



Minerva
Learning Trust

Behaviour & Exclusions
Principles & Guidance
Additional Guidance for Schools in
Response to COVID-19 School Closures

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Version Control

Version 2 – updated 15th May 2020

The Minerva Learning Trust Behaviour and Exclusions Principles and Guidance document has been updated in response to the Covid-19 virus pandemic. The guidance must be applied across all schools within the Minerva Learning Trust. It reflects the temporary statutory changes that have been made to the school exclusion process due to COVID-19 and the guidance from the DFE around behaviour.

All additions to this document are highlighted in yellow.

1. Purpose

Minerva Learning Trust take as our first priority the responsibility to safeguard and promote the welfare of all our students. As such, the Trust Board of Minerva Learning Trust is charged with the duty to set the framework of the behaviour policies of each school by providing a written statement of general principles relating to behaviour and discipline, considering the needs of all staff and students.

This Statement has been drawn up in accordance with the Education and Inspections Act, 2006, and DfE: Behaviour and Discipline in Schools advice for headteachers and school staff 2016, The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, Exclusion from maintained schools, academies and pupil referral units in England 2017 and Changes to the school exclusion process during the coronavirus (COVID-19) outbreak May 2020.

The purpose of the Statement is to provide guidance to the Headteachers in drawing up their individual Behaviour and Exclusions Policy so that it reflects the shared aspirations and beliefs of all stakeholders in Minerva Learning Trust schools, Local Governing Bodies, staff, parents and students, as well as taking full account of law and guidance on behaviour matters. It is intended to help all staff to be aware of and understand the extent of their powers in respect of recognition and reward for good behaviour, discipline and sanctions for unacceptable behaviour and how to use them. Staff should be confident that they will always have the Trustees' support when following this guidance.

This is a statement of principles, not practice: it is the responsibility of the Headteacher to draw up the school's behaviour and exclusions policy, though the Headteacher must take account of these principles and guidance when formulating this policy. The Headteacher should also take account of the guidance in DfE: Behaviour and Discipline in Schools advice for headteachers and school staff (January 2016) and The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, Exclusion from maintained schools, academies and pupil referral units in England 2017 and Changes to the school exclusion process during the coronavirus (COVID_19) outbreak May 2020. A Behaviour and Exclusions policy addendum has been written to reflect the new changes which should be customised to fit each school context and adopted by each school within the Trust.

With consideration of our duty of care to the students, this written statement and the policies that are influenced by it apply to all students when in school, when travelling to and from school, when engaged in extra-curricular activities such as educational trips and visits (residential and non-residential) and when being educated as a member of the Trust community off-site.

Each school's Behaviour and Exclusions Policy must be updated with the addendum considering the COVID-19 pandemic and, published on the school's website and distributed to all members of staff. The addendum will cover the period of the school's phased reopening and continued operation until all additional national measures for hygiene and distancing are lifted. Each school's approach to managing behaviour must sit within a wider inclusion provision for all students within the school.

2. Behaviour Principles

2.1 High Standards of Behaviour and Attendance

The Trust Board believe that high standards of behaviour and attendance lie at the heart of a successful school which enables all of its students to make the best possible progress in all aspects of their educational life and that all staff should be able to teach and promote good learning without interruption. It should be clear that behaviour should not jeopardise the health and safety of any member of the school community. During COVID-19 each school must re set the school culture and establish and teach a new 'set of norms' which demand high expectations and compliance especially in relation to protective measures. Attendance will be strongly encouraged for those who are eligible to attend as per the updated attendance policy and guidance.

2.2 The Right to Feel Safe at All Times

All students, staff and visitors have the right to feel safe at all times in the school and free from the effects of unacceptable behaviour. There should be mutual respect between all members of the school community and the policy should help to foster this. Additional safety measures will be put in place to ensure that students, staff and visitors are safe and that any risk is mitigated. Each policy will need clear and proportionate consequences for breaches which compromise the safety of others. Protective measures during COVID-19 and new rules and routines will ensure schools achieve this.

2.3 Inclusivity

Minerva Learning Trust is an inclusive trust. All members of the Trust's community should be able to work or study, free from any form of discrimination, harassment or bullying (as laid down in the Equality Act, 2010.) To this end each school must have a clear and comprehensive Anti-bullying Statement (in its Behaviour Policy or other policies) that is known and understood by all, consistently applied and monitored for its effectiveness. Measures to protect students from bullying and discrimination as a result of gender, race, ability, sexual orientation or background should be clearly set out and regularly monitored for their effective implementation.

