<u>Coronavirus (COVID-19)</u> Guidance and support

Department for Education

Statutory guidance

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(COVID-19) outbreak

Updated 28 August 2020 This statutory guidance describes the temporary changes we have made to the Contents school exclusion process due to coronavirus (COVID-19). Important dates Remote access meetings The changes apply to exclusions from: Arranging a remote access meeting maintained schools Timescales for meetings of • academies (including alternative provision academies but excluding 16 to 19 governing boards academies)

Changes to the school exclusion

process during the coronavirus

Meetings to consider • pupil referral units (PRUs) permanent exclusions, and fixed period exclusions resulting in the pupil The normal arrangements and procedures that must follow a decision to

missing more than 15 school

Meetings to consider fixed

period exclusions resulting in the pupil missing between 6 and 15 school days in a term Timescales for applications for independent reviews of

days in a term

The term 'governing board' used throughout this guidance means the governing body of a maintained school, the management committee of a PRU or an academy trust.

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 The temporary arrangements came into force on 1 June 2020 and apply to all

dates), as well as: permanent and fixed term exclusions occurring before 1 June 2020 which have not yet been considered by the governing board of the school permanent exclusions occurring before 1 June 2020 which have been considered by the governing board, if they have chosen not to reinstate the

exclusions occurring from then until 24 September 2020 (inclusive of those

Some of the changes also apply to exclusions that occur from 25 September

permanent exclusions occurring before 1 June 2020 where a parent (or pupil aged 18) has requested a review of a governing board's 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.

pupil and the time limit to apply for a review of this decision has not passed

- 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).
- Remote access meetings

When governing boards or independent review panels (IRPs) have to meet to

consider an exclusion, they can do so via telephone or video-conference

• it is not reasonably practicable for the meeting to take place in person,

software ('remote access') as long as:

within the usual timescales, due to coronavirus (COVID-19) • the governing board (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

Those who have no intention of taking part in the meeting should 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 board or

• the latest public health guidance (including the guidance for full opening of

It is the responsibility of the school governing board (or the arranging authority

in the case of an IRP meeting) to make sure these conditions are met before a

 the facts of the case • the circumstances in which a meeting in person could be expected to take place

schools)

arranging authority should assess:

except in exceptional circumstances.

a disability or if English is not their first language).

meeting takes place.

The governing board or arranging authority should explain the technology they propose to use to participants and should 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.

Where a parent or pupil has given their agreement for a meeting to be held via

Governing boards, 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

The governing board or arranging authority should take reasonable steps to

remote access, the other participants should accommodate that preference

• the needs of the intended participants (as far as this is possible)

- facilitate a parent, child or young person's access to the technology required. If a governor, trustee, panel member or other participant requires support to access or use remote access technology, the governing board or arranging
- Fairness and transparency

If a governing board 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 pupils to take account of their wishes. It will only be in rare cases where a governing board or arranging authority

participants have understood the implications of a remote access meeting and

authority should explain to the parent and the pupil why this decision has been

conclude that a remote meeting would not be fair and transparent if the

have given their consent. In such cases, the governing board or arranging

If, once the meeting starts, the meeting cannot proceed fairly (for example, because a participant cannot access the meeting), the governing board or IRP should adjourn the meeting.

they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.

they may have beforehand

how any 'chat' functions should be used

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

to advise a review panel, the local authority/academy trust must appoint one

• 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

• indicate a named person who participants can contact, with any questions

Meetings to consider permanent exclusions, and fixed period exclusions

If it has not been reasonably practicable for governing boards 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

To minimise uncertainty for pupils and their families, the governing board

should reassess at regular intervals whether it is reasonably practicable to

meeting, the time limit for the meeting will be extended.

meet, and if it is, should arrange to do so without delay.

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)

independent reviews of exclusions

Where a governing board declines to reinstate a pupil who has been

above) can apply for a review of the governing board's decision.

permanently excluded, parents (or the excluded pupil, if they are 18 years old or

Exclusions occurring between 25 September 2020 and 24 March 2021

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

This extension does not apply to <u>exclusions that occur after 24 September</u>

If the 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).

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exclusions Timescales for meetings of independent review panels to consider permanent exclusions **Exclusions occurring** between 25 September 2020 and 24 March 2021

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

authority should facilitate this to ensure the meeting can be held promptly. 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.

> 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. The use of remote access does not alter other procedural requirements that may apply to governing boards, arranging authorities or IRPs. For example, if a parent requests the appointment of a special educational needs (SEN) expert

taken.

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

• 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 Timescales for meetings of governing boards

There are different timescales for <u>exclusions occurring from 25 September</u> 2020 to 24 March 2021 resulting in the pupil missing more than 15 school days in a term

2020.

• 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 <u>exclusions that occur after 24 September</u> <u>2020</u>. Timescales for applications for

coronavirus (COVID-19), and it has not been reasonably practicable to meet by

(COVID-19).

2020.

19) above. Returning to normal timescales

<u>Yes</u> **Coronavirus (COVID-19)**

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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 board 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: • it has not been reasonably practicable for the governing board 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 <u>exclusions that occur after 24 September</u> 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

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. 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

For exclusions occurring between 25 September 2020 and 24 March 2021 (inclusive of those dates), meetings of governing boards or independent review panels should be held via remote access if: • it is not reasonably practicable to meet in person due to coronavirus (COVID-• the other <u>conditions for a remote access meeting</u> 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 board's decision is given to parents, or directly to the pupil if they are 18 or

It is important that governing board meetings and independent review panel meetings, relating to exclusions occurring between 25 September 2020 and 24 March 2021, take place within the normal timescales set out in the guidance on exclusion from maintained schools, academies and pupil referral units in England. Governing boards and arranging authorities for independent review panels should take all reasonable steps to meet the normal deadlines for exclusions

<u>No</u>

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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

Coronavirus (COVID-19): guidance and support

occurring after 24 September.

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