



THE VALE OF GLAMORGAN COUNCIL

SCHOOL EXCLUSION APPEAL PANEL - PROCEDURE

This procedure has been issued in response to the Coronavirus (COVID-19) pandemic. It is meant to apply to appeals by Parents/Carers relating to decisions regarding the permanent exclusion of children from a School or PRU and the operation of the Independent appeals panel.

The content takes account of legislation in force and guidance issued by Welsh Government.

Issued: June 2020

FOR FURTHER INFORMATION PLEASE CONTACT:
DEMOCRATIC SERVICES (01446) 709856
E-MAIL: DEMOCRATIC@VALEOFGLAMORGAN.GOV.UK

CONTENTS

INTRODUCTION	1
1. MEMBERSHIP OF EXCLUSION APPEAL PANELS	3
2. THE CLERK TO THE PANEL	3
3. RIGHT OF APPEAL AND TIMESCALES	3
3.(i) Notice of Hearing	4
3.(ii) Representations at a Remote Hearing	5
3.(iii) Evidence and witnesses at the Remote Hearing	7
4. NOTICE OF HEARING AND WRITTEN EVIDENCE	7
5. THE APPEAL HEARING DURING THE CORONAVIRUS (COVID-19) OUTBREAK	8
5.(i) Order of the Hearing	8
5.(ii) Appeal Hearings to be determined by written submissions only	9
5.(iii) Matter to be taken into account	9
6. REACHING A DECISION	10
7. RECORD OF PROCEEDINGS	10
8. SERVICE OF DOCUMENTS TO APPELLANTS	10
9. AFTER THE APPEAL HEARING	10
10. COMPLAINTS	11
10.(i) Complaints to the Public Services Ombudsman	11
10.(ii) Complaints to the Welsh Ministers	11
10.(iii) Judicial Review	11
APPENDIX A - VALE OF GLAMORGAN SCHOOL EXCLUSION APPEALS: GUIDANCE FOR REMOTE PARTICIPATION IN HEARINGS	12
APPENDIX B – Technical Guidance for Accessing and Using the GoToMeeting Application	16
SECTION (i) - Accessing GoToMeeting on a Computer or Laptop	16
SECTION (ii) - Accessing GoToMeeting on a Mobile Device	20
SECTION (iii) - Accessing GoToMeeting via a Telephone Call	23

INTRODUCTION

This procedure applies to all appeals brought under section 52(4) of the Education Act 2002. This outlines that, headteachers, teachers in charge of a Pupil Referral Unit (PRU, governing bodies, Local Authorities and independent Appeal Panels must by law have regard to Welsh Government guidance when making decisions on exclusions and administering the exclusion procedures and appeals. The latest **Welsh Government guidance document no: 255/2019** can be viewed via the following link.

<https://gov.wales/exclusion-schools-and-pupil-referral-units-pru>

There is a strong expectation that the guidance will be followed unless there is good reason to depart from it. The guidance is not exhaustive, and judgements will need to take account of the circumstances of individual cases.

This procedure applies to all maintained schools, including nursery schools and PRUs, and all learners in them, including any who are below or above compulsory school age. They do not apply to independent schools or sixth form colleges, as they determine their own exclusion procedures.

The legal framework

Welsh Government Guidance Document no: 255/2019 is based on the following:

- The Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003.
- The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003.
- The Education (Pupil Exclusions and Appeals) (Wales) (Miscellaneous Amendments) Regulations 2004.
- The Education (Reintegration Interview) (Wales) Regulations 2010.
- The Equality Act 2010.

An appeal may arise when the Discipline Committee of a school upholds the decision of a Headteacher to permanently exclude a pupil from a school.

Where a pupil has been permanently excluded, the Parents/Carers should be contacted by the Local Authority at an early opportunity to discuss how education is to be provided for the pupil during the period of exclusion. Parents/Carers should be informed that these discussions do not prejudice their right of appeal and that they should not delay in submitting an appeal. It may be that such discussions may avoid the need for an appeal in certain cases.

OBJECTIVES OF THE EXCLUSION APPEAL PROCESS DURING THE CORONAVIRUS (COVID-19) OUTBREAK

- To ensure that Appellants (Parents/Carers) continue to have the right to appeal a decision upheld by a Schools Disciplinary Committee to permanently, exclude their child occurring during the outbreak;
- To ensure that School Governing Bodies and the Admission Authorities are given as much flexibility as possible to manage appeals in a way that best suits local circumstances, while ensuring Parents/Carers appealing an exclusion decision this year are supported and are not disadvantaged by the measures in place to protect public health;
- All appeals which have been lodged, whether in time or not, will be heard and determined by an Appeal Panel as soon as reasonably practicable.

During the COVID-19 pandemic and in the interest of public health, the Vale of Glamorgan Council has determined that where practical School Exclusion Appeals will be heard remotely. If this is not reasonably practicable, then a Panel may decide to conduct a hearing through the submission of written representations.

The Vale of Glamorgan Council may decide to hold an appeal hearing using remote access provided:

- **All parties can fully present their case;**
- **Each person participating has access to an electronic device to permit them to hear and be heard, and/or where it is decided to use a live video link to see and be seen;**
- **The Panel considers that the appeal is capable of being heard fairly and transparently.**

Where the above conditions cannot be met, an Appeal Panel may make its decision on the appeal based on the written information submitted provided the Appeal Panel can ensure that the parties are able to fully present their case so that a decision can be made on the appeal which is fair and transparent.

The Vale of Glamorgan Council has determined that the online GoToMeeting system will be used to hold hearings remotely. Further information on this can be viewed in Appendix A to this document.

1. MEMBERSHIP OF EXCLUSION APPEAL PANELS

Under **Welsh Government Guidance document, no: 255/2019**, Appeal Panels should be constituted with a minimum of 1 Lay member, 1 Education Practitioner and 1 School Governor. Welsh Government guidance stipulates the definition of Education Practitioner and School Governor. These are:

- Education Practitioner - a headteacher or other person currently working in education management;
- School Governor - a governor who must have served for 12 consecutive months within the last 6 years and have not been a headteacher or teacher during the last 5 years.

The 2019 Welsh Government Guidance imposes certain restrictions on membership and requires all Panels to include at least one "lay member", who will automatically be appointed Chairman of the Panel. The definition of a "lay member" is:

- a person without personal experience in the management of a school or the provision of education, other than in a voluntary capacity or as a school governor.

