

# **Holy Family Catholic High School & 6<sup>th</sup> Form**



## **Behaviour Policy**

**Date of policy: June 2023**

**Review date: June 2023**

The Governing Body believes that in order to enable effective teaching and learning to take place, good behaviour in all aspects of school life is necessary. It seeks to create a caring, learning environment in the school which derives from the injunction of Jesus to love our neighbours as ourselves. All pupils, teaching and non-teaching staff have a part to play in living and working according to the values of Christ.



## Holy Family Catholic High School & Sixth Form Centre



# Mission Statement

Inspired by the spirit of God:

**H**oly Family aspires to be a caring Catholic community,  
**F**ollowing the example of Jesus,  
**C**elebrating our talents and achievements,  
**H**aving the ambition to be the best we can be,  
**S**upporting each other in a secure and safe environment.

## P.R.I.D.E

Pupils at Holy Family are expected to behave responsibly, safely, politely and with respect and common sense at all times, and to take full responsibility for their actions. Pupils are also expected to take responsibility for their learning and progress. This approach is best captured in the acronym P.R.I.D.E.

**Progress:** Work hard in school and at home.

**Respect:** Treat others with respect. Think about how you come across to others. Don't slow the learning down. Be nice!

**Involved:** Answer questions; try hard in group work.

**Determined:** We only learn when we struggle. Sometimes you need to keep going when the going gets tough.

**Equipped:** Get organised for school the night before. It takes a few minutes, but it's worth it.



## Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- Health Act 2006
- The School Information (England) Regulations 2008
- Equality Act 2010
- Voyeurism (Offences) Act 2019
- DfE (2013) 'Use of reasonable force'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'
- DfE (2021) 'Sexual violence and sexual harassment between children in schools and colleges'
- DfE (2022) 'Behaviour in schools: Advice for headteachers and school staff'
- DfE (2022) 'Keeping children safe in education 2022'
- DfE (2022) 'Searching, Screening and Confiscation: Advice for schools'
- DfE (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'

## Notes

Those members of staff who are authorised by the Headteacher as being in control or in charge of pupils are:

- Any teacher who works at the school
- Any other person whom the Headteacher has authorised to have control or charge of pupils.

This includes:

- Support staff whose job normally includes supervising pupils.
- Teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.
- Teach First, School Direct or PGCE students under the guidance of their mentors.
- People to whom the Headteacher has granted temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school-organised visits).
- Teachers and other senior, qualified professionals who are present in the school or who are in attendance at events at which Holy Family pupils are present.

The policy applies where pupils are on the school premises, or elsewhere in the lawful control or charge of the staff member (for example, on a school visit).

**The policy also applies in circumstances where pupils are in the school's community and identifiable as a pupil of the school, but not on the premises of the school or when they are**

**not under the control of an authorised person such as travelling to or from the school, or a school event (such as a sporting fixture).**

The school's expectation is that when off premises all pupils should conduct themselves in an appropriate, responsible and considerate manner. Anti-social behaviour in the community will not be tolerated.

The policy also applies where a pupil's behaviour outside the school has an impact, or is likely to have an impact, on the orderliness of the school's learning environment (either directly or indirectly). Examples of this are:

- involvement in community based anti-social behaviour which may cause offence/has caused offence to others and which may/has led to conflict.
- posting of electronic messages (e.g. by social media or by text or email) which may cause offence/has caused offence to others and which may/has led to conflict.
- bringing the school into disrepute or acting in a manner which is likely to bring the school into disrepute by acting in a disorderly or anti-social manner and being identifiable as a member of the school community either through the wearing of the school uniform, through the wearing or display of the school logo or through being known by 'common association' with the school within the community.

The sanctions for behaviours where pupils are not on the school premises will be proportionate with those outlined in this policy for misbehaviour whilst in the school.

## **RESPONSIBILITIES**

**The Governing Body** will establish, in consultation with the Headteacher, staff and parents, the policy for the promotion of good behaviour and keep it under review, in relation to safeguarding. It will ensure that it is communicated to pupils and parents, is non-discriminatory and the expectations are clear. Governors will support the school in maintaining high standards of behaviour. The Governing Body, Headteacher and staff will ensure there is no different application of the policy and procedures on any grounds particularly ethnic or national origin, culture, religion, gender, disability or sexuality. They will ensure that the concerns of pupils are listened to and appropriately addressed.

**The Headteacher** is responsible to the Governing Body for the maintenance of good order and discipline through the implementation of the policy.

**The Senior Leadership Team** is responsible for the maintenance of good order on a day to day basis.

**Subject Leaders** are responsible for the maintenance of good order and discipline in lessons within their departments.

**Progress Leaders** are responsible for supporting good order and discipline through the use of positive reinforcement and the implementation of the policy.

**Subject Teachers** maintaining good order and discipline within their lessons, in line with school policy and procedures.

**Form Tutors** are responsible for supporting good order and discipline through involvement with the Progress leaders and positive reinforcement of the policy.

