

Behaviour Policy & Code of Conduct for Pupils

Updated September 2019

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 academy
- 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 such as; 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 from within the United Learning group who are present in the academy or who are in attendance at events at which Sheffield Springs Academy pupils are present

It does not include:

- Prefects or Pupil Ambassadors

The policy applies where pupils are on the academy 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 not on the premises of the academy or when they are not under the control of an authorised person such as on a bus to or from the academy or an academy event (such as a sporting fixture); walking to or from the academy or an academy event in the academy's community and identifiable as a pupil at the academy.

The academy'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 academy has an impact or is likely to have an impact on the orderliness of the academy'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. via Facebook, Twitter or by Text or Email) which may cause offence / has caused offence to others and which may / has led to conflict
- Bringing the academy into disrepute or acting in a manner which is likely to bring the academy into disrepute by acting in a disorderly or anti-social manner and being identifiable as a member of the academy community either through the wearing of the academy uniform, through the wearing or display of the academy logo or through being known by 'common association' with the academy within the community.

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

Section 1 – Principles

Governors' Statement of General Principles (Education (Independent School Standards) Regulations 2014).

All pupils at Sheffield Springs Academy are entitled to a safe, secure environment which is conducive to effective learning. Good behaviour underpins the success of a school and we expect all pupils to demonstrate high standards of behaviour at all times. We recognise that some pupils experience difficulties and we will do all we can to support them but every pupil is expected to do their very best.

All incidents of unacceptable behaviour will be dealt with in a fair and appropriate way. It is important that the academy recognises and rewards positive behaviour and achievement. The support of all parents and carers is essential to the academy's successful implementation of this policy.

The aims of the Behaviour Policy at Sheffield Springs Academy are:

- To ensure a consistent approach to behaviour related expectations and the management of behaviour.
- To create an orderly and educationally stimulating environment both inside and outside the classroom.
- To encourage pupils' positive attitudes towards their fellow pupils and staff.
- To develop in all pupils a sense of self-discipline and responsibility for their actions.
- To develop pupils' respect for the environment of the school and property within it.
- To develop a praise culture as opposed to a blame culture – to reward good behaviour and effort.
- To ensure that pupils understand that poor behaviour is not acceptable.
- To develop systems of recording to ensure that detailed information on pupil behaviour (positive and negative) is available to all staff as appropriate and is utilised to refine systems and practice and to engage appropriate external support to further improve behaviour

1.1 The Academy's expectations of pupils:

Sheffield Springs Academy has high expectations of all pupils in that they will act in such a way as to actively promote our ethos of **'The Best in Everyone'** by:

- Showing respect for other people and the school both inside the academy and in the wider community
- Using appropriate language and behaving in a sensible manner
- Acting responsibly at all times
- Following instructions, first time, every time
- Arriving on time, fully prepared to learn
- Never bullying others
- Never acting in a manner which could bring the academy into disrepute
- Taking pride in their appearance by wearing the full academy uniform (see planner for further guidance)

We expect that the above is fully supported by parents / carers and that by choosing to send their child to the academy, each parent is unreservedly agreeing to support the academy's implementation of this behaviour policy to ensure that their child's behaviour is appropriate and commensurate with a calm, productive learning environment in which all pupils can feel safe and valued.

1.2 Strategies for teachers/support staff – Promoting Positive Behaviour

Classroom behaviour is the responsibility of the teacher. Pupils do make mistakes and sometimes strategies are imposed when the standard of behaviour or work is below our expectations. Pupils should always be given the chance to make amends and to discuss why problems have occurred and the consequences of their behaviour.

Basic classroom expectations should be communicated to pupils and consistently applied by staff. All staff are to use the academy's Expectations, Reward and Consequences classroom display to reinforce classroom expectations. **(Appendix 2)**

- Act as a role model for things you expect to see – mirror what you want
- Don't be surprised when problems occur – we are working with children who are learning and testing the boundaries of acceptable behaviour
- Our success in managing behaviour should not be judged by the absence of problems but how we deal with them
- Plan for good behaviour – have clear classroom expectations and ensure that every pupil you teach knows what they are. Be consistent in your application of them.

At the start of the lesson

- ✓ **Meet pupils at the door** as they come in, with a positive welcome. Give a fresh start; do not hold grudges
- ✓ **Have the highest of expectations** of all pupils at all times (**use expectations poster as a reference**)
- ✓ Ensure pupils follow **your start of lesson routine**. Have a starter activity that pupils can engage in straight away. Pupils need **clear boundaries** and **routine**
- ✓ Outline to pupils what they will be learning (**Purpose**), what the final outcome will be and how they will get there - **give them ownership of their learning**.

Middle of the lesson

- ✓ **Praise!** We should be praising pupils all the time for their effort, co-operation and achievement but don't go over the top
- ✓ Use the board **to record Achievements/Sanctions**
- ✓ **Circulate** around the classroom to keep pupils on task
- ✓ If you see an issue developing, take a pupil to one side and **talk to them one-on-one**. This solves most problems before they develop.

End of lesson

- ✓ Plenaries are great opportunities to make the **class feel their work has been worthwhile**
- ✓ **Record** pupil positive and negative behaviour incidents on Sims
- ✓ **Teach to the bell – lessons MUST NOT end 'early' under any circumstances**
- ✓ See the class out onto the corridor and out of the curriculum area and encourage pupils to move promptly to their next lesson. English and maths teachers must direct pupils according to the one-way system in place on the 4B and 4C corridors.

1.3 Management of Behaviour for Learning Roles & Responsibilities

Role	Responsibilities
Tutors	• Arrive on time to welcome pupils • Check uniform and PPPR • Take attendance register (make red flag calls) • Follow up absence or lateness • Check planners once a week • Engage in the planned tutorial programme • Communicate with Parents / Carers through the pupil planner • Read out key notices from the bulletin • Communicate with Parents / Carers when issues arise • Contribute to pupil reports for tutees • Participate in arrangements for meetings, training and CPD
Subject Teachers	• Be on time for the lesson; ready to meet and greet pupils on the threshold • Take attendance register (make red flag calls) within the first five minutes • Have high expectations of behaviour, and establish a framework for discipline with a range of strategies, using praise and sanctions consistently and fairly • Manage classes effectively, using approaches which are appropriate to pupils' needs in order to involve and motivate them • Have clear rules and routines for behaviour in classrooms and take responsibility for promoting good and courteous both in classrooms and around the school, in accordance with the schools behaviour policy. • Establish and maintain good relationships with pupils; exercise appropriate authority and act decisively when necessary • Ensure that the classroom environment is stimulating and displays are motivational • Have learning objectives, assessment criteria and learning activities displayed to encourage independent learning • Ensure seating plans promote positive behaviour • Be fair and consistent when applying sanctions • Attend all SLT detentions in which a child that you have given a 'sanction 3' is present to hold a restorative conversation
Heads of Department	• Ensure SOW and lessons are appropriately planned and resourced • Ensure that appropriate work is provided for 'Working Under Supervision' and 'Springboard' pupils • Conduct learning walks to support subject staff with challenging pupils / classes • Give advice and support planning to deal with behaviour issues • Monitor behaviour incidents that take place within the department and implement behaviour strategies to support pupils and staff • Communicate specific behaviour concerns to Assistant Principal, HOY and SENCO to develop coordinated support strategies • Communicate behaviour concerns and staff training needs via SLT link • Liaise with / communicate with parents as per policy • Manage cohort of pupils on 'report cards' • Hold lunchtime detentions as part of management of BFL

Role	Responsibility
Heads of Year (HOYs) Support for Learning Staff (SfLC)	• Investigate behaviour incidents • Implement behaviour support strategies for individual pupils and develop proactive strategies that promote positive behaviour within a year group • Counsel and mentor vulnerable pupils • Set targets with pupils to support their BfL • Communicate specific concerns to SENCO • Communicate with home following behaviour incidents • Hold lunchtime detentions as part of management of BfL • Support staff with behaviour incidents through 'on call support' • Organise and chair exclusion reintegration meetings • Refer pupils with persistent behaviour concerns to SLT • Provide appropriate documentation to support the Headteacher/ Headteacher in making decisions on exclusion • Collect, collate and monitor year group data
SLT	• Provide a visible support for teachers and support staff by: • Carrying out gate / door duties at the start and end of every day – addressing uniform / equipment issues on entry • Being highly visible and proactive whilst on duty – anticipating and preventing issues from occurring or escalating • Carrying out daily learning walks, providing teachers and support staff with visible presence, reassurance and support • Addressing any issues seen on learning walks with relevant staff – 'prescription' approach • Support middle managers in carrying out their duties as outlined within this policy to ensure that positive behaviour is consistent • Support staff with serious incidents through 'on call support' • Manage SLT detentions daily • Collect, collate and monitor whole school data – intervening where required • Manage cohort of pupils on 'report cards' • Ensure staff are provided with continuing professional development to support positive behaviour • Monitor racist, homophobic, extremist incidents • Monitor incidents of physical restraint • Liaise with / communicate with parents as per policy



Headteacher, Governors	Headteacher • Monitor the rigour and consistency with which this policy is being implemented on a daily basis, intervening where necessary • Be a highly visible supportive present to teachers and support staff • Ensure that parents and pupils are supportive of the policy and are clear about its requirements of them • Carry out formal and informal recorded quality assurance of the rigour, consistency and level of fairness with which this policy is being implemented on a regular basis • Provide advice and support to SLT, teachers and support staff in relation to the matters covered by this policy • Make dynamic decisions to support teachers and pupils in situations where the policy does not provide a clear or appropriate solution • Ensure that all SLT detentions are attended, managed effectively and that standards are upheld within • Ensure that every Fixed Term Exclusion and referral into 'Work Under Supervision' is carried out within the academy's framework, is fair and consistent with the policy • Visit The supervision unit within the academy at least once per week to provide visible support, reassurance and quality assurance • Provide governors with termly reports to governors on reward and behaviour trends • Ensure that the policy is fit for purpose and regularly reviewed to ensure its efficacy • Ensure that the requisite resources are in place for the academy to implement the policy (human / physical / financial) • Ensure that Headteacher & SLT are accountable for the rigorous and consistent application of the policy and its constituent processes and procedures • Carry out (or commission) quality assurance activities to ensure the rigorous and consistent application of the policy and its constituent processes and procedures on a regular basis • Ensure that all Fixed Term and Permanent Exclusions are carried out within the academy's framework • Visit The supervision unit within the academy at least once per half term to provide visible support, reassurance and quality assurance Governors • Monitor rewards and behaviour trends • Convene and attend Governors' panel meetings for pupils who are issued final warnings for behaviour • Convene Governors' Disciplinary Committee meetings in cases where Permanent Exclusion is being considered • Visit The supervision unit within the academy at least once per academic year to provide visible support, reassurance and quality assurance
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To ensure a consistent approach to behaviour management, it is important that each member of the academy carries out their responsibilities. **Every member of the academy must take ownership of their role as outlined.**

1.4 Responding to pupils not following academy expectations in Lessons (for teachers and support staff)

Pupils not following academy expectations can have a serious negative impact on learning and can ultimately be to the detriment of educational outcomes and the enjoyment of pupils within the classroom. It is vital that low level disruption is addressed through classroom management.

