



# Panel Hearings-

what governors and trustees need to know

26<sup>th</sup> March 2025



Steve Barker & Linda Waghorn

[www.bettermgovernor.co.uk](http://www.bettermgovernor.co.uk)

# Aims of this session:



to clarify the accountability role of school governance in 2025 and how this informs effective panel hearings;



to focus on the role of governance, in maintained schools and trusts, in ensuring hearings are effective;



to explore good practice in panel hearings and how this is the foundation for effective accountability.



**GOVERNORS  
FOR SCHOOLS**

# Accountability of Governance



*Governing Boards have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties.*

**This principle holds true for complaints and all other panels**

# Accountability of Governance:

---



**GOVERNORS  
FOR SCHOOLS**


# Guidance:

 Department for Education

## Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement

Guidance for maintained schools, academies, and pupil referral units in England

August 2024

 Department for Education

## Staffing and employment advice for schools

Departmental advice for school leaders, governing bodies, academy trusts and local authorities

October 2024

 GOV.UK

Home > Education, training and skills > Running and managing a school > School complaints and whistleblowing > Setting up an academies complaints procedure

 Education & Skills Funding Agency

## Guidance

# Best practice guidance for academies complaints procedures

Updated 12 March 2021

Applies to England



# Constituting a Panel

---

Communication received by clerk/whoever policy states, who:

- liaises with school/trust on date for hearing;
- contacts potential panel members re: availability;
- ensures no conflicts of interest;
- Effective communication with the subject of the hearing;
- meets with school leaders re: content of pack for panel;
- liaises with school/trust re: venue etc.



# A good quality panel pack:

## For a complaint panel:

- copy of complaint form/letter;
- timeline of school's actions taken;
- witness statements;
- school complaints policy;
- relevant correspondence between school and complainant;
- copy of investigation report.



# The importance of declared interests:

---

Perceived interests are as important as genuine declarations;

- panel needs to be seen to be independent;
- consider any associations, past and present (friends, neighbours, children's friends' parents, children in same class. etc);
- prior knowledge (*tainted*);
- perceived as independent by other party (do we need governors from other schools/trusts?)

# Planning the meeting:

---

- a date (within time limits) that all can attend;
- ensuring *complainant*, staff member, pupils/parents are aware they can be accompanied;
- sufficient time to prepare all necessary papers;
- practical/logistical considerations ( waiting rooms/spaces, arrival times, drinking water, tissues etc);
- an agenda and numbered/ordered documents;
- reference documents.

# The Agenda:

- 1. Welcome & introductions – Panel Chair**
- 2. Proposer bringing case to panel outlines their case**
  - questions from Parent, staff member/school
  - questions from LA if present
  - questions from panel
- 3. Parent, Staff member, school responds**
  - questions from Parent, staff member/school
  - questions from LA if present
  - questions from panel
- 4. Summing up**
- 5. Summing up**
- 6. All but panel depart**
- 7. Panel deliberate**

# Who's the proposer?

- **Complaint** – complainant
- **Suspension/PEX** – School (wanting the panel to uphold HT decision)
- **Staff Disc** - School (wanting the panel to uphold HT decision)
- **Grievance** – Member of staff with grievance against the school;
- **Pay Appeal** – Member of staff appealing Pay Panel decision.

# Principles of *Natural Justice*:

*Ensuring there is no bias in proceedings and the right to a fair hearing:*

- Independent panel inc. declarations of interest;
- no one is ever alone with the panel;
- all parties are listened to and given the opportunity to question the other party;
- justice is seen to be done.

# The Panel Chair:

- It should be decided in advance of the meeting who will chair – key role in effective hearings;
- Chair welcomes and leads introductions and explains:
  - who speaks when;
  - they will invite questions;
  - It's not a court of law.
- Chair *controls* the meeting, following the agenda and not allowing interruptions.

# The role of the panel:

- to read, listen to and consider all evidence;
- to ensure natural justice principles are followed;
- to apply the civil standard of proof;
- to ensure their decision is legal, procedurally sound (in line with school policies) rational.

**It is not the panel role to interrogate or to admonish**



# The burden of proof:

---

- all school panels operate using the civil (*not* criminal) burden of proof.
- *balance of probability v beyond reasonable doubt;*
- all investigations relating to panels, and panel deliberations must be conducted on this basis.

## Panel outcome:

- Do you ask parties to wait pending an outcome?
- Do you say they will be contacted with outcome via a phone call – if so, who will call?
- Is the outcome letter drafted, using any LA recommended or trust-specific documentation/templates?
- Are deliberations reflected?
- Has the panel made any recommendations to the governing body/trust board?

# Tips for governors/trustees:

- well-planned and prepared is the best way to effective panel outcomes;
- access training before you need it (share this message);
- our role is to decide if the school has followed the legal process, acted fairly and followed its own policies and procedures.
- panel decisions do not automatically favour the school/trust;

# Any Questions?

---



- Thank you
- Please come back next time
- Enjoy the remainder of your day.