



WHITE ROSE
ACADEMIES

Exclusion Policy

Changes to the School Exclusion Process During the Coronavirus Outbreak



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This statutory guidance is effective from 1st June 2020 until 24th September 2020 (inclusive). Any exclusions covered by the arrangements will continue to be subject to them after 24th September 2020 until the procedures for scrutiny of the exclusion have been exhausted.

Remote Access Meetings

Local Accountability Boards (LAB Exclusion Panel) and Independent Review Panels (IRPs) can, where necessary, meet via telephone or video-conference software as long as the conditions detailed below are met.

It is not reasonably practical for the meeting to take place in person, within the usual timescales, because of Coronavirus (COVID-19), and that the LAB Exclusion or Independent Review Panel 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 LAB Exclusion or Independent Review Panel to ensure that these conditions are met before a meeting takes place.

The LAB Exclusion or Independent Review Panel 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), and the latest public health guidance when determining whether it would be reasonably practicable to meet in person.

Arranging a Remote Access Meeting

The LAB Exclusion or Independent Review Panel must explain the technology being used to all participants and ensure that all participants (particularly pupils and their families) know that they do not have to agree to the meeting being held by remote access if they do not want to. However, if they do not consent to the remote access meeting, they must acknowledge that the meeting is likely to be delayed.

The normal requirements for who must be invited to the meeting remain in place. It is important that all panel members comply with relevant equalities legislation and recognise that some participants may find it difficult to participate in remote access meetings (e.g. if someone has a disability or English is not their first language). The use of remote access does not alter other procedural requirements, e.g. parents may bring a friend or representative as normal and if a parent requests the appointment of a special educational needs (SEN) expert to advise the review panel, one must be appointed and costs covered as normal.

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. However, although LAB Exclusion or Independent Review Panels must

consider written representations, the law does not allow for solely paper-based 'meetings', conducted in writing.

Timescales for meetings of LAB Exclusion Panel

If it has not been reasonably practicable for the LAB Exclusion Panel 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. The time limit for a meeting will not be extended if it has already passed before 1st June 2020. Arrangements should be made for any overdue meetings to take place by remote access, or in person, as soon as it is safe and practicable to do so.

If a time limit for a meeting has been extended it should be re-assessed at regular intervals as to whether it is reasonably practicable to meet in person and, if it is, arrangements should be made to do so without delay in light of the need to minimise uncertainty for pupils and their families as far as possible.

Meetings to consider permanent 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 LAB Exclusion Panel should try to meet to discuss reinstatement within 15 school days. If it has not been reasonably practicable to meet either face to face or via a remote access meeting for reasons relating to coronavirus (COVID-19), this limit will be extended to 25 school days, or as long as reasonably necessary for a reason related to coronavirus (COVID-19).

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 chooses to make representations about the exclusion, then the LAB Exclusion Panel should meet to discuss reinstatement within 50 school days. If for reasons relating to coronavirus (COVID-19) it has not been practicable to meet either face to face or via remote access, then this time limit can be extended to 60 school days, or as long as reasonably necessary for a reason related to coronavirus (COVID-19).

Timescales for application for independent review of exclusions

Where a LAB Exclusion Panel declines to reinstate a pupil who has been permanently excluded, parents can apply for a review of the decision.

For exclusions covered under these arrangements, the deadline for applications has been increased to 25 school days from the date on which notice in writing of the LAB Exclusion Panel's decision is given to parents.

Schools must wait for the extended period of 25 school days to pass without an application having been made before deleting the name of the 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 coronavirus (COVID-19), and 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, 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).

The time limit for an IRP meeting will not be extended if it has already passed before 1st June. Arranging authorities should arrange for overdue meetings to take place via remote access, if the conditions for such a meeting are met, or in person as soon as it is safe and practicable to do so.