Tackling low level disruption:

- Think about the content of your lesson - is it accessible for all, does it stretch the most able?
- Think about the pace of your lesson - is it ensuring all pupils are engaged without anyone being left behind?
- Think about consistency and routine - do pupils know that you will do what you say you will?

Recording incidents:

On SIMS you should log incidents as either **Sanction 1 or 2** which correlates to the severity of the incident. In order for behaviour to improve it is vital that teachers deal with it in the first instance, without escalating it to a higher person, and then ask for support when appropriate.

Sanction 3 behaviour is of a serious or persistent nature and will generally involve severe / repeated disruptions to learning which will warrant removal from the lesson using **On Call Support**. (Sanction 3 administration is completed by behaviour support staff).

Behaviours that are low level but when are displayed repeatedly or continue to be displayed after repeated warnings can seriously disrupt learning in class. These can often be classified as (but are not limited to):

(Table A)

Immature e.g.	Disruptive e.g.
▪ Failure to follow instructions after a warning ▪ Late to lesson ▪ Chewing/ eating in class / inappropriate language ▪ Poor preparation for work ▪ Uniform Issues – not wearing tie, blazer or school shoes, unsuitable trousers (e.g. Jeans or leggings), wearing a coat, hat or hood whilst in 'The Learning Zone'. ▪ Poor effort to complete work ▪ Reaching 'Sanction 1' through impeding the teacher's delivery of learning or disturbing others' application to their learning ▪ Littering	▪ Continued failure to follow instructions ▪ Rowdy behaviour (in or out of lessons) ▪ Being in possession of a mobile phone, earphones or other prohibited item (such as energy drink) ▪ Failure to work in class ▪ Insolence or talking over / back to teacher ▪ Reaching 'Sanction 2' through impeding the teacher's delivery of learning or disturbing others' application to their learning on more than one occasion

1.5 Exemplar responses to dealing with Sanction incidents

Sanction	Pupil Behaviour	Teacher Response	Consequence	Responsibilities
1	Pupils not following Academy Expectations with low level impact: e.g. Immature or Disruptive behaviours as described above	Reminder about expectations <u>Use Language of Choice</u> The instruction was...if you choose not to, you will receive a warning... <u>Use the language of Academy Expectations</u> <i>Bailey we should be following instructions first time every...Please sit in the seating plan...</i> State consequences in terms of impact on learning and sanctions if they choose to ignore the warning: <i>Daniel - we take it in turns to listen. If you call out again, I will need to record it as a Sanction 2 behaviour</i>	Improved behaviour There is no follow up required if the pupil changes their behaviour and demonstrates they will follow Academy Expectations. Teacher should acknowledge that the pupil has made the right choice and improved their behaviour. 1 behaviour point.	Teacher
2	Pupils fail to improve their behaviour following teacher reminder / warning Or Failure to follow redirected, targeted teacher instructions.	Let the pupil know that there will be consequences if they do not follow instructions. It may be appropriate to do this quietly 1-1, rather than with an audience. <i>Daniel - you have chosen to ignore my instructions to stop disrupting learning despite reminders so you have chosen Sanction 2.</i> Note the Sanction on board and record incident on Sims at end of lesson.	<u>Continued Behaviour</u> 2 behaviour points.	Teacher



3	Pupils not following Academy Expectations, with high disruptive impact. Repeatedly failing to follow instructions. Inappropriate language to another pupil, inappropriate physical interactions.	Teacher emails 'oncallsupport' for assistance from SLT/On-call	Removal from lesson by SLT/On-call to Student Support Unit (SSU)	SSU Supervisor to discuss what prior intervention the class teacher has put in place. Persistent repetition of Sanction 3 incidents will lead to involvement of HOY, SfLC staff and SLT. Teacher MUST attend SSU between 3:00 and 4:00 (KS3) or 4:00 and 5:00 (KS4) for restorative conversation to take place with pupil.
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Sanction 3 restorative conversations - This is a conversation between the member of staff and the pupil whose behaviour has presented a problem. This should take place in the SSU on a one-to-one basis either between 3:00pm and 4:00pm (for KS3) or 4:00pm – 5:00pm (for KS4). The pupil must be a willing participant in the conversation for it to be effective. The conversation enables the teacher to show the pupil why their behaviour was a problem and to seek recognition for this and to secure an undertaking that similar behaviour will not happen again. When conducted skilfully by the teacher or a 3rd party (member of staff) mediator, restorative conversations can result in a strengthened and improved relationship between pupil and teacher. It may be useful for the pupils' form tutor, HOY, BfL staff or the HoD to be present. Members of SLT / BfL team will always be on hand at the Detention Room to support with these conversations.

Escalations - Pupils issued with more than one Sanction 3 in a half term:

Behaviour	Stage	Sanction	Followed By
Pupil issued with a 'Sanction 3' for the first time that half term	1	Work in SSU for remainder of the day, no social times. 1 hour detention at end of day (3:00pm – 4:00pm for KS3, 4:00pm – 5:00pm for KS4).	Stage 1 text sent to parents on entry into SSU. Stage 1 logged on SIMS. Restorative conversation must take place with referring teacher / member of staff during the detention.
Pupil issued with a 'Sanction 3' for the second time that half term	2	Work in SSU for remainder of the day, no social times. 1 hour detention at end of day (3:00pm – 4:00pm for KS3, 4:00pm – 5:00pm for KS4). (24 hours in IE if the behaviour has occurred more than once that week. 1 hour detention at the end of the first day.)	Stage 2 text sent to parents on entry into SSU. Stage 2 logged on SIMS. Restorative conversation must take place with referring teacher / member of staff during the detention on day 1.

Pupil issued with a 'Sanction 3' for the third time that half term	3	Work in SSU for remainder of the day, no social times. 1 hour detention at end of day (3:00pm – 4:00pm for KS3, 4:00pm – 5:00pm for KS4). (24 hours in IE if the behaviour has occurred more than once that week. 1 hour detention at the end of the first day.)	Stage 3 text sent to parents on entry into SSU. Stage 3 logged on SIMS. Restorative conversation must take place with referring teacher / member of staff during the detention on day 1. HOY holds telephone conversation with parent to register behaviour concerns. (Parent Carer meeting record form completed & given to HOY administrator, scanned and attached to pupil's SIMS record).
Pupil issued with a 'Sanction 3' for the fourth time that half term	4	Work in SSU for remainder of the day, no social times. 1 hour detention at end of day (3:00pm – 4:00pm for KS3, 4:00pm – 5:00pm for KS4). (24 hours in IE if the behaviour has occurred more than once that week. 1 hour detention at the end of the first day.)	Stage 4 text sent to parents on entry into SSU. Stage 4 logged on SIMS. Restorative conversation must take place with referring teacher / member of staff during the detention on day 1. HOY meets in person with parent to register behaviour concerns. (Parent Carer meeting record form completed & given to HOY administrator, scanned and attached to pupil's SIMS record). Pupil placed on daily Head of Year Report for two weeks.
Pupil issued with a 'Sanction 3' for the fifth time that half term	5	Work in SSU for remainder of the day, no social times. 1 hour detention at end of day (3:00pm – 4:00pm for KS3, 4:00pm – 5:00pm for KS4). (24 hours in IE if the behaviour has occurred more than once that week. 1 hour detention at the end of the first day.)	Stage 5 text sent to parents on entry into SSU. Stage 5 logged on SIMS. Restorative conversation must take place with referring teacher / member of staff during the detention on day 1. Formal Stage 5 letter completed (By HOY admin) and sent to parents outlining the reasons for the 'Working in SSU' sanction and providing details of the prior 'Sanction 3s' issued that half term.
Pupil issued with a 'Sanction 3' for the sixth time that half term	6	Work in SSU for remainder of the day, no social times. 1 hour detention at end of day (3:00pm – 4:00pm for KS3, 4:00pm – 5:00pm for KS4). (24 hours in IE if the behaviour has occurred more than once that week. 1 hour detention at the end of the first day.)	Stage 6 text sent to parents on entry into SSU. Stage 6 logged on SIMS. Restorative conversation must take place with referring teacher / member of staff during the detention on day 1. Formal Stage 6 letter completed (By HOY admin) and sent to parents outlining the reasons for the 'Working in SSU' sanction and providing details of the prior 'Sanction 3s' issued that half term.

