

# FIXED PERIOD AND PERMANENT EXCLUSIONS POLICY GUIDANCE FOR SCHOOLS

Updated July 2023

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## A. General Guidance

### 1. Introduction

- 1.1 The Council of The Girls' Day School Trust is responsible for setting the Trust's policy on the exclusion of pupils. Schools are required to follow the Council's procedures for fixed period or permanent exclusions, and these procedures are detailed in Section B.  
N.B: The procedures do not apply to Academies sponsored by the GDST which are governed by their own separate exclusions procedures.
- 1.2 Throughout the guidance, the expression "parents" is used for those having parental responsibility for the child.
- 1.3 References to the Chief Executive shall be deemed to include an appropriate senior officer of the GDST acting on her/his behalf.
- 1.4 A copy of the published exclusions Policy which should be made available to parents upon request is available on the GDST Hub.

### 2. Equal Opportunities

2.1 In accordance with the GDST's Equal Opportunities (Education) Policy, pupils will not be excluded from GDST schools on the grounds of race, disability, sexual orientation, religion or belief (or lack thereof), gender reassignment, sexual orientation, or pregnancy or maternity ('protected characteristics'). The Trust will also not exclude any pupil from its schools because they are perceived to have one of the protected characteristics or are associated with someone who has a protected characteristic (subject of course to ensuring that pupils comply with other school policies e.g. see Section A3.2(a)). Schools should exercise care to ensure that this approach is followed through the various stages of the exclusions procedure.

2.2 Where a pupil with a disability is facing exclusion, schools should consider whether or not the pupil's disability has a behavioural component, and account should be taken of the possible effect of this, alongside the impact of the pupil's behaviour on the school community. In the circumstances, it may still be appropriate to exclude the pupil but schools should generally seek advice from Trust Office before so doing.

2.3 Where pupils are in receipt of a bursary, care should be taken to ensure that any decisions regarding the continuance of the bursary are made solely in accordance with the requirements of the GDST's bursary scheme.

### 3. Reasons for Exclusion

3.1 A pupil may be excluded from school (by being sent home or on occasion within school or having her/his return to school prevented) for either:

- a) a fixed period of time ("fixed period exclusion") (see Section B2);



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or

b) permanently - whereby the pupil will not be permitted to return to school (“permanent exclusion”) (see Section B3).

3.2 A decision to exclude a child for a fixed period or permanently should be taken only:

a) where there has been a serious breach, or serious breaches, of the school’s discipline policy and/or any related policies such as the school rules, ICT Acceptable Use Agreement, anti-bullying policy and drugs policy;

or

b) where there has been a build-up of incidents over time, which, in the professional judgement of the Head, constitute a concerted flouting of the school’s rules and regulations. Whilst generally exclusion is not an appropriate sanction for minor incidents, in such cases of repeated breach, a fixed period exclusion may be given, and any subsequent failure to abide by the school’s rules and regulations could give rise to permanent exclusion. Schools must ensure that the possible consequences of continued breach have been made clear to the pupil and to parents;

or

c) if allowing the pupil to remain in school will seriously harm the education or welfare of other pupils in the school or the welfare of staff.

**N.B:** The Exclusions Policy does not apply in the following cases:

- Where parents are in breach of contract due to non-payment of fees, or due to their own unacceptable behaviour.
- Where the Head exercises their discretion to give (at least) one term’s notice under the parent contract.

Such cases will result in a required withdrawal (see A4 below).

3.3 In most cases, before excluding a pupil, schools should explore a range of strategies such as pastoral support, school sanctions, modifications to the curriculum which enable the pupil to demonstrate their ability to benefit from such changes, and working with parents who are in breach of contract. Permanent exclusion in particular should generally be the last resort.

3.4 However, immediate action may need to be taken to protect pupils and staff and a pupil may be permanently excluded for a first offence, particularly if it involves violence or another criminal offence. Following any essential immediate action all due procedures must be observed (see Section B).

3.5 Where the pupil has been accused of a criminal offence and the police are also investigating matters advice should always be sought from Trust Office.



