

A Guide to Schools/Academies Providing Evidence for Governor Disciplinary Committee Meetings

Introduction

The aim of this guidance is to set out for Head Teachers and supporting staff preparing for a Governor Disciplinary Committee (GDC), what information governors require in making a rigorous decision about a permanent exclusion. It has been considered in the context of how an independent review panel might review a GDC.

This guidance draws upon the legislative guidance document [Exclusion from maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion](#), (Department for Education 2012).

Please contact the [Exclusion & Reintegration Officers](#) to discuss in detail the specifics of an individual case and to receive further guidance or advice on preparing for a GDC.

At the end of the guidance is a [checklist](#) of the documents that are usually made available to the GDC where they are relevant to the pupil. It can be helpful to use/adapt this checklist as an index to your document bundle.

Contents

Context – Responsibilities of the GDC	(2)
The Head Teacher’s Statement – A summary of the incident(s)	(3)
The Head Teacher’s Statement – Support offered/provided by the school	(3)
The Head Teacher’s Statement – Your decision making process	(5)
Supporting documents – Presenting appropriate information to evidence your statement	(6)
Presenting the bundle	(9)
Appendix – Checklist of documents	(10)
Appendix – Example Chronology	(11)

Context – Responsibilities of the GDC

This passage summarises the responsibilities of the GDC:

In reaching a decision on whether or not to reinstate a pupil, the governing body should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the head teacher's legal duties.

DfE Guidance 2012, Para 67 Section 6.2 p14

To clarify, Governors should be satisfied that the decision you took:

- Was in accordance with the law (section 3 of DfE guidance) , and took full account of your legal duties to students in the school including Safeguarding, SEN and Equality
- That it was a balanced decision that you made having investigated the events fully, seeking the account of the pupil concerned and any witnesses, and that you took sufficient time and appropriate advice to consider the evidence and explore the alternatives to permanent exclusion (section 3 of DfE guidance)
- That you followed the school's own policy's and procedures in administering the exclusion, and that DfE guidance was followed in notifying all parties and meeting the necessary timescales (sections 3 & 4 of DfE guidance)

Your statement and the supporting documents provide the evidence of how you have followed the DfE Guidance and met your legal duties in reaching your decision to permanently exclude.

The statement should be written in straightforward language, avoiding jargon and acronyms, presenting the facts of the case and the order in which things happened, including both the incident itself and your decision-making. The presentation must be accessible to all those who will be party to the governor hearing and potentially an independent review.

Your statement should cover:

- A summary of the incident(s)
- Evidence of the support offered/provided by the school
- Detail of your decision making process

These elements are considered in turn below.

The Head Teacher's Statement – A summary of the incident(s)

The statement should give a clear summary description of the incident which led to the decision to permanently exclude the pupil. In cases of persistent disruptive behaviour, this will be a description of the 'final straw' incident and an outline of the persistent nature of the behaviour over time. Your decision should be based on the balance of probabilities i.e. *'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'*.

Your summary of the incident may be subject to scrutiny at both the GDC and an IRP so it is important that your statement carries a factual and neutral tone, clearly distinguishes between fact and opinion, and that it accurately reflects any statements that you are presenting within the bundle. It is likely that there will be contentious issues and conflicting accounts within the information you provide. You should acknowledge any inconsistencies and explain why you have taken a particular view.

The DfE guidance states that efforts should be made to obtain the pupil's account of events and that they have opportunity to state their case *before* the decision to exclude. If this has not been possible for some reason it is important that you make reference to this in your statement and explain the reasons for it.

It may be helpful to present information in an attached chronology for easy reference, particularly in cases of persistent disruptive behaviour where there will be several relevant events. References can be made to other documents within a chronology for further detail, but presenting the 'story' of events in a chronology can be helpful. There is an [example chronology](#) excerpt available at the end of this guide.

The Head Teacher's Statement – Support offered/provided by the school

The DfE Guidance refers to supportive measures:

Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. Head teachers should also consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.

Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed period exclusion in an academic year, head teachers should consider whether exclusion is providing an effective sanction.

DfE Guidance 2012, Para 17-18

It is important that the governors have clear evidence of the support and interventions you have offered and or provided. You could summarise the supportive measures in the head teacher statement and enter detailed information about support/interventions/referrals to other agencies in the chronology and supporting documents. This should demonstrate how you have actively worked to avoid exclusion and how you have assessed the pupil's educational and social needs and responded to those identified needs.

As part of this you will need to demonstrate you have followed your own policy and the SEN Code of Practice in assessing and meeting SEN need. Make the pupil's SEN status clear in the statement and provide supporting documentation including recent reviews.

If a specific type of support or intervention is cited, ensure the documented evidence is provided in the bundle to evidence it.

The governors will need to understand the impact of interventions/support, to understand how relevant they were to the needs of the pupil and what the outcome was e.g.

- a) *“Hub referral made in May”* - does not offer sufficient detail
- b) *“A Hub referral was made on 2nd May 2012 following a meeting with the family about poor attendance patterns. The Hub has worked for 2 months on establishing routines in the home. The impact has been minimal as the family have not met with the Hub regularly. Attendance has not improved”* - demonstrates how appropriate the referral was; the focus of the work, and the level of engagement/impact.

Similarly for any meetings or assessments either within school or by external agency, the governors will need to see the agreed actions and evidence of how these have been put into practice e.g.

- a) *Education Psychology referral made* - does not offer sufficient detail
- b) *Education Psychology referral made on 14th December 2012, pupil attended 2 appointments with the EP in school on 8th February 2013 and 21st February 2013. Recommendations of the report were to support pupil in small groups of up to 4 and to offer alternative activities at break times with a chosen friend; implement a reward system for good choices based around their interest in trains; and implement the team teach strategies to de-escalate situations of stress and where required follow a positive handling plan to intervene if there are incidents of physical violence towards others. Class teacher and SENCO met with parents to review IEP on 15th March 2012. Some positive response to the reward system observed and better concentration and reduced anxiety within the small groups* - demonstrates the timescale of the referral, engagement, recommendations, how these were implemented by the school and the impact.

The Head Teacher’s Statement – Your decision making process

The governing body will need to see how you followed the DfE Guidance in reaching the decision to permanently exclude. Your statement should demonstrate to the governors how your decision to permanently exclude was taken:

- By the head teacher (or acting head, section 579(1) of the Education Act 1996)
- On disciplinary grounds
- In response to serious or persistent breaches of the school’s behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school
- In line with administrative law i.e. lawful, rational, reasonable, fair and proportionate
- Based on the balance of probabilities that it is more likely that the fact is true than not
- Ensuring that in the school’s policies and practice a pupil has not been discriminated against
- With due regard to the SEN code of practice
- After (where practical) the pupil concerned has had opportunity to present their case, and taking into account any contributing factors and mitigating circumstances
- Ensuring that early intervention has been implemented to address the underlying causes of behaviour including SEN or disability in order to prevent the incident(s)

The guidance is clear that permanent exclusion should always be the last resort and that early intervention and multi-agency working should be used *to address underlying causes of disruptive behaviour* in addition to assessment of SEN need (paras.2 & 18).

Governors will need to be satisfied that the decision to permanently exclude has been taken rationally; in fair proportion to the incident(s) and that all alternatives were considered even if they were deemed to be unsuitable.

The Exclusion & Reintegration Officers can offer advice on alternatives to permanent exclusion and give a view on how other schools have responded to incidents. Alternatives include but are not limited to – fixed term exclusion, time-limited courses to support engagement, restorative approaches, changing the learning environment e.g. considering alternative provision, college courses, activity programmes, or planned transfer to another school.

Ensure that your statement explains what alternatives you considered, and why you deemed them inappropriate. Also document any advice you sought prior to making your decision, what the advice was and if/how you used that.