Pupil issued with a 'Sanction 3' for the seventh time that half term	7	Work in SSU for remainder of the day, no social times. 1 hour detention at end of day (3:00pm – 4:00pm for KS3, 4:00pm – 5:00pm for KS4). (24 hours in IE if the behaviour has occurred more than once that week. 1 hour detention at the end of the first day.)	Stage 7 text sent to parents on entry into SSU. Stage 7 logged on SIMS. Restorative conversation must take place with referring teacher / member of staff during the detention on day 1. Formal meeting held between Assistant Headteacher I and Parent to review pupil's behaviour, progress and engagement. Pupil placed on daily report to Assistant Principal for the next 2 weeks.
Pupil issued with a 'Sanction 3' for the eighth time that half term	8	Work in SSU for remainder of the day, no social times. 1 hour detention at end of day (3:00pm – 4:00pm for KS3, 4:00pm – 5:00pm for KS4). (24 hours in IE if the behaviour has occurred more than once that week. 1 hour detention at the end of the first day.)	Stage 8 text sent to parents on entry into SSU. Stage 8 logged on SIMS. Restorative conversation must take place with referring teacher / member of staff during the detention on day 1. Formal Stage 8 letter completed (By HOY admin) and sent to parents outlining the reasons for the 'Working in SSU' sanction and providing details of the prior 'Sanction 3s' issued that half term. Stage 8 letter also contains details of Governors' Behaviour Panel to be held prior to pupil completing their 'Working in SSU' within the academy.
High Tarriff incident Issued by the Head Teacher	HT	Day 1: Work in SSU for remainder of the first day, no social times. 1 hour detention at end of day (3:00pm – 4:00pm for KS3, 4:00pm – 5:00pm for KS4). IE Days between 2-5 days – Work in SSU 8:40am until 3:00pm (KS3) or 4:00pm (KS4). No social times.	HT text sent to parents on entry into SSU. Stage 8 logged on SIMS. Restorative conversation must take place with referring teacher / member of staff during the detention on day 1. Formal high tariff letter completed (By HOY admin) and sent to parents outlining the reasons for the 'Working in SSU' sanction and providing details of the prior 'Sanction 3s' issued that half term. 2 high tariff incident in a half term will lead to a governor panel.

Behaviours that warrant 'Sanction 3' or higher tariff sanctions being levied in their own right:
(Table B)

Behaviour	Stage	Sanction	Followed By
Defiant e.g. - Walking away from staff / Walking out of lesson - Arguing with or undermining staff - Internal truancy / corridor "cruising" - Being in possession of a mobile phone, earphones or other prohibited item (such as energy drink) and refusing to submit it to a member of staff - Refusing reasonable requests to resolve uniform issues – not wearing tie, blazer or school shoes, unsuitable trousers (e.g. Jeans or leggings), wearing a coat, hat or hood whilst in 'The Learning Zone'. - Persistent behaviour falling within the boxes above	Sanction to be levied at the next stage for that pupil e.g. if they have already had a 'Stage 1' that half term then 'Stage 2' is applied (and so on)	Stages 1 – 8 (levied as appropriate) – pupil housed within the academy's Student Support Unit (SSU) Stage HT - (levied as appropriate) – pupil initially housed within SSU for the remainder of day 1 then up to the following 4 days within the academy's Student Support Unit (SSU)	Text / Letter / Parental Meeting as appropriate to that 'Stage' as outlined above.
Anti-Social/High Tariff e.g. - Intimidating/obstructing/ manhandling/ swearing at staff - Violence/threats of violence/sexual harassment - Vandalism - Possession of illegal or significantly inappropriate or prohibited items - Bullying including racist, homophobic or cyber-bullying incidents - Smoking or congregating with smokers (whether smoking or not) - Any other behaviours adjudged to be "high tariff" by the Principal / Deputy Principals including the making of allegations against staff or	Sanction to be at 'high tariff'. In cases where the Assistant Principal judges that the pupil's conduct is so serious, the matter should be escalate to the Head of School for an immediate Fixed Term or Permanent Exclusion to be considered under the United Learning Exclusions Policy.	Stages HT (levied as appropriate) – pupil initially housed within SSU for the remainder of day 1 then attends the SSU within the academy to complete suitable work under direction of academy staff / Fixed Term Exclusion / Community Youth Team referral / SWAPP Panel / "Academy Service" / Governor's Behaviour Panel / Pastoral Support Plan / Application for Parenting Order <i>Incidents will be reviewed on a case by case basis- the Academy reserves the right to Permanently Exclude any pupil displaying behaviour which is incompatible with the interests of other pupils / staff / United Learning and defined as gross misconduct in the exclusions policy (Appendix 1).</i>	Text / Letter / Parental Meeting as appropriate to that 'Stage' as outlined above or in accordance with the United Learning Exclusions Policy (Appendix 1).

other pupils which after investigation, are found to be of a malicious or vexatious nature)			
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Green Group.

The academy recognises that a small number of pupils may struggle to comply with the expectations of the academy's behaviour policy due to their particular SEND needs. The SENCO will be consulted prior to Stages 3-8 being implemented for any pupil who is on the SEND register. The SENCO is able to make reasonable adjustments to ensure that the work provided for the pupil to complete, the level of supervision that they receive, their place in the seating plan within the provision and the length of time that they are expected to spend there will be sensible, appropriate, proportionate, considered and adjusted on her advice if it is required / appropriate to do so.

Blue Group.

The academy recognises that significant events in young people's lives might impact on their ability to process information and interact in a rational manner with others for periods of time. This does not and should not mean that our expectations of them should be lowered, nor should our standards. However, it is important that we are both compassionate and supportive and we should consider the circumstances of our most vulnerable pupils prior to levying a sanction. Each half term the Senior Leader: Safeguarding and Vice Principal will identify pupils who may benefit from reasonable adjustment in terms of the application of the system but who have not been diagnosed as having a SEN need that might impact on their ability to conform to and comply with the academy's behaviour policy. These might include those who:

- have recently lost a close relative;
- have a significant safeguarding issue that we are aware of;
- have lost their home or are at risk of homelessness;
- are experiencing or have recently experienced domestic violence
- are a Looked After Child / young carer
- are adjusting to the impact of the introduction of or changes to medication

Any reasonable adjustments made will be sensible, appropriate and proportionate to the needs of the child and those of the school.

This information will be kept confidential but will be used when assessing the levying of or escalation to any of the 'stages' outlined above.

1.6 Establishing and maintaining positive teacher/pupil relationships

The Best in Everyone

.... *positive relationships & consistency with our pupils is key.*

Do all you can to

- Be consistent, fair and transparent
- Have clear routines
- Consider your tone of voice and volume in communication
- Listen – it earns respect
- Be clear
- Be positive
- Be calm – it conveys high status and reduces tension
- Use humour – it builds bridges
- Exercise humility – we don't always get it right
- Give chances – remind / re-direct / re-focus with time to respond
- Give choices - language of choice and consequence of choices
- Use the minimum sanction necessary to achieve your desired outcome
- Give a fresh start- every lesson
- Reflect on your reactions

Do all you can to avoid

- Humiliating pupils – it breeds resentment and contempt
- Shouting at classes – it weakens your status
- Over-reacting – the problem will grow
- Blanket punishments – the 'innocent' don't deserve them
- Over punishing – it reduces options later
- Blocking a pupil's exit
- Escalating minor incidents too quickly
- Removing a pupil from learning

Communication

- Non-Confrontational
- Low tone of voice
- Repeat Instructions
- Maintain positivity
- Good relationships with pupils
- Value pupil voice
- Non-verbal communication

P.R.I.N.T Activity Instructions

- P: Purpose-what is the purpose of the activity/learning?
- R: Resources-what resources are going to be used & why?
- I: In / out of seats- Clear direction
- N: Noise levels- Expected noise levels
- T: Time-allocation of time to learning episodes

Pre-Warning

- P.R.I.N.T
- Instruction reminders
- Refocus technique
- Partial agreement
- Language of choice
- Allow time for pupils to process your requests

Pre-Warning Script

Requires: Soft tone, open gestures, personal space

- **State needs succinctly:** "The instruction is / was....." "I need...."
- **Re-focusing technique:** "Ok. I understand / appreciate.... but I need..."
- **Partial agreement:** "I'm sorry you feel like that but the instruction is..." "We can talk about this at the end of the lesson"
- **Positive reinforcement:** "I like the way you....." "That was good because"
- **Name to gain attention:** "Tom....."
- **Element of choice:** "The instruction was.... if you continue to talk you are choosing to...." "I don't usually have to give warnings but some pupils have chosen to take them from me"

are to be recorded on Sims and fall into three categories: **academic achievement, effort and community.**

Pupils should be recognised for:

- Positive contributions to lessons
- Helping others
- Outstanding work
- Positive contribution to the Academy
- Outstanding homework
- Positive engagement
- Academic achievement
- Going the extra mile
- Outstanding group work
- Independence in learning



Rewards in recognition of progress

- Achievement points
- Positive text messages home after each milestone of 20 positive points
- SLT commendations
- Star of the week award each week in assembly
- Weekly vouchers in assemblies
- Achievement assemblies after each Assessment Point (6 per year)
- Special Awards assemblies with parents invited
- Formal letter from Headteacher
- Headteacher lunches

Less frequent 'long term success' rewards

- Reward trips
- Tangible rewards e.g. vouchers
- Participation in special activities
- Milestone awards, Bronze, Silver, Gold and Platinum

2. Behaviour Support and Management

In the first instance, it is expected that the classroom teacher should deal with most incidents of behaviour, including issues such as:

- Uniform issues (which have arisen after form time)
- Lack of equipment
- Non-completion of homework
- Low level disruption of learning
- Poor work rate
- Lateness (after form time)
- Chewing, eating in class (chewing gum is not permitted on the academy premises.)
- Jewellery or excessive makeup
- Mobile phones/IPODS/MP3 players
- Inappropriate behaviour during lesson transition, outside the classroom, or around the building / academy site

It is recognised that on occasion, to prevent disruption to the learning environment, which is detrimental to the progress of other pupils the Classroom Teacher may need to seek support.