**All Staff**, including teachers and all support staff, will be responsible for ensuring that the policy and procedures are followed, and consistently and fairly applied. Mutual support amongst all staff is essential. They have a key role in advising the Headteacher on the effectiveness of the policy and procedures. They also have responsibility, with the support of the Headteacher for creating a high quality learning environment, teaching good behaviour and implementing the agreed policy consistently.

**Parents** will be responsible for the behaviour of their child both inside and outside the school. They will be encouraged to work in partnership with the school to assist in the maintaining of high standards of behaviour and will have the opportunity to raise any issue from the operation of the policy. They will be responsible for supporting the application of sanctions, including after-school detentions. (See “Home-School Agreement: Appendix 2 [to be adopted in September 2018])

**Pupils** will take responsibility for their own behaviour and be made fully aware of the school policy, procedure and expectations. Pupils have a responsibility to ensure incidents of disruption, violence, bullying and any form of harassment are reported. They are also responsible for their own learning and the learning of others.

## CONSISTENCY

By adopting a consistent whole school approach to safeguarding and focussing on classroom behaviour and classroom management, we aim to promote a positive approach to learning and good behaviour throughout the school. Such a policy necessitates a dedicated ‘whole school approach’ with all teaching and support staff, governors, pupils and parents playing their part in determining what constitutes the principles of, and the promotion of, behaviour conducive to a safe, orderly learning environment. At Holy Family, we follow ‘The Stage Response’, an approach to improving and encouraging positive behaviour for learning. We also have clear expectations for all pupils captured in P.R.I.D.E., that is displayed throughout the school and in pupil planners. We work in partnership with behaviour professionals and colleagues from the local authority to embed this approach as we endeavour to provide a safe and welcoming environment where children are respected and valued.

At Holy Family we know that a consistent approach to positive behaviour will provide the following:

- A positive atmosphere.
- Clear expectations for pupils.
- Motivated pupils.
- Known procedures, used by all.
- A stable framework for pupils to assess their work and behaviour.
- Known consequences of either good or poor work or behaviour.
- Support for the teacher.
- Increased parental involvement.
- Increased parental understanding of their child’s strengths and weaknesses.
- A positive internal and external view of the school.
- A clear link to all aspects of safeguarding. Click [here](#) to view the safeguarding policy (Refer specifically to page 11, *Good practice guidelines and staff code of conduct*)

## PROCEDURES

The responsibility for good behaviour in school rests with everyone. Our aim at Holy Family is to create a safe, happy learning environment which is orderly without being repressive and one in which all appreciate the importance of courtesy and thoughtfulness to those around us. We aim to promote positive values by praising what is good rather than dwelling on the negative.

Through *Class Charts*, our behaviour management software, we reward the following positive behaviours in Years 7 to 11:

- Resilience when challenged
- Good contribution[s] in class
- Achievement in subject
- Active learner/positive attitude
- Excellent homework
- Excellent classwork
- Great groupwork
- Extra-curricular achievement
- Contribution to school life
- Kindness

In Years 12 and 13 we reward:

- Contribution to school life
- Excellent classwork
- Excellent coursework
- Excellent homework
- Good participation
- Positive attitude

Pupils are rewarded with merit points. Once pupils have achieved a certain number of merits, they are rewarded with a Bronze, Silver and then a Gold award.

Pupils are also rewarded by praise, positive notes home and positive phone calls home.

### Behaviour for Learning

Learning and achievement are crucial and we therefore expect the highest standards of behaviour during lessons. This means guiding young people so that they behave in ways that promote their own learning and the learning of others. Classrooms (including laboratories, workshops, sports facilities and other teaching environments) are places of work and there are clearly set rules and expectations for their use. These will enable everyone to work in safety and with enjoyment.

### The Staged Response<sup>1</sup>

The following procedures are set out in four stages which correspond to levels of seriousness and to levels of involvement of staff and governors. Staff will follow the *Staged Response* to ensure effective behaviour for learning.

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<sup>1</sup> See Appendix 1



Stage 1	<b>Low-level disruption of learning and/or the school community</b> will be dealt with by the classroom teacher using appropriate sanctions and rewards.
Stage 2	<b>Repeated low-level disruption of learning and/or the school community</b> will be dealt with by the classroom teacher and a colleague. The HOD may become involved at this stage. The pupil may be exited from the classroom if their behaviour is disrupting the learning of others.
Stage 3	<b>Persistent disruption of learning and/or the school community</b> will lead to the involvement of the Progress Leader and, possibly, the use of the Progress Leader report card to monitor behaviour. A parental meeting and referral to Student Services might be necessary.
Stage 4	<b>Serious/Persistent disruption of learning and/or the school community</b> will lead to the involvement of the Behaviour Leader and the Inclusion Manager. At this stage a pupil might be supported through a Pastoral Support Plan. Various outside agencies will be involved in order to improve behaviour. At this stage a pupil is at risk of a managed move or, ultimately, permanent exclusion.

