

Appendix: TOPT GDC, Independent Review Panel (IRP) and Reconvened GDC Procedural Plan

To accompany the TOPT Exclusion Policy

1. Purpose

This procedural plan provides a comprehensive framework for the administration and conduct of:

- Governor Discipline Committee (GDC) reviews of pupil exclusions.
- Independent Review Panel (IRP) hearings following a GDC decision.

The procedure is designed to ensure that all exclusion reviews are:

- Lawful
- Fair
- Transparent
- Consistent across the Trust
- Compliant with principles of natural justice
- Defensible upon external scrutiny or challenge

The overriding principle throughout the process is:

"Justice must not only be done, but must be seen to be done."

2. Core Principles

All GDC and IRP proceedings must demonstrate:

Fairness

All parties must have a reasonable opportunity to:

- Present their case
- Challenge evidence
- Respond to allegations
- Ask questions

Transparency

The process must be open and capable of scrutiny.

Independence

All panel members must be free from bias, conflicts of interest, or prior involvement.

Evidence-Based Decision Making

Decisions must be based solely upon evidence presented and tested during the hearing.

Equality and Inclusion

Particular regard must be given to:

- SEND
- EHCP requirements
- Disability discrimination considerations
- Reasonable adjustments
- Safeguarding responsibilities

PART A – GOVERNOR DISCIPLINE COMMITTEE (GDC)

Stage 1: Preparation and Case Administration

Responsible Officers

- Clerk to Governors
- Governance Professional
- Chair of Governors (or nominee)

Required Actions

Panel Formation

The Clerk must:

- ☐ Appoint **three** eligible governors
- ☐ Ensure governors have had no prior involvement in the decision
- ☐ Check for conflicts of interest
- ☐ Record all declarations
- ☐ Ensure independence is discussed openly at the start of the hearing

Ensure required training has been completed.

Documentation

The Clerk must ensure the following have been circulated in advance:

- ☐ Headteacher's exclusion report
- ☐ Witness statements
- ☐ Behaviour records
- ☐ Safeguarding records (where relevant)

- ☐ SEND/EHCP documentation
- ☐ Parent submissions
- ☐ Supporting evidence from all parties
- ☐ Digital evidence in accessible format
- ☐ Transcripts of audio/video evidence where necessary

Parent Questions

- ☐ Parent questions should be submitted and circulated before the hearing wherever possible
 - ☐ Governors must have sufficient time to review questions and answers.
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Stage 2: Pre-Hearing Governance Checks

Before commencing the hearing, the Chair must confirm:

Independence Check

Each panel member must declare:

- ☐ Any prior knowledge of the pupil
- ☐ Any relationship with staff
- ☐ Any relationship with family members
- ☐ Any prior involvement in the exclusion process

Procedural Check

Confirm:

- ☐ All papers circulated
- ☐ All parties received information
- ☐ Attendance arrangements confirmed
- ☐ Reasonable adjustments provided
- ☐ Interpreter or advocacy support arranged if required

- ☐ SEND considerations reviewed

The Clerk must record all confirmations.

Stage 3: Hearing Structure

Mandatory Requirement

The hearing must be conducted as:

ONE JOINT HEARING

All parties must be present together during the presentation of evidence.

Separate sequential hearings must not be used except where legally required under exceptional circumstances.

The hearing structure should be:

Step 1 – Chair's Introduction

The Chair:

- ☐ Introduces attendees
 - ☐ Explains procedure
 - ☐ Explains expectations
 - ☐ Confirms confidentiality
 - ☐ Confirms independence declarations
-

Step 2 – School Presentation

The Headteacher (or representative):

- ☐ Presents the school's case
- ☐ Explains reasons for exclusion
- ☐ Refers to documentation
- ☐ Presents witness evidence

Step 3 – Questions on School Case

Questions may be asked by:

- ☐ Governors
- ☐ Parents
- ☐ Representatives

Follow-up questions must be permitted.