All classroom teachers are expected to follow a 1,2,3 Sanction process to address inappropriate behaviours in the classroom.

The 'On Call Support' Provision

The "On-Call Support" provision is a facility which exists to support teachers in circumstances where they have implemented all possible behaviour for learning strategies and have exhausted the academy's "Sanction 1 and Sanction 2" behaviour management processes.

"On-Call" should not be seen as a behaviour management tool or part of the teacher's "normal" toolkit when dealing with behaviour in the classroom. "On-Call" should only be utilised when all other strategies have been unsuccessful.

Under no circumstances should a pupil be placed on a corridor by a teacher or 'sent out'. If a pupil walks out of a lesson, "On-Call" should be informed immediately by email.

The Process

SLT/ Behaviour Support Team will respond to Sanction 3 call outs. On arrival, staff are to explain the circumstances of why the call out has been requested.

'On Call' may not automatically result in a pupil leaving the lesson.

There are 2 possible outcomes to an "On-Call" –

- Sanctions have not yet been applied or have been applied out of synch with this policy – pupil returns to learning after counsel from the 'On Call' member of staff and successfully engages with their learning. The 'On Call' member of staff may sit with the pupil for a period in order to re-focus them on their learning and support the teacher.
- "Internal Exclusion" – Any pupil who receives a 'Sanction 3' will be housed in the Student Support Unit (SSU) for the remainder of that day plus detention time. Any further time within either SSU or 'Work Under Supervision' will be allocated according to what 'Stage' the pupil is at. A text message will automatically be sent at this point notifying parents of the Internal Exclusion.

The Support for Learning Centre

The 'Support for Learning Centre (SfLC), which houses within it behaviour, inclusion and SEND provision at Sheffield Springs Academy is designed to ensure that there will be immediate and sustainable impact upon pupil progress; attainment and behaviour where intervention is needed at that level.

The Sheffield Springs Academy Code of Conduct for pupils has 4 different categories of behaviour, which escalate in terms of seriousness. Behaviour points are recorded for each pupil at the Academy. These trigger sanctions and interventions when they reach certain thresholds and the accumulation of excessive points can mean that privileges, social times (temporarily) and / or attendance on rewards trips may be withdrawn.

The more serious 'Defiant' and 'Anti-Social' behaviours require additional and immediate sanctions.

The four different categories are defined in Tables A and B (above).

- Immature
- Disruptive
- Defiant
- Anti-Social / High Tariff
-

Tackling persistent Lower Level Behaviours or High Tariff Behaviours.

Sanctions

A number of sanctions are available to all teaching and Support for Learning centre staff, the purpose of which is to achieve a disruption free environment for all pupils.

Detentions:

To support staff there are two daily detentions that pupils can be referred into depending on their misdemeanour:

Lateness policy:

If students are late to school they will receive a 'L' mark in the register and have a 20 minute detention after school. (note – check against the late list sent by attendance team to see how late students are so they don't receive 2 detentions for being late to school)

If students are late to a lesson, they will receive a 20 minute detention after school.

Students are late to more than 1 session, then their detentions will accumulate. For example, if a student is late to school, late

to P2 and late to P5, then the student will receive an hour long detention after school (3x20 minutes).

There will be a KS3 and KS4 detention every day. KS3 3pm-4pm and KS4 4pm-5pm.

Late is defined as arriving after the second bell has gone.

In the unlikely event that a detained pupil has been unable to have lunch served to them (e.g. there is still a queue when the Period 5 bell rings, food has run out) should present themselves to the Principal's PA (B5) and they will be provided with lunch. The academy does not wish for ANY pupil to go hungry.

SLT Detentions:

SLT Detentions take place in the Student Support Unit (SSU) and are supervised by a member of SLT and a member of teaching staff (on a rota)

- Pupils who are already in SSU due to having a Sanction 3 issued that day should remain in their seats.
- All teachers who referred a pupil into SSU as a 'Sanction 3' that day should attend that pupil's detention to hold a restorative conversation with them in order to 'close' the issue. This is an expectation of all teachers and is not optional.

Any pupil who disrupts SLT detention or who fails to complete the detention will be issued with a 'Sanction 3' for the next day (or, a 'Sanction' to be levied at the next stage for that pupil e.g. if they have already had a 'Stage 1' that half term then Stage 2' would be applied (and so on).

The Academy is not obliged to give parents 24 hours' notice of a detention and parental permission to detain a child is not required. Parents will not normally be informed of any detention that is of 60 minutes' duration or less. A text message will be sent to inform parents of their child being levied with a 'Stage' sanction, it should be taken as read that this will include a 1 hour detention at the end of the school day.

It is the responsibility of all parents to ensure that the academy has up to date contact numbers recorded on their child's SIMS record. This is vital not only for the purposes of communicating about behaviour but for other circumstances such as in medical emergencies, weather related closure etc. as well.

In giving detentions, the academy will ensure that the impact of the detention on the pupil's travel arrangements is reasonable. We recognise that a small number of pupils travel from out of catchment and that this may pose them difficulties. The welfare of the child will be considered along with factors such as any caring responsibilities held by the child.

By law, the permitted times for detentions are:

- any school day when the pupil does not have permission to be absent
- weekends but not those at the beginning and end of half term holidays
- teacher training days

The academy reserves the right to impose a detention on a pupil outside school sessions which may include 'after school' on a normal school day, a Saturday or Sunday during school term or a training day.

Academy Service

In order to repair the damage to the academy community that the behaviour of a pupil has caused, a pupil may be required to perform Academy Service. This may include service in the canteen, helping tidy up at the end of the academy day or removing graffiti or litter from the academy grounds.

Parents may be charged for the cost of any damage caused by a pupil if their behaviour has been found to have been malicious

e.g. damage caused to a 'mag-locked' door by kicking it open, broken windows, removal of graffiti etc.

Senior Leadership Team (SLT)

The SLT at Sheffield Springs Academy take a proactive and highly visible approach to managing behaviour and maintain high vigilance around the building at all times. Their role is to support staff and pupils in managing behaviour and ensuring that good order is maintained. In addition the SLT are responsible for the following sanctions.

Reports:

Pupils can be placed on report to monitor their conduct, progress and application to their studies. Reports can be issued at Head of Year or SLT Level.

- Head of Year – Reaching 'Stage 4', a pattern of inappropriate behaviour, lack of engagement or poor progress within a specific curriculum area
- Head of Department - lack of engagement or poor progress within a specific curriculum area identified through the academy's Steps progress tracking system or repeated 'Sanction 3's within the curriculum area.
- Senior Leadership Team (Assistant Principal) – if pupil has failed HOY Report, or escalated through to 'Stage 7', or behaviour is deemed a concern which warrants daily SLT monitoring.

Governor's Behaviour Panel:

The purpose of this panel is to allow an external appraisal of the behaviour of a pupil and to propose further support to prevent exclusion. Pupils may be required to attend a Governor's Behaviour Panel, accompanied by their parents, if they repeatedly fail to meet the academy's expectations in terms of their behaviour, reaching 'Stage 8':

Patterns of behaviours such as those below may also warrant the calling of a Governor's Behaviour Panel in order to intervene prior to the pupil escalating to 'Stage 8' if this is deemed appropriate.

- Walking away from staff / Walking out of lesson
- Arguing with or undermining staff
- Internal truancy / corridor "cruising"
- Persistent low level disruption of learning
- Congregating with smokers (whether smoking or not)

Any other behaviours adjudged to be "high tariff" by the Headteacher, Principal / Head of School or Assistant Principal, including the making of allegations against staff or other pupils which after investigation, are found to be of a malicious or vexatious nature may also warrant the formation of Governor's Behaviour Panel, such as:

- Intimidating/obstructing/manhandling/ swearing at staff
- Violence/threats of violence/sexual harassment
- Vandalism/possession of illegal or significantly inappropriate items
- Bullying including racist, homophobic or cyber-bullying incidents

Should a pupil or their parents refuse / fail to attend the Governor's Behaviour Panel (taking into account reasonable attempts to schedule or reschedule the Panel in line with parent's work or caring commitments), the academy may consider higher level interventions or sanctions up to and including permanent exclusion.

Alternatives to Exclusion

The academy recognises that exclusion from school is a serious matter, particularly at an academy where many pupils have experienced significant disadvantage in their lives. We avoid excluding pupils where possible and try to achieve the correct balance between the needs of the pupil and the needs of the academy community. To reduce exclusion rates we use several alternatives to exclusion and ensure that there is early intervention with pupil behaviour.

The following alternatives are used by the academy:

SSU Facilities at a neighbouring school

This operates as an alternative to exclusion. Where students are not currently engaging in education at their parent school and/or are refusing to follow basic academy expectations, students are expected to serve between 1-5 days at a neighbouring United Learning academy within our locality (Sheffield Park Academy, Barnsley Academy or High Hazels Academy) or at another partner school (Learn Sheffield Member School, SSEL Primary Schools).

Student Support Unit

As described above this operates to provide an alternative to exclusion when a pupil displays repeated low to medium level disruptive behaviours. On occasion, if appropriate, for instance due to a family conflict in the community or a safeguarding reason prohibits contact with another pupil / pupils, a pupil's period of internal exclusion may be served at a neighbouring United Learning academy within our locality (Sheffield Park Academy, Barnsley Academy or High Hazels Academy) or at another partner school (Learn Sheffield Member School, SSEL Primary Schools).

Alternative Provision

Bespoke provision may be considered for pupils who require a more tailored approach to their learning. This could include working in smaller groups, targeted teaching strategies, mentoring programmes and external visits.

Managed Moves

The academy participates in the local authority's managed move process which involves pupils transferring to another school in the locality on a trial basis, either as an alternative to permanent exclusion or as an intervention where there has been a sustained period of disruptive behaviour.

