

Checklist for the Governors Disciplinary Committee

This check list is **not** a replacement for the guidance; it is a good practice guide which references the guidance where appropriate. The guidance "*Exclusion from maintained schools, academies and pupil referral units in England - September 2012*" is available at www.gov.uk/government/publications/school-exclusion

The governing body may delegate their functions with respect to the consideration of an exclusion decision to a designated sub-committee consisting of at least three governors i.e. a Governors Disciplinary Committee (GDC) (*para.51*).

In the interest of natural justice, it should be obvious to the parents that the head teacher has not had contact with the governors ahead of the meeting.

Similarly, if a governor knows a parent or a child sufficiently well for a possible bias to exist, whether positive or negative, that governor should either not be a member of any GDC in respect of that child or should declare their relationship beforehand so that parents may object if they wish. Ideally, that should happen before the meeting takes place so that there is no unnecessary delay. If that happens at the start of any meeting, it is for the Chair to decide whether to continue with the meeting or whether to arrange another hearing.

The purpose of the GDC is to review, in its entirety, the head teacher's decision to exclude. They must consider the interest and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working in the school (*para.60*). They must also consider any representations made by parents and the head teacher (*para.61*). The evidence provided by all parties should be sufficient to establish, on the balance of probabilities (*para.62*), what happened and whether exclusion, and the length of the exclusion, was lawful, reasonable and procedurally fair, taking into account the head teacher's legal duties (*para.67*). National and local guidance and the school's own behaviour policies must also be taken into account as well as how the school has dealt with similar incidents in the past.

When governors arrive for the hearing they should:

- elect a chairperson and, if not already done, agree the procedures to be followed;
- ensure, with the Clerk, that the room is appropriate and that there is adequate table space for papers to be handled without difficulty by all parties - low coffee tables are best avoided if at all possible - if water or coffee is provided for governors, this should be available for all parties;
- do not talk to any of the other parties before the Clerk brings those parties into the room for the meeting.

During the meeting governors should:

- make sure that everyone has adequate opportunity to present their case and to question the other parties;
- do not allow any of the other parties (with the exception of the clerk) to remain in the room once the "open" part of the meeting has finished (*para.66*);
- ensure that all relevant information is discussed, and that the national and local guidance and relevant school policies have been considered, before coming to a decision.

After the other parties have left the meeting, Governors should:

- consider statements and other evidence from the school and the parents;
- consider whether there is sufficient evidence that the pupil did what is alleged;
- consider the fairness of the exclusion in relation to the treatment of any other pupils involved in the same incident;
- have regard to the Department for Education guidance "*Exclusion from maintained schools Academies and pupil referral units in England*" (as issued September 2012) on the appropriate use of exclusion and consider whether that guidance has been followed;
- have regard to the school's published behaviour policy, equal opportunities policy, anti-bullying policy, special educational needs policy and race equality policy;
- consider whether the head teacher has tried sufficient strategies to improve the pupil's behaviour before resorting to exclusion, and whether any further strategies could be tried as an alternative to exclusion;
- for permanent exclusions, satisfy themselves that all possible strategies to improve a pupil's behaviour, including the use of a PSP or CAF, have been tried and failed;
- decide whether to uphold the head teacher's decision to exclude and state the reasons for their decision;
- decide, if they do not uphold a permanent exclusion, the date the pupil will return to school. This must be included in the decision letter to parents, and no conditions can be imposed on the pupil in respect of that return (although the school would be well-advised in such circumstances, to consider a formal reintegration strategy before the pupil returns, and to include parent/carer in that reintegration).

Governors may find the following suggested procedure helpful:

Invite family and head teacher to join the meeting.

Chair welcomes and introduces everyone.

Chair or the Clerk outlines the purpose of the meeting (to review the head teacher's decision) and the procedures to be followed (ideally these have been provided with the letter inviting parents to the meeting).

Chair invites the head teacher to present the case for the exclusion.

Family has an opportunity to question the facts presented by the head teacher.

Governors have an opportunity to question the head teacher.

Chair invites family to put their case

Head teacher has an opportunity to question the family

Governors have an opportunity to question the family.

Chair asks the head teacher to summarise the case for exclusion.

Chair asks the family to make any final comments.

Head teacher and family leave the room.

Governors discuss the case and reach a decision.

Clerk writes to the parents, with a copy to the LA, setting out the decision and the reasons for it, within one school day of the meeting. The minutes of the meeting should be made available to all parties on request.

If the Committee upholds a permanent exclusion, the LA writes to the parents informing them of the Independent Review Panel procedure.

Model exclusion letters are available as Word documents at www.warwickshire.gov.uk/exclusionletters , with local information (such as the name of the Schools Appeals Officer) already completed.

Access to Education Team
Saltisford Office Park
Ansell Way
Warwick
CV34 4UL
01926 736323
exclusions@warwickshire.gov.uk
www.warwickshire.gov.uk/exclusions