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3.6 Further guidance on exclusions for particular reasons is set out below:

## a) **Drug related exclusion**

- Drug related incidents present complex problems for schools. The possession, supply, or taking of drugs may involve a criminal offence; effective liaison with the police will help in the appropriate handling of such incidents.
- Heads should have a strategy in line with the GDST drugs policy to make it clear that the possession, supply, or taking of illegal drugs in school will not be condoned under any circumstances and that this usually results in permanent exclusion. They need to take account of the best interests of the young person, who may need support, as well as the interests of the other pupils in the school.
- In the majority of cases permanent exclusion will be the appropriate course, but on some occasions fixed period exclusion may be more appropriate given the circumstances of the case. Any such fixed period exclusion may be accompanied by a requirement to comply with subsequent random drugs testing at the pupil's/parents' expense.
- The GDST's drugs policy is available via the GDST Hub.

## b) **Offensive weapons**

It is a criminal offence to carry an offensive weapon in or around a school's premises and in the majority of cases permanent exclusion will be the most appropriate course. In situations where a weapon is authorised on school premises, for example, for use in a CCF, clear safety procedures must be followed. See the GDST's Security Policy for further information on the GDST Hub.

## 4. **Required Withdrawal**

**N.B:** These cases DO NOT fall within the scope of the Exclusions Policy, rather they fall under the provisions of the parent contract. Accordingly, there is no right of appeal under part B of this policy. Any complaint by the pupil's parents should be made under the GDST's Complaints Procedure, rather than the Exclusions Appeal Procedure. Action taken by schools to require withdrawal can operate in tandem with exclusions should a pupil's behaviour warrant exclusion before the withdrawal takes place.

## a) **Failure to achieve a required standard of work or behaviour**

- Schools must ensure that they have a clear set of procedures in place, known to all relevant staff and communicated in an appropriate form to parents, which enable them, where a pupil is failing to achieve a satisfactory standard of work or behaviour, to:
  - keep parents fully informed;
  - identify pupil difficulties;
  - provide support as appropriate;
  - arrange individual Home/School Agreements setting out previously identified goals and time related targets, where appropriate, and clearly identifying the consequences of failure to meet each target (the consequence may vary depending on the particular target).
  - allow a reasonable time scale for monitoring of progress and, where necessary, securing alternative provision before the end of the academic year.



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- Parents should be given a full term's written notice to make alternative arrangements if the goals set are not achieved and it is agreed that the pupil should be withdrawn from the school. The letter giving notice should be very clear. Trust Office can advise on wording as necessary.
  - In coming to a conclusion, parents and the pupil should have an opportunity to make representations to the Head, which should be taken into account in coming to a decision.
  - Although some form of negotiated withdrawal (see Section A5) may be agreed between the Head and the parents, a pupil in year 2, 6, 11, 12 or 13 should generally be retained in school until the end of that particular phase of her/his education and only in extreme cases would withdrawal be required at other times.
  - Where the pupil is retained until the end of the relevant phase, parents should again be made aware of the nature of their child's difficulty, the interim support which can be provided and the expectation of the actions of the parents and the pupil.
  - In all cases, documentation should be clear and readily available. Trust Office will provide advice where appropriate.
- b) **Breach of contract for non-payment of fees**
- Schools should refer to the fees arrears collection policy which is accessible on the GDST Hub.
  - In the case of a pupil below the statutory school leaving age, and if no alternative arrangements have been made for the pupil's education, the Head will inform the pupil's home Local Authority of the date on which the pupil is removed from the school roll.
  - Non-payment cases do not fall within the scope of the Exclusions Policy, and are to be determined in accordance with GDST terms and conditions. Accordingly, there is no right of appeal under part B of this policy in cases of non-payment of fees. Any complaint by the pupil's parents should be made under the GDST's Complaints Procedure, rather than the Exclusions Appeal Procedure.
- c) **Cases where the pupil's parents' behaviour is unacceptable**
- If the behaviour of either or both of a pupil's parents is, in the Head's opinion, unreasonable and is adversely affecting, or is likely adversely to affect, the pupil, other pupils, or staff at the school, or is bringing the school or the GDST into disrepute, or the relationship of trust and confidence between parents and the school has, in the Head's opinion, irreparably broken down, the GDST may require a parent to withdraw the pupil without notice, either for a set period or permanently.
  - The parents will be permitted a reasonable opportunity (determined by the Head) to make written representations to the Head and, if the parents wish, to the Chief Executive of GDST, before the length or permanence of the withdrawal is confirmed. The decision of the Head or the Chief Executive (if the latter is involved by the parents) will be final.
  - What will constitute a reasonable opportunity to make representations is in the Head's discretion and will depend on the circumstances of the case. Factors will include, for example, the level and nature of the parents' behaviour, and the impact this is having on the pupil, other pupils and staff at the school. As a working rule, we would envisage that it would be possible to give 7 days for representations to be made. The timescale determined by the Head should be clearly communicated to parents, and any representations should be formally responded



