

Governors Discussion of Pupil Behaviour Exclusion

I am writing as a result of a question raised at the last meeting of the governing body concerning the advisability of a governing body engaging in discussion of the behaviour or sanctions (exclusion) for particular pupils. I understand the clerk at that meeting advised it was not appropriate for the governing body to discuss the fixed term exclusions of two pupils that the Head was reporting to governors. The clerk has since asked me to write to you to explain the basis for the LEA advice via clerks in such circumstances, given that this issue was raised at the meeting.

As you know, once a pupil is subject to a disciplinary measure such as exclusion, the actions of the headteacher, parent and governors are governed by formal procedures which derive from legislation. Generally speaking, formalised procedures are there to ensure consistency and fairness and to protect the interests of all parties involved in the procedure. You will also appreciate that consideration of pupil exclusions under these procedures is specifically delegated under the School government Regulations to a committee of the governing body.

As is the case for the majority of formal procedures, the procedure for dealing with pupil exclusions is designed to separate, strictly, deliberation and action taken at different levels. This ensures fair treatment for any individual between action taken at management level and the next level (governors) and between action taken at governors' level and at the appeal level.

As a result, in the case of pupil exclusion, the LEA advice to governors is that there should be no consideration at a full governing body meeting of either the exclusion of a particular pupil that may have to be considered by the exclusions' committee in the future, or indeed the behaviour of a pupil which has not yet resulted in exclusion.

It is never possible to foresee with any certainty what the outcome of any disciplinary action might be and for that reason it is essential for the headteacher to take whatever action he/she feels is appropriate at management level without discussion with governors, until the stage is reached where it needs to be referred to the committee with delegated responsibility. This is particularly important in the case of fixed term exclusions as there is often a strong possibility that there will be further fixed term exclusion or even permanent exclusion for that pupil.

If at some stage in the future the matter has to be considered by the exclusions' committee, then that committee's view of the situation could be said to be prejudiced as a result of discussion at a full governing body meeting as governors will have only heard one side of the story. The greatest danger in this situation is that the legitimate actions of a headteacher can be undermined, albeit unintentionally, because the strict separation of the levels at which governors become involved has been blurred. In practice this can result in decisions that have been taken by the Headteacher being invalid because the governors come to a particular case with a predetermined view of the case instead of coming to it fresh to balance the headteacher's and parent's view of the incident.

In the light of experience over the years, clerks are informed of the need to advise strongly that governors do not become involved in discussion of disciplinary (or potential disciplinary) matters related to individual pupils or staff. Even if names of individuals are not used it is often obvious to any subsequent committee that this was a case that had been discussed by the full governing body.

There is a requirement on the Headteacher to report exclusions to the governing body for information. Governors are encouraged to use this to monitor trends in exclusion as one aid to ensuring behaviour problems are being properly addressed through the behaviour policy. At most this should entail looking at the trends in exclusion and any patterns in the type of behaviour problems being experienced. This would not need any discussion of the detail of the cases themselves or the merits of exclusion for individual pupils. The main role for the whole governing body in terms of pupil discipline is to ensure that the school has an appropriate behaviour policy and that this is reviewed regularly.

Ultimately, the Clerk can only advise the governing body and it is up to the chair of the governing body to rule on procedures and practice at meetings. When the advice of the clerk is not followed, this could be minuted and the reasons given. Obviously, there is no intention to curtail any form of legitimate debate but to advise in order to protect the interests of the governing body, headteacher and any individual at the school.

I appreciate it can be difficult to judge at times how much discussion should take place regarding issues like this but I hope this information is useful.