

Shoreham Beach Primary School



Behaviour Policy

Revised: September 2021

Next revision: Sept. 2022

BEHAVIOUR POLICY FOR SHOREHAM BEACH PRIMARY SCHOOL

Aim of this Policy:

To provide an accessible and easily understood statement of expectation of behaviour for pupils, staff, parents and the wider community.

Legal framework

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

- Education Act 1996
- Education Act 2002
- Equality Act 2010
- Education and Inspections Act 2006
- Health Act 2006
- Voyeurism (Offences) Act 2019
- The School Information (England) Regulations 2008
- DfE (2016) 'Behaviour and discipline in schools'
- DfE (2021) 'Keeping pupilren safe in education 2021'
- DfE (2021) 'Sexual violence and sexual harassment between pupilren in schools and colleges'
- DfE (2018) 'Mental health and behaviour in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2013) 'Use of reasonable force'
- DfE (2018) 'Searching, screening and confiscation'

As a school we aim to:

- create an environment which is positive and flexible and which acknowledges that the pupilren are individuals.
- create surroundings which promote a sense of security and well being.
- create an environment in which we openly talk about problems.
- have a Junior Governors and School Council as part of our culture which emphasises the need for pupilren to take responsibility and have a voice that will be heard.
- praise and celebrate the pupilren's positive behaviour.
- to create a safe, understanding environment for the re-integration of pupilren back into school (Covid-19) – see section below, page 7.

To help reduce the likelihood of behavioural issues related to social, emotional or mental health (SEMH), the school aims to create a safe and calm environment in which positive mental health

and wellbeing are promoted and pupils are taught to be resilient. The school aims to promote resilience as part of a whole-school approach using the following methods:

- **Culture, ethos and environment** – the health and wellbeing of pupils and staff is promoted through the informal curriculum, including leadership practice, policies, values and attitudes, alongside the social and physical environment
- **Teaching** – the curriculum is used to develop pupils' knowledge about health and wellbeing
- **Community engagement** – the school proactively engages with parents, outside agencies and the wider community to promote consistent support for pupils' health and wellbeing

Where vulnerable pupils or groups are identified, provision will be made to support and promote their positive mental health. The school's Social, Emotional and Mental Health (SEMH) Policy outlines the specific procedures that will be used to assess these pupils for any SEMH-related difficulties that could affect their behaviour.

School Values

These school values set out the core rule base of the school, are displayed in each classroom, are used as assembly themes and form the basis of our discussions on behaviour.

Respect – each other as people and their rights, one another's work, views, efforts and property

Enjoyment – try to enjoy all opportunities and respect the rights of others to do the same

Acceptance – be accepting of others differences and opinions

Confidence – attempt all challenges with confidence and allow others' confidence to develop

Honesty – always be honest, it is usually best to tell the truth

The headteacher (DV) is responsible for:

- The monitoring and implementation of this policy and of the behaviour procedures at the school. This includes the policy's effectiveness in addressing any SEMH-related drivers of poor behaviour.
- Establishing the standard of behaviour expected by pupils at the school.
- Determining the school rules and any disciplinary sanctions for breaking the rules.
- The day-to-day implementation of this policy.
- Publishing this policy and making it available to staff, parents and pupils at least once a year.
- Reporting to the governing board on the implementation of this policy, including its effectiveness in addressing any SEMH-related issues that could be driving disruptive behaviour.

The Mental Health Lead (SE) is responsible for:

- Overseeing the whole-school approach to mental health, including how this is reflected in this policy, how staff are supported with managing pupils with SEMH-related behavioural

difficulties, and how the school engages pupils and parents with regards to the behaviour of pupils with SEMH difficulties.

- Supporting behaviour management in line with the Social, Emotional and Mental Health (SEMH) Policy.

The SENCO (SB) is responsible for:

- Collaborating with the governing board, headteacher and the mental health lead, as part of the SLT, to determine the strategic development of behavioural and SEMH policies and provisions in the school.
- Undertaking day-to-day responsibilities for the successful operation of the behavioural and SEMH policies to support pupils with SEND, in line with the school's Special Educational Needs and Disabilities (SEND) Policy.
- Supporting teachers in the further assessment of a pupil's strengths and areas for improvement and advising on the effective implementation of support.