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to. Parents should also be reminded of the opportunity to make representations in writing to the Chief Executive, again with the deadline set out.

- In cases where pupils are to be withdrawn for a set period, the school will wherever possible provide the pupil with work or study guidance to enable him/her to pursue her/his studies at home including, where appropriate, marking of work.
- The Head should take into account the stage of the pupil's studies, and the impact on their education in making their decision.
- Required permanent withdrawal will only be appropriate in exceptional circumstances. The implications must be carefully considered and must be approved by the GDST's Chief Executive before any final decision is made. In the first instance, the Head should seek advice from Trust Office.

Such cases do not fall within the scope of the Exclusions Policy, and are to be determined in accordance with GDST terms and conditions. Accordingly, there is no right of appeal under part B of this policy. any complaint by the pupil's parents should be made under the GDST's Complaints Procedure, rather than the Exclusions Appeal Procedure.

## 5. Negotiated Withdrawal

5.1 The GDST recognises that, where circumstances exist which might justify the exclusion of a pupil, it may well be in the interests of both the school and the pupil for her/him to be voluntarily withdrawn rather than excluded.

5.2 Before discussing this possibility with parents, the Head should normally adopt the following procedure:

- a) Carry out investigations in accordance with the initial stages of the Exclusion Procedure (see Section B1).
- b) If the Head concludes that circumstances exist which would warrant permanent exclusion, s/he should send a written report and recommendation only to the Chair of the School Governing Board.
- c) If the Chair of the School Governing Board agrees with the Head's conclusion, the Head should then meet with the pupils' parents.
- d) At the meeting, the Head, who should be accompanied by another member of staff, should advise the parents that:
  - following investigations in accordance with the first stage of the Exclusion Procedure, the Head is satisfied that circumstances exist which warrant the pupil's permanent exclusion and intends to recommend to the GDST's Chief Executive that the pupil be excluded;
  - the Chair of the School Governing Board has already been consulted and agrees with the proposed course of action;



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- the parents may forestall this, and the consequent possibility of exclusion, by withdrawing the pupil, if it is generally felt to be in the pupil's best interests not to have an exclusion on her/his record;
  - should the pupil now be withdrawn, s/he will not have been excluded. This will mean that neither the pupil nor her/his parents can use the Exclusion Procedure to challenge any decisions taken by the school which have led to the withdrawal;
  - if the pupil is not withdrawn and is ultimately excluded, this exclusion should take place in accordance with the Exclusion Procedure as set out in Section B. The parents/pupil will have the right to appeal against such exclusion under the Exclusion Procedure. If the parents are in any doubt as to the merit of withdrawing their child, they may wish to allow the Exclusion Procedure to follow its course; and
  - any offer to allow the pupil to be withdrawn, rather than be excluded, exists only up to the time when the Head's report is sent to the Chief Executive. Should the Chief Executive agree with the Head's recommendation to exclude, the pupil will, at that point, be excluded.

e) The Head (or accompanying member of staff) should take a detailed note of the meeting, particularly of any questions asked by the parents and answers given to those questions.