Step 4 – Parent Presentation

Parents and/or representatives:

- ☐ Present their case
 - ☐ Present mitigating information
 - ☐ Refer to evidence
 - ☐ Present SEND and safeguarding considerations
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Step 5 – Questions on Parent Case

Questions may be asked by:

- ☐ Governors
- ☐ School representatives

Follow-up questions must be permitted.

Step 6 – Summaries

Both parties may provide closing comments.

Stage 4: Evidence Assessment

Governors must actively test evidence.

The panel must consider:

Legality

- ☐ Was the exclusion lawful?

Procedural Propriety

- ☐ Were procedures followed correctly?

Rationality

- ☐ Was the decision reasonable and evidence-based?

Proportionality

- ☐ Was exclusion proportionate?

Alternatives

- ☐ Were alternatives properly considered?

Safeguarding

- ☐ Have safeguarding duties been properly addressed?

SEND

- ☐ Were SEND needs properly identified?
- ☐ Were reasonable adjustments considered?
- ☐ Was EHCP information taken into account?

Governors must avoid simply accepting evidence without challenge.

Stage 5: Deliberation

Only after:

- ☐ All evidence has been heard

- ☐ All questions answered
- ☐ Both parties have concluded submissions

may the panel deliberate.

The panel must ensure:

- ☐ No decision made prematurely
 - ☐ No reliance on post-hearing evidence
 - ☐ Decisions based solely on evidence before the panel
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Stage 6: Decision Recording

Minutes must clearly record:

- ☐ Attendance
- ☐ Process followed
- ☐ Key questions raised
- ☐ Responses given
- ☐ Evidence considered
- ☐ SEND considerations
- ☐ Safeguarding considerations
- ☐ Discussion regarding proportionality
- ☐ Application of legality test
- ☐ Application of rationality test
- ☐ Application of procedural propriety test
- ☐ Summary of panel deliberations
- ☐ Final decision
- ☐ Reasons for decision

The rationale must be sufficiently detailed to demonstrate how the panel reached its conclusions.

Stage 7: Decision Letter

The decision letter should include:

- ☐ Outcome
 - ☐ Summary of evidence considered
 - ☐ Key findings
 - ☐ SEND considerations
 - ☐ Basis for decision
 - ☐ Application of legal tests
 - ☐ Information regarding further rights of review
 - ☐ Timescales for any further appeal rights
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GDC Procedural Checklist

Before Hearing

- ☐ Independent panel confirmed
- ☐ Conflict declarations completed
- ☐ Papers circulated
- ☐ Parent questions circulated
- ☐ SEND documents included
- ☐ Evidence complete and dated

During Hearing

- ☐ Joint hearing conducted

- ☐ School case heard
- ☐ Parent case heard
- ☐ Questions facilitated
- ☐ Evidence tested
- ☐ Equal participation ensured

Decision

- ☐ All evidence considered
- ☐ Deliberations completed
- ☐ Legal tests applied
- ☐ Decision recorded
- ☐ Outcome letter issued

PART B – INDEPENDENT REVIEW PANEL (IRP)

1. Purpose of the Independent Review Panel

The purpose of an Independent Review Panel (IRP) is not to rehear the exclusion in its entirety or substitute its own decision for that of the Governing Board.

The role of the IRP is to review whether the Governing Board's decision to uphold the permanent exclusion was:

- Lawful
- Reasonable
- Procedurally fair
- In accordance with statutory guidance

The Panel must consider whether the decision was flawed when applying the principles of:

- Legality
- Rationality
- Procedural propriety

The IRP must conduct proceedings in accordance with natural justice and the DfE Suspension and Permanent Exclusion Guidance.

Stage 1: Receipt of Review Application

Responsibilities of the Clerk

On receipt of an application for review, the Clerk must:

- ☐ Confirm application received within **15 school days** of the Governing Board decision
- ☐ Verify the application is valid
- ☐ Confirm whether a SEN Expert has been requested
- ☐ Acknowledge receipt of the application

- ☐ Notify the appropriate Trust officer
 - ☐ Begin arrangements for constituting the IRP
 - ☐ Record all key dates to ensure statutory timescales are met
-

Stage 2: Constitution of the Independent Review Panel

Panel Membership

The IRP must comprise **three** members who have completed the appropriate training to be on an IPR panel.

