



BEHAVIOUR POLICY

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1. Aims

This policy aims to:

- Provide a **consistent approach** to behaviour management
- **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**

This policy is designed to promote and explicitly teach good behaviour, rather than merely deter anti-social behaviour. Children learn best within positive, trusting relationships. This informs our approach to managing and changing behaviour and we expect staff to work to identify the need and provide developmentally appropriate support to remove these barriers to successful engagement in school life.

Parents/carers are an integral part of our school community and play an important role in supporting, modelling and reinforcing our expectations. We will work in partnership to inform and consult with parents/carers in order to support acceptable behaviour both in school and at home.

We believe that high expectations are an important factor in achieving excellent behaviour and fostering positive attitudes within our school. The adults in our school are familiar with this policy and know that they have a responsibility to model high standards of behaviour, both during interaction with the pupils and with each other. We acknowledge that our example has an important influence on the pupils.

An understanding of trauma and childhood adversity underpins our approach to relationships within our school community. We are committed to ensuring that our school develops a Trauma and Mental Health Informed Approach to ensure that all our pupils develop positive mental health and resilience, enabling them to fully engage in life and learning.

2. Legislation and statutory requirements

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

- [Behaviour and discipline in schools](#)
- [Exclusion from maintained schools, academies and pupil referral units in England](#)
- [Searching, screening and confiscation at school](#)
- [The Equality Act 2010](#)
- [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:

- 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 online

This policy complies with our funding agreement and articles of association.

3. Definitions

Misbehaviour 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 misbehaviour is defined as:

- Repeated breaches of the school rules
- Any form of bullying
- Sexual assault, which is any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation
- Vandalism
- Theft
- Fighting
- Smoking
- Racist, sexist, homophobic or discriminatory behaviour
- Possession of any prohibited items. These are:
 - Knives or weapons
 - Alcohol
 - Illegal drugs
 - Stolen items
 - Tobacco and cigarette papers
 - Fireworks
 - Pornographic images
 - 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)

4. 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

It is a basic entitlement for our children that they receive their education free from humiliation, oppression and abuse. Education is compulsory in our society and therefore it is the responsibility of all adults to ensure that it takes place in an atmosphere which is caring and protective.

Penair School will not knowingly allow bullying to exist. All staff want to rid the school of bullying, and there are a number of very important reasons for challenging this behaviour:

- **The safety and happiness of pupils.** When pupils are bullied, their lives are made miserable. They may suffer injury. They may be unhappy about coming to school. Over time, they are likely to lose self-confidence and self-esteem. Some may even blame themselves for 'inviting' the bullying behaviour.
- **Educational Achievement.** The unhappiness of bullied pupils is likely to affect their concentration and learning. Some children will avoid bullying by not coming to school.
- **Providing a model for helpful behaviour.** If they observe bullying behaviour going unchallenged, other pupils may learn that bullying is a quick and effective way of getting what they want. Those pupils who are being bullied may interpret the school's inaction as condoning unacceptable behaviour. They will feel badly let down by adults in authority.
- **Confirming our reputation as an effective, caring school.** No school can claim with absolute confidence that "there is no bullying here." Every school has some degree of bullying, even if only slight or infrequent. Parents know this. They will be reassured (and impressed) if we demonstrate both through policy and action that we will respond promptly, positively and effectively to bullying.

Information for parents

If your child is being bullied:

- calmly talk with your child about his/her experience
- make a note of what your child says – particularly who was said to be involved; how often the bullying has occurred; where it happened and what has happened
- reassure your child that he/she has done the right thing to tell you about the bullying
- explain to your child that should any further incidents occur he/she should report them to an adult in school immediately
- make an appointment to see your child's form tutor, SWO or Pastoral leader
- explain to the teacher the problems your child is experiencing.

Talking with staff about bullying:

- try and stay calm – bear in mind that the teacher may have no idea that your child is being bullied or may have heard conflicting accounts of an incident
- be as specific as possible about what your child says has happened – give dates, places and names of other children involved
- make a note of what action the school intends to take
- ask if there is anything you can do to help your child or the school
- stay in touch with the school; let them know if things improve as well as if problems continue.

If your child is bullying other children

Many children may be involved in bullying other pupils at some time or other. Often parents are not aware that their child is involved in bullying.

