



# The Grange School Behaviour Policy

Applies to:	Students and Parents/Carers
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SEND	
Personnel	
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# The Grange School Behaviour Policy

**Policy Date: September 2025**  
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The Grange is more than just a school. We strive to be considered a great school by all who come here and the community we serve. We are the advocates and enablers for young people to overcome the barriers of selection and empower them with the opportunity to fulfil their academic potential, creative talents, and sporting excellence and interest.

To achieve this, we believe that it is important to create a safe environment in which staff can teach and students can learn. It is based on the clear values of respect, fairness, and inclusion. This is the way we do things around here.

The school values good behaviour and seeks to create systems which will minimise and appropriately address all forms of unacceptable behaviour.

## **Aims**

This policy aims to:

- Create a positive culture that promotes excellent behaviour, ensuring that all students can learn in a calm, safe and supportive environment
- Establish a whole-school approach to maintaining high standards of behaviour that reflect the values of the school
- Outline the expectations and consequences of behaviour
- Define what we consider to be unacceptable behaviour, including bullying and discrimination
- To identify the way in which the school community works together to solve problems and to strengthen the partnership between home and school
- To encourage a sense of responsibility and self-discipline in every student.

## **2. Legislation, statutory requirements, and statutory guidance**

This policy is based on legislation and advice from the Department for Education (DfE) on:

[Behaviour and discipline in schools: advice for headteachers and school staff, 2016](#)

[Behaviour in schools: advice for headteachers and school staff 2022](#)

[Searching, screening and confiscation at school 2018](#)

[Searching, screening and confiscation: advice for schools 2022](#)

[The Equality Act 2010](#)

[Keeping Children Safe in Education](#)

[Exclusion from maintained schools, academies, and pupil referral units in England 2017](#)

[Suspension and permanent exclusion from maintained schools, academies, and pupil referral units in England, including pupil movement – 2022.](#)

[Use of reasonable force in schools](#)

[Supporting pupils with medical conditions at school](#)

It is also based on the [Special Educational Needs and Disability \(SEND\) Code of Practice.](#)

In addition, this policy is based on:

- Section 175 of the [Education Act 2002](#), which outlines a school's duty to safeguard and promote the welfare of its students.

- Sections 88 to 94 of the Education and Inspections Act 2006, which requires schools to regulate students' behaviour and publish a behaviour policy and written statement of behaviour principles, and give schools the authority to confiscate students' property

### 3. Definitions

At The Grange School, we apply the following definitions:

**Misbehaviour** is defined as:

- Disruption in lessons, in corridors between lessons, and at break and lunchtimes.
- Not attempting with full effort classwork or homework.
- Poor attitude.
- Incorrect uniform.

**Serious misbehaviour** is defined as:

- Repeated breaches of the school rules.
- Any form of bullying (a group or person repeating unkind behaviours to another group or individual).
- Sexual violence, sexual assault.
- Sexual harassment, meaning unwanted conduct of a sexual nature, such as:
  - Sexual comments
  - Sexual jokes or taunting
  - Physical behaviour for example, interfering with clothing.
  - Online sexual harassment, such as unwanted sexual comments and messages (including on social media), sharing of nude or semi-nude images and/or videos, or sharing of unwanted explicit content including nude or semi nude images.
- Vandalism
- Theft
- Fighting
- Smoking, vaping or the use of similar age restricted products or devices.
- Racist, sexist, homophobic, biphobic, transphobic, disability or discriminatory behaviour

**Possession of any prohibited items.** These are:

- Knives or weapons, or items that clearly could be used as weapons.
- Alcohol.
- Prescription Medication not prescribed to the person in possession.
- Illegal drugs.
- Stolen items.

- Tobacco and associated paraphernalia.
- Vapes, e cigarettes, vape liquid or any age restricted products.
- Fireworks.
- Pornographic images.
- Any article a staff member 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 student).

#### **4. The Way we do things around here**

At The Grange School, we know good behaviour is essential so that the orderly environment for teaching and learning can exist.

All students have the following basic rights:

1. To be taught and learn without distraction or disruption.
2. To respect and fair treatment (this includes their property as well as themselves).
3. To feel safe at school.

At The Grange School staff and students have the right to:

- Be treated with dignity and respect.
- Be listened to.
- Be able to explain their feelings.
- Be treated politely.
- Receive recognition for their achievements.

In having such rights, it is important that all members of the school community are responsible in:

- Being kind, caring, sharing, not hurting another by what they do or what they say
- Being polite
- Protecting the most vulnerable
- Respecting other students
- Respecting adults
- Earning trust
- Praising each other
- Taking responsibility for own actions and belongings.

In fulfilling our rights and responsibilities, there are expectations made of the School, Parents/Carers, and students.

#### **5.Roles and Responsibilities**

All stakeholders at The Grange School are expected to play their part in supporting students to learn in a happy, safe, orderly environment. To achieve this, we ensure different roles and responsibilities are explicit.

## Our Home – School agreement

1.

### **PARENTS/CARERS; *I/We shall aim to***

- Support all of the school's Policies, Guidelines and Sanctions
- Make sure my child goes to school daily and on time, notify the school if my child will be absent.
- Support the school to make sure my child maintains the highest standards of behaviour and uniform
- Make sure my child is properly equipped for lessons.
- Communicate with the school any issues that might affect my child's learning or behaviour
- Encourage my child to do their best so they can reach their full potential
- Make sure communication with the school is respectful
- Support my child in homework and other opportunities for out of class learning
- Engage in parents' meetings and work together with the school in order to achieve the best outcomes for my child
- Read all communications sent home by the school and respond where necessary
- Only take holidays during our school holiday times

**Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### **THE SCHOOL: *The school will***

- Support your child's wellbeing by providing a safe, supportive and inclusive environment
- Ensure that your child fulfils his/her potential as a learner and as a member of the school community, embracing the School ethos of WE CAN.
- Offer a broad, balanced and challenging curriculum to students of all abilities
- Encourage all students to take responsibility for their own actions, feel proud of their achievements and enjoy being a student at the school
- Keep you informed about your child's progress and general school matters
- Insist that students observe the school's behaviour policies, including Uniform Expectations and apply sanctions where relevant (which may involve suspensions)
- Set homework that supports the delivery of the curriculum and mark it where appropriate
- Invite Parents and Carers to become involved in School life and events.

**Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
*(Form Tutor)*

### **THE STUDENT: *I shall aim to:***

- Arrive at school and my lessons every day on time and ready to learn
- Always be polite and helpful to others, regardless of who they are.
- Speak out to staff if I have any concerns about anyone in the school community.
- Understand and follow the school's behaviour for learning expectations.
- Try my best to do my work, in school and at home, asking for help if I need it
- Treat all members of the school community with care and respect, including local residents.
- Bring to school all the equipment I need each day
- Respect the school environment, keeping it free from litter and damage
- Wear the school uniform with pride and be neat in appearance
- Conduct myself in a way that represents the school positively

**Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Form:** \_\_\_\_\_ **Date:** \_\_\_\_\_

The Grange School recognises that some students with special educational needs will need additional support to help them think through their actions and the consequences of them, as well as develop skills to achieve desired behaviour.