Referral to support services

Sheffield Springs Academy works closely with the Community Youth Team Officer (CYTO) for our locality. The CYTO works with pupils at Sheffield Springs Academy to prevent them from entering the criminal justice system. The CYTO liaises with key pastoral staff and provides counsel and guidance to pupils when they have behaved in an anti-social manner, been involved in bullying or have caused alarm, harassment or distress to others. The CYTO also provides positive mentoring and support to victims of these behaviours.

The CYTO may also dispose of behaviour related cases or those that involve damage to property by way of a 'restorative justice' agreement.

On rare occasions, when a pupil acts in such a way as to have broken the law, either inside the Academy or in the Community, the CYTO will liaise with the appropriate officers / services on their behalf.

The CYTO also provides support, advice and guidance for pupils at the academy (and their key workers) when they are vulnerable through such issues as domestic violence, substance abuse, gang membership, honour-based violence and exploitation.

Sheffield Springs Academy works closely with a range of service providers to ensure that all pupils and their families can access appropriate support for any issues which might be affecting their general well-being and / or education. Referrals are generally made through the Family Common Assessment Framework (FCAF) document, which is completed with parents' consent and to which they contribute.

Commonly referrals are made to:

- Community Youth Team (CYT), which is a multi-agency team, aimed at young people aged 8-19 years, in need of extra support to help them realise their potential. CYT brings together a range of professionals from different organisations, including the Council, Sheffield Futures, South Yorkshire Police and specialist health staff, into a single integrated service which provides early intervention and prevention for young people who may be experiencing, or be at risk of poor outcomes.

Workers who have come together to create the CYTs include the following:

- Prevention workers

- Youth workers
- Targeted Youth Support (TYS) Advisers
- Police Officers
- Specialist health workers

CYT's aim is to maintain young people's engagement in school and Post-16 education, employment and training and steer young people away from crime and anti-social behaviour.

They help young people make the right choices and avoid behaviours that harm them and their communities, such as drug or alcohol misuse, sexual exploitation or teenage pregnancy.

They also improve young people's aspirations and self-belief and give them the resilience to cope better with the ups and downs of life.

- Sheffield East MAST, who work with children, young people and families to provide a range of services which help improve well-being, school attendance, learning, behaviour and health care.

MAST aim to promote the early identification of children with additional needs. By delivering high quality preventative and supportive services their goal is to enable children to continue living successfully with their families and communities.

Parenting Contracts and Parenting Orders

Parenting contracts and parenting orders can be used where a child has seriously misbehaved even when the child has not been excluded.

The academy is empowered to apply for parenting orders where previously this had to be done by the Local Authority.

A parenting order can require the parent(s) to follow the courts directions, for example to attend parenting courses to assist them in dealing with their children.

Exclusion

There are two types of (external) exclusion:

1. Fixed Term Exclusion

This is exclusion for a **fixed number of days** during which the pupil must remain at home up to the first 5 days and receive full time education provision from the 6th day. A maximum of 45 days applies across each school year for any pupil, and work will be set and marked in all cases by the academy. A pupil is entitled to return to school once the period of exclusion has ended.

A pupil may be excluded during **lunchtimes** only for a **fixed number of days**. Each lunchtime exclusion is equivalent to half a day fixed period exclusion. Arrangements should be made to provide a lunch if the pupil is entitled to free school meals. If a parent refuses to co-operate with a properly given lunchtime exclusion by refusing to collect (or arrange to have collected) his or her child, the academy will have due regard for the pupil's safety in deciding what action to take.

2. Permanent Exclusion

This is where the Headteacher's intention is that the pupil should not be allowed to return to the school. 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.

In most cases, this will be after a wide range of alternative strategies have been tried without success. However, there will be exceptional circumstances where, in the Headteacher's judgement, it might be appropriate to permanently exclude a pupil for a serious breach (one-off or first offence). Examples of gross misconduct that might be considered as a serious breach are:

- A serious breach of safety requirements likely to endanger other people or yourself, or to cause damage to academy property;
- Unauthorised use of or supply of alcohol or drugs within the academy premises or whilst in the company of teachers, pupils or parents of pupils or during any extra-curricular activities organised by the academy at any time;
- Unauthorised removal of academy property;
- Stealing from the academy, employees of the academy, or from pupils and other serious and deliberate offences of dishonesty;
- Intentional damage to property;
- Abuse of the academy's computer system and of the internet and non-compliance with any policy issued by the academy addressing these matters specifically;
- Sexual misconduct, abuse or assault;
- Serious actual or threatened violence, physical assault or fighting against another pupil or member of staff or worker in the academy;
- Carrying an offensive weapon;
- Bullying and/or harassment including racial, sexual or homophobic harassment;
- Extremist behaviour
- Wilful defiance of the properly exercised authority of the academy and its staff;
- Bringing the academy into disrepute or acting in a manner deliberately to undermine the academy's principles or ethos to the detriment of pupils and staff.

This list is intended to show examples only and is not intended to be exhaustive.

Drugs

The academy operates a zero-tolerance policy on drugs for the health and safety of all staff, pupils and visitors. The Academy policy on drugs applies to all school and school related activities whether on or off site. This includes the journey to and from the academy. The word 'drugs' used in this policy does not just mean illegal drugs. It extends to alcohol, tobacco products, volatile substances, legal highs and 'over the counter' / prescription medicines which are being misused or are in a pupil's possession inappropriately.

The Academy takes into account guidance issued by the DfE. The academy will monitor and deal with any drugs issues promptly and be proactive in trying to prevent any future drugs incidents. Pupils will receive drugs education as part of the PSHE programme and the academy will also involve outside agencies such as drugs education charities. It is the clear expectation of the academy that parents will support a Community Youth Team referral in such circumstances. Any incidents will be reported to the governors for their consideration and to South Yorkshire Police and local authority multi-service agencies (where appropriate).

Any pupil found to be involved in a drugs related incident will be disciplined in accordance with the academy's behaviour policy. The sanction may include fixed term exclusion or permanent exclusion from school in the case of more serious offences, particularly those which involve the dealing of / distribution of illegal drugs. Using illegal drugs will, except in exceptional circumstances lead to exclusion, which may be permanent.

Confiscation of drugs

Any drugs found will be confiscated by staff from the academy's Senior Leadership Team (or an appropriate member of staff to whom this duty has been delegated) who will dispose of them in accordance with guidance issued by the DfE.

Similarly, any drugs related paraphernalia such as needles will be disposed of in a prudent manner.

The academy may carry out searches for drugs in accordance with the school behaviour policy.

Parental involvement

Usually, the academy will inform parents/carers when their child has been found to be involved in drugs but where there are potential child protection issues the academy must act in the best interests of the child which may mean a decision not to inform parents. Such a decision will be taken very seriously and usually with the benefit of advice from partner agencies such as Social Care / South Yorkshire Police and / or having sought legal advice."

Full details of the academy's exclusions policy are contained within Appendix A of this document.

Reasonable Force

Reasonable force can be applied by a member of staff on the premises or off the premises if the pupil is under control of that member of staff. It can also be applied by a person who the Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying pupils on a school organised visit.

The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.

Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.

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

Teachers at the academy will generally use reasonable force to control pupils and to restrain them. Control means 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 a classroom.

- Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

Academy staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

Staff at the academy are permitted by law to use reasonable force to:

- Remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- Prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground;
- Restrain a pupil at risk of harming themselves through physical outbursts.

They cannot:

- Use force as a punishment – it is always unlawful to use force as a punishment.

The decision on whether or not to physically intervene is down to the professional judgment of the staff member concerned and should always depend on the individual circumstances.

Reasonable force can be applied to prevent a pupil:

- Committing an offence;
- Causing personal injury to any person, including himself or herself;
- Causing damage to property;
- Prejudicing maintenance of good order either during a lesson or otherwise

Powers to Search and Confiscation of Prohibited Items

Powers to Search

Academy staff can search a pupil for any item if the pupil agrees to this.

The Headteacher and staff authorised by him have a statutory power to search pupils or their possessions, without their consent, where they have reasonable grounds to suspect that the pupil may have a prohibited item.

Prohibited items (the possession of which will be subject to sanctions outlined in the table on page 6) are:

- Knives or other weapons
- Alcohol
- Illegal drugs
- Prescription drugs which have not been issued to that pupil and which they should not be in possession of
- Over the counter medicines which, on balance of probability, it is inappropriate for the pupil to be in possession of
- 'Legal' highs such as those containing methoxamine, synthetic cannabinoids and 5 and 6 APB (but not exclusively restricted to these)
- Stolen items
- Tobacco, smoking paraphernalia and E-Cigarettes
- 'Energy Drinks' such as those containing caffeine, taurine or other, similar ingredients.
- Fireworks
- Pornographic materials, whether printed or stored electronically
- Mobile phones, MP3 players and other consumer electronic devices (with the exception of tablets / laptops provided by the academy to pupils in order to support specific aspects of their learning)
- Any other article which a member of staff reasonably suspects has been, or is likely to be used to:
 - Commit an offence;
 - Cause personal injury to any person, including himself or herself;
 - Cause damage to property;
 - Prejudice the maintenance of good order either during a lesson or otherwise

The search may be carried out on the school premises or where the member of staff has lawful control of the pupil. The search may only be carried out by the Headteacher / Deputy Headteacher / Assistant Headteacher or by a member of staff who has been authorised by the Headteacher / Deputy Headteacher / Assistant Headteacher to carry out the search.

The person carrying out the search

- May not require the pupil to remove clothing other than outer clothing;
- Must be of the same sex as the pupil;
- Must be carried out in the presence of another member of staff also of the same sex as the pupil.
- The pupil's possessions may only be searched in the presence of the pupil himself and another member of staff.