Teaching staff are responsible for:

- Planning and reviewing support for pupils with behavioural difficulties in collaboration with parents, the SENCO and, where appropriate, the pupils themselves.
- Aiming to teach all pupils the full curriculum, whatever their prior attainment.
- Planning lessons to address potential areas of difficulty to ensure that there are no barriers to every pupil achieving their full potential, and that every pupil with behavioural difficulties will be able to study the full national curriculum.
- Being responsible and accountable for the progress and development of the pupils in their class.

All members of staff, including teaching and support staff, and volunteers are responsible for:

- Adhering to this policy.
- Supporting pupils in adhering to this policy.
- Promoting a supportive and high-quality learning environment.
- Modelling high levels of behaviour.
- Being aware of the signs of behavioural difficulties.
- Setting high expectations for every pupil.
- Being aware of the needs, outcomes sought, and support provided to any pupils with specific behavioural needs.
- Keeping the relevant figures of authority up-to-date with any changes in behaviour. The relevant figures of authority include:
 - SENCO.
 - Headteacher.
 - Subject leader.
- As authorised by the headteacher, disciplining pupils who display poor levels of behaviour. This responsibility includes the power to discipline pupils even when they are not in school or in the charge of a member of staff.

Adults are expected to:

- create a safe environment for pupils to express their views

- praise and encourage pupils in all ways for positive behaviour, good social skills, work well done, etc
- find opportunities to share success
- liaise frequently with parents
- use every opportunity to promote pupils' self-esteem and confidence
- value contributions from home and community
- listen to pupil's views and respect their opinions
- be a model for pupils by explicitly living the school values, 'REACH'
- ensure the school is tidy and free from clutter

Pupils are responsible for:

- always walk inside the school building
- be independent in getting out and putting away their resources
- try their best
- be truthful
- follow their own class rules
- keep the classroom and playgrounds free from litter
- stay with their teacher until the person who is to collect them arrives (YR-2)
- their own behaviour both inside school and out in the wider community.
- reporting any unacceptable behaviour to a member of staff.

Parents are expected to:

- monitor safeguarding practices
- encourage pupils to be independent in taking care of their belongings
- encourage pupils to talk to an adult in school if they have a problem
- support pupils with home/school activities
- praise pupil's work/behaviour and encourage them in their learning
- make appointments for consultations evenings and contribute to the parents' section of their pupil's school report
- talk to the class teacher initially if there is a concern regarding their pupil
- never openly criticise other pupils/their families or staff
- ensure regular attendance and inform the school if pupil are unable to attend
- be aware of safety and therefore not park outside school in places that puts anyone at risk
- tell a teacher or the head of any concerns/problems we may encounter when helping in school
- Supporting their pupil in adhering to the school rules.
- Informing the school of any changes in circumstances which may affect their pupil's behaviour.

Governors are expected to:

- act for the benefits of the pupils
- be impartial and ensure they keep paramount the concern for pupils and staff
- form a close working partnership with the school and the rest of Shoreham Beach community
- seek the views of parents on important issues/developments
- support and promote the work of the school and build on its successes
- advise and oversee the work of the school
- make policy and set priorities, giving the Headteacher scope to implement them
- monitor health and safety issues at the school
- represent the views of the community to the school and of the school to the community
- treat as confidential any matter concerning the personal circumstances or welfare of an individual pupil, parent or member of staff
- promote the complaints procedure and encourage parents to use it if necessary

- not make public critical remarks about any aspect of the school in the interests of good management, courtesy and fair play

Rewards and Sanctions

Our positive behaviour policy is built on the appropriate use of rewards. Rewards are many and various and include verbal praise, stickers and certificates.

The behaviour management of all pupils in the school is the responsibility of all adults.

All classes throughout the school will have a similar tripartite system of 'traffic lights'. All pupils begin the day on green and move to amber or red if they choose inappropriate behaviour.

However if a pupil persists in poor behaviour in the classroom, it is important that they are taught to recognise that their behaviour choices lead to consequences.