### **The Governing Board**

The Governing Board are responsible for:

- Reviewing and approving the written statement of behaviour principles (appendix 1)
- Reviewing this behaviour policy in conjunction with the headteacher
- Monitoring the policy's effectiveness
- Holding the headteacher to account for its implementation

### **The Headteacher**

The Headteacher is responsible for:

- Reviewing this policy in conjunction with the governors
- Giving due consideration to the school's statement of behaviour principles
- Approving this policy
- Ensuring that the school environment encourages positive behaviour
- Ensuring that staff deal effectively with poor behaviour
- Monitoring that the policy is implemented by staff consistently with all groups of students
- Ensuring that all staff understand the behavioural expectations and the importance of maintaining them
- Providing new staff with a clear induction into the school's behavioural culture to ensure they understand its rules and routines, and how best to support all students to participate fully
- Offering appropriate training in behaviour management, and the impact of special educational needs and disabilities (SEND) and mental health needs on behaviour, to any staff who require it, so they can fulfil their duties set out in this policy
- Ensuring this policy works alongside the safeguarding policy to offer students both sanctions and support when necessary
- Ensuring that behaviour data is reviewed regularly, to make sure that no groups of students are being disproportionately impacted by this policy.

### **All Staff**

Staff are responsible for:

- Creating a calm and safe environment for students
- Establishing and maintaining clear boundaries of acceptable student behaviour
- Implementing the behaviour policy consistently

- Communicating the school's expectations, routines, values, and standards through teaching behaviour and in interactions with students
- Modelling expected behaviour and positive relationships
- Providing a personalised approach to the specific behavioural needs of particular students
- Considering their own behaviour on the school culture and how they can uphold school rules and expectations
- Recording behaviour incidents promptly in Satchel One
- Challenging students to meet the school's expectations
- The senior leadership team will support staff in responding to behaviour incidents.

### **Parents and Carers**

Alongside the home school agreement, there is an expectation parents will also, where possible, support their child by:

- Get to know the school's behaviour policy and reinforce it at home where appropriate
- Support their child in adhering to the school's behaviour policy
- Take part in any pastoral work following misbehaviour (for example: attending reviews of specific behaviour interventions or reintegration meetings following suspension)
- Raise any concerns about the management of behaviour with the school directly, whilst continuing to work in partnership with the school
- Take part in the life of the school and its culture.

### **Students**

All students are expected to:

- Behave in an orderly and self-controlled way
- Show respect to members of staff and each other
- In class, make it possible for all students to learn
- Move quietly around the school
- Treat the school buildings and school property with respect
- Always wear the correct uniform
- Accept sanctions when given
- Refrain from behaving in a way that brings the school into disrepute, including when outside school or online.

Students will be made aware of the following during their induction into 'The way we do things around here':

- The expected standard of behaviour they should be displaying at school
- That they have a duty to follow the behaviour policy

- The school's key expectations, rules, and routines
- The rewards they can earn for meeting the behaviour standard, and the consequences they will face if they don't meet the standard
- The pastoral support that is available to them to help them meet the behavioural standards and a deeper understanding of the way we do things around here
- Students will be supported to meet the behaviour expectations and will be provided with further support wherever appropriate
- Students will be asked to give feedback on their experience of the behaviour culture to support the evaluation, improvement, and implementation of the behaviour policy
- Extra support and induction will be provided for students who are mid-phase arrivals or guests at the school on a managed move.

## 6. Classroom Expectations

- Teaching and support staff are responsible for setting the tone and context for positive behaviour within the school.

They will:

- Create and maintain a stimulating environment that encourages students to be engaged
- Display the classroom expectations of behaviour
- Develop a positive relationship with students in line with the DNA expectations:
  - Greeting students in the morning/at the start of lessons
  - Establishing and maintaining clear routines
  - Communicating expectations of behaviour through modelling
  - Highlighting and promoting good behaviour
  - Concluding the lesson positively and starting the next lesson afresh
  - Use the Traffic Lights consistently and fairly
  - Using positive reinforcement, recognising good attitudes, manners, and efforts.

The Grange School has a Student Charter that shares clear expectations which are explained to and understood by all students:

At The Grange We Expect:

- **Manners** – Be courteous to staff and students
- **Attendance** – Turn up on time every day
- **Noise** – Move quietly around the school
- **No Litter** – Look after your environment
- **Equipment** – Be equipped to learn
- **Respect** – For each other and the adults you work with
- **Smartness** – Look outstanding, not standing out.

The Classroom Expectations concerning the expected behaviour for all students in lessons are posted clearly in all classrooms. It is known as The Student Charter and was developed with The Student Skippers. They are also discussed with students in lessons and tutor time.

## **7. Rewarding positive behaviour**

When a student's behaviour meets or goes above and beyond the expected behaviour standard, staff will recognise it with positive recognition and reward. This provides an opportunity for all staff to reinforce the school's culture and ethos.

Positive reinforcements and rewards will be applied clearly and fairly to reinforce the routines, expectations, and norms of the school's behaviour culture.

At the Grange School we endeavour to recognise positive behaviour through the following:

- All staff are expected to praise students with frequent use of encouraging language in lessons and around school so that positive behaviour and excellent manners are recognised
- Excellent attendance is expected, but also recognised
- Achievement Points are awarded to students for effort in the curriculum, in behaviour and in acts of citizenship for the whole school
- 'Manners Matter' awards are given for exceptional manners towards others
- On achieving specific points levels, students receive recognition from senior staff
- Successes, whether achieved in school or out, will be recognised in assemblies where appropriate
- Display is an important way in which the school recognises success. Displays of work are used to encourage students who have made real effort. Year Group notice boards, in various areas of the school, celebrate students' successes in a number of disciplines
- Prizes are awarded at the end of each year. Prizes for attainment, attendance, effort, and service to the school are awarded, as well as subject specific prizes
- We recognise good attitude to learning and reward this with non uniform days for students with the highest levels of effort
- The Grange Gazette includes reports of positive achievements throughout the school.

Efforts are made to create a climate where praise and encouragement outweighs sanctions and punishments.

## **8. Responding to Misbehaviour**

When a student's behaviour falls below the standard that can reasonably be expected of them, staff will respond to restore a calm and safe learning environment, and to prevent recurrence of misbehaviour.

Staff will endeavour to create a predictable environment by always challenging behaviour that falls short of the standards, and by responding in a consistent, fair, and proportionate manner, so students know with certainty that misbehaviour will always be addressed.

All students will be treated equitably under the policy, with any factors that contributed to the behavioural incident identified and considered.

