

## **Behaviour for Learning Policy**

### **Exclusions and Suspensions**

Effective teaching and learning takes place when .....

..... pupils are challenged, praised, rewarded and feel successful within an orderly environment .....

#### **Principles**

At Boorley Park Primary School we acknowledge that:

- Good discipline is essential to ensure that all pupils can benefit from the opportunities provided by education. The Executive Headteacher/ Headteacher will therefore use exclusion as a sanction where it is warranted. However, permanent exclusion will only be used as a last resort, in response to serious or persistent breaches of the school's Behaviour policy; and where we believe allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- The decision to exclude or suspend a pupil will be lawful, reasonable and procedurally fair. We accept that we have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race.
- Disruptive behaviour can be an indication of unmet needs. Where we have concerns about a pupil's behaviour we will try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion.
- Reintegrating pupils that return to school following a fixed period exclusion is essential in managing their future behaviour.
- All children have a right to an education and so we will take reasonable steps to set and mark work for pupils during the first five school days of an exclusion, and provide alternative provision from the sixth day.
- While a review panel does not have the power to direct a governing board/body to reinstate an excluded pupil if a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4000. This payment will go to the Local Authority towards the costs of providing alternative provision.
- Whether or not the school recognises that a pupil has special educational and/or disability needs (SEND), all parents (or pupils if aged 18 or over) have the right to request the presence of a SEND expert at an independent review panel. The SEND expert's role is to provide impartial advice to the panel about how SEND could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.
- Excluded pupils will be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

#### **Practice**

At Boorley Park Primary School:

- Only the Executive Headteacher/ Headteacher (or, in their absence, the Assistant Headteacher who is acting in that role) can exclude a pupil and this will be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed period exclusion does not have to be for a continuous period. A fixed period exclusion cannot be extended or converted into a permanent one. If a longer exclusion is required the school must issue a new fixed term or permanent exclusion to begin immediately after the first one ends.
- Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the Executive Headteacher's/ Headteacher's duty to notify parents, still apply. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.
- The decision to exclude a pupil, will be made in line with the principles of administrative law i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair; and proportionate.
- The decision to exclude a pupil will be taken in the following circumstances:
- In response to a serious breach of the school's Behaviour Policy.
- The principal legislation to which this policy relates is:
  - the Education Act 2002, as amended by the Education Act 2011;
  - the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
  - the Education and Inspections Act 2006;
  - the Education Act 1996; and
  - the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014

Exclusion, whether fixed term (known as suspension) or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the school's Behaviour Policies:

Actions which put the pupil or others in danger include:

- Verbal abuse to staff and others.
- Physical abuse to/attack on staff.
- Physical abuse to/attack on pupils.
- Indecent behaviour.
- Damage to property.
- Misuse of illegal drugs.
- Misuse of other substances.
- Theft.
- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon.
- Arson.

- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.
- This is not an exhaustive list and there may be other situations where the Executive Headteacher/Headteacher makes the judgment that exclusion is an appropriate sanction.
- Whilst an exclusion may still be an appropriate sanction, the Executive Headteacher/Headteacher will take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.
- Early intervention to address underlying causes of disruptive behaviour will include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The Executive Headteacher/Headteacher will also consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.
- An independent panel's decision should not be influenced by any stated intention of the parents or pupil not to return to the school. If parents are not considering the reinstatement of the pupil, the panel should acknowledge this but it should not affect the conduct of the panel or the decision. The focus of the panel's decision is whether there are sufficient grounds for them to direct or recommend that the governing board reconsider its decision to uphold the exclusion.

### **Investigation Procedure**

- Investigation of a complaint or rumour about a serious breach of the school's Behaviour Policy will normally be co-ordinated by the Assistant Headteacher or Year Leader, with the support from Class Teachers. The outcome of the investigation will be reported to the Executive Headteacher/Headteacher. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the pupil being suspended.
- A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. Before a formal interview is conducted the pupil will have an opportunity to write down/dictate their own account of events. A pupil who is waiting to be interviewed may be segregated from other pupils.

### **Suspension (fixed term exclusion) Procedure**

- Most suspensions are of a fixed term nature and are of short duration (usually between one and three days). The Department for Education (DfE) regulations allow the Executive Headteacher/Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.
- Whenever the Executive Headteacher/Headteacher suspends a pupil they will, without delay, notify parents of the period of the suspension and the reasons for it.
- They will also, without delay, provide parents with the following information in writing:
  - The reasons for the exclusion,
  - The period of a suspension (fixed-term exclusion) or, for a permanent exclusion, the fact that it is permanent,
  - Parents' right to make representations about the exclusion to the governing body (in line with the requirements set out in paragraphs 50 to 60 of the DfE guidance) and how the pupil may be involved in this,
  - How any representations will be made, and
  - Where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend/advocate.

