

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 exclusions occurring from then 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.

Different rules apply depending on when the exclusion occurred, as set out below. Any exclusions covered by the arrangements will continue to be subject to them until the procedures for scrutiny of the exclusion have been exhausted.

The new rules focus on two main changes:

- Remote access
- Timescales

Remote access meetings

For exclusions occurring between 1 June 2020 and 24 March 2021 (inclusive of those dates), meetings of governing boards or independent review panels should be held via remote access if 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 is 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

Exclusions occurring between 1 June 2020 and 24 September 2020

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

DfE has amended guidance to clarify timescales for new exclusions between 25 September 2020 and 24 March 2021 (inclusive). Exclusions in this period 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.

Local governing boards 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, 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).

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.

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 pupil from their admissions register, in accordance with the Education (Pupil Registration) (England) Regulations 2006 as amended.