



Governors' Discipline Committee Meetings

Guidance for Governors

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1 Introduction

- 1.1 Governors involved in Discipline Committees to consider exclusions should find the information in this guidance helpful in preparing themselves for the meeting.
- 1.2 Governors should be confident that their decisions will be sound if they:
 - Familiarise themselves with the DfE Exclusion Guidance
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf
 - Consider the documentation carefully
 - Ask the relevant questions
 - Listen to representations from all parties

Remember:

- 1.3 Your role is to make a decision based on the information and evidence presented, and not opinion.
- 1.4 You should not use the Discipline Committee to investigate the case. That is the role of the Headteacher.
- 1.5 Your decision must be based on the balance of probabilities.
- 1.6 Only one of two decisions can be made:
 - Reinstatement (immediately, or at a later specified date for a particular reason)
 - Uphold the Headteacher's decision to exclude the child

2 Preparing for the meeting

2.1 As a Governor, you should receive the following documentation at least 5 school days before the date of the meeting.

Paperwork	Tick (✓)
1. Date, time and location of the meeting	
2. Completed Exclusions Reporting Forms /Exclusion letter	
3. List of people who will be attending the meeting (including the parent/carer and/or any representative; the excluded pupil (at the parent's request))	
4. Guidance on preparing yourself for the Governors Discipline Committee meeting	
5. Head's case reason for the exclusion.	
6. Date and time of pupil's interview with Headteacher (if applicable).	
7. Signed and dated statements from the excluded child, the victim and any witness/es. (Pupil witness statements should be anonymised for distribution purposes and must be factual (not hearsay))	
8. Behaviour record (only if a breach of school's written behaviour policies are persistent)	
9. An up to date record of all strategies tried with outcomes of each. This may include: <ul style="list-style-type: none"> • all strategies used to manage the pupil's behaviour, indicating realistic and relevant targets set within specified timescales, details of any review; • evidence of any multi-agency involvement; • details of any parent/carer involvement; • details of any parenting contracts or parenting orders; • details of any SEN plan/assessment, with dates or any action that has, or has not been followed up; • details of Local Authority and multi-agency support, for example, Education Psychology reports, with dates; • evidence that monitoring and reviewing procedures have been followed; • minutes of relevant meetings; • if the pupil is on the Special Educational Needs Code of Practice at school, details of meeting and/or referrals; • comments from any other professional or support agencies 	

3 Checklist for Governors at Discipline Committee meetings

- 3.1 If Governors are considering whether to confirm a Headteacher’s decision to exclude a pupil for more than 15 days or permanently, considerations must be given to arrangements for the pupil to continue his/her education.
- 3.2 Where the Discipline Committee is minded to direct reinstatement, they should ask the LA representative about what possible support could be provided to ensure successful reintegration.

As a Governor:	Yes	No
Was the level of support given to the pupil adequate and appropriate?		
Are you satisfied that the incident was not provoked and that there were no mitigating circumstances?		
If the child is in Public Care or in another vulnerable group, have you considered the likely consequences of the exclusion?		
Are you clear about the severity of the incident?		
If others were involved, were they treated differently? If so, was this justified?		
Are you clear that there were no discriminatory factors involved in the incident?		
Are you clear that there were no discriminatory factors involved in the decision to exclude?		
Are you clear about whether any alternatives to the exclusion (for example, a managed move or alternative provision) were actively pursued?		
Are you clear whether the Headteacher has jurisdiction to exclude the pupil?		
Has mediation been sought (if appropriate)?		
Has the parent been subject to a parenting contract/order?		
If the pupil is undergoing statutory assessment or has an EHCP, has every effort been made to support the pupil in school?		
If the pupil has an Education Health Care Plan has an urgent request for a review of the plan been made?		

Are you clear about whether the pupil has a recognised disability?		
Are you clear about whether the pupil has a diagnosed medical condition (for example, ADHD, Tourette's, Asperger's)?		
Are you clear whether the pupil's behaviour has adversely affected the normal running of the class/school?		
Have you taken the quality and breadth of evidence into account and attached a separate 'weighting' to each?		
If the pupil is present, have you allowed him/her to speak?		
Are you satisfied that the incident warranted the fixed term / permanent exclusion?		
Are you sure that the decision to exclude has been made in accordance with the school's behaviour policy?		
Are you clear about what standard of proof should be applying in this case?		
Are you clear that the exclusion has been made in accordance with the Law and DfE guidance on exclusion from school?		