Children sometimes bully others because:

- they don't know it is wrong
- they are copying older brothers and sisters or other people in the family whom they admire
- they haven't learnt other, better ways of mixing with their school friends
- their friends encourage them to bully
- they are going through a difficult time and are acting out aggressive feelings.

To stop your child from bullying others:

- talk with your child; explain that what he/she is doing is unacceptable and makes other children unhappy
- discourage other members of your family from bullying behaviour or from using aggression or force to get what they want
- show your child how he/she can join in with other children without bullying
- make an appointment to see your child's form tutor or Pastoral Leader; explain to the teacher the problems your child is experiencing; discuss with the teacher how you and the school can stop him/her bullying others
- regularly check with your child how things are going at school
- give your child lots of praise and encouragement when he/she is co-operative or kind to other people
- Restorative Justice (RJ) is an extremely effective method of providing support and resolution for those who have been bullied but also makes the bully stop and think about his/her actions and realise the impact/unhappiness they have caused. This is an approach that is regularly adopted by staff at Penair School.

Social Media

Whilst recognising the significant impact that social media has on the lives of people we want parents to coach their child to use social media wisely, positively, safely and supportively. This will help to stop your child from talking about the victim 'behind their backs' and help dissuade others from getting involved in bullying the victim.

Pastoral Role

Strategies put in place to support those being bullied:

- Student Welfare Officers attached to each Key Stage and available throughout the day to provide support and resolution to both students and parents
- peer mentors trained to listen and support other students
- use of Restorative Justice helps to resolve conflict in a safe, controlled environment – agreeing positive outcomes

5. Roles and responsibilities

5.1 The governing board

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

5.2 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.

5.3 Staff

Staff are responsible for:

- Implementing the behaviour policy consistently
- Modelling promoting and reinforcing positive behaviour in lessons and around the school
- Providing a personalised approach to the specific behavioural needs of particular pupils
- Recording behaviour incidents
- creating a swift and purposeful start to the lesson where they may reinforce clear expectations of deliver a suitably planned and structured lesson which meets all individual needs
- The senior leadership team and middle leaders will support staff in responding to behaviour incidents

5.4 Parents

Parents are expected to:

- Support their child in adhering to the pupil code of conduct
- Ensure pupils come to school correctly equipped and prepared to work
- Inform the school of any changes in circumstances that may affect their child's behaviour
- Discuss any behavioural concerns with the form tutor and class teachers promptly
- Work in partnership with staff to ensure good behaviour
- Respond to concerns raised by members of staff

5.4 Pupils

Pupils are expected to take responsibility for their own behaviour and will be made fully aware of the school policy, procedure and expectations. Pupils will also be encouraged to take responsibility for their social and learning environment making it both safe and enjoyable by reporting all inappropriate behaviour.

6. Pupil code of conduct

Pupils are expected to:

- Respond to adult requests 'first time, every time'
- Behave in a reasonable, polite and orderly manner to all staff and pupils an orderly in a self-controlled way
- Show respect to members of staff and each other
- Arrive on time to lessons
- Make it possible for all pupils to learn while in and around school
- Move quietly around the school and conduct themselves around the building in a safe, sensible, manner and show regard to others
- Bring equipment appropriate for the lesson

- Complete all class work in the manner required and hand in homework at the time requested
- Treat the school buildings and school property with respect
- Wear the correct uniform at all times
- Accept sanctions when given
- Refrain from behaving in a way that brings the school into disrepute, including when outside school
- Show respect for the opinions and beliefs of others
- Follow the school rules.

7. Rewards and sanctions

It is recognised that rewards promote positive behaviours and have a greater part to play than sanctions when it comes to regulating behaviour - either social or academic. It is important that achievement and good behaviour are rewarded. The main ways of doing this are by giving positive class charts points for good work and recording such things as exceptional effort, improvement in behaviour, volunteering to help at functions etc, onto class charts.

