. Who is the SEN expert and what is their role at the hearing?

The SEN expert will be a professional who has expertise and experience in special educational needs with an understanding of the legal requirements on schools in relation to SEN and disability. It may be possible to offer you a choice of SEN experts.

He or she will not have, or at any time have had, any connection with the LA, School, incident leading to the exclusion, you, your child or any siblings, which might raise doubts about their ability to act impartially.

The role of the SEN expert at the hearing is one of an expert witness who will provide impartial advice to the panel on how special educational needs might be relevant to the exclusion. Their advice will be based on the evidence that has been provided to the panel focusing on whether the school's policies relating to SEN, or their application in relation to your child's exclusion, were legal, reasonable and procedurally fair.

The function of the SEN expert is limited to advising the panel, orally or in writing of the relevance of SEN in the circumstances of the review.

IMPORTANT

- You can request the attendance of an SEN expert at your review regardless of whether the school recognises that your child has SEN; however,
- The SEN expert's role will not include making an assessment of your child's special educational needs.

12. Who will normally attend the hearing?

The following are entitled to attend the hearing and present their case personally:

- you as parent or carer (or the excluded pupil, if over 18), accompanied by a friend or representative, including a legal representative or advocate;
- the headteacher of the excluding school, who may be represented by a legal or other representative;
- a representative of the governing body, who may be represented by a legal or other representative;
- a representative of the Local Authority (LA), in the case of a maintained school or pupil referral unit (ESC); *
- the excluded child; (see section 14)
- an alleged victim; (see section 15)

Those providing evidence such as witnesses or a character referee may attend at the discretion of the Panel or clerk.

You, the headteacher, a governor, and LA representative (if applicable) may also make written representations.

* A representative of the LA can attend an IRP arranged by an Academy Trust as an observer at the request of the parent. Where the LA representative is attending as an observer it is for the Academy Trust to consent to allowing them to make representations. This allows for the LA representative to make representations only where they have the consent of both the parent and the Academy.

13. What will happen at the review hearing?

Your hearing will be held in private and will be reasonably informal so that all those involved feel comfortable in presenting their case. Tape-recording the hearing should be avoided unless there is good reason and everyone agrees.

The IRP will conduct the hearing, and a clerk will be appointed to provide independent advice to you, the school and the panel on procedure. This does not extend to advising either party as to the content or conduct of their respective cases.

The clerk will also keep a record of the proceedings, who attended, and the decisions made by the IRP. The clerk will also ensure that no one is alone with the IRP without the others also being present.

At the start of the hearing the chair of the panel will outline the procedure to be followed. The IRP will closely follow the law and guidance issued by the Department for Education (DfE), in both the way it conducts itself and the decisions it makes.

Following introductions the clerk or chair of the IRP, will explain the order of proceedings, which will normally follow the stages outlined below.

1. Any alleged victim will make representation either in person, through a representative or by submitting a written statement.
2. The school's case presented by a representative of the governing body, with any witnesses and the headteacher, who may make further representations to the panel.
3. Questioning of the school's case by the parent and the members of the panel.
4. The parent's case presented by the parent or their representative with any witnesses, including the excluded pupil.
5. Questioning of the parent's case by the school governors' representative and the panel.
6. Statement by the SEN expert (if one has been requested by the parent) and/or the LA representative (as applicable).
7. Questioning of the SEN expert and/or LA representative by the panel
8. Summary by the school's case.
9. Summary of the parent's case.

14. Should my child attend the hearing?

An excluded pupil should be encouraged to attend the hearing to speak on his or her behalf, if he or she wishes and you agree. However, the IRP understands how difficult this can be for a young person and cannot compel your child to attend. You will need to decide whether you feel it would be helpful if your child were there for all or part of the time. Decide beforehand if you would be happy for them to be questioned or if you would prefer them just to make a statement and then leave. If you wish your child to attend you will need to inform the Appeals Team arranging your review or the clerk on the day of the hearing.

15. Can any alleged victim of my child's alleged behaviour attend the hearing?

If the victim of your child's alleged behaviour wishes to attend, then he or she will be given the opportunity to be given a voice at the review hearing either in person, through a representative, or by a written statement at the start of the hearing.

16. How will the Independent Review Panel (IRP) consider the evidence and any witness statements?

Physical evidence. If the school's case rests largely or solely on physical evidence, and if the facts are in dispute, the school should keep the physical evidence, if possible, and make it available to the IRP. If there are difficulties keeping any physical evidence, photographs or signed witness statements will be acceptable to the IRP.

