



Thinking schools Academy Trust
“Transforming Life Chances”

Governors’ Discipline Committee
Terms of Reference

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Contents

Introduction.....	3
Purpose.....	3
Membership.....	3
Requirements on a Governors’ Discipline Committee to consider a Suspension/Permanent Exclusion.....	4
Record Keeping.....	4
Monitoring.....	4
Independent Review Panels (IRPs).....	5
GDC Arrangements.....	5
CCTV.....	6
Governors’ Discipline Committee Meeting Agenda.....	7
Script for the Chair of the GDC.....	8
Model Letters.....	10
Letter 1 - Letter from Clerk to parents confirming date for the GDC meeting.....	10
Letter 2 - GDC suspension letter (Reinstate).....	12
Letter 3 - GDC suspension letter (Uphold).....	14
Letter 4 - GDC permanent exclusion letter (reinstate).....	16
Letter 5 - GDC permanent exclusion letter (uphold).....	18
Letter 6 – Letter from clerk to parents confirming details of reconsideration hearing following IRP recommendation to reconsider.....	21
Letter 7 - Letter from clerk to parents confirming details of reconsideration hearing following IRP direction to reconsider.....	22
Letter 8 – Governors’ Discipline Committee Reconsideration Letter.....	24

Introduction

In order to support the effective operation of the Trust and the academies within the Trust (the Group) the Trust's Board of Directors (the Board) have established a committee to consider representations regarding excluded pupils. This committee will be referred to in this document as the "Governors' Discipline Committee", or "GDC".

The Board shall review bi-annually the membership and Terms of Reference of the Governors' Discipline Committee.

For the purpose of this document, any reference to a "term" means the periods from 31 December to Easter Monday, from Easter Monday to 31 July and from 31 July to 31 December.

Purpose

The purpose of the GDC is to review the headteacher's suspension or permanent exclusion decision.

The Governors' Discipline Committee will consider:

- *Parents' representations about a suspension or permanent exclusion*
- *Reinstatement of a suspended or permanently excluded pupil*

The purpose of the exclusion panel will depend on a number of factors. See page 38 of the [guidance on school suspensions and permanent exclusions](#)]

Membership

There are three types of Governor Discipline committee (GDC) meetings held;

The first type, is the hearing for a student's first GDC convened for 15.5 days of suspensions. The membership of this shall consist of two panel members, with a minimum of one governor and one AAB member or staff member (requirements of which are detailed below).

The second type, is for any further GDC hearings for suspensions hearings. The membership shall consist of three panel members, with a minimum of one Governor and two AAB members or staff members.

The third type, is for a permanent exclusion hearing. The membership of this shall consist of three panel members, with a minimum of two governors and one AAB member or staff member.

A Clerk will be appointed by the Trust.

Governors must have relevant and in-date training in Suspensions and Permanent Exclusions in order to be a member of the Governors' Discipline Committee. Training shall be monitored and arranged by the Clerk to the GDC.

Academy Advisory Board (AAB) members of TSAT schools may become a member of the GDC on completion of relevant training, and are limited to one AAB member per panel. AAB members are not eligible to chair the meeting.

Staff members may become a member of the GDC on completion of relevant training. Staff members will not Chair the meeting. Staff members will not sit on a GDC if they have had prior involvement with the family or if there is any business relationship of conflict with school leaders.

Requirements on a Governors' Discipline Committee to consider a Suspension/Permanent Exclusion

Type of exclusion/suspension	Period of exclusion/suspension	Requirements	Timeframe
Permanent		Must invite parents or pupil if over 18, Headteacher, the pupil's social worker if the pupil has one, the VSH for a LAC. For Academies, an LA representative must be invited if requested by the parents. Their role is as an observer unless the Governing Board give permission to make representations.	Within 15 School days of receiving notice of the exclusion
Suspension	Any – if exclusion results in pupil missing a public examination or national curriculum test	Must invite parents or pupil if over 18, Headteacher, the pupil's social worker if the pupil has one, the VSH for a LAC. For Academies, an LA representative must be invited if requested by the parents. Their role is as an observer unless the Governing Board give permission to make representations. *If the pupil will miss a public exam or national curriculum test, the governing board must take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.	Within 15 School days of receiving notice of the exclusion*
Suspension	Brings total to 15.5 days or more in a single term	Must invite parents or pupil if over 18, Headteacher, the pupil's social worker if the pupil has one, the VSH for a LAC. For Academies, an LA representative must be invited if requested by the parents. Their role is as an observer unless the Governing Board give permission to make representations.	Within 15 School days of receiving notice of the exclusion
Suspension	Brings total to above 5 but less than 15 days in a single term	If requested to do so by parents, must convene a meeting to consider reinstatement. Must invite parents or pupil if over 18, Headteacher, the pupil's social worker if the pupil has one, the VSH for a LAC. For Academies, an LA representative must be invited if requested by the parents. Their role is as an observer unless the Governing Board give permission to make representations. If parents do not request a governing board meeting, the board is not required to consider the suspension but does have the power to consider the reinstatement of the pupil.	50 school days
Suspension	Brings total to less than 5 days in a single term	The governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.	No deadline. Should happen within a reasonable amount of time.

