

Evidence Paper to Lewisham Children and Young People Select Committee: December 2018

Independent Review Panels [IRP]: A panellist's view

The role of an IRP has been summarised at Section 7 of the Appendix A to the September Committee Report, but nowhere is that role stated, even if in the pursuance of educational objectives.* [*Some say that Independence should be ignorant of that purpose.]

IRPs, and their predecessors, Independent Appeals Panels, were setup in the 2002 Education Act and appear to have been created as part of the requirements of a Tribunal framework arising from Governance arrangements that established School Disciplinary Panels. Those panels were responsible for ensuring scrutiny of a Headteacher's decision to exclude. So, in turn, IRPs had the job of "marking" the work of a school's Disciplinary Panel.

In practice this allows members of an IRP to be given a view into a child's life, so that whilst they are given a snapshot of a given school's culture and must –and do- properly take that into account in reaching a final decision, they also hear a great deal about a child and his/her circumstances.

All this may seem self-evident, but in the context of statistical analysis of exclusion rates and bald numbers, it is a useful reminder that the detail of children's lives, as lived by them, and not just overseen by authorities over whom they have little or no control, requires a more effective response than the Statutory Guidance permits (item 7.3 of the previously referenced Appendix).

Of course, it is no duty of an Independent Panel, to pursue an education authority's objectives, any more than it is to pursue those of a school, though the Tests for decision-making are based on Judicial Review considerations and are strongly biased in favour of the status quo - ultimately, that is to say, in supporting the Headteacher's decision to exclude.

The strength of that bias means that I have been involved in very, very few recommendations where a Governing Body reconsider reinstatement. Most frequently, and most recently, schools have been able to direct panellists to their Zero-tolerance policies to weapon or drug possession allied to a "needs-of-the-school" approach which contrasts with a "needs-of-the child" approach seen elsewhere within the education community.

Notwithstanding these points, panel membership brings with it the privilege of oversight of school management that has, historically, given me (and my colleagues during our moments of deliberation) an often shocked view about the inadequacy of some school's management and/or care systems. It is therefore with relief that I note that the Authority has introduced an Exclusion Guide, which follows up on the Information Advice and Guidance Framework of 2017.

The purpose of this note has been to attempt to bring alive a somewhat arcane component of the Exclusion Process, with limited positive outcomes for Parents and Pupils but paid for by the Council, and consumptive of much effort by Governance Support staff.

A Note about the author:

There is a pool –extraordinary small in number- of about 10-12 persons, whose availability for attendance on a given date is the prime criterion for IRP membership, beyond satisfying a formal accreditation process. I suggest that the Council consider invigorating its search for citizen participation in school governorship and associated roles like mine.

I have been a panellist on about 25 IRPs since 2013, and note that only a small proportion of IRPs are called (they have fluctuated wildly from 16% to 9% of yearly exclusions). Commentary within the panels indicate that Parents see them as important steps in protecting their children, but sadly there is very little research nationally into the role and value of IRPs.

I note that the government is due to publish the Timpson Review of School Exclusions, which may touch on some of the above points, but the only evidence research base are these documents:

Independent Review Panel and First-tier Tribunal Exclusion Appeals systems

Research brief, February 2014 (Sheffield Hallam University Centre for Education and Inclusion Research). AND

Independent Review Panel and First-tier Tribunal Exclusion Appeals systems

Research report February 2014 (Sheffield Hallam University Centre for Education and Inclusion Research).

Both at <https://www.gov.uk/government/publications/irp-and-first-tier-tribunal-exclusion-appeals-systems>

School Exclusion and the Law: A Literature Review and Scoping Survey of Practice, carried out in 2015 for DfE by Oxford Faculty of Law (Lucinda Ferguson and Naomi Webber).

<https://www.researchgate.net/publication/280067414>