If a pupil is involved in a serious incident of poor behaviour, they might be required to spend a defined period of supervised time out of their lessons in order to reflect and receive support so that they can return to normal lessons as soon as possible. If any pupil repeats these behaviours, strategies to modify their behaviour will be implemented.

## SANCTIONS

Sanctions are an important part of the behaviour strategy. They should be applied fairly and consistently. The detention system is graduated in severity (see *Appendix 1 The Staged Response*). Repeated failure to attend detentions will eventually lead to a Headteachers' detention. Failure to attend a Headteacher's detention could lead to a suspension.

## SCHOOL UNIFORM AND EQUIPMENT

School uniform should be worn with pride. Where uniform rules are flouted, a sanction will be applied. Form Tutors will check uniform during morning registration to ensure pupils are well presented and conforming to uniform expectations. Pupils are expected to be fully equipped for school every day. (See [School Uniform and Equipment Requirements](#) on the Holy Family website for details.)

## MOBILE PHONES

- Pupils' mobile phones (or other electronic, radio or digital communications devices) must not be switched on or used on the school site without the express instruction of a member of staff. Pupils in years 12 and 13 may use their devices in the 6<sup>th</sup> Form area only.
- Pupils must not use mobile phones to display, transmit or communicate information or images that are defamatory, malicious, violent or sexually explicit.
- In the event that a pupil is suspected of "sexting", i.e. sending inappropriate images, the Child Safeguarding Officer will be informed, and the Police will be made aware so they can advise



about removal of the image. The image(s) must not be removed until local police have agreed to it. (Click [here](#) to view the safeguarding policy and [here](#) for the anti-bullying policy)

- Pupils must not take photographs or otherwise record events in school unless specifically instructed to do so by a member of staff.
- If a pupil uses the phone to record or to take photographs during a lesson the phone will be confiscated until the end of the day and a Progress Leader's detention will be awarded. The school will contact the parents of the pupil.
- Pupils' mobile phones must be carried on the person at all times, except for PE lessons, when they must be deposited with members of teaching staff for safe keeping. A mobile phone must never be left unattended in a bag or blazer. The school's insurance policy does not cover the loss of mobile phones.
- If the phone rings or receives a text during a lesson the punishment for the disruption and distraction caused will be confiscation of the phone until the end of the day. Another sanction may be applied at the discretion of the member of staff. On the third confiscation, the phone will be retained in school until a parent/carers retrieves it from school reception. The pupil will not be permitted to carry the phone onto the school site for a period of time determined by the Headteacher or their representative.
- Confiscated phones may be collected at the end of the day from the school office.
- If a pupil wishes to use a phone during the day to contact parents/carers, they should go to Student Services or else the school will contact home on their behalf.

## **THE SCHOOL ENVIRONMENT AND THE WIDER COMMUNITY**

At Holy Family we expect that pupils show respect for the school environment/school as a whole by:

- helping to keep the school clean and tidy and caring for the environment.
- looking after school property and other people's property as if it were their own.
- not smoking/vaping on or around the school site, associating with smokers/vapers, or bringing any smoking/vaping materials or banned items into school.
- not being present or going into the defined out-of-bounds areas at any time.
- behaving in a sensible and respectful way when travelling to and from school, around the school site and when representing the school or taking part in school trips. This includes not moving around the site as part of large groups or being disruptive in any way to the smooth running of the school.

## **MOVEMENT AROUND THE SITE**

The school is a busy place and pupils are expected to conduct themselves in a safe and, courteous and considerate manner. Pupils should walk on the left-hand side of the corridors and ensure they enter classrooms in an orderly fashion having lined up as instructed by their teacher. Inconsiderate behaviour in this regard will result in a sanction.

## **LITTER**

Pupils are expected to use the litter bins provided around the school. All members of the school community have a responsibility to keep the site clean and pleasant. A sanction will be applied for dropping litter which might include picking up litter around the site using a litter picker.

## **CHEWING GUM**

Pupils are not permitted to bring chewing gum onto the school site.

## **DINING ROOMS**

Dining should be a calm and pleasant experience for all pupils. Therefore, pupils are expected to behave in a considerate and polite manner in the dining rooms. The kitchen staff are extremely busy, and we therefore expect that pupils are helpful and polite at all times. Kitchen staff deserve respect and we expect the pupils to treat them with the utmost respect at all times. Pupils are expected to clear their dining table after eating.

## **BEHAVIOUR IN THE WIDER COMMUNITY**

Pupils are ambassadors for the school and are expected to represent the school well when out in the community and show due regard for the school's neighbours. Under section 89 (5) of the *Education and Inspections Act (2006)*, teachers and all persons acting on behalf of the Headteacher have a statutory power to discipline pupils for misbehaving outside the school premises.