A Panel of Members will be appointed in accordance with the above requirements. Legislation provides for Panels of three or five members, but experience has shown that the most practical number of Members on a Panel is three. This number helps to create an air of informality

2. THE CLERK TO THE PANEL

Each Appeal Panel has the services of a Clerk, whose responsibility is to ensure that all administrative arrangements for the hearing are made, relevant facts are established, compliance with regulations are maintained, that the appeal hearing is fair and transparent and that proceedings are recorded. The Clerk is to be regarded as an independent source of advice on procedure and evidence. If necessary, the Clerk may intervene on behalf of either the Appellants or the Panel, particularly to ensure that a case is established and that factual matters not in dispute are clearly identified and recorded. Whenever a Panel invites the parties to withdraw whilst considering its decision in private, the Clerk will remain with the Panel, but only for the purpose of offering advice on procedure or the law.

3. RIGHT OF APPEAL AND TIMESCALES

In informing Appellants of a School's decision to exclude their child, information will also be provided of the right to appeal the decision, the process for this and an appeal form.

Normally, an Appeal Panel must meet to consider an appeal no later than the fifteenth school day after the day on which the appeal was lodged. However, in light of the COVID-19 pandemic, where this timescale is not able to be met the

Clerk will contact all parties to seek agreement and arrange a hearing on a mutually convenient date. The Council will however, strive to hear the appeal as soon as it is practical to do so.

An appeal must be made by notice in writing setting out the grounds on which the appeal is based. It should, if possible, be accompanied by copies of documents which the Parent/Carer intends to produce at the hearing (in any event, these should be produced in sufficient time prior to the hearing to enable them to be circulated to the Appeal Panel).

If the Appellant submits additional information on the day of the hearing this may lead to the appeal being adjourned to allow the information to be verified, with the hearing being reconvened on another day. This is to allow the Panel to seek independent corroboration.

3.(i) Notice of Hearing

Appellants will be given at least 14 days (10 working days) written notice of the date of their appeal hearing, unless they have agreed to a shorter period (if Appellants agree to a shorter period of notice, they should confirm this with the Clerk to the Panel in writing, or e-mail).

An excluded learner of any age also has the right for their view to be heard, which may be in person, in writing or other practical form e.g. video presentation.

Appellants are encouraged to provide as soon as possible any documents, information and evidence they wish to submit to the Panel to support their case, although an Appellant is entitled to submit additional evidence up until midday before the day of their hearing, which will be circulated to the Panel by the Clerk via secure and encrypted email.

Appellants are also invited to prepare and submit a video presentation (of up to 3 minutes) to the Clerk for the Panel's consideration, if this is preferable. The video to be submitted to the Clerk either at their email address or a mobile telephone number, both of which will be provided to Appellants in the letter giving Notice of the hearing.

While Appellants can present new information to the Panel during the hearing, if the Panel decides that this information requires independent corroboration an adjournment may be called for and the hearing may be reconvened at a later date.

Clarity about what information will and will not be provided in the Panel's papers;

- The Clerk should circulate all written evidence to all parties **5 working days before the hearing**. This must include the statement of decision by the discipline committee and the notice of appeal from the parent/carers and/or learner which gives the grounds for the appeal and any discrimination claim. The headteacher, governing body and LA may also make written representations. If any of the parties intend to raise matters or produce documents at the hearing that are not covered by the statement of decision or the notice of appeal, they should be asked to submit these to the Clerk in good time before the hearing.

- Information about any witnesses who have been asked to give evidence at the hearing will also be provided to all parties in advance of the hearing;
- When being informed of the date of the appeal hearing the Clerk will ask Appellants if they have any special requirements in order to participate in the hearing.
- For a small number of pupils approaching the end of compulsory schooling, it may be unrealistic to expect them to make a successful return to school. In these circumstances, the Local Authority should, through the Pastoral Support Programmes, arrange a programme of study and experience designed to lead to further education, training or employment.

3.(ii) Representations at a Remote Hearing

The following parties are entitled to attend a hearing and present their case, either in writing or orally, and to be represented:

- the parent/carer and learner
- the headteacher (where an excluding headteacher has left the school, the Appeal Panel may use its discretion in deciding whether to invite them to make representations)
- a nominated School Governor
- a nominated Local Authority Officer.

All the above parties, as well as the governing body, may be represented by a legal or other representative. However, the emphasis on an informal atmosphere has shown that legal representation is rarely necessary, though perfectly acceptable. Should any party intend to be represented or accompanied by an adviser, the Clerk to the Panel should be informed in advance.

Please note the excluded learner has the right for their view to be heard in an independent Appeal Panel, which may be in person (accompanied by a parent/carer/advocate), in writing or other practical form. The Parent/Carer should inform the clerk if the excluded learner will be attending the hearing.

All parties are encouraged to participate in person to present evidence, but they will be advised that if they do not participate and it is not reasonably practicable to offer an adjourned hearing date, the appeal will have to be decided on the written evidence submitted, and on evidence submitted verbally by other parties.

Provided an Appellant has access to an electronic device to permit them to hear and be heard, and where using a live video link, see and be seen, Appellants will be able to fully present their case remotely using video or audio-conferencing software facilitated by the Council using the **'GoToMeeting' application**.

The Panel must consider in all cases that the parties are able to fully present their case for the appeal to be heard fairly and transparently.

The Clerk will contact Appellants by letter and or telephone to confirm with the Appellant whether they are able to participate in and consent to a remote hearing by telephone or video and if necessary, explain the arrangements for appeals and to establish that Appellants have access to the necessary equipment for a

telephone or video conference hearing. The appeal will be dealt with by remote hearing if the parties are able to fully present their cases, have access to the electronic means to allow them to hear and be heard, and where a live video link is in use, see and be seen throughout the appeal hearing, and the Panel considers that the appeal is capable of being heard fairly and transparently. Where this is not possible the Appeal Panel may make their decision on the appeal based on the written information submitted, ensuring that the parties are able to fully present their case for the Panel to make a decision which is fair and transparent.

All parties will be informed by the Clerk in advance of the hearing that the following will be necessary for their participation in remote Appeal Panel hearings:

- A charged device with either a good telephone connection/signal or reliable internet access (e.g. smartphone, tablet or computer) and
- A comfortable and where possible quiet space which can be used for the duration of the hearing.

All parties are advised to use a private and quiet setting where possible, although it is acknowledged that this is not possible in all households. Despite this, all parties will be encouraged to participate in their appeals in whatever setting is available to them.

Ahead of the day of the Appeal, the Clerk will contact all parties via email and/ or text to provide a hyperlink and a telephone number to use to access a videoconference meeting at a date and time previously specified in the letter sent to all providing Notice of the hearing.

On the day of the hearing, all parties will be asked to be ready with their connection device 10 minutes before their allocated time. The Clerk will then place a call to a confirmed contact number to advise the parties (parties will be contacted in the order as outlined above) that the Panel is now ready for their appeal to be heard. The Clerk will also provide either a password for accessing the hearing via the internet, or a 9-digit Access Code for those dialling in by telephone. The Clerk will, where possible provide support to all parties to access the remote hearing however, the Clerk **will not** be able to offer technical support to the parties in operating their own devices. General [technical guidance](#) relating to accessing the videoconference/telephone hearing is enclosed at **Appendix B**.

