



Behaviour Support and Exclusion Policy

September 2019

**Behaviour and Exclusions: Trust Board's Statement of Principles and Policy
Supported by individual ASSET Behaviour Policies**

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1.1 INTRODUCTION

This statement of principles establishes the Trust's approach and expectations to ensure a positive and enabling approach to the management of behaviour and discipline across all schools within the ASSET Trust. The purpose of this statement is to establish general principles to inform policy and practice relating to pupil behaviour and discipline within our schools. It is relevant for headteachers, Local Governing Bodies, staff and parents and will inform consistent day to day working practices that ensure positive, safe and respectful learning environments across the Trust. ASSET Education aims to provide a supportive learning environment which recognises every student's rights and responsibilities. We aim to treat everyone we have responsibility for with respect and dignity, and to provide a positive learning and working environment free from discrimination, harassment or victimisation.

1.2 PURPOSE AND SCOPE

Each school will have its own behaviour policy; this document outlines the general principles that inform the Trust's overarching approach to behaviour and exclusions. Headteachers will publicise the school behaviour policy, in writing, to staff, parents and pupils at least once a year. Headteachers will develop each school's behaviour policy and procedure in the context of this statement of principles. They will set standards of behaviour in accordance with Trust expectations and set out how those standards will be achieved, including:

- school rules
- systems of support and provision available
- school specific sanctions and rewards systems

1.3 ASSET PRINCIPLES

1. Engagement: characteristics of learning

Our ASSET values are excellence, engagement, empowerment and equity. We believe these translate to children in ASSET schools having the following characteristics and these characteristics underpin our expectations for behaviour in all ASSET schools:

- I am well prepared for the next stage of my education, with a good understanding of literacy and good maths skills
- I have a positive attitude to life, skills and learning
- I am responsible, able to take constructive feedback, respectful and open to new ideas from other pupils and adults
- I am confident and brave enough to be able to take new risks
- I am a good team player because I listen to others and share ideas; also I am able to work positively when asked to work independently
- I have good thinking, questioning, improving work, and learning skills
- I believe in myself and I am not afraid to take decisions which involve my learning
- I am confident to be able to talk in front of my class/schoolmates without fear of failure
- I want to achieve well and I will try my best at all times
- I am keen to accept opportunities which will help me in my future life, whether it is at school, college, university or in a place of work

Written by ASSET Pupil Parliament Summer 2018

2. Excellence: disruption free learning

We believe that every child has a right to irresistible disruption free learning. We expect our schools to uphold this as essential and strive to create the appropriate environment for all children to thrive in their learning. We expect all children in ASSET schools to uphold this principle; to work hard and not disrupt the learning of others.

3. Equity: Support and inclusion

We recognise that some children will require greater levels of support, intervention and guidance to enable them to develop positive learning and social behaviours. We are committed to ensuring that we maximise the resources available to us to build comprehensive and evidence based support plans and provision for those children who require additional support. We will ensure that our practice in supporting behaviour is informed by research and that the best interests of the child are held at the heart of all that we do.

4. Empowerment: Relational and restorative

The relational approach to behaviour seeks to enable others to change their own behaviour. The Trust embraces a relational and restorative approach to improving behaviour and we are committed to approaches that enable the child to understand the impact of their behaviour, and to learn from incidents. We expect our schools to hold relationships between all members of the school community as key to building a positive learning environment. Schools should also have processes that allow for restorative conversations between the child and the adults. Our intention is that the child will understand at a deeper level the impact of their behaviour and has the opportunity to make amends.

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2.0 Fixed-Term and Permanent Exclusions Overview

ASSET schools will act in accordance with all sections of the latest statutory guidance available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf. The government guidance gives detailed information regarding our duties regarding exclusions and should be adhered to and referred to at all stages of the process. This Trust policy is designed to highlight key points, clarify any areas of ambiguity and explain the stages of proceedings that are particular to ASSET (for example the make-up of the governance exclusions panel).

It is the headteacher's responsibility to ensure they have read the guidance and that school specific behaviour procedures are in line with this. Any decision to exclude should be taken in line with the statutory guidance and this Trust policy. In ASSET schools, fixed-term and permanent exclusions should always be considered as a last resort.

Only the headteacher has the power to exclude a child from school. Fixed term exclusions must be discussed with the CEO and reported centrally.

Only the headteacher may exclude a pupil permanently and this decision will only be taken with the agreement of the CEO.

2.1.1 Decisions to permanently exclude

ASSET schools reserve the right to permanently exclude a child for a one off incident of sufficient severity or for an accumulation of significant behaviour issues.

However, a decision to exclude a pupil permanently should only be taken:

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

In communication with parties about the exclusion, the school must be clear that the child has been excluded in line with these reasons and the decision has been taken on disciplinary grounds only. Incidents of this nature should always be fully investigated by the school and supporting evidence gathered to demonstrate that the decision is lawful, reasonable and fair.

