**Rainow Primary School**

***Caring, Learning, Achieving.***

**TERMS OF REFERENCE FOR**

**THE EXCLUSIONS COMMITTEE**

**Purpose of Committee:**

To carry out and operate within the statutory procedures required in respect of pupil exclusion legislation and best practice.

To consider the correct application of the school’s Exclusion policy.

To consider any representations from parents / carers about a pupil exclusion.

**Membership:**

At least three eligible governors, (other than the Headteacher and staff governor/s), in accordance with the legislative / statutory requirements.

Any governor with prior knowledge of the incident, this includes where a governor has a connection with the pupil or the incident that could affect their ability to act impartially should not serve at the hearing and is thereby disqualified from membership. (It is suggested that neither the Chair of Governors nor a member of staff, due to probable prior knowledge, should be a member).

The Chair of Governors may approach the LA for assistance in forming a committee of independent panel members.

**Quorum:**

Three governors, not including the Headteacher or anyone paid to work at the school.

**Meetings:**

Ad hoc.

**Chair:**

Non-employee to be elected by the committee.

**Clerking Arrangements:**

The Committee will be clerked by the Clerk to the Governing Board; Draft minutes will be sent for approval to the panel members, a copy kept for reference on the Confidential Minutes file, and a copy kept on the pupil’s file; Matters dealt with by this committee are confidential and minutes will be safeguarded.

**Review of Terms of Reference:**

Annually; (usually in the autumn term of each academic year unless subject to new legislation/policy).

**Exclusions**

The Headteacher is the only person with the power to exclude a pupil from the school. In his or her absence, the most senior teacher has the right to exclude a pupil from school. The Chair of Governors should be informed of the exclusion.

A pupil may not be suspended for an indefinite period: suspension must be for a fixed term or permanently.

**Duties of the Headteacher:**

1. where he or she excludes a pupil the parent should be informed immediately and followed up by a letter within one school day, and the reason for it;
2. To issue a new exclusion (whether fixed term or permanent) from the date of the expiry of a first exclusion if evidence comes to light that a more severe consequence is appropriate. (A fixed-term exclusion cannot be extended or converted into a permanent one);
3. where a pupil is excluded, the parent of the pupil must be informed that representations about the exclusion can be made to the Pupil Discipline Committee;
4. where the Headteacher excludes a pupil for more than 15 days in aggregate in any one term, he or she shall inform the Pupil Discipline Committee without delay of the period of the exclusion and the reason for it. Similarly, this action should be taken if the exclusion is made permanent;
5. where he or she excludes a pupil permanently and the Pupil Discipline panel decision is not to reinstate, as soon as it is reasonably practical to inform the LA of the decision by notice in writing;
6. to comply with any direction for the reinstatement of the pupil given by the Pupil Discipline Committee.

**Duties of the Governing Board/Pupil Discipline Committee**

It is the duty of the Pupil Discipline Committee, where they have been informed of the permanent or fixed term exclusion of a pupil for more than fifteen days in aggregate:

1. to consider whether the pupil should be reinstated immediately, reinstated by a particular date or not reinstated at all;
2. to consider the evidence presented in relation to the exclusion, taking a ‘holistic view’ of the circumstances before considering the actions of the Headteacher;
3. in considering the actions of the Headteacher, governors are explicitly required to decide whether the actions were lawful, reasonable and procedurally fair, taking account of the Headteacher’s legal duties and any evidence presented at the hearing;
4. To base their decisions on the civil standard of proof'’; i.e. something happened if it is more likely that it happened than that it did not;
5. where they consider the pupil should be reinstated, to give the appropriate direction to the Headteacher;
6. where they consider that the pupil should not be reinstated to inform the parents of their decision. It is the duty of the Pupil Discipline Committee to inform parents of a pupil who has been excluded permanently of their right to appeal against the decision;
7. when advising a parent/carer of their rights to appeal to the independent review panel (IRP), in providing details of the role of the SEN expert in an independent review panel, the governing board should explain that:
   1. There is no cost to parents for this appointment and;
   2. Parents must explicitly request a SEN expert in their appeal to the IRP;
8. In the event the pupil is reinstated, to agree how governors will ensure the pupil’s effective reintegration;
9. To ensure that a note is placed on the pupil’s record;
10. To remove the name of a pupil who has been permanently excluded from the school admissions register.

**Governing Board Meeting following recommendation or direction by the IRP to reconsider**

* To consider how the Governing Board will meet e.g. will the same governors form the panel, three different governors, the whole Governing Board?
* To consider whether to reinstate the pupil;
* To meet within ten school days of receiving notice to reconsider its decision by the independent review panel;
* If the independent review panel has issued a direction (not recommendation) to reconsider and the governing board does not decide to reinstate the pupil within ten school days of receiving the direction, to pay the Local Authority (LA) £4,000 within 28 days;
* In the event the pupil is reinstated, to agree how governors will ensure the pupil’s effective reintegration;
* It is the governing boards’ responsibility to ensure a note is placed on the pupil’s record.

Approved by Full Governing Board on:……………….…

Next Review Date:…………………………………………