

Allow remote access to governing board meetings and independent review panels (IRPs)

Parents/carers can request the meeting be held remotely

Note: where we refer to parents/carers in this article, this is the case if the pupil is under 18; where the pupil is 18 or over, replace any mention of 'parents/carers' in this article with 'the pupil'.

Encourage holding meetings in person, because this is still the default. But now parents/carers can request that a meeting be held via the use of remote access (carried out by electronic means, e.g. live video link).

As the headteacher, you **must** inform parents/carers of their right to make a request for a remote meeting when notifying them of the exclusion.

Where the suspension/exclusion process starts before September 1 2023, but continues into 2023/24: inform parents/carers of their new right to request a remote meeting on 1 September, or as soon as possible afterwards.

Meetings can also be remote in unforeseen or extraordinary circumstances

For example, school closure due to:

- Floods
- Fire
- Infectious illness / disease

Note that where these extraordinary circumstances don't apply and parent/carers don't request a remote meeting, then the meeting **must** be held in person.

Make sure certain conditions are met for remote meetings

Governing boards and arranging authorities should:

- Confirm that all the participants have access to the technology which will allow them to:
 - Hear
 - Speak
 - See
 - Be seen
- Make sure all the participants will be able participate fully
- Make sure that the remote meeting can be held fairly and transparently

If the governing board or arranging authority aren't satisfied that a remote meeting can be held fairly and transparently, then they should consult with parents/carers to decide how a face-to-face meeting can be arranged.

If technical issues occur, rearrange to meet in person

Where you can't resolve technical difficulties that prevent participants holding the meeting fairly or transparently, arrange a face-to-face meeting without delay.

Social workers and virtual school heads (VSHs) can join remotely

Even if the meeting is held in person, as long as they can contribute effectively.

Get more details on remote access to meetings in part 11, and annex A of the guidance linked above.

Understand tightened rules around cancelling suspensions/exclusions

The DfE has made the rules around cancelling suspensions/exclusions clearer, which should go further to help protect pupils from off-rolling.

Headteachers can now cancel exclusions that have **not started yet**, whereas previously they could only cancel suspensions/exclusions that had already begun. (This is all provided that the governing board hasn't yet met to consider whether the pupil should be reinstated.)

Notify those involved of a cancelled suspension/exclusion

When an exclusion is cancelled, as headteacher, you **must** notify without delay:

- Parents/carers; **or** the pupil (if they're 18 or older)
- The governing board
- The local authority (LA)
- The pupil's social worker (where relevant)
- The VSH (where relevant)

The headteacher must provide all parties with the **reason** for cancellation.

Offer parents/carers the opportunity to meet with you as headteacher without delay, to discuss the circumstances that led to the cancellation.

Any days out of school will count as a suspension

Bear in mind that any days out of school, before a cancelled suspension/exclusion, will count towards the maximum of 45 school days a pupil can be suspended in any school year.

Note that a permanent exclusion **can't** be cancelled if a pupil has already been suspended for more than 45 days in a school year.

Pupils should be reintegrated without delay

Offer the same support to pupils whose suspensions/exclusion has been cancelled, as you would to a pupil who has been suspended on their return to school.

Governing boards don't need to meet or consider representations

In the case of a cancelled suspension/exclusion, the board's duty to consider reinstatement stops so it doesn't need to meet.

Read more about these changes in paragraphs 13 and 14 of the new guidance.

See some clarity on timelines for the board to meet to consider representations

In the 2022 version of the guidance, it wasn't clear what the governing board's responsibility is when a pupil is suspended for **15.5 days** in a term. This falls between the thresholds of 'more than 15 days in a term' and 'more than 5 but less than 16 days in a term', which require different actions.

The DfE has attempted to clarify this point in this update.

Paragraph 101 of the guidance specifically states that when pupils have been excluded for any more than 15 days, including 15.5 days, in a term, the governing board **must** consider reinstatement within **15 days** (footnote 58, page 36).

However, on pages 39 and 40, the guidance says "when a suspension takes a pupil's total number of days out of school to above 5 but less than 16" the governing board could meet within 50 days or not at all, depending on whether parents/carers make representations.

We're confident this inconsistency is an error in the guidance, and that the procedure is clear for pupils who are excluded between 15 and 16 days in a term. We've contacted the DfE to let its representatives know.

We will update our article on [suspending pupils](#) when we hear back from the DfE. Click save for later at the top of the article page, to be notified when we do.

In the meantime, we recommend that you avoid using the summary flowchart and questions on pages 39 and 40 of the guidance.

Other minor changes

- As headteacher, you should make sure they have a formal process for informing the VSH about an exclusion (paragraph 15)
- If pupils are 18 or above, they should be involved in the process, not their parents/carers (as mentioned above)
- When the governing board is considering the reinstatement of a pupil, the clerk should be present to make a record of the discussion, which should state clearly how decisions have been reached (paragraph 122)