Following the calls made to all the parties the Clerk will also communicate with the officer nominated by the Authority, the Headteacher and a Governor or representative nominated by the Governing Body, that they should take necessary steps to join the meeting at this point.

During any Panel hearing the Appellant may be accompanied or represented by a friend, advisor, interpreter/translator, signer or other representative, who can also participate in the remote hearing either with the Appellant or from another location and device, depending on their circumstances and in line with current restrictions. The ethos of creating an informal atmosphere has demonstrated that legal representation is rarely necessary during a hearing, though perfectly acceptable. Should an Appellant intend to be supported by any such individual as listed above, the Clerk to the Panel should be informed in advance. If the Appellant's representative requires remote access to the hearing separately to

the Appellant (which is anticipated in the current restrictions) the Appellant will be required to provide their contact details to the Clerk in good time ahead of the hearing so that the Clerk can make the necessary arrangements for the Appellant access the hearing. The Council will provide interpretation or signing facilities if requested to do so in advance of the hearing.

3.(iii) Evidence and witnesses at the Remote Hearing

The following points are important for all parties to note:

- All parties are entitled to decide how to organise their remote presentation to the Panel;
- The Panel is required to consider the view of the learner, which may be in person, in writing or any other practical form. If a child/young person wishes to access the hearing remotely, then the Appellant must notify the Clerk in advance so that appropriate arrangements can be made;
- All parties may put forward new relevant evidence about the event that led to the exclusion, including evidence that was not available to the headteacher or the discipline committee. All parties will be given the opportunity to respond to any such new evidence which has been put forward. The school may not however, introduce new reasons for the exclusion;
- The Panel cannot compel witnesses to attend the hearing;
- Where adult witnesses are unwilling to appear in person or are unavailable, the Panel must rely on their written statements, copies of which will have been circulated to all parties by the Clerk before the hearing. If any witnesses are going to appear in person, all parties will be provided with details in advance of the day of the hearing;
- In the case of witnesses who are learners of the school, it will normally be more appropriate for the Panel to rely on written statements. Learners may appear as witnesses if they do so voluntarily and with their Parent's/Carer's permission;
- Panel Members may with warning to all parties ask for further information;

4. NOTICE OF HEARING AND WRITTEN EVIDENCE

The Clerk must give all parties details of those attending and their role, and notify them of the order of hearing. All parties should keep the others informed, through the Clerk to the panel, of who will attend and what witnesses (if any) will be called.

The Clerk should circulate all written evidence to all parties **5 working days** before the hearing. This must include the statement of decision by the discipline committee and the notice of appeal from the parent/carers and/or learner which gives the grounds for the appeal and any discrimination claim. The headteacher, governing body and LA may also make written representations. If any of the parties intend to raise matters or produce documents at the hearing that are not covered by the statement of decision or the notice of appeal, they should be asked to submit these to the Clerk in good time before the hearing.

The above will be sent by recorded Royal Mail delivery in compliance with General Data Protection Regulation (GDPR) requirements.

5. THE APPEAL HEARING DURING THE CORONAVIRUS (COVID-19) OUTBREAK

During the COVID-19 outbreak, the Council will continue to maintain its obligations around natural justice and procedural fairness.

5.(i) Order of the Hearing

In holding any remote hearing the order of the hearing will be maintained as follows:

- The Clerk will start the GoToMeeting Platform.
- The Chairman will explain, at the start of the hearing, the procedure to be followed and inform all present of the independent nature of the Appeal Panel and that its findings are binding on the Authority.

Subject to any revision of the following order of proceedings which may be proposed by any of the parties and agreed by the Appeal Panel, the Panel shall hear in the following order:

- the case for the Authority (normally presented by the Headteacher or representative of the School Governing Body;
- questioning by the Parent/Carer/Learner and Panel;
- the case for the Parent/Carer;
- questioning by the Authority and Panel;
- representations by the Governing Body;
- questioning by the Parent and Panel;
- questioning by the Governing Body (if necessary);
- summing up by the Authority;
- summing up by the Parent/Carer.

The principle behind the above is that the respondent should start, the Parent(s)/Carer(s) should follow, and any third party should be confined to making representations or responding to questions.

The Panel may adjourn any appeal, for example, to enable an absent party to attend, to receive further evidence, or because of the illness or absence of a member of the Panel or for any other appropriate reason.

If substantial new issues are raised for the first time at the hearing, an adjournment may be necessary to allow any party taken by surprise to consider the issues. Parents/Carers should be informed that if they present information at the appeal which needs checking, the appeal may have to be reconvened following an investigation of the issues raised. This may mean that a hearing is heard on a different day.

During any hearing of the appeal the Panel may adjourn any case at any time during the proceedings to verify/receive further evidence. In this circumstance the Clerk will disconnect the Appellant and the officer nominated by the Authority,

the Headteacher and a governor or representative of the School Governing Body from the call/video conference and communicate with both parties separately regarding when the hearing is to be reconvened.

During any remote hearing held where a Panel has been reduced from 3 Members whether temporarily or permanently the Panel will have to adjourn and will be re-constituted with a replacement Panel Member. **The case will then be reheard from the beginning.**

5.(ii) Appeal Hearings to be determined by written submissions only

Where a telephone or video conference hearing is not reasonably practicable, either because the parties are not able to fully present their case, participants have no access to an electronic device to hear and be heard and/or see and be seen, and the Panel considers that the appeal is not capable of being heard fairly and transparently, the Panel may determine to decide the Appellant's case based on the written information submitted.

Appellants will be asked to submit to the Clerk written submissions in support of their appeal and any further evidence which they feel may support or substantiate the grounds for their appeal. Any submissions provided to the Clerk by the date specified in the letter providing Notice of the hearing, will be included in the hearing papers (that are sent to both the Appellants and the Independent Panel Members). Please note that if they choose to, Appellants will be able to provide further submissions for the Panel's consideration up until midday on the day before their appeal is due to be considered. These will be circulated by the Clerk to the Panel Members via secure encrypted email.

5.(iii) Matter to be taken into account

The Appeal Panel must take into account any representations made by all the parties concerned.

In considering an appeal, the Panel should decide, on a balance of probabilities, whether the learner did what they are alleged to have done. In other words, it is more likely than not that the learner did what they are alleged to have done. Appeal Panels should operate on the basis of the proceedings being a complete rehearing of the issues.

The panel should consider the basis of the headteacher's decision and the procedures followed having regard to:

- whether the headteacher and discipline committee complied with the law and had regard to the Welsh Government guidance on exclusion in deciding, respectively, to exclude the learner and not to direct that they should be reinstated. While the law states that the panel must not decide to reinstate a learner solely on the basis of technical defects in procedure prior to the appeal, procedural issues would be relevant if there were evidence that the process was so flawed that important factors were not considered. Particularly important areas to consider are whether an appropriate PSP had been put in place or whether the educational provision specified in a statement of SEN had been provided.

