



## **Behaviour and Exclusions Policy**

**Policy Approved by Governors: December 2022**

**To next be reviewed: December 2023**

## **Our School Vision**

Picture a school at the heart of the community, surrounded by nature and where the children can't wait to arrive in the morning because they know that they will experience the excitement and joy of learning.

Picture a school where the children are **inspired** to aim high and believe that their dreams are achievable because they will have developed the skills and knowledge needed. They have the confidence to challenge themselves because they know that their mistakes will only make them stronger. They will flourish and become all that they aspire to be.

Picture a school where the children are **nurtured** to be the best that they can be. They know that school is a safe and inclusive place because they have seen that all are welcomed and cared for. They will show compassion in all that they do and will make society a kinder place for all.

Picture a school where the children are celebrated for being unique individuals who together form a strong and united team. They become active and creative citizens who will **achieve** amazing things throughout their lives and develop a better future for all.

Picture Wraxall Church of England Primary School – **Inspiring, Nurturing, Achieving**

Our School Vision Statement takes as its starting point the following model developed by the Church of England and the Church in Wales:

'Recognising its historic foundation, the school will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church at Parish and Diocesan level.'

The school vision also reflects the Church of England's Vision for Education and supports the promotion of Christian values. Our vision is based around elements of 'The Parable of the Sower'.

"The seeds sown in good soil" Mark 4: 13-20

In our school we follow our values to help us to show compassion towards others and our world. When we demonstrate our values, we are helping our school to grow and flourish and enabling our community to live "life in all its fullness" John 10:10

## **Our School Christian Values**

Our School's Christian Values are demonstrated in all that we do and say

**\*Compassion \* Responsibility \* Respect \* Perseverance \* Friendship \* Honesty \* Courage**

This policy should be taken as part of the overall strategy of the school, read in conjunction with the Anti-Bullying Policy and operated within the context of our vision and mission as a Church of England School.

## Aims and expectations

This policy aims to:

- Encourage a **calm, purposeful and happy atmosphere** within the school.
- Provide a **consistent approach** to behaviour management throughout the school and with parental cooperation and involvement
- Encourage increasing independence and **self-discipline** so that each child learns to accept responsibility for their own behaviour
- **Define** what we consider to be unacceptable behaviour, including bullying
- Outline **how pupils are expected to behave**
- Summarise the **roles and responsibilities** of different people in the school community with regards to behaviour management
- Outline our system of **rewards and sanctions**

It is a primary aim of our school that every member of the school community feels valued and respected, and that each person is treated fairly and well. We are a caring community, whose values are built on our Christian ethos of mutual trust and respect for all. The school behaviour policy is therefore designed to support the way in which all members of the school can live and work together in a supportive way. It aims to promote an environment where everyone feels happy, safe and secure.

The behaviour policy is a means of promoting good relationships, so that people can work together with the common purpose of helping everyone to learn. This policy supports the school community in aiming to allow everyone to work together in an effective and considerate way.

The school expects every member of the school community to behave in a considerate way towards others and take responsibility for their own actions.

We treat all children fairly and apply this behaviour policy in a consistent way.

This policy aims to help children to grow in a safe and secure environment, and to become positive, responsible and increasingly independent members of the school community. We want them to interact positively with people and understand that their actions can have an impact on others.

We feel it is better to promote self-discipline rather than discipline after the event. We do this by building children's self-esteem and a sense of responsibility.

## Legislation and Statutory Requirements

Legislation, statutory requirements and statutory guidance

This policy is based on legislation and advice from the Department for Education (DfE) on:

- [Behaviour and discipline in schools: advice for headteachers and school staff, 2016](#)
- [Behaviour in schools: advice for headteachers and school staff 2022](#)
- [Searching, screening and confiscation at school 2018](#)
- [Searching, screening and confiscation: advice for schools 2022](#)
- [The Equality Act 2010](#)
- [Keeping Children Safe in Education](#)
- [Exclusion from maintained schools, academies and pupil referral units in England 2017](#)
- [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - 2022](#)
- [Use of reasonable force in schools](#)
- [Supporting pupils with medical conditions at school](#)

It is also based on the [Special Educational Needs and Disability \(SEND\) Code of Practice](#).

In addition, this policy is based on:

- Section 175 of the [Education Act 2002](#), which outlines a school's duty to safeguard and promote the welfare of its pupils
- Sections 88 to 94 of the [Education and Inspections Act 2006](#), which requires schools to regulate pupils' behaviour and publish a behaviour policy and written statement of behaviour principles, and give schools the authority to confiscate pupils' property
- Schedule 1 of the [Education \(Independent School Standards\) Regulations 2014](#); paragraph 7 outlines a school's duty to safeguard and promote the welfare of children, paragraph 9 requires the school to have a written behaviour policy and paragraph 10 requires the school to have an anti-bullying strategy
- [DfE guidance](#) explaining that academies should publish their behaviour policy and anti-bullying strategy

## Definitions

**Negative Behaviour** is defined as:

- Disruption in lessons, in corridors between lessons, and at break and lunchtimes
- Non-completion of classwork or homework
- Poor attitude
- Incorrect uniform

**Serious Negative Behaviour** is defined as:

- Repeated breaches of the school rules
- Any form of bullying
- Vandalism
- Theft
- Fighting

- Racist, sexist, homophobic or discriminatory behaviour
- Possession of any prohibited items including any article a staff member reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the pupil)
- Sexual assault, which is any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation

## **Bullying**

**Bullying** is defined as the repetitive, intentional harming of one person or group by another person or group, where the relationship involves an imbalance of power.

