



Llywodraeth Cymru
Welsh Government

GUIDANCE

School exclusions: guidance for meetings

Guidance for meetings concerned with school exclusions

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Statutory guidance

1. Introduction

This guidance takes effect immediately and allows for meetings concerned with school exclusions to be held in person, remotely or a combination of both where certain conditions are met.

This guidance is supplementary to the Welsh Government guidance [exclusion from schools and pupil referral units](#), published in 2019.

The guidance applies to all maintained schools, including nursery schools and

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pupil referral units (PRUs), and all learners in them, including any who are below or above compulsory school age. It does not apply to independent schools or sixth form colleges as they determine their own exclusion procedures.

Current legislation (for **maintained schools** and **pupil referral units**) refers to 'attendance', 'meeting' and 'appear' in respect of requisite governing body meetings and independent appeal panel hearings; however, there is no reference to a requirement that that be 'in person'.

This interpretation of the current regulations will give greater flexibility and clarity to schools, parents/carers and local authorities during the school exclusion procedures.

The arrangements and procedures that must follow a decision to exclude on disciplinary grounds are described in the Welsh Government guidance **exclusion from schools and pupil referral units**. This guidance remains unchanged.

The arrangements come into force immediately and will apply to all exclusions occurring from 16 September 2020. The guidance also applies to:

- permanent and fixed-term exclusions occurring before 16 September 2020 which have not yet been considered by the discipline committee of the school or local authority in relation to a PRU
- permanent exclusions occurring before 16 September 2020 where a **relevant person** has requested a review of a discipline committee's decision not to reinstate the learner, but this has not yet happened.

2. Remote access meetings

Where discipline committees, local authorities in relation to PRUs or independent appeal panels (IAP) are required to meet in order to consider an exclusion, they can do so via telephone or video-conference software ('remote access') but should ensure that certain conditions are met.

These conditions are that:

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- it is not reasonably practicable for the meeting to take place in person
- the discipline committee, local authority in the case of a PRU or arranging authority, if the meeting is an IAP 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 discipline committee (or the arranging authority in the case of an IAP meeting) to make sure these conditions are met before a meeting takes place.

Consideration should be given to the security of the IT platforms that are to be used for remote meetings. The privacy terms and conditions of these should be read and, where possible, any security features enabled. Any concerns should be directed to the IT provider or staff for support and advice.

The 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.

Clerks to the discipline committee, local authority meeting in the case of PRUs and or arranging authority if the meeting is an IAP will want to maintain a clear audit trail and so should include within the minutes the reason(s) for taking an alternative approach to face-to-face meetings in order to meet remotely.

3. Arranging a remote access meeting

The discipline committee or arranging authority should explain the technology they propose to use to all participants and should ensure that all the participants (particularly learners and their families) know that they do not have to agree to a

meeting held via remote access if they do not want to. Though all participants must have agreed to the use of remote access, where a parent/carer or learner 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 requirements in respect of who must be invited to a discipline committee or IAP meeting remain in place.

Discipline committees, 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 (e.g. if someone has a disability or if English is not their first language).

If a meeting is held via remote access, every effort should be made by the chair to check the participants understand the proceedings and can engage with them, and to ensure the meeting is conducted fairly. If, once the meeting starts, the meeting cannot proceed fairly (e.g. because a participant cannot access the meeting), the discipline committee or IAP should adjourn the meeting.

The use of remote access does not alter other procedural requirements that may apply to discipline committees or IAPs. Parents/carers may bring a friend or representative as normal.

Though discipline committees and IAPs must consider written representations if they are made, the law does not allow for solely paper-based 'meetings' conducted in writing.

It may be possible for some participants to be present in person and for others to join the meeting via remote access but, before any such meeting takes place, discipline committees and arranging authorities should ensure that the conditions set out in paragraph 2.2 can be met. 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).

4. Timescales for meetings of discipline

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committees

The timescales for meetings of discipline committees and IAPs remain as set out in the Welsh Government guidance [exclusion from schools and pupil referral units](#).

The Welsh Government appreciates that it may not have been possible to meet the normal time limits over recent months due to the disruption caused by the COVID-19 outbreak and the health risks of holding meetings. **Discipline committees, local authorities in the case of PRUs** or arranging authority if the meeting is an IAP are not relieved of their duty to consider learner exclusions, and to convene and attend meetings in respect of them, because those steps have not been taken within the time periods specified.

Discipline committees, local authorities in the case of PRUs or the arranging authority if the meeting is an IAP 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.

5. Meetings to consider permanent exclusions and fixed-term exclusions resulting in the learner missing more than 15 school days in a term

If a learner is permanently excluded or receives a fixed-term exclusion which results in them having been excluded for more than 15 school days in a term, then the discipline committee, or local authority in the case of a PRU, should try to meet either in person, or remotely if the conditions in paragraph 2.2 are met, to discuss reinstatement within 15 school days.

6. Meetings to consider fixed-term exclusions resulting in the learner missing between 6 and 15 school days in a term

If a learner receives a fixed-term exclusion which results in them 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/carer (or learner if above compulsory school age) chooses to make representations about the exclusion, then the discipline committee, or local authority in the case of a PRU, should meet in person or remotely, if the conditions in paragraph 2.2 are met, to discuss reinstatement within 50 school days.

7. Meetings of independent appeal panels to consider permanent exclusions

Independent appeals panels must meet either in person, or remotely if the conditions in paragraph 2.2 are met, within 15 school days of an appeal being lodged.

The Welsh Government appreciates that it may not have been possible to meet the normal time limits over recent months due to the disruption caused by the COVID-19 outbreak and the health risks of holding meetings. 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.

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