Record Keeping

Minutes of the meeting shall be agreed by the Chair. Copies of the panel's meetings will be made available to all parties on request, and the record of discussion will state clearly how the decisions have been reached. The minutes and supporting documentation will be retained by the Clerk for not less than six months.

Monitoring:

The GDC panel will be responsible for:

- Considering the interests and circumstances of the suspended or permanently excluded pupil, and other pupils, staff, and school community.
- Making sure the following are invited to a meeting of the governing board and allowed to make representations or share information:
 - Parents (and, where requested, a representative or friend).
 - The pupil.
 - The Headteacher/Principal and other school staff (SENCO, DSL, etc) as determined by the school.
 - The pupil's social worker, if they have one.
 - The virtual school head (VSH) if the pupil is looked after .
 - A representative of the local authority (LA), where requested by the parent or school.
- Making sure the pupil or their parents are aware of their right to attend and participate in the governing board meeting, enabling the pupil to make a representation on their own behalf if they wish to do so.

- Applying the civil standard of proof (i.e. ‘on the balance of probabilities’) rather than the criminal standard (‘beyond reasonable doubt’) when establishing the facts of the suspension or permanent exclusion.
- Deciding whether to:
 - Decline to reinstate the pupil, or
 - Direct reinstatement of the pupil immediately or on a particular date.

Independent Review Panels (IRPs)

Independent Review Panels (IRPs) contribute to a robust process of scrutiny to ensure that exclusions are lawful, reasonable, and procedurally fair. The role of the IRP is to review the governing body’s decision not to reinstate a permanently excluded pupil.

The Thinking schools Academy Trust arranges its own IRPs. Requests for an IRP where a permanent exclusion has been upheld should be made to the GDC Clerk within 15 school days of notice being given to the parents by the governing board of its decision not to reinstate a permanently excluded pupil.

Further details on the role and powers of IRPs can be found in Part Ten of the [Statutory Guidance on Exclusions](#).

GDC Arrangements

In order to meet legal obligations, it is imperative that the schools work with the Clerk to the GDC to ensure that timelines will be met. Therefore, the following responsibilities for each party shall apply.

The school will;

- notify the Clerk on the day that the suspension/permanent exclusion is issued when a GDC meeting is required.
- provide the Clerk with a copy of the suspension/permanent exclusion letter.
- provide the Clerk with contact details of parents and any other relevant agencies (Social Workers, Virtual school, etc).
- use the template report for Governors as set out in the school’s Suspension and Permanent Exclusion Policy.
- where the school and/or governors are local to the Clerk, provide the Clerk with all documentation relating to the suspension/permanent exclusion and student, allowing time for the Clerk to circulate to all parties at least 5 school days before the meeting.
- where the school and/or governors are not local to the Clerk, print and circulate all documentation relating to the suspension/permanent exclusion and student, allowing time for this to be received by all parties at least 5 school days before the meeting.
- provide a suitable venue for the meeting and refreshments where required.
- refrain from speaking to GDC panel meetings prior to the meeting.
- prioritise attendance to the meeting for the Headteacher/Principal and any other required members of staff. (The GDC members may deem it appropriate to adjourn the meeting should the Headteacher/Principal not be in attendance to the meeting.)

The Clerk will;

- liaise with GDC members to identify their availability and suitability to attend the meeting.
- advise schools of availability and agree a date.
- write to the parent and all other attendees to advise the date and time of the meeting. This will include informing the parents on their right to request the meeting to be held via the use of remote access.
- set up the meeting remotely if this has been requested by the parents.
- where the school and/or governors are local to the Clerk, print and collate all documentation provide by the school and circulate to all parties at least 5 school days before the meeting.
- where the school and/or governors are not local to the Clerk, provide details of attendees to the school for documentation to be circulated.

Governors' Discipline Committee Panel members will;

- where the school and/or governors are not local to the Clerk, provide details of attendees to the school for documentation to be circulated.
- undertake training, as provided by the Trust.
- attend up dated training when guidance is reviewed.
- attend meetings in person where possible.
- allow adequate time to review documentation prior to the meeting.
- refrain from discussing the student or incident with the Headteacher/Principal or school staff prior to the meeting.
- attend a pre-meeting with other GDC panel members and Clerk prior to the meeting.
- have due regard to statutory guidance for suspensions/permanent exclusions, SEN and equality.

CCTV

Where a school has Close Circuit Television (CCTV) within its premises, the following shall apply.

- CCTV can be shown in the GDC meeting, however it is to be not shared beforehand (Data Protection will be considered if the hearing is being held virtually).
- CCTV footage should be securely sent to the Clerk to share at the hearing.
- CCTV footage must be deleted by the Clerk after the appeal timeframe has lapsed.
- No recording of the CCTV footage is allowed during the hearing.
- The Clerk and Headteacher/Principal must discuss and use common sense approach on whether the footage is appropriate and proportionate to share, taking into consideration any safeguarding issues.
- If there are any risks to others within images they should be blurred/edited or not shown.
- If appropriate and proportionate, CCTV should be shared irrelevant of whether it adds value to the school's case or not.