Bullying is, therefore:

- Deliberately hurtful
- Repeated, often over a period of time
- Difficult to defend against

Bullying can include:

Type of bullying	Definition
Emotional	Being unfriendly, excluding, tormenting
Physical	Hitting, kicking, pushing, taking another's belongings, any use of violence
Racial	Racial taunts, graffiti, gestures
Sexual	Explicit sexual remarks, display of sexual material, sexual gestures, unwanted physical attention, comments about sexual reputation or performance, or inappropriate touching
Direct or indirect verbal	Name-calling, sarcasm, spreading rumours, teasing
Cyber-bullying	Bullying that takes place online, such as through social networking sites, messaging apps or gaming sites

Details of our school's approach to preventing and addressing bullying are set out in our Anti-Bullying Policy.

## **Roles and Responsibilities**

### **The governing body**

The governing board is responsible for monitoring this behaviour policy's effectiveness and holding the headteacher to account for its implementation.

### **The headteacher**

The headteacher is responsible for reviewing and approving this behaviour policy.

The headteacher will ensure that the school environment encourages positive behaviour and that staff deal effectively with poor behaviour, and will monitor how staff implement this policy to ensure rewards and sanctions are applied consistently.

The Headteacher keeps records of all reported serious incidents of negative behaviour.

For repeated or very serious acts of anti-social behaviour, the Headteacher may permanently exclude a child. This action would be taken in line with our Suspension and Permanent Exclusions Policy (See Appendix 1).

### **Staff**

Staff are responsible for:

- Implementing the behaviour policy consistently
- Modelling positive behaviour
- Providing a personalised approach to the specific behavioural needs of particular pupils
- Recording behaviour incidents
- Ensuring that the full value contract (class rules) is enforced in their class, and that their class behaves in a responsible manner during lesson time. The teacher treats all children in their class fairly and with respect and understanding.
- Having high expectations of the children in terms of behaviour, and striving to ensure that all children work well.
- Creating a safe and pleasant environment, physically and emotionally
- Provide and challenging, relevant and engaging curriculum
- Dealing with a child's negative behaviour in the first instance. However, if misbehaviour continues, the class teacher seeks help and advice from the head teacher and/or SLT.
- Liaising with external agencies, as necessary, to support and guide the progress of each child. The class teacher may, for example, discuss the needs of a child with the SENDCO or head teacher who will liaise with the LA behaviour support service.
- Reporting to parents about the progress of each child in their class, in line with the whole-school policy. The class teacher may also contact a parent if there are concerns about the behaviour or welfare of a child.

### **Parents**

Parents are expected to:

- Make children aware of appropriate behaviour in all situations and read and support the standards of behaviour as shared in this policy.

- Inform the school of any changes in circumstances that may affect their child's behaviour
- Discuss any behavioural concerns with the class teacher promptly
- Provide children with consistent messages about how to behave at home and at school
- Encourage independence and self-discipline
- support their child's learning, and to co-operate with the school, as set out in the home–school agreement.
- Support the actions of the school if the school has to use reasonable consequences to sanction a child. If parents have any concern about the way that their child has been treated, they should initially contact the class teacher. If the concern remains, they should contact the head teacher. If these discussions cannot resolve the problem, a formal grievance or appeal process can be implemented with the school governors (Please see the Complaints Policy).

## Pupils

Pupils are expected to:

- Demonstrate **compassion** in all that they do and say
- **Persevere** and work to the best of their abilities and allow others to do the same
- Treat others with **respect** and take care of property and the environment in and out of school
- Listen and follow the instructions of the school staff and adults working with them
- Have the **courage** to be **honest** and take **responsibility** for their actions and words
- Co-operate with other children and adults and demonstrate the qualities of a good **friend**

## Rewards and Sanctions

### Rewards

We praise and reward children for positive behaviour in a number of ways:

- Instant verbal praise
- Written comments in books
- Circle time is used for positive peer recognition
- Children may be sent to other classes or members of staff for praise
- Children sent to the Headteacher to show their work and/or receive praise.
- Headteacher to call into classes and acknowledge hard work or good behaviour
- Values Seeds – Recognising exceptional demonstration of our school values, working towards an individual, class and school reward.
- Individual rewards for children with individual behaviour plans
- Certificates are given out in Celebration Service (Collective Worship) for hard work, demonstrating Christian values and having a positive attitude towards others.
- Year 5/6 are rewarded with positions of responsibility.
- Each teacher may run an additional praise scheme based on the identified needs of their class.