7.1 List of rewards and sanctions

Positive behaviour will be rewarded with:

- Praise
- Positive class charts points
- Letters or phone calls home to parents
- Special responsibilities/privileges
- Positive affirmation, including positive reinforcement and encouragement, by all teachers in the classroom and during extra-curricular activities and by support staff
- Regular display of work around the school
- Departmental/Faculty Rewards and Recognition
- Reward Stickers
- Positive and encouraging comments in planners and via Class charts
- Awards and prizes distributed at Prize Day
- Presentation of Colours
- Congratulations in Assemblies
- Items posted on the school website, Facebook and Twitter accounts
- Picture taken for the local press
- Recognition in the School Magazine
- Attendance Certificates
- Elections of Prefects and members of the School Council

The school may use one or more of the following sanctions in response to unacceptable behaviour:

- A verbal reprimand
- Sending the pupil out of the class
- Expecting work to be completed at home, or at break or lunchtime
- Detention at break or lunchtime, or after school
- Referring the pupil to a middle leader or a senior member of staff
- Letters or phone calls home to parents
- Putting a pupil 'on report'

- Agreeing a behaviour contract

We may use the Referral room in response to serious or persistent breaches of this policy. If a pupil is placed in the Referral room they will be expected to complete similar work as they would in class. Pupils who intentionally do not attend a given detention will expect to be served with a more significant sanction (lunch detention; after school detention; Referral room).

7.2 Off-site behaviour

Sanctions may be applied where a pupil has misbehaved off-site when representing the school, such as on a school trip, on a bus/by foot on the way to or from school.

7.3 Malicious allegations

Where a pupil makes an accusation against a member of staff and that accusation is shown to have been malicious, the Headteacher will discipline the pupil in accordance with this policy.

Please refer to our safeguarding policy/statement of procedures for dealing with allegations of abuse against staff for more information on responding to allegations of abuse. The Headteacher will also consider the pastoral needs of staff accused of misconduct.

The Headteacher (or a Deputy Headteacher in the absence of the Headteacher) is the only member of staff who can sanction a **fixed term suspension or permanent exclusion**. In the case of all suspensions, parents/guardians are informed in writing of the reasons for the suspension and their right of appeal. Excluded pupils are provided with work for the duration of the suspension. Where a pupil has been issued with a fixed term suspension the expectation is that a reintegration meeting with a senior member of staff will take place. The pupil will then spend part of their first day after the reintegration meeting in the Referral room. Any permanently excluded pupil will be treated in accordance with County guidelines and the government guidance as reflected in the document 'Exclusion from maintained schools, academies and pupil referral units in England'.

8. Behaviour management

It is important to build relationships in school and as such adults will do their best to help promote the principles of 'protect, relate, regulate and reflect' in pupils.

8.1 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

8.2 Physical restraint

In some circumstances, staff may use reasonable force to restrain a pupil to prevent them:

- Causing disorder
- Hurting themselves or others
- Damaging property

Incidents of physical restraint 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

8.3 Confiscation

Any prohibited items found in pupils' possession will be confiscated. These items will not be returned to pupils. We will also confiscate any item which is harmful or detrimental to school discipline. These items will be returned to pupils after discussion with senior leaders and parents, if appropriate. Searching and screening pupils is conducted in line with the DfE's [latest guidance on searching, screening and confiscation](#).

8.4 Pupil Support

The school recognises its legal duty under the Equality Act 2010 to prevent pupils with a protected characteristic from being at a disadvantage. Consequently, our approach to challenging behaviour may be differentiated to cater to the needs of the pupil.

The school's Director of Inclusion will 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.

The governing board also emphasises that violence or threatening behaviour will not be tolerated in any circumstances.

9. Pupil transition

To ensure a smooth transition to the next year, pupils have transition sessions with their new teacher(s). In addition, staff members hold transition meetings. To ensure behaviour is continually monitored and the right support is in place, information related to pupil behaviour issues may be transferred to relevant staff at the start of the term or year. Information on behaviour issues may also be shared with new settings for those pupils transferring to other schools.

Transition activities which take place during the summer term for students in Year 6 are designed to induct new students into Penair's expectations of behaviour. On admission to the school, students, the form tutor and parents sign the Penair Learning Agreement. Parents also sign a home school agreement in the Planner.

10. Training

Our staff are provided with training on managing behaviour, including proper use of restraint, as part of their induction process. Appropriate training, for all adults, on all aspects of behaviour management will be provided

to support the implementation of the policy. Expectations will be revisited annually. Behaviour management will also form part of continuing professional development.

11. Drugs education and incident response procedures

It is the policy of the school governors that all students will follow a clearly structured and well-resourced programme of drugs education as is appropriate to their age and development. The school also has a policy concerning action to be taken in cases of drug related incidents in the school and cases of suspected drugs use by students.

