

Governor's Role in Suspensions and Permanent Exclusions (+ other possible panels)

How and why a Panel might be set up...

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Objectives

- To show Governors what the different panels there are that can be set up
- To take Governors through the reasons for panels being set up
- To take Governors through how panels are to be run
- To take Governors through the processes and legal aspects./consequences to do with panels

Structure of the training



- 1. Exclusions: Legal background and important terminology**
- 2. Why you are more likely to be called for an exclusions panel...(statistics)**
- 3. The Basics.....**
- 4. The duty of a Governing Board**
- 5. The meeting itself.....**
- 6. Considering the decision**
- 7. What happens next.....?/IRP's**
- 8. The Governing Body and reinstatement**
- 9. Data and suspensions/PX's**
- 10. Complaints**
- 11. Other possible panels....**



**Exclusions: Legal
background and important
terminology**

The DfE guidance



Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement

Guidance for maintained schools, academies, and pupil referral units in England

September 2023

The principal legislation to which this guidance relates is:

- the Education Act 2002, as amended by the Education Act 2011;
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- the Education and Inspections Act 2006;
- the Education Act 1996; and the Education (Provision of Full-Time Education for Excluded Pupils) (England)
- Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England)
- Education for Excluded Pupils) (England) (Amendment) Regulations 2014

Who is the guidance for?

Headteachers, governing boards (GBs), local authorities, academy trusts, IRP members, IRP clerks, social workers, VSHs and individuals appointed as Special Educational Needs (SEN) experts.

Which schools does the guidance apply to?

All maintained schools (including nurseries and sixth-forms) Academy schools / free schools Alternative provision academies/free schools Pupil referral units.

Which schools does the guidance not apply to?

Independent schools City technology and arts colleges Sixth form colleges, 16-19 academies or 16-19 free schools

Suspension and permanent exclusion: the last resort

“For the vast majority of pupils, suspensions and permanent exclusions may not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort.” (DfE, 2022)

Schools and local authorities should not adopt a ‘no exclusion’ policy as an end in itself.

Disruptive behaviour can be an indication of unmet needs

Early intervention to reduce the need for a subsequent suspension / exclusion

Individual support strategies (I.E.Ps)

Multi-agency involvement

Managed intervention placements (e.g. off-site provision – short-term)

Managed moves

Terms: what exactly is a suspension or permanent exclusion (PEX)?

Suspension (formerly: fixed-period exclusion)

- refers to when a pupil who is excluded from a school for a set period of time (can include during lunchtime).

Permanent exclusion (expulsion)

- refers to a pupil who is excluded and who will not come back to that school (unless the exclusion is overturned).

(Internal exclusions / detentions not counted as formal suspensions)



Why you are more likely to
be called for an exclusions
panel...(statistics)

Exclusions: trends and characteristics – Autumn 2023

[Home](#) > [Find statistics and data](#) > Suspensions and permanent exclusions in England

Autumn term 2022/23

Suspensions and permanent exclusions in England

THIS IS THE LATEST DATA



Published	23 November 2023
Next update	April 2024
Last updated	22 December 2023 ▶ See all updates (1)
Release type	National statistics
Receive updates	Sign up for email alerts

This publication presents statistics on [suspensions](#) and [permanent exclusions](#) across state-funded schools.

The publication includes data on:

Quick links

[Download all data \(zip\)](#)

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Related information

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Releases in this series

[▶ View releases \(15\)](#)

This is a useful site for statistics – updated termly.

Headline facts and figures - 2021/22

Permanent exclusions

6,495

Up from 3,928 in 2020/21

▶ [What is this?](#)

Permanent exclusions (rate)

0.08

Up from 0.05 in 2020/21

▶ [What is the permanent exclusion rate?](#)

Suspensions

578,280

Up from 352,454 in 2020/21

▶ [What is this?](#)

Suspension (rate)

6.91

Up from 4.25 in 2020/21

▶ [What is the suspension rate?](#)

Headline facts and figures - 2021/22

There were 6,500 permanent exclusions in the 2021/22 academic year.

This is an increase from 3,900 in 2020/21, however this included a period in the Spring term when schools were only open to key worker and vulnerable children. This is lower than the last full academic year before the pandemic (7,900 in 2018/19).

This is the equivalent of 8 permanent exclusions for every 10,000 pupils.

There were 578,300 suspensions in the 2021/22 academic year.

This is also an increase from the previous year, when 352,500 suspensions occurred, and is higher than pre-pandemic levels (438,300 in 2018/19). This is the equivalent of 691 suspensions per 10,000 pupils.

Suspension and permanent exclusions reasons

Data on the reason for suspensions and permanent exclusions changed in 2020/21. Up to three reasons may now be recorded for each suspension or permanent exclusion. The most common reason across all permanent exclusions was persistent disruptive behaviour, recorded 3,050 times (against 47% of permanent exclusions). The same reason was also the most common across all suspensions, recorded 289,600 times (against 50% of suspensions).

Headline facts and figures - 2022/23

Permanent exclusions

3,104

in autumn term 2022/23. Increase from 2,097 in autumn term 2021/22

▶ [What is this?](#)

Permanent exclusions (rate)

0.04

in autumn term 2022/23. Increase from 0.03 in autumn term 2021/22

▶ [What is this?](#)

Suspensions

247,366

in autumn term 2022/23. Increase from 183,817 in autumn term 2021/22

Suspension (rate)

2.96

in autumn term 2022/23. Increase from 2.21 in autumn term 2021/22

Headline facts and figures - 2022/23

Permanent exclusion numbers have increased compared to previous terms

In autumn term 2022/23, there were 3,100 permanent exclusions. This is an increase from 2,100 in autumn 2021/22 but is slightly lower than the final pre-pandemic autumn term (2019/20) when there were 3,200 permanent exclusions.

The rate of permanent exclusions is 0.04, equivalent to 4 permanent exclusions for every 10,000 pupils. This is similar to rates seen before the pandemic, which remained around 0.03 and 0.04.

Suspensions have also increased

There were 247,400 suspensions in autumn term 2022/23. This is also an increase compared to the previous autumn term, when there were 183,800 suspensions and is higher than the final pre-pandemic autumn term when there were 178,400 suspensions. Suspensions are typically higher in autumn term than in spring and summer.

The rate of suspensions was 2.96, equivalent to 296 suspensions for every 10,000 pupils. The rate in the previous autumn term, 2021/22, was 2.21. The rate in autumn 2019/20, before the pandemic, was 2.17.

The most common reason for suspensions and permanent exclusions was persistent disruptive behaviour

Persistent disruptive behaviour was included as a reason in 55% of all suspensions and 49% of all permanent exclusions in autumn term 2022/23. This is in line with previous terms and years where this reason was the most commonly recorded.