The school acknowledges all the efforts and achievements of children, both in and out of school and these may be shared in assemblies.

## **'Behaviour for Growth' – Positive Behaviour System**

The 'Behaviours for Growth' that we expect the children to demonstrate are:

- Demonstrate **compassion** in all that they do and say
- **Persevere** and work to the best of their abilities and allow others to do the same
- Treat others with **respect** and take care of property and the environment in and out of school
- Listen and follow the instructions of the school staff and adults working with them
- Have the **courage** to be **honest** and take **responsibility** for their actions and words
- Co-operate with other children and adults and demonstrate the qualities of a good **friend**

### **Individual achievements – rewards**

10 seeds, across all the values (at least 1 of each value) = a plant pot and seeds to take home

20 seeds, across all the values (at least 2 of each value) = a garden badge

30 seeds, across all the values (at least 3 of each value) = taking the Gromit Gardening trophy home for a week, photo on the Behaviour for Growth display and a special 'Values Gardener' badge, plus membership to the Values Gardeners group with the child taking part in regular gardening in school

### **Class achievements - rewards**

10 seeds for a value from across the class = putting a large seed in the whole school plant pot

### **Whole school achievements – rewards**

10 seeds, across all the values = a whole school reward of an afternoon of outdoor enrichment

## **Sanctions**

The school employs a number of consequences to enforce the school expectations of behaviour, and to ensure a safe and positive learning environment. Children need to relate positive behaviour to good learning. We employ each consequence appropriately to each individual situation. If a child is none compliant, then staff will follow a graduated approach, which may include reminders of expectations or a verbal reprimand. The class teacher will explain the system to the children and ensure that supply teachers and parents are also made aware of the 'steps'.



Stage 1

A non-verbal cue will remind you to get back on track.

Stage 2

An adult will give you a clear warning and explanation

Stage 3 – Red Leaf

Poor behaviour is recorded in the Class Behaviour Log, which is seen by the ~~Headteacher~~.

Stage 4 – 3 x Red Leaves

3 red leaves in 1 day will result in a sanction – missing break/lunchtime outside, speaking to the ~~Headteacher~~, working in the office

If you receive 3 red leaves, your class teacher will inform your parents via a Home Behaviour Log

Stage 5 – Positive Behaviour Plan

A Positive Behaviour Plan will be needed if Stage 4 persists and a meeting will be held with parents.

Stage 6 – Pastoral Support Plan

If behaviour is not improving over time, the Executive ~~Headteacher~~ and Inclusion Lead, will involve professional outside agencies.

Stage 7 – Suspension

Behaviour and Exclusion Policy is followed.

Stage 8 – Permanent Exclusion

Behaviour and Exclusion Policy followed.

- We will remind children of our expectations in regards to behaviour, with a view to them correcting their conduct.
- We expect children to listen carefully to instructions in lessons. If they do not do so, we may ask them either to move to a place nearer the teacher, or sit in a different position.
- We expect children to try their best in all activities. If they do not do so, we may ask them to redo a task.
- We teach children to be effective learners, reflecting on feedback given and striving to improve wherever possible.
- If a child is disruptive in class, the teacher warns him or her and advises them to change their behaviour and make the right choice.
- The child is warned that they may miss part of their playtime. If disruptive behaviour continues, then part of playtime is lost. There is the opportunity to regain playtime.
- Classes have a behaviour log to record incidents of positive and negative behaviour.
- If a child continues to behave negatively they may be asked to go to another classroom for a fixed period of time.
- The safety of children is paramount in all situations. If a child's behaviour endangers the safety of others, the class teacher stops the activity and prevents the child from taking

part for the rest or part of the session. If there is a safety issue during the residential camp, parents may be contacted and asked to collect their child.

- A child may be asked to see the Headteacher to discuss their behaviour.
- If a child accumulates three red leaves in a day, they will discuss the situation with the Headteacher and parents will be notified.
- If a child repeatedly acts in a way that disrupts or upsets others, the school contacts the child's parents and seeks an appointment in order to discuss the situation, with a view to improving the behaviour of the child. If this behaviour is persistent then the child may need an individual behaviour plan.
- For inappropriate behaviour at lunchtimes/playtimes, a child will be asked to stop. Further persistence will result in the lunchtime supervisor taking additional steps which may include informing the class teacher or sending them in to discuss the situation with the Deputy or Head Teacher and may be shared with the parents. Inappropriate behaviour will be recorded in the lunchtime log.
- Following all these steps, the Head may conduct an informal internal suspension, suspension or formal, permanent exclusion procedure (See Appendix 1 for Suspensions and Exclusions Information).

The class teacher agrees a full value contract and/or class rules with each class. This is displayed on the wall of each classroom. In this way, every child in the school knows the standard of behaviour that we expect in our school. If there are incidents of anti-social behaviour, the class teacher may discuss these with the whole class during 'circle time'.

The school does not tolerate bullying of any kind. If we discover that an act of bullying or intimidation has taken place, we act immediately to stop any further occurrences of such behaviour. While it is very difficult to eradicate bullying, we do all that we can to ensure that all children attend school free from fear. Please refer to the Anti Bullying Policy for further guidance.