When issuing behaviour sanctions, staff will also consider what support could be offered to a student to help them to meet behaviour standards in the future. At all times it should be made clear to the student that it is his/her behaviour that is unacceptable, not the person.

The school may use one or more of the following sanctions in response to unacceptable behaviour:

### **In class**

- Using the Traffic Light System (Appendix 2)
- A verbal reminder of the expectations of behaviour
- A verbal warning and reminder of the consequences of further unacceptable behaviour
- A final warning and 30-minute detention set by the class teacher
- A removal to the inclusion room for persistent issues and a detention set.

### **Whilst on the school premises**

- Email or call home to parents
- Discussion with Senior Staff
- Loss of privileges – for instance, the loss of a prized responsibility
- Detention after school of different length, appropriate to the misdemeanour
- Withdrawal from lesson or lessons
- Period in The Inclusion room with different breaks to the rest of the school
- Being placed on report to a Form Tutor, Year Team Leader, Key Stage Leader or SLT
- Fixed Term Suspension
- Permanent exclusions, in the most serious of circumstances.

Personal circumstances of the student will be considered when choosing sanctions and decisions will be made on a case-by-case basis, but with regard to the impact on perceived fairness.

All members of staff are encouraged, where possible, to give students a choice when they are engaging in undesirable behaviour; they can do as the teacher asks and comply with the school rules, or face the consequence, a sanction. Should the incident be sufficiently serious, and/or persistent, then the school's Staged Response should be implemented.

Consistency of approach among staff is key so certainty, rather than severity is experienced by the student body.

### **Detention**

Students may be set a detention by any adult in the school. Students may be detained during their breaks or lunchtimes, with the understanding that reasonable time is given for them to eat lunch and visit the toilet. Most detentions will be set after school where the school will give at least 24 hours' notice through the Satchel app.

When imposing a detention, the school will consider whether doing so would:

- Compromise the student's safety
- Conflict with a medical appointment
- Prevent the student from getting home safely
- Interrupt the student's caring responsibilities.

Parents / Carers have the responsibility of informing school prior to the detention being served if any of these will have an impact on the student. If a student informs us that they are unable to attend, this will need to be confirmed with parents / carers prior to the detention being served. This will avoid conflict and resetting of higher tariff sanctions for non-attendance to detention.

## **Removal from Classrooms**

In response to going past 'red' on the traffic lights in class (a serious breach of school expectations) or repeated breaches of this policy, the school may remove the student from the classroom for a limited time.

Students who have been removed will continue to receive education under the supervision of a member of staff that is meaningful, but it may differ from the mainstream curriculum.

Removal is a serious sanction and will only be used in response to serious misbehaviour. Staff will only remove students from the classroom once other behavioural strategies have been attempted unless the behaviour is so extreme as to warrant immediate removal.

Removal can be used to:

- Restore order if the student is being unreasonably disruptive
- Maintain the safety of all students
- Allow the disruptive student to continue their learning in a managed environment
- Allow the disruptive student to regain calm in a safe space.

Students who have been removed from the classroom are supervised in The Inclusion room by Inclusion staff and will be removed for a maximum of one day.

Students will not be removed from classrooms for prolonged periods of time without the agreement of senior staff with a clear rationale provided.

Students should be reintegrated into the classroom as soon as appropriate and safe to do so. The school will consider what support is needed to help a student successfully reintegrate into the classroom and meet the expected standards of behaviour.

Parents will be informed on the same day that their child is removed from the classroom through the Satchel app and may also be contacted by telephone or email.

The school will consider an alternative approach to behaviour management for students who are frequently removed from class, such as

- Meetings with pastoral staff
- Mentoring with the behaviour mentoring or appropriate adult
- Short term behaviour report cards
- Long term behaviour plans and pastoral support plans
- On site outreach from the student referral unit
- Multi-agency assessment
- Off Site engagement with the student referral unit
- Managed Move to another local mainstream school
- Direction off site to another mainstream school to support behaviour concerns.

The school can use suspension and permanent exclusion in response to serious incidents or in response to persistent poor behaviour, which has not improved following in-school sanctions and interventions.

The decision to suspend or exclude will be made by the headteacher and only as a last resort.

## **9. Recognising the impact of SEND on behaviour**

The school recognises that students' behaviour may be impacted by a special educational need or disability (SEND).

When incidents of misbehaviour arise, we will consider them in relation to a student's SEND, although we recognise that not every incident of misbehaviour will be connected to their SEND. Decisions on whether a student's SEND had an impact on an incident of misbehaviour will be made on a case-by-case basis.

When dealing with misbehaviour from students with SEND, especially where their SEND affects their behaviour, the school will balance their legal duties when making decisions about enforcing the behaviour policy. The legal duties include:

- Taking reasonable steps to avoid causing any substantial disadvantage to a disabled student caused by the school's policies or practices (Equality Act 2010)
- Using our best endeavours to meet the needs of students with SEND (Children and Families Act 2014)
- If a student has an education, health, and care (EHC) plan, the provisions set out in that plan must be secured and the school will co-operate with the local authority and other bodies.

As part of meeting these duties, the school will anticipate, as far as possible, all likely triggers of misbehaviour, and put in place support to prevent these from occurring.

Any preventative measures will take into account the specific circumstances and requirements of the student concerned.

Although not an exhaustive list, this may include:

- Short, planned movement breaks for a student with SEND who finds it difficult to sit for too long
- Adjusting seating plans to allow a student with visual or hearing impairment to sit in sight of the teacher
- Adjusting uniform requirements for a student with a diagnosed sensory issue or who has eczema
- Training for staff in understanding conditions such as autism
- Use of separation spaces where students can regulate their emotions during a moment of sensory overload.

### **Adapting sanctions for students with SEND**

When considering a behavioural sanction for a student with SEND, the school will consider:

- Whether the student was unable to understand the rule or instruction?
- Whether the student was unable to act differently at the time because of their SEND?
- Whether the student is likely to behave aggressively due to their SEND?

The school will then assess if it is appropriate to use a sanction and if so, whether any reasonable adjustments need to be made to the sanction.

## **10. Serious Sanctions**

There are occasions when the Headteacher will make determinations about behaviour that is not only detrimental to the interests of the school but to the character, spirit, and attitudes of the school.

Students will be expected to behave in a disciplined and orderly manner that not only secures their safety but enables them to learn. When behaviour is inappropriate, staff use a staged approach to managing behaviour which is not harsh and allows students to make choices about their behaviour.

Classroom teachers use a variety of strategies and sanctions to modify behaviour that inhibits both the student and other students' learning. If strategies used in the classroom are not successful and the student is not compliant, then it will be necessary to remove student(s) from the lesson in order that other students can continue to learn in a calm and orderly environment.

Students who persist to undermine good order and discipline in specific subjects, will be referred to the Subject Leader and/or Year Team Leader who will use a variety of strategies to encourage behaviour that is appropriate for learning to take place.