Pupil characteristics

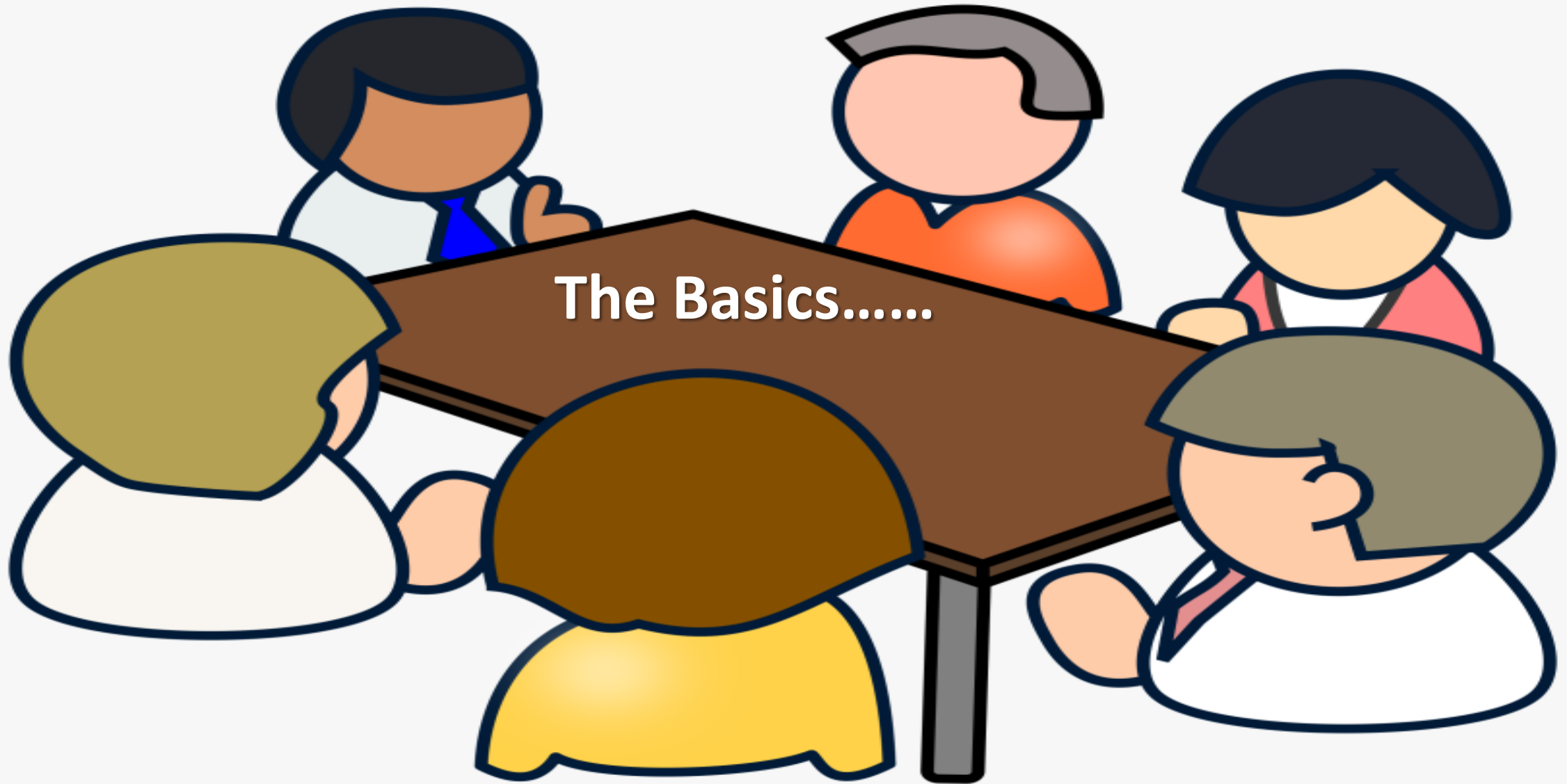
Boys continue to have higher PEXs and suspensions (almost 3000 PEXs compared to almost 1000 for girls and more than twice the number for suspensions).

Age: suspensions and PEXs peak at age 14.

FSM: rates are higher among pupils eligible for free school meal (FSM) (The PEX rate for pupils eligible for FSM is 0.12, around four times higher than for those not eligible, at 0.03).

SEN: rates are higher among pupils with special education needs (SEN) (The PEX rate for pupils with an EHC plan is 0.08, and for pupils with SEN support is 0.15, compared to 0.03 for those without SEN. For suspensions: 12.98 for pupils with an EHC plan and 11.86 for pupils with SEN support, compared to 2.80 for those without SEN).

Ethnicity - Gypsy/Roma pupils continue to have the highest rates of PEXs (0.18) and suspensions (15.00). Pupils of mixed White and Black Caribbean ethnicity have the second highest rate of PEXs (0.12). Pupils from Traveller or Irish Heritage ethnic groups have the second highest rate of suspension (11.22).



The Basics.....

The Basics (part 1):

Only the head teacher/principal can exclude a pupil.

Exclusions must be on disciplinary grounds (as specified in the school's behaviour policy).

Examples of unlawful exclusion reasons:

- Purely for additional needs or a disability school feels it is unable to meet
- Academic attainment/ability
- Action of a pupil's parents
- Failure to meet specific conditions before they are reinstated '

Informal' or 'unofficial' suspensions – (e.g. 'cooling off' period) **unlawful**.

'Off-rolling' - exercising undue influence over a parent to remove their child from the school under the threat of a PEX and/or encouraging them to choose Elective Home Education or to find another school place is **unlawful**.

Suspensions - maximum number of 45 school days in a single academic year.

Must apply the civil standard of proof, i.e., 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.'

The Basics (Part 2):

Cannot extend a suspension or convert one to a PEX.*

Behaviour of pupils outside school **can** be considered as grounds for a suspension or PEX.

A head teacher may withdraw a suspension or PEX that has not been reviewed by the GB.

Decision to exclude must be: lawful; rational, reasonable; fair; and proportionate taking account of the head teacher's and school's wider legal duties.

Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so.

The PEX of a pupil with an Education Health and Care Plan (EHC) or a looked after child (LAC) should be avoided as far as possible.

**Can issue a further suspension or a PEX to begin immediately after a suspension in exceptional cases, usually where further evidence has come to light.*

The Basics (Part 3):

Pupils with SEN, a disability or an EHP plan

Where a school has concerns about the behaviour, or risk of suspension or PEX, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others, consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.