The school reserves the right, therefore, to discipline a pupil for misbehaviour when:

- the pupil is taking part in any school related or organised activity
- the pupil is travelling to and from the school
- the pupil is wearing school uniform or can be identified as a pupil of the school
- misbehaviour could have repercussions for the orderly running of the school
- misbehaviour poses a threat to other pupils or members of the public
- misbehaviour adversely affects the reputation of the school

The above includes any misbehaviour that may take place online (in accordance with the school's E-Safety Policy).

Pupils in Years 7, 8, 9, 10 and 11 are not allowed to leave the premises during the school day unless they have permission to do so. Pupils in Years 12 and 13 may leave the premises at lunch times providing they behave responsibly and sign out on departure and sign in on their return to school.

## **MALICIOUS ALLEGATIONS/THREATENING BEHAVIOUR DIRECTED AT STAFF**

The school takes very seriously and will not accept any:

- a) Behaviour by a pupil/pupils that is perceived to be intimidating/threatening and directed towards a member(s) of staff, or
- b) Malicious accusations being made against a member/members of staff.

Any pupil found to be involved in either of these behaviours will face serious sanctions.

## **HATE INCIDENTS**

Hate incidents are defined by the school as incidents that include speech and/or action[s] that the school judges to be motivated by prejudice or hate. This can be based on the victim's actual or perceived race, colour, national origin, religious belief, sexual orientation, age, disability or whether the person is transgender.

A victim of hate crime does not necessarily have to be a member of a minority group, or be classed as vulnerable, and incidents may arise because of association.

Hate incidents can include:

- Verbal abuse; threats insults; nuisance telephone calls, text messages, social media posts or any form of electronic communication; name-calling and intimidation.
- Physical assaults and attacks.
- Attacks against the person's property. For example, offensive graffiti and damage to property.
- Singling out another person and treating them differently because you are not the same as them.

The school takes hate incidents very seriously and, in some circumstances, they could lead to permanent exclusion.

## **USE OF REASONABLE FORCE**

All school staff have a legal power to use reasonable force. Reasonable force can be used to prevent pupils from:

- hurting themselves or others,
- damaging property, or
- causing disorder in or around the school.

There are circumstances when it is appropriate for staff in schools and colleges to use reasonable force to safeguard children and young people.

The term 'reasonable force' covers the broad range of actions used by staff that involves a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury.

'Reasonable' in these circumstances means 'using no more force than is needed'.

The use of force may involve either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom.

The DFE believes that the adoption of a 'no contact' policy at a school or college can leave staff unable to fully support and protect their pupils and students. (KCSIE 2018 p27 p105).

Holy Family agrees with this and supports the decision on whether or not to use reasonable force to control or restrain a child is down to the professional judgement of the staff concerned and should always depend on individual circumstances and outlines in the school Physical Intervention Policy.

When using reasonable force in response to risks presented by incidents involving children with SEN or disabilities or with medical conditions, staff recognise the additional vulnerability of these groups and will make reasonable adjustments to address this.

Positive and proactive behaviour support, for instance through drawing up individual behaviour plans for more vulnerable children reduce the occurrence of challenging behaviour and the need to use reasonable force.

Any use of force by a member of staff will be reasonable, proportionate and lawful. Reasonable force will be used in accordance with the Department for Education guidance: *Use of Reasonable Force* (2013), for control or restraint. (Click [here](#) to view the safeguarding policy)

## SCREENING, SEARCHING AND CONFISCATION

The school's screening, searching and confiscation policy is in accordance with the Department for Education guidance: [Searching, screening and confiscation Advice for headteachers, school staff and governing bodies](#) (January 2018). The key points are set out below.

### SEARCHING WITH CONSENT

- School staff can search a pupil for any item if the pupil agrees<sup>2</sup>
- The school is not required to have formal written consent from the pupil for this sort of search – it is enough for the teacher to ask the pupil to turn out their pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree.
- If a member of staff suspects a pupil has a banned item in their possession, they can instruct the pupil to turn out their pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.
- A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, the school will apply an appropriate disciplinary penalty.

### SEARCHING WITHOUT CONSENT

*What can be searched for?*

- Knives or weapons, alcohol, illegal drugs and stolen items; and
- Tobacco and cigarette papers, e-cigarettes and vapes, lighters, aerosols, legal highs/psychoactive substances, energy/high caffeine drinks, fireworks and pornographic images; and
- Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury, or damage to property; and
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

*Who can search without consent and under what circumstances?*

Any member of the school staff who is authorised by the headteacher so to do may search pupils without consent.

The member of staff must be the same sex as the pupil being searched; and there must be a witness (also a staff member – preferably a senior leader or member of the pastoral team) and, if possible, they should be the same sex as the pupil being searched.

There is a limited exception to this rule. A member of staff can carry out a search of a pupil of the opposite sex to them and/or without a witness present, but only where the member of staff reasonably believes that there is a risk that serious harm will be caused to a person if the member of staff does not

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<sup>2</sup> The ability to give consent may be influenced by the child's age or other factors

conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

## CONFISCATION

- School staff can seize any prohibited item found as a result of a search. They can also seize any item, they consider harmful or detrimental to school discipline.