- the school's published behaviour policy, equal opportunities policy, anti-bullying policy, SEN policy, and race equality policy, or any other relevant policy.
- the fairness of the exclusion in relation to the treatment of any other learners involved in the same incident.

Where a Parent/Carer appeals against permanent exclusion and makes a claim alleging discrimination, the Appeal Panel must consider whether there has been discrimination under the Equality Act 2010.

6. REACHING A DECISION

An Appeal Panel may: -

- Uphold the decision to exclude;
- Overturn the decision to exclude and direct reinstatement; or
- Decide that because of exceptional circumstances or other reasons it is not practical to give a direction requiring reinstatement, but that it would otherwise have been appropriate to give such a direction.

The decisions of the Appeal Panel are binding on the Authority and Governing Body. Where the Panel determines that a pupil should be reinstated, it must direct that reinstatement take place either immediately, or by a date specified.

Should a decision of a Panel not be unanimous, then the appeal under consideration should be decided by a simple majority of the votes cast.

The decision of the Appeal Panel and the grounds on which it is made will be communicated in writing to all parties.

7. RECORD OF PROCEEDINGS

The Clerk to the Appeal Panel will keep brief notes of the proceedings, attendance, voting and decisions reached. These notes will not constitute a public document, but they will assist the Clerk to formulate the decision letter that Appellants will receive following the hearing.

8. SERVICE OF DOCUMENTS TO APPELLANTS

Documents required to be served on an Appellant will be sent, by Royal Mail recorded delivery or electronically where possible (where confidential receipt can be ensured in each case). Where this is not possible documents will be delivered to the address provided to the Appellants when submitting a written notice of appeal, taking into account any health protection issues.

9. AFTER THE APPEAL HEARING

9.(i) Notification of the Appeal Panel's decision to all parties

The decision of the Appeal Panel and the grounds on which it is made will be communicated to all parties by the end of the second working day after the hearing.

10. COMPLAINTS

10.(i) Complaints to the Public Services Ombudsman

Appellants are advised that the Panel's decision is legally binding, however, the Public Services Ombudsman can investigate written complaints about maladministration on the part of an Exclusion Appeal Panel.

Maladministration covers issues such as a failure to act independently and fairly, rather than complaints where a person simply feels that the decision taken is wrong.

The Ombudsman cannot however, comment on or overturn the Panel's original decision.

The address of the Public Services Ombudsman for Wales is:

1 Ffordd yr Hen Gae

Pencoed

CF35 5LJ

Telephone no.: (01656) 641150

10.(ii) Complaints to the Welsh Ministers

The Welsh Ministers can consider complaints about a Discipline Committee's operation of the exclusion procedure but has no power to overturn the exclusion or to consider complaints about the decision of an independent Appeal Panel.

10.(iii) Judicial Review

An Appeal Panel's decision can only be overturned by the courts where the Appellants or the school/admission authority are successful in applying for Judicial Review of that decision.

VALE OF GLAMORGAN SCHOOL EXCLUSION APPEALS: GUIDANCE FOR REMOTE PARTICIPATION IN HEARINGS

The aim of this guidance is to assist all remote participants in ensuring that School Admission Appeal hearings run as easily and as smoothly as possible. Specific [technical guidance](#) regarding the use of **GoToMeeting** on various types of devices can be found at Appendix B.

Some of this guidance will apply to all participants, while some will apply to specific participants. This will be clearly indicated throughout the guidance.

ALL PARTICIPANTS

- Before the date of the hearing, visit <https://support.goto.com/meeting/system-check> on the device you plan to use. This will confirm whether your device is fully compatible with the system or not. If the tool advises your internet-enabled device won't support GoToMeeting, you will be able to dial in via a standard telephone call (see Section [iii] of the attached technological guidance at Appendix B).
- If multiple devices are available to you (eg a phone and a laptop), we recommend using the device with the biggest screen, as this will be the one that most likely gives you an option to see all participants, rather than being restricted to only viewing the participant who is currently speaking.
- Take some time before the date of the hearing to familiarise yourself with where the microphone and headphone plug-in is on your device, as knowing where to find these will be helpful if you are required to speak more loudly and or hear more clearly. The best audio quality will likely be achieved by plugging a separate microphone into the device – most modern headphone sets include a microphone.
- Make sure before the hearing starts that your equipment is fully charged, or has the capacity to charge without impeding your audio/visual settings while the hearing is ongoing. Keeping your device plugged in to a power source if possible, will give you confidence that the battery will last for the duration of the hearing.
- Set up in a comfortable position. There is no allocated time period for a hearing and Panel Members could be sitting for many hours. Please take some time to consider where you'll be able to make yourself comfortable so that you can focus on the discussion at hand.
- If participating with video, where possible it is best to try and find a space with a plain background. Other participants may find it distracting to see photos or shelves full of books or ornaments in the background. Also

consider lighting – if a light source is behind you in the shot your face will likely end up looking darker on screen. Equally, too strong a light in front of you might have a ‘bleaching’ effect. Most devices will allow you to access your camera ahead of the hearing so you can identify where best to position yourself.

- If participating with video, aim to position your device appropriately so that your head and shoulders are in the shot (similar to a passport photo).
- Make sure that you can easily view any necessary documentation. You will have paper copies sent to you in the post, but if you choose to have these sent to you electronically please ensure you are set up so that you can see both the documents and the videoconference easily.
- If referring to a document during the hearing, please be specific regarding which Appendix it is in as well as the page number and please allow time for others to locate the same document.
- Have a pen and paper ready to use. Conversation won’t flow as naturally as it would with people in the room together, and the Chairman will be moderating the order in which participants speak. You may therefore find it helpful to take notes of any points you would like to make so you can refer back to them when it is your turn to speak.
- Before the hearing starts, please ensure that any other nearby electronic devices are set to silent, or mute notifications on the device you’re using. If you experience interference during the call, this could be caused by other devices nearby so you may want to turn off any other devices or remove them from the same room as you.
- If you are not currently speaking, please mute your microphone. This will help to reduce the level of disruptive and distracting background noise and assist all participants in hearing one another as clearly as possible. Instructions regarding how to mute and un-mute your microphone can be found in the enclosed [technical guidance](#).
- If you wish to speak, please indicate this via the Chat function on GoToMeeting and wait until the Chairman asks you to speak. If a question is asked of one participant directly, that participant will be the first person afforded an opportunity to respond. **It is crucial that all participants respect this process and listen to the Chairman to ensure everyone has a fair opportunity to make their points without being talked over.** If any participant repeatedly disregards this process and talks over other participants without waiting for the Chairman to confirm it is their turn, the Clerk will be able to mute their microphone.
- When speaking, don’t shout. The Clerk will advise if your volume of speech is too low, it will usually require participants to either move closer to their microphone or to adjust their microphone/volume settings.