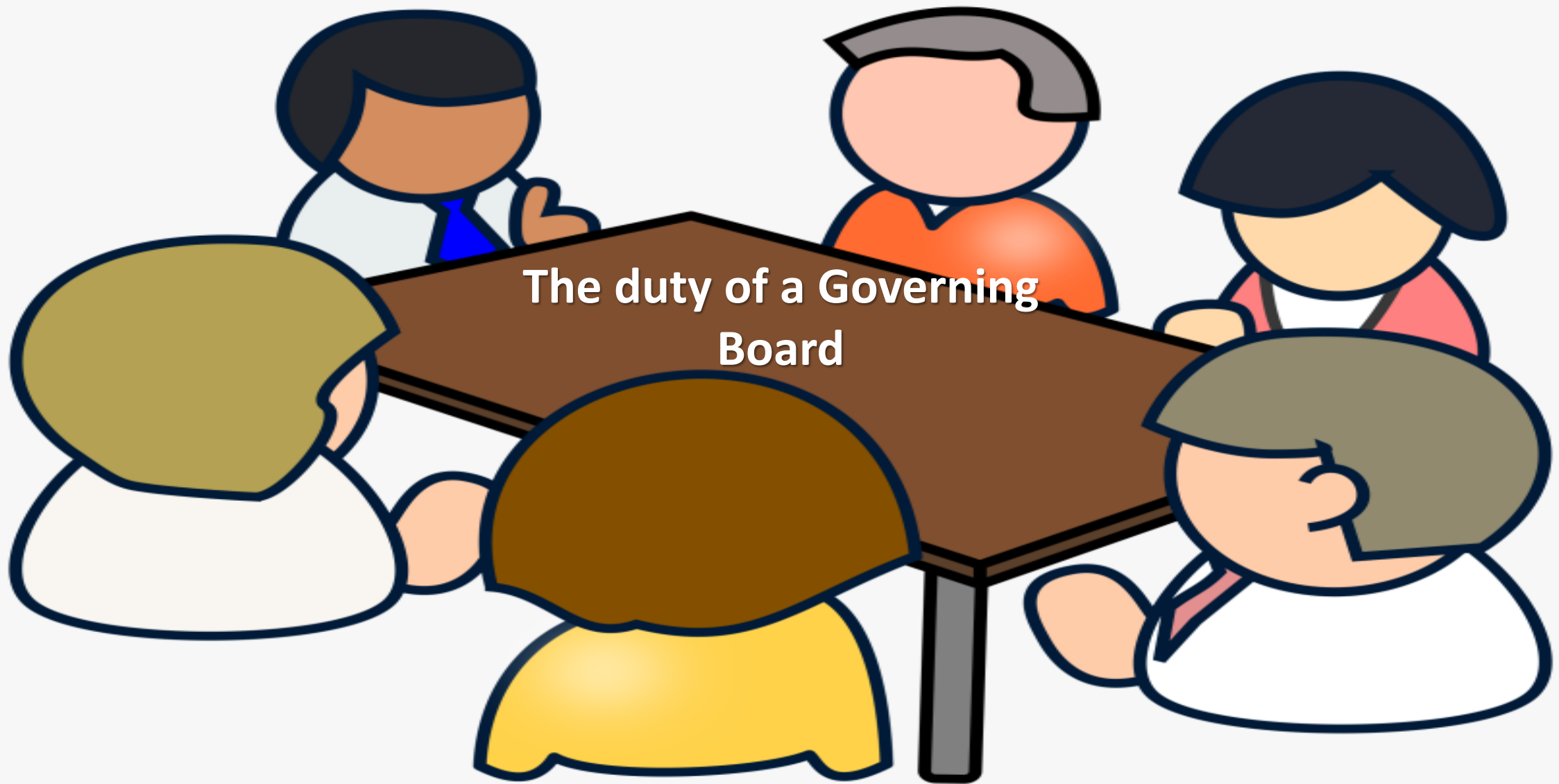
Where a pupil has an EHC plan, schools should contact the local authority's SEN service about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or PEX.

For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for schools to request an EHC assessment or a review of the pupil's current package of support

A decision to **permanently exclude** should only be taken:
In response to a serious breach, or persistent breaches, of
the school's behaviour policy;

AND

where allowing the pupil to remain in school would
seriously harm the education or welfare of the pupil or
others such as staff or pupils in the school.



The duty of a Governing Board

The governing board's duty to consider an suspension/PEX

“Governing boards have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties.” (DfE, 2023)

But who exactly?

Maintained schools: the governing board (GB) may delegate its functions to a designated sub-committee consisting of at least three governors

Academies: the GB may delegate to a smaller sub-committee if the trust's articles of association allow them to do so

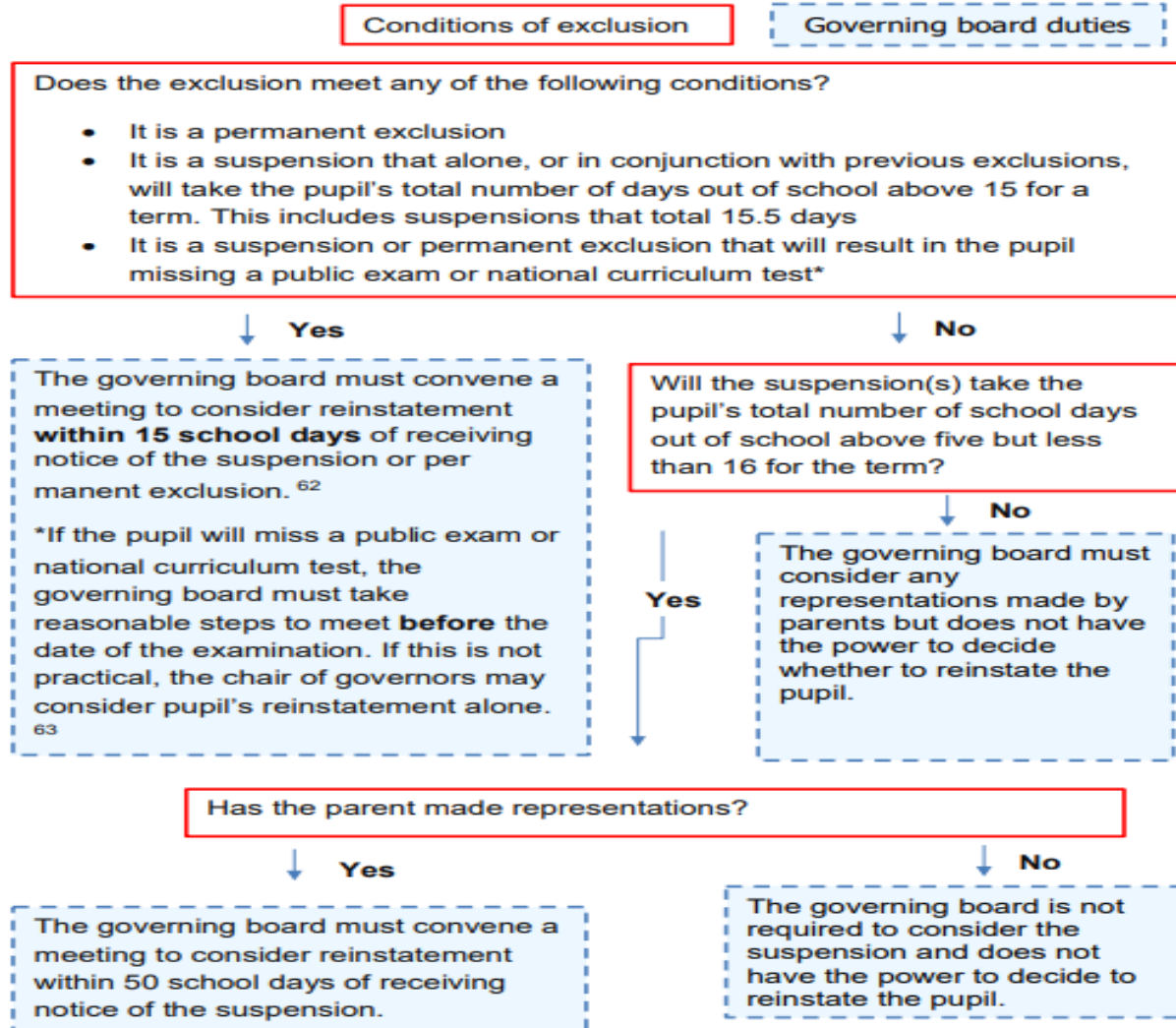
The governing board's duty to consider an suspension/PEX