It is a condition of having a locker in the academy that the pupil gives their consent to it being searched.

Any formal complaints about being searched should be made in accordance with the academy's usual complaint's policy.

Mobile Phones

Mobile phones, Mp3 Players and other consumer electronic devices are considered to be 'prohibited' within the Academy building and grounds.

Any pupil who does bring a mobile phone, Mp3 player or other consumer electronic device to school does so at their own risk and the academy can accept no responsibility for any loss or damage that might occur to the item.

Where an item prohibited by this behaviour policy is seized as the result of a search and it is an electronic device such as a mobile telephone, the member of staff who seized the item may inspect the data on it, if he/she thinks that there is a good reason to do so. For this purpose, the member of staff has a good reason if he/she reasonably suspects that the data or file on the device in question has been or could be used to cause harm, to disrupt teaching or break the school rules. The Academy also reserves the right to inspect data on any electronic device which is confiscated by a member of staff. The school is entitled to retain the device if it contains material which has been or could be used to cause harm, to disrupt teaching or break the school rules.

Confiscation of Items

Confiscation is lawful as a disciplinary penalty. The academy reserves the right to confiscate any item of pupils' property which has been, or it is suspected might be used to:

- Commit an offence;
- Cause personal injury to any person, including himself or herself;
- Cause damage to property;
- Prejudice the maintenance of good order either during a lesson or otherwise



Confiscation may be for any period or the property may be disposed of.

Mobile phones, Mp3 Players and other consumer electronic devices that are confiscated from pupils will be held within student services and can be collected at the end of the school day. Any pupil who refuses to hand over a Mobile phone, Mp3 Player or other consumer electronic device will be subject to a 'Sanction 3' or escalation within the 'Stages' process. In these cases, the Mobile phone, Mp3 Player or other consumer electronic device will be confiscated until the end of the half term and must be collected by their parent on the last school day of the half term.

If the confiscation falls within this behaviour policy and is reasonable, the person confiscating is not liable in respect of the confiscation, the disposal or any damage or loss arising. The academy will follow statutory guidance issued by the Department for Education when deciding what to do with a seized prohibited item.



Appendix A: Exclusions Policy

Introduction

The current DFE guidance to be followed in relation to exclusion from school was published in July 2017 and relates to all exclusions which occur from 1 September 2017. In this policy reference to 'exclusion' includes both fixed term and permanent exclusions. Where the policy is referring to a specific type (i.e. fixed term or permanent) of exclusion, the wording will make this clear.

Headteachers, Local Governing Bodies, United Learning, independent review panel members and clerks, and SEN experts must by law have regard to this guidance when deciding:

- whether to exclude a pupil;
- whether to decline to reinstate the pupil;
- whether to direct reinstatement of the pupil;
- whether to recommend or direct that the governing body reconsiders reinstatement of the pupil.

Schools must have policies, procedures and staff training in place that will promote good behaviour. Behaviour policies must be widely publicised so that pupils, parents and all school staff are aware of the standards of behaviour expected and the range of sanctions.

Exclusion is recognised as an appropriate sanction, however permanent exclusion should only be used as a last resort when a range of other strategies have been tried and exhausted. Most exclusions are the result of persistent breaches of the schools discipline policy. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen in the most serious of circumstances.

Maintained schools and academies have the power to direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school/Academy as part of a 'managed move'. The latter requires the consent of the parent/carer.

This policy provides an overview of the exclusion process. It should be read alongside current DFE Exclusion Guidance, which should be followed in all cases. Advice and support with regard to exclusion from school is available from central office.

Any decision of a school or Academy in relation to exclusion must be made in line with the principles of the Human Rights Act and in accordance with the principles of administrative law— that it is lawful, rational, reasonable, fair and proportionate.

Any reference in this policy to parent(s) includes all those with parental responsibility.

Exclusion from school

In some circumstances, schools have agreed to participate in what are known as Fair Access Panels (FAPs) which are local agreements between schools and local authorities that significantly reduce or eradicate the need to permanently exclude pupils. Where a school is part of such an arrangement, the sections of this policy that refer to permanent exclusion are effectively redundant, but have been retained in case a particular FAP agreement ceases to operate.

There are two types of exclusion:

1. Fixed Term Exclusion

This is an exclusion for a **fixed number of days**. The pupil must remain at home up to the first 5 days (during which time the school should take reasonable steps to set and mark work for the pupil). For a fixed term exclusion of more than 5 days, full time education provision commences from the 6th day and must be organised by the excluding school. A pupil may not be excluded for more than 45 days in a school year. A pupil is entitled to return to school once the period of exclusion has ended.

A pupil may be excluded during **lunchtimes** for a **fixed number of days**. Each lunchtime exclusion is equivalent to half a day's

fixed term exclusion. Arrangements will be made to provide a lunch if the pupil is entitled to free school meals.

2. Permanent Exclusion

This is where the Headteacher's intention is that the pupil should not be allowed to return to the school. The decision should only be taken if:

- (a) the pupil has committed a serious breach or persistent breaches of the school's behaviour policy; and
- (b) allowing him/her to remain in the Academy seriously harms the learning or welfare of the pupil or others in the school;

In most cases, this will be after a wide range of alternative strategies have been tried without success. However, there will be exceptional circumstances where, in the Headteacher's judgement, it might be appropriate to permanently exclude a child for a single serious breach (one-off or first offence). Examples of misconduct that might be considered as a serious breach are set out in Appendix 1.

3. Unofficial exclusions

Formal exclusion is the only legal method of removal if a pupil is sent home for disciplinary reasons (including lunch times). ***"Informal or unofficial exclusions are unlawful"*** regardless of whether they are done with the agreement of parents or carers.

The decision to exclude

1. General Advice

Only the Headteacher, (or, in their absence, the teacher in charge) can exclude a pupil. The Headteacher may consult others, but not anyone who may later have a role in reviewing their decision.

Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned.

The exclusion process falls into **three stages**:

1. Decision by the Headteacher to exclude
2. Consideration of the Headteacher's decision by the Local Governing Body (LGB), usually delegated to a Behaviour Committee
3. [In the case of a permanent exclusion, and only if requested by parents], consideration of the Headteacher's decision by an Independent Review Panel

The initial decision on whether to exclude is therefore for the Headteacher's to take. Where practical, the Headteacher should ensure that a thorough investigation has been carried out and allow and encourage pupils to present their case before taking the decision to exclude. Establishing facts are to be decided on the balance of probabilities.

Whilst exclusion may still be an appropriate sanction, the Headteacher should 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 having mental health issues or has been subject to bullying or provocation.

Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. Headteachers should also consider the use of a multi-agency assessment (including CAF) 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.

As part of considering each permanent exclusion, the **Headteacher must consult with the Managing Director** United Learning (or delegated executive) **before** the decision is reached and the case presented to the Behaviour Committee.

2. Fixed Term or Permanent

In many cases investigation may not be immediately possible if, for example, the incident is complex and a number of witness statements are required.

In this case, an Headteacher may issue a fixed term exclusion for a short period (a maximum of 5 school days is advised):

- to allow investigation to take place;
- to give opportunity for a reasoned decision.

In this case the letter informing of the fixed term exclusion should clearly state that the reason for the fixed term exclusion is **“to allow investigation into an incident which may or may not result in permanent exclusion”**. The letter should not state that the fixed term exclusion is, in itself, punishment for the incident under investigation. Once the investigation is complete, a further letter should be sent containing one of the following;

- notification for the pupil to return to school;
- notification of a further fixed term exclusion to begin immediately after the first period ends.

In exceptional cases, usually where further evidence, not available at the time of the investigation, has come to light a further fixed term exclusion may be issued to begin immediately after the first fixed term exclusion ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed term exclusion. Similarly, an Headteacher may choose to withdraw an exclusion in the light of new evidence.

3. Pupils from vulnerable groups

Pupils with Special Educational Needs (SEN)

Schools and governing bodies have a statutory duty to do their best to ensure that the necessary provision is made for any pupil who has SEN and to avoid excluding permanently any pupil with a statement of SEN/EHCP. Where a pupil has a statement of SEN/EHCP and is at risk of exclusion, schools should consider an early annual review or interim/emergency review.

Equality Duty

The law places a general duty on academies and maintained schools, in the exercise of their functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010.

Furthermore, such schools must advance equality of opportunity and good relations between people of different groups (for example different races, those with a disability and those without, age, gender) and foster good relations between all people.

The law also places a number of specific duties on schools, including duties to assess the impact of policies and to monitor the operation of those policies on pupils, parents and staff in the context of the public sector equality duty.

Disabled Pupils

Schools have a legal duty under the Equality Act 2010 not to discriminate against disabled pupils by excluding them from school because of their disability. This applies to permanent and fixed term exclusions.

Race Relations

The need to eliminate unlawful racial discrimination, the advancement of equality of opportunity and good relations between people from different racial groups is set out in the public sector equality duty.

Looked After Children

Looked After Children are at risk of low attainment in school and exclusion. Schools should be especially sensitive to exclusion issues where Looked After Children are concerned. Schools should try every practicable means to avoid exclusion.

4. Behaviour outside School

An Academy has the right to make decisions about behaviour taking place on trips, outings, sporting fixtures, or travel/movement in the vicinity of the Academy. Subject to the requirements of this policy, the Headteacher (or designated teacher in charge) may exclude pupils even if the circumstances giving rise to exclusion occur when the pupil is out of school. Schools' own policies should make clear how this operates in practice, in line with the DfE guidance.

5. Police Involvement and Parallel Criminal Proceedings

The process of exclusion from school and criminal proceedings can and should run parallel. However, in certain circumstances it may be appropriate for a decision to permanently exclude to be postponed if a police investigation has not been concluded. In such circumstances, an extended fixed term exclusion should be used.

