

Busy Governor's Guide to Formal Proceedings Committees and Panels

Governors and trustees will most likely be asked to take part in formal proceedings committees. Formal proceedings can relate to exclusion, complaints, admissions or staff procedures. In all of these instances those involved in governance will have a role directly underpinned by their school policies. Formal proceedings committees and panels are likely to fall into four main categories:

- **Exclusion:** Consideration of whether an excluded pupil should be reinstated.
- **Complaint:** When the complaint remains unresolved by the school.
- **Admissions:** When schools that are their own admissions authority it is their responsibility to arrange/provide for an appeal against refusal of a place at the school. This cannot be a panel of governors but must be a fully trained Independent Appeal Panel and clerk. Here in Devon the local authority provides the independent admissions appeal service on behalf of all schools including schools that are their own admissions authority.
- **Staff Procedures:** Often relating to conduct, capability, grievance, redundancy or suspension and dismissal.

Firstly: In general, the 'first' and 'second' appeals committees have powers, procedures and membership delegated to them from the board as agreed in Terms of Reference reviewed annually. Governors or trustees who serve on these committees can have no prior knowledge of the event or issue being considered. Members of staff are not eligible to be part of committees for formal proceedings. The board must appoint a clerk to each of the above named committees, who should not be a governor or a trustee. The 'first' committee can meet to deal with any of the areas of school policy listed above.

Secondly: The 'second' appeal committee may meet to hear an appeal against any decision made by the headteacher or any other committee of the board. Many schools recognise the need for full independence of decision making at this level and recruit members from other school boards under specific terms of reference agreed by both boards well in advance.

Independently: In the case of exclusions where parents dispute the decision of the governors or trustees not to reinstate a permanently excluded pupil, they have a right of appeal for this to be reviewed by the Independent Review Panel (IRP). For maintained schools it is the responsibility of the Local Authority (LA) to arrange an independent review panel if parents appeal the decision of the governing board. In academies, it is the responsibility of the academy trust. The LA or the academy trust must ensure that individuals on the IRP are entirely independent and regulations set

out explicit requirements in relation to the composition and training of members of IRPs. The governor who chaired the review panel will be expected to attend the IRP to explain how they reached their decision. The IRP reviews the board decision on the balance of probabilities to decide if the decision was flawed or not. See the [DAG Busy Governor's Guide to Exclusions](#) for more information.

How often? When required, appeal committees need to meet within an identified timeline to meet statutory obligations.

Clerking: The clerk of the appeal committee is instrumental in ensuring that the practical arrangements are all made and that timing of the appeal hearings meet statutory guidance. For an overview of the clerk's role in relation to formal hearings see the [DAG Busy Clerks Guide to Formal Procedures](#).

Chairing: Each appeal committee will need to elect a chair to oversee the process. The chair will need to work closely with the clerk of the committee to ensure that the process is fair and effective and that all policies and up to date guidance is followed.

Planning: As with any committee, it is helpful to have an agenda to frame the meeting and inform all those who attend what is going to happen. The agenda also provides an opportunity to manage expectations and perhaps help to mitigate any stress or anxiety that might arise. The following agenda items could be considered:

- **Dates and times:** When and where the committee will meet
- **Attendance:** Who is invited and who will be in attendance and their role in the proceedings
- **Declarations of interest:** This should be considered well before to ensure independence, but will still need to be recorded
- **Documentation:** Listing any documentation provided in advance and to be tabled
- **Order:** Indicate the order in which people will be asked to contribute and documents will be considered
- **Reason for the meeting:** An opportunity for the chair to explain what the committee or panel has been convened to do and what the possible outcomes may be including decisions upheld in full, upheld in part, or overturned and in some cases, whether decision are lawful, reasonable and procedurally fair
- **Expectations:** Including an explanation of the formal nature of the meeting process and the parameters for behaviour, to make it as easy as possible for those present to be fully involved, including the procedure if anyone involved needs to pause or take some time out
- **How to be heard:** Explanation of how remarks and any questions can be addressed through the chair to navigate any potentially difficult relationships between those attending and an explanation that if behaviour deteriorates the proceeding will be paused, or may be halted. Information also provided on the

use of raising a hand (physically or electronically) to indicate that a participant would like to contribute. Participation must be supported and encouraged to ensure the effectiveness of the committee in gathering all relevant information

- **Pace of the meeting:** Making everyone aware that this will need to take into account that the clerk will be accurately minuting the proceedings and that this process may need to be 'verbatim'
- **Time to withdraw:** Explaining when the committee will withdraw with the clerk and the 'open' part of the meeting will end. Explaining that the committee will then discuss what they have heard to reach a decision. The decision and the reasons for it, along with any recommendations will then be recorded.
- **Decision and recommendations:** Information on how the decision and recommendations will be shared with those involved
- **Transparency:** How participants can request to see the confidential minutes (Part II) with redactions if necessary.

Training: It is essential that governors or trustees involved in formal committees or panels have the right skills and undertake training for their role. Training providers such as Babcock LDP, the Diocese and the Local Authority and many others provide courses for governors, trustees and clerks. Solicitors that provide an educational legal service can also provide training. Check whether the training offered is generic or specifically linked to exclusions, admissions, complaints or HR panels.

Confidentiality: Formal appeal committees and panels are held as confidential meetings (Part II). All those involved in formal appeal committees and panels will need to observe complete confidentiality both inside and outside of school when matters are deemed confidential and where they concern individual staff, pupils or families.

Useful Information:

- [Changes to the school exclusion process during the coronavirus \(COVID-19\) outbreak](#)
- [Devon Education Inclusion Services Checklist for Governor Review of Exclusions](#)
- [Exclusion from maintained schools, academies and pupil referral units in England](#)
- [Documents Forming Part of the Governors' Disciplinary Committee](#)
- [Babcock LDP Governance Support – Dealing with exclusions](#)
- [Advice for clerks and appeal panels on school admission appeals](#)
- [Babcock LDP complaints guidance and toolkit](#)