



# Annex: Supplemental Exclusion Policy during the full reopening of schools March 2021

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## 1. Context

From 8<sup>th</sup> March 2021, all pupils will return to school following Government Guidance:

- [Changes to the school exclusion process during the coronavirus \(COVID-19\) outbreak](#)
- [Schools coronavirus \(COVID-19\) operational guidance.](#)
- [Exclusions from maintained schools, academies and pupil referral units in England](#)

This annex to the school Exclusion policy reflects new protective measures and arrangements implemented in response to COVID-19. These arrangements came into force on 25 September 2020 and will apply to all exclusions occurring from then until 24 September 2021. All other information in the Exclusion policy remain in force.

It is important for schools to be calm and disciplined environments, where everyone follows the rules. Following government advice, the day pupils and staff return to school the updated behaviour policy will be shared to reflect the new protective measures and new rules and routines. The behaviour policy includes consequences, including sanctions and rewards, so that staff can ensure pupils understand them and can enforce them rigorously. Head teachers retain the power to exclude pupils on disciplinary grounds. Any decision to exclude should be lawful, rational; reasonable; fair; and proportionate.

## 2. Reasonable adjustments and disobeying the Protective Measures

The disruption to schooling as a result of COVID-19 can affect the mental health of our pupils and their parents in a way that affects behaviour. Some children will 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. Additionally, where children have special educational needs and disabilities (SEND), their provision may have been disrupted during partial school closure and there may be an impact on their behaviour. The support available to pupils is stated in the Annex Behaviour policy.

We recognise the importance of teaching new norms and routines around protective measures and personal hygiene clearly and accessibly to all pupils, this will be carried out on a daily basis along with posters of the new school rules being displayed around the school.

In some occasions our staggered behaviour systems may be bypassed. Violent, extremely abusive and/or behaviours that are challenging to manage in the current context, such as spitting and biting towards peers or an adult could result in a fixed-term exclusion.

## 3. Pupils displaying challenging behaviour

INFORMAL or UNOFFICIAL exclusions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. If parents/carers arrive at school to help de-escalate the behaviour, the school will risk assess whether it is safe for the pupil to remain at school or if an exclusion of the pupil is needed, even for short periods of time. If an exclusion is decided, these will be formally recorded in line with the school exclusion policy.

## 4. Permanent Exclusions

Permanent exclusions are only be used as a last resort, in response to a serious breach, or persistent breaches of the behaviour policy, 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 permanent exclusion occurs, we will work with parents or carers and the local authority to arrange a place at an alternative educational setting as soon as possible to minimise any further breaks in education provision.

The school will as far as possible, avoid excluding any looked-after (LAC) child. Where a looked-after child is at risk of exclusion, the designated teacher will contact the relevant authority's virtual school head as soon as possible to help the school decide how to help the child and avoid exclusion becoming necessary. Where a previously looked-after child is at risk of exclusion, the designated teacher will speak with the child's parent or guardian and seek advice from their virtual school head to avoid exclusion where possible.

## **5. Remote access meetings**

When 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 certain conditions are met.

The conditions are that it is not reasonably practicable for the meeting to take place in person because of COVID-19, and that the DSAT board of trustees (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 pupil discipline committee (or the arranging authority in the case of an IRP meeting) to make sure these conditions are met before a meeting takes place.

The pupil discipline committee 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), and the latest public health guidance when determining whether it would be reasonably practicable to meet in person.

## **6. Arranging a remote access meeting**

The pupil discipline committee or arranging authority will explain the technology they propose to use to participants and will ensure 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. The pupil discipline committee will make families aware that if they do not consent to a remote access meeting then the meeting is likely to be delayed.

Though all participants must have agreed to the use of remote access, where a parent has given their agreement for a meeting to be held via remote access, the other participants should make reasonable efforts to accommodate that preference unless there is a clear reason not to.

The normal requirements for who must be invited to a pupil discipline committee or IRP meeting remain in place. However, 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.

The pupil discipline committee, 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.

If a meeting is held via remote access, the chair will check that 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 pupil discipline committee or IRP will adjourn the meeting.

The use of remote access does not alter other procedural requirements that may apply to pupil discipline committees, arranging authorities or IRPs. For example, if a parent requests the appointment of a special

educational needs (SEN) expert to advise a review panel, the local authority/academy trust must appoint one and cover the cost as normal. Parents may bring a friend or representative, as normal.

Though pupil discipline committee 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).

## **7. Timeframes for meetings**

Governing board meetings and independent review panel meetings, relating to exclusions occurring between 25 September 2020 and 24 September 2021 will take place within the normal timescales set out in the guidance on [exclusions from maintained schools, academies and pupil referral units in England](#).

Governing boards and arranging authorities for independent review panels will take all reasonable steps to meet the normal deadlines for exclusions by considering 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.

If the deadlines are missed because of coronavirus, the meeting will 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).

### **Timescales for application for independent reviews of exclusions**

Where a governing board declines to reinstate a pupil who has been permanently excluded, parents can apply for a review of the governing board's decision. If parents apply for an independent review, Discovery Schools Academy Trust will make the necessary arrangements. 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 pupil discipline committee'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 a permanently excluded pupil from their admissions register, in accordance with the Education (Pupil Registration) (England) Regulations 2006 as amended.

## **8. Review**

The Trust School Improvement Leads and local advisory board monitor the number of exclusions. This Annex policy will be reviewed by the Head of Governance and Trust Behaviour Lead in line with the latest government advice.