



# Behaviour and Exclusion Policy

Date: Spring 2021

Review: Spring 2023

**EARLEY ST.PETER'S C of E PRIMARY SCHOOL**

**POLICY FOR BEHAVIOUR AND EXCLUSION**

**(1) Aims**

The aim of this policy is to indicate to Staff, Parents, Governors and other interested parties how good behaviour and discipline are promoted and encouraged at Earley St. Peter's School.

**(2) Introduction**

All Staff at the school recognise that good behaviour and discipline are vital if pupils are to feel safe and secure and are to make the progress of which they are capable.

This policy should be read in conjunction with our Anti Bullying policy, Safeguarding policy and Prevent policy.

**(3) Key points**

**(i) Expected behaviour**

The behaviour we expect of our pupils is set out in our 'Earley St. Peter's Key Code', copies of which are displayed in all classrooms and around school and included in the pack new parents receive. The code is also contained in Appendix 1 of this policy.

The code is also regularly discussed during Assemblies and in class.

**(ii) The role of parents and carers**

The school works collaboratively with parents and carers in an effort to ensure that children receive consistent messages about how to behave from home and within school. We explain the school values and expectations in the home-school agreement (see appendix 2), and we expect parents and carers to read these and support them.

We hope that parents and carers will be keen to support their child's learning, and to cooperate with the school, as set out in the home-school agreement. We try to build a supportive dialogue between the home and the school, and we inform parents and carers immediately if we have significant concerns about their child's welfare or behaviour.

If the school has to use reasonable sanctions for a child, the expectation is that parents and carers will support the actions of the school. If parents and carers have any concern about the way that their child has been treated, they should initially contact the class teacher. If the concern remains, they should contact the school office who will arrange for a senior

member of staff to meet with them. If these discussions cannot resolve the problem, a formal grievance or appeal process can be implemented via the school governors.

### **(iii) Encouraging and rewarding good behaviour**

We have adopted a number of ways of encouraging and rewarding good behaviour. These are:

#### Traffic Light system

- Working hard, helping others and good manners are rewarded through a traffic light system. Every child begins each day with their name on the green marker displayed on the wall of their class. They are then, as decided by the teacher or teaching assistant, able to move their name up to the silver and then the gold markers, as recognition of their good behaviour; or, if they are not following the key code, down to the orange then red markers.
- If they get to gold they enter their name into the gold book. They then receive from the teacher a 'golden ticket' to take home to parents in Key Stage 1. In both key stages, they also write their name on a separate ticket to be entered for a weekly draw. If their name is picked out of the weekly draw, they are awarded the class trophy. The trophy is taken home for the weekend and returned on Monday. They will have their photo taken with the trophy and this is displayed next to the traffic lights in their classroom.
- In KS1 when a child has been on Gold 10 times they receive a certificate in a Golden Assembly (see below).
- In KS2 when a child has had their name written in the golden book 10 times they will receive praise from the Headteacher. When a child's name has been in the Golden book 20 times parents will be sent a postcard, via the child, to inform them. After 30 times, the child will receive a Special Envelope containing an invitation to a special award, e.g. afternoon tea/lunch with a school leader, special activities.
- If a child is put onto red, their name is put into the red book. If their name is recorded three times in the red book their parents are informed via a letter or phone call from the class teacher.
- If their name is recorded three more times, their parents will again be informed and will this time be invited to meet with the Key Stage Leader. After this, if their name is recorded three times more, parents will be informed and invited to meet with the Head or Deputy Head.

### Key Time

In Key Stage 1, Key Time takes place weekly. A choice of activities is organised by the class teachers for the children to select. Key Time lasts for approximately 25 minutes.

In Key Stage 2, classes bank key time towards an agreed activity which takes place for an afternoon towards the end of each half term.

### Achievement Certificates

Where a pupil's work or behaviour has been particularly noteworthy their name can be written in the Achievement Book which is kept in the Staff Room. This should be done by the end of School on Tuesday so that the Office can then prepare an 'Achievement Certificate' to be awarded during the weekly Achievement Assembly. The entry in the book needs to include the child's full name, *correctly spelt*, and the reason why the certificate has been awarded.

To preserve the value of these certificates as a reward a maximum of three names per class per week may be put in the book. However, Staff may feel there are weeks where less than three or even no children in their class merit a certificate.

Where no names are included one week or for several weeks for a class for whatever reason, the maximum of three names at a time rule still applies – missing three weeks does not mean that twelve names can be included for week four.

### House points

Children in Key Stage 2 are placed in one of four 'Houses' – Brunel, Grace, Raleigh and Yates.

House points are predominantly awarded for good work, behaviour, maturity and acts of kindness. They are recorded on a chart in each room. Each week the Year 6 House Captains visit each room to record total points earned by each house. A running total is displayed in the Hall and the House Point trophy awarded to the team gaining most points by the end of the year.

To preserve the value of House Points they may only be awarded 'one at a time', irrespective of the value or magnitude of the act that led to the award.

### Golden Assembly

To celebrate good work and achievements, every pupil in KS1 is awarded stickers for good behaviour and learning. When they have collected 10 stickers they will receive a certificate during the termly KS1 'Golden Assembly' which parents are invited to attend.

### Class stickers

Staff may, if they wish, award their own stickers as an incentive in their own classroom.

