



Independent Review Panel Member Checklist

The role of the IRP is to review the Governors decision to uphold the Head Teacher's decision to permanently exclude a pupil.

The IRP can make three decisions:

- Uphold the exclusion
- Recommend a review
- Quash the decision and order a re-hearing

The IRP must consider if the process was:-

- Lawful
- Rational
- Reasonable
- Proportionate
- Fair

When considering unreasonableness it must be “a decision so unreasonable that no governing board acting reasonably in such circumstances could have made it”.

This is a high threshold. The fact that the IRP itself would not have excluded is not enough to make the original decision ‘irrational’ or ‘unreasonable’.

The IRP must consider if the decision is so beyond the possibility that (as case law sets out) ‘a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it’ then it can be determined as unreasonable or irrational.

New evidence can be considered by the IRP but NOT new reasons for the exclusion.

The IRP can consider what information was available to the Governors and what evidence should have been available.



Head and Investigation	Notes
Summary of incident – to include time and witnesses	
Previous – related- concerns	
How was the investigation conducted?	
Is it described?	
Was it fair?	
Was it persistent breach of the behaviour policy?	
If a single one off incident, was it so serious to warrant PX?	
What evidence to show that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school	
Were witness statements taken in a consistent manner? Any chance of collusion?	
What is the pupil's account and response to the evidence presented?	
Any SEN needs identified? If so what action has been taken to support the pupil?	
When was the decision taken to exclude?	
Are reasons for this course of action set out?	
Were alternative sanctions considered? If so what?	
Which policies are referred to?	



Does the letter explain why would allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school	
Any reference to the welfare of the excluded pupil?	
Does the letter contain information about the appeal process?	
Behaviour log?	
Any other FTE and reintegration meetings and plans?	
Was correspondence about the exclusion provided? Was it clear?	
Has SEN been considered?	
Are there any identified SEN needs?	
Have external agencies been contact? (Should they have been?)	
What strategies had been applied to prevent exclusion?	



GDC Review	
Did governors have pack in time?	
Were governors sufficiently independent?	
Did they consider any disputed facts and evidence?	
If so, did they demonstrate that decisions were made on the basis of the balance of probabilities?	
Is there evidence that they explored decision making and were relevant factors considered?	
Did they review the head's investigation, decision and review process?	
Were other sanctions considered by the head? Should they have been? Do the governors have a view about what might have been appropriate?	
Did governors consider the welfare of the excluded pupil?	
Did they review the arrangements for work to be sent home and notification to the LA?	
Is the decision reached by the head an option open to a reasonable decision maker?	
Is the GDC and IRP process clear (timescales to share info with school and governors) and contact details for clerk	



Procedural Considerations	Notes
Was the pupil given an opportunity to consider the evidence prior to exclusions?	
Was the Behaviour/Exclusion policy followed?	
Is there evidence of a breach of the behaviour policy?	
Is it recorded why remaining or returning to school would have a detrimental impact on the pupil or others?	
Did the GDC meet within 15 days of PX	
Did the pupil/parent have an opportunity to submit information for the hearing?	
Did all parties have access to the same information before the hearing?	
Independence of GDC panel – no previous involvement or knowledge confirmed?	
Were any reasonable adjustments as required	
Is there evidence of challenge to the school and parent/pupil?	
Identify any issues of fact that are in dispute, and what is agreed	
Was the GDC outcome letter clear? Were reasons given – showing what decisions were made about disputed facts, why and how the decision was made	
Letter explaining the right to go to an IRP and also the SEN adviser role – TIMESCALE OF 15 DAYS MUST BE CLEAR	
Also tribunal and county court options and timescales – Equality Act 6 months of the discrimination (ie date of exclusion)	



IRP Decision Making	Notes
Any factual disputes – how are they considered? Balance of probabilities test applied with reasons	
SEN expert requested & involved?	
SEN expert views – taken into account?	
Other third parties reviewed	
Decision making reviewed?	
Outcome considered – within the possible outcomes open to a reasonable decision maker?	
Any procedural impropriety? If yes – what was it and what was the effect on the process?	
Was the decision lawful? <ul style="list-style-type: none">• Was/were the correct policies applied?• Was the Exclusions Guidance applied?• Is it clear that there is a breach of the behaviour/exclusions policy?• And allowing the pupil to remain in the school would seriously harm the education or welfare of the pupil or others in the school.	
Was the decision rational? <ul style="list-style-type: none">• Was it based on objective evidence?• Did the outcome follow the evidence (for example it would not be rational if the evidence suggested that Child A had stolen money, but Child B was excluded for it)• Was all of the evidence considered before a final decision was made?	
Was the decision reasonable? <ul style="list-style-type: none">• Given the established facts, was the decision one which a reasonable head teacher could have made? (this is not always the same as a decision the panel would have made on the same facts)	



Was the decision fair? <ul style="list-style-type: none">• Was it absent of prejudice?• Were the same principles applied to all witnesses and excluded pupil?• Did the excluded pupil have the opportunity to respond to the evidence before the final decision?	
Was the decision proportionate? <ul style="list-style-type: none">• Was the welfare of the excluded pupil considered?• Were mitigating factors or vulnerabilities taken into account?• If there were more people involved, were the same standards applied to them? (different outcomes and sanctions are fine so long as the underpinning principles are fairly applied)	
Exclusion upheld	
Review or Quashed decision	
Were reasons clearly given and recorded by the IRP?	
Notify LA parent and head of decision	
Quashed and recommendation 2 different things	
MUST be heard within 10 school days	
Financial readjustment - with reasons?	