New evidence. Both you and the school may put forward new evidence about the incident that led to the exclusion, including evidence that was not available to the headteacher or the governing body. However, the school may not introduce new reasons for the exclusion.

Witness statements. To help them reach a decision, the IRP will usually need to hear from those involved, either directly or indirectly. The governing body may wish to call witnesses to the incident that led to the exclusion. These may include any alleged victims or any teacher other than the headteacher who investigated the incident and interviewed pupils.

Written statements. In the case of witnesses who are pupils of the school it may be more appropriate for the IRP to be presented with written statements. Pupils may only appear as witnesses if they do so voluntarily and with their parent's consent. The IRP will be sensitive to the needs of child witnesses and will make sure that the child's view is properly heard.

Anonymity. All witness statements must be attributed, signed and dated unless the school has good reason to want to protect the anonymity of pupils. In such cases the statement should at least be dated and categorized so that it is distinguishable from other statements. The general principle remains that your child, as the accused person, is entitled to know the substance behind the reason for their exclusion. The IRP will consider what weight to attach to written statements, whether made by adults or pupils, as against verbal evidence given at the hearing. The IRP will bear in mind that a written statement may not include all the relevant issues, nor can the author be questioned.

How long will witnesses stay? It is for the IRP to decide whether any witnesses should stay after giving their evidence and so all should be prepared to be available for the whole day.

17. How will the Independent Review Panel (IRP) consider reviews where there is police involvement or criminal proceedings taking place?

The IRP will need to consider whether it can proceed with or adjourn the hearing pending the outcome of any police investigation and /or any criminal proceedings. The IRP must take into consideration any representations made and any advice given by the clerk. The fact that parallel criminal proceedings are in progress will not necessarily result in the review hearing being adjourned.

Factors that will need to be considered by the IRP will include:

- whether any charge has been brought against your child and, if so, what the charge is;
- whether relevant witnesses and documents are available;
- the effect of any delay caused by adjournment on the excluded pupil, the parents, any victim or the school; and
- whether an adjournment or declining to adjourn, might result in injustice.

If the IRP do decide to adjourn the hearing, the clerk to the IRP will be responsible for monitoring the progress of any police investigation and /or criminal proceedings, and reconvening the panel at the earliest opportunity. If necessary the IRP may adjourn more than once, but must give due consideration to the effect on the parties, including the excluded pupil and any victim, each time.

18. How will the Independent Review Panel (IRP) reach its decision?

The IRP will decide whether:

- on the balance of probabilities your child did what he or she is alleged to have done: that is, if it is more probable than not that your child did what he or she is alleged to have done. The more serious the allegation the more convincing the evidence will need to be.
- considering all relevant factors, permanent exclusion was an appropriate and proportionate response by the school to that behaviour.

In arriving at the above decisions the IRP will consider:

- whether the headteacher and governing body complied with the law and had regard to the guidance on exclusions when they excluded the pupil and directed that he or she should not be reinstated;
- whether there was evidence that the process was so flawed that important factors were not considered or justice was clearly not done;

- the school's published behaviour policy, equal opportunities policy and, if appropriate, anti-bullying policy, Special Education Needs policy and race and disability equality policies;
- the fairness of the exclusion in relation to the treatment of any other pupils involved in the same incident.

Schools must have regard to the DfE guidance when drawing up their policies on behaviour and exclusion and must be able to justify any variation from it. If the school's exclusion policy differs greatly from the DfE guidance and the IRP decides to place more weight on the school's policy, the reason for doing so will be explained in its decision letter.

When reviewing the governing body's decision, the panel must consider the interests and circumstances of the excluded pupil, taking into account the circumstances in which the pupil was excluded, and having regard to the interests of other pupils and people working at the school.

The IRP has the power to adjourn the hearing if it feels that there is insufficient evidence or documentation to enable it to determine its review of the governing body's decision to confirm permanent exclusion.

Racial discrimination. If you are claiming that there has been racial discrimination, the IRP will consider whether there has been discrimination in relation to the Equality Act 2010.

Disability discrimination. If you are claiming that there has been disability discrimination, the IRP will consider whether your child is disabled and whether there has been discrimination under the Equality Act 2010.

Remember

- In addition to the right to apply for a review if you believe the exclusion has occurred for a reason related to your child's disability, under the Equality Act 2010, you can make a disability discrimination claim to the First-tier Tribunal (Special Educational Needs and Disability), who have the power to reinstate if your claim is successful.

19. What can the Independent Review Panel (IRP) decide?

Review panels are limited in the decisions they can make when reviewing a governing body's decision to confirm your child's permanent exclusion.

