

Exclusions Policy: Temporary Covid-19 Addendum

Introduction

The Department for Education (DfE) has introduced temporary arrangements relating to exclusions due to Covid-19:

<https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak>

The changes relate to timeframes and how meetings can be held virtually rather than in person.

Scope and duration

The school's Exclusion Policy continues to apply throughout this period, amended only as set out in this addendum, and will continue to be implemented consistently, rigorously, openly and fairly.

This addendum applies until March 2021, however this timeframe may change dependent on Government advice. The temporary arrangements came into force on 1 June 2020 and apply to all exclusions occurring from then until 24 September 2020 (inclusive of those dates) as well as:

- permanent and fixed term exclusions occurring before 1 June 2020 which have not yet been considered by the LGB
- permanent exclusions occurring before 1 June 2020 which have been considered by the LGB, if they have chosen not to reinstate the pupil and the time limit to apply for a review of this decision has not passed
- permanent exclusions occurring before 1 June 2020 where a parent (or pupil aged 18) has requested a review of a LGB decision, but this has not yet happened

Any exclusions covered by the arrangements will continue to be subject to them until the procedures for scrutiny of the exclusion have been exhausted.

Some of the changes, set out below, also apply to exclusions that occur from 25 September 2020 to 24 March 2021. DfE's intention is a return to normal timescales.

Exclusions occurring between 1 June 2020 and 24 September 2020

The new rules focus on two main changes:

Remote access meetings

Governor (LGB) reviews and IRPs can now meet via telephone or video conferencing so long as the following conditions are met:

1. it is not reasonably practicable for the meeting to take place in person, within the usual timescales, due to coronavirus
2. the LGB is satisfied that:
 - all the participants agree to the use of remote access
 - all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used

- all the participants will be able to put across their point of view or fulfil their function
- the meeting can be held fairly and transparently via remote access

When determining if it's practicable to meet in person the LGB should assess:

- Remote access meetings: Governor (LGB) reviews and IRPs can now meet via telephone or video conferencing so long as the following conditions are met:
- the facts of the case
- the circumstances in which a meeting in person could be expected to take place
- the needs of the intended participants (as far as this is possible)
- the latest public health guidance (including the guidance for full opening of schools)

Further detail can be found within the DfE guidance.

Timescales

Whilst reasonable attempts should be made to keep within the previous timeframes (using remote access meetings if need be), all exclusion timeframes have been extended (applications for reviews, governor review meetings, IRP meetings etc). Where the deadline would normally be 15 school days, this is extended to 25 school days (or as long as reasonably necessary if due to Covid-19). Where the deadline is normally 50 school days this will be extended to 60 school days (or as long as reasonably necessary if due to Covid-19). If time limits had already passed prior to 1 June they will not be extended.

Exclusions occurring between 25 September 2020 and 24 March 2021

For exclusions occurring between 25 September 2020 and 24 March 2021 (inclusive of those dates), meetings of LGB's or independent review panels should be held via remote access if:

- it is not reasonably practicable to meet in person due to coronavirus
- the other conditions (set out above) for a remote access meeting are met

The deadline for applications for an independent review in relation to exclusions occurring between 25 September 2020 and 24 March 2021 will be 25 school days from the date on which notice in writing of the LGB's decision is given to parents, or directly to the pupil if they are 18 or above.

The guidance states that governing board meetings and independent review panel meetings, relating to exclusions occurring between 25 September 2020 and 24 March 2021, should take place within the normal timescales set out in the guidance on exclusion from maintained schools, academies and pupil referral units in England. All reasonable steps should be taken to meet the normal deadlines for exclusions occurring after 24 September. However, schools are still expected to consider the guidance on protective measures for the full opening of schools and facilitate remote access meetings where it is not reasonably practicable to meet in person.

If the deadlines are missed because of coronavirus, the meeting will be held as soon as it becomes either reasonably practicable to meet in person or via remote access (respecting the conditions for such a meeting).