And when?

The GB must consider and decide on the reinstatement of a suspended or permanently excluded pupil within **15 school days** of receiving notice of:

- A **permanent** exclusion
 - A **suspension** which brings the total excluded school days to **more than 15 in a term**
- A suspension or PEX which would result in a pupil **missing a public examination or national curriculum test**. GB should try to meet before exam, if not possible the chair can consider alone (maintained school).
- The GB may also be required to consider a suspension for less than 15 days but this is dependent on whether the parent requests it to. *(See the diagram from the DfE Guidance – next slide)*

A summary of the governing board's duties to consider reinstatement⁶¹



P.39: Guidance: Sept 2023

⁶¹ Parents on diagram refer to parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

⁶² The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

A summary of the GB's duties to review the headteacher's decision

1. Is it a permanent exclusion?

Yes = the GB must convene a meeting to consider reinstatement within 15 school days of receiving notice of the PEX. If the answer is no, go to step 2:

2. Is it a suspension that alone, or in conjunction with previous suspensions, takes the pupil's total number of days out of school above 15 for a term?

Yes = the GB must convene a meeting to consider reinstatement within 15 school days of receiving notice of the suspension. If the answer is no, go to step 3:

3. Is it a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test?

Yes = the GB must convene a meeting to consider reinstatement within 15 school days of receiving notice of the suspension or PEX. The GB must also take reasonable steps to meet before the date of the exam. If this is not practical, the chair of governors may consider pupil's reinstatement alone. (only for maintained schools). If the answer is no, go to step 4

A summary of the GB's duties to review the headteacher's decision

4. Will the suspension(s) take the pupil's total number of days out of school above 5 but less than 16 for the term?

Yes = go to step 5. If the answer is no, the GB must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil and is not required to meet with the parent.

5. Have the pupil's parents requested a GB meeting?

Yes = the GB must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension. If the answer is no, The GB is not required to consider the suspension and does not have the power to decide to reinstate the pupil



The meeting itself....

Setting up the GB meeting

The following parties must be invited to a meeting of the GB and allowed to make representations or share information:

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or over*;
- the headteacher;
- a representative of the local authority (in the case of a maintained school or PRU)
- the child's social worker if the pupil has one; and
- the Virtual School Head if the child is LAC.

*Taking into account, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in the meeting and should be enabled to make a representation on their own behalf if they wish to do so.

The GB must make “reasonable endeavours” to arrange the meeting within the statutory time limits and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits

MULTIPLE SUSPENSIONS OR EXCLUSIONS

Where suspensions or permanent exclusions are given by the headteacher to several students regarding an incident (s) it is recommended that:

- One panel hears all cases on the same day (or consecutive days if needed)
- The same clerk supports the panel
- The panel make their decisions after all hearings have been held.

This will ensure consistency in decision making



Considering the
decision

Considering the decision, the GB must (Part 1):

- not discuss the suspension or permanent exclusion with any party outside the meeting;
- ask for any written evidence in advance of the meeting, including witness statements* and other relevant information held by the school, e.g. relating to a pupil's SEN and the pupil's school record;
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the GB should first seek parental consent);
- invite the pupil's social worker, if they have one, and if the pupil is LAC, the VSH to attend;

**Witness statements can be gathered from the headteacher, the pupil's teachers, the designated safeguarding lead, the pupil themselves, the pupil's parent(s) and if applicable, the designated teacher for looked-after children. Where possible, written statements should also be gathered from the pupil's social worker, and for looked-after children the area's VSH*

Considering the decision, the GB must (part 2):

- comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (e.g. where a parent or pupil has a disability with mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the pupil to attend the meeting and speak on their behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the pupil may feed in their views by other means if attending the meeting is not possible.

Pupils who may miss a public examination or national curriculum test

There is no automatic right for a suspended or permanently excluded pupil to take a exam or national curriculum test on the school's premises. The GB should consider whether it would be appropriate to exercise its discretion to allow the pupil onto the premises for the sole purpose of taking the exam or test or whether this could be facilitated in another way.

Considering the decision, the GB must (part 3):

The GB must consider both the interests and circumstances of the suspended or permanently excluded pupil, and that of other pupils, staff, and school community.

The GB must also consider any representations made by or on behalf of:

- parents or the pupil if they are over 18 years old;
- the headteacher;
- the pupil's social worker (if the pupil has one);
- if the pupil is looked after, the Virtual School Head;
- and the local authority (in the case of a maintained school or PRU).

Taking into account the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in the GB meeting and the pupil should be enabled to make a representation on their own behalf if they desire to do so.

When establishing the facts in relation to a suspension or PEX the GB must apply the civil standard of proof, i.e., 'on the balance of probabilities' (it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

GB decision options:

- **Decline** to reinstate the pupil
or

- **Direct reinstatement** of the pupil immediately or on a particular date*

(*Where reinstatement would make no practical difference, e.g. the suspension has already ended, or the parents make clear they do not want their child reinstated, **the GB must still meet to consider whether the pupil should or would have been officially allowed back into school.**)

If the GB decides against the reinstatement of a pupil who has been permanently excluded, the parents can request an independent review (IRP). *An IRP cannot be requested for a suspension*

Questions for governors to consider

Establish the facts – what happened?

