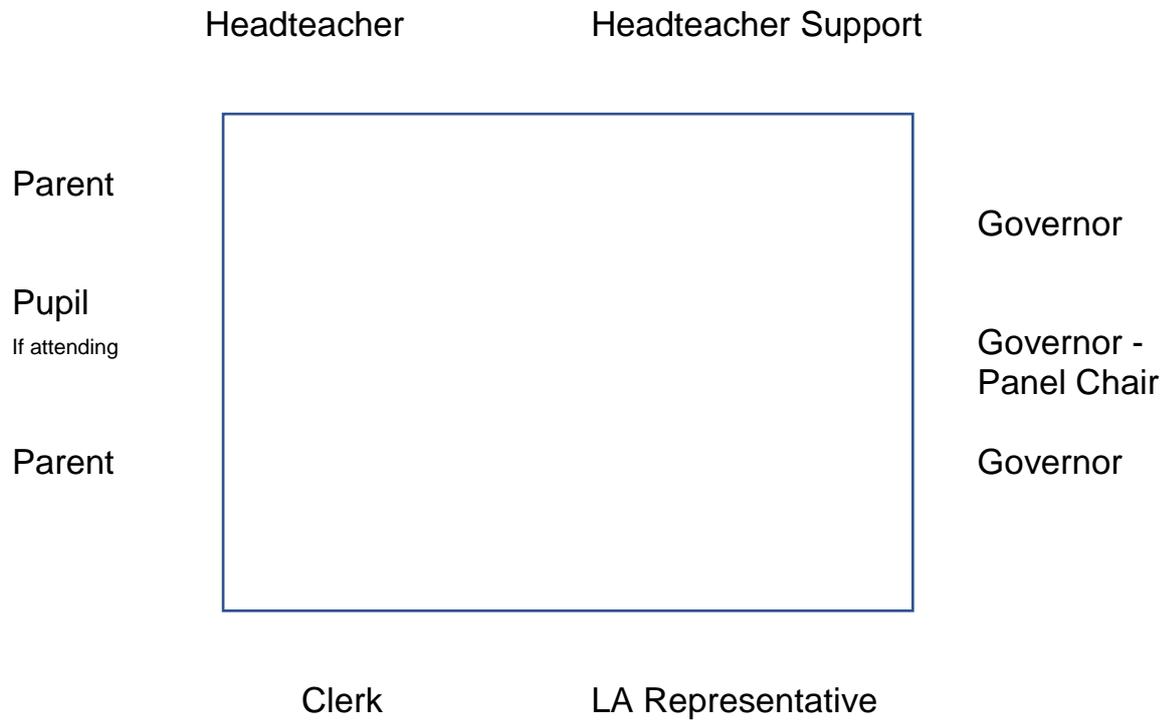


EXCLUSIONS

Tips for Clerks

- Ensure that Terms of Reference for Discipline (Exclusions) Committee are in place. The governing board can name the governors on the Exclusions Committee, use pool of governors or form the Committee on an ad hoc basis.
- In case of Multi Academy Trust (MAT) ensure that the Scheme of Delegation (SoD) clearly states who has the right to exclude a pupil.
- Appoint an Exclusions LINK Governor, if appropriate.
- Direct governors to appropriate training in exclusions law.
- When using standard model letters ensure that you adapt them as appropriate – always check for most up to date versions.
- Establish what arrangements are in place for Independent Review Panel (IRP) in an academy setting.
- Ensure that all parties receive the presenting bundle at least 5 school days before the date of the meeting.
- When additional information/evidence provided at the meeting, ask for an adjournment, establish whether the information/evidence can be photocopied and time allowed for reading or whether it would be in order to reschedule the meeting for another day (The Chair of the Committee should make the final decision.)
- Ensure that minutes are drafted without delay (approximately within 5 schools days) and made available to all parties on request.
- Ensure that minutes of the meeting are placed in the Confidential Minutes folder and a copy of the letter is attached to the pupil's school record.
- Try to draft the decision letter before you leave the school.
- Inform the parent(s) of the Exclusions Committee decision straight after the meeting (telephone call) unless agreed otherwise.
- Remember: delivery by hand means delivered on the same day, by first class post – second working day after posting.
- Ensure that one copy of all paperwork is kept for at least 6 months as parent(s) can bring a claim for disability discrimination up to 6 months after the IRP.
- Don't forget to check the set up of the room (see over) prior to the meeting – make adjustments as necessary.
- Ensure the Chair is appointed and advise on procedure for the meeting.
- Remember: you must invite the headteacher, parents and LA representatives into the room together.

Suggested seating arrangements for the Discipline (Exclusions) Committee Meeting



The DfE consultation proposed a small number of changes to the current (2012) guidance to make factual changes and to clarify areas that have caused confusion; these were to clarify:-

- that exclusions cannot be extended or converted;
- that consecutive fixed period exclusions are regarded as a cumulative period;
- what is meant by the term 'civil standard of proof';
- the headteacher's duties regarding notifying the parents of an excluded pupil about an exclusion;
- the governing body's responsibilities for an excluded pupil;
- the local authority's responsibilities when exclusions take place;
- the governing body's responsibilities when reviewing decisions;
- the local authority's or academy trust's responsibilities when setting up an independent review panel (IRP);
- the role of the Special Educational Needs (SEN) expert to the IRP;
- the IRP decision-making process;
- the notifications an IRP must make following its decision;
- the governing body's duty to reconsider reinstating a pupil after a review; and
- some legal requirements which in the current guidance are not accurate reflections of the legislation.

The DfE will respond with the results of this consultation in Summer 2017 with the intention of publishing new guidance in September 2017.