If footage of an incident recorded by other means (such as mobile phones or social media) is used in the Headteacher/Principal's decision making, the CCTV must be shared as per the list above. This should be shared to a TSAT device and then deleted in the same manner as above. Exceptional circumstances, such as covert recording or recording not in a public place, will need to be discussed with the Clerk/Head of Compliance/Head of Safeguarding, as appropriate.

Whilst most Suspensions would not automatically trigger a GDC meeting, the school must have due regard to a parent's right to appeal. Therefore, if CCTV has been used as part of a Headteacher/Principal's decision to suspend a student for any period of time, this should be preserved for 50 school days.

Please refer to the school's Exclusion Policy for further information.

Governors' Discipline Committee Meeting Agenda

1. Welcome and introductions by the Chair, who will explain the purpose and reasons for the meeting:

- to review the suspension/permanent exclusion;
- to consider the views of the parents;
- to check that the Headteacher/Principal had regard to current DfE guidance and the school's policies.

2. The Chair to explain possible outcomes of the meeting:

The Governors' Discipline Committee will decide whether or not to reinstate the pupil. A letter will be posted to the parents the following business day giving reasons for the decision.

3. The school will put its case, explaining the circumstances and reasons for the decision to suspend/permanently exclude the student.

4. The parents and/or their representative may ask questions of the school, their representative, and their witnesses.

5. The GDC may ask questions of the school, their representative, and their witnesses.

6. The parents and/or their representative will put their case, making clear any differences of opinion.

7. The school may ask questions of the parents, their representative, and their witnesses.

8. The GDC may ask questions of the parents, their representative, and their witnesses.

9. Advice from the Local Authority's Exclusions Officer (if attending).

10. The GDC may ask questions of the LA Exclusions Officer (if attending).

11. The Chair will ask the pupil, if present, if they wish to say anything more.

12. The Chair will ask if anyone else has anything more they want to say.

13. Summing up by the school (without introducing new evidence).

14. Summing up by the parents and/or their representative (without introducing new evidence).

15. Concluding comments from the Chair of the Discipline Committee.

- The Chair will summarise the key points that the Discipline Committee will take into account when it makes its decision.
- The Chair will ask the parents if they are satisfied they have been able to present their case fairly.
- The Chair confirms when the Discipline Committee will issue its decision.

All parties, except the Governors' Discipline Committee and Clerk, will leave the room and a decision will be made which will be confirmed in writing.

Script for the Chair of the GDC

Chair's Opening Remarks

Introductions

1. Welcome — my name is [xx]. I am the chair of this governors disciplinary committee. This is a committee made up of three governors.
2. [xx] is instructed to clerk these proceedings
3. I will now ask each person present to introduce themselves.
 - a. [xx] is/are [xx's] parent(s)
 - b. [xx] is representing [xx's] parent(s)
 - c. [xx] is the school's Headteacher /Principal
 - d. [xx] is the social worker
 - e. [xx] is the virtual school head (VSH)
 - f. [xx] on behalf of the local authority (this person only to be invited if requested by the parents. They may only make representations if the academy agrees, otherwise they may only observe.)

Independence

4. The governing board committee will reach its decision based on the information presented at this hearing today, both written and spoken, and its decision will not be influenced by any other persons or bodies.
5. The clerk, is here only to advise on matters of procedure and law and not to influence our decision. We may ask the clerk some legal questions when we consider the information presented to us, and you can be assured that we will reach our decision independently.

Procedure

6. You will have received a copy of the procedure we intend to follow today. Can you confirm that you have received it? The procedure is as follows:
 - a. The headteacher will present the case for [suspension OR exclusion]
 - b. The parents/their representative, [social worker], [virtual school head] and the committee may ask questions
 - c. The parents/their representative will present the case for reinstatement
 - d. The headteacher and committee may ask questions
 - e. [[The social worker] [The virtual school head] may make any comments about the suspension OR exclusion, and the parents/their representative, headteacher and the committee may ask questions]
 - f. [The local authority representative may make any comments about the suspension OR exclusion, and the parents/their representative, headteacher and the committee may ask questions]
 - g. The headteacher sums up their case and the parents/their representative will sum up their case. All parties other than the committee and clerk will then leave to allow the committee to make a decision.
7. If you forget to say anything or ask questions at the right point in the procedure, don't worry I'm happy to go back to cover anything you may have missed. I want you to feel that you have been given every opportunity to have your say.

Decision

8. The role of the committee is to review the headteacher's decision to [suspend OR permanently exclude] [xx]. At the end of the hearing we can either reinstate [xx] or decline to reinstate.
9. In reaching a decision on whether or not [xx] should be reinstated, the committee will consider whether the decision to [suspend or permanently exclude] [xx] was lawful, reasonable and procedurally fair. We will consider the welfare and safeguarding of [xx] and their peers, the headteacher's legal duties and any evidence presented to us in relation to the decision to exclude. We will consider both the interests and circumstances of [xx], and those of other pupils, staff and the school community as a whole.
10. Clear minutes will be taken of this meeting as a record of the evidence that we considered. These minutes will be made available to all parties on request and the record of discussion will state clearly how our decision has been reached.