Member 1 – Lay Chair

The Chair must:

- ☐ Have no experience of school management
- ☐ Be independent of the school and Trust
- ☐ Have no conflict of interest

The Chair's role is to ensure fairness, order and effective conduct of proceedings.

Member 2 – School Governor Member

Must be:

- ☐ A serving or former governor
- ☐ Experienced in school governance
- ☐ Independent of the Trust and school involved

Member 3 – School Leader Member

Must be:

- ☐ A serving or former headteacher

or

- ☐ A person who has held senior leadership responsibility in a school

and

- ☐ Independent of the school concerned

All panel members must satisfy independence requirements.

Stage 3: Appointment of the SEN Expert

Where requested by parents:

The SEN Expert

Must:

- ☐ Have expertise in SEND
- ☐ Be independent
- ☐ Have no prior involvement in the case

May advise the Panel regarding:

- SEND issues
- Reasonable adjustments
- EHCP considerations
- Impact of SEND on behaviour

The SEN Expert is not a decision maker and does not participate in voting.

The SEN Expert must not remain during panel deliberations.

Stage 4: Appointment and Independence of the Clerk

The Clerk is critical to ensuring procedural integrity.

The Clerk must:

- ☐ Not have clerked the Governing Board meeting that reviewed the exclusion
- ☐ Declare all conflicts of interest
- ☐ Be suitably trained

- ☐ Be independent and impartial
- ☐ Understand current exclusion legislation
- ☐ Be familiar with Human Rights and Equality Act duties

The Clerk's role is advisory in relation to procedure only and they do not participate in decision making.

Stage 5: Notification of Parties

The Clerk must notify:

Parents/Pupil

Including notification that they may:

- ☐ Attend
- ☐ Submit written evidence
- ☐ Make oral representations
- ☐ Bring a friend or representative
- ☐ Request reasonable adjustments

School Representatives

Including:

- ☐ Headteacher
- ☐ School representative

Governing Board

Including the Chair or nominated representative.

Local Authority

Where required by legislation.

The Clerk must ensure all parties understand:

- ☐ The hearing process

- ☐ Timescales
 - ☐ The private nature of the hearing
 - ☐ Their rights to participate
-

Stage 6: Preparation and Circulation of Papers

At least **five school days** before the hearing the Clerk must circulate:

Core Documentation

- ☐ Parent's application
- ☐ Governing Board decision letter
- ☐ Headteacher exclusion documentation
- ☐ Governing Board minutes
- ☐ Behaviour policy
- ☐ Exclusion policy
- ☐ Relevant Trust policies
- ☐ Witness statements
- ☐ SEND documentation
- ☐ EHCP documentation (where applicable)
- ☐ Medical evidence
- ☐ Chronology of events
- ☐ List of attendees and roles
- ☐ Any additional submissions

All parties must receive the same documents.

Outstanding evidence should be highlighted to the Panel.

Stage 7: Pre-Hearing Procedural Check

Before the hearing commences the Chair should confirm:

Independence

All attendees declare:

- ☐ Conflicts of interest
- ☐ Previous involvement
- ☐ Prior knowledge of the case

Accessibility

- ☐ Reasonable adjustments implemented
- ☐ Interpreters arranged if required
- ☐ SEND requirements accommodated
- ☐ Technology tested where virtual attendance applies

Documentation

- ☐ All papers received
- ☐ No objections raised regarding disclosure
- ☐ Parties understand the process

The Clerk must record all confirmations.

