

HARBOURSIDE LEARNING *Partnership*

Partnership-wide Policy for Behaviour Management and Exclusions

Committee:	Achievement & Standards
Policy Ratified:	03 July 2018
Review Date:	July 2021

Additional School Procedure	
Committee:	
Procedure Adopted:	
Review Date:	



Harbourside Learning Partnership

Partnership-wide policy for Behaviour Management and Exclusions

Other associated policies and documentation:

- Attendance Policy
- Public Sector Equality Duty Policy
- Safeguarding and Child Protection Policy and Procedures
- School-specific Behaviour and Anti Bullying Policies
- Sex and Relationships Policy

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1. Section A: General principles and requirements

1.1 Harbourside Learning Partnership values the diversity of its schools. Each school is unique and retains its individual identity through such things as its uniform, ethos and, where relevant, Christian Distinctiveness. Each school retains its own Local Governing Body and has the autonomy to develop its provision to meet the needs of its pupils and their families. The nature of this relationship between the Partnership and its schools is expressed through many of the policies and procedures and this is especially the case with pupil behaviour. It is recognised that each school will develop its own specific arrangements for promoting positive pupil behaviour and addressing poor behaviour in order to promote successful learning.

1.2 The following sets out the Partnership-wide principles and arrangements which will underpin school policies, alongside the relevant legal requirements.

1.3 Each school's local arrangements for managing pupil behaviour will be described within the school-specific Behaviour Policy. Whilst each school's Behaviour Policy will be different, the following key principles will be evident in each of them:

- The promotion of positive behaviour and the elimination of poor behaviour are essential foundations for the promotion of effective learning for all pupils.
- Pupils are treated with dignity and respect and protected from humiliation, as required by Article 28 of the United Nations Convention on the Rights of the Child (UNCRC).
- All members of the school community are considered to be of ultimate significance in their own right. In schools of religious character, this will be expressed through the belief that each is a unique and individual child of God, created and loved and of infinite value.
- Pupils have the right to relax and play (Article 31, UNCRC).
- Pupils are taught to respect diversity and to value the rights of all other people.
- Appropriate pupil behaviour arises from surrounding pupils with positive influences and examples: respectful and positive relationships, praise, positive recognition, encouragement and reward.
- Pupils will be taught to make appropriate choices and to understand that the choices they make affect themselves and others.
- Clear and transparent rules are implemented to ensure that a busy school runs in an orderly manner.
- Sanctions are in place to manage inappropriate behaviour and such sanctions are clear and transparent and proportionate.
- Restorative justice - reconciliation and repair - will sit at the heart of resolving conflict between pupils.
- Parents and carers will be actively engaged in all matters concerning the behaviour of their child at school.

1.4 Schools within Harbourside Learning Partnership are required under the *Education (Independent School Standards) (England) Regulations 2014* (also applicable to academies) to promote good behaviour amongst pupils through:

- Ensuring that a written Behaviour Policy is drawn up that, amongst other matters, sets out the sanctions to be adopted in the event of pupil misbehaviour.
- Ensuring that the policy is implemented effectively.
- Keeping a record of the sanctions imposed upon pupils for serious misbehaviour.

1.5 The conditions of the Regulations also require that bullying is prevented in so far as reasonably practicable, by the drawing up and implementation of an effective anti-bullying strategy.

1.6 Each HLP school will make its Anti-bullying Policy available on its website.

2. Equal Opportunities

2.1 The Trust Board, Local Governors and Headteachers will ensure that any actions taken under this policy will be in accordance with the trust's equal opportunity policies and procedures; the trust is committed to proactively prevent discrimination.

3. Monitoring and Review

3.1 The Trust Board will review these partnership-wide principles for behaviour management (including exclusions) every three years or earlier if required.

4. Section B: Responsibilities

4.1 Trust Board

- To establish partnership-wide principles for behaviour management including exclusions which sets out the trust's principles alongside the legal framework.
- To arrange an Independent Review Panel hearing to review the decision of a Local Governing Body not to reinstate a permanently excluded pupil should such a situation arise.

4.2 Local Governing Body

- To establish school-specific policies which reflect the Trust's principles and the school's ethos along with the legal requirements and which are published on the school's website.
- To monitor the effectiveness of the school's policies and procedures.
- To create an Exclusions Committee to review exclusions and consider any representations from parents / carers as outlined within this policy.