11. Once we have made our decision, we will inform the clerk, who will record it and then write to notify you of our decision. The Clerk will write to you as soon as possible after the conclusion of this hearing.

Does anyone have any questions?

Model Letters

Letter 1 - Letter from Clerk to parents confirming date for the GDC meeting

[Name of Parent(s)]

[Address]

[Date]

Dear [Name of Parent(s)]

Re: [Governing board/discipline committee] review meeting in respect of [name of pupil]'s [suspension OR exclusion] from [name of school]

I am writing to inform you that the Governor's Discipline Committee meeting has been scheduled to take place at [insert address]] at [insert time] on [insert date]. At this meeting the Governor's Discipline Committee will consider whether to reinstate [name of pupil] following the headteacher's decision to [[issue a suspension from [date] to [date]][permanently exclude [name of pupil] on [date]].

Please confirm as soon as possible whether you wish to attend this meeting or, if you wish to attend but are unable to make this date, let me know at the earliest opportunity so that I can attempt to reschedule the meeting. Parents/carers have the right to request that this meeting take place virtually by the use of remote access e.g., live video link which the clerk will set up and ensure meets the conditions for remote meetings. If you would like to request a virtual meeting as opposed to in person, please contact the clerk at GDC@tsatrust.org.uk.

If you have any documents you wish to be circulated in advance of the meeting, please send them to 'The Clerk to the Governing Board' at the address shown at the top of this letter, or by email to [insert email address]. Receipt (whether by post or email) must be no later than 12pm on [insert date]. Any such documents will be forwarded to the Governor's Discipline Committee, Headteacher/Principal and all other parties who will be in attendance to the meeting. Please note that if you introduce any new documents at the meeting which have not been circulated in advance, the meeting may be adjourned to a later date.

A copy of the documentation in preparation for the meeting will be posted to you at least five school days prior to the meeting.

At the meeting, you may make representations to the Governor's Discipline Committee if you wish and ask them to reinstate your child in school. The Governor's Discipline Committee has the power to reinstate your child immediately or from a specified date, or, alternatively, it has the power to uphold the [suspension OR exclusion, in which case you may request that its decision be reviewed by an independent review panel].

[If you wish to make representations to the Governor's Discipline Committee and wish to be accompanied by a friend and/or representative, please contact [name] on [number/email] as soon as possible. Please let me know if [name of pupil] will attend the meeting and whether they would like to make any written and/or oral representations. OR

I understand that you [and [name of pupil]] will be attending the meeting and that you will be accompanied by [name of friend and/or representative].

[[name of pupil]'s [social worker] [Virtual School Head] [will be OR has been] invited to the meeting].

You may request that a representative of the local authority attends the meeting (together with a representative of your home local authority if different from the school's). Any local authority representative will attend as an observer only, unless permission is granted by the Governor's Discipline Committee for representations to be made. Please confirm whether you would like a representative of the local authority (and your home local authority, if different) to attend the hearing.



Please let me know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform [name] if it would be helpful for you to have an interpreter present at the meeting. If you think this [suspension/permanent exclusion] relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the Governor's Discipline Committee.

If you have any queries in relation to the arrangements or the documentation, please do not hesitate to contact me at [email address].

Yours sincerely

[Name]

Clerk to the Governor's Discipline Committee

Letter 2 - GDC suspension letter (Reinstate)

[Name of Parent(s)]

[Address]

[Date]

Dear [parent name(s)]

Governors' Discipline Committee Suspension Review Outcome

I write further to the suspension of [name of pupil] from [name of school] and the Governors' Discipline Committee meeting [that you attended] that took place on [date].

[The Governors' Discipline Committee must consider whether or not to reinstate a pupil if they receive [a suspension that takes the number of suspensions in a term to over 15 days/a suspension that results in a pupil missing a public examination].]

OR

[You asked the Governors' Discipline Committee to consider this suspension, which took [name]'s total days of suspension to [number up to fifteen].] **OR** [The Governors' Discipline Committee decided to review this suspension, even though you had not requested it.]

The Governors' Discipline Committee delegated this responsibility to a committee of [three] [governors/trustees]. [The [governors] thank you for your attendance and the points that were made in the meeting.]

The Governors' Discipline Committee after carefully considering the representations made and all the available evidence, have decided to [reinstate [name] to the school and overturn the suspension]. [As the suspension has already taken place and [name] is back in school,] [a/A] note to this effect will be placed on [name]'s education record.

The Governors' Discipline Committee's role is set out in the Department of Education suspensions and permanent exclusions statutory guidance (July 2022). The Governors' Discipline Committee had to look at the circumstances of the suspension, [name]'s interests and those of the school community and determine whether the headteacher's decision was lawful, reasonable and procedurally fair. The Governors' Discipline Committee] decided to approach the matter using the headings suggested in paragraph 122.

The reasons for the decision are as follows:

Was the decision to suspend the pupil lawful?

[Give full reasons for the decision. Under lawfulness the following should be covered:

Did the Headteacher take the decision?

Is there sufficient evidence on the balance of probabilities that the behaviour occurred as described by the Headteacher?

Were relevant school policies followed?

If behaviour occurred outside of school time, was it reasonable for the school to sanction for this?

