

Astrea Exclusion Annex 2019 – 2020

08/06/2020

School Name: Intake Primary Academy

Date shared with staff: 19/6/20

1.Context

This document provides information, guidance and clarity on exclusions for schools during these unprecedented times, referencing [Changes to the school exclusion process during the coronavirus \(COVID-19\) outbreak](#) and [Actions for schools during the coronavirus outbreak](#). This annex is active from 1 June 2020 and will be reviewed by the Trust on an ongoing basis. The information contained within this Annex supersedes any conflicting information that exists in the current exclusion policy until the point where the Academy, in conjunction with the Trust and government guidance revert to the original policy.

This annex contains further details of the arrangements for pupil exclusions with revised procedures from the government, in the following areas:

1. Context
2. Important dates
3. Reasonable adjustments for pupils on return to school
4. Power to exclude
5. Remote access meetings
6. Timescales for meetings

1. Context

This annex supplements, rather than replaces, the Astrea Exclusion Policy. The principles and expectations of the Policy (including the PEAP process and notification requirements) remain. The timescales and provisions for remote meetings supersede any conflicting provisions in the Policy.

As more pupils return to school we want it to be calm and disciplined where everyone follows the set rules as outlined within the behaviour policy and [additional Covid-19 Behaviour Annex](#) which reflect the new [protective measures](#).

The Trust is aware that the current circumstances can affect the mental health of pupils and their parents in a way that affects behaviour. The guidance on [mental health and behaviour in schools](#) sets out how mental health issues can bring about changes in a young person's behaviour or emotional state and how this can be reflected within the approach to behaviour set out in [Creating a Culture](#).

2. Important dates

The arrangements come into force on 1 June 2020 and will apply to all exclusions occurring from then until 24 September 2020 (inclusive of those dates). The arrangements also apply 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 has requested a review of a panel decision, but this has not yet happened.

Any exclusions 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.

3. Reasonable adjustments for pupils on return to school

We are aware that some children may return to school having been exposed to a range of adversity including bereavement and long term anxiety. This may lead to an increase in social, emotional and mental health (SEMH) concerns.

We understand that pupils who have special educational needs and disabilities (SEND), may have had their provision disrupted during partial school closure and there may be an impact on their behaviour. Some children will need additional support and access to services such as Educational Psychologists, social workers and counsellors. For children and young people with SEND, it will be especially important to teach new norms and routines around protective measures and personal hygiene clearly and accessibly.

4. Power to exclude

The Principal retains the power to exclude pupils on disciplinary grounds. Any decision to exclude will be lawful, rational, reasonable, fair and proportionate.

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

Permanent exclusion will only be used as a last resort, in response to a serious breach, or persistent breaches of the school's behaviour policy (including Behaviour Annex) and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

If a pupil is permanently excluded, we will work with the pupil, parents or carers and the local authority to arrange a place at an alternative educational setting as soon as possible so as to minimise any further breaks in education provision. Where the child in question is vulnerable, the school will notify the local authority/social worker immediately and should work with the local authority to ensure that the child is found a place in another educational setting quickly.

5. Remote access meetings

If a Statutory Review Committee panel or independent review panel (IRPs) have to meet to consider an exclusion, this can be completed via telephone or video-conference software ('remote access') as long as certain conditions are met.

The conditions are that it is not reasonably practicable for the meeting to take place in person, within the usual timescales, because of coronavirus (COVID-19), and that the panel (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.

The normal requirements for who must be invited to the panel or IRP meeting remain in place.

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

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 panel or IRP should adjourn the meeting.

The use of remote access does not alter other procedural requirements for example, if a parent requests the appointment of a special educational needs (SEN) expert to advise a review panel, the local authority/academy must appoint one and cover the cost as normal. Parents may bring a friend or representative, as normal.

Although the panel and IRPs must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.

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).

6. Timescale for meetings

If it has not been reasonably practicable for the 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 panel meeting will not be extended if it has already passed before 1 June.**

Below is a table indicating the timescales in which meetings should be arranged and extensions available due to Covid-19 related difficulties. Further details can be found at: [Changes to the school exclusion process during the coronavirus \(COVID-19\) outbreak](#)

	Scheduled meeting timescale	Extension available due to Covid-19 related difficulties
PEX or FTE resulting in pupil missing more than 15 school days in a term	Within 15 school days	Extending to 25 school days
Meeting to consider FTE resulting in a pupil missing between 6 and 15 school days in a term	Within 50 school days	Extending to 60 school days

Timescale for application for independent reviews of exclusions	Increased to 25 school days from the date on which notice in writing of the TMB/LECC is given to parents.	
Timescale for meeting of independent review panel to consider PEX	Within 15 school days	Extending to 25 school days