4.3 Headteacher

4.3.1 The Headteacher's role is to determine the detailed procedures required to achieve the standard of behaviour expected and to ensure that agreed policies are applied consistently. The Headteacher has the day-to-day responsibility for maintaining discipline in the school, which will include establishing rules and provision for enforcing them. The Headteacher is expected to:

- Ensure that staffing arrangements are appropriate and sufficient to enable the school to appropriately support its pupils and maintain high standards of behaviour.
- Promote self-discipline and proper regard for authority among pupils.
- Encourage good behaviour and respect for others and to prevent all forms of bullying and discrimination.
- Secure that the standard of behaviour is acceptable.
- Otherwise regulate the conduct of pupils.
- Ensure that appropriate and robust arrangements and procedures exist which will enable these aims to be met.
- Report to Local Governing Body at least annually concerning the implementation and effectiveness of the school's Behaviour Policy.

4.4 All Staff and Volunteers

4.4.1 All staff are expected to model and encourage good behaviour and respect for others and to apply all rewards and sanctions fairly and consistently. Well-planned, engaging and appropriately challenging lessons have a significant impact on pupil behaviour. All staff are expected to be role models of good behaviour and to promote self-discipline amongst pupils as well as deal with any unacceptable behaviour in accordance with these principles and the school's policy.

5. Section C: Principles for promoting positive behaviour

5.1 Each school's Behaviour Policy will be communicated to all parents and carers at the point where a child joins the school and frequently thereafter through updates as required for example through the schools' routine newsletters and other established communication means. HLP schools will ensure that all members of the school community - both pupils and adults - fully understand the school's Behaviour Policy. Schools will publish their school-specific Behaviour Policy on their website in accordance with the *School Information (England) Regulations 2008*; although this is not strictly a requirement for academies, HLP considers it to be best practice.

5.2 The power to discipline applies to all paid staff with responsibility for pupils at HLP schools. This power extends to adult volunteers, albeit under the guidance of paid staff. Discipline can only be exerted on the school premises or elsewhere when the pupil is under the lawful control of the staff member.

5.3 It is expected that each school in HLP will be a place where:

- All individuals are respected and their individuality valued.
- Pupils are encouraged to achieve.
- Good behaviour is acknowledged by all as a foundation of effective learning
- Self-discipline is promoted and good behaviour is the norm.
- Bullying and all forms of discrimination are actively discouraged.
- Assigned work is completed to the pupil's best endeavour and in a timely manner.
- Where rewards and sanctions are applied fairly and consistently.

5.4 In pursuit of these aims, each HLP school will manage pupil behaviour through application of the principles and arrangements set out in this policy as well as in its own school-specific Behaviour Policy and other associated policies including Anti Bullying.

5.5 HLP schools will promote high standards and will not tolerate bullying or any other anti-social behaviour that disrupts the learning and wellbeing of the school community. HLP acknowledges that behaviour and discipline issues may signal complex social underlying causes, which schools will take into account and endeavour to counter.

6. Rewards and sanctions

6.1 Sanctions may be imposed as punishments but it is also important to see them as an encouragement to pupils to take responsibility for their actions. They should understand that forgiveness and restoration are always available to them.

6.2 Each school's Behaviour Policy will outline the school's rewards and sanctions. Staff will apply these fairly and consistently. Positive behaviour from individual pupils as well as groups such as classes and year groups will be recognised and rewarded.

6.3 Teachers have statutory authority to discipline pupils whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction. Staff, pupils and parents will be made aware of the well-established and clear sanctions in place. Sanctions are to be consistently and fairly applied in line with the school's Behaviour Policy. Sanctions imposed may vary according to age and circumstance and will be proportionate to the offence; they should be as constructive as possible and enable pupils to make reparation where possible.

7. Bullying

7.1 HLP schools seek to ensure a positive, inclusive culture in which all members of the school community have respect for one another. Bullying is tackled proactively and each school's arrangements for the prevention of bullying and the ways in which it is addressed when it does occur can be found in the school's Anti-Bullying policy.

8. Banned Items

8.1 It is a legal requirement for schools to list items which are banned from the school premises. The DfE defines prohibited items as:

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any article that the member of staff reasonably suspects has been, or is likely to be, used:
 - To commit an offence, or
 - To cause personal injury to, or damage to the property of, any person (including the pupil).

8.2 All schools within HLP will ban those items defined as prohibited by the DfE. Any other items banned by an individual schools will be identified in the school-specific policy. On occasion, a school may find it appropriate to temporarily ban items due to ongoing minor disputes between pupils. In such cases, temporarily banned items will always be clearly communicated to pupils, staff and parents.

9. Reasonable force

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

between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom.

