

# Collaboration of East Harptree and Ubley Church of England Primary Schools

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## Positive Behaviour Policy

### Introduction

The Collaboration of East Harptree and Ubley Primary Schools is committed to creating an environment where exemplary behaviour is at the heart of productive learning. Everyone is expected to maintain the highest standards of personal conduct, to accept responsibility for their behaviour and encourage others to do the same. Our behaviour policy guides staff to teach self-discipline not blind compliance. It echoes our core values with a heavy emphasis on respectful behaviour, a partnership approach to managing poor conduct and dynamic interventions that support staff and learners.

We do not discriminate against age, disability, gender reassignment, race, religion or belief, sex and sexual orientation (Public Sector Equality Duty, 2011). This policy promotes the safety and wellbeing of the learners.

### **Aims of the policy**

- To promote a positive, calm and safe environment where all children can flourish.
- To establish a framework for staff which focuses on consistencies, high expectations and positive relationships.
- To create a culture of exceptionally good behaviour: for learning, for community, for life.
- To ensure that all learners are treated fairly and shown respect.
- To help learners take control over their behaviour and be responsible for the consequences of it.
- To build a community which values kindness, care, good humour, good temper and empathy for others.

Our Behaviour Policy is based on the **Five Pillars of Pivotal practice**



### **Calm, Consistent and Kind Adult Behaviour**

We believe that calm, consistent and kind adult behaviour is the foundation for good behaviour management.

Calm, consistent adult behaviour means being in control of yourself before you attempt to take control of anyone else's behaviour. Calm, consistent adult behaviour means that there are no gaps between the adults, there is an agreed plan we stick to.

At East Harptree and Ubley Primary Schools, we are a staff team and work together, we have a tight, firm foundation. We do not show negative emotion when intervening with behaviour.

We do this by using scripts and relentless routines to deal with challenging behaviour (Appendix A)

A firm foundation means that we use the same rules and language in every classroom. At our school we recognise the importance of providing clear rules underpinned by our values and vision. The whole school community has responsibility for upholding and following the three school rules.

**Respectful**  
**Safe**  
**Ready**

Children will be provided with opportunities to discuss school rules and how these are exemplified across the school and to identify associated appropriate, and inappropriate, behaviour. Whole school rules need to be applied consistently and fairly. Our three rules need to be displayed prominently and referred to when a child is not displaying the behaviours that we expect to see.

Good communication needs to exist between children, staff and parents. Expectations of behaviour will be made clear at all times and discussed in reference to our three school rules as this should reduce opportunities for confusion and misunderstandings. Parents will be contacted when there is cause for concern or when appropriate action has been taken. Good and appropriate behaviour will be shared and celebrated through Class Dojo.

### **Statement of Vision and Values**

At the foundation of all our decisions is our mission statement and our core values.

#### *Vision*

East Harptree Church of England School aims to encourage each child to **dream, believe, achieve together.**

Ubley Church of England School aims to equip each child to be **caring, capable and confident** in an everchanging world.

Celebrating 'life in all its fullness' John 10:10

#### *Values*

Our pupils are very aware of and live out the core values of the school. Pupils are curious and reflective about the world they live in and spiritual issues.

**School Values: Community, Compassion, Courage, Forgiveness, Friendship, Respect, Thankfulness, Trust, Perseverance, Justice, Service, Hope.**

#### *Ethos*

At East Harptree and Ubley Primary Schools, we adopt a nurture approach, this approach recognises **that positive relationships are central to both learning and wellbeing.**

The nurture approach also underpins our behaviour policy where our school rules are respectful, sage and ready. We are committed to creating an environment where exemplary behaviour is at the heart of productive learning.

Routines are the cogs at the centre of all classroom practise. We recognise that where Calm, Consistent and Kind Routines are established, children feel secure to take risks in their learning.