f) A letter summarising the information given to the parents at the meeting must be sent to them immediately following the meeting, by a secure method of delivery e.g. by hand to the parents or via registered post. Where parents appear to have made it clear that they wish to withdraw their child, the letter should state that the Head understands the parents intend to withdraw their child and is awaiting their written confirmation of this intention, with exemplar available via the GDST Hub.

g) Very occasionally, it might be appropriate for a withdrawal to be delayed (e.g. to allow a smooth transition to alternative education or for the taking of public examinations). In such circumstances the parents should be advised in writing that the school's willingness to allow the pupil to remain at the school for a temporary period is in no way a concession that exclusion is an inappropriate course of action. The school may also need to establish special arrangements for the pupil in the interim e.g. she/he may be permitted to attend lessons but not extra-curricular activities. Where the reason for the delay relates to examinations, it should be made clear to the parents that such arrangements might be made even if their child is to be excluded; this should be discussed if the pupil's parents are in any doubt as to whether to withdraw their child rather than allow the continuation of the exclusion process.

h) If parents decide they wish to withdraw their child, they must confirm their decision in writing, ideally following receipt of the letter from the school (see Section A5.2(f)).

i) The parents should be given a reasonable period to make their decision, depending upon the circumstances of the case. In normal circumstances, should parents take more than 3 school days to come to a decision, Heads will need to remind them that the school needs to proceed to the next stage of the Exclusion Procedure in order to resolve the question of the pupil's future at the school. The school should ensure that the basis of any protracted fixed period exclusion arising from parental indecision is recorded in a letter to the parents. The Head should seek advice from Trust Office should the parents not reach a decision within 5 school days from the date of the school's formal written notification.



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j) The Chief Executive should be informed of the steps which the Head intends to take, and the outcome of any meeting or correspondence with the parents.

k) Where a negotiated withdrawal is agreed, the school should immediately contact the Fees Department at Trust Office to ensure that fees in lieu of notice are not charged to the parents. A copy of the parents' notice of withdrawal should be copied to the Fees Department for its records.

l) Where a negotiated withdrawal is agreed, the school should inform the pupil's home Local Authority of the pupil's withdrawal from the school.

5.3 If, in exceptional circumstances, it should not seem appropriate to follow the above procedure, Trust Office should be contacted for advice.

**N.B:** Heads should take care not to apply any inappropriate pressure on parents to persuade them to withdraw their child. Full consideration should always be given to the interests of the pupil, other pupils and staff.

## 6. Initial Considerations for Head Prior to Exclusion

6.1 Before deciding to exclude a pupil a Head should, in accordance with the procedure set out in Section B, below:

- a) ensure that a thorough investigation is carried out;
- b) ensure that the pupil is given the opportunity to state her/his version of the incident(s);
- c) check whether the incident was provoked by any form of bullying or harassment and, in particular, take into account any breach of school policy on equal opportunities;
- d) consult others, if it seems necessary to do so, taking all reasonable care to ensure that this is not in any way prejudicial to the case and does not directly involve anyone who may later serve on an Appeal Panel;
- e) conclude on the balance of probabilities that the pupil did what has been alleged. In so doing, the Head should consider all the relevant evidence;
- f) keep full written records of the circumstances surrounding the incident justifying exclusion, and the steps taken in the decision to exclude (including notes of interviews with staff and pupils, conversations/meetings with parents and witness statements); and
- g) consider whether a negotiated withdrawal may be appropriate (see Section A5).

6.2 It is important that the pupil or any fellow pupils who are being interviewed as part of the Head's investigation process are not promised blanket confidentiality, even where there are sensitive issues. This should be gently but clearly explained when a pupil requests confidentiality in relation to an exclusion investigation, whether being interviewed by the Head, or otherwise.

6.3 Throughout the exclusion process, the school should so far as practicable follow the rules of natural justice which require a fair and balanced approach and a fair hearing taking account of the age and circumstances of the pupil.



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6.4 The Chair of the School Governing Board should ensure that the Head is able to demonstrate the reasons for her/his decision to exclude and that s/he has documentary evidence to support the decision. To this end, the Chair of the School Governing Board should be kept informed from an early stage.

