

How do I put my views to the Governors?

You can put these in writing (these are usually required a few days in advance of the meeting) or in person at a Governors' Disciplinary Committee meeting. You may take someone with you. This can be a friend or relative, or anyone else you feel would be supportive – you should tell the clerk to the Governors' Disciplinary Committee if you are bringing someone with you. You must always be invited to any Governors' Disciplinary Committee that is held, but you do not have to go. If you want to go but cannot go at a date within the legal time limits, speak to the Clerk to the Governors' Disciplinary Committee as soon as possible to arrange a date which is convenient to you.

During the meeting, the Chair will invite the school to tell everyone what has happened and why they feel the decision to suspend was the right one, governors and parents or your representative will then be able to ask questions about what the school has discussed. Parents or your representative, and your child if attending and wishing to speak, will then be allowed to discuss your views on the suspension, adding anything you think will help the governors in making their decision. The governors and school may ask you some questions too. The Chair will ask the school and parent to make a closing statement before closing the meeting to allow them to consider all the evidence and information provided. At this stage the meeting is adjourned and all parties will leave to allow the committee to make its decision. What happens after the meeting is adjourned?

There are two possible outcomes that the governors can decide following the meeting, decline to reinstate the pupil, this means that they agree with the decision about the suspension, or direct reinstatement. This means they do not agree with the decision to suspend. If a pupil is reinstated, but has already returned to school as their number of days suspended has been reached, a note on the pupil's file will be made to reflect the governors'

decision. You must be informed of the outcome of the meeting, in writing, without delay.

Where can I go for further advice?

Coram Children's Legal Centre
0808 802 0008
www.childrenslegalcentre.com

ACE Education
03000 115 142
www.ace-ed.org.uk

If you require advice related to special education needs and disability or making a claim of discrimination to the First-tier Tribunal: www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability or the County Court.

You may also find the following useful: Department for Education's statutory guidance on exclusions:
www.gov.uk/government/publications/school-exclusion

Derby City Council In Year Fair Access and Exclusions team can also offer impartial advice.
01332 642732
IYFA@derby.gov.uk



Fixed term suspension

A guide for parents and carers

In Year Fair Access
Secondary Schools



Derby City Council

This step-by-step guide has been produced to help parents/carers understand what the process is around fixed term suspensions (exclusions) from school, answer some of questions which may arise, and explain the Governor role should there need to be a meeting in school with the Governors about exclusions.

What is a fixed term suspension?

Fixed term suspensions (formally fixed term exclusions) are given to pupils as a sanction for behaviour that goes against a school's behaviour policy. The suspension is for a specified number of school days in which a pupil must stay at home and not come onto school premises or be in a public place. The length of the fixed term suspension and when the pupil can return to school is set by the head teacher and they must inform you without delay when this happens.

What happens when my child is suspended?

When the head teacher has decided to suspend your child someone should contact you immediately, preferably by telephone, to tell you about the suspension, which will usually start on the following school day but can start on the day of the incident that led to the exclusion. The head teacher must then write to you without delay telling you:

- the reason(s) for your child's suspension
- the date the suspension begins and ends
- your right to put your views in writing to the Governors and how you and your child can do this
- for longer suspensions where the Governors must meet to consider the exclusion, the letter must provide information about your right to attend the meeting to put your views in person

- you should also be notified without delay, and by the end of the afternoon session at the latest that you must make sure your child stays at home (i.e. not in a public place without reasonable justification) during what would normally be school hours and that you can be fined or taken to court, if your child is found outside the home during these hours.

What happens to my child's education when they have been suspended for a fixed term?

The school should take reasonable steps to set and mark work for your child during the first five days of a suspension and school should set out the arrangements for this. Any work set should be accessible and achievable by pupils outside of school. If the suspension is longer than five days but not permanent, the school is responsible for arranging suitable full time education for your child from day six of the suspension until they are due to return to school and must communicate with you about the arrangements for this.

Will the school governors be involved?

Suspension of 5 school days or less in one term: Governors do not have a statutory duty to consider the suspension unless you request this. While governors must review any request and consider information shared by you they don't have the power to overturn the suspension decision. The only exception to this is if the suspension would result in your child missing a public exam (for example GCSE). In this case Governors must meet to review the suspension within 15 school days, or sooner if possible before the exam, and should invite you. Suspensions of more than 5 days but fewer than 15 days in one term: Governors must agree if you ask for a meeting. The meeting must take place within 50 school days from the date Governors are told of the suspension. Suspensions of more than 15 days, either as one suspension

or in total in one term: Governors must meet to review the suspension(s) and you should be invited. This meeting must take place within 15 school days from the date on which governors are told that the number of days suspension in that term is more than 15. This means that the meeting may sometimes be held after your child as returned to school. However, it is still your opportunity to make your views known to the Governors so they can consider reinstatement (removal of the suspension).

The Governors' Disciplinary Committee meeting

A Governors' Disciplinary Committee is made up of at least three of the school's Governors. The Governors follow guidance from the government and the school's policies, such as the behaviour, exclusion and special education needs policies. The Governors' Disciplinary Committee must monitor the use of suspension in the school and the purpose of the meeting is to listen to what you and the school have to say about your child's behaviour and to decide if the suspension, and the length of suspension, was a lawful reasonable, proportionate and fair response.

Who will be at the meeting?

The meeting will be chaired by a school governor with two other governors present as part of the committee. Parents are invited, and the pupil where you feel it is appropriate can also attend. There will also be school staff present, usually the head teacher and another senior leader. A representative of the Local Authority would also be invited. The meeting will have minutes taken by a clerk to the school governors who will also arrange the invitations for the meeting. You are also allowed to bring a friend or representative to support you at the meeting. A representative is someone who will speak at the meeting on your behalf.