4 Summary Exclusions Guidance for Governors

Purpose of the Discipline Committee

- 4.1 The purpose of a Discipline Committee is to:
- review exclusions and consider any representations made by parents; where reinstatement is a practical option the DC must consider whether to reinstate the [permanently excluded] pupil.
- 4.2 In reviewing fixed-term exclusions, Governors need only decide whether to uphold the Headteacher's decision to exclude. There is no question of reinstatement, as the pupil will still be on the school roll during a fixed-term exclusion.
- 4.3 Governors have the responsibility to ensure that no pupil is unofficially or informally excluded.
- 4.4 The DC meeting should not go ahead if it is not quorate – that is, three Governors.
- 4.5 A Chair should be agreed by the Governing Body (not the Headteacher) **before** a meeting takes place.

Governors who should not be on the Discipline Committee

- 4.6 Staff Governors
Parent Governors with children at the school
- 4.7 Any Governors with prior detailed knowledge of, or involvement in the incident, or who has any connection with the pupil that could affect their ability to act impartially.
- 4.8 If no alternative to staff and parent Governors could be found in the allowed time, staff and parent Governors could be used. The Chair should make this clear at the start of the meeting.

Role of Clerk to the Discipline Committee

- 4.9 The role of the Clerk to the Discipline Committee is to:
- set up the Discipline Committee meeting within agreed timescales;
 - invite and circulate relevant papers to people attending within agreed timescales;
 - **give advice to the Discipline Committee on exclusions procedure;**
 - take and distribute minutes of the meeting;
 - write to parents/carers and the LA about the decision.

At the Discipline Committee Meeting

- 4.10 Wherever possible, the LA representative, the parent/carer and any representative of Social Worker should enter the room at the same time as the Headteacher.
Governors should remain separate from other participants before and after the meeting.
- 4.11 The meeting should not go ahead if the parent/carer has not been notified, or where there is reasonable doubt regarding receipt of the notification.

Meeting Procedure

- 4.12 The Chair introduces him/herself and ask other Governors, the parent/carer and any representative, and others in attendance to do the same. Governors should indicate their status. The Chair should explain the role of the LA representative if present. The Chair should check that this is clear and agreeable to everyone.
- 4.13 The Chair should state the purpose of the meeting (see paragraph 3.1.1) and outline the following procedure:
- The Headteacher to give his/her report. This broadly follow details already given in circulated papers
 - Governors, parent/representative and LA representative (if present) should be given the opportunity to ask questions/seek clarity of the Headteacher. There is no strict order for who should ask questions first
 - Parent/representative give their views. Any written submission by the parent/carer should be read out by the Clerk
 - If the pupil is present, the Chair should ask for his/her views
 - Governors, Headteacher and LA representative (if present) should be given the opportunity to ask questions/seek clarity of the parent/representative. There is no strict order for who should ask questions first
 - Chair to satisfy him/herself that everyone has had an opportunity to ask questions
 - If present, LA representative to offer guidance
 - Parent/representative, the Headteacher and LA representative to leave the room.
 - Governors will decide to:
 - Uphold the exclusion
 - Reinstate the pupil immediately or at a date decided by them (in the case of permanent exclusion).
 - The Headteacher, parent/representative and LA representative to be informed of the decision **within one school day of the hearing (by telephone if possible), followed by a letter by first class post.**
- 4.14 The Chair confirms that everyone agrees with the procedure.

Reaching a Decision

- 4.15 Governors should ensure that the exclusion has been made in accordance with DfE guidance. The standard of proof to be used in **all** exclusions cases is, **‘the balance of probabilities’ not beyond reasonable doubt as in a court of law**. That is to say, if it is more probable than not that the pupil did what has been alleged, the exclusion may be appropriate.
- 4.16 Governors should ask questions about the support provided by the school to address the pupil’s behaviour.
If there is no evidence of this being provided, they should seriously consider if all strategies available to the school have been used to support the pupil.
Evidence of this must be taken into account in reaching a decision (except for one-off serious incidents where the decision to exclude is based solely on the evidence of the incident).
- 4.17 Similarly, where the pupil is looked after by the Local Authority (that is, in public care) or has Special Educational Needs, Governors should consider the possible consequences of the exclusion.

4.18 If a pupil is undergoing a Statutory Assessment or already has an Education Health Care Plan, Governors should avoid permanently excluding the pupil, other than in very exceptional circumstances.