## Expectations of ALL Adults

### We expect adults to:

1. **Meet and greet** at the door
2. **Refer** to the school rules
3. **Model** positive behaviours and build relationships.
4. **Plan lessons** that engage, challenge and meet the needs of all learners.
5. **Use** visible recognition mechanisms throughout every lesson (dojo points and house points)
6. **Be calm** when going through the steps. Prevent before consequences.
7. **Restore the relationship with the learner**

### Appendix B outlines the school's behaviour blueprint.

#### 1. First Attention to Best Conduct

At East Harptree and Ubley Primary Schools, we catch children doing the right thing first, before we deal with poor behaviour. We focus on the 95% children doing the right thing all the time first, because those are the children that deserve our first attention. This does not mean that we are ignoring poor behaviour, but the first focus of all adults should be recognising those who are doing the right thing first

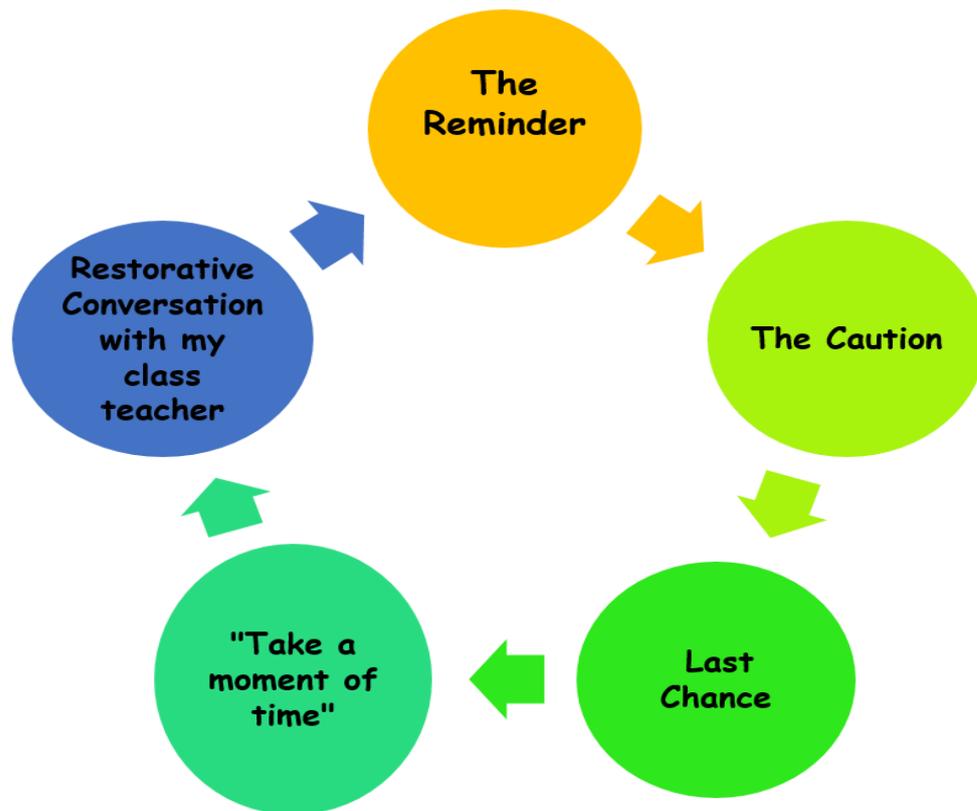
We do this by positive recognition

- Individual Dojo Points or recognition boards
- House Points
- Additional class reward systems (eg. Marbles in jars)

#### 2. Restorative and Inclusive Approaches

At East Harptree and Ubley Primary Schools we know the value of showing a child their behaviour and teaching them new behaviours. We know that punitive punishment has its limitations and doesn't teach new behaviours. Individual staff dealing with their own children's behaviour has enormous value. This is both in terms of the child's immediate behaviour and the long-term relationship between the adult and the child.

## The Restorative Process



### Children with Social, Emotional, and Mental Health Needs (SEMH)

Behaviour can be a means of communication that can indicate current/ recent trauma or adverse childhood experiences (ACES) or other mental health needs. We must ensure that all pupils are supported to communicate their needs safely and appropriately. We recognise that some behaviour may be a direct result of a child's vulnerability and can be closely linked with safeguarding therefore not solely linked to SEMH.

East Harptree and Ubley Primary Schools provide the following in-school support for children with SEMH:

- Calm /safe spaces around the school for children
- Personalised Pastoral Support Plans
- Mindfulness sessions
- Theraplay play skills group
- Trauma informed school
- School nurse support

Staff ensure that children are supported in a way that matches their age and needs whilst establishing and maintaining the highest expectations for all children. Individual Behaviour

and Positive Handling Plans are created when appropriate and designed to meet the specific needs of the child.

If a child becomes so dysregulated that it seriously affects their mental health, they may be asked to go home to calm down in order to support their mental health. If this is the case, a full investigation will take place to determine the cause of such a deterioration in mental health and things will be put in place to support that child back to education and prevent this from happening again.