Stage 8: IRP Hearing Agenda

Recommended Agenda

1. Introductions

Chair to:

- ☐ Welcome attendees
- ☐ Introduce panel members

- ☐ Introduce SEN Expert
 - ☐ Introduce Clerk
 - ☐ Explain the role of the IRP
 - ☐ Confirm independence
 - ☐ Explain hearing procedures
-

2. Clerk's Procedural Report

The Clerk confirms:

- ☐ Application validity
 - ☐ Documentation circulated
 - ☐ Attendance
 - ☐ Statutory compliance
 - ☐ SEN Expert arrangements
-

3. Presentation by Governing Board Representative

The Governing Board representative should:

- ☐ Explain rationale for decision
 - ☐ Explain evidence considered
 - ☐ Explain how legal duties were discharged
 - ☐ Explain SEND considerations
-

4. Questions to Governing Board

Questions from:

- ☐ Panel

- ☐ Parents
 - ☐ SEN Expert (where relevant)
-

5. Representation by Parents

Parents may:

- ☐ Present their case
 - ☐ Challenge the Governing Board decision
 - ☐ Refer to evidence
 - ☐ Raise procedural concerns
 - ☐ Explain SEND issues
 - ☐ Submit additional representations
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6. Questions to Parents

Questions from:

- ☐ Panel
 - ☐ Governing Board representative
 - ☐ SEN Expert (where applicable)
-

7. SEN Expert Advice

Where applicable:

- ☐ SEN Expert provides observations
- ☐ Clarifies SEND issues
- ☐ Advises on reasonable adjustments
- ☐ Explains impact of SEND

The SEN Expert must not express a view on the outcome.

8. Closing Statements

The Chair invites:

- ☐ Governing Board representative
- ☐ Parents

to provide final comments.

9. Panel Deliberation

All parties withdraw.

Only:

- ☐ Panel members

and

- ☐ Clerk (if requested)

remain.

The SEN Expert must withdraw before deliberations commence.

Stage 9: IRP Deliberation Framework

The Panel should systematically consider:

Legality

Was the exclusion lawful?

Procedural Propriety

Were statutory procedures followed?

Was the process fair?

Rationality

Was the Governing Board's decision one that a reasonable decision-maker could have reached?

Equality Act Duties

Were Equality Act obligations fulfilled?

SEND Considerations

Were:

- ☐ SEND needs identified?
- ☐ EHCP duties considered?
- ☐ Reasonable adjustments considered?
- ☐ Additional vulnerabilities properly taken into account?

The Panel should ensure that its reasoning is clearly documented.

Stage 10: IRP Outcomes

The Panel may:

Outcome A – Uphold the Governing Board Decision

The permanent exclusion remains in place.

Outcome B – Recommend Reconsideration

The Governing Board must reconsider the decision.

Outcome C – Quash and Direct Reconsideration

Where the decision is judged flawed.

The Governing Board must reconsider the decision.

The IRP may direct the Trust to make an adjustment to the school's budget as permitted by legislation.

The IRP cannot direct reinstatement.

Stage 11: Decision Recording

Minutes must record:

- ☐ Attendance
- ☐ Documentation considered
- ☐ Questions asked
- ☐ Key responses
- ☐ SEN Expert advice
- ☐ Findings
- ☐ Voting (if applicable)
- ☐ Outcome
- ☐ Reasons for decision
- ☐ Any recommendations

Records must clearly evidence:

- Fairness
- Transparency
- Compliance with statutory requirements

Stage 12: Notification of Outcome

The Clerk must notify without delay:

- ☐ Parents
- ☐ Governing Board

- ☐ Headteacher
- ☐ Local Authority (where applicable)
- ☐ Home Authority (where applicable)

The decision letter should set out:

- ☐ Outcome
 - ☐ Summary of findings
 - ☐ Reasons
 - ☐ Any recommendations
 - ☐ Any requirement for reconsideration
-

Stage 13: Records Retention and Compliance

The Clerk must ensure:

- ☐ Formal minutes completed
 - ☐ Decision letter retained
 - ☐ Hearing records retained for a minimum of five years
 - ☐ UK GDPR compliance
 - ☐ Data Protection Act 2018 compliance
 - ☐ Freedom of Information Act compliance
 - ☐ Secure storage arrangements
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IRP Procedural Checklist