Have SEN been identified – if so, did the school follow the SEND Code of Practice and use its best endeavours to provide support?

Has the school's SEN policy been followed? What support was provided to the pupil?

Does the suspended pupil have a disability? If so, have reasonable adjustments been made? Was suspension a proportionate decision?

Was the suspension reasonable?

[Give reasons as to why it was a reasonable decision. Under reasonableness the following should be covered:

Was this a decision that was within the reasonable range of responses for a Headteacher to make?

Was the behaviour policy followed, particularly in respect of support and interventions?

Were all relevant considerations considered by the Headteacher before they made their decision? If not and they had been considered, might it have resulted in a different decision?

Were irrelevant elements considered by the Headteacher (e.g. behaviour of parents, inability to meet child's needs)?

Was it a proportionate decision?

Were there any procedural flaws?

[Under procedural fairness, the following should be included:

Were the relevant letters sent without delay?

Was the statutory guidance followed? If not, why not and what impact did this have?

Was a thorough investigation undertaken?

Make sure that the reasons cover the specific points, if any, that have been made by the parent(s). It may be that the parental representations focus on specific points that the GDC will need to pay particular attention to].

Despite their decision, Governors' Discipline Committee wished to recognise that their findings did not take away from the fact that [name] had breached the school's behaviour policy. The Governors' Discipline Committee hope that this decision provides an opportunity for a fresh start between [name] and school.

Yours sincerely

Clerk to the Governors' Discipline Committee

cc. Headteacher

[Virtual School Headteacher]

[[name], Social Worker]

Letter 3 - GDC suspension letter (Uphold)

[Name of Parent(s)]

[Address]

[Date]

Dear [parent name(s)]

Governors' Discipline Committee suspension review outcome

I write further to the suspension of [name] from [name of school] and Governors' Discipline Committee meeting [that you attended] that took place on [date].

[The Governors' Discipline Committee board must consider whether or not to reinstate a pupil if they receive [a suspension that takes the number of suspensions in a term to over fifteen days/a suspension that results in a pupil missing a public examination].]

OR

[You asked the Governors' Discipline Committee to consider this suspension, which took [name]'s total days of suspension to [number up to fifteen] in the term.] **OR** [The Governors' Discipline Committee decided to review this suspension, even though you had not requested it.]

The Governors' Discipline Committee delegated this responsibility to a committee of [three] governors. [The Governors' Discipline Committee thank you for your attendance and the points that were made in the meeting.]

The Governors' Discipline Committee, after carefully considering the representations made and all the available evidence, have decided to uphold [name]'s suspension.

The Governors' Discipline Committee role is set out in the Department of Education exclusions statutory guidance (July 2022). The Governors' Discipline Committee had to look at the circumstances of the exclusion, [name]'s interests and those of the school community and determine whether the headteacher's decision was lawful, reasonable and procedurally fair. The Governors' Discipline Committee decided to approach the matter using the headings suggested in paragraph 122.

The Governors' Discipline Committee reasons for the decision are as follows:

Was the decision to exclude the pupil lawful?

[Give full reasons for the decision. Under lawfulness the following should be covered:

Did the headteacher take the decision?

Is there sufficient evidence on the balance of probabilities that the behaviour occurred as described by the headteacher?

Were relevant school policies followed?

If behaviour occurred outside of school time, was it reasonable for the school to sanction for this?

Have SEN been identified – if so, did the school follow the SEND Code of Practice and use its best endeavours to provide support?

Has the school's SEN policy been followed? What support was provided to the pupil?

Does the excluded pupil have a disability? If so, have reasonable adjustments been made? Was suspension a proportionate decision?

Was the exclusion reasonable?

[Give reasons as to why it was a reasonable decision. Under reasonableness the following should be covered:

Was this a decision that was within the reasonable range of responses for a headteacher to make?

Was the behaviour policy followed, particularly in respect of support and interventions?

Were all relevant considerations taken into account by the headteacher before they made their decision? If not and they had been considered, might it have resulted in a different decision?

Were irrelevant elements considered by the headteacher (e.g. behaviour of parents, inability to meet child's needs)?

Was it a proportionate decision?

Were there any procedural flaws?

[The following should be covered under procedural fairness:

Were the relevant letters sent without delay?

Was the statutory guidance followed? If not, why not and what impact did this have?

Was a proper investigation undertaken?

Make sure that the reasons cover the specific points, if any, that have been made by the parent(s). It may be that the parental representations focus on specific points that the governors will need to pay particular attention to].

The Governors' Discipline Committee recognise that you will be disappointed by their decision, but they hope that [name] reflects on their behaviour moving forwards.

Yours sincerely

Clerk to the Governors' Discipline Committee

cc. Headteacher

[Virtual School Headteacher]

[[name], Social Worker]

Letter 4 - GDC permanent exclusion letter (reinstate)

[Name of Parent(s)]

[Address]

[Date]

Dear [parent name(s)]

Governors' Discipline Committee permanent exclusion review outcome

I write further to the permanent exclusion of [name of pupil] from [name of school] and the Governors' Discipline Committee meeting [that you attended] that took place on [date]. The Governors' Discipline Committee must consider a permanent exclusion and they delegate this responsibility to a committee of [three] governors. The Governors' Discipline Committee thank you for your attendance and the points that were made in the meeting.]