- Was the pupil able to make a statement to give their version of events?
- Who has been asked to give a witness statement? Only staff or only pupils?
- “I think...” or “I saw...”?
- Any discrepancies between statements?
- Are the statements signed and dated, and when were they taken?
- Other evidence: e.g. Physical, photographic, CCTV etc?
- Was the investigation of the incident thorough?
- Do you have enough evidence to reach a decision about the incident?

Did the pupil do what they are accused of? (‘Balance of probabilities’)

- Has the pupil been indentified as being involved?
- Was the pupil provoked, e.g. bullying or harassment?
- Other pupils involved – and to what extent?
- Did the pupil know they were breaching the school’s behaviour policy?
- Did the pupil know that their behaviour could lead to suspension/exclusion?
- Does the pupil have a disability? Is the reason for the suspension/exclusion related to the pupil’s disability?

Are there any mitigating factors?

- Does the pupil belong to a vulnerable/at risk group of pupils, e.g. SEN, LAC?
- Did the school consider what extra support might be needed?
- Does the pupil have special educational needs?
- Mental health issues?
- Are there personal, social or family reasons that may have impacted on the pupil's behaviour?
- Was there a victim and what impact has the incident had on them?
- What impact will this have on the pupil? For example on taking exams?

Have the school tried alternative strategies for managing the pupil's behaviour?

- Did the pupil have a PSP or an IEP?
- Has the plan been monitored and reviewed regularly?
- How long has support been in place?
- Were the parents and the pupil involved in setting behaviour targets and reviewing the plan?
- Were relevant outside agencies involved? Multi-agency meetings?
- Has the school considered requesting a statutory assessment of SEN?

Was the exclusion lawful, reasonable and procedurally fair?

For a PEX, was the pupil's behaviour a serious breach, or persistent breaches, of the school's behaviour policy; and would allowing the pupil to remain in school seriously harm the education or welfare of the pupil or others in the school?

- Was the suspension/exclusion for behaviour outside of school?
- How were other pupils involved sanctioned?
- Was the suspension/exclusion fair/consistent in relation to others?
- Was the suspension/exclusion a proportionate response to the incident?
- Could the Head/Principal have dealt with the incident differently?
- Internal exclusion, managed move?
- Did the school follow relevant school policies?
- Did the school take into account their duties under the Equality Act, and other relevant legal duties?
- Has the head followed the exclusion guidance?

Was the exclusion lawful, reasonable and procedurally fair?

1. Ensure that **clear minutes** are taken as a record of the evidence considered. These minutes should be made available to all parties on request and the record of discussion **should state clearly how the decisions have been reached**.
2. Ask **all** parties to withdraw before making a decision (the clerk may stay to help the GB by reference to their notes and with the wording of the decision letter).
3. The role of the clerk at the meeting is therefore crucial.
4. In reaching a decision on whether a pupil should be reinstated, the GB should consider whether the decision to suspend or permanently exclude the pupil was: **lawful, reasonable, and procedurally fair**.
5. Should consider the welfare and safeguarding of the pupil and their peers, the headteacher's legal duties, and any evidence that was presented to the GB in relation to the decision to exclude.
6. The GB should note the outcome along with relevant papers for future reference on the pupil's file.
7. (In cases where the GB does not have the power to direct reinstatement, they should consider whether appropriate to place a note of findings on the pupil's record).

Schools should retain records and evidence for at least six months in case of a discrimination claim

Social workers and Virtual School Heads on attending the GB meeting

Social workers (SWs)

SWs can provide important information that helps the GB understand the experiences of a pupil and their welfare.

SWs should, as far as possible, attend the GB meeting to share information. This should include helping to identify how the pupil's circumstances may have influenced the circumstances of the pupil's suspension or PEX and ensuring that safeguarding needs and risks and the child's welfare are taken into account.

Virtual School Heads (VSHs)

The VSH should, as far as possible, attend the GB meeting to share information where the pupil is a LAC. This should include helping the GB to understand the pupil's background and circumstances. They should also be able to advise the board on the possible contribution that the pupil's circumstances could have made to the suspension or PEX

Time to let everyone know your decision

The GB must notify parents,(or the pupil if they are 18 or over), the headteacher, the local authority*, the pupil's social worker and/or the VSH of its decision, and the reasons for it, in writing.

**Including the pupil's 'home authority' if different from where the school is based.*

The governing board should set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

There are a number of legal requirements which must be included in the notification letter. A **template letter** has been drawn up and is available from GSS to help guide schools in fulfilling their statutory duties.



What happens
next.....?/IRP's

What happens next?

If the GB decides not to reinstate the pupil the parent has the right to apply for an independent review panel (**IRP**) to review the GB's decision.

- If the parent **doesn't** apply for an IRP after 15 school days following notification of the decision, then the GB must ensure that the pupil's name is removed from the school roll.
- If the parent **does** request an IRP, the school must wait until the review process has been completed, depending on the final outcome, before removing the pupil from roll (unless they are reinstated). The date the pupil is removed from roll cannot be backdated to the original date of when the permanent exclusion was issued).
- (*This only applies to a permanent exclusion).

What happens next?

A parent can also make a claim under the Equality Act 2010 to the First-tier Tribunal (SEN), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. Any claim must be lodged within six months of the date of the exclusion. In both of these scenarios the Tribunal or County Court has the power to direct that the pupil should be reinstated.

Independent Review Panel (IRP)

The local authority (maintained schools) or the Academy Trust/Free School will arrange at their own expense for this to take place. Parents will submit appeals to the LA as before.

When – within 15 school days of the receipt of parent's application.

The Panel – consists of either 3 or 5 members (usually 3) and must include: Lay member to chair, School governor, Headteacher (terms and conditions apply), Clerk, SEN expert (if requested by parent)

Who will be invited from the school? –

- Headteacher (and any witnesses)
- Representative of the governing body

What does the IRP have to take into account when considering the GB's decision not to reinstate a permanently excluded pupil?

Illegality - did the head teacher and / or GB act outside the scope of their legal powers in taking the decision to PEX?

Irrationality – was the decision of the GB not to reinstate the pupil so unreasonable that it was not one a sensible person could have made?

Procedural impropriety – was the process of the PEX and the GB's consideration so unfair or flawed that justice was clearly not done?

What decisions can the IRP make?

- **Uphold** the governing board's decision, or
- **Recommend** that the governing body reconsiders reinstatement, or
- **Quash** the decision and direct that the GB reconsiders reinstatement.

Following a **direction to reconsider (quash)**, the IRP can order an adjustment of £4,000 from the school's budget if GB does not offer within 10 schools days to reinstate.

If offer of reinstatement is declined by parent, no budget adjustment can be made.



**The Governing Body
and reinstatement**

The GB's duty to reconsider reinstatement

Must reconvene within **10 school days** of being given notice of decision. (This applies to both a recommendation to reconsider and a 'quash').