Responsibilities of the Headteacher

Headteachers should follow the procedures set out in the DfE Exclusion Guidance, which has been designed to ensure fairness and openness in the handling of exclusions. Following the guidance will reduce the chance of any successful legal challenge to the exclusion at a later stage.

1. Informing parents

Once a decision to exclude has been reached, the parent must be notified without delay, ideally by telephone, followed up with a letter preferably within one school day. There are specific requirements for what should be stated in the letter. Copies of model letters can be found in the appendices of this policy.

It is important to ensure the reason/s for the exclusion are stated clearly in the letter, as further reasons cannot be introduced at a later date.

2. Informing Governors and the LA

Without delay, preferably within one school day, the Headteacher must inform the governing body and LA of:

- all permanent exclusions (if the pupil resides in another authority, the home LA should also be informed);
- exclusions that would take the term's total for that pupil to more than five days;
- exclusions that would result in the pupil missing a public examination or national curriculum test.

All other fixed term exclusions should be notified termly. Schools must keep a record of all exclusions for reporting to the DfE Census.

Pupils who have been permanently excluded should not be deleted from the school roll until the independent review panel process is completed, or the deadline for review is reached and no review has been applied for.

Where a fixed term exclusion results in a pupil missing an examination, although there is no right for the excluded pupil to take such an examination (or test) on school premises, the school should exercise its discretion to allow the pupil to enter the school premises for the sole purpose of taking the examination.

3. Education provision for excluded pupils

The school's obligation to provide education continues while the pupil is on roll. In all cases of exclusion work, should be set from day one and marked.

Where a pupil is given a fixed term exclusion of six school days or longer, the school must arrange full time educational provision from and including the sixth day of exclusion. This should be day 1 where possible for pupils with SEN and looked after children.

During the initial period of up to five school days, the parents are solely responsible for the child and must ensure that he/she is

not present in a public place during normal school hours without reasonable justification.

From the sixth day of a permanent exclusion, the home LA is statutorily responsible for ensuring that suitable full time education is provided. Schools must ensure that the LA is notified on day one of any permanent exclusion.

4. Governing body meetings

If a meeting of the LGB Behaviour Committee is to be held, the Headteacher should prepare all supporting papers for the exclusion and pass them to the Clerk for circulation to all parties at least five days in advance of the meeting. The paperwork should include:

- the Headteacher's case for exclusion;
- a copy of the exclusion letter of notification to parent;
- attendance records;
- witness statements (signed where possible and dated);
- excluded pupil statement;
- school discipline policy, and other relevant policies;
- details of any Pastoral Support Programme – or Individual Education Plan with clearly identified behaviour targets, where appropriate;
- records of interventions;
- details of any alternative or enhanced curriculum.

5. Reintegration interviews

Reintegration interviews are not mandatory but are good practice.

A fixed term exclusion must not be extended if such an interview cannot be arranged in time or the parents do not attend. Pupils have a right to return to school as soon as the period of fixed term exclusion ends.

Role of the LGB (Local Governing Body)

The United Learning Trust Charity Board has delegated powers to the LGB to review exclusions and must consider any representations about an exclusion made by the parents of the excluded pupil. The LGB usually delegates some or all of its functions in respect to exclusions to a committee consisting of at least three governors and such a committee may be called the Behaviour Committee.

The LGB's role is to review exclusions. The LGB can either decline to reinstate the pupil or direct reinstatement immediately or by a particular date. The LGB cannot extend a fixed term exclusion nor substitute it with a permanent exclusion.

The Behaviour Committee, which meets to consider any exclusion, must be made up of at least three members, none of whom are employees of United Learning or have any connection with the pupil or incident that would affect their ability to act impartially. The Chair, who must be a member of the LGB, has the casting vote in all cases where an even number of members is considering the case.

The governors should appoint a Clerk to the Behaviour Committee to handle the administrative arrangements. The Clerk's responsibilities are described later.

The Behaviour Committee of the governing body has a duty to meet within 15 school days and consider the reinstatement of an excluded pupil 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 public examination or national curriculum test
- (the Committee should make all efforts to hold the meeting before the exam/test, but if this is not possible the Chair of Governors can consider the exclusion independently and decide whether or not to reinstate the pupil. Where this happens, parents still have the right to make representations to the governing body).

Where a pupil is excluded from school for a fixed term of more than 5 but not more than 15 school days in a single term, and if requested to do so by the parents, the Behaviour Committee must meet and consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion.

In the case of one or more fixed term exclusions totalling 5 days or less in a school term, the Behaviour Committee must consider any written representations from the parent. They cannot direct reinstatement in this case. For the avoidance of doubt there is no obligation to meet with the parents regarding their representations.

In all exclusion cases, the governing body should comply with the statutory time limits, but are not relieved of their obligation to carry out the relevant duty if they fail to do so. Accordingly, their decision will not be invalid simply on the grounds that it was made out of time.

1. Prior to the meeting

The governing body should invite the parent and Headteacher to the meeting, at a time and place convenient to all parties. The parent can be accompanied by a friend or legal representative at their request. A parent may also invite an LA representative to attend the meeting as an observer but representations can only be made by the LA with the consent of the LGB.

The pupil is also entitled to attend the meeting, and should be encouraged to participate, taking into account their age and understanding.

Any written statements should be requested prior to the meeting. These should be circulated to all parties at least five school days in advance of the meeting, along with a list of those who will be present at the meeting.

Governors should read all the paperwork and prepare relevant questions to assist them in making a decision.

2. Procedure for the meeting

An agenda for Behaviour Committee meetings is set out later in this policy. The meeting should be conducted in line with guidance on natural justice:

- the Headteacher and parents should all enter the room together, at the invitation of the Committee, at the beginning of the meeting;
- parents must not receive any impression that the Headteacher and Committee have discussed the exclusion prior to all parties being invited into the meeting;
- all parties, except the Committee and the clerk, should be asked to leave the room before the Committee discuss their views and make a decision.

Following this procedure ensures that all parties have an opportunity to present their views and ask questions. At the meeting, the Behaviour Committee should consider;

- any representations made by the parent and the pupil;
- whether the Headteacher has complied with the exclusion procedure and has had regard to the Secretary of State's Guidance on Exclusion;
- on the balance of probabilities, has the pupil done what they are accused of;
- whether: allowing him/her to remain in the Academy seriously harms the learning or welfare of the pupil or others in the school;
- the behaviour is a serious breach of the school behaviour policy.
- and finally, in most cases, that a wide range of possible strategies to improve a pupil's behaviour were tried and have failed. Strategies could include the use of a Pastoral Support Programme or an alternative curriculum in the case of a pupil in KS4.

Governors should have particular regard to:

- the needs of children with Special Educational Needs and those with disabilities (refer to the Equality Act 2010);
- the needs of Looked After Children.

3. Governing Body's decision

A checklist for Behaviour Committees is available in the appendices. This should be used when making the final decision for every permanent exclusion.

The Behaviour Committee must inform the parent, Headteacher and the LA of their decision, in writing without delay, preferably within one school day of the meeting, stating their reasons. Where the pupil resides in a different LA, they must also inform the pupils 'home' LA.

A note of the Behaviour Committee's views on the exclusion should be placed on the pupil's school record with copies of relevant papers.

If the Behaviour Committee directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the pupil save that the Committee can direct reinstatement on a particular date.

Where the Behaviour Committee upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to parents. Model letters are contained in the Appendices.

Role of the Clerk to the Behaviour Committee

1. Background

The Behaviour Committee may appoint a Clerk. The Clerk must not be a member of the governing body.

The role of the Clerk is to handle the administrative arrangements for considering exclusions. The Clerk should not have taught the pupil or been involved in any of the incidents involved in the case, and should not contribute to the meeting other than in an administrative capacity. Where possible the Clerk should be experienced in exclusion matters so that the meeting can progress smoothly.

2. Before the Meeting

When the Headteacher notifies the Clerk that s/he has excluded a pupil for more than five days, the Clerk should:

- ensure that the Headteacher's letter of notification has been sent to all relevant parties and that any further information is being prepared;
- set up a meeting of the Behaviour Committee within the timescales (allowing two days for receipt of notification) and formally invite the parents and Headteacher to the meeting at a time and place convenient to all parties;
- obtain written information/statements and circulate to all parties at least five days in advance of the meeting, along with a list of those who will be attending and a copy of the procedure for the meeting (this set out overleaf).

3. At the Meeting

The Clerk should:

- ensure that the Behaviour Committee has all of the information it requires, and that it has appointed a Chair for the meeting;
- invite all other parties in to the meeting at the same time, when the Behaviour Committee has indicated it is ready to begin;
- prepare a written record of the meeting;
- stay with the Behaviour Committee to help them with reference to his/her notes of evidence and in wording their decision;
- record the Behaviour Committee's decision and reasons for it.

Procedure for the Behaviour Committee

1. Before the Meeting

- Election of Chair for meeting (usually the Chair of the Behaviour Committee).
- Confirm arrangements for a clerk to record the meeting (should not take any part in the proceedings).

2. During the Meeting - Agenda

Introductions

The Chair should:

- explain the purpose of the meeting, which will be: to hear any representations the parents and the pupil may wish to make; and for the committee to consider whether or not to reinstate the pupil;
- circulate copies of this procedure; and
- go through the procedure for the meeting as outlined below.

A decision will be made whether or not to include the pupil. The involvement of the pupil in the meeting should be encouraged, unless there are strong reasons for this not to happen.

The Headteacher's Case for Exclusion

The Headteacher will be invited to explain what has happened to lead to his/her decision to exclude the pupil and summarise his/her reasons for it. He/she may ask other relevant colleagues to help explain what has happened.

Questions to the Headteacher from the Parents

The parents and/or friend will be given the opportunity to ask questions of the Headteacher and his/her colleagues.

Questions to the Headteacher from the Committee

The Committee will be given the opportunity to ask questions of the Headteacher and his/her colleagues.