The Governors' Discipline Committee, after carefully considering the representations made and all the available evidence, have decided to reinstate [name] to the school [with immediate effect/on [date]]. The headteacher will be in touch to discuss the practicalities of reinstatement.

The Governors' Discipline Committee's role is set out in the Department of Education exclusions statutory guidance (July 2022). The Governors' Discipline Committee had to look at the circumstances of the exclusion, [name]'s interests and those of the school community and determine whether the headteacher's decision was lawful, reasonable and procedurally fair. The Governors' Discipline Committee decided to approach the matter using the headings suggested in paragraph 122.

The Governors' Discipline Committee' reasons for the decision are as follows:

Was the decision to exclude the pupil lawful?

[Give full reasons for the decision. Under lawfulness we would expect the following to be covered:

Did the headteacher take the decision?

Were there persistent breaches or a serious breach of the school's behaviour policy?

Is there sufficient evidence on the balance of probabilities that the behaviour occurred?

Would serious harm result to the pupil themselves or to others if the pupil were to be reinstated?

If the behaviour occurred outside of school time, was it reasonable for the school to sanction for this?

Were relevant school policies followed?

*Have SEN been identified – if so, did the school follow the SEND Code of Practice and use its best endeavours to provide support?
Has the school's SEN policy been followed? What support was provided to the pupil?*

Does the pupil have a disability? If so, have reasonable adjustments been made? Was it a proportionate decision?

If the permanent exclusion was issued immediately after a suspension, were there exceptional circumstances to justify a new decision to exclude being made (e.g. further evidence or some other reason)?

Was the exclusion reasonable?

[Give reasons as to why it was a reasonable decision. Under reasonableness we would expect the following to be covered:

Was this a decision that was within the reasonable range of responses for a headteacher to take?

Was the behaviour policy followed, particularly in respect of support and interventions?

Were all relevant considerations taken into account by the headteacher before they made their decision? If not and they had been considered, might it have resulted in a different decision?

Were irrelevant elements considered by the headteacher (e.g. behaviour of parents, inability to meet child's needs)?

Was it a proportionate decision? (Was it a decision of last resort? Were alternatives considered?)

Were there any procedural flaws?

[We would expect the following to be covered under procedural fairness:

Were the relevant letters sent without delay?

Was the statutory guidance followed? If not, why not and what impact did this have?

Was a proper investigation undertaken?

Make sure that the reasons cover the specific points, if any, that have been made by the parent(s). It may be that the parental representations focus on specific points that the governors will need to pay particular attention to].

The Governors' Discipline Committee sincerely hope that this decision acts as a fresh start for all parties.

Yours sincerely

Clerk to the Governors' Discipline Committee

cc. Headteacher

[Virtual School Headteacher]

[(name), Social Worker]

Letter 5 - GDC permanent exclusion letter (uphold)

[Name of Parent(s)]

[Address]

[Date]

Dear [parent name(s)]

Governors' Discipline Committee permanent exclusion outcome

I write further to the permanent exclusion of [name] from [name of school] and the Governors' Discipline Committee meeting [that you attended] that took place on [date]. The Governors' Discipline Committee must consider a permanent exclusion and it delegates this responsibility to a committee of [three] Governors. [The Governors' Discipline Committee thank you for your attendance and the points that were made in the meeting.]

The Governors' Discipline Committee, after carefully considering the representations made and all the available evidence, have decided to uphold [name]'s permanent exclusion.

The Governors' Discipline Committee's role is set out in the Department of Education exclusions statutory guidance (July 2022). The Governors' Discipline Committee had to look at the circumstances of the exclusion, [name]'s interests and those of the school community and determine whether the headteacher's decision was lawful, reasonable and procedurally fair. The Governors' Discipline Committee decided to approach the matter using the headings suggested in paragraph 122.

The Governors' Discipline Committee' reasons for the decision are as follows:

Was the decision to exclude the pupil lawful?

[Give full reasons for the decision. Under lawfulness we would expect the following to be covered:

- Did the headteacher take the decision?
- Were there persistent breaches or a serious breach of the school's behaviour policy?
- Is there sufficient evidence on the balance of probabilities that the behaviour occurred?
- Would serious harm result to the pupil themselves or to others if the pupil were to be reinstated?
- If the behaviour occurred outside of school time, was it reasonable for the school to sanction for this?
- Were relevant school policies followed?
- Have SEN been identified — if so, did the school follow the SEND Code of Practice and use its best endeavours to provide support? Has the school's SEN policy been followed? What support was provided to the pupil?
- Does the pupil have a disability? If so, have reasonable adjustments been made? Was it a proportionate decision?
- If the permanent exclusion was issued immediately after a suspension, were there exceptional circumstances to justify a new decision to exclude being made (e.g. further evidence or some other reason)?

Was the exclusion reasonable?

[Give reasons as to why it was a reasonable decision. Under reasonableness we would expect the following to be covered:

- Was this a decision that was within the reasonable range of responses for a headteacher to take?
- Was the behaviour policy followed, particularly in respect of support and interventions?