Important that the GB **"conscientiously"** reconsiders whether to reinstate pupil.

The GB's decision **"should demonstrate how they have addressed the concerns raised by the IRP."**

"Whilst the GB may still reach the same conclusion as it first did, it may face challenge in the courts if it refuses to reinstate the pupil, without strong justification." (DfE, Sep 2022).

Reconsideration is an **opportunity to look afresh** at the question of reinstating **in light of the IRP's findings.**

No requirement to seek further representations from other parties or to invite them to the reconsideration meeting. *[Advice: GB to opt to either invite no other party or to invite all parties – must not however invite only one side e.g. H/T but not family etc – breach of natural justice].*

GB should base reconsideration **on the presumption that a pupil will return** to the school if reinstated, **regardless of any stated intentions by the parent or pupil**

The GB's duty to reconsider reinstatement(2)

GB not prevented from taking into account other matters considered relevant, **providing additional information doesn't make decision unlawful**. E.g. considering new evidence that is irrelevant, or new reasons for the PEX.

Should ensure **clear minutes** are taken – these should **be made available to all parties on request**.

GB should ask any parties in attendance to withdraw (except clerk if required).

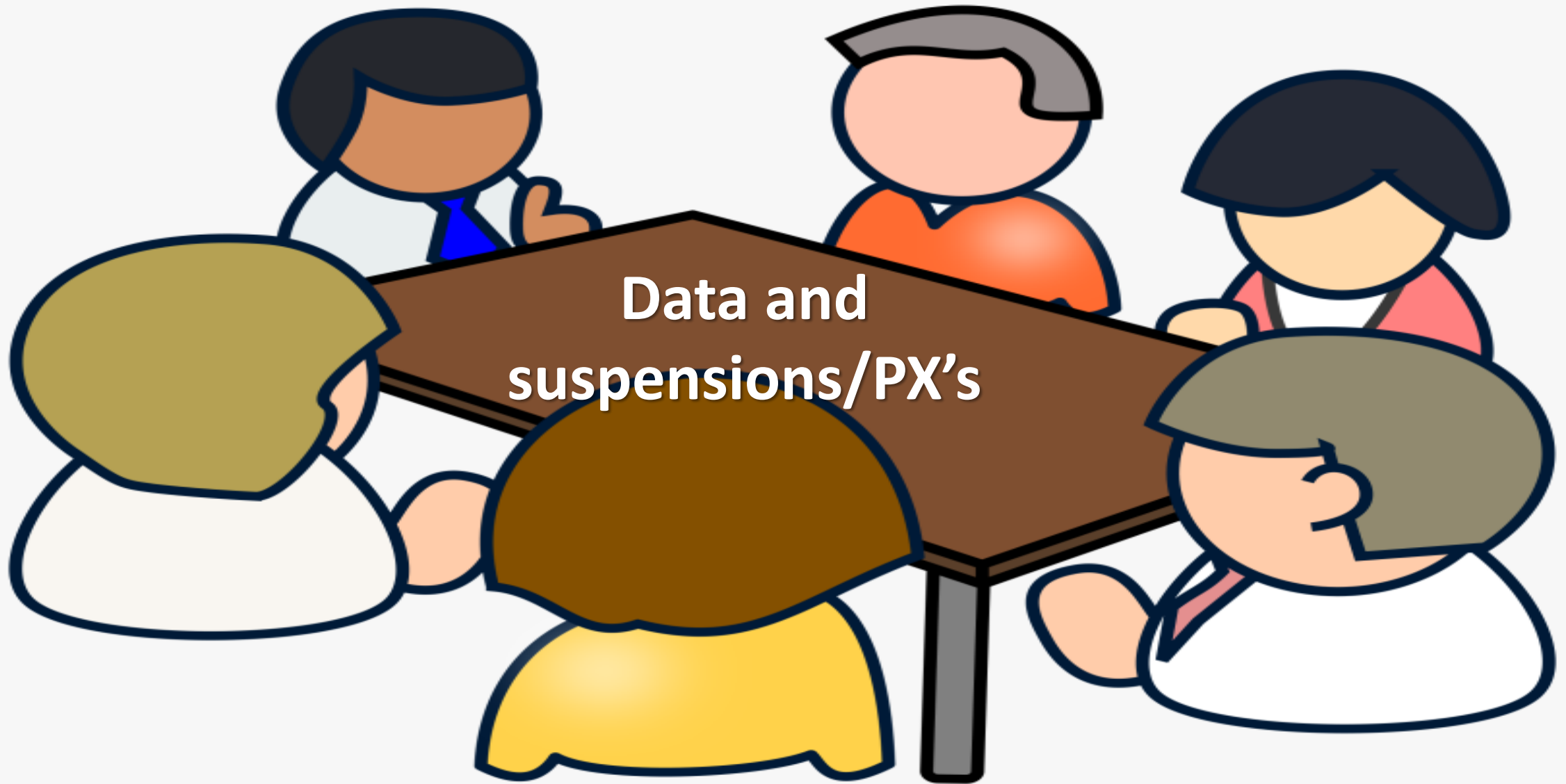
Note outcome of it's consideration on the pupil's educational record, along with copies of any papers for future reference.

If offer of reinstatement is turned down, this should be recorded on pupil's record.

Clerk must also note where a pupil is not reinstated following a direction to reconsider, that this doesn't count towards the twice excluded rule.

The decision should be communicated in standard English for all parties to understand.

The GB must notify **without delay** their reconsideration decision: the parents; the headteacher; the local authority (and 'home' authority).



Guidance for GB's on using data on suspensions and PEXs (Part 1):

- Should carefully consider the level of pupil moves and the characteristics of pupils who are moving on any PEXs to ensure the sanction is only used when necessary, as a last resort.
- Should review suspensions and PEXs, those taken off roll and those on roll but attending education off-site. [Consider both the cost implications of directing children to be educated off-site in AP + whether there are any patterns to the reasons or timing of moves]. E.g. if high numbers of children with SEND are moving, the school may wish to consider reviewing its SEN support.
- (MATs) may also choose to work with their academies to consider this information, and whether there are patterns across academies within a MAT.

GB's should consider:

- effectiveness and consistency in implementing the school's behaviour policy
- the school register and absence codes
- instances where pupils receive repeat suspensions
- interventions in place to support pupils at risk of suspension or PEXs

Guidance for GBs on using data on suspensions and PEXs (Part 2):

Consider any variations in the rolling average of PEXs to understand why this is happening, and to ensure they are only used when necessary.

- Timing of moves and PEXs, and whether there are any patterns, including any indications which may highlight where policies /support are not working.
- Understanding the characteristics of excluded pupils, and why this is taking place.
- Whether the placements of pupils directed off-site into AP are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it.

