



Thinking Schools Academy Trust
“Transforming Life Chances”

Governors’ Discipline Committee
Terms of Reference

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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, of which one must be a governor and one may be a staff panel member (requirements of which are detailed below).

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

A Governor from another School or Academy outside of TSAT is eligible to be a panel member on a TSAT GDC.

A Clerk will be appointed by the Trust.

Panel members 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.

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 consider reinstatement. Must invite parents or pupil if over 18, headteacher, the pupil's social worker if the pupil has one, the Virtual School Headteacher for a Looked After Child and in the case of a maintained school a representative of LA* (or Pupil Referral Unit) to a meeting and allow oral and written representations to be made.	Within 15 school days of receiving notice of the exclusion
Suspension	Any – if suspension results in pupil missing a public examination or national curriculum test	Must consider reinstatement. Must invite parents or pupil if over 18, headteacher, the pupil's social worker if the pupil has one, the Virtual School Headteacher for a Looked After Child and in the case of a maintained school a representative of LA* (or Pupil Referral Unit) to a meeting and allow oral and written representations to be made.	Within 15 school days of receiving notice of the suspension
Suspension	Brings total to 16 days or more in a single term	Must consider reinstatement. Must invite parents or pupil if over 18, headteacher, the pupil's social worker if the pupil has one, the Virtual School Headteacher for a Looked After Child and in the case of a maintained school a representative of LA* (or Pupil Referral Unit) to a meeting and allow oral and written representations to be made.	Within 15 school days of receiving notice of the suspension
Suspension	Brings total to 6-15 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, Virtual School Headteacher for a Looked After Child and in the case of a maintained school a representative of LA* (or Pupil Referral Unit) to a meeting and allow oral and written representations to be made. If parents do not request a Governors' Discipline Committee meeting, the board is not required to consider the suspension but does have the power to consider the reinstatement of the pupil.	Within 50 school days of receiving notice of the suspension
Suspension	Brings total to 5 days less in a single term	Must consider any written representation made by parents at a meeting but cannot direct or reinstate.	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?