Constitution

- ☐ Independent panel appointed
- ☐ Lay Chair appointed

- ☐ Governor member appointed
- ☐ School leader member appointed
- ☐ SEN Expert appointed (if requested)
- ☐ Independent Clerk appointed

Before Hearing

- ☐ Application validated
- ☐ Parties notified
- ☐ Papers circulated
- ☐ Witnesses arranged
- ☐ SEND information obtained
- ☐ Reasonable adjustments agreed

During Hearing

- ☐ Agenda followed
- ☐ Fair participation enabled
- ☐ Questions facilitated
- ☐ Evidence considered
- ☐ SEN advice heard
- ☐ Legal tests applied

Decision

- ☐ Deliberations recorded
- ☐ Outcome agreed
- ☐ Reasons documented
- ☐ Decision letter issued

Post Hearing

- ☐ Notifications sent
- ☐ Records retained
- ☐ Compliance check completed
- ☐ GDPR obligations met

PART C – RECONVENED GOVERNOR DISCIPLINE COMMITTEE (FOLLOWING IRP)

1. Purpose of a Reconvened GDC

A Reconvened Governor Discipline Committee (GDC) will take place where an Independent Review Panel (IRP) has either:

- Recommended that the Governing Board reconsider its decision; or
- Quashed the decision and directed reconsideration in accordance with statutory guidance.

The purpose of the Reconvened GDC is not to rehear the case afresh, unless necessary to properly reconsider the matters identified by the IRP. The Committee must carefully review the findings, observations and recommendations of the IRP and determine whether the original decision to uphold the permanent exclusion remains appropriate. [Appendix -...dural Plan | Word]

The Reconvened GDC must conduct proceedings in accordance with:

- Statutory Suspension and Permanent Exclusion Guidance
- Principles of natural justice
- Equality Act 2010 obligations
- SEND duties
- The Trust Exclusion Policy
- The findings and directions of the IRP. [Appendix -...dural Plan | Word]

Stage 1: Receipt of IRP Outcome

Responsibilities of the Clerk

Upon receipt of the IRP outcome, the Clerk must:

- ☐ Obtain the final IRP decision letter
- ☐ Obtain the formal minutes of the IRP hearing
- ☐ Review any recommendations or directions issued by the IRP
- ☐ Record statutory timescales for reconsideration
- ☐ Notify relevant Trust officers
- ☐ Commence arrangements for convening the Reconvened GDC

Mandatory Documentation

The Reconvened GDC must specifically consider:

- ☐ The original GDC papers
- ☐ The original GDC minutes
- ☐ The original GDC outcome letter
- ☐ The IRP hearing minutes
- ☐ The IRP outcome letter
- ☐ Any recommendations or findings made by the IRP
- ☐ Any further evidence permitted in accordance with statutory guidance

The minutes and outcome letter from the IRP hearing must be formally referenced and considered by the Reconvened GDC throughout its deliberations and decision-making process.

Stage 2: Constitution of the Reconvened GDC

The Clerk must ensure:

- ☐ The panel is properly constituted
- ☐ Any conflicts of interest are identified and recorded
- ☐ Panel members understand the purpose of reconsideration
- ☐ Panel members have access to all original and IRP documentation
- ☐ Appropriate training requirements have been met

Where possible, governors involved in the reconsideration should approach the matter with an open mind and be prepared to fully consider the findings of the IRP.

Stage 3: Preparation and Circulation of Papers

Prior to the hearing, the Clerk must circulate:

Core Documentation

- Original exclusion documentation
- Headteacher's report
- Original GDC minutes
- Original GDC decision letter
- Parent submissions
- SEND and EHCP documentation
- Behaviour and safeguarding records
- IRP minutes
- IRP outcome letter
- Any recommendations or directions arising from the IRP
- Any supplementary submissions accepted for consideration

All parties must receive the same documentation.

Particular attention should be drawn to any findings made by the IRP regarding legality, rationality, procedural propriety, SEND considerations or fairness.

Stage 4: Reconvened GDC Hearing Structure

The hearing should normally proceed as a joint hearing.

