

## COVID -19 Second Addendum Exclusion Policy

Date of last review:	September 2020	Authors:	Head of Inclusion and Governance Manager
Date of next review:	March 2021	Owner:	Director of Governance
Type of policy:	<input checked="" type="checkbox"/> Network-wide <input type="checkbox"/> Set for school <input type="checkbox"/> Tailored by school	Approval:	Management Team
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### POSITIONING WITHIN ARK OPERATIONAL MODEL

Component	Element
<input type="checkbox"/> Strategic Leadership & Planning <input type="checkbox"/> Monitoring, Reporting & Data <input checked="" type="checkbox"/> Governance & Accountabilities <input type="checkbox"/> Teaching & Learning <input type="checkbox"/> Curriculum & Assessment <input checked="" type="checkbox"/> Culture, Ethos & Wellbeing <input type="checkbox"/> Pathways & Enrichment <input type="checkbox"/> Parents & Community <input type="checkbox"/> Finance, IT & Estates <input type="checkbox"/> Our People	Behaviour Exclusions

## **Contents**

1. New Exclusions Guidance
2. Exclusions occurring between 25 September 2020 and 24 March 2021
3. Returning to normal timescales
4. Remote access meetings

Appendix A. Remote Exclusion Panel Checklist

## **1. New Exclusions Guidance**

On the 28<sup>th</sup> of August, the government amended the temporary arrangements for managing exclusions during the pandemic that came into force on 1 June 2020, applying to all exclusions occurring from then until 24 September 2020 (inclusive of those dates).

The DfE's intention is to return to normal timescales. The guidance states that governing board meetings and independent review panel meetings, relating to exclusions occurring between 25 September 2020 and 24 March 2021, should take place within the normal timescales set out in the [guidance on exclusion from maintained schools, academies and pupil referral units in England](#). All reasonable steps should be taken to meet the normal deadlines for exclusions occurring after 24 September. However, you should still consider the guidance on [protective measures for the full opening of schools](#) and facilitate remote access meetings where it is not reasonably practicable to meet in person.

## **2. 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 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-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 board's decision is given to parents, or directly to the pupil if they are 18 or above.

## **3. Returning to normal timescales**

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 occurring after 24 September.

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 either reasonably practicable to meet in person or via remote access (respecting the conditions for such a meeting)

## **4. 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 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 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

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 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 stated above.

When determining if it’s practicable to meet in person the governing board 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](#))

To support schools in managing the potential need for remote access meetings, a Remote Exclusion Panel Checklist has been developed for Principals and Clerks outlining the key considerations and processes that must be followed, see appendix A.

## Appendix A

### Remote Exclusion Panel Checklist

This checklist is for Principals and Clerks when convening a remote governor review panel instead of a physical panel meeting during the coronavirus pandemic. The Clerk is responsible for making the arrangements for the virtual meeting. All other requirements for the exclusion process remain the same under the statutory guidelines, including the panel paperwork.

The Ark Library holds a range of exclusion guidance documents and templates for schools, available [here](#). This checklist should be used in addition to these documents.

Confirm with Clerk/RO that statutory conditions are met	Who	Tick	Comment
1. Have all participants agreed to holding the panel meeting remotely?  <b>Note:</b> if the <b>parent</b> requests/agrees the remote panel then the others should try to accommodate if possible	Clerk		
2. Do all participants have access to the necessary technology and will they be able to fully engage and participate through this medium? This includes sufficient wifi and a hardware device.  Note: Ark stipulate that <b>Microsoft Teams</b> must be used for all remote meetings. Other platforms, such as Zoom, do not have sufficient protocols around data protection or safeguarding and should not be used for exclusion panel meetings.	Clerk		
3. Are all participants are able to put across their views and fulfill their functions?	Clerk		
4. Will the meeting be fair and transparent via the remote access?	Clerk		
Arranging the Remote Meeting		Tick	Comment
5. Do any participants require adjustments for EAL / SEND etc. It is important that <b>all</b> participants will be able to fully engage and participate in the meeting.	Clerk		

<p><b>Note:</b> If a translator is required, consider the additional time the meeting will take and whether a translator is enough to enable that participant to fully engage in the meeting given the lack of non-verbal communication that a face-to-face meeting allows and which is not possible in a remote one.</p>			
<p>6. Is the chair experienced and confident at chairing remote panel meetings? This is very different to chairing a physical meeting.</p> <p><b>Note:</b> the RO/Clerk will be able to support the chair with training and advice, if needed.</p>	Clerk		
<p>7. Will there be additional distractions or people in the vicinity of each participant? Consider whether there could be any issues with childcare or confidentiality that could impact on each participant engaging fully with the meeting.</p> <p><b>Note:</b> this should not mean the meeting cannot go ahead but should be flagged in advance to negate the impact where possible.</p>	Clerk Principal		
<p>8. Panel paperwork should be collated and circulated as normal, there are no changes to these requirements.</p>	Principal		
<p>9. To avoid the possibility of non-governors attending the post-meeting deliberation, this should be set-up as a separate meeting after the main panel with only the governors and Clerk invited.</p>	Clerk		
<b>During the Meeting</b>		<b>Tick</b>	<b>Comment</b>
<p>10. The Teams meeting should be set-up so that participants wait in the 'lobby' before gaining access to the meeting.</p>	Clerk		
<p>11. The Clerk should be vigilant about the 'recording' functionality in Teams meetings and disconnect this as needed.</p>	Clerk		
<p>12. The Clerk and Chair fulfil their roles as normal and the order of the meeting remains the same.</p> <p><b>Note:</b> The Clerk may need to start off with some basic instructions on how to use the technology and set ground-rules before the meeting starts.</p>	Clerk & Chair		

<p>13. If the meeting starts but cannot proceed for any reason (e.g. loss of connection) the meeting should be deferred.</p> <p><b>Note:</b> If the parent has engaged with the process and indicates they will attend but does not join the meeting within 15 minutes of the start time the meeting can go ahead, as it would do for a physical meeting, and if they do not respond to attempts to contact them.</p>	Clerk		
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