The Parents' Representations/Views

The parents, pupil and/or friend will be invited to present their views concerning the exclusion and any other related matters.

Questions to the Parents from the Headteacher

The Headteacher will be given the opportunity to ask questions of the parents, pupil and/or friend.

Questions to the Parents from the Committee

The governors will be given the opportunity to ask questions of the parents, pupil and/or friend.

Any other related matters

Any other questions

Summary by the Headteacher of the case for exclusion

Summary by the parents of their representations/views

At the end of the Representations Stage of the Meeting

The Chair should explain:

- that there are two possible outcomes from this meeting:
- that the governors direct the Headteacher to reinstate the pupil; or
- that the governors uphold the Headteacher's decision to exclude the pupil;
- that the governors will be the only people involved in the decision making for this meeting.
- that the governors' decision will be communicated to the parents, Headteacher and the Local Authority in writing without delay, preferably within one school day of the meeting and, if applicable, that the governors would be

- prepared to make their decision known verbally prior to this;
- that everyone but the Committee members and the Clerk to the Committee will now be asked to withdraw.

Making the Decision

- The Headteacher, the parent and the pupil may be invited back into the meeting to offer further information and/or clarification. All parties should be invited in together
- The governors should complete the checklist (see appendix 7), in order to determine whether the Headteacher has complied with all of the necessary procedural requirements
- Having completed the checklist, the governors should then make their decision and record their reasons for their decision
- The committee should ensure that the necessary arrangements are made to inform parents, the Headteacher and the Local Authority without delay, preferably within one school day

3. After the Meeting

The Behaviour Committee should;

- inform the parent, the Headteacher and the LA of the decision, in writing without delay, preferably within one school day of the meeting, stating the reasons for the decision. Where the pupil resides in a different LA, they must also inform the pupil's 'home' LA;
- a note of the governing body's views on the exclusion should be placed on the pupil's school record with copies of relevant papers;
- where the Behaviour Committee upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to parents. Model letters are contained in the appendices.

The role of United Learning

The LA does not have a decision-making role in the exclusion process for any school. The Charity Board has delegated this responsibility to each LGB. As part of considering each permanent exclusion, however, the Headteacher must consult fully with the Director or Secondary Academies, United Learning (or delegated executive) before a decision is reached and the case presented to the Behaviour Committee.

It is the Behaviour Committee which has the duty to review the Headteacher's decision to exclude.

Education of excluded pupils

The LA is required to arrange full time educational provision for permanently excluded pupils from the 6th day of a permanent exclusion. Once an Headteacher has decided to permanently exclude a pupil, the LA will arrange to assess the pupil's needs and how to meet them (even though the exclusion might still be overturned by the school governors). The pupil's name will be deleted from the school roll only if:

- (i) the pupil was permanently excluded; and
- (ii) 15 school days have passed since the parents were notified of the Behaviour Committee's decision to uphold the permanent exclusion; or
- (iii) the parents have stated in writing they will not be applying for an independent review panel.

It will be the responsibility of the LA to offer an alternative school place.

Independent Review Panels

Each LGB must take responsibility for setting up and training Independent Review Panels or make arrangements to use the service provided by the Local Authority. Note that the Independent Review Panel is only involved in reviewing permanent exclusions and only if requested by the parent/carers of the excluded pupil, and/or the pupil if over 18

1. Notifying parents

When a permanent exclusion is upheld by the Behaviour Committee, the Committee's decision letter to the parent must state the reasons for the decision, give the last day for lodging a review (within 15 school days) and explain that the grounds for the review should be set out in writing. If a parent does not request a review within the timescales the LGB must reject the application.

2. The timing of the hearing

An independent review panel must meet to consider an exclusion no later than the 15th school day after the day on which the review was requested. However, if necessary, the panel may then decide to adjourn the hearing.

3. Composition of independent Review Panels

Review Panels must consist of 3 or 5 members. One must be a lay member (can be an ex-governor), one must be an Headteacher or was one within the last 5 years (two for panels of 5), and one must be a governor who has served for 12 consecutive months in the last 5 years (two for panels of 5).

Role of the Clerk to the Independent Review Panel

It is strongly advised that the Independent Review Panel has a Clerk. The Clerk, if appointed, provides an independent source of advice on procedures for all parties.

In advance of the independent review panel, whoever is convening the panel must take reasonable steps to find out when the parent and others entitled to attend the hearing would be available in order to ensure that all parties are able to attend. They must also arrange a suitable venue for hearing the independent review panel.

The following are entitled to make written representations, appear and make oral representations and to be represented (including legally):

- the parent (or, if aged over 18, the pupil);
- the Headteacher;
- the governing body;

The LA is entitled to attend if requested to do so by the parent (or pupil if over 18) but only as an observer and may only make representations with the consent of the Academy. The LA is not entitled to legal representation.

The SEN Expert must attend if requested to do so by the parent (or pupil if over 18) but there is no right for this person to be legally represented

The pupil is also entitled to attend the review, but if not attending then their views can be presented through a representative or by written statement.

The clerk should circulate all written evidence to all parties at least 5 working days before the hearing, including information about the parties attending.

Request for an SEN Expert (see Section 9 DFE Exclusion Guidance)

If requested by the parents, the person convening the panel must appoint a SEN expert to attend the independent review panel.

Parents have a right to the above, regardless of whether their child has recognised or identified SEN.

The SEN expert's role is to provide impartial advice to the independent review panel on how special educational needs may be relevant to the exclusion. Including whether school policies in relation to SEN were legally reasonable and procedurally fair, whether the school acted in a legal, reasonable and procedurally fair way with regards to identification of SEN and any contribution that this could have made to the circumstances of the pupils' exclusion.

The SEN expert's role does not include making an assessment of the pupil's special educational needs.

Conduct and role of the independent review panel

It is for the independent review panel to decide how to conduct the proceedings, which should be reasonably formal so that all parties can present their case effectively. The meeting should take a similar form to that of the Behaviour Committee meeting.

The role of the panel is to review the Behaviour Committee's decision not to reinstate a permanently excluded pupil. The panel must take account of the circumstances of the excluded pupil and all others in the school. The panel must apply the civil standard of proof (the balance of probabilities).

1. Reaching a decision

Information on what the panel should consider when coming to their decision can be found in section 9 of the DFE Guidance on exclusions.

2. The decision

An independent review panel can decide to:

- uphold the governing body's decision;
- recommend that the governing body reconsiders reinstatement; or
- quash the decision and direct that the governing body reconsiders reinstatement.

The panel's decision can be decided by a majority vote. The panel can request that a copy of the decision letter is placed on the pupil's record and the school must comply with this request.

The panel may only quash a decision and direct reconsideration where it considers that the exclusion was flawed when considered in the light of the principles applicable on an application for judicial review; illegality, irrationality and procedural impropriety.

3. Financial Penalties

Where a panel directs a governing body to reconsider an exclusion it has the power to order that a readjustment of the Academy budget be made if the governing body does not offer to reinstate the pupil within 10 school days of receiving notification. The sum of this adjustment must be £4000, payable within 28 days, and will be in addition to other monies that follow permanently excluded pupils.

4. Reconvening a Behaviour Committee

If the independent review panel directs or recommends that the governing body reconsider the exclusion, the governing body must meet to reconsider within 10 school days of notification.

Where a governing body has reconsidered an exclusion decision it must inform the relevant person, the Headteacher and the LA of its reconsidered decision and the reasons for it without delay.

5. After the independent review panel

The independent review panel is independent. Its decision is binding on the parent, the LGB and the Headteacher. The panel cannot revisit its decision once made.

The panel must let all parties know its decision without delay. The decision letter should give the panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

If the independent review panel upholds the permanent exclusion, the Clerk should immediately report this to the LA. If the pupil is of compulsory school age, it is for the LA in whose area the pupil lives to make arrangements as quickly as possible for the pupil to continue in suitable full-time education. If the pupil lives outside the area of the LA, the Clerk should make sure that the home LA is also informed immediately of the position.

Where the exclusion is upheld the Clerk should also advise the parent to contact the appropriate person at the home LA about arrangements for their child's continuing education. The Headteacher should remove the pupil's name from the school roll the day after the conclusion of the independent review panel.

6. Remedies after the independent review panel

A parent can complain to the Secretary of State via the Education and Skills Funding Agency at the Department for Education.

7. Judicial review

Decisions of both governing bodies and independent Review Panels can be subject to judicial review.

8. Claims of Discrimination in relation to exclusion

Parents can also apply to the first-tier tribunal to hear cases of alleged disability discrimination, in addition to their current right to apply to a County Court to hear other cases of discrimination under the Equality Act 2010. The first-tier Tribunal will be able to direct reinstatement.

Appendix 2 Examples of Misconduct that May Lead to Permanent Exclusion

A note of examples of misconduct is set out below. This list is intended to show examples only and is not intended to be exhaustive;

- a serious breach of safety requirements likely to endanger other people or yourself, or to cause damage to Academy property;
- unauthorised use of or supply of alcohol or drugs within the Academy premises or whilst in the company of teachers, pupils or parents of pupils or during any extra-curricular activities organised by the Academy at any time;
- unauthorised removal of Academy property;
- stealing from the Academy, employees of the Academy, or from pupils and other serious and deliberate offences of dishonesty;
- intentional damage to property;
- abuse of the Academy's computer system and of the internet and non-compliance with any policy issued by the Academy addressing these matters specifically;
- sexual misconduct, abuse or assault;
- serious actual or threatened violence, physical assault or fighting against another pupil or member of staff or worker in the Academy;
- carrying an offensive weapon;
- bullying and/or harassment including racial, sexual or homophobic harassment;
- willful defiance of the properly exercised authority of the Academy and its staff;
- bringing the Academy into disrepute or acting in a manner deliberately to undermine the Academy's principles or ethos to the detriment of pupils and staff.