It is the school policy to involve the police when drugs, weapons or any other illegal items are found. In the case of all drug/weapon related incidents or any other incident when the law is broken it is normal for the Headteacher to consider permanent exclusion as an option.

## SCREENING

What the law allows:

- The school can require pupils to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the pupils.
- Schools' statutory power to make rules on pupil behaviour and their duty as an employer to manage the safety of staff, pupils and visitors enables them to impose a requirement that pupils undergo screening.
- Any member of school staff can screen pupils.

If a pupil refuses to be screened, the school may refuse to have the pupil on the premises. Health and safety legislation requires the school to be managed in a way which does not expose pupils or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.

- If a pupil fails to comply, and the school does not let the pupil in, the school has not excluded the pupil and the pupil's absence should be treated as unauthorised. The pupil should comply with the rules and attend.
- This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

## DEALING WITH ELECTRONIC DEVICES

If a member of staff conducting a search finds an electronic device that is prohibited by the school rules or that they reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the police. This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone if it has been seized in a lawful 'without consent' search and is prohibited by the school rules or is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.

If an electronic device that is prohibited by the school rules has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should **not** be deleted prior to giving the device to the police.<sup>3</sup>

- The school is not required to inform parents before a search takes place or to seek their consent to search their child.
- There is no legal requirement to make or keep a record of a search.
- The school will inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- Complaints about screening or searching should be dealt with through the normal school complaints procedure.

## **TAKING ACCOUNT OF INDIVIDUAL PUPILS' NEEDS**

At Holy Family we are keen to ensure that we do not discriminate – through application of the behaviour policy - against pupils whose apparent inappropriate behaviour may be a function of their SEND, racial and/or cultural background or protected group status. There will be circumstances in which some pupils may be treated differently from others and staff are expected to take account of those individual pupil needs when applying sanctions. (Click [here](#) for the policy on Special Educational Needs and Disability.) If the behaviour of a pupil gives cause to suspect that he/she is suffering, or likely to suffer, significant harm, this should be reported to the designated staff for child protection, using the approved referral forms.

Staff are expected to appreciate that there are many influences and stresses that can affect a pupil's behaviour, such as neurological conditions, domestic violence, homelessness and sexual exploitation. For further guidance, click [here](#) to view the Safeguarding Policy.

## **INTERNAL SUSPENSION**

A pupil may be placed in Internal Suspension by a member of Senior Leadership Team. The appropriate documentation will be completed outlining why this action has been taken and this will be shared with all of the pupil's teachers. Parents will be notified. Internal Suspension is normally 1-2 days. Internal suspension may be for longer than 5 days only with the permission of the Headteacher or Deputy Headteachers and in circumstances where significant disruption to the learning environment is likely, the risk of violent behaviour exists, injury may be caused or safeguarding concerns are present. Pupils in internal suspension will be expected to arrive in school at 8.30am and will be detained until 4.00pm. After an internal suspension, the pupil and parent will take part in a reintegration conversation with a nominated member of staff in order to minimise the likelihood of repeated unacceptable behaviour.

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<sup>3</sup> Section 62 of the Coroners and Justice Act 2009 defines prohibited images of children. Section 63 of the Criminal Justice and Immigrations Act 2008 defines extreme pornographic images.

## EXTERNAL EXCLUSIONS AND SUSPENSIONS

### RESPONSIBILITIES

The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.
- Arranging for an independent review panel hearing to review the decision of the governing body not to reinstate a permanently excluded pupil where required.
- Arranging the hearing without delay at a time, date and venue convenient for all parties.
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

The governing body is responsible for:

- Providing information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age who is suspended, where required.
- Considering parents' representations about suspensions and exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where a suspension or exclusion would result in a pupil missing a public examination or test, considering the suspension or exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the suspended or excluded pupil, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.



- Notifying the pupil's parents, the headteacher and the LA of its decision and the reasons for it, without delay.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the suspensions and exclusions review panel.
- Using data to evaluate the school's practices regarding intervention, suspension and exclusion.

The headteacher is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be suspended or excluded on disciplinary grounds.
- Withdrawing any suspensions or exclusions that have not been reviewed by the governing body, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a pupil's parents without delay where the decision is taken to suspend or exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public

place at any time during school hours, as well as any other necessary information statutorily required.

- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the governor responsible and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the governing body once per term of any exclusions in the headteacher's report to governors.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.

## **GROUND'S FOR SUSPENSION OR EXCLUSION**

A “**suspension**” is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period. An “**exclusion**” is defined as the permanent removal of a pupil from the school, 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 pupils or staff in the school.

While we do not wish to suspend or exclude any child from our school, sometimes this may be necessary in terms of suspension or in exceptional circumstances, permanent exclusion. In some exceptional circumstances it may, in the Headteacher's and teacher in charge's judgement, be appropriate to permanently exclude a child for a first or 'one off' offence.