At times, students will persist in undermining good order and discipline by choosing to be disruptive or even behave in a manner that is deemed dangerous to students or staff. If this is the case, staff will be supported by a senior leader in determining next steps.

It is permissible for a student to be given permission by the Headteacher, or person authorised by the Headteacher, to leave the school premises briefly to remedy breaches of school's rules on appearance or uniform, where this can be done quickly and easily; this should be for no longer than is necessary to remedy the breach. This is not a suspension but an authorised absence. However, if the student continues to breach uniform rules in such a way as to be sent home to avoid school, the student's absence may be counted as unauthorised absence. In all cases the parent/carer must be notified, and the absence should be recorded.

Where breaches of school uniform rules or rules of appearance (for example relating to jewellery, body piercing, hairstyles etc.) are persistent and in open defiance of such rules, it would be appropriate for the Headteacher to suspend for a fixed period of time.

The Headteacher will take the decision to suspend a student for a fixed period in response to a serious breach of the school's behaviour policy or in allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

The Headteacher may also take the decision to permanently exclude a student. This is not a decision that is taken lightly. It is a serious decision and will normally be the final step in a process for dealing with breaches of discipline. The school will seek to use a range of strategies to manage indiscipline before considering permanent exclusion.

However, there are exceptional circumstances where, in the Headteacher's judgment, it is appropriate to permanently exclude a student for a first or 'one off' offence. Such circumstances might include:

- (a) Serious actual or threatened violence against another student or a member of staff.
- (b) Sexual abuse or assault.
- (c) Supplying an illegal drug.
- (d) Carrying an offensive weapon.

Serious offences affect the discipline and well-being of the school community and in cases where a headteacher has permanently excluded a student for:

- (a) One of the above offences; or
- (b) Persistent and defiant misbehaviour including bullying (which include racist, homophobic, transphobic, biphobic or discriminatory bullying) or repeated possession and/or use of an illegal drug on school premises.

The Secretary of State would not normally expect the governors' Discipline Committee or an Independent Appeal Panel to reinstate the student.

The Headteacher has the ability to rescind or withdraw a permanent exclusion before the governing board has met to consider whether the pupil should be reinstated. Also, where further evidence has come to light, a further suspension or permanent exclusion may be issued to begin immediately after the first suspension.

## **11. Bullying**

Bullying is simply defined as: "a group or person repeating unkind behaviour to another group or individual'.

At The Grange School we are committed to providing a supportive, caring, and safe environment for all of our students so that they can learn without fear of being bullied. All members of the school community have the right to learn and work in a safe and secure environment.

Bullying of any kind is unacceptable in our school and will not be tolerated. If bullying does occur, all students should be able to tell someone and know that incidents will be dealt with promptly and effectively.

Bullying can take many forms (for instance, cyber-bullying via text messages, social media, or gaming, which can include the use of images and video)". (DfE: Preventing and tackling bullying 2017). Bullying can also be driven by prejudice including homophobia, transphobia, biphobia, racism, or victimising those who have special needs or disabilities.

It can include indirect bullying such as spreading rumours whether true or not and picking on students due to their personal situations at home. Bullying can also be when a person is left out of a group, makes threats against someone else, damages or takes someone's property deliberately. It can also be when people are forced to do something they do not want to do.

All these actions are serious, and adults must always intervene, but they may not always be regarded as bullying behaviour unless they are part of an ongoing pattern against the victim.

Bullying can take many forms, but the three main types are:

- Physical – hitting, kicking, taking belongings
- Verbal – name calling, insulting, making offensive remarks
- Indirect – spreading nasty stories about someone, exclusion from social groups, being made the subject of malicious rumours, sending malicious e-mails/text messages on mobile phones or social networking sites.

This list is not exhaustive but gives an idea of the many types of bullying behaviours. Bullying alongside other forms of harassment can make students' lives unhappy and adversely affect their learning.

The Grange School will not tolerate bullying and will support not only the victim but the perpetrator of bullying in modifying their behaviour. Parents/carers will be informed of incidents of bullying and kept up to date of the situation.

In cases where bullying continues, despite the intervention by the school, disciplinary action will be taken against the bully.

The link to our anti bullying policy is here:

<https://www.grange.bucks.sch.uk/wp-content/uploads/2022/08/The-Grange-School-Anti-Bullying-Policy-1.pdf>

## **12. Racist Incidents**

The Grange School aims to build a community based on mutual respect and understanding. The school is an ethnically and culturally diverse community with many students having English as an additional language. The school recognises that all members of its community, students, parents/carers, and staff, of which ever racial group or background, have the right to be treated with equal respect.

Racism includes all practices and procedures that discriminate against people because of their race, colour, culture, nationality, and national or ethnic origins including religion and language. Racist incidents in school are those which are perceived to be racist by the victim or any other person. Racist incidents will be investigated by the school and can take numerous forms:

- Verbal abuse and threatening behaviour – derogatory name-calling, insults, racist jokes, threats, racist language
- Racist comments – racist comments in the course of lessons, ridicule of an individual's cultural differences e.g. food, music, dress, language
- Physical assault – because of their colour, race, or ethnicity
- Damage to property – racially motivated
- Racist graffiti
- Discriminatory behaviour – refusal to co-operate with others due to their ethnic origin
- Incitement to behave in a racist manner – provocative behaviour such as wearing racist badges or insignia, attempts to recruit other students to racist organisations

and groups, bringing racist materials into school, use of ICT resources to distribute racist materials.

Racism is unacceptable and will not be tolerated at The Grange School. Perpetrators of racist incidents will be disciplined in accordance with school sanctions depending on the severity of the incident.

Issues of race and racism are taught in a structured and progressive way to all students through the schools PSHCE curriculum.

Students are reminded in assemblies of the school's policy on racist incidents and the likely consequence of such behaviour. When racist incidents are witnessed or alleged, students, staff and parents/carers are advised and urged to notify the appropriate Year Team leader or member of the Senior Leadership Team.

Parents/carers of both the victim and the perpetrator will be notified that a racist incident has occurred, and the incident recorded accordingly.

### **13. On-line Behaviour**

On-line Behaviour is challenging to manage as it often spans home, school, and community life. We educate our students in safe use of Technology but cannot be held responsible for inappropriate use when it happens beyond the school site.

The school can issue behaviour sanctions to students for on-line misbehaviour when:

- It poses a threat or causes harm to another student
- It could have repercussions for the orderly running of the school
- It adversely affects the reputation of the school
- The student is identifiable as a member of the school
- The student is in possession of nude or semi-nude images.

Support for the victim and perpetrator may also be provided by our attached police officer.

### **14. Sexual Harassment and sexual violence**

The school will ensure that all incidents of sexual harassment and/or violence are met with a suitable response, and never ignored.