All members of staff are aware of the regulations regarding the use of force by teachers, as set out in DfE "Use of Reasonable Force: Advice for headteachers, staff and governing bodies" (July 2013), relating to Section 93 of the Education and Inspections Act 2006. Teachers in our school do not hit, push or slap children. Staff only intervene physically to restrain children or to prevent injury to a child, if a child is in danger of hurting him/herself, hurting others or may cause significant harm to property. The actions that we take are in line with government guidelines on the restraint of children.

## **Behaviour Management**

### **Classroom management**

Teaching and support staff are responsible for setting the tone and context for positive behaviour within the classroom.

They will:

- Create and maintain a stimulating environment that encourages pupils to be engaged
- Display the pupil code of conduct or their own classroom rules
- Develop a positive relationship with pupils, which may include:
  - Greeting pupils in the morning/at the start of lessons
  - Establishing clear routines
  - Communicating expectations of behaviour in ways other than verbally

- Highlighting and promoting good behaviour
- Concluding the day positively and starting the next day afresh
- Having a plan for dealing with low-level disruption
- Using positive reinforcement

## **Suspension and Permanent Exclusions**

The school can use suspension and permanent exclusion in response to serious incidents or in response to persistent poor behaviour, which has not improved following in-school sanctions and interventions.

The decision to suspend or exclude will be made by the headteacher and only as a last resort.

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our school aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and pupils understand the exclusions process
- Ensure that pupils in school are safe and happy
- Ensure all suspensions and permanent exclusions are carried out lawfully

## **Definitions**

### **Informal Internal Suspension:**

When a child is removed from their classroom and peers for a fixed period of time. They would usually complete the suspension with a member of senior staff

### **Suspension:**

Where a pupil is temporarily removed from the school.

A pupil may be suspended for one or more fixed periods<sup>14</sup> (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.

### **Permanent exclusion**

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

## **Moving Towards Permanent Exclusion**

1. Advice from the Trust, Lighthouse Schools Partnership (LSP)

Where the Headteacher considers the pupil to be at risk of permanent exclusion and always before making a decision to permanently exclude a child with diagnosed or possible SEND

the Headteacher will seek advice from Lighthouse Schools Partnership CEO, and a Special Educational Needs Coordinator from another school or the Trust's Lead Teacher for Engagement.

## 2. Call a Governors' Disciplinary Panel Hearing

The Headteacher may also decide, where the pupil is at risk of permanent exclusion to convene a Governors' Disciplinary Panel Hearing to review the provision for a child/young person deemed to be at risk of Permanent Exclusion. This is particularly important in a case where there are persistent breaches of the school policy. This will be an opportunity to bring the child's parents and other agencies together and raise awareness of the situation. The Panel will:

- Hear representation from the School, Parents, Child (where appropriate) and other agencies involved.
- thoroughly review the current situation with reference to the school's Behaviour Policy and the child/young person's behaviour;
- review the PSP in place • review SEND support, where appropriate;
- ensure that all parties are clear about the risk of Permanent Exclusion if noncompliance with the behaviour persists;
- Consider any further reasonable adjustments that can be made to improve the pupils behaviour. • Set reasonable targets to recognise behaviour improvements
- set a date for a review of progress.

The Panel may also:

- make recommendations for future provision. Decisions on exclusion are delegated to the Headteacher and will not be taken by a Governors' Panel reviewing provision for a child at risk of Permanent Exclusion.

The process for issuing suspensions and exclusions follows guidance from the Department and Education

Please see APPENDIX 1 for further detail regarding Suspensions and Permanent Exclusions

## SEND

Responding to misbehaviour from pupils with SEND

### Recognising the impact of SEND on behaviour

The school recognises that pupils' behaviour may be impacted by a special educational need or disability (SEND).

When incidents of misbehaviour arise, we will consider them in relation to a pupil's SEND, although we recognise that not every incident of misbehaviour will be connected to their SEND. Decisions on whether a pupil's SEND had an impact on an incident of misbehaviour will be made on a case-by-case basis.

When dealing with misbehaviour from pupils with SEND, especially where their SEND affects their behaviour, the school will balance their legal duties when making decisions about enforcing the behaviour policy. The legal duties include:

- Taking reasonable steps to avoid causing any substantial disadvantage to a disabled pupil caused by the school's policies or practices ([Equality Act 2010](#))

- Using our best endeavours to meet the needs of pupils with SEND ([Children and Families Act 2014](#))
- If a pupil has an education, health and care (EHC) plan, the provisions set out in that plan must be secured and the school must co-operate with the local authority and other bodies

As part of meeting these duties, the school will anticipate, as far as possible, all likely triggers of misbehaviour, and put in place support to prevent these from occurring.

Any preventative measures will take into account the specific circumstances and requirements of the pupil concerned.

Our approach to anticipating and removing triggers of misbehaviour may include:

- Short, planned movement breaks for a pupil with SEND who finds it difficult to sit still for long
- Adjusting seating plans to allow a pupil with visual or hearing impairment to sit in sight of the teacher
- Training for staff in understanding conditions such as autism
- Use of cards to provide older pupils time away from class to regulate their emotions during a moment of sensory overload

#### **Adapting sanctions for pupils with SEND**

When considering a behavioural sanction for a pupil with SEND, the school will take into account:

- Whether the pupil was unable to understand the rule or instruction?
- Whether the pupil was unable to act differently at the time as a result of their SEND?
- Whether the pupil is likely to behave aggressively due to their particular SEND?

If the answer to any of these questions is yes, it may be unlawful for the school to sanction the pupil for the behaviour.

The school will then assess if it is appropriate to use a sanction and if so, whether any reasonable adjustments need to be made to the sanction.

#### **Considering whether a pupil displaying challenging behaviour may have unidentified SEND**

The school's special educational needs co-ordinator (SENCO) may evaluate a pupil who exhibits challenging behaviour to determine whether they have any underlying needs that are not currently being met.

Where necessary, support and advice will also be sought from specialist teachers, an educational psychologist, medical practitioners and/or others, to identify or support specific needs.

When acute needs are identified in a pupil, we will liaise with external agencies and plan support programmes for that child. We will work with parents to create the plan and review it on a regular basis.

#### **Pupils with an education, health and care (EHC) plan**

The provisions set out in the EHC plan must be secured and the school will co-operate with the local authority and other bodies.

If the school has a concern about the behaviour of a pupil with an EHC plan, it will make contact with the local authority to discuss the issue. If appropriate, the school may request an emergency review of the EHC plan.

### **Reasonable force/Physical intervention**

Reasonable force covers a range of interventions that involve physical intervention with pupils. All members of staff have a duty to use reasonable force/ physical intervention, in the following circumstances, to prevent a pupil from:

- Causing disorder
- Hurting themselves or others
- Damaging property
- Committing an offence

Incidents of reasonable force must:

- Always be used as a last resort
- Be applied using the minimum amount of force and for the minimum amount of time possible
- Be used in a way that maintains the safety and dignity of all concerned
- Never be used as a form of punishment
- Be recorded and reported to parents

When considering using reasonable force, staff should, in considering the risks, carefully recognise any specific vulnerabilities of the pupil, including SEND, mental health needs or medical conditions.

### **Confiscation, searches, screening**

Searching, screening and confiscation is conducted in line with the DfE's [latest guidance on searching, screening and confiscation](#). Full details can be found in Appendix 2.

### **Off-site misbehaviour**

Sanctions may be applied where a pupil has misbehaved off-site when representing the school. This means misbehaviour when the pupil is:

- Taking part in any school-organised or school-related activity (e.g. school trips)
- Travelling to or from school
- Wearing school uniform
- In any other way identifiable as a pupil of our school

Sanctions may also be applied where a pupil has misbehaved off-site, at any time, whether or not the conditions above apply, if the misbehaviour:

- Could have repercussions for the orderly running of the school
- Poses a threat to another pupil
- Could adversely affect the reputation of the school

Sanctions will only be given out on school premises or elsewhere when the pupil is under the lawful control of a staff member (e.g. on a school-organised trip).

### **Online misbehaviour**

The school can issue behaviour sanctions to pupils for online misbehaviour when:

- It poses a threat or causes harm to another pupil
- It could have repercussions for the orderly running of the school

- It adversely affects the reputation of the school
- The pupil is identifiable as a member of the school

Sanctions will only be given out on school premises or elsewhere when the pupil is under the lawful control of a staff member.

### **Suspected criminal behaviour**

If a pupil is suspected of criminal behaviour, the school will make an initial assessment of whether to report the incident to the police.

When establishing the facts, the school will endeavour to preserve any relevant evidence to hand over to the police.

If a decision is made to report the matter to the police, the Headteacher (and in their absence the Deputy Headteacher) will make the report.

The school will not interfere with any police action taken. However, the school may continue to follow its own investigation procedure and enforce sanctions, as long as it does not conflict with police action.

If a report to the police is made, the designated safeguarding lead (DSL) will make a tandem report to children's social care, if appropriate.

### **Zero-tolerance approach to sexual harassment and sexual violence**

The school will ensure that all incidents of sexual harassment and/or violence are met with a suitable response, and never ignored.

Pupils are encouraged to report anything that makes them uncomfortable, no matter how 'small' they feel it might be.

The school's response will be:

- Proportionate
- Considered
- Supportive
- Decided on a case-by-case basis

The school has procedures in place to respond to any allegations or concerns regarding a child's safety or wellbeing. These include clear processes for:

- Responding to a report
- Carrying out risk assessments, where appropriate, to help determine whether to:
  - Manage the incident internally
  - Refer to early help
  - Refer to children's social care
  - Report to the police

Please refer to our [Child Protection and Safeguarding Policy](#) for more information

### **Malicious allegations**

Where a pupil makes an allegation against a member of staff and that allegation is shown to have been deliberately invented or malicious, the school will consider whether to discipline the pupil in accordance with this policy.