These might include:

- physical assault against a pupil
- physical assault against an adult
- verbal abuse or threatening behaviour against a pupil
- verbal abuse or threatening behaviour against an adult
- use, or threat of use, of an offensive weapon or prohibited item
- bullying
- discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse
- sexual abuse or assault
- supplying, carrying or using an illegal drug
- carrying an offensive weapon
- hate incidents/speech
- repeated disruption, defiance and misbehaviour in lessons and/or around the site.
- repeated failure to complete sanctions applied by the school.

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the school community.

In addition to the above 'exceptional circumstances', the Headteacher may permanently exclude a pupil for:

- persistent and defiant misbehaviour.

- Repeated, actual or threatened violence against another pupil or pupils.

Pupils can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year, or permanently excluded. Similarly, pupils can be permanently excluded following a suspension, where further evidence is presented. In all cases, the headteacher will decide whether a pupil will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

The school has the power to direct a pupil off-site to improve their behaviour.

After an external exclusion, the pupil and parent will take part in a reintegration conversation with a nominated member of staff in order to minimise the likelihood of repeated unacceptable behaviour.

## **THE HEADTEACHER'S POWER TO SUSPEND AND EXCLUDE**

Only the headteacher has the power to suspend or exclude a pupil from the school, and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds.

The headteacher is able to suspend pupils where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day. The headteacher is also able to consider a pupil's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the school's Behaviour Policy.

When sending a pupil home following any suspension or exclusion, the headteacher will ensure that they exercise their duty of care at all times and will always inform the parents.

Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the school's wider legal duties, including the ECHR. At all times, the headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, or disability, and will not increase the severity of a pupil's suspension or exclusion on these grounds.

The headteacher will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The headteacher may cancel any suspension or exclusion that has already begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the governing body. Where a suspension or exclusion is cancelled, the headteacher will notify the pupil's parents, the governing body, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The headteacher will offer the pupil's parents the opportunity to meet with the headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school.

The headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the governing body once per term, to allow the governing body to have appropriate oversight.

All suspensions and exclusions will be formally recorded.

## **FACTORS TO CONSIDER WHEN SUSPENDING OR EXCLUDING A PUPIL**

When considering the suspension or exclusion of a pupil, the headteacher will:

- Take into account any contributing factors that are identified after a case of poor behaviour has occurred.
- Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

The headteacher will consider what extra support may be available for vulnerable pupil groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion, including the following:

- LAC
- Pupils eligible for FSM
- Pupils with SEND
- Certain ethnic groups

The headteacher will consider avoiding excluding LAC, those with SEMH issues or pupils with an EHC plan. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities. The full assessment procedures are outlined in the school's Social, Emotional and Mental Health (SEMH) Policy.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed.

Where a pupil with SEND or SEMH issues is excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

The headteacher will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

## **PREVENTATIVE MEASURES**

Before taking a final decision to exclude, the headteacher will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to exclusion.

The school operates its suspensions and exclusions through its behaviour policy which is in line with the DFE document: *Exclusion from maintained schools, academies and pupil referral units in England* (September 2017). Therefore “permanent exclusion should only be used as a last resort, 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 in the school.” (DFE, 2017: [Exclusion from maintained schools, academies and pupil referral units in England \(Sept.2017\)](#))

## **OFF-SITE DIRECTION**

Under the Education Act 2002, the governing body may require any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour.

The governing body and the headteacher will decide, in communication with the pupil and their parents, whether off-site direction is an appropriate solution to manage a pupil's behaviour and avoid suspension or exclusion. Where all parties agree to this course of action, the school will work with the pupil and their parents to discuss and agree a plan for the off-site direction, including a proposed maximum period of time that the pupil will be at the alternative provision and any alternative options that will be considered once the time limit has been reached, e.g. managed moves.

The governing body will notify parents, and the LA if the pupil has an EHC plan, in writing with information about the placement no later than two school days before the relevant day.

The school will keep any off-site placements under review by holding review meetings at intervals deemed appropriate by the governing body; the governing body will ensure, where possible, that review meetings are convened at a time suitable for the pupil's parents, and will invite parents in writing to each review meeting no later than six days before that date. Where parents request, in writing, that the governing body hold a review meeting, the governing body will arrange review meetings in response, as soon as is reasonably practicable, unless there has been a review meeting in the previous 10 weeks. The governing body will decide at each review meeting whether the arrangement will continue and for what period of time; the meeting will also decide arrangements for further reviews. Reviews will be recorded in writing, including any decisions made regarding the placement.

## **MANAGED MOVES**

Where it is thought to be in a pupil's best interest to transfer them to another mainstream school permanently, the headteacher and governing body will discuss this with the parents of the pupil, and the LA if the pupil has an EHC plan – managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new school.

The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. The school will participate in information sharing with the pupil's new school, including sending data on prior and current attainment, academic potential and any risk management strategies. The school will also cooperate with the pupil's new school to create an effective integration strategy.

Parents who have concerns that a managed move is being forced on them or who are unhappy with a managed move will be referred to the Complaints Policy and Procedure.

