

Flookburgh CofE Primary School



Together, we believe, anything is possible

This Addendum must be read in conjunction with the School's own Exclusion and Behaviour Policies, brought to the attention of those it affects (staff, pupils, parents, and to some extent contractors and volunteers), and be published on the school website.

## FLOOKBURGH CE PRIMARY SCHOOL

# EXCLUSION POLICY COVID-19 ADDENDUM

September 2020

Approved by <sup>1</sup>	
Name:	
Position:	
Signed:	
Date:	
Proposed review date <sup>2</sup> :	

<sup>1</sup> The Employer free to determine how to implement.

<sup>2</sup> The Governing Body or Proprietor free to determine review period.

## REVIEW SHEET

The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date (if any).

Version Number	Version Description	Date of Revision
1	Original	September 2020

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## 1. Introduction

This addendum has been created following DfE statutory guidance [Changes to the school exclusion process during the coronavirus \(COVID-19\) outbreak](#).

This guidance, which schools must follow, describes the temporary changes made to the school exclusion process due to coronavirus (Covid-19) and they apply to exclusions from:

- maintained schools
- academies (including alternative provision academies but excluding 16 to 19 academies)
- pupil referral units (PRUs)

The normal arrangements and procedures that must follow a decision to exclude on disciplinary grounds are described in our Exclusion Policy which follows the 2017 statutory guidance '[Exclusion from maintained schools, academies and pupil referral units in England](#)'. Our policy is unchanged except as noted in this addendum. Both must be read in conjunction with each other and both will be brought to the attention of those they affect i.e. staff, pupils, parents, and to some extent contractors and volunteers, and be published on the school website.

All staff and some of the other adults who work with our pupils, have a responsibility to be aware of systems in school which support safeguarding and any temporary amendment or addendums to these will be explained to them, as appropriate to their role, by senior managers. This includes (but is not limited to) our Health & Safety Policy, Child Protection Policy and procedures, Code of Conduct or Staff Behaviour Policy, and Behaviour policy and other supporting policies or procedures like anti-bullying or cyberbullying.

## 2. Context

From 20 March 2020 parents were asked to keep their children at home, wherever possible, and for schools to remain open only for those children of workers critical to the Covid-19 response - who absolutely need to attend. From 01 June 2020, schools were asked to open to more pupils in addition to the children of key workers and those who are deemed vulnerable. From the beginning of the autumn 2020 term, all pupils, in all year groups, return to school full-time.

These 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 governing body of the school;
- permanent exclusions occurring before 1 June 2020 which have been considered by the governing body/trustees, 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 governing body's/trustees' 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 also apply to exclusions that occur from 25 September 2020 to 24 March 2021.

An exclusion should be taken as having 'occurred' on the first day of the exclusion (not the date when the decision to exclude was made or communicated).

## 3. Remote access meetings

The governing body/trustees can meet to consider an exclusion via telephone or video-conference software ('remote access') as long as:

- it is not reasonably practicable for the meeting to take place in person, within the usual timescales, due to coronavirus (COVID-19);
- the governing body/trustees (or arranging authority, if the meeting is an Independent Review Panel (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 our governing body/trustees (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 will not be treated as 'participants' for the purposes of the conditions stated above.

When determining if it's practicable to meet in person the governing body/trustees (or arranging authority) will 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](#)).

### 3.1 Arranging a remote access meeting

The governing body/trustees (or the arranging authority) will:

- explain the remote access technology to be used to participants;
- take reasonable steps to facilitate a parent, child or young person's access to the technology required;
- make sure that the participants (particularly pupils 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;
- prioritise and encourage accommodation of remote access by other participants when a parent or pupil has given their agreement for a meeting to be held that way, except in exceptional circumstances;
- take any necessary steps to comply with relevant equalities legislation and 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);
- facilitate any support to access or use remote access technology that a governor, trustee, panel member or other participant requires to ensure the meeting can be held promptly.

We will also make families aware that if they do not consent to a remote access meeting then the meeting is likely to be delayed.