Students are encouraged to report anything that makes them uncomfortable, no matter how 'small' they feel it might be.

The school's response will be:

- Proportionate
- Considered
- Supportive
- Decided on a case-by-case basis.

The school has procedures in place to respond to any allegations or concerns regarding a child's safety or wellbeing. These include clear processes for:

- Responding to a report
- Carrying out risk assessments, where appropriate, to help determine whether to:
  - Manage the incident internally.
  - Refer to early help.
  - Refer to children’s social care.
  - Report to the police.

Please refer to our child protection and safeguarding policy for more information:

<https://www.grange.bucks.sch.uk/wp-content/uploads/2022/10/The-Grange-Child-Protection-Policy.pdf>

## **15. Mobile Phones**

Whilst we recognise the desire for students to have their own mobile phone, we expect them to be turned off and out of sight between 8.30am and 3.00pm. We take this stance to reduce the potential for on-line abuse, inappropriate photo or video taking and to avoid distractions when learning.

Any phone brought into school remains the responsibility of the individual. At times, students may be asked to hand over their phone for safe keeping by a member of staff, which then transfers the responsibility to them whilst in their possession.

The expectations are that phones seen or heard during the day will be confiscated by any member of staff and secured safely in the school office. If this is the first time this has happened in a half term, the phone will be returned at the end of the day and parents informed. If it happens twice, the phone will be kept securely in the school until the Friday of that week, unless collected by a parent. If there is a third incident, parents or carers will be expected to attend a meeting with the Year Team Leader where the phone will be returned to the parent.

The exception to this rule is for 6<sup>th</sup> form, who may use their mobile phones in their study area only, away from the rest of the school population. The school is not liable for any loss or damage to personal devices unless they have been lost or damaged whilst in our possession.

## **16. Safeguarding**

The school recognises that changes in behaviour may be an indicator that a student is in need of help or protection.

We will consider whether a student’s misbehaviour may be linked to them suffering, or being likely to suffer, significant harm.

Where this may be the case, we will follow our child protection and safeguarding policy, and consider whether pastoral support, an early help intervention or a referral to children’s social care is appropriate.

## **17. Behaviour outside school**

Sanctions may be applied where a student has misbehaved off-site when representing the school. This means misbehaviour when the student is:

- Taking part in any school-organised or school-related activity (e.g., school trips)
- Travelling to or from school
- Wearing school uniform
- In any other way identifiable as a student at our school

Sanctions may also be applied where a student has misbehaved off-site, at any time, whether or not the conditions above apply, if the misbehaviour:

- Could have repercussions for the orderly running of the school
- Poses a threat to another student
- Could adversely affect the reputation of the school.

For behaviour outside school, but not on school business, the Headteacher may suspend a student if there is a clear link between behaviour and maintaining good behaviour and discipline among the student body as a whole. This will be behaviour in the immediate vicinity of the school or on a journey to and from school can, for example, be grounds for suspension.

## **18. Malicious Allegations**

Where a student makes an allegation against a member of staff and that allegation is shown to have been deliberately invented or malicious, the school will consider whether to discipline the student in accordance with this policy.

Where a student makes an allegation of sexual violence or sexual harassment against another student and that allegation is shown to have been deliberately invented or malicious, the school will consider whether to discipline the student in accordance with this policy.

In all cases where an allegation is determined to be unsubstantiated, unfounded, false, or malicious, the school (in collaboration with the local authority designated officer (LADO), where relevant) will consider whether the student who made the allegation is in need of help, or the allegation may have been a cry for help. If so, a referral to children's social care may be appropriate.

The school will also consider the pastoral needs of staff and students accused of misconduct.

## **19. Drugs related incidents**

The Grange School has a duty of care for the education, safety, and well-being of all its students. When students become involved in the supplying, receiving, possession or use of drugs within the jurisdiction of the school, it is clear that there is an equal duty of care and responsibility for the position of all students enrolled at the school.

Drugs Education is an integral part of the school's PSHCE curriculum and is a well-developed programme which is taught to Years 7-13. The programme emphasis is on decision-making skills as well as being information giving.

The use of tobacco, vapes and alcohol are prohibited at all times in and around the vicinity of the school. The use of tobacco, vapes and/or alcohol will result in the disciplining of students depending on the persistence and severity of the behaviour. Drugs related incidents also include illegal drugs and/or misuse of prescription, non-prescription drugs, vapes or volatile substances i.e. those giving off a gas or vapour, which can be inhaled (this includes aerosols). No drug or volatile substance should be brought onto the school premises without the school's knowledge and approval. This approval must be sought from the Headteacher or Matron (in the case of medication) and will only be given following a written request from a parent/carer.

The Grange School in its duty of care will protect its students from the dangers of an illicit drug culture. There is no reason why any student should come into contact with drugs whilst at school. The Grange School will act firmly in incidents related to drugs.

The policy of the school is explicit.

**The following actions will lead to permanent exclusion:**

- dealing, i.e. the supply, exchange, or receipt of drugs

**The following will normally lead to permanent exclusion, depending upon the level of involvement:**

- the use of illegal drugs, or
- possession of illegal drugs, or
- the misuse of prescription, non-prescription or volatile substances

**The following could lead to permanent exclusion:**

The possession of:

- prescription drugs (without the knowledge of the school)
- non-prescription drugs (without the knowledge of the school)
- volatile substances (without the knowledge of the school)

Students are reminded in assemblies of the school's policy on drug incidents and the likely consequence of such behaviour. All members of the school community have a duty to inform members of the Senior Leadership Team if they suspect that drugs are present or are being used at school.

When an incident has occurred or there is reasonable suspicion that an incident has taken place, the school will notify parents/carers as soon as possible. Relevant staff members will discuss which, if any, agencies outside of school to consult or inform: Education Welfare Office, Community Drug Agencies, Police School Liaison Officer, Health Authority personnel. The police will be informed in all cases where reasonable suspicion of possession or use of illegal substances has taken place.

The school will regularly provide students and parents/carers with information about drug prevention/harm.

## **20. Managed Moves**

(For more information see the Buckinghamshire Children's Services Protocol for Managed Moves between Schools in Buckinghamshire, currently being updated as of September 2024)

The main purpose of a managed move is to give a student the opportunity of a fresh start at another school, potentially avoiding a permanent exclusion from his/her "home" school.

Managed moves are first explained to parents/carers, whose consent must be gained. They are negotiated bilaterally between the Headteachers of the schools concerned. No school is under any obligation to accept a student on a managed move. Schools will always consider all factors relating to the student before accepting a student on a managed move, so it is essential that the home school shares all relevant known information about the student (e.g., SEN, child protection issues, associates in the receiving school).

Once a school agrees to consider a managed move, the Local Authority Exclusion and Reintegration (E&R) team is informed. Before the managed move can start, an initial meeting must take place in the receiving school involving: the student and his/her parents/carers; the receiving school; the home school; and usually a member of the LA E&R team.