- Please try and remember that not all participants will have the same visual access to the hearing. There is an option to dial in on a telephone call rather than use a screen, and not all participants will have access to a camera. It's therefore important that all participants communicate as much as possible verbally, as not everyone will be able to see gestures or facial expressions. The Clerk will confirm at the start of the hearing which participants have screen access and whether any aren't visible on camera.
- If the connection becomes too slow, the Clerk will ask all participants to turn their cameras off for a short amount of time to allow GoToMeeting time to speed the connection up again. If this problem recurs, the Clerk will ask all participants to turn their cameras off, and only turn them on when it is their turn to speak. Instructions regarding how to turn your camera on and off can be found in the enclosed [technical guidance](#).

PANEL MEMBERS

- Please ensure that you are set up in a space that is private and where you will not be interrupted or overheard while appeals are ongoing as sensitive information will be discussed.
- Exclusion Appeal hearings will commence at 9.30am, however the Clerk will ensure that the 'meeting' has started and is available to be joined from 9.00am onwards. We ask that you take steps to join the meeting (see [technical guidance](#) for instructions) by 9.20am, which will allow the Clerk time to assist with any technical difficulties if needed.

THE CHAIRMAN

A revised Chairman's introduction script has been prepared and will be circulated to all Panel Members ahead of hearings, however a few points to remember:

- Once all participants have joined the meeting, check that all are comfortably set up and ready to participate, and have easy access to the documentation.
- As per usual arrangements, all parties will need to be introduced to the Appellant. It's a good idea to arrange between yourself, the Panel Members and the Clerk(s) which order you'll go in *before* the Appellant, Local Authority Officer, Headteacher or nominated school governor join the hearing.
- Make sure all participants are aware of how the discussion will be moderated. It will be difficult to moderate the flow of the discussion completely, and it is therefore a good idea to try and keep discussion structured on a topic-by-topic basis as much as possible:

1. The case for the Authority (normally presented by the Headteacher or representative of the School Governing Body);
 2. Chairman to ask Panel Members and the Appellant whether they have any comments or questions in response to the representations, and to indicate that they wish to speak by using the chat function on GoToMeeting. The Chairman must use their discretion in choosing who speaks next.
 3. The case for the Parent/Carer/Learner;
 4. Chairman to ask Panel Members and the Authority whether they have any comments or questions in response to the representations, and to indicate that they wish to speak by using the chat function on GoToMeeting. The Chairman must use their discretion in choosing who speaks next.
 5. Representations by the Governing Body;
 6. Chairman to ask Panel Members and the Appellant whether they have any comments or questions in response to the representations, and to indicate that they wish to speak by using the chat function on GoToMeeting. The Chairman must use their discretion in choosing who speaks next.
 7. Questioning by the Governing Body (if necessary);
 8. Summing up by the Authority;
 9. Summing up by the Parent/Carer.
- It's a good idea to routinely check in with the Clerk as to whether all participants are still connected and haven't been 'lost'. Should the Clerk confirm that a participant is having technical difficulties, the Chairman should advise all participants that a short adjournment is necessary and ask all to mute their microphones until the hearing can resume.

APPELLANTS

Where possible it is best to be set up in a quiet, private space where you are unlikely to be interrupted for the duration of the appeal. For instance, if you're in your kitchen and family members are wondering in and out to make food or drinks, that could be distracting to both yourself and other participants. However, we acknowledge that this is not possible in every household.

TECHNICAL GUIDANCE FOR ACCESSING AND USING THE GOTOMEETING APPLICATION

The Clerk will be available to provide assistance with the following steps on the day of the appeal, however please note that the Clerk will not be able to assist you with technical matters relating to your specific device.

*To check whether your device is compatible with **GoToMeeting**, please use your chosen device and access <https://support.goto.com/meeting/system-check>. If your device is not compatible, please refer to Section (iii) of this document.*

SECTION (i) - Accessing GoToMeeting on a Computer or Laptop

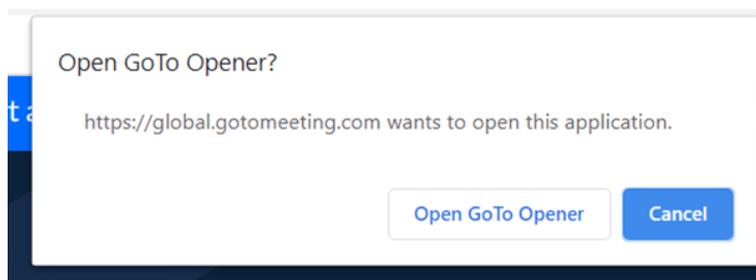
1. The Clerk will have sent you, in advance of the hearing, a URL link to a GoToMeeting 'meeting', and a 9-digit Access Code, either via email or text. The link will look similar to this:

<https://global.gotomeeting.com/join/557310877>

2. Upon receiving a phone call from the Clerk advising that the Panel is ready for the hearing to start, click this link, or enter it manually into your internet browser (e.g Internet Explorer, Google Chrome, Safari). The Clerk will also verbally provide you with a password to access the meeting at this time.

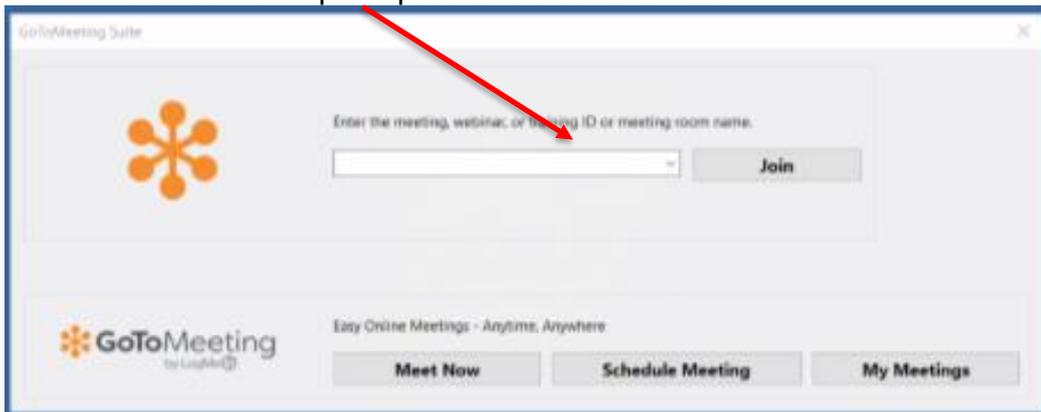
While we will of course aim to begin at your allocated time, the preceding hearing may overrun slightly. This time will be factored into your own hearing so you still get your full allocated 40 minutes.