#### (iv) Sanctions

##### Sanctions for unacceptable behaviour

<u>Wave</u>	<u>Type of behaviour</u>	<u>Main strategies/ procedures</u>	<u>Definitions</u>
Wave 1	Low level disruption in class	Use of classroom strategies. Verbal reminder of expectations. Visual display for pupils (Traffic lights, name on the board etc.). Follow up discussion with member of staff.	Wave 1 behavioural incidents are those that can be resolved using the normal behaviour management strategies of the class teacher or other responsible member of staff. Incidents at this level would include examples such as name calling, talking in class, lack of completion of a task, inappropriate language or other predictable low level behaviours that have occurred as a one off or infrequently.
Wave 2	Persistent Low level disruption	Isolation within the class (Time out), e.g. Removal from activity for short time, Isolation out of class to another class, e.g. short time in other Year class. Withdrawal of privileges, e.g. loss of break for specified time, later completion of work, or other appropriate sanction at this level. Follow up discussion with class teacher or team leader as appropriate.*	Wave 2 behavioural incidents are those that can be resolved using additional strategies such as Time Out for 5-10 minutes. Incidents at this level would include examples such as deliberate disruption within a lesson, offensive language, inappropriate physical behaviour or repeated low level behaviours over a longer period of the day.
<p>*Where a child's behaviour at Wave 2 has been concerning enough for the child to be referred to the Key Stage Leader or more senior staff member then consideration should always be given to the need to inform parent/carers via a follow up conversation with the child's class teacher or other responsible member of staff. Consideration should also be given to the need to review current provision or targets to support a proactive approach to improving pupil behaviour.</p>			
Wave 3	Significant incidents of unacceptable behaviour.	Isolation to the Headteacher. Withdrawal of privileges/School Community Service.  Parent/carers meeting to be held.	Wave 3 behavioural incidents are those that cannot be resolved using Wave 1 and Wave 2 strategies. They will typically involve the child or young person becoming extremely angry and upset, significantly disrupting the learning of others, and refusing to follow adult direction. They may also involve significantly abusive language

			or aggressive behaviour directed at others.
Exclusion will be used as a last resort.			

### Guidelines for sanctions for unacceptable behaviour at lunchtimes

<u>Wave</u>	<u>Type of behaviour</u>	<u>Main strategies/ procedures</u>
Wave 1	Low level disruptive behaviour on the playground/field. Verbal lack of respect to adults/peers.	Child to spend a few minutes in time out from issue e.g. up to 5 minutes walking with an adult on duty or sitting quietly. An apology verbal/written is expected from the child.
Wave 2	Physical /aggressive behaviour or persistent infringement of Wave 1 behaviour.	Time out – remove from playground and place outside staffroom/office. Report to teacher. If necessary, Key Stage Leader/SLT to record incident on a lunchtime incident form in school behaviour file. Withdrawal of privileges may be appropriate.
Wave 3	Persistent infringement of Wave 2 behaviour or Wave 2 behaviour that is a Health and Safety issue.	Incident recorded on a lunchtime incident form in school behaviour file. – child to miss lunchtime for up to 5 days. An apology to <ul style="list-style-type: none"> <li>✓ Aggrieved pupil</li> <li>✓ Adult</li> <li>✓ Class</li> </ul> Parents to be informed if name appears 3 times in any half term period.

#### (v) Behaviour of Staff

Staff are aware of the powerful influence they exert as behaviour role models. Therefore staff treat all pupils and also each other with courtesy and respect at all times.

#### (vi) Physical/corporal punishment

At no time is physical or corporal punishment used. Other unacceptable sanctions include:-

- Giving 'lines' – the punishment needs to fit the 'crime'.
- Punishing the whole class for the misdemeanors of individual pupils.
- Leaving or putting a child in an unsupervised situation – this would include keeping a child 'in' unless a member of Staff is with the child or sending a child out of the room to somewhere they cannot be seen.
- Leaving a child standing or sitting outside the Office during playtime or lunch time unless this has been discussed and agreed with the Headteacher – Office/Admin Staff have their own jobs to do and cannot be expected to supervise pupils.

## Exclusion is considered to be a last resort

### Exclusion

At Earley St Peter's, we aim to avoid excluding pupils through:

- the establishment of positive relationships with our pupils;
- the timely application of in house intervention strategies such as social skills groups;
- the involvement external agencies to facilitate Pastoral Support Plans for pupils at risk of exclusion.

Nevertheless, serious misbehaviour may still arise and may result in a pupil being excluded from school. **Only the Headteacher can take the decision to exclude** and it would follow a **significant** breach of school rules such as

- Violence and/or threats towards another pupil or a member of Staff;
- An attack or threat of a sexual nature;
- Inappropriate use of digital devices including threats, intimidation or distribution of unlawful images;
- Persistent refusal to follow instructions or requests;
- Disruption of lessons;
- Bringing any sort of weapon, drugs or alcohol into school, whether or not there was an intention to use it.

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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](#)

## 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 governing board and LA once a term.

### **5.2 The Local Governing Body**

Responsibilities regarding exclusions, is delegated to the Appeal Committee consisting of at least 3 governors.

The Appeal Committee has a duty to consider the reinstatement of the excluded pupil (see section 6).

### **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**

The Appeal 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 Appeal 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, the Appeal Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Appeal Committee will consider the exclusion and decide whether or not to reinstate the pupil.

The Appeal 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, the Appeal 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 Appeal Committee will notify, in writing, the headteacher, CEO, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Appeal Committee's 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 Trust 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 Trust 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 Appeal Committee of the LGB 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 member or Trustee of the 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 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 Trust school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (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
- Overturn 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.

#### **Appendix 1: Independent review panel training**

The 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 exclusions, 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

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