Further information can be found here:

Understanding your data: a guide for school governors and academy trustees - GOV.UK (WWW.GOV.UK)

Understanding your data: a guide for school governors and academy trustees

Updated 1 September 2022

Applies to England

Contents

[Introduction](#)

[Cyber security and data protection](#)

[The 7 themes](#)

 [Print this page](#)

Introduction

It is important everyone on the board has the skills to understand the performance data for their school or academy trust so they can hold school leaders to account.

This resource:

- provides information, grouped into 7 themes, about what performance data the board **must** and should be analysing
- supports the board to analyse performance data and build an evidence base to help identify the reasons behind success and establish the “root causes” behind any problems or failures
- boosts confidence in using performance data to make decisions and challenge other: where problems/ failures are identified or persist
- helps guide board discussions to ensure the best possible outcomes for pupils and value for money is achieved
- signposts to other useful sources of information

Analysing your data

We recommend the 7 themes in this resource are used in **conjunction with each other, and in the context of your organisation** and its wider operational strategy to help you analyse your school/ academy trust’s performance data and form an evidence base.

You should consider:

- the size of your organisation
- type of school(s) within your organisation (e.g., primary/ secondary/ alternative provision/ special school) and whether a school has a specialist special educational needs and disability (SEND) unit or resourced provision
- key stage
- curriculum offer



Complaints

Complaints: how to deal with them/possible panels

The screenshot shows the GOV.UK website page for 'Best practice guidance for school complaints procedures 2020'. The page is updated as of 15 January 2021. It includes a navigation menu, a breadcrumb trail, and a table of contents. The main content area is divided into sections for 'Applies to England', 'Introduction', and 'Contents'. The 'Introduction' section explains that all maintained schools must have and publish procedures to deal with all complaints relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures. It also states that the guidance is produced to share and encourage best practice and help schools avoid common pitfalls.

GOV.UK | Menu | Search

Home > Crime, justice and law > School complaints procedures: guidance for maintained schools

Department for Education

Guidance

Best practice guidance for school complaints procedures 2020

Updated 15 January 2021

Applies to England

Contents

- Introduction
- The difference between a concern and a complaint
- Who can make a complaint?
- Your complaints procedure
- Timeliness
- Stages
- Recording complaints
- Governing body review
- Bias in the proceedings
- Complaints not in scope
- Our role in relation to complaints about maintained schools
- Managing serial and persistent complaints
- Further information

Print this page

There's separate guidance on setting up a complaints procedure for [academies](#) and [independent schools](#).

[Contact your local council](#) or call the police on 101 if you're told a child is at risk.

Schools and complainants can [contact DfE](#) for more information about school complaints.

Ofsted will consider complaints from parents that relate to the school as a whole. This includes complaints about:

- the quality of education being provided, including remote education
- pupils' wellbeing and safety

Ofsted normally expects parents to seek to resolve any concerns with the school in the first instance. See [Ofsted's complaints process](#).

Introduction

In accordance with [Section 29\(1\) of the Education Act 2002](#), all maintained schools and maintained nursery schools must have and publish procedures to deal with all complaints relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures.

We have produced this guidance to:

- share and encourage best practice
- help schools avoid common pitfalls

There is a difference between 'legal requirement' and 'good practice'. In this

Model Complaints Policy from DfE

Model complaints procedure

Insert school name/logo

Note

If using this model policy, governing bodies must tailor it to their own schools.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to <School Name> about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. <School Name> takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, <Name>, *(school to nominate the headteacher or the complaints administrator if one is used)*, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, <Name> will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, <School Name> will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint

Model Policy for managing serial and unreasonable complaints from DfE

Model policy for managing serial and unreasonable complaints

Note:

This policy can also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

<School Name> is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

<School Name> defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including

Complaints: The Governance handbook

399. The boards of all maintained schools have a duty to establish procedures for dealing with complaints about the school and any community facilities or services that it provides unless alternate statutory procedures apply. 138

400. All LA maintained schools must publish their complaints procedures online

401. Academy trusts must ensure they have a procedure that deals with complaints from parents of pupils and that it is effectively implemented. This must comply with the Education (Independent School Standards) Regulations 2014. Part 7 of the regulations sets out the standard about how the manner in which complaints are handled is met. The department expects academy trusts to also respond to complaints from individuals who are not parents of pupils.

402. Academy trusts must make their complaints procedure available on request. The expectation is that this should be published online

6.16 Complaints

399. The boards of all maintained schools have a duty to establish procedures for dealing with complaints about the school and any community facilities or services that it provides unless alternate statutory procedures apply.¹³⁸
400. All LA maintained schools must publish their complaints procedures online.
401. Academy trusts must ensure they have a procedure that deals with complaints from parents of pupils and that it is effectively implemented. This must comply with the [Education \(Independent School Standards\) Regulations 2014](#). Part 7 of the regulations sets out the standard about how the manner in which complaints are handled is met. The department expects academy trusts to also respond to complaints from individuals who are not parents of pupils.
402. Academy trusts must make their complaints procedure available on request. The expectation is that this should be published online.
403. Any individual can complain to the Secretary of State for Education about a school in England. For maintained schools, the department considers complaints to determine whether a school board has acted unreasonably in the performance or exercise of its education powers or duties or has failed to perform a duty. Where this is established, the Secretary of State has powers of intervene and give directions to the board.¹³⁹ ESFA handle complaints about academies on behalf of the Secretary of State, in accordance with their terms of the school's funding agreement.
404. If requested to do so, a LA maintained school board must provide the department with any specific information relevant to the department's consideration of a complaint.¹⁴⁰
405. [Guidance](#) on making a complaint about a school gives detailed information about the role of the Secretary of State and ESFA in the complaints process. Guidance to help [LA maintained schools](#) and [academies](#) draw up a complaints procedure is available.
406. By law, and in certain circumstances, Ofsted is able to investigate complaints by parents about their child's school to decide whether to use its inspection
-

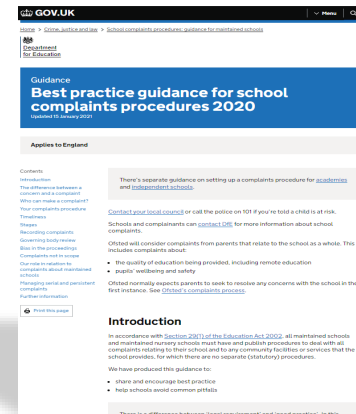
The difference between a concern and a complaint

A **'concern'** may be treated as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A **complaint** may be generally recognised as 'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'.

It's in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

However, there will be occasions when complainants want to raise their concerns formally. In those cases, your complaints procedure should be followed.

