

Exclusions Update – 1st June 2020

The DfE have issued new guidance in relation to temporary changes to the school exclusion process due to coronavirus (COVID-19):

<https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak>

This guidance applies from Monday 1st June 2020 to 24th September 2020. Any exclusion covered by the arrangements will continue to be subject to them after 24 September 2020, until the procedures for scrutiny of the exclusion have been exhausted. The guidance also applies to:

- permanent and fixed term exclusions occurring before 1 June which have not yet been considered by the governing board of the school.
- permanent exclusions occurring before 1 June which have been considered by the governing board, 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 where a parent (or pupil aged 18) has requested a review of a governing board's decision, but this has not yet happened.

These changes apply to all maintained schools, academies (including alternative provision academies but excluding 16 to 19 academies) and pupil referral units (PRUs).

The normal arrangements and procedures that must follow a decision to exclude on disciplinary grounds are described in the 2017 [statutory guidance 'Exclusion from maintained schools, academies and pupil referral units in England'](#) remain in place except for the temporary changes set in this additional guidance.

The guidance sets out that Governing Boards and Independent Review Panels can meet using remote access as long as conditions are met. As well as setting out the conditions for these meetings, there is guidance on running remote access meetings. It is recommended, by GCC, an acknowledgement that these conditions have been met is noted in the minutes of the meeting.

Timescales

Where it has not been possible to hold in person or remote access meetings, the time scales for holding Governor Board meetings and Independent Review Panels have been extended. If a time limit is extended the Governing Board/IRP should regularly reassess whether it is reasonably practicable to meet in person and arrange the meeting as soon as it is possible.

Governor Board meetings

Please note: Where the time limit for a Governing Board Meeting has already passed before 1 June it cannot be extended and Governing Boards 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.

For permanent exclusion, or 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 try to meet to discuss reinstatement within 15 school days. If it has not been reasonably practicable to arrange an in person or remote access meeting within this timescale due to coronavirus the limit will be extended to **25 school days**, or as long as reasonably necessary for a reason related to coronavirus.

Where a fixed period exclusion will result in a pupil 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. If it has not been reasonably practicable to arrange an in person meeting, or remote access meeting, the limit will be extended to **60 school days** or as long as reasonably necessary for a reason related to coronavirus.

Independent Review Panels (IRP)

The timescales for Independent Review Panels have been extended. 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.

Please Note: 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.

If it has not been reasonably practicable for a IRP to meet in person or by way of remote access within the original time limit of 15 school days for reasons related to coronavirus the timescale for the meeting will be extended to **25 school days**, or as long as reasonably necessary for a reason related to coronavirus.

Please note: The time limit for an IRP meeting will not be extended if it has already passed before 1 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.

If you have any queries about this please contact your Education Inclusion Officer or Victoria Burt – Education Inclusion Lead with oversight for Exclusions at Victoria.burt@gloucestershire.gov.uk or on 01452 328767