3. Your computer/laptop will then prompt you to run *GoToOpener* software, it'll look similar to this:

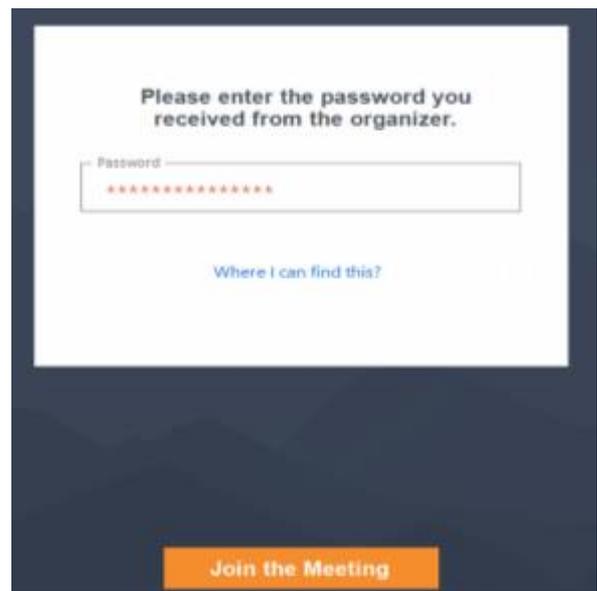


4. Confirm that you are happy for the software to run, and it will start downloading and installing. This shouldn't take more than a minute or so. *Please note you will be able to uninstall any software downloaded once the hearing has finished.*

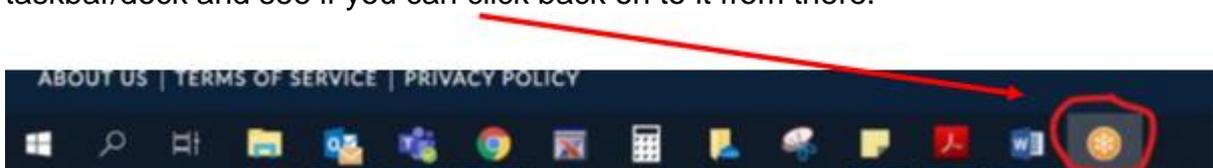
Alternatively you can visit <https://global.gotomeeting.com/install> ahead of your hearing date and install the app in readiness for the Clerk's phone call. Once it's time for you to join the hearing, open up the app, type the previously provided 9-digit Access Code into the space provided and click Join.



5. You will be prompted to enter a password, as seen here. Once you have done this please click 'join meeting'. The Clerk will provide the password to you verbally over the phone when they call you to advise that the Panel are ready to begin your hearing.

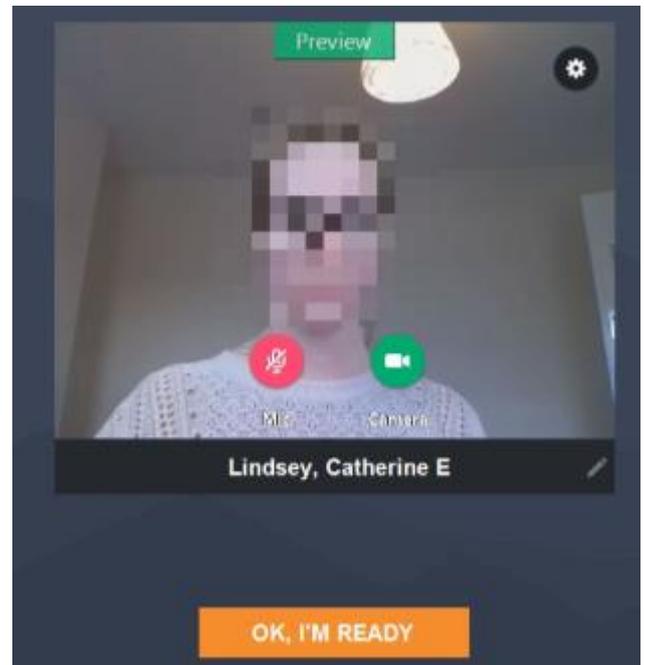


6. During this time, GoToMeeting will have opened up as an app and will be accessible in your taskbar (or dock if using an Apple device), as seen below. If you find yourself having lost the GoToMeeting screen, as first port of call check your taskbar/dock and see if you can click back on to it from there.

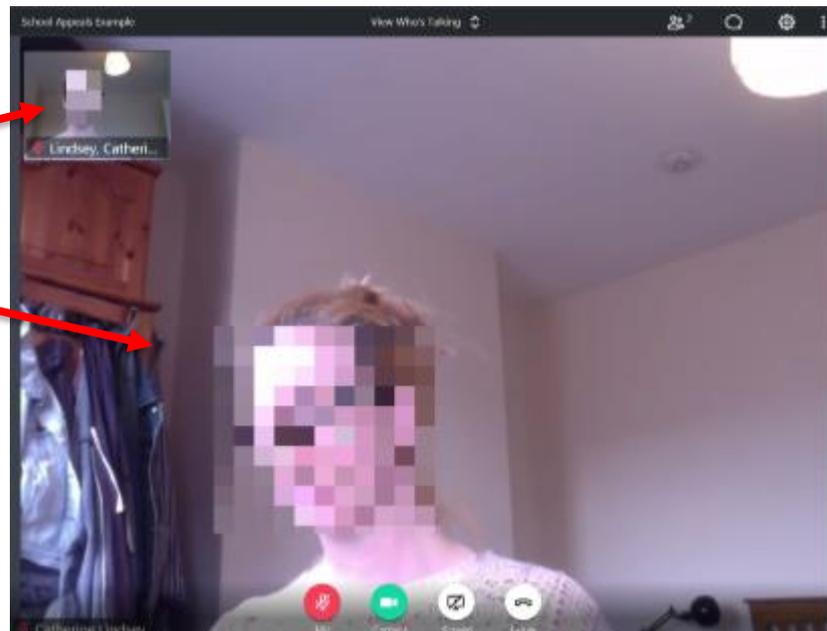


7. You will be asked to select your audio options (please click 'Computer' and then 'Save and Continue') and confirm your microphone and speaker settings. Generally GoToMeeting will automatically pick the best options available, however if you have other options, you'd prefer to use please indicate your preference by using the dropdown menus, and click 'Save and Continue' once happy.