2.4 Engaged Community

Parents/carers should be encouraged and helped to support their children's education, just as the students should be helped to understand their responsibilities during their time within the school. Parents/Carers and students will be made aware of the behaviour expectations of the school during the admissions process and during COVID-19 before the wider re-opening. Schools should communicate effectively with parents and keep them updated with any changes and provide up to date advice around hygiene, transport expectations and new rules and routines. All schools are encouraged to positively engage with parents and carers to support education of their child. Schools are advised to inform parents when students have breached new rules and routines so they can work alongside school to educate and correct these behaviours.

2.5 School Rules & Behaviour Expectations

Each school's rules, behaviour expectations and relevant sanctions/consequences should be clearly stated in the school's Behaviour Policy. These should set out expected standards of behaviour and be shared with and explained to all students. The Trust Board expects the rules to be consistently applied by all staff. They should be regularly and explicitly communicated to all students, staff, parents and other relevant stakeholders, visually displayed around each school and should be consistently and fairly applied by all staff.

New habitual routines, school rules and behaviour expectations with relevant sanctions and consequences must be established and taught in each school which will help create safe and calm learning environments. Each school may wish to consider their own 'COVID Code of Conduct'. These should be included in the school's Covid-19 addendum to their behaviour policy.

2.6 Rewards

The emphasis will be on encouraging positive behaviour through;

- high expectations
- the modelling of good behaviour
- a focus on learning
- praise and rewards

The Trust Board would like to see a wide range of rewards consistently and fairly applied in such a way as to encourage and reward good behaviour in the classroom and elsewhere. These should be made clear in the Behaviour Policy (or other policies). Due consideration for praise and rewards should be given when pupils are in school especially in helping to establish compliance and responsibility around the new rules and routines. During the prolonged period of remote and home learning schools are encouraged to consider rewarding students efforts whilst at home as a way of engaging and motivating them impacting positively on their wellbeing.

2.7 Unacceptable/poor behaviour

Sanctions for unacceptable / poor behaviour should be known and understood by all staff and students and consistently applied. This applies also to new sanctions for unacceptable/poor behaviour in relation to COVID-19. The range of sanctions should be described in the Addendum Behaviour Policy so that students, staff and parents can understand how and when these are applied. Sanctions, when necessary, will enable the student to reflect on, and learn from, their behaviour and to make reparation wherever possible. The focus on positive behaviour, forgiveness and reconciliation will significantly reduce the need for exclusion, however, when making decisions the Headteacher must balance the needs of the individual with those of the wider school community. Where student behaviour places others at risk, the safety of the student body is paramount.

In respect of students with an identified special educational need or disability (SEND) schools must ensure that reasonable adjustments are made to the school's behaviour policy or sanction in order to support vulnerable learners and those at risk due to individual and complex need.

Students who have special educational needs and disabilities (SEND), their provision will have been disrupted during partial school closure and this may have an impact on their behaviour. Some students will need additional support and access to services provided by educational psychologists, social workers, and counsellors. For students and young people with SEND, it will be especially important to teach new norms and routines around protective measures and personal hygiene clearly and accessibly.

The Trust strongly feel that exclusions, particularly those that are permanent, must be used only as a very last resort. If it is deemed necessary to permanently exclude a child then the Headteacher must discuss this with the CEO as soon as possible, and before the decision is communicated to the student or parent/carer. In this instance, the DfE and Local Authority guidelines for permanent exclusion must be followed and the temporary statutory guidance 'changes to the school exclusion process during the coronavirus (COVID-19) outbreak' May 2020 should be followed. Please see the Exclusion Guidelines section below

2.8 Power to Use Reasonable Force or Make Physical Contact

Given the overriding need to keep the students and staff safe, the headteacher, or representative(s), will utilise their powers to search or use reasonable force in order to keep individuals from harming, or further harming, themselves or others.

Situations in which reasonable force may be used (including removing disruptive students from classrooms or preventing them from leaving) will be included in the policy documentation of each school.

A definition of 'reasonable force' should be included, which should also explain how and when students may be restrained. The Trust Board expect appropriate staff to be trained in the use of reasonable force and restraint wherever possible. Expectations for the use of reasonable force during the pandemic should be set out in each school's Covid-19 Behaviour Policy addendum and should consider the impact of social distancing, personal hygiene and transmission of the virus within it.

Within the Behaviour Addendum schools should be clear on their stance around making physical contact with students. A risk assessment will be undertaken for students who, based on evidence available prior to closure of schools, required physical intervention. This will allow the school to determine risks and decide if it is safe for students requiring physical intervention to be safely accommodated in school. The safety of both students and staff is of paramount importance. Further guidance is given in the behaviour policy addendum.