Where a pupil makes an allegation of sexual violence or sexual harassment against another pupil and that allegation is shown to have been deliberately invented or malicious, the school will consider whether to discipline the pupil in accordance with this policy.

In all cases where an allegation is determined to be unsubstantiated, unfounded, false or malicious, the school (in collaboration with the local authority designated officer (LADO), where relevant) will consider whether the pupil who made the allegation is in need of help, or the allegation may have been a cry for help. If so, a referral to children's social care may be appropriate.

The school will also consider the pastoral needs of staff and pupils accused of misconduct.

#### Training

As part of their induction process, our staff are provided with regular training on managing behaviour, including training on:

- The proper use of physical intervention
- The needs of the pupils at the school
- How SEND and mental health needs impact behaviour

Behaviour management will also form part of continuing professional development.

A staff training log is kept by the school office.

#### Monitoring arrangements

##### **Monitoring and evaluating school behaviour**

The school will collect data on the following:

- Behavioural incidents, including removal from the classroom
- Attendance, permanent exclusion and suspension
- Use of pupil support units, off-site directions and managed moves
- Incidents of searching, screening and confiscation
- Anonymous surveys for staff, pupils, governors, trustees and other stakeholders on their perceptions and experiences of the school behaviour culture

The data will be analysed at a minimum every year by LGB, Headteacher and LSP Representative and will be reported on to the LGB termly, through the Headteacher's Report.

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- At the level of individual members of staff



- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any trends or disparities between groups of pupils are identified by this analysis, the school will review its policies to tackle it.

The multi academy trust (MAT) will work with its academies to consider this data and to analysis whether there are patterns across the trust, recognizing that number sin one academy may be too low to allow for meaningful statistical analysis.

### **Monitoring this policy**

This behaviour policy will be reviewed by the headteacher and LGB at least annually, or more frequently, if needed, to address findings from the regular monitoring of the behaviour data (as per section 13.1). At each review, the policy will be approved by the LGB.

Links with other policies

This behaviour policy is linked to the following policies:

- Child protection and safeguarding policy
- Physical restraint policy
- Acceptable Use policy
- Online Safety Policy

## **APPENDIX 1**

### **Suspensions and Permanent Exclusions**

The school can use suspension and permanent exclusion in response to serious incidents or in response to persistent poor behaviour, which has not improved following in-school sanctions and interventions.

The decision to suspend or exclude will be made by the headteacher and only as a last resort.

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our school aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and pupils understand the exclusions process
- Ensure that pupils in school are safe and happy
- Ensure all suspensions and permanent exclusions are carried out lawfully

### **A note on off-rolling**

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

### **Definitions**

#### **Informal Internal Suspension:**

When a child is removed from their classroom and peers for a fixed period of time. They would usually complete the suspension with a member of senior staff

#### **Suspension:**

Where a pupil is temporarily removed from the school.

A pupil may be suspended for one or more fixed periods<sup>14</sup> (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, headteachers and schools should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

It is important that during a suspension, pupils still receive their education. Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways such as Oak National Academy.

The school's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways should always be recorded as a suspension.

A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

### **Permanent exclusion**

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

### **The headteacher's powers to use exclusion**

Only the headteacher of a school can suspend or permanently exclude a pupil on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.

A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e., that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher must apply the civil standard of proof, i.e., 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen. The headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.

Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so.

### **Cancelling exclusions**

The headteacher may cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled, then:

- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school.

## **Safeguarding, including guidance concerning pupils who have abused another pupil (commonly known as child-on-child abuse)**

If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following a governing board review, it is likely that there will be complex and difficult decisions that need to be made. It is important that these decisions are made alongside a school's duty to safeguard and support children and their duty to provide an education.

Schools have a statutory duty to make arrangements for safeguarding and promoting the welfare of their pupils.

Schools have a statutory duty to co-operate with safeguarding partners once designated as relevant agencies. Equally, safeguarding partners are expected to name schools as relevant agencies and engage with them in a meaningful way. Ultimately, any decisions are for the school to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

Section 5 of Keeping Children Safe in Education sets out the safeguarding process for cases of reports that relate to rape or assault by penetration and those that lead to a conviction or caution: "When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis." As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools should follow general safeguarding principles as found in Keeping Children Safe in Education.

## **Factors to consider before making a decision to exclude**

The very best Alternative Provision (AP) can be important co-experts in managing behaviour and providing alternatives to exclusion. This could include outreach support for pupils in mainstream schools and offering short-term places to pupils who need a time limited intervention away from their mainstream school. Schools should work with high quality AP providers to ensure a continuum of support is available for pupils for whom good behaviour cultures and policies are not working.

## **Preventative measures to school exclusion**

In addition to the strategies set out in initial intervention headteachers should also consider the following as measures to prevent school exclusion:

a) an off-site direction (temporary measure that maintained schools and academies for similar purposes can use) or

b) managed moves (permanent measure) as preventative measures to exclusion.