- During the course of a suspension (fixed term exclusion) where the pupil is to be at home, parents will be advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/guardians.
- The school will provide a pack of work to be completed during the fixed term period. Depending on the length of the suspension (fixed term exclusion) this work will vary from some more general tasks and activities to set work which has been arranged by class teachers. All pupils will have access to the online activities where a range of activities can be found which are directly related to their curriculum.
- Where a suspension (fixed term exclusion) goes beyond five days the school has the responsibility to formalise an education provision for the pupil. This provision will occur between 1:15pm and 3:15pm and will be undertaken by a member of the teaching staff. The pupil will need to present themselves in full school uniform at the main office at 1:15pm and work with the member of staff in a quieter area of the school. They will be dismissed at 3:15pm.

### **Permanent Exclusion Procedure**

- A decision to exclude a pupil permanently is a serious one and will only be taken where the basic facts have been clearly established on the balance of probabilities. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the pupil and will normally be used as a last resort.
- There will, however, be exceptional circumstances where, in the Executive Headteacher's/ Headteacher's judgment, it is appropriate to permanently exclude a pupil for a first or 'one off' offence. These might include:
  - Serious actual or threatened violence against another pupil or a member of staff;
  - Sexual abuse or assault;
  - Supplying an illegal drug; or
  - Carrying an offensive weapon
- The school will inform the police where a criminal offence may have taken place. The school will also consider whether or not to inform other agencies such as Children's Services.
- 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

The Executive Headteacher/Headteacher will remove a pupil's name from the school admissions register if:

- 15 school days have passed since the parents were notified of the governing body's decision to uphold a permanent exclusion and no application has been made for an independent review panel; or
- The parents have stated in writing that they will not be applying for an independent review panel.
- Where an application for an independent review panel has been made within 15 school days, the Executive Headteacher/Headteacher will wait until the review has been determined, or abandoned, before removing a pupil's name from the register.
- Where a pupil's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal or County Court has the power to direct that the pupil will be reinstated.

### **Behaviour Outside School**

- The behavior of pupils outside school on school "business" for example educational visits and journeys, away school sports fixtures or a work experience placement is subject to the school's

Behaviour policy and can be considered grounds for exclusion. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school. If pupils' behaviour in the immediate vicinity of the school or on a journey to and from school is inappropriate and meets the school criteria for exclusion then the Executive Headteacher/Headteacher may decide to exclude.

### **Statutory guidance to governing bodies on exclusions that would result in a pupil missing a public examination or national curriculum test**

- Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the governing body should consider whether it would be appropriate to exercise their discretion to allow an excluded pupil on the premises for the sole purpose of taking the examination or test.

### **Procedures for Disciplinary Panel**

- The Executive Headteacher/Headteacher will notify the local governing body, to review any exclusion which is permanent from the school, or a fixed period of exclusions that would result in a pupil being excluded for more than 15 school days in any one term, or missing a public examination. The governing body can delegate the function of reviewing exclusions to a committee consisting of at least three Trustees, which may be called the Pupil Discipline Panel.
- The governing body must also be informed of a suspension (fixed term exclusion) resulting in a pupil being excluded for more than five school days in a term. However, the governing body need only convene a meeting to reinstatement within 15 days of receiving notification of the exclusion, where the exclusion takes the pupil's total days of exclusion above 15 for a term.

### **Statutory Guidance for the Governing Body**

- Trustees should be considering the reinstatement of the pupil, rather than the decision to exclude. Trustees should consider any evidence that was presented in relation to the decision to exclude (in addition to considering whether the decision to exclude the pupil was lawful, reasonable and procedurally fair and whether the Executive Headteacher/Headteacher followed their legal duties).
- The governing body has a duty to consider parents' representations about an exclusion. The requirements on a governing body to consider an exclusion depend upon a number of factors. The governing board is not required to meet and cannot direct the reinstatement of the pupil for exclusions of more than 5 but fewer than 15 school days in the term, if the parents do not make representations.
- When applicable, the governing board must reconsider the exclusion within 10 school days of being given notice of the independent review decision.
- The governing body must inform the Executive Headteacher/Headteacher, parents and local authority of its reconsideration decision.
- The duty to remove the name of a pupil who has been permanently excluded from the school admissions register is the duty of the governing board.
- The details of this guidance are extensive and outlined clearly in the Department for Education (DfE) guidance - Exclusion from maintained schools, Academies and pupil referral units in England (<https://www.gov.uk/government/publications/school-exclusion>)
- This guidance also includes non-statutory guidance for Headteachers and parents/guardians.
- When providing details of the role of the Special Educational Needs (SEN) expert in an independent review panel, the governing board should explain;
  - There is no cost for this appointment and
  - Parents must make it clear in any application for a review if they wish an expert to be appointed.

**Linked Policies:** Behaviour Policy  
Child Protection Policy  
Curriculum Policy  
Equality Policy  
Safeguarding Policy  
Teaching and Learning Policy