Each school's Behaviour Policy should make clear the authority to search students for prohibited items and to confiscate where necessary. The Trust Board would expect the Headteacher to inform the CEO, either by email or telephone, as soon as possible when items prohibited by law; weapons, knives and illegal drugs are brought onto the school premises.

2.9 Summary of Covid -19 Considerations for schools:

As students return to school, they need a calm, orderly and disciplined environment which gives them security and allows them to flourish.

Each school will:

- Establish and normalise routines and expectations whilst mitigating the risk of contracting and spreading COVID-19.
- Be mindful that some students will return to school having been exposed to adversity including bereavement and long-term anxiety.
- Consider some students experiences during lockdown could culminate in an increased prevalence of social, emotional and mental health (SEMH) concerns.

Within a short timeframe, each school will:

- Clearly define the behaviour they wish to see and reset the school culture accordingly.
- Develop sensible, straightforward rules and routines to maintain a safe, orderly environment.
- Place a clear focus upon education of students in keeping themselves and others safe through use of social distancing and personal hygiene rules.
- Introduce new and additional sanctions for behaviour which threatens the health and safety of others and which removes students from school site should their behaviour deemed to threaten that.
- Predict scenarios where poor behaviour may occur and plan mitigating action.
- Identify the specific students who may find the new expectations particularly challenging and decide on the right action to take to support them.
- Induct staff and students regarding the new student 'Covid Code of Conduct', revised expectations and temporary sanctions.
- Train students in what is required of them.
- Implement the behaviour management policy/Covid Code of Conduct consistently, rigorously, openly and fairly.
- Communicate expectations clearly to parents to provide them with reassurance.
- Review and adjust procedures in a timely way.

3. Exclusion Guidance

This section of the policy is designed as a brief guidance for the school's approach to exclusions within the statutory framework as defined in the 'The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012'. The statutory guidance 'Changes to the school exclusion process during the coronavirus (COVID-19) outbreak' May 2020 outlines the temporary changes to procedures around exclusions. A summary is included below.

The disciplinary powers that schools currently have, including exclusion, remain in place. Headteachers retain the power to exclude students on disciplinary grounds. The [statutory guidance](#) for those with legal responsibilities in relation to exclusion still applies. Permanent exclusion remains an option and 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 student to remain in school would seriously harm the education or welfare of the students or others in the school.

The DfE has recognised the challenges that schools will face when permanently excluding a student during this period. As a result, they expect schools who have permanently excluded a student to work with parents/carers and the local authority to arrange a place at an alternative educational setting *as soon as possible* to minimise any further breaks in education provision. Where the child in question is vulnerable, the school should notify the local authority/social worker immediately and should work with the local authority to ensure that the child is found a place in another educational setting *quickly*.

The impact of coronavirus upon the timeframes set out in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#) has also been recognised; however, they remain in force. The government appreciates that it may not be possible to meet the timeframes set out in regulations for review meetings and Independent Review Panels, due to the disruption caused by the coronavirus outbreak and the health risks of holding meetings.

The Regulations themselves envisage that the timeframes may not always be met, which is why they specify that meetings and panel hearings must still go ahead even if the relevant deadline has been missed. It is for the governing board or arranging authority to assess the facts of the case and decide whether the statutory deadlines are achievable or whether, in the circumstances, the meeting has to be delayed. Governing boards and arranging authorities should continue to take reasonable steps to ensure meetings are organised for a time when all parties are able to attend.

3.1 Principles

Exclusion is a sanction used by schools in cases deemed as serious breaches of the school's Behaviour Policy. A student may be at risk of exclusion from school for:

- Verbal or physical assault of a student or adult.
- Persistent and repetitive disruption of lessons and other students' learning.
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.

In discharging their duties, the Headteacher and Governors will have regard to Department for Education guidance "Exclusion from maintained schools, Academies and pupil referral units in England" which came into force on 1st September 2017 and any subsequent DfE updates to this guidance.

They will also consider their statutory duties in relation to special educational needs including having regard to the SEN Code of Practice.

Before excluding a student, in most cases a range of alternative strategies will have taken place. Where a one-off incident of sufficient gravity has taken place, this may not apply. A Fixed Term Exclusion from the school must only be authorised by the Headteacher or one of the designated staff acting on delegated authority. If none are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.

In the case of a Permanent Exclusion this can only be authorised by the Headteacher who must inform the CEO (either by telephone or via email) and the Chair of the Local Governing Body before informing the student or parent/carer. Headteachers must also inform the relevant Local Authority.