If the pupil is from a group at high risk of exclusion, you will need to demonstrate to governors what extra support was considered to identify their specific needs and reduce their risk of exclusion. The guidance specifies that head teachers should avoid permanently excluding pupils with a SEN Statement and Looked After Children (LAC), and that schools should work with social care partners and the Virtual School for LAC pupils, and call an early/emergency SEN Annual Review for pupils with a SEN Statement. If you have permanently excluded a LAC or SEN Statemented pupil, you will need to explain why in light of this.

Supporting documents – Presenting appropriate information to evidence your statement

You will need to provide evidence to the GDC of the things you refer to in your head teacher statement.

Permanent exclusion documents

You should include the permanent exclusion form sent to the Local Authority, the letters sent to the parent informing them of the permanent exclusion and any fixed term exclusion made 'in the first instance, pending a decision about permanent exclusion' and present them in date order so the sequence of events is clear.

If the pupil has received a number of exclusions (particularly in the case of persistent behaviours) it is appropriate to include these also.

Witness statements

It is commonplace for students to provide handwritten statements following an incident, the expectation on children to provide these is at the school's discretion and should take into account their age and understanding. If a verbal statement is taken, it should be written out in full by those who were present. All statements should be named, signed and marked with the date and time of their writing.

School staff are often asked to provide written statements following an incident. Staff should provide a neutral factual account of the incident in clear language. All statements should be

It is helpful to encourage students and staff alike to give as much detail as possible including where they were at the time of the incident, what they themselves saw or heard directly and what they believe to have happened - distinguishing between fact and opinion. It may be appropriate for a student or staff member to express how they felt at the time of the incident, but the overall statement should aim to be balanced and factual.

You may need to consider providing typed versions of the handwritten statements in the bundle to accompany the originals to assist parties in reading them.

When presenting statements in the bundle, the question of providing anonymity to students (and on rare occasion staff) is something you must consider. Balancing the need to protect pupils who may have witnessed a serious incident and may fear repercussions from the pupil involved, against natural justice – the right of the pupil to hear what is being alleged and by whom. Each situation must be judged on its individual merits and you will need to be able to explain why you have chosen to make the statements anonymous if you do so. Where anonymised, statements should be marked up pupil A,B,C or pupil 1,2,3 for example, to enable parties to distinguish between statements.

All written witness statements should be attributed, signed and dated, unless the school has good reason to wish to protect the anonymity of the witness, in which case the statement should at least be dated and labelled in a way that allows it to be distinguished from other statements. The general principle remains that excluded pupils are entitled to know the substance behind the reason for their exclusion (Para 111, DfE Guidance 2012).

SEN documents

The guidance refers to SEN on a number of occasions, the factors you should consider when taking the decision to exclude, the fact that pupils with SEN are more likely to receive exclusions and therefore additional provision should be made to prevent their exclusion, and that you have a duty to give due regard to the SEN Code of Practice and your own school's SEN policy.

Should the case be heard at an independent review panel, the parent may request a SEN expert, even where the school has not recognised the child has SEN. The SEN expert's role is to advise the panel on 'how SEN could be relevant to the exclusion' and 'whether the school acted reasonably in relation to its legal duties when excluding the pupil'.

It is therefore imperative that you evidence how you have followed the SEN code of practice in relation to the pupil, what assessments have been made, what subsequent action was taken, and how this was reviewed and managed over time.

Ensure that the following documents are included where they exist for a pupil:

- SEN Statement
- Individual Education Plan (IEP)
- Individual Behaviour Plan (IBP)
- Pastoral Support Plan (PSP)
- Positive Handling Plan
- School provision map
- Targeted interventions
- Assessments
- SEN Policy

SIMS records

Behaviour and attendance records from SIMS are sometimes presented to the meeting, this can be helpful but there can also be a lot of irrelevant information in these records and jargon/codes that may need further explanation.

If you are including SIMS records it is useful to check them and provide further detail to make the information clear and accessible to all parties. It may be more useful to present the information in a chronology for this purpose.