## 7. Contractual Notice

The Head has discretion under the terms of the parent contract to give (not less than) one term's written notice to parents, where in the opinion of the Head, after due deliberation, the pupil will not benefit from continuing to be educated at the school, or has not attained a sufficiently high standard of work or behaviour for continuation.

This is a contractual discretion and falls outside the scope of the Exclusions Policy. In such cases, the Head should follow the procedure set out at A4(a) above.

## B. Procedure for Exclusion Cases

### I. The Investigation

1.1 The Head will conduct a full investigation into the circumstances leading up to the proposed exclusion (in line with the guidance set out in Section A6) and, in particular, will:

- (a) speak to other members of staff and/or pupils;
- (b) co-operate with a police investigation if it is suspected that a criminal offence has been committed; and
- (c) interview the pupil,
  - in the presence of another member of staff; and
  - in the presence of the pupil's parents, if they wish (with the agreement of the pupil if s/he is over the age of 18).

**N.B:** The Head should be accompanied by another member of staff throughout her/his interview with the pupil.

1.2 Detailed written records of all stages of the investigation must be retained by the Head.

1.3 As set out in section A6.2 above, a pupil should never be promised blanket confidentiality, even when the investigation involves sensitive information.

## 2. Fixed Period Exclusions

2.1 The Head may, after conducting an investigation, exclude a pupil for up to 5 school days but must:

- (a) ensure that the parents have received notice of the exclusion, if possible by telephone or in person, before it takes effect;
- (b) ensure that satisfactory arrangements have been made if the pupil is to be sent home immediately, having due regard to safeguarding issues, or that clear arrangements are in place in the exceptional circumstance that a pupil's exclusion is conducted within school premises;



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(c) write to the parents with details (a standard form letter can be accessed via the GDST Hub) including:

- the length of the exclusion;
- the reason for it; and
- the likely consequences of any further misconduct (including permanent exclusion);

(d) inform the Chair of the School Governing Board; and

(e) inform the Chief Executive.

2.2 When exclusions exceed one school day, work should be set to be undertaken at home and followed up on the pupil's return to school. For the avoidance of doubt, an exclusion for part of a day will count as one day of exclusion.

2.3 Where school activities occur within the exclusion period (including outside normal school hours) the pupil should normally not take part in such activities.

2.4 The Head may, in exceptional circumstances and with the consent of the Chair of the School Governing Board, exclude a pupil for a longer period, up to a maximum of 7 school days.

2.5 Where a pupil is excluded for a fixed period, any complaint by the pupil's parents should be made under the GDST's Complaints Procedure, rather than the Exclusions Appeal Procedure.

### 3. Permanent Exclusions

3.1 Where the Head considers that the permanent exclusion of a pupil may be warranted in the circumstances, the Head will conduct an investigation in accordance with Section B. In most cases, it will be appropriate to exclude the pupil for a period not exceeding 5 school days whilst the investigation is conducted.

3.2 Where the Head is to/has excluded a pupil under Section B3.1, the Head should:

(a) obtain the consent of the Chair of the School Governing Board prior to the exclusion taking effect. This consent should be confirmed in writing in due course;

(b) ensure that the pupil's parents have been notified of the exclusion, if possible by telephone or in person, before it takes effect;

(c) ensure that satisfactory arrangements have been made if the pupil is to be sent home immediately, having due regard to safeguarding issues;

(d) write to the pupil's parents stating that the pupil has been excluded pending investigation (a standard form letter can be accessed via the GDST Hub); and

(e) inform the Chief Executive.

3.3 If the Head considers that the investigation cannot be completed within the period of the initial exclusion, s/he may extend the exclusion by no more than a further period of 10 school days. The Head must repeat the steps detailed in Section B3.1 including a further notification to parents as set out in B3.2(b).

3.4 Where school activities occur within the exclusion period (including outside normal school hours) the pupil should normally not take part in such activities.



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3.5 Appropriate work should be given from the outset. In particular any pupil coming up to examinations should be provided with clear direction or an appropriate programme of study, including the marking of work, where appropriate. Details of work set or relevant study guidance given should be included in the record of the exclusion process and made available to the Appeal Panel if an appeal is lodged against permanent exclusion.