The IRP may:

- uphold the decision to exclude your child; i.e. refuse your application; or
- recommend that the governing body reconsiders their decision; or
- quash the decision and direct that the governing body considers the exclusion again.

The panel can only quash the decision if it considers that it was flawed when considered in the light of the principles applicable for judicial review. In deciding whether the decision was flawed and whether it should be quashed, the panel must only take account of the evidence that was available to the governing body at the time it made its decision. This can include evidence that the panel considers would, or should, have been available to the governing body if it had acted reasonably.

If new evidence is presented that the panel considers the governing body could not reasonably have been expected to be aware of at the time of their decision, the panel can take this into account when deciding whether to recommend that the governing body reconsiders its decision.

The panel's decision is binding on you, the excluded pupil, the school and LA.

20. In what circumstances will the Independent Review Panel (IRP) decide to quash and direct or recommend that the governing body reconsiders the exclusion?

The IRP may only quash the decision on the principles applicable to judicial review. It is therefore required to apply the following tests:

- **Illegality** - did the Headteacher and/or the Governors act outside the scope of their legal powers in taking the decision to exclude?
- **Irrationality** - was the decision of the Governors not to reinstate your child so unreasonable that it was not one a sensible person could have made?
- **Procedural impropriety** – was the process of exclusion and the Governors consideration so unfair or flawed that justice was clearly not done?

Procedural impropriety would be for substantive breaches in procedure that have had a significant impact on the decision making process. For example, the identification of bias, failing to notify parents of their right to make representations, the governing body making a decision without having given parents the opportunity to make representations or the headteacher who took the decision to exclude having a vote on whether to uphold the exclusion.

If an IRP have identified evidence of procedural flaws, but conclude that these do not meet the criteria for quashing the decision, the panel should consider whether it would be appropriate to recommend that the governing body reconsiders their decision. However, recommendation for reconsideration should not be used as a default option.

Where the IRP quash and direct the governing body to consider the exclusion again the panel should order that a readjustment / payment of £4,000 will be due automatically if the governing body has not offered to reinstate your child within 10 school days of being notified of the panel's decision. This payment will go towards the costs of providing alternative educational provision. The IRP may also direct that the governing body place a note on your child's file of its decision and that it does not count towards the rule that an admission authority may refuse to admit a child who has been excluded twice.

21. What happens after the hearing?

The IRP members will consider all representations following your hearing. Only the clerk will remain during the panel's deliberations to help by referring to the notes taken during the hearing, provide advice on points of law and to record their decision.

You will be informed of the IRP's decision in writing as soon as possible following the hearing. This is usually within 2 working days of the decision being taken. The letter will include the reasons for the IRP's decision.

22. What if I have a complaint about the outcome of my review hearing?

If you have any queries about your hearing, or the letter from the Clerk to the Independent Review Panel informing you of its decision, please contact the Clerk at the address shown on page 5. However, it is not possible for the Clerk or the County Council to change the decision of an IRP.

You cannot complain simply because your review has been unsuccessful. However, if you feel that you were not given a fair hearing, or that procedures were incorrectly followed, you could complain about maladministration to the Local Government Ombudsman (LGO), for maintained schools and ESC's, or the Education Funding Agency (EFA) who deal with complaints relating to Academies. A complaint to the EFA can be made using the DfE online school complaints form or by writing to the EFA c/o:

The Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

The Ombudsman and EFA can only make recommendations if there is a finding of maladministration on the part of the IRP. If either finds that there was maladministration this might lead to a recommendation for a fresh hearing (if this were practical) and the LA or Academy would normally be expected to comply.

23. What if I feel the decision of the Independent Review Panel (IRP) was wrong in law?

The IRP is independent and its decision is binding on you, the governing body, the headteacher and the LA. The IRP cannot revisit its decision once made. However, if either you or the governing body consider that the IRP's decision is perverse, you may apply to the High Court for a judicial review. This must be done promptly and no later than **3 months** from the date of the IRP's decision.

If a judicial review were granted, the court would consider the lawfulness of the IRP's decision. If it found the IRP's decision to be unlawful or unreasonable (in the narrow legal sense of 'unreasonable' i.e. irrational or perverse), the court could quash the decision and direct the LA or Academy to hold a fresh review hearing before a newly constituted IRP.

24. What if I want advice which is entirely independent of the County Council?

Customer Services (CS) is a unit within the Health and Community Services (HCS) department, which operates entirely independently from Children's Services. It is separate and independent from the County Council's school admission or integration service. It does not therefore become involved in the allocation of school places or in providing advice to schools on decisions about exclusions. We seek to provide impartial advice to parents on the statutory exclusion review process.