### 3.2 Fairness and transparency

The governing body/trustees will decide whether a meeting can be held fairly and transparently via remote access with reference to the facts of each case and not by rigidly following a general policy. If they are not satisfied it can be held fairly and transparently via remote access, they will consider what reasonable adjustments could be made to overcome this, consulting with parents and pupils to take account of their wishes.

If the participants have understood the implications of a remote access meeting and have given their consent, it will be rare for the governing body/trustees or arranging authority to conclude that a remote meeting would not be fair and transparent. In such cases, we or the arranging authority will explain to the parent and the pupil why this decision has been taken.

### 3.3 Running the meeting

If a meeting is held via remote access, every effort will 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 governing body/trustees or IRP will adjourn the meeting.

The use of remote access does not change other procedural requirements that apply to governing bodies/trustees, 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 governing boards and IRPs must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing. If 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.

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

- Ensure clear instructions are provided to participants about how to join the meeting virtually, and the relevant papers are distributed 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.

#### **4. Timescales for meetings of governing boards**

If it has not been reasonably practicable for the governing body/trustees to meet in person within the original time limit for a reason related to coronavirus (COVID-19) or remotely for a reason relating to the other conditions for a remote access meeting, the time limit for the meeting will be extended.

To minimise uncertainty for pupils and their families, the governing body/trustees will reassess at regular intervals whether it is reasonably practicable to meet, and if it is, arrange to do so without delay.

There are different timescales for [exclusions occurring from 25 September 2020 to 24 March 2021](#).

#### **5. Meetings to consider permanent or fixed term exclusions, and fixed period exclusions resulting in the pupil missing more than 15 school days in a term**

If a pupil is permanently excluded or receives a fixed period exclusion which results in them having been excluded for 16 or more school days in a term, then the governing body/trustees will need to meet to discuss reinstatement within 15 school days.

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

- it has not been reasonably practicable for the governing body/trustees 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.

This extension does not apply to [exclusions that occur after 24 September 2020](#).

#### **6. Meetings to consider fixed period exclusions resulting in the pupil missing between 6 and 15 school days in a term**

If a pupil receives a fixed period exclusion 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 pupil, if aged 18 or above) chooses to make representations about the exclusion, then the governing board should meet to discuss reinstatement within 50 school days.

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

- it has not been reasonably practicable for the governing board 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.

This extension does not apply to [exclusions that occur after 24 September 2020](#).

## **7. Timescales for applications for independent reviews of exclusions**

If the governing body/trustees declines to reinstate a pupil who has been permanently excluded, parents (or the excluded pupil, if they are 18 years old or above) can apply for a review of the governing board's decision.

For exclusions covered under these arrangements, the deadline for applications has increased to 25 school days from the date on which notice in writing of the governing board's decision is given to parents, or directly to the pupil if they are 18 or above. This change applies to all exclusions which occur between 1 June 2020 and 24 March 2021 (inclusive of those dates).

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.

## **8. Timescales for meetings of independent review panels to consider permanent exclusions**

If 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), and it has not been reasonably practicable to meet by way of remote access for a reason relating to the other conditions for a remote access meeting, 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).

This extension does not apply to [exclusions that occur after 24 September 2020](#).

## **9. 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 the governing body/trustees or independent review panels will be held via remote access if:

- it is not reasonably practicable to meet in person due to coronavirus (COVID-19);
- the other [conditions 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 governing body's/trustees' decision is given to parents, or directly to the pupil if they are 18 or above.

### **9.1 Returning to normal timescales**

This school/academy understands the importance of governing body/trustee meetings and independent review panel meetings, relating to exclusions occurring between 25 September 2020 and 24 March 2021, taking place within the normal timescales set out in our Exclusion Policy.

The governing body/trustees will and expects arranging authorities for independent review panels to take all reasonable steps to meet the normal deadlines for exclusions occurring after 24 September 2020.

We will:

- 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 deadlines are missed because of coronavirus (COVID-19), the meeting must 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).