



LOXFORD  
*School Trust*

# Exclusions: Chairing the Panel

Autumn Term 2020

Key documents:

Exclusions Statutory Guidance September 2017

Updated October 2020

Exclusions: Considerations for Panel Members  
(LST Autumn Term 2020)

# Chairing an Exclusions Panel

If you are asked by the Clerk to the school/Trustees' governance board to chair an exclusion review panel to consider whether an excluded pupil should be reinstated, a duty of school governance, there are key factors to consider. In most cases the pupil will have been permanently excluded, but you may also have to undertake a review at the request of parents for an exclusion of shorter duration.

The circumstances triggering a review are set out in Annex A of the current Exclusions Guidance which is supplied with this document.

Prior to the panel hearing, you will receive a pack of information from the school which is the Head teacher's evidence supporting their decision to exclude. You will be asked to review it wholly objectively and should declare to the clerk if details of the case impact on you or are well known to you.

# Chairing an Exclusions Panel

The main role of the chair is to ensure that the process of exclusion is procedurally fair.

This means ensuring that:

- ▶ The exclusion is not discussed outside of the hearing itself.
- ▶ The considerations the Headteacher made in coming to the decision to exclude and the procedure they followed in informing the parents/carers and the Local Authority comply with the Exclusions guidance. (This should be clear from the evidence pack (The Pack) prepared and circulated by the school).
- ▶ The processes employed to set up the review (usually by the Clerk) have been timely and clear including giving guidance to the parents/carers of where they can get support through the process.
- ▶ Reasonable adaptations have been made to ensure that all parties can access all the information and the meeting itself - this may include translation services or the physical arrangements.

# Chairing an Exclusions Panel

The main role of the chair is to ensure that the process of exclusion is procedurally fair.

This means that at the hearing itself:

- ▶ Everyone has access to the same information pack
- ▶ The parents/carers can exercise their right to be accompanied by “a friend”
- ▶ The excluded pupil is given the opportunity to contribute (this is not on the agenda but may be included with the parent/carer representations or, at the Chair’s discretion, elsewhere
- ▶ If the parents have invited the Local Authority to give a view on the exclusion it is heard (the LA has no automatic right to make a representation)

# Chairing an Exclusions Panel

The main role of the chair is to ensure that the process of exclusion is procedurally fair.

This means that at the hearing itself:

- ▶ Each of the parties has the opportunity to make representations, raise mitigating circumstances (usually in the case of parents/carers) and to be questioned.
- ▶ If the parents/carers have made a written representation, it is given the same significance as any verbal representations.
- ▶ In practice this means following the agenda, which will form part of the invitation letter to the parents/carers and will be provided by the Clerk. (A generic agenda is included).
- ▶ Ensuring the panel does not make its decision until all the parties (except the Clerk) have left the hearing.

# Chairing an Exclusions Panel

The main role of the chair is to ensure that the process of exclusion is procedurally fair.

This means that following the hearing itself:

- ▶ The panel's decision is communicated in writing and in a timely fashion to the parents/carers; (this will normally be undertaken by the Clerk to the panel).
- ▶ Minutes are circulated to all the parties to the meeting if they request them.

# The Exclusion Panel hearing agenda

## Generic Agenda

**The Chair** leads the introductions of those present and checks all have the necessary paperwork

**The Chair** of the Panel outlines the agenda of the hearing and states the, one of two, decisions that the Panel can make (use these words):

- ▶ **“To decline to reinstate the pupil or**
- ▶ **Direct the reinstatement of the pupil immediately or on a particular date”.**

### The school’s case

- a) The Headteacher presents their case for permanent exclusion
- b) The parent(s)/carers may question the Headteacher
- c) The Panel may question the Headteacher
- d) The LA representative may question the headteacher

### The parents’/carers’ case (the pupil may comment)

- a) The parents/carers present their case
- b) The headteacher may question the parents/carers
- c) The Panel may question the parents/carers

- d) The LA representative may question the parents/carers

### The view of the Local Authority (if represented at the hearing)

- a) The LA representative presents the LA’s view or the LA’s written submission is read out
- b) The headteacher may question the LA representative (if present)
- c) The parents/carers may question the LA representative (if present)
- d) The Panel may question the LA representative (if present)

### The LA Rep sums up the views of the LA (if present).

### The headteacher sums up their case.

### The parents sum up their case.

- ▶ Parents/carers are told that a decision will be made “today” and that they will be informed as soon as possible by letter of the Panel’s decision.
- ▶ **The Chair** thanks all present for their attendance.
- ▶ All withdraw, except the Panel members and the Clerk, and the Panel comes to a determination about the case.

# The Exclusion Panel hearing decision

The panel may come to one of only two decisions:

To decline to reinstate the pupil or

Direct the reinstatement of the pupil immediately or on a particular date.

1. Has the head teacher demonstrated that their decision to exclude the pupil is a last resort in response to a serious breach, or persistent breaches, of the school's published behaviour policy?

**AND (not OR)**

2. Has the headteacher demonstrated that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school?

**Both of these “tests” must be passed.**

The panel may need to discuss the evidence and the procedures which are relevant to the two criteria (above) and should aim to come to an unanimous decision. If this is not possible, a majority decision is acceptable. (The voting is NOT recorded in minutes or indicated in the decision letter).

The panel should be aware that the parents/carers have the right to appeal the panel's decision on specific grounds - not that they just do not agree with it. For example, that the panel has not taken full account of mitigating factors, or that their procedures were flawed.

The panel should also be content that the Headteacher has had due regard for their duties under the European Convention on Human Rights, the SEND statutory code of practice and the Equality Act 2020 (or as amended).

# The Exclusion Panel hearing decision letter

Example statements for use in the decision notification letter

## Upholding the headteacher's decision

1. *Having considered the evidence presented and representations made, the panel has decided to uphold the decision of the headteacher to permanently exclude <student's name> from <name of school> for the following reasons: <list reasons>; **OR***

2. *Having thoroughly deliberated on all evidence presented to the panel, the panel have decided to uphold the headteacher's decision to permanently exclude <student's name> on the grounds of <insert justification here - this should be succinct and straightforward>; **OR***

3. *It is with regret that the panel has decided to uphold the permanent exclusion of <student's name> on the grounds of <succinct justification for exclusion>*

*<Student's name>'s behaviour has consistently fallen significantly below the level required of pupils at the school and we are concerned about the adverse impact of <student's name> behaviour on the wellbeing of staff and other students. **OR***

## The Exclusion Panel hearing decision letter

4. *Upon consideration of the evidence and representations made to the panel, we unanimously agree that the school has done everything within its power to support <student's name>, putting in place extensive and personalised support. However, <name> has continued to behave in an inappropriate manner, affecting both the education and safety of <himself/herself> and other students, and for this reason the panel has decided to uphold the headteacher's decision to permanently exclude <name> from the school. OR*

5. *The panel has decided to uphold the headteacher's decision to permanently exclude <pupil's name>.*

*The comprehensive and personalised support provided to <student's name> by the school and a variety of external agencies has not resulted in the improvement required and <student's name>'s behaviour has continued to deteriorate further.*

*Having considered the evidence made available, it is with regret the panel has come to the conclusion that the school has tried everything within its power to meet <student's name>'s needs and in light of their continued poor behaviour the panel has no alternative other than to permanently exclude.*

### Not upholding the headteacher's decision

*After due consideration of all available evidence and representations made to the panel, we have decided not to uphold the headteacher's decision to permanently exclude <student's name>. As such, <student's name> will be allowed to return to the school on <date> at <time>.*

# Summary

Thank you for reading this brief guide.