1. Pupils who misbehave will be reminded that their behaviour is unacceptable (first warning) and will be reminded how to behave appropriately.
2. If the inappropriate behaviour continues, the pupil's name/picture will be moved to amber. At all times, the inappropriate behaviour is referred to rather than the pupil.
3. If the pupil's behaviour remains inappropriate after a further warning they will be moved to red. They will lose 5 minutes of their playtime.

At any time during the process and throughout the day the pupil can move back up to amber/green for behaving appropriately.

Inappropriate behaviour in the playground will result in the pupil having 'time out' in the playground. More serious incidents will result in the pupil being sent inside to miss the rest of their playtime. These incidents will be referred first to the class teacher, then to the AHT and on the third occurrence will result in outside playtime being withdrawn for a fixed period.

The Headteacher will become involved with any persistent poor behaviour (3 recorded incidents). At this point the parents may be invited into school to discuss the issues and positive strategies to improve the behaviour.

An individual behaviour programme/s targeting a specific behaviour may be devised and any improvement rewarded.

The Headteacher will continue to meet with parents, as appropriate, if the behaviour continues to be challenging. Further advice may be sought from the Behaviour Support Team.

Reference needs to be made to the Restraint guidelines in dealing with pupilren who need to be physically removed from the classroom or playground - Appendix 2.

Learning Behaviour

As a school, we promote good learning behaviour. This is through praise, stickers, merit points, certificates, etc. Where a pupil under performs due to lack of good leaning behaviour, and not due to any difficulties the pupil may have with the work, this may incur extra time for the pupil to complete a piece of work or improve a piece of work at a lunchtime. This extra time will take place either in the classroom with the teacher or at the blue tables in the main corridor. This

extra time will only be for a short period as we recognise the importance of pupils having the opportunity of playing with peers and 'letting off steam'.

Serious Concerns

We have agreed that the following aspects of behaviour at our school should be considered serious.

- deliberately hurting another person
- swearing and offensive language
- ignoring adults and not doing what they have been told
- persistently disturbing other's learning
- damaging other's work or property

Positive teacher-pupil relationships

Positive teacher-pupil relationships are key to combatting unacceptable behaviour. The school focusses heavily on forming these relationships to allow teachers to understand their pupils and create a strong foundation from which behavioural change can take place.

De-escalation strategies

Where negative behaviour is present, staff members will implement de-escalation strategies to diffuse the situation. This includes:

- Appearing calm and using a modulated, low tone of voice
- Using simple, direct language.
- Avoiding being defensive, e.g. if comments or insults are directed at the staff member.
- Providing adequate personal space and not blocking a pupil's escape route.
- Showing open, accepting body language, e.g. not standing with their arms crossed.
- Reassuring the pupil and creating an outcome goal.
- Identifying any points of agreement to build a rapport.
- Offering the pupil a face-saving route out of confrontation, e.g. that if they stop the behaviour, then the consequences will be lessened.
- Rephrasing requests made up of negative words with positive phrases, e.g. "if you don't return to your seat, I won't help you with your work" becomes "if you return to your seat, I can help you with your work".

Physical intervention

In line with the school's Positive Handling Policy, trained members of staff have the legal right to use reasonable force to prevent pupils from committing an offence, injuring themselves or others, or damaging school property, and to maintain good order and discipline in the classroom.

Physical restraint will only be used as a last resort and as a method of restraint. Staff members will use their professional judgement of the incident to decide whether physical intervention is necessary.

Wherever possible, staff will ensure that a second member of staff is present to witness the physical intervention used. After an instance of physical intervention, the pupil will be immediately taken to the headteacher and the pupil's parent will be contacted – parents may be asked to collect the pupil and take them home for the rest of the day.

Any violent or threatening behaviour will not be tolerated by the school and may result in a fixed-term exclusion in the first instance. It is at the discretion of the headteacher as to what behaviour constitutes for an exclusion.

When using reasonable force in response to risks presented by incidents involving pupils with SEND or medical conditions, the school will recognise and consider the vulnerability of these groups.

Recording behaviour concerns

Behaviour concerns (and welfare concerns) will be recorded on Cpoms – an electronic form of recording. The records on Cpoms will be monitored by the DSLs.

