



The Tiffin Girls' School

Addendum to Exclusion Policy: COVID-19 Pandemic

September 2021

The DfE has updated the statutory guidance regarding changes to the exclusion process during the COVID-19 outbreak:

This statutory guidance describes the temporary changes we have made to the school suspensions and permanent exclusions process due to coronavirus (COVID-19).

The changes apply to all maintained schools, academies (including alternative provision academies but excluding 16 to 19 academies) and pupil referral units (PRUs).

The normal arrangements and procedures that must follow a decision to exclude on disciplinary grounds are described in the 2017 [statutory guidance 'Exclusion from maintained schools, academies and pupil referral units in England'](#). They are unchanged except as noted in this guidance.

Temporary arrangements applying to suspension and permanent exclusions occurring between 25 September 2021 and 24 March 2022

All suspensions and permanent exclusions occurring between 25 September 2021 and 24 March 2022 (inclusive of those dates) are subject to temporary arrangements with regards to the use of remote access technology (for example videoconferencing or telephone conferencing software) for meetings of governing boards or independent review panels. This is a contingency measure should there be any further public health restrictions to limit the spread of COVID-19 that might make it difficult for meetings to be held in person within the normal statutory timescales.

Governing boards (GBs) and independent review panels (IRPs) who have a duty to meet to discuss a suspension or permanent exclusion that occurs between 25 September 2021 and 24 March 2022 must ensure that any such meeting takes place within the normal statutory timescales described in the statutory guidance.

GBs and IRPs should:

- consider the [actions for schools during the coronavirus outbreak](#)
- facilitate remote access meetings where it is not reasonably practicable to meet in person

If the deadlines are missed because of coronavirus (COVID-19), the meeting must be held as soon as it becomes reasonably practicable to meet either in person or via remote access (respecting the conditions for such a meeting).

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

A permanent exclusion should be taken as having 'occurred' on the first day of the exclusion.

For any suspension or permanent exclusion that occurred between 25 September 2020 and 24 September 2021, the above also applies.

Conducting Remote meetings

For suspensions and permanent exclusions occurring between 25 September 2021 and 24 March 2022 (inclusive of those dates), meetings of GBs or IRPs should be held via remote access if:

- it is not reasonably practicable for the meeting to take place in person, within the usual timescales, because of coronavirus (COVID-19)
- the GB (or arranging authority, if the meeting is an IRP) 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

It is the responsibility of the GB (or the arranging authority in the case of an IRP meeting) to make sure these conditions are met before a meeting takes place.

Those who have no intention of taking part in the meeting should not be treated as 'participants' for the purposes of the conditions.

When determining if it's practicable to meet in person the GB or arranging authority should assess:

- 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 actions for schools during the coronavirus outbreak

Arranging a remote access meeting

The GB or arranging authority should explain the technology they propose to use to participants and should make sure that the participants (particularly students and their families) know that they do not have to agree to a meeting to be held via remote access.

Where a parent or student has given their agreement for a meeting to be held via remote access, the other participants should accommodate that preference except in exceptional circumstances.

GBs, arranging authorities and panel members must comply with relevant equalities legislation and recognise that some participants may find it difficult to participate in a remote access meeting (for example, if someone has a disability or if English is not their first language).

The GB or arranging authority should take reasonable steps to facilitate a parent, child or young person's access to the technology required. For example, GBs and arranging authorities may wish to run a 'test meeting' to trial if technology that is going to be used is suitable.

If a governor, panel member or other participant requires support to access or remote access technology, the GB or arranging authority should facilitate this to ensure the meeting can be held promptly.

Fairness and Transparency

The assessment of whether a meeting can be held fairly and transparently via remote access must be made with reference to the facts of each case and cannot be decided by rigidly following a general policy.

If a GB or arranging authority is not satisfied that a meeting can be held fairly and transparently via remote access, they should consider using reasonable adjustments to overcome this, consulting with parents and students to take account of their wishes.

Running the meeting

If a meeting is held via remote access, every effort should be made by the chair to check the participants understand the proceedings and can engage with them, to ensure the meeting is conducted fairly. If, once the meeting starts, the meeting cannot proceed fairly (for example, because a participant cannot access the meeting), the GB or IRP should adjourn the meeting.

The use of remote access does not alter other procedural requirements that may apply to GBs, arranging authorities or IRPs. For example, if a parent requests the appointment of a special educational needs (SEN) expert to advise a review panel, the local authority/academy trust must appoint one and cover the cost as normal. Parents may bring a friend or representative, as normal.

Though GBs and IRPs must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.

As long as the conditions for a remote access meeting are met, it is possible for some participants to be present in person and for others to join the meeting via remote access. All the participants must have access to technology which will allow them to hear and be heard by others throughout (and to see and be seen throughout, if a live video link is used).

To help meetings run smoothly and ensure they are accessible for participants:

- provide clear instructions to participants about how to join the meeting virtually, and distribute the relevant papers in a timely manner ahead of the meeting
- indicate a named person who participants can contact, with any questions they may have beforehand
- consider holding a pre-meeting with attendees to check that the available technology is suitable, and all participants understand how to access the meeting
- ensure the chair is prepared to explain the agenda at the start of the meeting, and to provide clear guidance on how the meeting will be run, for example:
 - how participants should indicate they wish to speak
 - how any 'chat' functions should be used
 - whether there will be any breaks in proceedings
 - how participants can access advocacy services during the meeting

Applications for an independent review

The deadline for applications for an independent review has been reinstated to normal statutory timescales (15 days) in relation to permanent exclusions occurring from 25 September 2021. Applications for an independent review must be made within 15 school days from the date on which notice in writing of the GB's decision is given to parents, or directly to the student if they are 18 or above.

Schools must allow 15 school days to pass without an application having been made before deleting the name of a permanently excluded student from their admissions register, in accordance with the Education (Pupil Registration) (England) Regulations 2006 as amended.

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