



**Minerva**  
Learning Trust

## **Behaviour & Exclusions Principles & Guidance**

<b>Date First Published</b>	December 2019
<b>Version</b>	1
<b>Last Approved</b>	December 2019
<b>Cycle</b>	Annual

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## Changes to this edition

First edition.

# 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 and The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

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.

when doing so.

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 annually, published on the school's website and distributed to all members of staff. Each school's approach to managing behaviour must sit within a wider inclusion provision which 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.

### **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.

### **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. All schools are encouraged to positively engage with parents and carers in order to support education of their child.

### **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.

## **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).

## **2.7 Unacceptable/poor behaviour**

Sanctions for unacceptable/poor behaviour should be known and understood by all staff and students and consistently applied. The range of sanctions should be described in the 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 as a whole 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.

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. 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.

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.

## 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'.

### 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 1<sup>st</sup> September 2017 and any subsequent DfE updates to this guidance.

They will also take into account 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
- Take into account 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 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**

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; or
- The parents have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review panel has been made within 15 school days, the 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.