3.6 After completion of the investigation the Head will:

- (a) discuss her/his conclusions and recommendation with the Chair of the School Governing Board and agree a way forward; and
- (b) meet with the pupil's parents to discuss the outcome of the investigation. At this meeting the Head should specifically ask parents whether there are any representations they would like to make in response to the conclusions/recommendations made. This is to meet the requirements of natural justice. If parents wish to put their representations in writing the Head should give them a deadline by which the representations should be made, noting that these will be taken into account, but that there is no guarantee that this will alter the Head's decision. The Head should formally record this in the minutes of the meeting.

3.7 After meeting the pupil's parents the Head will send a confidential written report and recommendation to:

- (a) the Chair of the School Governing Board; and
- (b) the Chief Executive.

3.8 The Head's recommendation will be either to:

- (a) allow the pupil to return to school immediately if, following investigation, the pupil is deemed not to have behaved inappropriately;
- (b) allow the pupil to return to school immediately with a written warning of the effect of further misconduct if, following investigation, the pupil is deemed to have behaved inappropriately;
- (c) allow the pupil to return to school on a specified date (where possible, this should not be more than 15 school days after the start of the fixed period exclusion), with a written warning of the effect of further misconduct if, following investigation, the pupil is deemed to have behaved inappropriately and this behaviour warrants a fixed period exclusion; or
- (d) exclude the pupil from school permanently if, following investigation, the pupil is deemed to have behaved inappropriately and this behaviour warrants permanent exclusion.

3.9 The Chair of the School Governing Board will confirm her/his agreement in writing to the Head and also to the Chief Executive, together with the recommended action, within 24 hours of receipt of the Head's report. If the Chair of the School Governing Board does not agree with the Head's recommendation, the matter will be discussed further with the Chief Executive with a view to reaching a resolution.

3.10 Following the decision:

- (a) Following receipt of the Chair of the School Governing Board's letter supporting the Head's decision, the Head will:
  - inform the parents immediately, by telephone or in person if possible, of the result of the investigation and of the decision;



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- confirm the decision in writing to the parents (a standard form letter can be accessed via the GDST Hub); and
- offer the opportunity to discuss the outcome, either on the telephone or in person.

(b) If the decision is that the pupil should be excluded permanently, the Head will also:

- explain the Appeals Procedure in writing to the parents (a standard form letter can be accessed via the GDST Hub);
- assist the parents in the search for an alternative school wherever possible; and
- notify the Local Authority of the date on which the pupil is removed from the school roll if no alternative arrangements have been made for the pupil's education and s/he is below the statutory school leaving age (the pupil should not be removed from the school roll until the appeal process has been concluded or the time limit for the appeal has expired or the parent has decided not to appeal).

(c) Where the pupil is to return to school, the Head should consider appropriate reintegration and monitoring measures. These should be discussed with the parents and pupil and should be confirmed in writing. It is vital that any proposed support and/or follow-up actions are conducted and their effect monitored by relevant staff. In situations where another pupil or member of staff has suffered as a result of the excluded pupil's actions, the Head should also ensure that there are suitable support mechanisms in place to assist them in dealing with the pupil's reintegration.

## 4. The Appeal Procedure (permanent exclusion cases only)

### 4.1 Right of appeal

(a) Parents, or the pupil if s/he is over the age of 18, who wish to appeal against a decision permanently to exclude a pupil must lodge their appeal, in writing, clearly setting out the grounds on which they wish to appeal, with the GDST's Chief Executive at 10 Bressenden Place, London, SW1E 5DH, within 14 days of the date of the Head's written confirmation of that decision. If parents do not appeal within 14 days, there shall be no later right of appeal unless, in the opinion of the Chief Executive, exceptional circumstances exist which justify the delay.

(b) Where two or more pupils are alleged to have been involved in the same incident or linked incidents and these pupils have been permanently excluded as a consequence of the incident(s) each case should, in the interests of fairness, be heard by the same Panel.

