

The Pupil Exclusion Process

- Comprehensive guidelines, published by the Department for Children, Schools and Families (DCSF) in September 2008, can be found on the 'teachernet' website using the following link:
www.teachernet.gov.uk/wholeschool/behaviour/exclusion/2008guidance
- Guidelines begin with the Headteacher's decision to exclude and follow the process through the Discipline Committee and Independent Appeals Panel stages. Model letters are provided as is specific guidance for situations involving the police and criminal proceedings.
- The purpose of this guidance is to offer governing bodies a summary of their own potential involvement in the process and to be a reference point in respect of powers, duties, proceedings and statutory time limits.

Notes:

1. All timescales mentioned in these guidelines refer to school days only (e.g. a fixed term exclusion of 15 school days; a statutory time limit of 50 school days)
2. A lunchtime exclusion is equivalent to half of one school day.
3. Although committees must comply with the time-limits, failure to do so does not relieve them of their legal obligations. Accordingly, decisions will not be invalid simply on the grounds of being made out of time.

Procedures for review and appeal

Governing bodies must establish arrangements to review promptly **all** permanent exclusions and **any** fixed term exclusion that would lead to a pupil;

- being excluded for more than 15 days in a school term.
- being excluded for 15 days or less in a school term where the parent or carer has expressed a wish to make representations. *(For such cases involving five days or less, the committee should consider the representations **but cannot** direct reinstatement).*
- missing a public examination.

The governing body must decide whether the headteacher's decision was justified or whether it is appropriate to reinstate the pupil. This role is to be discharged by a Discipline Committee.

The Discipline Committee

- It is good practice for your governing body to have pre-nominated a pool of governors from which to select the committee as and when the need arises.
- A committee chair, *(often the Chair of Governors)*, and clerk should be appointed.
- Quorum for meetings is three members.

- The committee must comprise either three or five governors (*associate governors ineligible*).
- If the committee membership falls to four, through illness, absence or stepping down of a governor (*perhaps where impartiality is an issue*) then the committee chair has the casting vote.
- Where an excluded pupil is at risk of missing a public examination the Discipline Committee should endeavour to convene ahead of the examination date. Exceptionally, where this is not practical, the Chair of Governors is empowered to act alone in discharging the committee's role.
- The Discipline Committee may consider any number of exclusions at a single meeting so long as the statutory time limits relating to each one are complied with.

Statutory time limits for convening meetings

The clerk or Chair must convene a meeting of the Discipline Committee within the following timescales from receipt of notice of an exclusion from the Headteacher:

- For fixed period exclusions of five days or less in any one term, where representation is made by the parent or carer = **no statutory time limit, but governors should respond promptly.**
- For fixed period exclusions totalling more than 5 days but not more than 15 days in any one term, where parents request a meeting = **between 6th and 50th day.**
- Fixed period exclusions totalling more than 15 days in any one term = **between 6th and 15th day.**

- For permanent exclusions = **between 6th and 15th day.**
- Where the pupil will miss a public examination = **ahead of examination date**

The actual date, time and place of the meeting should be convenient to all parties. The parent or carer can be accompanied by a friend or legal representative at their request.

Any written statements, including witness statements, should be circulated at least 5 days in advance of the meeting together with a list of those who will be present.

Procedure at the Discipline Committee meeting

- In opening the meeting the chair or clerk should explain the order in which the parties entitled to be heard will state their case, mentioning that there will be an opportunity for questioning by the other parties after each presentation.
- There should be an opportunity for the excluded pupil to attend the meeting and speak, if the parent or carer requests this.
- The chair should lead the committee in establishing the relevant facts. Sufficient time must be allowed for each party to put their case with questions from committee members ideally waiting until the end of each party's statement. It is important that governors adhere strictly to the procedure and to their brief so as to not unwittingly provide grounds for appeal.
- The Local Authority (LA) will, if practical, send an officer to all permanent and longer term fixed period exclusion meetings. The officer's role at the meeting is to

advise how other schools in the borough have dealt with similar incidents and clarify what alternative arrangements can be made for the pupils education. The officer is also likely to provide a general statement which will outline issues where there has been a lack of clarity and provide information and advice relating to the exclusion guidance and process.

- The committee members may ask the LA officer for specific technical advice but are required to make their decision alone, asking all other parties to withdraw. The clerk may remain to help with reference to notes and the wording of decisions.
- In reaching their decision the committee should consider any representations made by the parent, the pupil and the LA officer and whether the Headteacher has complied with the school's exclusion procedure and DCSF guidance.
- If considering reinstatement, the committee should seek the LA officer's views as to what support could be made available to assist with reintegrating the pupil.
- Where reinstatement is not the issue, for instance where the pupil has already returned to school, the committee must still consider whether the Headteacher's decision to exclude was justified based on the evidence. The outcome of this review should be added to the pupil's school record for future reference.
- The committee should inform the parent or carer, the Headteacher and the LA of their decision in writing within one day of the hearing, stating their reasons.

- For decisions against the exclusion, committee members may not attach any conditions to a direction to the Headteacher to reinstate the pupil.
- For a **permanent exclusion**, where the committee has decided to uphold the decision of the headteacher, the letter to the parent or carer should also include the following information:
 - reasons for the decision
 - the right to appeal to the Independent Appeal Panel and details of how to do so
 - the date by which the appeal must be lodged (*15 days from date of decision letter*)
 - that any appeal must set out the grounds for appeal.

A model letter (***model letter 5***) is provided within the DCSF comprehensive guidance notes.

After the meeting a copy of the Discipline Committee's decision letter should normally be placed on the pupil's school record with copies of relevant papers.