Behavioural targets will be set with the student and success criteria agreed by all present. The managed move normally lasts for 12 weeks. In exceptional circumstances, it may be extended. It must be noted the move is permanent and not on a trial basis as in previous years.

Students attending a school via a managed move that is more than 3 miles from their home address will receive funded transport (normally a bus pass).

### **Key points in our approach to the use of managed moves.**

1. Managed moves will always be considered as an option if a student's behaviour starts to cause serious concern, and the school's efforts to address the behaviour are having limited or no success
2. Ideally the managed move will be used before a student reaches the point of permanent exclusion and is a further measure of support for the student.
3. Managed moves will only be initiated if the Headteacher judges that they have a reasonable chance of success
4. In the event of a potential permanent exclusion, or two or more exclusions in a half term, the Headteacher will always consider whether a managed move may be a viable means of avoiding a permanent exclusion. If it is decided that it is not, the reason for the Headteacher's decision will be included in the Headteacher's report to the exclusion panel
5. The school will follow the LA protocol, including supporting paperwork and the associated expectations related to communications with all parties
6. The school recognises its own responsibilities to the community of schools in Buckinghamshire and will always engage constructively with requests from the Headteachers of other schools to host managed moves.

## **21. Student Support – Reasonable Adjustment**

The school recognises its legal duty under the Equality Act 2010 to prevent students with a protected characteristic from being at a disadvantage. Consequently, our approach to challenging behaviour may be differentiated to cater to the needs of the student.

We recognise that some students with SEN will need additional support to help them think through their actions and the consequences of them, as well as develop skills to achieve desired behaviour.

The school's special educational needs co-ordinator will evaluate a student who exhibits challenging behaviour to determine whether they have any underlying needs that are not currently being met.

Where necessary, support and advice will also be sought from specialist teachers, an educational psychologist, medical practitioners and/or others, to identify or support specific needs.

When acute needs are identified in a student, we will liaise with external agencies and plan support programmes for that child. We will work with parents to create the plan and review it on a regular basis.

## **22. The Use of Reasonable Force**

In some circumstances, staff may use reasonable force to restrain a student to prevent them:

Reasonable force covers a range of interventions that involve physical contact with students. All members of staff have a duty to use reasonable force, in the following circumstances, to prevent a student from:

- Causing disorder
- Hurting themselves or others
- Damaging property
- Committing an offence

Incidents of reasonable force must:

- Always be used as a last resort
- Be applied using the minimum amount of force and for the minimum amount of time possible
- Be used in a way that maintains the safety and dignity of all concerned
- Never be used as a form of punishment
- Be recorded and reported to parents.

When considering using reasonable force, staff should, in considering the risks, carefully recognise any specific vulnerabilities of the student, including SEND, mental health needs or medical conditions.

## **23. Confiscation, searches, screening**

Searching, screening and confiscation is conducted in line with the DfE's latest guidance on searching, screening and confiscation.

## Confiscation

Any prohibited items (listed in section 3) found in a student's possession as a result of a search will be confiscated. These items will not be returned to the student.

We will also confiscate any item that is harmful or detrimental to school discipline. These items will be returned to students after discussion with senior leaders and parents, if appropriate.

## Searching a student

Searches will only be carried out by a member of staff who has been authorised to do so by the headteacher, or by the headteacher themselves.

Subject to the exception below, the authorised member of staff carrying out the search will be of the same sex as the student, and there will be another member of staff present as a witness to the search.

An authorised member of staff of a different sex to the student can carry out a search without another member of staff as a witness if:

- The authorised member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; **and**
- In the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is the same sex as the student; **or**
- It is not reasonably practicable for the search to be carried out in the presence of another member of staff.

When an authorised member of staff conducts a search without a witness, they should immediately report this to another member of staff and ensure a written record of the search is recorded.

If the authorised member of staff considers a search to be necessary, but is not required urgently, they will seek the advice of the headteacher, designated safeguarding lead (or deputy) or pastoral member of staff who may have more information about the student. During this time, the student will be supervised and kept away from other students.

A search can be carried out if the authorised member of staff has reasonable grounds for suspecting that the student is in possession of a prohibited item or any item identified in the school rules for which a search can be made, or if the student has agreed.

An appropriate location for the search will be found. Where possible, this will be away from other students. The search will only take place on the school premises or where the member of staff has lawful control or charge of the student, for example on a school trip.

Before carrying out a search the authorised member of staff will:

- Assess whether there is an urgent need for a search
- Assess whether not doing the search would put other students or staff at risk
- Consider whether the search would pose a safeguarding risk to the student
- Explain to the student why they are being searched
- Explain to the student what a search entails – e.g. I will ask you to turn out your pockets and remove your scarf
- Explain how and where the search will be carried out

- Give the student the opportunity to ask questions
- Seek the student's co-operation.

If the student refuses to agree to a search, the member of staff can give an appropriate behaviour sanction.

If they still refuse to co-operate, the member of staff will contact the headteacher / designated safeguarding lead (or deputy) / pastoral lead, to try and determine why the student is refusing to comply.

The authorised member of staff will then decide whether to use reasonable force to search the student. This decision will be made on a case-by-case basis, taking into consideration whether conducting the search will prevent the student harming themselves or others, damaging property or from causing disorder.

The authorised member of staff can use reasonable force to search for any prohibited items identified in section 3, but not to search for items that are identified in the school rules.

The authorised member of staff may use a metal detector to assist with the search.

An authorised member of staff may search a student's outer clothing, pockets, possessions, desks, or lockers.

Outer clothing includes:

- Any item of clothing that is not worn immediately over a garment that is being worn wholly next to the skin or being worn as underwear (e.g., a jumper or jacket being worn over a t-shirt)
- Hats, scarves, gloves, shoes, boots

### **Searching students' possessions**

Possessions means any items that the student has or appears to have control of, including:

- Desks
- Lockers
- Bags

A student's possessions can be searched for any item if the student agrees to the search. If the student does not agree to the search, staff can still carry out a search for prohibited items (listed in section 3) and items identified in the school rules.

An authorised member of staff can search a student's possessions when the student and another member of staff are present.

If there is a serious risk of harm if the search is not conducted immediately, or it is not reasonably practicable to summon another member of staff, the search can be carried out by a single authorised member of staff.

### **Informing the designated safeguarding lead (DSL)**

The staff member who carried out the search should inform the DSL without delay:

- Of any incidents where the member of staff had reasonable grounds to suspect a student was in possession of a prohibited item as listed in section 3
- If they believe that a search has revealed a safeguarding risk

All searches for prohibited items (listed in section 3), including incidents where no items were found, will be recorded in the school's safeguarding system.

## **Informing parents**

Parents will always be informed of any search for a prohibited item (listed in section 3). A member of staff will tell the parents as soon as is reasonably practicable:

- What happened
- What was found if anything
- What has been confiscated if anything
- What action the school has taken, including any sanctions that have been applied to their child.