## **DUTY TO INFORM PARENTS**

Following the headteacher's decision to suspend or exclude a pupil, they will immediately inform the parents, in person or by telephone, supported by email communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.

The headteacher will inform the parents in writing (or electronically if written permission has been received from the parents for notices to be sent this way) of the following:

- The reasons for the suspension or exclusion
- The length of the suspension or permanency of the exclusion
- Their right to raise any representations about the suspension or exclusion to the governing body, including how the pupil will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the governing body to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
- Relevant sources of free, impartial information

Where the pupil is of compulsory school age, the headteacher will inform the parents by the end of the afternoon session that for the first five days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

Where the headteacher has arranged alternative provision, they will also inform the parents of the following:

- The start and end date for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the pupil to identify the person they should report to on the starting date

Where the headteacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision. If the alternative provision is due to begin before the sixth day of the suspension or exclusion, the headteacher is able to give less than 48 hours of notice, with parental consent.

If the headteacher has decided to suspend the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents without delay and issue a new suspension or exclusion notice to parents.

## **DUTY TO INFORM THE GOVERNING BODY AND LA**

The headteacher will inform the governing body, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil)
- Any suspensions which would result in the pupil being suspended for more than 5 school days in a term (or more than 10 lunchtimes)
- Any suspensions or exclusions which would result in the pupil being absent from an examination or national curriculum test

For any suspensions and exclusions, other than those above, the headteacher will notify the governing body once per term.

The headteacher will inform the LA of all suspensions or exclusions, regardless of their length, without delay.

All notifications to the governing body and LA will include the reasons for suspension or exclusion and the duration of any suspension.

If a pupil who is suspended or excluded lives outside the LA in which the school is located, the headteacher will notify the pupil's 'home authority'.

### **DUTY TO INFORM SOCIAL WORKERS AND THE VIRTUAL SCHOOL HEAD (VSH)**

When a pupil has been suspended or excluded, the headteacher will, without delay, notify the pupil's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

Social workers and/or the VSH will also be informed when a meeting of the governing body is taking place, and will be invited to attend the meeting should they wish to do so.

### **ARRANGING EDUCATION FOR SUSPENDED AND EXCLUDED PUPILS**

For any suspensions of more than five school days, the governing body will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension. Where a pupil receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For exclusions, full-time education will be provided for the pupil from the sixth day of exclusion.

The governing body will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

The governing body is aware that it is beneficial to suspended and excluded pupils to begin their alternative education arrangements before the sixth day of suspension or exclusion; therefore, the governing body will always attempt to arrange alternative provision before the sixth day. Where it is not possible to arrange alternative provision during the first five days, the school will ensure that they take reasonable steps to set and mark work for the pupil.

If a pupil with SEND has been suspended or excluded, the governing body will ensure that:

- Any alternative provision is arranged in consultation with the pupil's parents, who are able to request preferences.



- When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents.

## **CONSIDERING SUSPENSIONS AND EXCLUSIONS**

The governing body will consider any representations made by parents regarding suspensions and exclusions.

Parents and, where requested, a friend or representative, the headteacher, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations. Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

Where it is appropriate to the pupil's age and level of understanding, the pupil will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.

The governing body will consider the reinstatement of a suspended or excluded pupil, where:

- The exclusion is permanent.
- The suspension is fixed-period, and would bring the pupil's total number of suspended school days to more than 15 in any given term.
- The suspension or exclusion would result in the pupil missing a public examination.

In the case of a suspension where the pupil's total number of suspended days is more than 5 but less than 16 school days within a term, if parents make representations, the governing body will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the governing body will consider the reinstatement on their own.

Where a suspension will take a pupil's total number of school days out of school above five but less than 15 for the term, and parents have not requested a governing body meeting, the governing body will not be required to consider the pupil's reinstatement but it will have the power to do so if it deems it appropriate.

Where a suspension will not bring a pupil's total number of days of suspension or permanent exclusion to more than five days in a term, the governing body will consider all representations made by parents; however, the body cannot direct the reinstatement of the pupil and it is not required to arrange a meeting with parents.

Where suspension or exclusion would result in a pupil missing a public examination, the governing body will consider the suspension or exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, the chair of governors, or the vice chair of governors if necessary, will consider the suspension or exclusion alone and decide whether or not to reinstate the pupil.

In light of the above, the governing board will also consider whether it would be appropriate to allow the suspended or excluded pupil to enter the premises to take the examination.

When considering the reinstatement of a pupil, the governing board will:

- Only discuss the suspension or exclusion with the parties present at the meeting.

- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow pupils and parents to be accompanied by a person of their choice to the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the suspended or excluded pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the pupil, including the grounds for suspension or exclusion.

## **REACHING A DECISION**

After considering suspensions and exclusions, the governing board will either:

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

If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the governing board will still consider whether the pupil should be officially reinstated, and whether the headteacher's decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The governing board will apply the civil standard of proof when responding to the acts relating to a suspension or exclusion, i.e. that on the 'balance of probabilities' it is more likely than not that the facts are true.