4.19 Governors should:

- take into account the views of the parent and the LA;
- satisfy themselves that everyone has had the opportunity to give their view or to ask questions;
- decide whether, on the balance of probabilities, the incident was as reported;
- satisfy themselves that the school has done enough to support the pupil before the incident;
- decide if the nature of the offence/incident warrants the most serious response;
- take account of any mitigation;
- confirm that there was no alternative to the exclusion and that a range of strategies have been tried and failed; for example, alternative curriculum arrangements at Key Stage 4, use of external partners, for example, the BLIS Team (if appropriate), or a managed move to another school;
- satisfy themselves that the exclusion is not based upon or caused by the pupil's ethnicity, gender, Special Educational Needs, or disability;
- base their decision on the evidence put before them.

4.20 A decision to exclude may not be linked to the idea of the pupil being better able to access support services if permanently excluded.

At any time during the meeting, if reinstatement is being considered, Governors may ask the LA representative about what support might be made available to the pupil.

After the Meeting

4.21 Minutes of the meeting should be circulated to all parties, including the LA, within 5 working days of the meeting.

4.22 A note of the Disciplinary Committees views of the exclusion and the outcome of the meeting should normally be placed on the pupil's record, together with copies of relevant papers.

5 The Role of the LA

5.1 **The role of the LA is purely advisory.**

5.2 An LA representative should be invited to all meetings to consider permanent exclusions with the exception of meetings in Academies. A parent may invite a representative of the LA to attend a meeting of an Academy's governing body as an observer; the representative may only make representations with the governing body's consent.

5.3 **The LA representative will not ask the Governors to uphold an exclusion or to direct reinstatement.**

The LA representative should try to ensure that the relevant DfE guidance has been followed and has been taken into account in making the decision to exclude by the Headteacher and in the decision making of Governors.

5.4 In particular, the LA Officer may ask questions/comments on:

- alternatives taken to prevent the exclusion;
- the relevance of any judicial review to the case;

5.5 The LA representative may also draw the Governors' attention to the 2010 Equalities Act, if appropriate.

5.6 In the event of a permanent exclusion where the LA is unable to attend the meeting, written comments on the information provided for the meeting will be sent in lieu of attendance.

6 Guide on Asking Questions

- 6.1 This section should be completed as far as possible, as part of your preparation for the meeting.
- 6.2 **Has a thorough investigation taken place and have witness statements and supporting evidence been presented?**

Question	Answer or evidence/information presented
Where did the incident take place and was it during the normal school day/on school business?	
What were the set of circumstance that led to the incident? Was peer pressure involved?	
What opportunity was given to the parties concerned, including the victim, to make a statement?	
What opportunity was given to others present to make a statement?	
When were the statements taken and by whom?	
<p>Are witness statements based on 'hard' facts or opinion?</p> <p>For example, 'I saw' is factual; phrases such as 'I thought / I believe / it might' etc, are opinionated.</p>	
Is there any other form of evidence available, for example, CCTV?	

Question	Answer or evidence/information presented
Do witness statements and any evidence presented corroborates that of the victim?	
Was the incident racially motivated or influenced by homophobia?	
In terms of the evidence and information presented, are there any aspects in dispute? If so, what?	
<p>If this incident involved criminal behaviour, were the police involved?</p> <p>What was the advice given by the police?</p> <p>Will the police be taking any further action?</p>	
Have the needs of the victim been taken into account?	
Were the school's written policies relevant to the case taken into account in making the decision to exclude?	
Was this a full investigation and is there enough information to make a decision based on the balance of probabilities?	

Summary of discussion/notes

6.3 Has a range of strategies been tried to avoid the exclusion?

Home support/school liaison	Answer or evidence/information presented
Has the parent/carer been in regular contact with the school or made frequent visits to discuss the child's behaviour?	
Has the parent been given a parenting contract/order?	
Were any concerns raised by the Headteacher about parental lack of engagement?	
Is the parent/carer supportive of the school strategies?	
Has the school sought mediation and is the parent/carer in agreement?	
Has parent/carer or the school sought any other external advice/support?	
Is there any evidence that home support/school liaison is working to bring about positive change?	

6.4 In-school support/Alternatives to exclusion

Home support/school liaison	Answer or evidence/information presented
Has the school done enough to support the child and to avoid permanent exclusion?	
<p>Has the school, in conjunction with the LA, called a Child in Need meeting or, in the case of Special Educational Needs, a review meeting or other, to consider alternative strategies?</p> <p>Have the minutes of these meetings been presented?</p>	
Has the pupil been assessed for Special Educational Needs?	
Has the time spent in a Learning Support Unit been appropriate to the needs of the child?	
Was the time spent in a Learning Support Unit made any difference?	
Is there a system of rewards and sanctions in place and what effect have they had?	
What other in-school strategies have been tried and not worked?	
With the full support of the parent/carer and with the knowledge of the LA, has the school attempted a managed move?	
If the child is at key Stage 4, has the school considered alternative provision?	