Headteachers will need to follow Section 3 of the statutory guidance concerning their power to exclude.

2.1.2 The headteacher's duty to inform parties about exclusion.

Headteachers must follow the guidance which is outlined in Section 4 of the statutory guidance.

Whenever a headteacher excludes a pupil they must, without delay, notify parents of the period of exclusion and the reason(s) for it. This can be done, in the first instance by telephone or in person.

They must also, without delay, provide parents with the following information in writing:

- the reason(s) for the exclusion;
- the period of a fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this;
- how any representations should be made; and
- in the case of a permanent exclusion that there is a legal requirement for a Trust governance panel to consider the exclusion, and that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

According to the statutory guidance, governors and the local authority must be informed without delay regarding a decision to permanently exclude a pupil and consent must be sought by the headteacher from the CEO.

Written notification of the information mentioned in the above paragraph can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.

The headteacher will seek consent from the CEO regarding any possible permanent exclusion at the earliest stage possible and about any proposed fixed-term exclusions that will lead a child to being excluded beyond 15 days within one term. The CEO will make the final decision about whether to permanently exclude any child in an ASSET school. The CEO will then be responsible for setting up a Trust governance panel to review the exclusion.

2.1.3 Duties to arrange education for excluded pupils

Up to 5 days

For exclusions up to 5 days, the school should take all reasonable steps to set and mark work for the pupil. Work that is provided should be accessible and achievable by the pupil outside school.

More than 5 days

For a fixed-period exclusion of more than five school days, the school in conjunction with the Trust must arrange suitable full-time education for any pupil of compulsory school age which must begin no later than the sixth school day of the exclusion. Where a child receives consecutive fixed-period exclusions, these are regarded as a cumulative period of exclusion for the purposes of this duty. This means that if a child has more than five consecutive school days of exclusion, then education must be arranged for the sixth school day of exclusion, regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion.

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion. The local authority responsible will be the pupil's 'home authority' i.e. Suffolk, Norfolk or Essex.

Arrangements prior to the 6th day

Whilst there is a statutory duty to provide full-time education from the sixth day, there is an obvious benefit to starting this provision as soon as possible. In particular, in the case of a looked after child, the school and LA should work together to arrange alternative provision from the 1st day following the exclusion.

2.1.4 Reviews and Representations

Reviewing a headteacher's decision: fixed term exclusion up to 5 days per term

Where the total number of days do not go above 5 in a school term, the governors do not have the power to reinstate the pupil. However, parents are able to make a representation to the governors if they wish to raise their concerns. Representations should be made in writing and addressed to the Chair of Governors who will be required to discuss the matter with the headteacher and report on the exclusion at the next governing board meeting. Parents should expect an acknowledgement letter that this process has been followed.

Reviewing a headteacher's decision: fixed term exclusion above 5 days

Requests for the governing board to review the exclusion may be made in writing by parents. The governing board will convene a sub-committee of up to three governors to consider the exclusion. This must happen within 50 days of receiving notification of the exclusion. Requests should be made in writing and addressed to the Chair of Governors.

Reviewing a headteacher's decision: exclusion beyond 15 days per term or permanent

Where a child has been permanently excluded a Trust exclusions governance panel will be convened to review the exclusion. This committee must consist of at least 3 people who do not work for the school, one of whom will be the CEO or an appropriate member of the Trust Executive. The other two will be appropriate independent representatives such as school governors, trustees or a school leader from another Trust school with no prior knowledge of the child or circumstances of the exclusion. Where the child has SEND, a SENCO from another school will form part of the panel as an additional member. There is no requirement to involve the LA in the panel and it is not Trust policy to do so. The governance panel meeting will be clerked.

The exclusion governance panel convenes to consider the exclusion within 15 days of receiving notification 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 or
- it would result in a pupil missing a national curriculum test.

The following parties must be invited to a meeting of the Trust governance panel and allowed to make representations:

- parents (and, where requested, a representative or friend)
- the headteacher

When preparing for consideration of exclusion, the panel must take steps to enable the excluded pupil to attend the meeting or consider how the pupil may feed in their views by other means.

The committee can decide to uphold the exclusion or to reinstate the child. If the exclusion is upheld the parent has a right of appeal to an Independent Review Panel. The Trust must ensure they follow the statutory guidance on this which is dealt with in Section 6 of the statutory guidance.

Complete records of the meeting and evidence regarding the decision to permanently exclude should be retained by the school for six months following the meeting in case a claim is made to the First-Tier tribunal, in relation to disability, or County Court, for all other forms of discrimination.

