



The Tiffin Girls' School

Addendum to Exclusion Policy: COVID-19 Pandemic

December 2020

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 exclusion 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.

Important dates

All exclusions occurring between 1 June 2020 and 24 March 2021 (inclusive of those dates) are subject to amended 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
- the deadline for applications for an independent review

Governing boards (GBs) and independent review panels (IRPs) who have a duty to meet to discuss an exclusion that occurred between 1 June 2020 and 24 September 2020 may be eligible for time extensions in some circumstances.

It is important that meetings relating to exclusions occurring between 25 September 2020 and 24 March 2021 take place within the normal timescales described in the exclusion from maintained schools, academies and pupil referral units in England statutory guidance.

GBs and arranging authorities for independent review panels should take all reasonable steps to meet the normal deadlines for exclusions occurring after 24 September 2020.

They should:

- consider the guidance on protective measures for the full opening of schools
- 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 exclusions covered by the arrangements will continue to be subject to them until the procedures for scrutiny of the exclusion have been exhausted.

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

Remote meetings

For exclusions occurring between 1 June 2020 and 24 March 2021 (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 guidance for full opening of schools)

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 if they do not want to. They should make families aware that if they do not consent to a remote access meeting then the meeting is likely to be delayed.

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.

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 what reasonable adjustments could be made to surmount this, consulting with parents and students to take account of their wishes.

It will only be in rare cases that a GB or arranging authority conclude that a remote meeting would not be fair and transparent if the participants have understood the implications of a remote access meeting and have given their consent. In such cases, the GB or arranging authority should explain to the parent and the student why this decision has been taken.

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
- 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
- consider holding a pre-meeting with attendees to check that the available technology is suitable, and all participants understand how to access the meeting

Applications for an independent review

The deadline for applications for an independent review in relation to exclusions occurring between 1 June 2020 and 24 March 2021 will be 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.

Schools must wait for the extended period of 25 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.

Timescales for exclusions between 25 September 2020 and 24 March 2021

Exclusions between 25 September 2020 and 24 March 2021 (inclusive) should follow the deadlines in the [exclusion from maintained schools, academies and pupil referral units in England](#) statutory guidance, other than the deadline for the application of an independent review.

If it is not reasonably practicable to meet by the usual deadline either in person (because of coronavirus (COVID-19)) or by remote access (because of the conditions for a remote access meeting), the meeting must not be delayed any longer than is reasonably necessary because of coronavirus (COVID-19).

Meetings to consider permanent exclusions, and fixed period exclusions resulting in the student missing more than 15 school days in a term

If a student is permanently excluded or is excluded for a fixed period which results in them having been excluded for 16 or more school days in a term, then the GB should meet to discuss reinstatement within 15 school days.

The limit will be extended to 25 school days, or as long as reasonably necessary, if:

- the exclusion occurred between 1 June 2020 and 24 September 2020
- it has not been reasonably practicable for the GB to meet face to face within 15 school days for reasons relating to coronavirus (COVID-19)
- it has not been reasonably practicable to meet by way of remote access for a reason relating to the conditions for a remote access meeting

Meetings to consider fixed period exclusions resulting in the student missing between 6 and 15 school days in a term

If a student is excluded for a fixed period which results in them having been excluded for at least 6 school days in a term but not more than 15 school days in that term, and the parent (or student, if aged 18 or above) chooses to make representations about the exclusion, then the GB should meet to discuss reinstatement within 50 school days.

The limit will be extended to 60 days, or as long as reasonably necessary, if:

- the exclusion occurred between 1 June 2020 and 24 September 2020
- it has not been reasonably practicable for the GB to meet face to face within 50 school days for reasons relating to coronavirus (COVID-19)
- it has not been reasonably practicable to meet by way of remote access for a reason relating to the conditions for a remote access meeting

Timescales for meetings of independent review panels to consider permanent exclusions

The timescale for the meeting will be extended to 25 school days, or as long as reasonably necessary for a reason related to coronavirus (COVID-19) if:

- the exclusion occurred between 1 June 2020 and 24 September 2020
- it has not been reasonably practicable for a review panel to meet in person within the original time limit of 15 school days for reasons related to coronavirus (COVID-19)
- it has not been reasonably practicable to meet by way of remote access for a reason relating to the conditions for a remote access meeting

To minimise uncertainty for students and their families, the arranging authority should reassess at regular intervals whether it is reasonably practicable to meet, and if it is, should arrange to do so without delay