Sexual abuse and discrimination

The school prohibits all forms of sexual abuse and discrimination, including sexual harassment, gender-based bullying and sexual violence. The school will respond promptly and appropriately to any sexual harassment complaints in line with the Child Protection and Safeguarding Policy; appropriate steps will be taken to stop the harassment and prevent any reoccurrence. Discipline for incidents of sexual harassment will be determined based on the nature of the case, the ages of those involved and any previous related incidents.

Prohibited items, searching pupils and confiscation

Headteachers and staff authorised by them have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. The prohibited items are:

- 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 any person, including the pupil themselves; or
 - To damage the property of any person, including the pupil themselves.

All members of staff can use their power to search without consent for any of the items listed above.

The headteacher and other authorised members of staff are permitted to use reasonable force when conducting a search without consent for certain prohibited items.

Classroom

Teachers employ strategic seating arrangements to prevent poor behaviour and enable it to be noticed early, such as:

- Seating those who frequently model poor behaviour closest to, and facing, the teacher.
- Seating those who frequently model poor behaviour away from each other.
- Ensuring the teacher can see pupils' faces, that pupils can see one another, and that they can see the board.
- Ensuring the teacher can move around the room so that behaviour can be monitored effectively.

Praise and rewards

The school recognises that praise is key to making pupils feel valued and ensuring that their work and efforts are celebrated. Whilst it is important to receive praise from teachers, the school understands that peer praise is also effective for creating a positive, fun and supportive environment. Teachers encourage pupils to praise one another, and praise another pupil to the teacher, if they see them modelling good behaviour.

As with praise, the school understands that providing rewards after certain behaviour means that pupils are more likely to model the same behaviour again. For rewards to be effective, the school recognises that they need to be:

Immediate – immediately rewarded following good behaviour.

Consistent – consistently rewarded to maintain the behaviour.

Achievable – keeping rewards achievable to maintain attention and motivation.

Fair – making sure all pupils are fairly rewarded.

Behaviour off school premises

Pupils at the school must agree to represent the school in a positive manner; particularly if the pupil is dressed in school uniform.

Staff can discipline pupils for misbehaviour outside of the school premises when the pupil is:

- Wearing school uniform.
- Travelling to or from school.
- Taking part in any school-related activity.
- In any way identifiable as being a pupil at the school.

Staff may also discipline pupils for misbehaviour off the school premises that, irrespective of the above:

- Could negatively affect the reputation of the school.
- Could pose a threat to another pupil, a member of staff at the school, or a member of the public.
- Could disrupt the orderly running of the school.

Any bullying witnessed outside of the school premises and reported to a member of staff, will be dealt with in accordance with the school's Anti-Bullying Policy.

The school will impose the same sanctions for bullying incidents and non-criminal misbehaviour witnessed outside of the school premises as would be imposed for the same behaviour conducted on school premises. In all cases of unacceptable behaviour outside of the school premises, staff will only impose sanctions once the pupil has returned to the school premises or when under the supervision of a member of staff.

Complaints from members of the public about the behaviour of pupils from the school are taken very seriously.

Exclusions

For more detailed information on exclusion procedures, please refer to the Exclusion Policy. Below is only an outline of exclusion procedures.

(Ref. DofE Exclusion from maintained schools, Academies and pupil referral units in England – 2013)

The governing body will be informed of any permanent exclusions and will be involved in all appeals.

A decision to exclude a pupil for a fixed period should be taken in response to breaches of the school's behaviour policy where these are not serious enough to warrant permanent exclusion and lesser sanctions are not appropriate. A thorough investigation should first be carried out considering all the evidence and allowing the pupil concerned to give their version of events. Exclusion is the only route to removing pupils from school if they have committed a disciplinary offence. Pupils cannot be sent home to 'cool off' even with parental cooperation.

A decision to exclude a pupil permanently should be taken only

- in response to serious breaches (see below) of the school's behaviour policy; and
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. Permanent exclusion will usually be the final step in the disciplinary process.

There are 2 types of exclusion:

- **Fixed period exclusion**

These exclusions are usually for a short period. This can include lunchtimes (each lunchtime counts as half a day). The pupil must return after the exclusion period has ended. The law allows Head teachers to exclude a pupil for up to 45 days in any school year.

- **Permanent exclusion**

This means the pupil cannot return to the school unless reinstated by the Governing Body or by an Independent Appeal Panel.