9.2 'Reasonable' means using no more force than is warranted and only in situations where it is required. HLP recognises that all school staff have a legal power to use reasonable force in relevant situations (as do volunteers or parents who have temporarily been put in charge of pupils) such as to prevent pupils committing an offence, injuring themselves or others, or damaging property, to conduct a search and to maintain good order and discipline in the classroom. However, the primary aim in all HLP schools is to consistently promote a positive culture and ethos. School staff will use de-escalation techniques and alternative strategies specific to the individual needs of children. Reasonable force would only ever be used in strict accordance with the legislative framework. Further details can be found in the DfE publication 'Use of reasonable force: Advice for Headteachers, Staff and Governing Bodies' (July 2013). Each school's Behaviour Policy includes the power to use reasonable force, including the circumstances in which force might be used. Any such incidents involving the use of reasonable force are recorded by the school using the form provided as an appendix in HLP's 'Safeguarding and Child Protection Policy and Procedures'. All such incidents are reported to parents. Given the additional vulnerability of the group, due regard will be paid to the use of reasonable force on pupils who have special educational needs or disabilities and those with emotional and behavioural difficulties.

9.3 Members of staff are not expected to put themselves at risk. Those staff who are more likely to need to use reasonable force will be provided with appropriate training which will be detailed in the school's Behaviour Policy.

10. The power to discipline beyond the gates

10.1 Pupils can be disciplined beyond the school gates to such an extent as is reasonable. This may for example be in relation to poor behaviour which brings the school's reputation into disrepute and which has been witnessed by a staff member or otherwise reported to the school. In such situations, school staff will liaise with parents and carers.

11. Isolation and seclusion

11.1 The use of an isolated space for disruptive pupils can be an appropriate sanction in response to some examples of poor behaviour. Schools' behaviour policies will outline how and when such a strategy might be used. It will be based on clear and reasonable rules and duration. The exit of the pupil from the isolated space will only be denied under exceptional circumstances such as when the pupil's exit may lead to a dangerous situation. Health and safety and safeguarding considerations will be taken into account and the time in isolation utilised constructively.

12. Engaging with staff and pupils

12.1 The effectiveness of each school's behaviour policy and procedures will be discussed regularly and as required with staff. Staff will be directly involved in discussions around the behaviour of specific pupils where there may be concerns and they will be actively engaged in the drawing up of individual behaviour and support plans. Staff will be provided with appropriate training regarding behaviour management as required.

12.2 Article 12 of the UN Convention on the Rights of the Child allows children who are capable of forming views the right to express those views. The School Council is a mechanism through which schools can engage pupils directly in the process of reviewing the behaviour policy and procedures. Where appropriate, individual pupils will be part of any discussions related to the formulation of individual behaviour and support plans.

13. Allegations against a member of staff which are found to be malicious

13.1 The Trust's 'Procedural policy for dealing with allegations of abuse (of a child) made against a member of staff' states:

- 17.2 If the allegation is found to be unsubstantiated or malicious the LADO should refer the matter to the Children's Social Care Services to determine whether the child concerned is in need of services, or may have been abused by someone else.
- 17.3 If an allegation is shown to be deliberately invented or malicious, the Headteacher and/or the Local Governing Body should consider whether any disciplinary action against the child who made it should be taken, or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a pupil

14. Section D: Principles and arrangements for exclusions

14.1 HLP schools will follow the procedures within the Department for Education (DfE)'s guidance [Exclusion from Maintained Schools, Academies and Pupil Referral Units in England](#).

14.2 HLP school communities are committed to achieving the following:

1. To ensure the safety and well-being of all members of the school community whilst maintaining an appropriate education environment in which all can learn and succeed.
2. To avoid as far as possible the need to use exclusion as a sanction.

14.3 The overriding principle is that HLP schools will always try to avoid fixed term and permanent exclusions and will endeavour to keep pupils in public care in school if at all possible because they are particularly vulnerable. Wherever necessary, a multiagency approach will be used to find solutions other than exclusion. It is recognised that poor behaviour can be indicative of other issues and HLP schools will seek to understand the cause of poor behaviour and aim to provide the necessary support. Exclusion should only be considered as a 'last resort' option. Fixed term exclusions will be set for the shortest possible period of time. Where a child may be excluded more than once, it may be that the duration of fixed term exclusions increase; it will be exceptional for a first fixed term exclusion to be set for the longest possible duration or for a permanent exclusion to be issued immediately. Rather, exclusion should be only after the school has used other strategies to try to resolve the problem.

14.4 The decision to exclude a pupil might be taken in the following circumstances:

- In response to a serious breach of the school's Behaviour Policy.
- If allowing the pupil to remain in school would seriously harm the education or welfare of other persons or the pupil him/herself in the school.