### **Child-on-Child Abuse and Bullying (see also anti-bullying policy)**

Child-on-Child abuse is behaviour by an individual or group, intending to physically, sexually, or emotionally hurt others.

All staff recognise that children are capable of abusing other children including bullying (including online bullying) physical abuse, sexual abuse and sexual harassment.

Bullying is the repetitive, intentional hurting of one person or group by another person or group, where the relationship involves an imbalance of power. It can happen face to face or online (Anti-bullying alliance, 2021)

The following measures are in place to prevent bullying:

- Anti-Bullying week and have a program of PHSE lessons to follow up after the Anti-Bullying week.
- Anti-bullying ambassadors
- Worry boxes in all classes
- Leaflets and posters about anti-bullying approaches
- During internet safety week, we cover online bullying.
- Regular training for all staff

Where bullying has occurred, we support both the victim and the perpetrator(s) with follow-up bespoke social, emotional, and mental health support.

Child-on-Child abuse including sexual abuse and harassment, are dealt with very seriously. We follow the school's safeguarding protocols. We recognise that for children, the perpetrator may also be at risk and this behaviour could be because that child could also be in danger. Where sexual harassment child-on-child abuse occurs, we seek advice from the local safeguarding team and the Police Constable Support Officer.

At East Harptree and Ubley Primary Schools, we ensure that any form of abuse or harmful behaviour is dealt with immediately and consistently to reduce the extent of harm to the young person, with full consideration to the impact on that individual child's emotional and mental health and well-being.

All child-on-child abuse including bullying, behaviour, dysregulated and intolerant (sexist, racist, intolerance towards religions, homophobic, transphobic, and disablist) incidents are

added to CPOMS and investigated thoroughly. They are regularly analysed and reported to the governors six times a year.

## **Exclusions**

### **Fixed Term Exclusions (External)**

We believe that, in general, fixed term exclusions are not an effective means to help a child move their behaviour on. However, if the child has been very unsafe and the other children are at risk of harm, an external exclusion could be used to reset the class and the child. A plan for reintegration should be put in place. The meeting will review what is already in place and what else can be done to support the pupil in achieving a successful reintegration. Where a child has received a fixed-term exclusion, it is expected that they will be welcomed and treated without any animosity when they return. All fixed term exclusions are recorded on CPOMS, SIMS and reported to the governors six times a year.

### **Permanent Exclusion**

The Lighthouse Schools Partnership Trust and the local authority Inclusion Team should be informed when a child is at risk of permanent exclusion. In general, the Trust does not believe that permanent exclusions are affective in improving a child's behaviour. However, we acknowledge that it can occur in certain circumstances. For example, when a risk assessment indicates that to allow the child to remain in school would be seriously detrimental to the education or welfare of the pupil concerned, or to other pupils at the school. Before permanent exclusions, a variety of different strategies should be explored:

- A pastoral support plan should have been put in place for a period of 6 months or more, this is to allow time for interventions to work
- Gain expert advice
- An assessment special educational needs and disabilities should take place.
- Alternative provision should be considered and used
- A negotiated transfer to another school

**Appendix A**  
**East Harptree and Ubley Primary Schools Scripts**

**We expect to see all staff use some or all of the following scripts**

**I have noticed .....**

**You know our rule about.....you remember when?.....**

**That is the behaviour I need to see**

**Thank-you for listening**

Directions are given in a **calm, firm voice**

Give instructions and **walk away** to show expectation of compliance – ‘I need you to move to the chair over there. Thank you’

**Name.....direction.....Thanks** - Tom.... Cap off.... Thanks’

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End instructions with **‘thank you’** not please – Emily (2 second pause) if you have an answer to a question then put up your hand, thanks!’

Use **YES and And** to divert from the secondary behaviour, focus on the primary behaviour and avoid conflict – ‘Yes, you were just asking for a rubber and I need you to work on your own because I want your own ideas.’

Use **When and Then** – ‘Bill, **when** you’ve put up your hand **then** I will answer your question.’

Use **positive do’s** rather than don’t ‘Alex, I’d like you to choose to sit back in your seat1. Thank you.’ Rather than ‘Alex don’t get out of your seat.’

## Appendix B (Behaviour Blueprint)

At East Harptree and Ubley Primary Schools we have high expectations of learning behaviour. Respect for each other underpins everything we do. Our staff strive to create independent, articulate thinkers, and learners who have the confidence to achieve their ambitions. This drives us in our pursuit for excellence every day.