Only the head teacher of a school can exclude a pupil and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.

Lunchtime behaviour

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the head teacher's duty to notify parents, still apply. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.

The behaviour of pupils outside school can be considered as grounds for exclusion. This will be a matter of judgement for the head teacher in accordance with the school's published behaviour policy

The head teacher may withdraw an exclusion that has not been reviewed by the governing body.

If a pupil has carried out a disciplinary offence and needs to be removed from the school site for that reason, formal exclusion is the only legal method of removal. Informal or unofficial

exclusions are illegal regardless of whether they are done with the agreement of parents or carers. Only the Headteacher is able to action exclusion.

See Appendix 1 for **Guides for Parents** on fixed term and permanent exclusions

When a decision is made to exclude a pupil parents should be informed immediately, ideally by phone followed by a letter within one school day. The letter will set out the reason for and length of the exclusion and how parents can access advice from the Local Authority and Advisory Centre for Education.

In addition it will explain:

- Parents have a duty to ensure their pupil is not present in a public place in school hours during an exclusion of up to five days in length.
- Work will be set by the school for a pupil to complete at home during an exclusion of up to five days in length.
- The school will be responsible for providing full time education off site from the sixth day of any fixed period exclusion and the Local Authority from the sixth day of any permanent exclusion.
- A re-integration interview with parents will be arranged following the expiry of any fixed period exclusion of a primary age pupil or of six or more days of a secondary age pupil.
- How parents can make representations to the governors of the school who have a duty to review exclusions.

In all cases, the Headteacher should keep a written record of their action.

Further details of procedures for review meetings can be found on the West Sussex Grid for Learning.

Covid -19 Pandemic

Due to the pupil's experiences during the pandemic the school recognises the need to make changes to reset behaviour and attendance expectations and consider additional support to successfully reintegrate pupils back. This **Behaviour Policy** will be applied alongside the understanding that pupils may exhibit challenging behaviour due to their experiences. However, the school will still set and maintain a culture where excellent behaviour and attendance is valued and expected by everyone in the school community.

The school recognises that upon returning to school the pupils may be experiencing a variety of emotions in response to the coronavirus (COVID-19) outbreak, such as anxiety, stress or low mood. This may particularly be the case for vulnerable pupils, including those with a social worker and young carers. Some may need support to re-adjust to school; others may have enjoyed being at home and be reluctant to return; a few may be showing signs of more severe anxiety or depression. Others will not be experiencing any challenges and will be keen and ready to return to school.

With these differing responses to their experiences the school will consider the provision of pastoral and extra-curricular activities to all pupils designed to:

- support the rebuilding of friendships and social engagement
- address and equip pupils to respond to issues linked to coronavirus (COVID-19)
- support pupils with approaches to improving their physical and mental wellbeing

It is likely that adverse experiences and/or lack of routines of regular attendance and classroom discipline may contribute to disengagement with education upon return to school, resulting in increased incidence of poor behaviour. The school will work with those pupilren who may struggle to reengage in school and are at risk of being absent and/or persistently disruptive, including providing support for overcoming barriers to attendance and behaviour and to help them reintegrate back into school life.

We acknowledge that some pupils will return to school having been exposed to a range of adversity and trauma including bereavement, anxiety and in some cases increased welfare and safeguarding risks. This may lead to an increase in social, emotional and mental health concerns and some pupilren, particularly vulnerable groups such as pupilren with a social worker and young carers, will need additional support and access to services such as educational psychologists, social workers, and counsellors. Additionally, provision for pupilren who have SEND may have been disrupted during partial school closure and there may be an impact on their behaviour.

The disciplinary procedures that are outlined in this Behaviour Policy, including exclusion, remain in place. As in all situations permanent exclusion would only be used as a last resort. Where a pupil with a social worker is at risk of exclusion, their social worker would be informed and involved in relevant conversations. Any disciplinary exclusion of a pupil, even for short periods of time, will be consistent with the relevant legislation.

APPENDIX 1

Fixed Period Exclusion General Guide for Parents

Fixed period exclusions mean a pupil is not allowed to attend school for a stated period of time. They are usually for a short period and can include lunchtimes (each lunchtime counts as half a day). The law allows Head teachers to exclude a pupil for up to 45 days in any school year, the limit applies to the pupil and not to the school. Therefore, any days of fixed period exclusion served by the pupil in any school in the same school year will count towards the total.