(c) There is no right of appeal in cases of required withdrawal (for failure to meet the required standard of work, or for non-payment of fees or unacceptable behaviour by the parent, see A4), as these fall outside the scope of the Exclusions Procedure. Such cases are determined in accordance with GDST terms and conditions.

### 4.2 Prior to the hearing

(a) On receipt of the notice of appeal from the parents, the Chief Executive will immediately inform the Chair of the Council of the GDST, the Chair of the School Governing Board and the Head that such a notice has been received.



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(b) Once the Chief Executive has informed the Chair of the Council of the GDST of the parents' notice of appeal, the Chair will convene an Appeal Panel. The Panel will consist of at least 3 persons not directly involved in the matters surrounding the exclusion or the school, who will all be Trustees. No-one should be appointed where there may be a conflict of interest.

(c) A hearing will be scheduled to take place as soon as is practicable and normally within 15 school days of receipt of the parents' notice of appeal. It will normally be held at Trust Office, but in cases where it is not reasonable to ask parents and staff to travel long distances, efforts will be made to hold the hearing at premises near the school. Where this is not possible, reasonable travel expenses may be available in appropriate cases (e.g. for parents of full bursary holders).

(d) Where the parents' notice of appeal is received immediately prior to, or during a school holiday, the Chief Executive will progress matters as swiftly as is reasonably practicable and will notify parents of any delay.

(e) The Chief Executive will write to the parents to ask them (or the pupil) to provide, not less than 10 days before the hearing, any written statements and supporting documentation on which they wish to rely to the clerk of the Panel, for inclusion in a combined bundle of documents for use at the hearing.

(f) The Head is required to provide a statement to be included in the combined bundle of documents, which should cover the following areas:

- the pupil's age and school year;
- a summary of the pupil's academic and behavioural record where relevant;
- all steps taken by the school in relation to any previous disciplinary incidents (including written notification to the pupil's parents of such steps);
- a full account of the incident(s) leading to permanent exclusion; and
- the details of work set or relevant study guidance given during the exclusion period.

(g) All concerned should have the same set of documents before them for the hearing. The clerk of the Panel will, at least 5 days prior to the hearing, circulate a copy of the combined bundle of documents to the parents, Head, Chair of the School Governing Board and the Panel. Only in exceptional circumstances will documents be allowed to be submitted for the hearing after this time (see also Section B4.3.(f)).

(h) The Chair of the Panel, or the clerk, will normally write to the parents before the hearing, having considered the nature of the appeal and the documentary material, to outline the procedure for the hearing. Should the parents have any questions concerning the panel's procedure, they should address them to the clerk of the Panel at Trust Office.

## 4.3 Conduct of the Hearing

(a) Prior to the hearing, decisions relating to procedure may be dealt with by the Chair of the Panel acting alone.



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(b) The hearing is not a court of law and the conduct of the hearing shall be at the Panel's discretion which will be based on fairness and informality, but should not normally differ substantially from the procedure outlined in the Chair of the Panel's (or the clerk's) letter to the parents (see Section B4.2(h)).

(c) The Panel's role is to review the Head's decision, which will involve:

- considering if it was fair and reasonable in all the circumstances, taking into account that the Head's decision was made on the balance of probabilities;
- considering if permanent exclusion was a proportionate sanction; and
- deciding if reinstatement of the pupil would be possible (if sought), taking into account the impact of such re-instatement on other members of the school community (both staff and pupils).

(d) In forming its views, the Panel must ensure that each party is given equal opportunity to put its case fully, and that it gives sufficient consideration both to the procedures followed and reasoning employed by the school, and to the pupil's explanation of her/his behaviour. It must take a fair and

impartial view, and ask as many questions as necessary to elicit all relevant information to enable it to form a balanced view.

(e) The Panel may refuse to consider matters of which written notice has not been given if they consider that so doing would be prejudicial to a fair and effective consideration of the Appeal.

(f) Additional material may not generally be submitted at the hearing unless the Panel considers that the absence of such material would prejudice either party's case (see Section B4.2.(g)). In no circumstances may the school introduce new grounds for the exclusion at this stage.