However, if you would like to speak to someone who can help you but works entirely outside the County Council you could contact any of the external organisations listed below.

25. Further information: useful addresses

The Clerk to the Independent Review Panel

Appeals Team
Postal Point CHO120
County Hall
Hertford
SG13 8DF
Helpline: 01992 588548
Fax: 01992 556140
Email: school.appeals@hertfordshire.gov.uk

The Secretary of State for Education

Department for Education (DfE)
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Tel: 0370 000 2288
Typetext: 18001 0370 000 2288
Website: www.education.gov.uk/help/contactus/dfe

Local Government Ombudsman

Millbank Tower
Millbank
London
SW1P 4QP
Tel: 020 7217 4620
Fax: 020 7217 4621

First-tier Tribunal

(for disability discrimination claims only)
Special Educational Needs & Disability
Mowden Hall
Staindrop Road
Darlington
DL3 9BG
Tel: 01325 392760
Fax: 01325 391080

ACE Education Advice

36 Nicholay Road
London
N19 3EZ
Tel: 020 8407 5142
Website: www.ace-ed.org.uk
Email : enquiries@ace-ed.org.uk

Equality and Human Rights Commission

(for discrimination and human rights)
Freepost Equality Advisory Support
Service
FPN4431
Tel: 0808 800 0082
Textphone: 0808 800 0084
Website: www.equalityhumanrights.com

Coram Children's Legal Centre

Tel: 0845 345 4345

Website: www.childrenslegalcentre.com

Citizens Advice Bureau

local branch in yellow pages

www.yell.com

Family Lives

Tel: 0808 8000 2222

Website: www.familylives.org.uk

**Independent Parental Special
Education Advice (IPSEA)**

Tel: 0800 018 4016

Website: www.ipsea.org.uk

Revised September 2012

If you would like a translation of this document or a version in large print, please telephone 01992 588548.

For information in any other form, or if you need an interpreter, please contact the number given above.

Bengali: বাংলা, ভাষায় তথ্যাবলীর জন্য অথবা আপনার একজন দোভাষী অর্থাৎ ইন্টারপ্রিটরের দরকার হলে, অনুগ্রহ করে উপরে যে সব টেলিফোন নম্বর দেওয়া হয়েছে সেগুলোতে ফোন করে যোগাযোগ করুন।

Chinese: 如果需要漢語版本, 或需要口譯人員, 請用上述號碼聯繫。

Italian: Per informazioni in italiano, o se desidera l'aiuto di un'interprete, contatti i numeri elencati in precedenza.

Punjabi: ਪੰਜਾਬੀ, ਏ ਵਿਚ ਜਾਣਕਾਰੀ ਏ ਲਈ ਜਾਂ ਜੇ ਤੁਹਾਨੂੰ ਇੰਟਰਪ੍ਰੈਟਰ ਦੀ ਜ਼ਰੂਰਤ ਹੈ, ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਉੱਪਰ ਦਿੱਤੇ ਨੰਬਰਾਂ 'ਤੇ ਸੰਪਰਕ ਕਰੋ।

Turkish: Sağlanan hizmetlerle ilgili bilgileri Türkçe, istiyorsanız ya da bu dillerden çevirmene gereksinim duyarsanız, lütfen yukarıdaki telefon numaralarını arayınız.

Urdu: اردو میں معلومات کے لئے، یا اگر آپ کو ایک انٹرپریٹر کی ضرورت ہے، تو برائے مہربانی اوپر دیئے ہوئے نمبروں پر رابطہ کریں۔

Polish: Jeśli chcieliby Państwo uzyskać informacje w innym formacie lub potrzebują tłumacza, proszę zadzwonić pod wyżej wymieniony numer.

**Hertfordshire County Council –
making Hertfordshire an even better
place to live by providing:**

Care for older people
Support for schools, pupils and parents
Support for carers
Fire and rescue
Fostering and adoption
Support for people with disabilities
Libraries
Admission to school
Road maintenance and safety
Protection for adults and children at risk
Trading standards and consumer protection
Household waste recycle centres

These are only some of our services.

Find out more at www.hertsdirect.org
or email us at hertsdirect@hertfordshire.gov.uk
Every Hertfordshire library has internet access
for the public

Form EP1
CSF Pub 0065 February 2013

Hertfordshire County Council
County Hall, Pegs Lane
Hertford SG13 8DF