

COVID -19 Addendum to Behaviour and Exclusion Policy

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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. Behaviour Policies

2. New Exclusions Guidance

2.1. Summary of changes

2.2 Extended timeframes

2.3 Remote panels

2.4 Blended meetings

Appendix A. Remote Exclusion Panel Checklist

1. Behaviour Policies

In light of the current circumstances with regard to the phased reopening of schools, schools must revise their current behaviour policies making appropriate changes in response to the current situation. It is recommended that schools create an addendum to their current policy outlining what changes have been made. The addendum must reflect the new [protective measures](#) that have been issued by the government, as well as, your school's new routines, structures and expectations.

At the heart of every behaviour policy should be the opportunity for students to learn about and reflect upon their behaviour(s). Before we move to issuing sanctions, schools must ensure that sufficient time is given to supporting students resettle into school; helping them understand behaviour expectations; and what is in place to prevent behaviours from escalating. It is also important to consider the possible affect lockdown and the virus has had on individuals when reaching a decision on a level of sanction.

Guidance to consider when making changes to your behaviour policy:

- Review the full breadth of behaviour management, from prevention through to exclusion
- Consider specifically instances where students wilfully refuse to adhere to the school's management of social distancing or deliberately cough, bite and spit at others
- Consider the difference between wilful acts versus those carried out unintentionally or by students who have specific additional needs.
- Consider issuing a new 'home school' agreement that reflects the new behaviour expectations
- Consider what reasonable adjustments should be made, taking into account the needs of your students including those needs arising from possible trauma and challenges experienced during closure.

Reasonable adjustment and support for vulnerable students

We know that for some of the students returning to school will be a challenge. This is likely to be even more challenging for any student who might struggle to adjust to new routines, structures and expectations, particularly, but not limited to SEND students. The Government has issued guidance on supporting children with SEND as schools prepare for wider opening, which can be found [here](#) .

Schools must think carefully about their students and make reasonable adjustments to support their transitions back to school. Below are some suggestions for managing these transitions:

- Phased return for students with an EHC plan or SEND students who do not have an EHC plan. This falls in line with the latest Government guidance.
- Transition meeting – prior to starting school, students might benefit from having a meeting with a key member of staff, providing the opportunity to discuss and familiarise themselves with the new physical environment, routines and expectations. Families should be part of this process to support and reinforce the new routines and expectations at home.
- Size and type of teaching group
- Staff relationships

- Additional wellbeing and tutor sessions to address the revised rules and routines, as well as their daily wellbeing
- Reflective sessions to support behaviour
- Behaviour plans outlining strategies and approaches to support a student's behavioural response to the current situation

2. New Exclusions Guidance

On Friday 29 May 2020, the government published statutory guidance on changes to the exclusion process during the coronavirus outbreak. Whilst *Exclusion from maintained schools, academies and pupil referral units in England 2017* remains the key statutory document for schools, the DfE have issued interim guidance during the coronavirus outbreak.

The Government's new guidance on exclusions can be found [here](#).

This section summarises the key changes in the new guidance and what adaptations all Ark schools will make in response. This addendum should be read alongside the general Exclusions Guidance on the Ark Library.

2.1. Summary of changes

The new guidance applies to all exclusions from 1st June – 24th September 2020 (inclusive) and has two key areas;

- Timeframes for governor review panels and Independent Review Panels (IRPs) have been extended (see section 2.2 below).
- Remote panels may be convened via telephone or video conference if reasonably practicable and with a set of conditions that must be met (see section 2.3 below).

All other arrangements and procedures under the existing statutory guidance and Ark Exclusions policy continue to apply.

Note: Exclusions that occurred prior to 1st June 2020 and have not yet been to panel should be prioritised and completed as soon as reasonably possible.

2.2 Extended timeframes

Statutory timeframes for panel review meetings and parent applications for an IRP have been extended in response to the exceptional circumstances that schools are now operating under due to the coronavirus pandemic. Whilst the guidance does specify new timeframes, see table below, it also notes that if they cannot be met then the meeting should happen as soon as 'reasonably practicable' to do so.

Schools should make every effort to meet the new timeframes and accommodate parental engagement in the exclusions process wherever possible, although staff, pupil and parent safety remains paramount.

Type of panel/ deadline	Standard timeframe from date of exclusion	New guidance (until 24th Sep)
PEX and 15+FTE governor review panel	15 school days	25 school days
6 to 15-day FTE governor review panel	50 school days	60 school days
Application for IRP following a governor panel	15 school days	25 school days*
Independent Review Panel	15 school days	25 school days

Schools must wait **25 school days from the date the panel decision was communicated to parents before removing the pupil from the school roll.*

2.3. Remote panels

Exclusion Panels and IRPs can be convened by telephone or video conference under the new guidance, providing the following key conditions are met;

- all participants agree to holding the panel meeting remotely*
- all participants have access to the relevant technology necessary and will be able to fully engage and participate through this medium
- all participants are able to express their views and fulfill their functions
- the meeting will be fair and transparent via the remote access.

*If a parent/carer requests or agrees to a remote panel, the other attendees should agree to go ahead if possible. If the Principal does not wish to go ahead they should discuss the reasons with their Regional Director and/or Director of Governance.

If these conditions cannot be met through a remote panel then it should be deferred until a later date when the panel can physically meet, or the remote panel conditions can be met.

In addition to these key conditions, the guidance sets out some requirements for schools to adhere to when arranging a remote panel meeting.

- i. Schools must fulfil their duties under equality legislations, particularly with regards to **fair and equal participation** from those with EAL, disabilities etc.
- ii. Schools must make it clear to parents what form of technology is being used (e.g. Microsoft Teams) and that they do not have to agree to a remote meeting if they do not want to.
- iii. Parents must be made aware that if they do not agree to a remote panel the timeframe for the meeting will most likely be delayed.
- iv. If a remote meeting starts but for some reason cannot proceed (e.g. loss of connection) then the meeting must be deferred.
- v. Written representation may be considered as part of the meeting but an entirely written 'meeting' is not lawful.
- vi. Schools may consider holding a blend of remote and physical meeting, providing it meets government guidelines on safety and social distancing and that the four key conditions outlined above are met, see section 2.4 below.

- vii. Normal procedural and admin requirements for panel meeting still apply (e.g. panel paperwork, parents being accompanied by a friend and requests for SEND experts at IRP etc.)

The new guidance is statutory and applies to all schools, as does the ongoing government advice on health, safety and social distancing during the pandemic. To support schools in managing the exclusion process during this time, 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.

2.4. Blended meetings

The new guidance states that schools *may* offer blended meetings if practicable. However, considering the additional risks involved in bringing parents on-site for exclusion meetings, Ark schools will **not** provide this option for the following reasons.

- i. Schools have conducted comprehensive risk assessments and developed strict operational plans for part-opening schools to a small number of students. This does not include allowing parents onsite and to do so would increase the risk of infection for staff, pupils and parents as well as an increased staff workload for IT, admin, cleaning and supervision etc.
- ii. Parents and pupils would have to travel to the school to attend the blended meeting, increasing their risk of infection and causing additional stress and anxiety.
- iii. Many of our schools have large cohorts of Black, Asian and Minority Ethnicity pupils, whose communities are at much greater risk from the coronavirus and should not be asked to risk their safety to attend a meeting at the school.

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? Note: if the parent 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 Microsoft Teams 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 all participants will be able to fully engage and participate in the meeting.	Clerk		

<p>Note: 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>Note: 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>Note: 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		
During the Meeting		Tick	Comment
<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>Note: 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>Note: 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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