## **Support after a search**

Irrespective of whether any items are found as the result of any search, the school will consider whether the student may be suffering or likely to suffer harm and whether any specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search).

If this is the case, staff will follow the school's safeguarding policy and speak to the designated safeguarding lead (DSL). The DSL will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

## **Strip searches**

The authorised member of staff's power to search outlined above does not enable them to conduct a strip search (removing more than the outer clothing) and strip searches on school premises shall only be carried out by police officers in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C.

Before calling the police into school, staff will assess and balance the risk of a potential strip search on the student's mental and physical wellbeing and the risk of not recovering the suspected item.

Staff will consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and will always ensure that other appropriate, less invasive approaches have been exhausted first.

Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them. The school will advocate for the safety and wellbeing of the student(s) involved. Staff retain a duty of care to the student involved and should advocate for student wellbeing at all times.

## **Communication and record-keeping**

Where reasonably possible and unless there is an immediate risk of harm, staff will contact at least 1 of the student's parents to inform them that the police are going to strip search the student before strip search takes place, and ask them if they would like to come into school to act as the student's appropriate adult. If the school cannot contact the parents, or they are not able to come into school to act as the appropriate adult, a member of staff can act as the appropriate adult (see below for the role of the appropriate adult).

The student's parents will always be informed by a staff member once a strip search has taken place. The school will keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

### **Who will be present.**

For any strip search that involves exposure of intimate body parts, there will be at least two people present other than the student, except in urgent cases where there is risk of serious harm to the student or others.

One of these must be the appropriate adult, except if:

- The student explicitly states in the presence of an appropriate adult that they do not want an appropriate adult to be present during the search, **and**
- The appropriate adult agrees.

If this is the case, a record will be made of the student's decision, and it will be signed by the appropriate adult.

No more than two people other than the student and appropriate adult will be present, except in the most exceptional circumstances.

The appropriate adult will:

- Act to safeguard the rights, entitlement, and welfare of the student
- Not be a police officer or otherwise associated with the police
- Not be the headteacher
- Be of the same sex as the student, unless the student specifically requests an adult who is not of the same sex.

Except for an appropriate adult of a different sex if the student specifically requests it, no one of a different sex will be permitted to be present and the search will not be conducted anywhere where the student could be seen by anyone else.

If the police need to carry out a search on site, there will be a member of safeguarding staff designated as the appropriate adult. We will arrange for an Appropriate Adult to be present in the case of a child or young person or vulnerable adult (except in cases of urgency where there is a risk of harm to the detainee or others). If the subject is under 18 and does not wish an Appropriate Adult to be present during the actual search, ensure they explain this in the presence of the Appropriate Adult and obtain the agreement of the Appropriate Adult.

### **Care after a strip search.**

After any strip search, the student will be given appropriate support, irrespective of whether any suspected item is found. The student will also be given the opportunity to express their views about the strip search and the events surrounding it.

As with other searches, the school will consider whether the student may be suffering or likely to suffer harm and whether any further specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search).

Staff will follow the school's safeguarding policy and speak to the designated safeguarding lead (DSL). The DSL will consider if, in addition to pastoral support, an early help intervention or a referral to children's social care is appropriate.

Any student(s) who have been strip searched more than once and/or groups of students who may be more likely to be subject to strip searching will be given consideration, and staff will consider any preventative approaches that can be taken.

## **24. Suspected criminal behaviour**

If a student is suspected of criminal behaviour, the school will make an initial assessment of whether to report the incident to the police.

When establishing the facts, the school will endeavour to preserve any relevant evidence to hand over to the police.

If a decision is made to report the matter to the police, the Headteacher, member of the senior leadership team or pastoral lead will make the report.

The school will not interfere with any police action taken. However, the school may continue to follow its own investigation procedure and enforce sanctions if it does not conflict with police action.

If a report to the police is made, the designated safeguarding lead (DSL) will make a tandem report to children's social care, if appropriate.

## **25. Monitoring and evaluating school behaviour**

The school will collect data termly on the following:

- Behavioural incidents, including removal from the classroom
- Attendance, permanent exclusion, and suspension
- Use of student support units, off-site directions, and managed moves
- Incidents of searching, screening, and confiscation
- Anonymous surveys for staff, students, governors, trustees and other stakeholders on their perceptions and experiences of the school behaviour culture.

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- At the level of individual members of staff
- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any trends or disparities between groups of students are identified by this analysis, the school will review its policies to tackle it.

## **26. Monitoring this policy**

This behaviour policy will be reviewed by the headteacher and governing body at least annually, or more frequently, if needed, to address findings from the regular monitoring of the behaviour data.

## Appendix 1: Written Statement of Behaviour Principles

- Every student understands they have the right to feel safe, valued, and respected, and to be able to learn free from the disruption of others.
- All students, staff and visitors are free from any form of discrimination.
- Staff and volunteers always set an excellent example to students.
- Rewards, sanctions, and reasonable force are used consistently by staff, in line with the behaviour policy.
- The behaviour policy is understood by students and staff.
- The exclusions policy explains that exclusions will only be used as a last resort, and outlines the processes involved in suspensions and exclusions.
- Students are helped to take responsibility for their actions.
- Families are involved in behaviour incidents to foster good relationships between the school and students' home life.

The Governing Board also emphasises that violence or threatening behaviour will not be tolerated in any circumstances.

## Behaviour For Learning Traffic Light



If you continue past your final warning, you will be removed from class by SLT and the 30 minute detention will become a 1 hour same day detention.

**Final Warning & 30 Minute Detention**

**Verbal Warning**

**Verbal Reminder**

## Appendix 3 – Suspensions and Permanent Exclusions

### Statement of intent

1. [Legal framework](#)
2. [Roles and responsibilities](#)
3. [Grounds for suspension or exclusion](#)
4. [The headteacher's power to suspend and exclude](#)
5. [Factors to consider when suspending or excluding a student](#)
6. [Preventative measures](#)
7. [Duty to inform parents](#)
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9. [Duty to inform social workers and the virtual school head \(VSH\)](#)
10. [Arranging education for suspended and excluded students](#)
11. [Considering suspensions and exclusions](#)
12. [Reaching a decision](#)
13. [Notification of considered suspensions and exclusions](#)
14. [Removing excluded students from the school register](#)
15. [Independent review panel](#)
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17. [The role of a SEND expert](#)
18. [Appointing a clerk](#)
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20. [The duties of the independent review panel](#)
21. [Conducting governing board meetings or independent review panels via remote access](#)
22. [Reconsidering reinstatement following a review](#)
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25. [Using data](#)
26. [Monitoring and review](#)
27. [Flowchart for reviewing the headteacher's suspension or exclusion decision](#)

### **Statement of intent**

At The Grange School, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other sanctions, the school recognises that suspension and exclusion of students may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or excluding a student may also be required in instances where allowing the student to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding students should only be used as a means of last resort.