Fixed period exclusions may not be given for an indefinite period, for example until a meeting can be arranged. Such a practice amounts to an unofficial exclusion for which no legal arrangements exist.

Lunchtime Exclusions – Arrangements should be made for pupils who are entitled to free school meals to receive their entitlement which may mean, for example, providing a packed lunch.

How does the exclusion process work?

Whenever a head teacher excludes a pupil, the parent must be notified immediately, ideally by telephone followed up by a letter within one school day. The letter must state the reason for the exclusion and your right to make a representation about the exclusion to the governing body.

What happens whilst my pupil is excluded?

The school is required to set work during a fixed period exclusion. When a pupil is given a fixed period exclusion of six days or longer the school must provide suitable full time educational provision from and including the sixth school day of the exclusion.

During the first 5 days of a fixed period exclusion you must ensure that your pupil is not found in a public place during normal school hours without reasonable justification.

What happens when the exclusion has finished?

The head teacher must arrange a reintegration interview with parents following the expiry of any fixed period exclusion of a primary aged pupil, or of more than five school days of a secondary aged pupil. The purpose of the meeting is to assist the reintegration of your pupil and promote the improvement of their behaviour.

The meeting should normally be held on the day your pupil returns to school. If that is not possible it must be held at a mutually convenient time between 3 days prior to your pupil's return and 15 days following the day they return.

Does the decision of the head teacher to exclude get reviewed?

The governing body must review certain exclusions and must consider any representations about an exclusion made by the parents of the excluded pupil. The governing body cannot increase the severity of an exclusion.

If any exclusion would result in the pupil missing a public examination, the governing body should try to meet before the date of the examination.

A parent can ask the governing body to review a fixed period exclusion of 5 days or fewer. The governing body cannot reinstate the pupil but they can add their comments to the pupil's school record.

A parent can ask the governing body to review a fixed period exclusion of more than 5 days but no more than 15 days. The governing body can decide whether to direct reinstatement or not. If

the exclusion has finished by the time the meeting is held the governing body can add their comments to the pupil's school record.

A fixed period exclusion of more than 15 school days must be reviewed by the governing body. It will be reviewed whether you request a meeting or not. The meeting will be held between the 6th and the 15th school day of the exclusion. The governing body can uphold and exclusion or direct the pupil's reinstatement either immediately or by a particular date.

Can I appeal against the governing body decision?

There are no rights of appeal for fixed period exclusions, however if you think the exclusion relates to your pupil's disability and you think disability discrimination has occurred you have the right to appeal and/or make a claim to the Special Educational needs and Disability Tribunal (SENDIST) at Mowden Hall, Staindrop Road, Darlington, DL3 9DN.

Permanent Exclusions General Guide to Parents

Permanent exclusion means the pupil cannot return to the school unless reinstated by the Governing Body or by an Independent Appeal Panel. The decision to exclude a pupil permanently is a serious one. It will usually be the final step in a process for dealing with disciplinary offences when a wide range of other strategies, have been tried without success.

There are exceptional circumstances when a pupil may be permanently excluded for a first or 'one off' offence these might include:

- * serious actual or threatened violence against staff or a pupil;
- * sexual abuse or assault;
- * supplying an illegal drug; or
- * carrying an offensive weapon.

What if the police are involved?

A school-related incident may sometimes also be the subject of a police investigation. A head teacher does not have to postpone the decision to exclude a pupil because of the possibility that criminal proceedings may be brought in respect of the same incident.

How does the exclusion process work?

Whenever a head teacher excludes a pupil, the parent must be notified immediately, ideally by telephone followed up by a letter within one school day. The letter must state the reason for the exclusion and your right to make a representation about the exclusion to the governing body.

The head teacher must inform the Local Authority and the governing body of the permanent exclusion within one school day.

What happens whilst my pupil is excluded?

During the first 5 days of a permanent exclusion it is the responsibility of the school to ensure that work is sent home for the pupil to complete. During this time you must ensure that your pupil is not found in a public place during normal school hours without reasonable justification.