Any use of AP should be based on an understanding of the support a child or young person needs in order to improve their behaviour, as well as any SEND or health needs. Off-site direction may only be used as a way to improve future behaviour and not as a sanction or punishment for past misconduct. Off-site direction should only be used where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate and should only be used to arrange a temporary stay in AP.

The nature of the intervention, its objectives, and the timeline to achieve these objectives should be clearly defined and agreed with the provider upfront. The plan should then be frequently monitored and reviewed. Pupils must continue to receive a broad and balanced education, and this will support reintegration into mainstream schooling.

### **Pupils with disabilities and Special Educational Needs (SEN) including those with Education, Health and Care plans (EHC plans)**

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, governing boards of relevant settings must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN.

Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs. Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.

Where a pupil has an EHC plan, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude. For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for schools to request an EHC assessment or a review of the pupil's current package of support.

### **Pupils who have a social worker, including looked-after children, and previously looked-after children**

For the majority of children who have a social worker, this is due to known safeguarding risks at home or in the community: over half are in need due to abuse or neglect. For children with a social worker, education is an important protective factor, providing a safe space for children to access support, be visible to professionals and realise their potential. When children are not in school, they miss the protection and opportunities it can provide, and become more vulnerable to harm. However, headteachers should balance this important reality with the need to ensure calm and safe environments for all pupils and staff, so should devise strategies that take both of these aspects into account.

Where a pupil has a social worker, e.g., because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations.

Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's VSH as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers.

All looked-after children should have a Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan. This should be reviewed every term and any concerns about the pupil's behaviour should be recorded, as well as how the pupil is being supported to improve their behaviour and reduce the likelihood of exclusion. Monitoring of PEPs can be an effective way for VSHs to check on this.

### **The Headteacher's duty to inform parties about an exclusion/ suspension**

#### **Informing parents**

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made

- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

The headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this  
If alternative provision is being arranged, the following information will be included, if possible:
  - The start date for any provision of full-time education that has been arranged
  - The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
  - The address at which the provision will take place
  - Any information the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

### **Informing the governing board**

The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam

The headteacher will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and



exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

### **Informing the local authority (LA)**

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

### **Informing the pupil's social worker and/or virtual school head (VSH)**

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupils ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

### **Providing education during the first 5 days of a suspension or permanent exclusion**

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Oak Academy may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

### **The education of pupils from the sixth day of an exclusion**

For a suspension of more than five school days, the governing board (or local authority about a pupil suspended from a PRU) must arrange suitable full-time education for any pupil of compulsory school age. This provision is commonly called alternative provision and must begin no later than the sixth school day of the suspension. Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is because of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row.

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place.

This will be the pupil's 'home authority' in cases where the school is in a different local authority area. The school should collaborate with the local authority when the pupil might be eligible for free home to school travel, arranged by the local authority, to the place where they will be receiving education.

In addition, where a pupil has an EHCP, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.

The local authority must have regard to the relevant statutory guidance when carrying out its duties in relation to the education of looked-after children, which can be found here: Promoting the education of looked-after children and previously looked-after children ([publishing.service.gov.uk](https://publishing.service.gov.uk)). Where a looked-after child is excluded, the school should document the provision of immediate suitable education in the child's PEP.

Provision does not have to be arranged by either the school or the local authority for a pupil in the final year of compulsory education who does not have any further public examinations to sit.

## **The governing board**

### **Considering suspensions and permanent exclusions**

The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. The requirements on a governing board to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors (see flowchart)

The governing board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher if:

- it is a permanent exclusion;
- it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term; or
- it would result in the pupil missing a public examination or national curriculum test.

The requirements are different for suspensions where a pupil would be suspended for more than five but less than 16 school days in a term. In this case, if the parents make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated.

In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing board. It must, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the chair of governors, in the case of a maintained school, may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.

In the case of an academy the pupil's reinstatement may be considered by a committee of the trust board, including a local governing body, if the trust's articles of association allow them to do so.

The following parties must be invited to a meeting of the governing board and allowed to make representations or share information:

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or over;

- the headteacher;
- a representative of the local authority (in the case of a maintained school or PRU);
- the child's social worker if the pupil has one; and
- the VSH if the child is LAC

The governing board must make reasonable endeavours to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Taking into account, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in governing board meetings and the pupil should be enabled to make a representation on their own behalf if they wish to do so.

### **Monitoring and analysing suspensions and exclusions data**

The governing board will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and why this is taking place
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

### Considering the reinstatement of a pupil

The LGB will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term; or
- It would result in a pupil missing a public exam or National Curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the LGB must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, the LGB will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the LGB will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the LGB may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

The governing board will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The LGB can either:

- Decline to reinstate the pupil, or

- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, the LGB will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the governing board

They will decide whether or not a fact is true 'on the balance of probabilities'.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

The LGB will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the pupil, if they are 18 or older
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the LGB has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the MAT to appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment

- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, if parents believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

### Independent review

If parents apply for an independent review within the legal timeframe, the MAT will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the LGB of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
  - Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
  - Headteachers or individuals who have been a headteacher within the last 5 years
- A person may not serve as a member of a review panel if they:
- Are a director of the MAT of the excluding school
  - Are the Headteacher of the excluding school, or have held this position in the last 5 years
  - Are an employee of the MAT, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
  - Have, or at any time have had, any connection with the MAT, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
  - Have not had the required training within the last 2 years.

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion.

Following its review, the independent panel will decide to do 1 of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:



- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the governing board to place on the pupil's educational record

#### School registers

A pupil's name will be removed from the school admission register if:

- 15 school days have passed since the parents were notified of the LGB's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made within 15 school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

#### **Making a return to the LA**

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name
- The full name and address of any parent with whom the pupil normally resides
- At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

### **Reintegration after a suspension or off-site direction**

Schools should support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction. They should design a reintegration strategy that offers the pupil a fresh start; helps them understand the impact of their behaviour on themselves and others; teaches them to how meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school. During a reintegration meeting, the school should communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting should include the pupil's parents. However, it is important to note that a pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

Where necessary, schools should work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify if the pupil has any SEND and/or health needs.

A part-time timetable should not be used to manage a pupil's behaviour and must only be in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing it with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must treat absence as authorised.

Schools can consider a range of measures to enable the pupil's successful reintegration which can include, but are not limited to:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school;
- Daily contact with a designated pastoral professional in-school;
- Use of a report card with personalised targets leading to personalised rewards;

- Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress; 18
- Planned pastoral interventions;
- Mentoring by a trusted adult or a local mentoring charity;
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage;
- Informing the pupil, parents and staff of potential external support.

## APPENDIX 2

### SEARCHES

#### **Confiscation**

Any prohibited items found in a pupil's possession as a result of a search will be confiscated. These items will not be returned to the pupil.

We will also confiscate any item that is harmful or detrimental to school discipline. These items will be returned to pupils after discussion with senior leaders and parents, if appropriate.

#### **Searching a pupil**

Searches will only be carried out by a member of staff who has been authorised to do so by the headteacher, or by the headteacher themselves.

Subject to the exception below, the authorised member of staff carrying out the search will be of the same sex as the pupil, and there will be another member of staff present as a witness to the search.

An authorised member of staff of a different sex to the pupil can carry out a search without another member of staff as a witness if:

- The authorised member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; **and**
- In the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is the same sex as the pupil; **or**
- It is not reasonably practicable for the search to be carried out in the presence of another member of staff

#### **Searching pupils' possessions**

Possessions means any items that the pupil has or appears to have control of, including:

- Desks
- Lockers
- Bags

A pupil's possessions can be searched for any item if the pupil agrees to the search. If the pupil does not agree to the search, staff can still carry out a search for prohibited items (listed in section 3) and items identified in the school rules.

An authorised member of staff can search a pupil's possessions when the pupil and another member of staff are present.

If there is a serious risk of harm if the search is not conducted immediately, or it is not reasonably practicable to summon another member of staff, the search can be carried out by a single authorised member of staff.

### **Informing the designated safeguarding lead (DSL)**

The staff member who carried out the search should inform the DSL without delay:

- Of any incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item as listed in section 3
- If they believe that a search has revealed a safeguarding risk

All searches for prohibited items, including incidents where no items were found, will be recorded in the school's safeguarding system.

### **Informing parents**

Parents will always be informed of any search for a prohibited item. A member of staff will tell the parents as soon as is reasonably practicable:

- What happened
- What was found, if anything
- What has been confiscated, if anything
- What action the school has taken, including any sanctions that have been applied to their child

### **Support after a search**

Irrespective of whether any items are found as the result of any search, the school will consider whether the pupil may be suffering or likely to suffer harm and whether any specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search).

If this is the case, staff will follow the school's safeguarding policy and speak to the designated safeguarding lead (DSL). The DSL will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

### **Strip searches**

The authorised member of staff's power to search outlined above does not enable them to conduct a strip search (removing more than the outer clothing) and strip searches on school premises shall only be carried out by police officers in accordance with the [Police and Criminal Evidence Act 1984 \(PACE\) Code C](#).

Before calling the police into school, staff will assess and balance the risk of a potential strip search on the pupil's mental and physical wellbeing and the risk of not recovering the suspected item.

Staff will consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and will always ensure that other appropriate, less invasive approaches have been exhausted first.

Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them. The school will advocate for the safety and wellbeing of the pupil(s)

involved. Staff retain a duty of care to the pupil involved and should advocate for pupil wellbeing at all times.

### **Communication and record-keeping**

Where reasonably possible and unless there is an immediate risk of harm, staff will contact at least one of the pupil's parents to inform them that the police are going to strip search the pupil before strip search takes place, and ask them if they would like to come into school to act as the pupil's appropriate adult. If the school can't get in touch with the parents, or they aren't able to come into school to act as the appropriate adult, a member of staff can act as the appropriate adult (this should not be the Headteacher)

The pupil's parents will always be informed by a staff member once a strip search has taken place. The school will keep records of strip searches that have been conducted on school premises, and monitor them for any trends that emerge.