Photographs/video evidence

You may have considered video or photographic evidence when taking the decision to exclude, either from school CCTV or from other sources e.g. mobile phones. If you are submitting any photographic or video evidence, you will need to consider the confidentiality of other students who may feature.

Consult your school policy on using images of children i.e. whether you will need the pupil's parents to agree, and consider whether images should be edited to remove other pupils or protect their identity.

Third party reports

The governors will want to see what advice has been given and how the school has implemented that advice. If you have reports from other agencies e.g. PCAMHS or Education Psychology, you may need to obtain their agreement to share the documents with the meeting. In addition to the evidence in any SEN paperwork, you can use the chronology to show when things were implemented and their impact.

Social care/Hub documents

Where there is social care or Hub involvement, and minutes from core group meetings or conferences, or CAF/TAC documents, these are confidential and you may need to seek agreement from the social worker, and indeed the family to include them in the bundle. Any information that is included will need to be checked for references to other family members or irrelevant information.

Usually it is sufficient to document when meetings have been held and any action points that were given to the school or involving education – you could do this in the chronology. The TAC documents have a front sheet which details the date of the meeting and who attended, and a page which summarises the actions agreed, you might include just these two pages, taking care to remove references in the actions to anything not relating to the child's education, which then avoids compromising confidentiality.

Safeguarding

If you have made no name requests to social care or taken action in response to safeguarding concerns you will need to consider whether you record that in the bundle. You may wish to enter those actions in your chronology if they are relevant in a wider sense to the exclusion. However, if sharing that information would place someone at risk or if the family is not aware of the contact, you may want to seek advice from the local authority safeguarding team on this matter.

Risk Assessment

Where you have had concern about a pupil's risk to themselves or others, you should have completed a risk assessment; for a serious one-off, you may have only had cause for concern at the time of the incident however, it would be good practice to complete a risk assessment as part of your decision-making on whether or not to permanently exclude the pupil. Any risk assessments should be included in the bundle.

Policies

Include your behaviour and SEN policy in the bundle, ensuring that the policies were in date and in use at the time the decision was taken to permanently exclude. If the policies have been revised since, you must include the version that was in use at the time of the incident/decision. If you have any additional policies that would be relevant e.g. specific policy on drugs then include those policies also.

Governors may wish to know how the policies have been communicated with pupils and parents, and how a parent and pupil would have had access to these policies.

Presenting the bundle

The documents or 'bundle' that you provide is sent by post to the parents, the governors and the local authority (unless an Academy Governing Body has not requested the local authority attends). As the information is confidential you should consider how to securely send this to all parties. **The bundle should be available to all parties at least 5 days in advance of the meeting.**

Some schools present their bundles in a ring binder, some have them bound and others simply provide loose paperwork in an envelope. It is helpful to have identical sets of documents with numbered pages so that everyone in the meeting can refer to the same pages for reference.

You may arrange to email the papers to the local authority and the governors and even the parents if they choose. We would recommend having hard copies available either to follow or at the meeting.

The key presentation points are:

- 1) Remove any references to other children (peers or siblings) unless they directly relate to the incidents
- 2) Consider how accessible the information is e.g. a recipient could have a communication disability, English as a second language or may not read with confidence
- 3) Include a contents/index page with a clear list of the documents enclosed and corresponding page numbers
- 4) Organise the bundle so that the Head Teacher's Statement, Permanent Exclusion Form, Letter to Parents, and the Chronology are near the front
- 5) Consider providing typed versions of handwritten statements/information, but still include copies of the originals