Rules	Over and Above	Visible Adult Consistencies
<b>Respectful</b> <b>Safe</b> <b>Ready</b>	<b>Praise</b> <b>Recognition Points</b> <b>House Points</b> <b>Postcards Home</b> <b>Certificates Headteacher</b> <b>Awards</b>	<b>Meet and Greet</b> <b>First attention to best conduct</b> <b>Calm and caring</b>

**Relentless Routines**    **Magnificent Message – Greet each other every morning**  
**Wonderful Walking – Walk through the school corridors quietly**

**30 Second Script**  
 I have noticed....  
 You know our rule about....  
 Do you remember when?.....  
 That is the behaviour I need to see  
 Thank-you for listening.

**Restorative process**

1. The Reminder
2. The Caution
3. Last Chance
4. Time Out
5. Restorative Conversation

**Restorative Conversation**  
 What happened?  
 What were you thinking at the time?  
 How did this make people feel?  
 What has been affected?  
 What should we do to put things right?  
 How can we do things differently in the future?

## Restorative Conversations Teachers and with Senior Leaders

Children should be given the chance to reflect on their behaviour and the opportunity to learn from their mistakes. All members of the school community will treat each day as a new day. In order to facilitate learning we use restorative conversations with the following script:

Five Key Questions

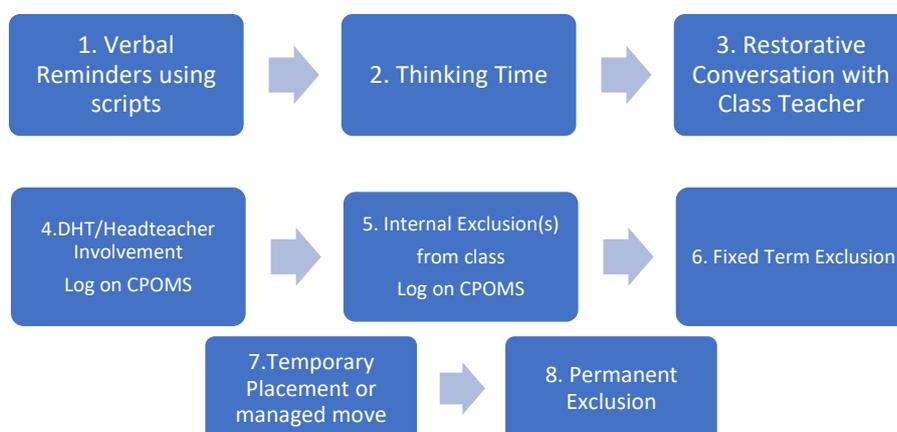
1. What happened?
2. What were you thinking at the time?
3. What have you thought since?
4. How did this make people feel?
5. Who has been affected?

It is important that the adult having the restorative conversation with the child comes back to the person who witnessed or experienced the unwanted behaviour.

## Consequences

It is important that any subsequent consequences are developmentally appropriate and are designed to support children to learn about both their physiological response to challenge and difficulty and how better to manage this in the future. They may include one or more of: completing special community tasks, writing letters, adapting/loss of school privileges, playtimes, lunchtimes, other activities/clubs etc. At lunchtimes, behaviours are managed with reminders, restorative conversations and time out with an adult.

### Behaviour Flowchart



### **House Points**

We use our team approach so our children and staff know that their positive attitude and behaviour is for more than individual recognition as it is for the good of all. Pupils will be awarded House Points for demonstrating being Respectful, Safe and Ready.

Every child is assigned a House

The children will add their House points to a tally chart next to their House colours.

At the end of the week, the Y6 House captains count up the points and announce the scores during the celebration assembly.

Each week, the winning House receives the House Cup which is draped with the winning House colours.

At the end of the term, the winning House will have a special treat e.g non-school uniform day.

**Review Date September 2023**

**Further Information Below**

## Further Detailed Information

### 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

### 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. We make adjustments such as planning short movement breaks, adjusting seating, flexibility with uniforms, additional training for staff in specific conditions, use of quiet spaces to help regulate emotions.

### **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](#).

### **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 [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 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.

### **Monitoring arrangements**

#### **13.1 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 every month by the headteacher.

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.

### **Monitoring this policy**

This behaviour policy will be reviewed by the headteacher and the LGS annually.

Links with other policies

This behaviour policy is linked to the following policies Exclusions policy

- Child protection and safeguarding policy
- anti-bullying policy

### **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

### **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.

#### **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. Details of this are in Appendix ???

### **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 the 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.