2.1.5 Independent review panels (IRP)

The Trust will follow Sections 8 and 9 of the statutory guidance regarding this. If applied for by parents within the legal time frame, the Trust will, at its own expense, arrange for an independent review panel hearing to review the decision of the Trust governance panel not to reinstate a permanently excluded pupil.

The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the governing board of its decision not to reinstate a permanently excluded pupil; or

Any application made outside of the legal time frame will not be considered by the Trust.

2.1.6 The governing board's duty to reconsider reinstatement following a review

The Trust will follow Section 10 of the statutory guidance on this. Where the IRP directs or recommends that the Trust committee reconsider whether a pupil should be reinstated, the Trust governance panel must reconvene to do so within ten school days of being given notice of the panel's decision. Notice is deemed to have been given on the day of delivery if it is delivered directly or on the second working day after posting if it is sent by first class mail.

It is important that the Trust committee conscientiously reconsiders whether the pupil should be reinstated, whether the panel has directed or merely recommended it to do so. Whilst the Trust committee may still reach the same conclusion as it first did, it may face challenge in the courts if it refuses to reinstate the pupil, without strong justification.

2.1.7 Police involvement

Police involvement and ongoing criminal proceedings will not be a reason for the headteacher to delay a decision to exclude. Headteachers must make a judgement based on the evidence available to them at the time. It would be expected that headteachers would seek the advice of the CEO in such a case.

2.2 Supporting children

In accordance with our behaviour principles, we recognise that some children will need higher levels of support to enable them to thrive and behave positively in school. Schools are responsible for ensuring that there are comprehensive assessment practices in place at school to ensure that a child's needs are recognised and met.

There is an expectation that those children who have displayed persistent negative and challenging behaviours will have comprehensive personalised provision in place with the involvement of outside agencies with bespoke intervention and support as appropriate. If a child is at risk of permanent exclusion, the CEO should already be aware and Trust specialist support sought. Permanent exclusion should always be a last resort, following a graduated approach as per the SEND Code of Practice.

For any child that presents an increased risk, an appropriate risk assessment will be completed to manage that risk.

2.3 Examples of serious behaviour incidents and sanctions for guidance

In all of the cases below it is essential to consider whether the child is mature enough to understand their actions.

2.3.1 Assault on another Child

An assault on another child is never acceptable. ASSET recognises that specific incidents may be the consequence of longer-term problems such as bullying and each incident will be fully investigated. Any pupil involved in physical violence or intimidation (who is mature enough to understand their actions) will face an appropriate sanction which might be a fixed term exclusion.

If the assault is part of a history of violent incidents or is a one-off very serious assault, which for instance, requires the hospitalisation of the victim, then permanent exclusion may be considered.

2.3.2 Abuse/Assault towards a member of Staff

Abuse towards a member of staff is never acceptable and this includes the use of abusive language. The deliberate use of abusive language (where the child is mature enough to understand its impact) may result in a fixed term exclusion. Where the child is mature enough to understand their actions, serious physical assault on a member of staff will result in permanent exclusion in the vast majority of cases.

2.3.2 Drugs and Weapons

ASSET has a zero tolerance on illegal drugs and weapons. Any child with an appropriate level of understanding who is in possession of illegal drugs or a weapon, or can be shown to have been dealing in illegal drugs, or has taken illegal drugs in school will be reported to the police and will be permanently excluded from school. Where the child is too young to have a proper awareness, the police will still be contacted and a safeguarding referral made.

2.3.2 Smoking

All ASSET schools are no-smoking sites which includes any form of e-cigarettes. Where a child is caught smoking, or there is sufficient evidence to support the presumption that the child has been smoking during the school day, it is likely a fixed term exclusion will be issued and a safeguarding referral made.

2.4 Behaviour Outside School Premises

The headteacher has a specific, yet discretionary statutory power to discipline pupils for poor behaviour outside of the school premises. Section 89(5) of the Education and Inspections Act 2006 gives the headteacher the power to regulate pupils' conduct when they are not on school premises and are not under the lawful control or charge of a member of the school's staff. This can relate to any bullying incidents occurring anywhere off the school premises, such as on public transport, outside the local shops, in a local park, or in the town centre.

Where bullying or anti-social behaviour outside school is reported to school staff, it may be investigated and acted on. The headteacher will also consider whether it is appropriate to notify the police or anti-social behaviour coordinator in the local authority of the actions taken against a pupil. If the misbehaviour could be criminal or poses a serious threat to a member of the public, the police will always be informed.

2.5 School behaviour policies

Each school has its own behaviour policy (see Section 1.2) which outlines school specific sanctions and support systems and a section on bullying. The Trust follows government guidelines on reasonable force, searching and screening children and confiscating property. School behaviour policies have sections covering these specific areas.

Government guidelines for referral:

Use of reasonable force:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf

Searching, screening and confiscation:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf