EXPERIENCES OF EXCLUSION APPEALS

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Background

Exclusion from English schools exemplifies some policy tensions. The move, begun in 1988 and accelerated since 2010, to an atomised system has been partly justified as enhancing the autonomy of headteachers albeit within a strong accountability framework. In line with this, and the discourse of ‘good discipline’, the right of headteachers to exclude pupils has been extended. This right conflicts with another central principle of policy, the marketisation of educational provision, which valorises parental choice. As in other areas – notably school admissions – an opportunity to appeal is provided. The exclusion appeal process changed in September 2012 to include two routes, the Independent Review Panel (IRP) for most appeals, and the First Tier Tribunal (FTT) for appeals based on SEND.

Focus

Drawing on a study to examine how parents and schools experienced the new process, (Wolstenholme et al, forthcoming) we analyse the motivations of those involved and the resources brought to bear by schools and parents. The lenses of fairness and equity are used to describe and comment on these experiences.

Methods

A thematic analysis of qualitative interviews conducted between January and July 2013 with 21 parents undergoing IRPs, 1 parent engaged in an FTT, and 16 HTs and 6 Chairs of Governors in 15 IRPS and 1 FTT. Five involved parents and schools in the same appeal.

Findings

Parents reported a variety of motivations as well as differences in the way they came to decide to appeal. Their experience of the process varied and these are thematically presented. A variety of perspectives from schools was found. A significant aspect was that schools and parents brought different levels and kinds of resource to the task of managing the process. For example, support in requesting, preparing for and conducting an appeal; legal support; and personal and organisational resources.

Analytical framework and contribution

Aspects of the experiences of the appeal are raised in relation to fairness and equity for example location and organisation; conduct; the make-up of the panel, LA and SEN expert; and the outcomes. Drawing on the wider literature on justice and legal appeals, the paper draws out key features of exclusion appeals in the context of English state education, and discusses some inherent tensions and imbalances in equality that are embodied within such appeals.