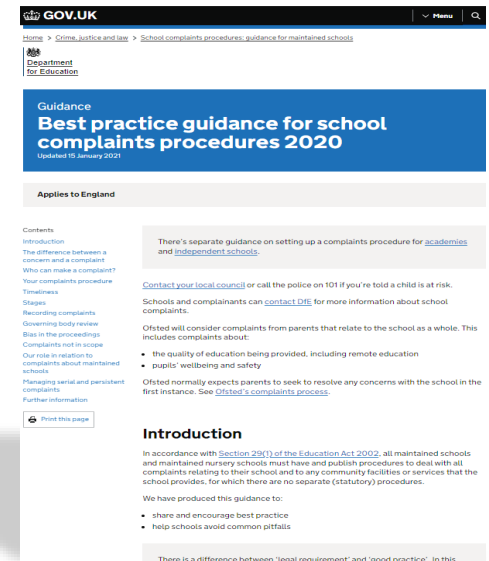


Your Complaints Policy

As the duty to establish procedures for dealing with complaints lies with governing bodies, you **must** tailor the policy to your individual school.

You should make sure that your complaints procedure:

- is simple to understand and use
- is impartial
- is non-adversarial
- enables a full and fair investigation
- where necessary respects confidentiality
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary
- provides information to the school's senior management team so that services can be improved



The screenshot shows the GOV.UK website page for 'Best practice guidance for school complaints procedures 2020'. The page is updated as of 15 January 2021 and applies to England. It features a table of contents on the left side with links to sections such as 'Introduction', 'The difference between a concern and a complaint', 'Who can make a complaint?', 'Your complaints procedure', 'Timeliness', 'Stages', 'Recording complaints', 'Governing body review', 'Bias in the process', 'Complaints not in scope', 'Our role in relation to complaints about maintained schools', 'Planning serial and persistent complaints', and 'Further information'. A 'Print this page' button is also visible. The main content area includes a note about separate guidance for academies and independent schools, a link to contact the local council or police, and information about Ofsted's role in considering complaints from parents. The 'Introduction' section states that all maintained schools and maintained nursery schools must have and publish procedures to deal with all complaints relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures. It also lists the purpose of the guidance: to share and encourage best practice and help schools avoid common pitfalls. A small note at the bottom indicates a difference between 'local requirement' and 'good practice'.

Stages

You're free to choose how many stages your procedure will include. However, it is recommended 2 stages, where the second, **an appeal stage, is heard by members of the governing body who'll consider the complaint afresh.**

This makes sure that:

- decisions are not taken in isolation
- there is always a mechanism by which decisions are considered independently

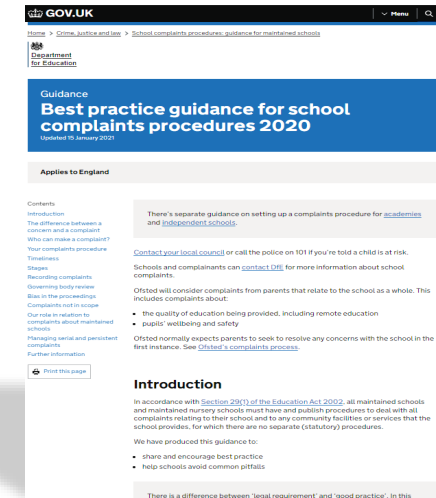
It is **not recommended** that the second stage only considers the handling of the complaint at earlier stages. One of DfE's roles in considering school complaints is to review a school's handling of a complaint. Schools should be mindful of this when establishing their complaints procedures.

Your complaints procedure must not state that a complaint can only be escalated to the next stage if the school permits it. Complainants should be given the opportunity to complete the complaints procedure in full, unless you possess clear evidence that the complaint meets your published **serial complaint criteria**.

Complaints about school staff

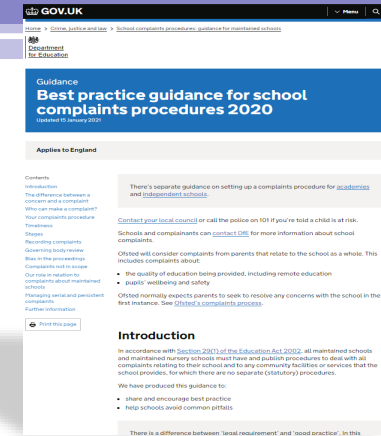
It is recommended that:

- complaints against school staff are dealt with by the headteacher (stage 1), then a committee of members of the governing body (stage 2)
- complaints against the headteacher are dealt with by a suitably skilled member of the governing body (stage 1) and then a committee of members of the governing body (stage 2)



The screenshot shows the GOV.UK website page for 'Best practice guidance for school complaints procedures 2020'. The page is titled 'Guidance Best practice guidance for school complaints procedures 2020' and is dated 'Updated 10 January 2021'. It includes a 'Contents' section with links to 'Introduction', 'The difference between a concern and a complaint', 'Who can make a complaint?', 'Your complaints procedure', 'Timeliness', 'Recording complaints', 'Reviewing body review', 'Bias in the proceedings', 'Complaints not in scope', 'Our role in relation to complaints about maintained schools', 'Handling verbal and persistent complaints', and 'Further information'. The 'Introduction' section states that in accordance with Section 207(1) of the Education Act 2002, all maintained schools and maintained nursery schools must have and publish procedures to deal with all complaints relating to their school and its any community facilities or services that the school provides, for which there are no separate (statutory) procedures. It also mentions that the guidance aims to share and encourage best practice and help schools avoid common pitfalls.

Complaint about governors



It is recommended that:

- complaints against the chair of governors or any individual governors are made to the clerk to the governing body (the clerk), the clerk should then arrange for the complaint to be heard. This can be done by a suitably skilled and impartial member of the governing body (stage 1) and then a committee of members of the governing body (stage 2)
- complaints against the entire governing body or complaints involving both the chair and vice chair should also be sent to the clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint
This may involve sourcing an independent investigator to complete stage 1 and co-opted governors from other schools to hear the complaint at stage 2.

Complaints about the curriculum

Complaints about the content of the national curriculum should be sent to DfE using the [contact form](#).

Complaints about the **delivery of the curriculum** are **for schools to resolve through their complaints procedure**.

This includes:

- religious education (RE)
- sex and relationships education

The duty on local authorities to consider complaints of this nature was removed under section 45 of the Education Act 2011.

If a school's complaint procedure signposts complainants to the local authority to resolve these and other types of complaints, then governing bodies should seek confirmation from the local authority that they can include these details in their complaint procedure.



Other possible panels....

Other possible panels....

Some complaints fall outside the school's complaints procedure, for example:

- staff grievances
- disciplinary procedures

These will all have their own policies, but the procedures, structures and principles will follow a similar pattern to your complaints policy.

Thoughts or questions...?





Governor Support Service
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supporting governors and clerks
throughout the borough and beyond

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