The school must regularly monitor the number of Fixed Term Exclusions to ensure that no group of students, or student, is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

3.2 Responsibilities of the Headteacher

The Headteacher alone (or the designate if they are absent) has the power to exclude students. However, where practical, the Headteacher should give the student an opportunity to present their case before taking the decision to exclude. Whilst an 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 the student has suffered bereavement, has mental health issues or has been subject to bullying. The decision to exclude must be lawful.

In considering and processing the exclusion of a student the Headteacher should ensure that the following range of activities are carried out:

- Undertake a thorough investigation
- Consider all the relevant facts and firm evidence to support the allegations
- Consider the school's Behaviour Policy
- Enable all students involved to have the opportunity to give their version of events
- Consult other people or agencies except where necessary or appropriate
- Ensure time has been given to addressing and supporting the student's individual problems within the capabilities of School
- Aim for the shortest possible period of exclusion
- Provide relevant and appropriate work to be completed at home
- Organise a re-integration meeting with relevant staff and parents/carers, ideally on the day of return to school or as soon as possible after this date
- Consider any additional intervention or support that may be necessary
- Facilitate reconciliation with other staff and students involved in the related incident as and when this is deemed appropriate and necessary

3.3 Informing parent(s)/carer(s) about the exclusion

Parents/carers must be notified as soon as possible of the decision to exclude a student and the reason for the exclusion. This must be done on the day of the exclusion being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the exclusion must be sent to parents the same day; the letter should also enclose a copy of the School's Behaviour/Exclusion Policy, or guidance of where to access the policy.

The letter will include the following information:

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

In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.

A student who has been excluded must have the reason for his/her exclusion explained to them by a member of staff so that they understand the nature of their misbehaviour.

3.4 Arranging education for students who have been excluded

For a fixed period exclusion of more than five school days, or consecutive fixed period exclusions totalling more than five days, the School will arrange suitable full-time education for any student of compulsory school age. This provision will begin no later than the sixth day of the exclusion.

For permanent exclusions, the local authority will arrange suitable full-time education for the student to begin no later than the sixth day of the exclusion.

For exclusions of less than five days, the School will take reasonable steps to set work for students.

3.5 Students returning from a fixed term exclusion

All students returning from a Fixed Term Exclusion must be required to attend a reintegration meeting, accompanied by a parent/carer. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between student, parent and school.

3.6 The role of the governors in permanent exclusion cases

In the instance of a permanent exclusion the school must set up a Governing Body Disciplinary Committee to consider the exclusion and whether the decision of the Headteacher should be upheld or whether the student should be reinstated. The Discipline Committee will consist of no less than three Governors who will review the use of exclusion within the school, including considering the views of the Parent(s)/carer(s) of an excluded student.

The Governing Body will appoint a clerk to the Discipline Committee to provide advice on the exclusions process and to handle the administrative arrangements for considering exclusions.

The Governing Body Discipline Committee must meet to:

- Consider the circumstances in which the student was excluded.
- Consider any representations about the exclusion made by the parent/carer.
- Consider whether the student should be reinstated immediately, reinstated by a particular date or not reinstated.
- Satisfy itself that all possible strategies to improve a student's behaviour were tried without success

For permanent exclusions, the governing body Discipline Committee will consider the exclusion and decide whether the student should be reinstated. Such consideration will take account of the student's disciplinary record and the likely impact of their continued attendance and behaviour.

The Governing Body Discipline Committee may not attach conditions to the reinstatement of a student.

If the Governing Body Discipline Committee upholds the Headteacher's decision to exclude a student permanently, it will write within one school day to the parent(s)/carer(s) giving the reasons for the decision and all other guidance as set out in *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012*.

The Governing Body must ensure that a student's name is removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the governing body's decision to not reinstate the student and no application has been made for an independent review panel by the parent/carers; or
- The parents have stated in writing that they will not be applying for an independent review panel.

Where the opportunity to make an application for an independent review panel has been made by the parent/carers within 15 school days of the Governing Body Discipline Committee decision, the school must wait until the review has been determined, or abandoned, and until the governing body has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a student's name from the register.

Where a student's name is to be deleted from the school admissions register because of a permanent exclusion the school must make a return to the local authority. The return must include all the particulars which were entered in the admission register, the address of any parent with whom the student normally resides and the grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion). This return must be made as soon as the grounds for deletion is met and no later than the deletion of the student's name.

Where a student's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal (Special Educational Needs and Disability) of County Court has the power to direct that the student should be reinstated.