For the purposes of this document the term 'drugs' will be used to describe substances which interfere with a student's ability to learn, are potentially harmful, or are capable of misuse, including some whose possession and use are illegal.

The following categories of drugs are included in both the school's drug education programme, and the procedure for dealing with drug related incidents:

- Drugs which are illegal e.g. cannabis, amphetamines, ecstasy, mephedrone, MDMA
- Drugs which interfere with a student's ability to learn e.g. alcohol, magic mushrooms and solvents
- Drugs which are used but which may have potentially harmful effects on a student's health e.g. tobacco
- Drugs which are misused in sport to enhance performance e.g. analgesics, steroids.

Fundamental to Penair School's values and practice is the principle of sharing the responsibility for education of young people with parents, by keeping them involved and informed at all times. Parents receive information about the school's Drugs Policy during each academic year.

Should a pupil be found in possession of an illegal substance they will not be permitted to stay and continue with their education at Penair School.

Aims of the Drugs Education Programme

To have a programme of drugs education which:

- Provides information in order to empower students' decision making, based on knowledge and understanding
- Supports an ethos which will enhance young peoples' sense of worth
- Promotes health and hygiene
- Have available suitable materials and resources to support staff in their teaching.

Our objectives are

To deliver a programme of drugs education which will:

- Present factually correct and balanced information about drugs, including legal issues, upon which pupils can base decisions
- Present information about local counselling and/or information services including YZUP Addaction
- Inform pupils about the school's policy and response to drugs related issues and incidents
- Allow pupils to explore the wider implications and consequences of drugs issues.

Content

Drugs education will be largely taught through the PSHE programme for all children. Some aspects will be covered as a part of the science curriculum. There are links with other subject areas such as RE where attitudes relating to drugs use and misuse are explored. English and Drama may explore drugs issues as a vehicle for informed discussion or improvisation.

RESPONSES TO DRUGS RELATED INCIDENTS

Values Framework

The school does not condone either the use of drugs or alcohol by members of the school nor the supply of these substances. The school is committed to the health and safety of its members and in all cases will take action to safeguard their well-being. The school will consider each substance incident individually and recognises that a variety of responses will be necessary to deal with incidents. The school will consider carefully the implications of any action it may take as it seeks to balance the interests of the student involved, the other school members and the local community. Both disciplinary and pastoral action may be taken.

Management of incidents and responses

- 1 The Headteacher takes overall responsibility for the policy and its implementation, for liaison with the governing body, parents, LA and appropriate outside agencies.
- 2 Where it is suspected that illegal substances are being used or supplied on the premises, details regarding those involved will be reported to the police, who will remove such substances from the premises for identification.
- 3 In all cases of Drug related incidents, including alcohol and tobacco, parents will be contacted.
- 4 The Local Authority will be informed in the event of criminal proceedings or suspension.
- 5 A referral may be made to the Education Welfare Officer, Educational Psychologist, or YZUP Addaction
- 6 While investigations are proceeding, the student(s) involved will be temporarily excluded from the school. Re-admittance to the school, and conditions within which this may be permitted, will be a matter for the Headteacher and Governors to decide.
- 7 Following investigation and disciplinary procedures, permanent exclusion should be expected for incidents involving illegal substances.

Related Documentation

DfE and ACPO drug advice for schools Advice for local authorities, Headteachers, school staff and governing bodies September 2012

Response to incidents

- The Headteacher will be informed in the case of any drug related incident, as the designated staff member with responsibility for drugs related incidents
- Any unidentified substance will be placed by the Headteacher (or SLT member in their absence) in an envelope, sealed, and the date and time written across the seal
- Following a referral, parents will be contacted and the police informed in the case of suspected illegal substances. The police will remove the suspected illegal substance from the school premises
- The Chair of the Governing Body will be informed, who will then decide with the Headteacher who else needs to know
- Options for responses will be considered.

The involvement of appropriate outside agencies, welfare and support should be made available where symptoms of experimentation/addiction seem to be apparent.

11. Monitoring arrangements

This behaviour policy and written statement of behaviour principles (appendix 1) will be reviewed by the Headteacher and the Community and Ethos Committee every three years to ensure that it continues to fulfil its aims. At each review, the policy and written statement of behaviour principles will be approved by the Headteacher.