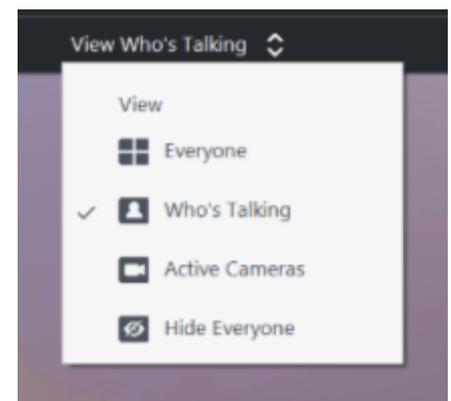
8. GoToMeeting will then give a preview of how you will appear on other participants' screens once you have joined. To turn your camera on/off before joining the hearing, please click the icon labelled 'Camera' until happy. Once ready to join the hearing, please click 'OK, I'm ready' to continue. *You are not obliged to use your camera and may participate in the hearing via audio alone. However, we would advise that hearings work best when all participants are able to see one another, if possible.*



9. Once connected, this is how your screen will be set out. Your own camera will display in a box with your name displayed, and other participants filling the rest of the screen. GoToMeeting may prompt you with some introductory instructions regarding meeting controls. Feel free to read or skip these – all important functions will be covered below.



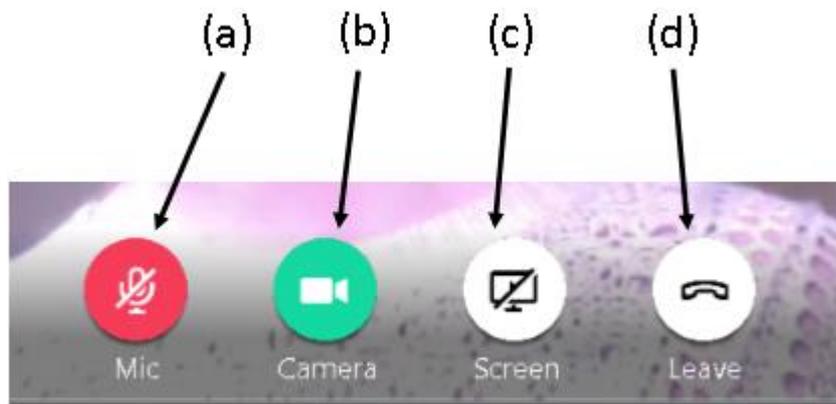
10. Depending on your preference, you can use the dropdown menu 'View Who's Talking' in the top centre of your screen to decide whether you would like to view all participants simultaneously ('Everyone'), or for the screen to swap to display the participant who is currently speaking ('Who's Talking').



11. The main meeting controls that participants should be aware of are as follows:

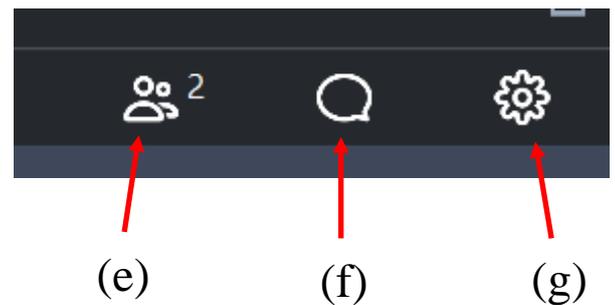
- (a) Microphone – click this icon to mute/unmute yourself in line with the [participation guidance](#). You are muted when the icon shows as red with a diagonal line through it (as shown), and unmuted when the icon is green.
- (b) Camera – click this icon to share/disable your camera.
- (c) Share Screen – please ignore this function and do not click the icon.
- (d) Leave meeting – please only click this icon once the Chairman has confirmed that the hearing has concluded.

These icons will display in the bottom centre of your screen. Should they vanish, please hover your mouse over this area and they'll reappear.



12. Clicking the icons in the top right corner of your screen will let you access the following.

- (e) Attendees – a list of currently connected participants.
- (f) Chat – allows you to send direct instant messages to all or individual participants by typing and clicking 'enter'. Please only use as instructed in the [participation guidance](#).
- (g) Settings – will allow you to adjust various settings.



13. Once the Chairman has advised that the hearing has concluded, participants should leave the meeting by clicking icon (d) in the main controls.

SECTION (ii) - Accessing GoToMeeting on a Mobile Device

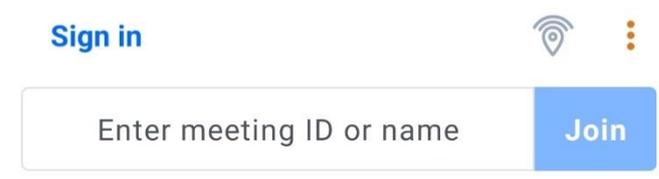
1. The Clerk will have sent you, in advance of the hearing, a URL link to a GoToMeeting 'meeting', and a 9-digit Access Code, either via email or text. The link will look similar to this:

<https://global.gotomeeting.com/join/557310877>

2. Upon receiving a phone call from the Clerk advising that the Panel is ready for the hearing to start, click this link. The Clerk will also verbally provide you with a password to access the meeting at this time.

While we will of course aim to begin at your allocated time, the preceding hearing may overrun slightly. This time will be factored into your own hearing so you still get your full allocated 40 minutes.

3 clicking the link, your mobile device will prompt you to download the GoToMeeting app. Please do this as you would with other apps, and once the app has opened, enter the 9-digit Access Code into the space provided and click 'Join'

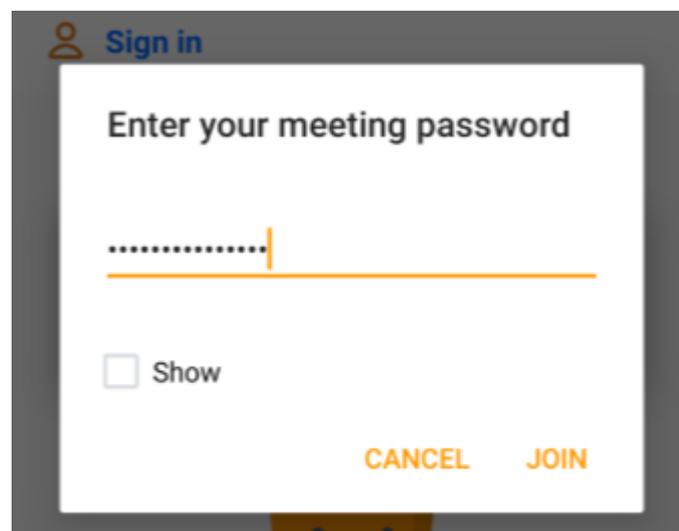


Alternatively you can download the app ahead of your hearing date. Search for GoToMeeting on your device's app store (Google Play for Android or App Store for iOS) and download the app. Once you have received the call from the Clerk to join the hearing, please open the app and proceed to enter the Access Code into the space provided as above.