- Were all relevant considerations taken into account by the headteacher before they made their decision? If not and they had been considered, might it have resulted in a different decision?
- Were irrelevant elements considered by the headteacher (e.g. behaviour of parents, inability to meet child's needs)?
- Was it a proportionate decision? (Was it a decision of last resort? Were alternatives considered?)

Were there any procedural flaws?

[We would expect the following to be covered under procedural fairness:

- Were the relevant letters sent without delay?
- Was the statutory guidance followed? If not, why not and what impact did this have?
- Was a proper investigation undertaken?

Make sure that the reasons cover the specific points, if any, that have been made by the parent(s). It may be that the parental representations focus on specific points that the governors will need to pay particular attention to].

You have the right to request a review of this decision by an independent review panel. If you wish to do so, please notify [name of contact] of your wishes. You must set out the reasons for your review in writing; if relevant, this should include a reference to how the pupil's special educational needs (SEN) are considered to be relevant to the exclusion and send this notice of review to [address/email] by no later than [specify the date – 15 days from the decision being received]. If you have not lodged a review by [repeat date], you will lose your right to a review. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. You may bring a friend to the review, or at your own expense appoint someone to make written and/or oral representations to the panel. Also, please inform [name of the clerk to the review panel] if it would be helpful for you to have an interpreter present at the hearing. [[name of pupil]'s [social worker][Virtual School Head] will be invited to the hearing].

Your review will be heard by an independent review panel. A three-member panel will comprise: one serving or recently retired (within the last five years) headteacher; one serving (or recently serving) experienced governor; and one lay member, who will be the chair.

You may request the presence of a SEN expert, the costs of which shall be met by the school. The role of the SEN expert will be to provide impartial advice on how special educational needs may be relevant to the exclusion, and they should advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair manner with respect to any identification of SEN, and any contribution this could have made to the circumstances of the permanent exclusion.

The review panel will re-hear all the facts of the case — if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th school day after the date on which your request is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

In determining your review the panel can make one of three decisions: they may uphold your child's exclusion; they may recommend that the governing body reconsiders its decision to exclude your child; or they may quash the governing body's decision and direct that the governing body considers the exclusion again. If the review panel either recommends or directs that the governing body reconsider its decision, a further meeting must be convened at the school within 10 school days of the governors receiving the panel decision.

In addition to the right to apply for an independent review panel, if you believe that the exclusion has occurred as a result of discrimination relating to a disability, you may make a claim under the Equality Act 2010 (within six months of the incident) to the First Tier Tribunal (Special Educational Needs and Disability) www.justice.gov.uk/tribunals/send/appeals. In the case of other forms of discrimination, a claim may be made to the County Court. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which your child was excluded.



There are sources of free and impartial advice available on exclusions:

- Statutory guidance on suspensions and exclusions: <https://www.gov.uk/government/publications/school-exclusion>
- Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)

The Governors' Discipline Committee recognise that you will be disappointed by their decision. The Governors' Discipline Committee sincerely believe that this is in the best long-term interests of [name] and wish you and [name] all the best in the future.

Yours sincerely

Clerk to Governors' Discipline Committee

cc. Headteacher

[Virtual School Headteacher]

[[name], Social Worker]



Letter 6 – Letter from clerk to parents confirming details of reconsideration hearing following [IRP recommendation](#) to reconsider

[Name of Parent(s)]

[Address]

[Date]

Dear [Name of Parent(s)]

Reconsideration of permanent exclusion of [name of pupil] by the Governors' Discipline Committee

I write further to the decision of the independent review panel in respect of [name of pupil]'s permanent exclusion from [name of school] dated [date].

As a consequence of the independent review panel's decision to recommend that the Governors' Discipline Committee review its decision, the Governors' Discipline Committee must reconvene within 10 school days of the independent review panel's decision. This means that the Governors' Discipline Committee must meet to reconsider [name of pupil]'s permanent exclusion no later than [date].

The Governors' Discipline Committee will look afresh at the question of reinstating [name of pupil] in light of the findings of the independent review panel, without seeking further representations from any party. It will review the independent review panel's decision letter and all the papers prepared for the independent review panel hearing. If you have any further documents that you wish the Governors' Discipline Committee to consider, please send these to me as soon as possible.

The Governors' Discipline Committee's decision will be sent to you within five school days of its meeting.

Clear minutes will be taken of the meeting as a record of the evidence that was considered by the Governors' Discipline Committee. These minutes will be made available to all parties on request.

Yours sincerely

[Name]

Clerk to the Governors' Discipline Committee

Letter 7 - Letter from clerk to parents confirming details of reconsideration hearing following IRP [direction](#) to reconsider

[Name of Parent(s)]

[Address]

[Date]

Dear [Name of Parent(s)]

Reconsideration of permanent exclusion of [name of pupil] by the Governors' Discipline Committee

I write further to the decision of the independent review panel in respect of [name of pupil]'s permanent exclusion from [name of school] dated [date].

As a consequence of the independent review panel's decision to quash the original Governors' Discipline Committee decision and direct reconsideration, the Governors' Discipline Committee must reconvene within 10 school days of the independent review panel's decision. This means that the Governors' Discipline Committee hearing must take place no later than [date].