Checklist of documents

You could adapt this checklist to make an index for your GDC document bundle

Document/Information	Page
Information about the Permanent Exclusion	
Permanent Exclusion Form	
Permanent Exclusion Letter to Parents	
Head Teacher's Statement	
Chronology of events	
General exclusion/attendance information	
Record of all past Exclusions	
Letters to parents regarding all past exclusions	
Reintegration meeting minutes from past exclusions	
Record of Attendance	
Evidence relating to the permanent exclusion	
Pupil's statement(s)	
Witness statements	
Risk Assessments	
Behaviour Policy	
SEN support	
SEN Policy	
SEN Statement	
SEN Reviews	
Discussions with SEN Officer and recommendations	
IEP Individual Education Plan	
IBP Individual Behaviour Plan	
PSP Pastoral Support Plan	
PHP Positive Handling Plan	
Provision map	
External agency support	
CAF/TAC plans	
Referrals to outside agencies and outcomes for pupil	
IYFAP Referrals	
Discussions with external professionals and their recommendations	

Example Chronology

Date	Type of event	Detail	Impact	Follow-up
01/01/12	Incident	Sarah was working in a small group on a collage; Sarah was working well at first then began to throw paper at another pupil. Sarah picked up some scissors to throw. The TA told Sarah she mustn't throw the scissors. Sarah shouted at the TA that she hated her and hit the TA, she then threw the scissors off the table (but not directly at any person) and continued to shout and screw up the collage. The class teacher assisted the TA and used TEAM TEACH to restrain and redirect Sarah to a quiet area.	Sarah was upset and angry. The other pupils in the small group were scared and couldn't complete their piece of work as it was damaged. The TA sustained a small red mark to her upper left arm but no lasting injury. Class time was interrupted as the teacher assisted Sarah.	<p>Discussion with Sarah once she was calm to think about the choices she made and what she might do differently. Sarah apologised and wanted to make a card for the TA to say sorry.</p> <p>This is the fourth incident and seems to be escalating. A risk assessment was completed (see attached) regarding Sarah's use of equipment in the classroom and has been shared with all relevant teaching and support staff.</p> <p>Incident reported to Local Authority</p>
01/01/2012	Discussion with parent	The class teacher spoke to Sarah's mother at the end of the school day away from Sarah's earshot. Sarah's mother expressed concern about Sarah's behaviour at home. Agreed it would be helpful to meet to talk about this properly and make a plan.	Parent informed	<p>Check diary to schedule a meeting</p> <p>Discussion with SENCO to include in planning to support Sarah</p>
02/01/2012	Letter	Letter to parent inviting her to a meeting on 05/01/2012	Parent informed	None

04/01/2012	Incident	A classmate of Sarah reported to the class teacher that Sarah had bitten her when she wouldn't let her play with the ball. Observed by another pupil who gave the same report. Light red mark observed on the child's right forearm. Sarah had then run to the fence around the school field. TA approached Sarah applying TEAM TEACH to encourage her to return to the building; Sarah followed her in at a distance.	Pupil upset and sustained a mild injury (mark faded after 30mins) Sarah felt isolated at break time	TA asked Sarah about break time and Sarah said she was angry with her classmate as she wanted to join in. Incident sheet to be completed, LA notified Both parents to be informed at the end of the day
04/01/2012	Discussion with Sarah's mother	Informed of the incident today, reminded about meeting tomorrow	Parent informed	None
05/01/2012	Meeting	Class Teacher, SENCO and Parent met (minutes attached). Parent is experiencing difficulty with Sarah's behaviour particularly when she says 'no' or asks her to change what she is doing. Sarah has a baby brother and this makes it difficult for her mother to manage – she is a single parent. We agreed on making a referral to the Education Psychologist to assess what is affecting Sarah's learning and behaviour. Parent would also welcome some support in managing Sarah's behaviour at home so agreed to make a Hub referral. Parent is happy for us to start a CAF.	Plan made to support Sarah and the family	Finish off the referrals to the HUB and the Ed Psych Prepare a CAF Form to complete with the parent
09/01/2012	Referral	Ed Psych referral sent to the Local Authority (see attached)	To activate support	
10/01/2012	Meeting	Meeting with parent to complete the CAF	Assessment of needs complete	Send to Hub as referral
11/01/2012	Referral	Referral sent to Didcot Hub (CAF)	To activate support	None