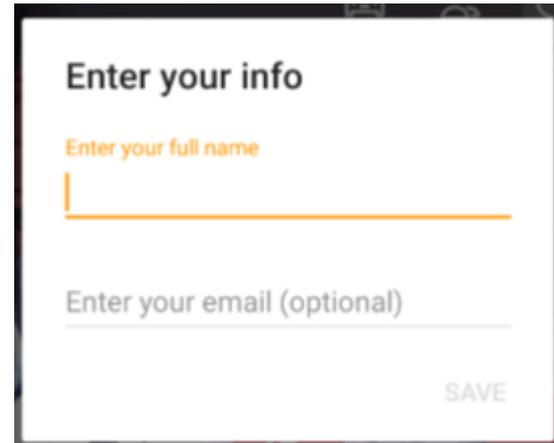
4. You will be prompted to enter a password, as seen here. Once you have done this please click 'Join'.

The Clerk will provide the password to you verbally over the phone when they call you to advise the Panel are ready to begin your hearing.

5. When prompted please allow GoToMeeting access to your mobile device's audio. *Your device may refer to this as 'recording' your audio - please note that the hearing **will not be recorded.***



6. When prompted under 'Enter your info' please enter your full name and click 'Save'. Whatever you enter here will be how your name is displayed to all other participants.



The screenshot shows a form titled "Enter your info". It has two input fields: "Enter your full name" with an orange underline, and "Enter your email (optional)" with a grey underline. A "SAVE" button is located at the bottom right of the form.

7. Once you have joined the meeting, your camera and microphone will not be turned on automatically. You will need to click the 'Camera' and 'Microphone' icons at the bottom of the screen. If these icons are not showing straight away, tap the screen once and the main meeting control icons should appear.



8. Before your camera shares with other participants you will be shown a preview of the display from your camera—please click 'Share' to begin sharing with other participants.

9. Once connected, this is how your screen will be set out. Your own camera will display in a small isolated box, with other participants in the main body of the screen. Depending on the size/make of your device, you will either be able to see multiple participants, or the participant who is currently speaking will automatically display.

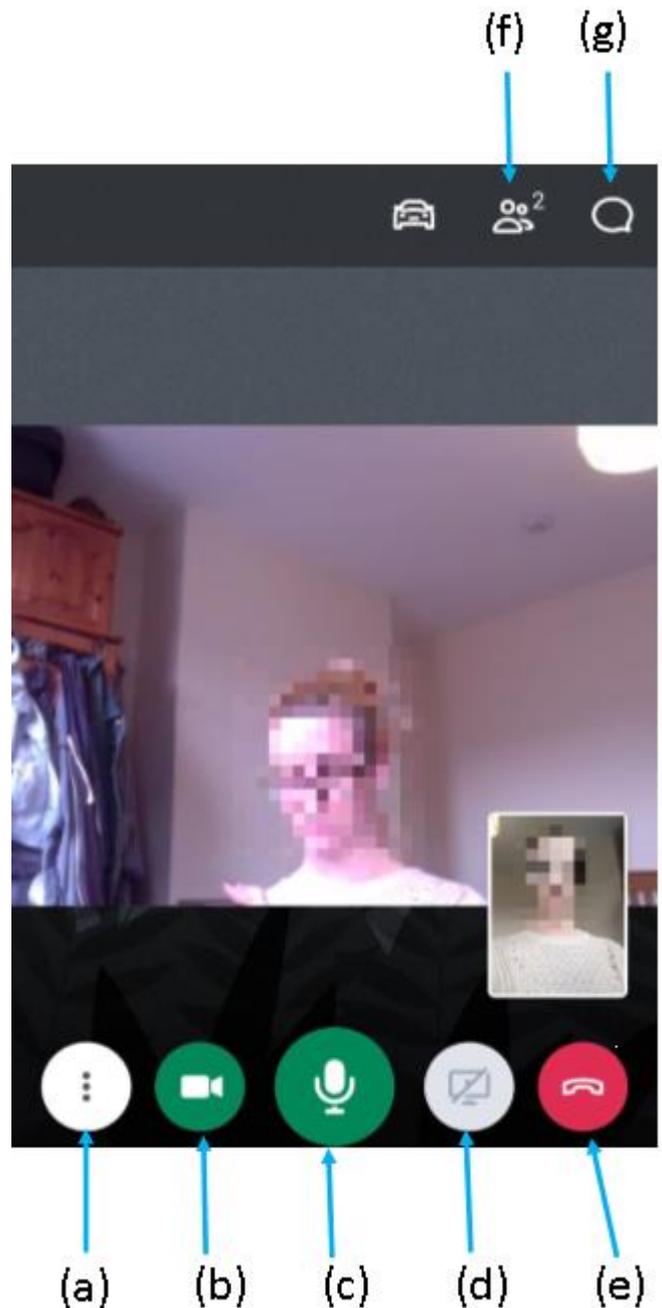
10. The main meeting controls that participants should be aware of are as follows:

- (a) More options—this will allow you to alter various settings.
- (b) Microphone – click this icon to mute/unmute yourself in line with the [participation guidance](#). You are muted when the icon shows as red with a diagonal line through it (as shown).
- (c) Camera – click this icon to enable/disable your camera.
- (d) Share Screen – please ignore this function and do not click the icon.
- (e) Leave meeting – please only click this icon once the Chairman has confirmed that the hearing has concluded.

These icons will display in the bottom centre of your screen. Should they vanish, please tap this area of your screen once and they should re-appear.

11. Other controls available are:

- (f) Attendees – a list of currently connected participants.
- (g) Chat – allows you to send direct instant messages to all participants. Please only use as instructed in the [participation guidance](#).



12. Once the Chairman has advised that the hearing has concluded, participants should leave the meeting by clicking icon (e) in the main controls.

SECTION (iii) - Accessing GoToMeeting via a Telephone Call

- 1.** The Clerk will have provided, in advance of the hearing, a telephone number for you to call to gain access to the meeting, along with a 9-digit Access Code. Please wait for a phone call from the Clerk to advise that the Panel is ready for you to join the meeting. While we will of course aim to begin at your allocated time, the preceding hearing may overrun slightly. We will of course factor this time into your own hearing so you still get your full allocated 40 minutes.
- 2.** After dialling and connecting, you will be asked to enter an Access Code followed by the hash sign (#) using your phone's keypad. Please use the 9-digit code previously provided to you by the Clerk.
- 3.** When asked to enter an Audio PIN, please immediately enter the hash sign (#) to be connected to the hearing.
- 4.** Most telephones (whether mobile or landline) will have the capacity to mute their microphones, however it will vary depending on the device. For most mobile phones it'll be an option on the screen while the call is ongoing. For landlines it is less predictable, it'll likely be a function on the main body of the machine (as opposed) to the receiver. We suggest you spend some time familiarising yourself with how to mute your device before the hearing starts.
- 5.** Once the Chairman has advised that the hearing has concluded, please disconnect from the call.