Quick Guide for Governors: Suspension and Permanent Exclusion

Purpose: This quick guide summarises the key duties of governors sitting as a Pupil Disciplinary Committee (PDC) when reviewing a suspension or permanent exclusion. The Guidance must be followed -Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. Shropshire Guidance: Suspensions and Permanent Exclusions has information related to the Guidance, including model letters.

1. Your Role as an Independent Reviewing Body

- Act independently and impartially; the PDC must not simply confirm or "rubber stamp" the Headteacher's decision.
- Ensure all panel members have no prior involvement, personal interest or knowledge that could affect impartiality.
- Apply the rules of natural justice: hear all parties fairly, consider the same evidence, and allow parents and pupils to share their views.
- Base the decision only on the evidence presented in the bundle and during the meeting.

2. What Governors Must Test

- **Lawfulness:** Was the decision made on disciplinary grounds and in line with statutory duties?
- **Reasonableness:** Did the Headteacher consider relevant evidence, context and mitigation?
- **Procedural fairness:** Were parents notified without delay, were deadlines met, and was the same evidence shared with all parties?
- **Proportionality:** Was the sanction appropriate in light of the incident, pupil circumstances and alternatives considered?
- **Legitimate expectations:** Was the decision in line with the school's published behaviour policy and any promises or procedures relied on by pupils and parents?

3. Key Areas for Scrutiny

- For permanent exclusion, check that both statutory limbs are met - serious breach or persistent breaches of the behaviour policy and serious harm to education or welfare if the pupil remains in school.
- Apply the civil standard of proof: is it more likely than not that the incident happened as described?

- Check whether SEND, disability, vulnerability, safeguarding concerns, looked-after status or social care involvement were identified and properly considered.
- Review whether reasonable adjustments, pastoral support, behaviour interventions, managed moves or alternative provision were considered before exclusion.
- Consider whether the school's exclusion data suggests patterns of disproportionality and whether the decision was objective and individualised.

4. During and After the PDC Meeting

- Ask clear, balanced questions of the school, parents, pupil and relevant professionals.
- Ensure parents and pupils are able to participate meaningfully and are not disadvantaged by process, language or confidence barriers.
- Deliberate privately, guided by the Clerk on law and procedure, but make the final decision independently.
- Decide whether to uphold the Headteacher's decision or direct reinstatement, where the governing board has the power to do so.
- Ensure the minutes and outcome letter clearly record the evidence considered, the legal tests applied and the reasons for the decision.

Governor Checklist

Briefing summary: Governors must act as an independent reviewing body, test the Headteacher's decision against the statutory and public law standards, ensure parents and pupils are heard fairly, scrutinise evidence and support provided, and record clear reasons for either upholding the decision or directing reinstatement.

Check	Action
[ ]	Panel members are impartial and have declared any conflicts of interest.
[ ]	All parties received the same evidence bundle in advance of the meeting.
[ ]	The Headteacher's decision has been tested against lawfulness, reasonableness, fairness, proportionality and legitimate expectations.
[ ]	SEND, equality, safeguarding, vulnerability and disproportionality have been considered.
[ ]	The decision, reasons and any Clerk advice are clearly recorded in the minutes and outcome letter.