To reach a decision, the governing board will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, taking into account the headteacher's legal duties and any evidence that was presented to the governing board in relation to the decision.
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- Inform the LA of the outcome.
- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil.

## **NOTIFICATION OF CONSIDERED SUSPENSIONS AND EXCLUSIONS**

The governing board will notify the parents of the suspended or excluded pupil, the headteacher, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of exclusion, where the governing board decides not to reinstate the pupil, they will notify the parents:

- That the exclusion is permanent.
- Of their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.
- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the governing board to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The governing board will also notify parents that, if they believe a suspension or exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the governing board will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

## **REMOVING EXCLUDED PUPILS FROM THE SCHOOL REGISTER**

The headteacher will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the governing board's decision not to reinstate the pupil and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following an exclusion.

If an application for an independent panel review has been made within 15 school days, the headteacher will wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

If a pupil's name is to be removed from the register, the headteacher will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the pupil normally resides.
- The grounds upon which the pupil's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

## **INDEPENDENT REVIEW PANEL**

The LA will review the governing board's decision not to reinstate an excluded pupil if the parents submit their application for this within the required time frame.

The LA will constitute an independent review panel of three or five members that represent the following categories:

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity
- A current or former school governor who has served for at least 12 consecutive months in the last 5 years
- A headteacher or individual who has been a headteacher within the last 5 years

Parents are required to submit their applications within:

- 15 school days of the governing board's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of the above timeframe will not be reviewed. Parents are able to request an independent panel review even if they did not make a case to, or attend, the governing board's initial consideration of the exclusion.

The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance.

## **APPOINTING A SEND EXPERT**

If requested by parents in their application for an independent review panel, the LA will appoint a SEND expert to attend the panel and covers the associated costs of this appointment. Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

The LA will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the LA, school, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.

Recently retired individuals are not precluded from fulfilling this role; however, during interview, the LA will assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The LA will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the LA to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert. In order to meet its duties within the statutory time frame, the LA will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

The LA will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

## **THE ROLE OF THE SEND EXPERT**

The SEND expert's role is analogous to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.

The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's exclusion.

Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

## **APPOINTING A CLERK**

The LA will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.

Where a clerk is appointed, the LA will ensure that the clerk did not serve as clerk to the governing board when the decision was made not to reinstate the pupil.

## **THE ROLE OF THE CLERK**

The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

The clerk will:

- Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident leading to the exclusion, taking into account the fact that some of these people may be pupils at the school. Pupils under 18 will not be allowed to appear in person without parental consent.
- Inform the parents, headteacher and governing board that they are entitled to make oral and written representations to the panel, attend the hearing, and be represented.
- Inform the LA that it is entitled to make oral and written representations to the panel, attend the hearing, and be represented.
- Ensure that all parties are:
  - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
  - Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

Where a clerk is not appointed, the LA will undertake the functions outlined above.

## **THE DUTIES OF THE INDEPENDENT REVIEW PANEL**

The role of the panel is to review the governing board's decision not to reinstate an excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel will do one of the following:

- Uphold the decision
- Recommend that the governing board reconsiders reinstatement
- Quash the decision and direct that the governing board reconsiders reinstatement

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents, governing board, headteacher and LA.

## **RECONSIDERING REINSTATEMENT FOLLOWING A REVIEW**

Where the independent review panel **instructs** the governing board to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

The school is aware that if, following an **instruction** to reconsider, the governing board does not offer to reinstate the pupil, then a £4,000 adjustment will be made to the school's budget.

Where the independent review panel **recommends** that the governing board should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if, following a recommendation to reconsider, the governing board does not offer to reinstate the pupil, it will not be subject to a financial adjustment. If, following reconsideration, the governing board offers to reinstate the pupil but the parents decline, no adjustment will be made to the school's budget.

Following reconsideration, the governing board will notify the parents, headteacher and LA of their reconsidered decision and the reasons for this.

## **CRIMINAL INVESTIGATIONS**

The headteacher will not postpone taking a decision to suspend or exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

Particular consideration will be given by the headteacher when deciding to suspend or exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the governing board is required to consider the headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

## **TRAINING REQUIREMENTS**

The LA will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review. Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing suspensions and exclusions.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair of a review panel.
- The role of the clerk to 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 and the need to act in a manner compatible with human rights protected by that Act.

Clerks will also have an up-to-date understanding on developments in case law which are relevant to suspension and exclusion.

## **USING DATA**

The headteacher will ensure that all data regarding suspensions and exclusions is collected and provided to the governing board on a **termly** basis. The governing board will review this data regularly in order to:

- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site.
- Consider the effectiveness and consistency in implementing the Behaviour Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded pupils and evaluate equality considerations.
- Gather information on where pupils are receiving repeat suspensions.
- Evaluate interventions in place to support pupils at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
- Analysing whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.