(g) All documents are to be treated by all concerned as confidential.

(h) The parents may be accompanied to the hearing by one other person. The pupil may also be accompanied if required. The accompanying person may be a relative or a friend. It is not appropriate for the parents to have a legal representative at the hearing. The Head will be accompanied by their Chair of the School Governing Board.

(i) Either party may request that witnesses be present. The Panel does not however have the power to compel the attendance of any witness to the hearing and it may be more appropriate for witness evidence to be put forward in the form of a witness statement.

(j) A nominated member of the GDST's Legal Department will act as a clerk to provide advice on the exclusion process and handle administrative arrangements. They will not provide substantive legal advice to either party. In addition, a scribe will normally attend to take a note of the proceedings.



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## 4.4 The Order of the Hearing

### **(a) The order of the hearing shall be as follows:**

- (i) The parents (and/or the pupil if s/he is over 18, or if all parties agree that this is appropriate) will put their case.
- (ii) The Chair of the School Governing Board, speaking on behalf of the Head and the school community, will put their case, summarising the grounds for exclusion.
- (iii) The Chair of the School Governing Board and the Head will then be asked to withdraw from the hearing in order that the parents (and the pupil if s/he is over 18) may speak to the Panel privately if they wish to do so.
- (iv) The Chair of the School Governing Board and the Head will then be asked to rejoin the hearing and, if the parents and the pupil wish the Panel to take any matters raised privately into consideration in reaching its decision, such matters will be put to the Head and Chair of the School Governing Board by the Chair of the Panel in the presence of the parents and the pupil. The Chair of the School Governing Board and the Head will be invited to comment but may request a brief adjournment to consider their response, if the Panel considers this to be appropriate.
- (v) The Chair of the School Governing Board and the Head will be asked if they wish to say anything in conclusion.
- (vi) The parents (and the pupil if s/he is over 18) will be asked if they wish to say anything in conclusion.
- (vii) The parents and pupil, the Chair of the School Governing Board and the Head will withdraw and the Panel will consider the evidence.

N.B: The respective parties and the Panel will be able to ask questions through the Chair of the Panel after any of the above, but particularly after B4.4(a)(i) – (iv).

## 4.5 The Panel's decision

- (a) After due consideration of all the relevant facts, the Panel will reach a decision.
- (b) In reaching its decision, the Panel should take into account the broader interests of the other pupils and staff at the school as well as those of the excluded pupil. It will make its decision in private and this will normally be either:
  - to uphold the Head's decision; or
  - to refer the matter back to the Head for further consideration of matters that have been canvassed during the Appeal. The Panel will give its own opinion of the way certain issues should be viewed. (It is not the role of the Panel to overrule the Head, and thereby undermine her/his authority unless it is necessary to do so in order to avoid injustice); or
  - to allow the Appeal and the pupil's re-instatement where practical; or
  - in circumstances where it is not practical to re-instate the pupil, (for example the pupil's parents do not wish this) to allow the Appeal and make a statement to the effect that reinstatement would have been appropriate but for the specific circumstances of the case
- (c) All parties will be notified of the Panel's decision, in writing, accompanied by an explanation, no later than the end of the second school day after the hearing or within 48 hours if the hearing occurs outside the school term.



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(d) In the case of an appeal being allowed, the Panel should ensure that the date of the pupil's return to school is agreed with the Head (prior to notification of the date to the parent/pupil) in order to ensure that the Head has sufficient time to arrange for the pupil's reintegration.

## 4.6 After the Hearing

(a) The Chair of the Panel must convey to the Head within a week of the Panel's communication of its decision any comments relating to the school's policies or procedures, or its handling of the exclusion and events leading up to it. Any recommended follow-up actions or implications for GDST-wide policies or procedures should be communicated directly to the Chief Executive at Trust Office.

(b) Parents can be assured that correspondence, statements and records relating to the appeal will be kept confidential except where disclosure is required in the course of the school's inspection by the relevant regulatory authorities or where any other legal obligation prevails.



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