Step 1 – Chair's Introduction

The Chair:

- Introduces attendees
- Explains the purpose of reconsideration
- Confirms independence declarations
- Explains the process
- Summarises the IRP outcome

Step 2 – Review of IRP Findings

The Committee should review:

- ☐ The IRP minutes
- ☐ The IRP outcome letter
- ☐ Any recommendations made by the IRP
- ☐ Any identified procedural concerns
- ☐ Any findings relating to SEND, Equality Act duties or safeguarding

Step 3 – School Representation

The Headteacher or representative may:

- ☐ Address the IRP findings
- ☐ Explain the school's position
- ☐ Refer to relevant evidence
- ☐ Respond to issues identified by the IRP

Step 4 – Parent Representation

Parents and/or representatives may:

- ☐ Address the IRP findings
- ☐ Present representations regarding reconsideration
- ☐ Refer to supporting evidence
- ☐ Comment on identified procedural issues

Step 5 – Questions

Questions may be asked by:

- ☐ Governors
- ☐ Parents
- ☐ School representatives

Follow-up questions must be permitted.

Step 6 – Closing Statements

Both parties may provide final comments before deliberations commence.

Stage 5: Deliberation Framework

When reconsidering the decision, governors must specifically evaluate:

Legality

- ☐ Was the original decision lawful?

Procedural Propriety

- ☐ Were procedures correctly followed?
- ☐ Have the concerns identified by the IRP been adequately considered?

Rationality

- ☐ Was the original decision one that a reasonable decision-maker could reach?

Equality and SEND Duties

- ☐ Were Equality Act duties discharged?
- ☐ Were SEND needs properly identified and considered?
- ☐ Were reasonable adjustments adequately explored?
- ☐ Was any EHCP information appropriately considered?

IRP Findings

- ☐ Have all IRP observations, recommendations and findings been fully considered?
- ☐ Have the IRP minutes and outcome letter informed the Committee's reconsideration?

The Committee must not simply reaffirm the previous decision without demonstrating active consideration of the IRP's findings.

Stage 6: Decision Recording

Minutes must clearly record:

- ☐ Attendance
- ☐ Documentation considered
- ☐ Reference to the IRP minutes
- ☐ Reference to the IRP outcome letter
- ☐ Issues identified by the IRP
- ☐ Questions raised
- ☐ Responses given
- ☐ SEND considerations
- ☐ Safeguarding considerations
- ☐ Deliberations
- ☐ Final decision
- ☐ Reasons for decision
- ☐ How the Committee addressed the findings and recommendations of the IRP

The rationale must clearly demonstrate that the reconsideration process was genuine, fair and evidence-based.

Stage 7: Notification of Outcome

The decision letter should include:

- ☐ Outcome of the reconsideration
- ☐ Summary of evidence considered
- ☐ Reference to the IRP findings
- ☐ Summary of how the IRP recommendations were considered
- ☐ Reasons for the Committee's decision

- ☐ SEND considerations
- ☐ Equality Act considerations
- ☐ Any further rights or relevant next steps

The letter must clearly explain how the Reconvened GDC considered both the IRP minutes and the IRP outcome letter when reaching its decision.

Reconvened GDC Procedural Checklist

Before Hearing

- ☐ IRP outcome received
- ☐ IRP minutes obtained
- ☐ IRP outcome letter obtained
- ☐ Papers circulated
- ☐ Conflicts checked
- ☐ SEND documentation reviewed

During Hearing

- ☐ IRP findings reviewed
- ☐ School representations heard
- ☐ Parent representations heard
- ☐ Questions facilitated
- ☐ Evidence considered
- ☐ Fair participation ensured

Decision

- ☐ IRP recommendations considered
- ☐ IRP minutes referenced
- ☐ IRP outcome letter referenced

☐ Deliberations recorded

☐ Reasons documented

☐ Outcome letter issued

Post Hearing

☐ Notifications sent

☐ Records retained

☐ Compliance checks completed

☐ Statutory requirements satisfied.