From the sixth day the Local Authority is responsible for ensuring full-time education is provided, this will be by the pupil's home Local Authority not the Local Authority which maintains the school.

You will be contacted by West Sussex's Access and Exclusion Team who will discuss how your pupil's education will continue. They will also assist you in finding another school placement if the decision to uphold the permanent exclusion is upheld.

How does the decision of the head teacher to exclude get reviewed?

The governing body must review the permanent exclusion, it will be reviewed whether you attend the meeting or not. The meeting will be held between the 6th and the 15th school day of the exclusion at a time convenient to all parties. You can submit your case in writing but it is advisable for you to be there in person. The governing body can uphold the exclusion or direct the pupil's reinstatement either immediately or by a particular date.

If any exclusion would result in the pupil missing a public examination, the governing body should try to meet before the date of the examination.

Who will be at the meeting?

Generally 3 or 5 governors, a clerk to take notes and advise the governors on procedure, a Local Authority representative and the head teacher. You may be accompanied by a friend or a representative.

What happens at the meeting?

The parents, head teacher and Local Authority representative should go into the meeting at the same time. The head teacher will be asked to present their case for excluding your pupil. The governors, parents and LA representative can ask the head teacher questions. You will then be asked to state your case and the governors, head teacher and LA representative can ask you questions. The head teacher and you are given the opportunity to sum up and then everybody except the clerk and the governors leave the room and the governors will make their decision.

Can I appeal against the governing body decision?

If the governing body upholds the head teacher's decision you may appeal against this decision to an Independent Appeal Panel. You must put the reasons for your appeal in writing and may also include reference to any disability discrimination claim you may wish to make, and send this notice of appeal to the Local Authority no later than the 15th school day after receipt of the letter confirming the governing body's decision.

The Independent Appeal must meet no later than the 15th school day after the date on which your appeal is lodged. The meeting is conducted in the same way as the governing body meeting and the panel can make one of three decisions: they may uphold your pupil's exclusion, they may direct your pupil's reinstatement in school or they may decide that the exclusion should not have taken place, but that reinstatement in the school is not in the best interests of all concerned

The Independent Appeal Panel's decision is binding on the parent, governing body, head teacher and the Local Authority. The pupil remains on the roll of the school until any appeal is decided or until the time limit for parents to lodge an appeal has ended.

A parent can complain to the Local Government Ombudsman about maladministration and either the parent or the governing body may apply to the High Court for a judicial review if they consider the panel's decision to be perverse.

Who can help?

The Access and Exclusion Team of West Sussex County Council can provide you with more information.

E-mail : ACDExclusions@westsussex.gov.uk

Useful contacts:

Advisory Centre for Education (ACE) – an independent national advice centre for parents in state schools.

www.ace-ed.org.uk

APPENDIX 2

Guidance for Staff on the Use of Reasonable Force to Control or Restrain Pupils

(Ref. DofE 2013)

School staff have a power to use force and lawful use of the power will provide a defence to and related to any criminal prosecution or other legal action.

Suspension should not be an automatic response when a member of staff has been accused of using excessive force.

Senior school leaders should support their staff when they use this power.

Reasonable force can be used in the following circumstances:

- where pupils may injure themselves or others
- where there is a developing risk of injury or significant damage to property
- where the behaviour is prejudicial to maintaining good order and discipline at school

There is no legal definition of 'reasonable force' but there are 3 points for guidance:

- the circumstance of the incident must warrant it
- the degree of force must be in proportion to the incident
- the degree of force must be in proportion to the age and understanding of the pupil

Minimum force should only be used and never as a punishment

Physical intervention can take a number of forms:

- physically interposing between pupils
- standing in the way of a pupil
- holding the pupil until he/she calms down
- leading a pupil away from an incident by the hand or by gentle pressure on the centre of the back

All incidents involving restraint must be recorded and reported to the HT or DHT or Class Teacher. The information should include:

- names of pupils involved
- time and date
- place where the incident occurred
- names of other staff or witnesses involved

Staff should be cautious about using any form of restraint but clear that it may sometimes be necessary. If restraint is in the best interests of the pupil and/or other pupilren and the preceding guidance is adhered to there is no cause for anxiety.

Teaching Unions and Staff organisations may well be able to offer further advice.