

The DfE has released additional [guidance](#) on School Exclusions, primarily concerned with temporary adjustments to timescales for meetings. We've pulled together the key information from the DfE in this second Behaviour and Exclusions bulletin and shared a few answers to some recent questions from school leaders across the county. Further updates will follow over the next few months to provide information and guidance for school leaders. If you'd like any specific advice relating to behaviour, inclusion and exclusions, please get in touch.

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Statutory guidance

Changes to the school exclusion process during the coronavirus (COVID-19) outbreak

[New arrangements](#) came into force on 1 June and will apply to all permanent and fixed term exclusions that have not yet been considered by the governing board of the school. **The 2017 guidance and legislation continues to apply;** new arrangements relate almost exclusively to timescales.

Remote Meetings (by telephone or video-conference)

Governing boards can consider an exclusion remotely so long as all participants agree, can access technology which will allow them to hear and speak throughout the meeting and can put across their point of view or fulfil their role. The governing board 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 practicable to meet in person.

Exclusion (Permanent or Fixed-Term) Meeting Timescales

The wording in the new guidance is open to interpretation. The DfE states that if it has not been possible to meet (in person or remotely) within the original time limit – due to COVID-19 – this limit will be extended. The guidance also states that time limits will not be extended if the deadline has already passed before 1 June. Our advice is that governing boards should arrange for overdue meetings to take place remotely or in person as soon as it is safe to do so, in light of the need to minimise uncertainty for pupils and their families as far as possible.

For meetings resulting from **new** exclusions or situations where a meeting is necessary (such as fixed-term exclusions) timescales have been extended. In the case of **permanent exclusions**, this has been extended to 25 school days (or longer for a reason related to COVID-19). For meetings regarding FTEs resulting in the pupil missing between 6 and 15 school days in a term, the timeframe has been extended to 60 school days.

Independent Review Panels (IRP)

Where a governing board declines to reinstate an excluded pupil, parents can apply for an independent review. The application deadline has increased from 15 to 25 school days from the date on which notice in writing of the governing board's decision is given to parents.

If the IRP has been unable to meet in person within the original time limit of 15 school days for reasons related to COVID-19 and it has not been possible to meet remotely, the timescale for the meeting will be extended to 25 school days or longer for a reason related to COVID-19.

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 remotely or in person as soon as it is safe and practicable to do so.



Questions from School Leaders

A number of school leaders have been in touch to ask for advice. Here are a couple of recent Q&As.

Should pupils be punished if they disobey rules on protective measures?

The disciplinary powers that schools currently have, including exclusion, remain in place. The current situation is having an impact on everyone's mental health and wellbeing, not least our children and young people; it is likely that schools will see more challenging behaviour than before. Many schools have taken the decision to put in place a more relational approach, focused on wellbeing, knowing their pupils will need this more than ever. Schools have also updated their policies to reflect new protective measures, rules and routines they have put in place to keep pupils, staff and visitors safe.

Given the current situation, can we send pupils home to 'cool off' instead of excluding them?

If the Headteacher of a school has decided that the actions or behaviour of a pupil warrant an exclusion, then an exclusion – rather than something informal – must be issued. Similarly, schools cannot send children home or suggest to a parent that – because not all pupils are in – a pupil can stay off school for a bit to avoid being excluded.

What adjustments can we make to promote inclusion?

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. Where children have special educational needs and disabilities (SEND), their provision may have been disrupted during the partial school closure. All of this will likely impact on behaviour and some children will need additional support to understand and adapt to new norms and routines, particularly around protective measures and personal hygiene.

Supporting pupils with challenging behaviour

- Make instructions and expectations **clear and explicit**, particularly around social distancing and relationships.
- Enlist support of pupils and staff to **model behaviours**; praise and acknowledge positive behaviour.
- Give pupils ownership, choices and decision-making powers to **promote responsibility and self-esteem**.
- Help pupils identify their triggers and physical symptoms and guidance to adopt coping strategies.

What are my options if...?

Pupils with SEMH may display high levels of challenging behaviour that could pose a risk to themselves and others. School leaders may have concerns about how to adhere to COVID-19 guidance whilst keeping pupils and staff safe.

Use of Restraint

Restraint should only ever be used as a last resort so it would be wise to review the risk assessment for any pupil who has previously displayed challenging behaviours to determine what further preventative and reactive strategies could be employed to avoid use of physical intervention. Breakaway techniques should be used where possible and other pupils should be moved from the area to ensure their safety without the need to restrain the individual in distress. Where restraint is the only option to protect the pupil from harming themselves or others nearby, schools should ensure positive handling/RPI trained staff are on site to support. If the pupil is not symptomatic then additional PPE is not necessary but can be used in exceptional cases at the decision of the headteacher.

Supporting pupils who don't understand or who ignore social distancing guidelines

As stated in the DfE [guidance](#), social distancing may not be possible for all children all of the time. Schools should aim to limit the number of pupils in each group or bubble to provide more space in each base. Vulnerable pupils should be supported by consistent staffing and working groups; if a pupil feels safe, they are much more likely to conform to rules and expectations. If a pupil persistently breaches social distancing expectations, the school should hold a multi-disciplinary team around the child meeting to understand the reason for non-compliance so that appropriate strategies can be put in place to mitigate the risk.

Spitting and Coughing

DfE guidance specifies that if non-symptomatic pupils present behaviours which may increase the risk of droplet transmission (such as spitting and coughing), they should continue to receive care in the same way, including any existing routine use of PPE. To reduce the risk of COVID-19 transmission, no additional PPE is necessary, but additional space and frequent cleaning of surfaces, objects and toys will be required. Cleaning should be increased in all settings, with a focus on surfaces that are touched a lot.

As per DfE [guidance](#), settings may need to carry out a risk assessment if it is deemed that a pupil may not be able to follow instructions in order to determine what mitigations need to be put in place and whether, in rare circumstances, they should stay at home. Any risk assessment should balance a pupil's need to be in school with any increased risk of transmission; the outcome will be different for each individual, with social factors in some cases favouring the need to be in school. The DfE expects that all pupils should attend their educational setting unless a risk assessment concludes they will be safer at home.

- **Start with a clean slate** each day or session and don't take presenting behaviours personally.
- Identify any sensory difficulties impacting on behaviour.