14.5 The behaviours which may lead an HLP school to consider exclusion as a sanction are varied but may include:

- Verbal or physical abuse to staff, pupils and others
- Indecent behaviour
- Wilful damage to property
- Misuse of or supplying illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Carrying an offensive weapon
- Arson

- Repeated unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour

14.6 Only the Headteacher can exclude a pupil. Pupils may be excluded for one or more fixed periods or permanently.

14.7 Although a disruptive pupil may be excluded from an HLP school site for the duration of the lunch break, it is expected that lunchtime exclusions will not continue for any great length of time and that other solutions will be explored.

14.8 HLP Schools will ensure that they do not discriminate against pupils in relation to exclusion under the *Equality Act 2010*. The permanent exclusion of pupils with special educational needs or disabilities is discouraged, except in exceptional circumstances.

15. Alternatives to exclusion

15.1 Before resorting to exclusion, schools will always try alternative solutions. For example:

- A restorative justice process, whereby the harm caused to the 'victim' can be redressed;
- Internal exclusion (removal from class, but not the site);
- A managed move to another location;
- Part-time or temporary attendance at a PRU; and
- Use of key workers from the school or outside agencies or reference to support services.
- Where a school places a pupil with an alternative provision provider, the school continues to be responsible for the safeguarding of that pupil, and should be satisfied that the provider meets the needs of the pupil. Schools will obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the school would otherwise perform in respect of its own staff.

16. Fixed Periods

16.1 Pupils can be excluded for one or more fixed-term periods not exceeding 45 school days in any one school year. A decision to exclude a pupil permanently will only be taken as a last resort when a wide range of strategies for dealing with disciplinary offences has been employed to no avail or if an exceptional 'one-off' offence has been committed.

17. Inappropriate Exclusion

17.1 HLP schools will not see exclusion as appropriate in the following cases:

- Minor breaches of discipline;
- Poor academic performance;
- Truancy or lateness;
- Pregnancy;
- Non-compliance with uniform regulations (including the wearing of jewellery and extreme hairstyles) (except where these are persistent and in open defiance of the rules); and
- In response to the (unacceptable) behaviour/attitude/conduct of a pupil's parents.

18. Parental Engagement

18.1 HLP schools will always work closely with families and, where a pupil is identified as being at risk of exclusion owing to a pattern of challenging behaviour, HLP would expect that parents are engaged early in the ongoing endeavours to improve the pupils' behaviour. Through working with families in this way, exclusion should rarely be a surprise outcome. Where a parent refuses to abide by the terms of a fixed-term exclusion, for example by refusing to collect the child, the school will continue to be responsible for the pupil's welfare until alternative arrangements can be made.

19. Review and Appeal Procedures

19.1 Each school's Local Governing Body will form an Exclusions Committee. This committee will promptly review all fixed-term exclusions of over 15 days in total in a school term, or if the pupil were to miss a public examination, as well as all permanent exclusions

19.2 Arrangements must also be in place to review fixed-term exclusions over five days but not more than 15 days if the parent has asked to make representations. Exclusions for fewer than five days cannot be over-turned but must be reported and parental concerns may be considered when this is done.

19.3 Parents are entitled to appeal to the Local Governors' Exclusions Committee against any exclusion and this entitlement will be made clear to parents when they receive notification of their child's exclusion. A letter stating the intention to appeal should be sent to the Local Governing Body's Clerk at the school. A hearing will be set up as quickly as possible, but within 10 days at the latest. The decision of the Exclusions Committee is final.

19.4 If applied for by parents within the legal time frame, the Trust Board will arrange for an Independent Review Panel hearing to review the decision of the Local Governing Body not to reinstate a permanently excluded pupil. Any application made outside of the legal time frame will be rejected. The legal time frame is:

- Within 15 school days of notice being given to the parents by the Local Governing Body of their decision to uphold a permanent exclusion; or
- Where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the *Equality Act 2010* in relation to the exclusion.

19.5 The review must begin within 15 school days of the day on which the Trust Board received the parent's application for a review. The Trust will take reasonable steps to identify a date for the review that all parties are able to attend.

19.6 The Trust Board will strictly follow the DfE's statutory guidance [Exclusion from Maintained Schools, Academies and Pupil Referral Units in England](#), and the Independent Review Panel will be formed using this guidance.

20. Reporting exclusions

20.1 Detailed guidance related to reporting requirements can be found in the DfE's statutory guidance [Exclusion from Maintained Schools, Academies and Pupil Referral Units in England](#). In summary, Headteachers are legally required to notify parents without delay of the decision to exclude a child along with the reasons for the decision to exclude. Model letters are provided for this purpose. Headteachers are also legally required to notify the Local Governing Body and the Local Authority. Schools in HLP must also ensure that the Trust CEO is notified at the same time as the Local Authority. A template is provided for schools to report exclusions to the Local Authority and CEO.