[NB There is no requirement for a full re-hearing or to seek additional representations from the parties. However, there may be some circumstances where it would be in the interests of natural justice to do so e.g. if the panel criticised the lack of key documents/evidence in the papers provided to the original GB that they ought to have seen and have now requested from the school, then it would be appropriate for the school and parents to be invited to attend so that parents are able to review and challenge that new evidence].

[The Governors' Discipline Committee will reconsider the permanent exclusion at [insert address] at [insert time] on [insert date]. You may attend the hearing and present your case for reinstatement. I would be grateful if you would let me know as soon as possible whether you will be in attendance and whether [name of pupil] will also be attending.

The Governors' Discipline Committee will have access to the independent review panel's decision letter and all the papers prepared for the independent review panel hearing. Please bring these documents with you. If you have discarded these documents, please let me know and I will arrange for a fresh bundle of documents to be sent to you.

If you have any further documents that you wish the Governors' Discipline Committee to consider, please send these to me as soon as possible.

I look forward to hearing from you.]

OR

[The Governors' Discipline Committee will look afresh at the question of reinstating [name of pupil] in light of the findings of the independent review panel, without seeking further representations from any party. It will review the independent review panel's decision letter and all the papers prepared for the independent review panel hearing.

If you have any further documents that you wish the governing board to consider, please send these to me as soon as possible.

The Governors' Discipline Committee's decision will be sent to you within five school days of its meeting.

Clear minutes will be taken of the meeting as a record of the evidence that was considered by the Governors' Discipline Committee. These minutes will be made available to all parties on request.]



Yours sincerely

[Name]

Clerk to the Governors' Discipline Committee

Letter 8 – Governors’ Discipline Committee Reconsideration Letter

[Name of Parent(s)]

[Address]

[Date]

Dear [Name of Parent(s)]

Reconsideration of permanent exclusion of [name of pupil] by the Governors’ Discipline Committee

I write further to the decision of the independent review panel in respect of [name of pupil]’s permanent exclusion from [name of school] dated [date] and the subsequent Governors’ Discipline Committee meeting held on [date].

The meeting was held pursuant to the decision of the independent review panel dated [date], which had [quashed the previous Governors’ Discipline Committee decision dated [date] and directed reconsideration] or [recommended that the Governors’ Discipline Committee reconsidered its decision dated [date]]. The meeting took place in accordance with the timescales and other requirements set out in the School Discipline Regulations 2012 and the Department for Education (DfE) guidance on exclusions (July 2022) with responsibility delegated to a committee of [three] members of the Governors’ Discipline Committee.

In approaching the reconsideration meeting the Governors’ Discipline Committee reviewed the material presented at the original hearing and considered whether or not its previous findings and decision should be changed or upheld in light of the independent review panel’s findings. The Governors’ Discipline Committee also had regard to the DfE guidance on exclusions (as required by the School Discipline Regulations 2012). As the independent review panel had [quashed the previous Governors’ Discipline Committee decision][recommended the Governors’ Discipline Committee reconsider the previous decision], the governors at this hearing approached the matter in accordance with the legal framework applicable to exclusions and the DfE guidance. This required the Governors’ Discipline Committee to decide whether to reinstate [name of pupil] to the school.

In coming to this decision, the Governors’ Discipline Committee had to consider both the interests and circumstances of the excluded pupil, and that of other pupils, staff, and school community as a whole. Furthermore, the DfE guidance indicates at paragraph 122 that the Governors’ Discipline Committee should consider “*whether the decision to suspend or permanently exclude the pupil was lawful, reasonable, and procedurally fair*” and “*should take into account...the headteacher’s legal duties.*”

The Governors’ Discipline Committee took account of all the written information provided for the hearing, including the decision letter from the independent review panel [, and also took account of your oral representations and those made by the principal/headteacher]. The Governors’ Discipline Committee also considered the written evidence and the DfE exclusions guidance and discussed the matter at length following the hearing. The [unanimous OR majority] decision of the Governors’ Discipline Committee was that [name of pupil] should [not] be reinstated to the school. This means that [name of pupil] [can/cannot] return to the school [and their details will be deleted from the school roll with effect from the date of the decision].

The Governors’ Discipline Committee’s reasons for the decision are as follows:

[Note: conscientiously address each of the independent review panel’s points in detail, analyse the evidence, and make clear findings as well as taking a broader, overall view of the issues. Use the Governing Board Checklist as an aide to ensure you cover each issue identified by the independent review panel]

Was the decision to exclude the pupil lawful?

[reasons]

Was the exclusion reasonable?

[reasons]

Were there any procedural flaws?

[reasons]

The Governors' Discipline Committee considered the interests and circumstances of [name of pupil], including the circumstances in which they were excluded, and had regard to the interests of other pupils and persons working in the school.

[reasons]

[The [principal/headteacher] will be in touch to discuss the practicalities of reinstatement.]

This decision letter is the final stage of the exclusion process under section 51A Education Act 2002 and the School Discipline Regulations 2012. The letter is binding on the parents, local authority and [principal/headteacher] and will be added to [name of pupil]'s school file.

Yours sincerely

[Name]

Clerk to the Governors' Discipline Committee