12. Links with other policies

This behaviour policy is linked to the following policies:

- Safeguarding policy

Appendix 1: written statement of behaviour principles

1. Everyone has the right to learn
(RESILIENT & READY)
2. All members of the school community
have the right to be safe (RESPONSIBLE)
3. Staff have the right to teach
(RESPECTFUL)

Footnote:**Medicines in School**

This policy does not cover medically prescribed substances used by a patient in accordance with medical advice.

There are separate policies concerning students using medication which needs to be taken in school, including Epipens and Asthma inhalers (see Medical Procedures Policy & Policy on Medication).

Staff have been trained in the use of Epipens, which identified students will carry with them.

Originally written by Mr.D.Eva and Mr.R.Sharpe (Deputy Headteacher)

Reviewed and approved by the Community & Ethos committee of the Governing Board on 17 June 2015 and ratified by the Full Governing Board on 2 July 2015 and agreed that future review be dealt with by a Deputy Headteacher and approved by the Community & Ethos committee next review March 2016.

Reviewed again by Mr.R.Sharpe (Deputy Headteacher) and Mrs.Lynne Bray (Governor) and amended and approved by the Committee & Ethos committee of the Governing Board on 16 March 2016 and ratified by the Full Governing Board on 17 March 2016 and agreed that future review be dealt with by a Deputy Headteacher and approved by the Community & Ethos committee next review March 2017.

Reviewed again by Mr. R Sharpe (Deputy Headteacher), Mrs Lynne Bray (Governor), Mrs. Carole Butler (DSL), Mrs T Davies (PSHE coordinator), School Council and amended and approved by the Community & Ethos committee of the Governing Board on 28 February 2018 next review March 2019.

Reviewed again by Mr. R Sharpe (Deputy Headteacher), parent members of the Association of Parents and Friends of Penair School (APFPS), pupil members of the school council and members of staff and approved by the Community & Ethos committee of the Governing Board on 12 June 2019 with he planned next review in June 2022.



Penair School Exclusions policy

Approved by:	Community & Ethos Committee	Date: 25 November 2020
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1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

This policy complies with our funding agreement and articles of association.

3. The decision to exclude

Only the headteacher, or acting headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

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

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

4. Definition

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

5. Roles and responsibilities

5.1 The headteacher

Informing parents

The headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The headteacher will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. 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 when notifying parents of an exclusion:

- 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 required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the governing board and local authority

The headteacher will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

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

For all other exclusions, the headteacher will notify the Chair of governors when the exclusion has taken place. Members of the Community and Ethos committee will be informed about the exclusion once a term from a data analysis perspective (no pupil identity given).

5.2 The governing board

The governing board has a duty to consider the reinstatement of an excluded pupil (see section 6)

Within 14 days of receipt of a request, the governing board will provide the secretary of state with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

5.3 The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. Considering the reinstatement of a pupil

Members from the Community and ethos Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

The exclusion is permanent

It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term

It would result in a pupil missing a public examination

If requested to do so by parents, the Members from the Community and ethos Committee will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, Members from the Community and ethos Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Members from the Community and ethos Committee will consider the exclusion and decide whether or not to reinstate the pupil.

Members from the Community and ethos Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, Members from the Community and ethos Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Members from the Community and ethos Committee will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Members from the Community and ethos Committee decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the school to appoint an SEN expert to attend the review
 - 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 exclusion has occurred as a result of 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. A 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

7. An independent review

If parents apply for an independent review, the school 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 Members from the Community and ethos Committee of its decision to not reinstate a pupil.

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 governors category and 2 members will come from the headteacher category.

- 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
- 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 Academy trust, or governing board 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 Academy trust, 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 Academy trust, 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 (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one 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 when the decision is judged to be flawed)

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

8. School registers

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

- 15 school days have passed since the parents were notified of the exclusion panel'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, the governing board will wait until that review has concluded before removing a pupil's name from the register.

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.

9. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- A commitment to adhere to the Penair School Learning Agreement
- Monitoring behaviour via Pastoral staff
- Restorative conversation with the pupil and the 'victim'
- Consideration of the pupil been placed on a conduct report

10. Monitoring arrangements

The Deputy Headteacher with responsibility for Behaviour monitors the number of exclusions every term and reports back to the Headteacher and the Community & Ethos Committee. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Deputy Headteacher with responsibility for Behaviour every 3 years at the same time as the school's Behaviour policy. At every review, the policy will be shared with the governing board.

11. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report

Appendix 1: Independent review panel training

The Academy trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act