The school has created this appendix to clearly define the legal responsibilities of the headteacher, governing board and LA when responding to student suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE

statutory guidance. This policy also aims to secure a student's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

At The Grange School, we apply the following definitions:

A "**suspension**" is defined as the temporary removal of a student from the school for behaviour management purposes. A student may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

An "**exclusion**" is defined as the permanent removal of a student from the school, 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 staff in the school.

## **2. Legal framework**

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

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Student Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023
- The European Convention on Human Rights (ECHR)

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2023) 'Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement'
- DfE (2022) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

This policy operates in conjunction with the following school policies:

- Behaviour Policy
- Anti-bullying Policy
- Student Code of Conduct
- Special Educational Needs and Disabilities (SEND) Policy
- Child Protection and Safeguarding Policy

## **3. Roles and responsibilities**

The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Arranging suitable full-time education for any student of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing students' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.
- Arranging the hearing without delay at a time, date and venue convenient for all parties.
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

The governing board is responsible for:

- Providing information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months.
- Arranging suitable full-time education for any student of compulsory school age who is suspended, where required.
- Considering parents' representations about suspensions and exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where a suspension or exclusion would result in a student missing a public examination or test, considering the suspension or exclusion before this date.
- Considering whether it would be appropriate for a student to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Arranging for the representation meeting to take place via remote access where requested by parents or excluded students aged 18 and over.
- Adhering to its responsibilities to consider the reinstatement of students.
- Considering the interests and circumstances of the suspended or excluded student, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the student's education record, along with copies of relevant papers for future reference.
- Notifying the student's parents, the headteacher and the LA of its decision and the reasons for it, without delay.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a student's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a student where directed to do so by the suspensions and exclusions review panel.
- Using data to evaluate the school's practices regarding intervention, suspension and exclusion.

The clerk to the suspensions and exclusions review panel is responsible for:

- Informing the appropriate individuals that they are entitled to:
  - Make written representations to the panel.
  - Attend the hearing and make oral representations to the panel.
  - Be represented.
- Circulating copies of relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.

- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy.

The headteacher is responsible for:

- Implementing good levels of discipline to ensure all students can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to students with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a student has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a student who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a student has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual students, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of students with additional needs.
- Determining whether a student will be suspended or excluded on disciplinary grounds.
- Adhering to their responsibilities when cancelling an exclusion before the governing board has met to consider whether the student should be reinstated. Withdrawing any suspensions or exclusions that have not been reviewed by the governing board, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a student.
- Ensuring they have considered their legal duty of care when sending a student home following a suspension or exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a student's parents without delay where the decision is taken to suspend or exclude the student, including the days on which the parents must ensure the student is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the governor responsible and LA of their decision to exclude a student where appropriate, as well as the student's home authority if required.

- Notifying the governing board once per term of any exclusions in the headteacher's report to governors.
- Organising suitable work for excluded students where alternative provision cannot be arranged.

#### **4. Grounds for suspension or exclusion**

The school will only suspend or exclude a student where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Policy, have failed to be successful.

The following examples of behaviour may warrant the decision to suspend or permanently exclude a student:

- (e) Serious actual or threatened violence against another student or a member of staff.
- (f) Sexual abuse or assault.
- (g) Supplying an illegal drug.
- (h) Carrying an offensive weapon.

Serious offences affect the discipline and well-being of the school community and in cases where a headteacher has permanently excluded a student for:

- (c) One of the above offences; or
- (d) Persistent and defiant misbehaviour including bullying (which include racist, homophobic, transphobic, biphobic or discriminatory bullying) or repeated possession and/or use of an illegal drug on school premises.

The Secretary of State would not normally expect the governors' Discipline Committee or an Independent Appeal Panel to reinstate the student.

The Headteacher has the ability to rescind or withdraw a permanent exclusion before the governing board has met to consider whether the pupil should be reinstated. Also, where further evidence has come to light, a further suspension or permanent exclusion may be issued to begin immediately after the first suspension.

Students can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year, or permanently excluded. Similarly, students can be permanently excluded following a suspension, where further evidence is presented. In all cases, the headteacher will decide whether a student will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

The school has the power to direct a student off-site to improve their behaviour.

#### **5. The headteacher's power to suspend and exclude**

Only the headteacher has the power to suspend or exclude a student from the school, and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds.

The headteacher is able to suspend students where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day. The headteacher is also able to consider a student's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the school's Behaviour Policy.

When sending a student home following any suspension or exclusion, the headteacher will ensure that they exercise their duty of care at all times and will always inform the parents.

Any decision made to suspend or exclude a student will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the school's wider legal duties, including the ECHR. At all times, the headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds and will not increase the severity of a student's suspension or exclusion on these grounds.

The headteacher will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The headteacher may cancel any suspension or exclusion that has already begun, or one that has not yet begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the governing board.

Where a suspension or exclusion is cancelled, the headteacher will notify the student's parents, the governing board, the LA, and, where relevant, the virtual school head (VSH) and the student's social worker. The notification will also provide the reason for the cancellation. The headteacher will offer the student's parents the opportunity to meet with the headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the student will be allowed back into school without delay.

When a suspension or exclusion is cancelled, the governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.

Any days spent out of school as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school days that a student can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the student has already been suspended or excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect.

The headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the governing board once per term, to allow the governing board to have appropriate oversight.

The headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a student home to 'cool off', regardless of whether the parents have agreed to this. The headteacher will not use the threat of suspension or exclusion as a means of instructing parents to remove their child from the premises.

All suspensions and exclusions will be formally recorded on the school's SIMs database.

## **6. Factors to consider when suspending or excluding a student**

When considering the suspension or exclusion of a student, the headteacher will:

- Allow the student the opportunity to present their case once evidence has been collected.

- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the student's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the student has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess students who demonstrate consistently poor behaviour.

The headteacher will consider what extra support may be available for vulnerable student groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion, including the following:

- LAC
- Students eligible for FSM
- Students with SEND
- Certain ethnic groups

The headteacher will consider avoiding excluding LAC, those with SEMH issues or students with an EHC plan. Where any member of staff has concerns about vulnerable student groups and their behaviour, they will report this to the headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities.

Where SEND issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour Policy. If the student continues to endanger the physical or emotional wellbeing of other students or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. In accordance with the Equality Act 2010, under no circumstances will a student with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed.

Where a student with SEND issues is excluded because of a SEND need that could not be met at the school, detailed records will be kept highlighting that these students are closely tracked and showing that the school has a close relationship with the student's next destination.

The headteacher will work in conjunction with the parents of any student with additional needs to establish the most effective support mechanisms.

## **7. Preventative measures**

Before taking a final decision to exclude, the headteacher will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to exclusion.

### **Off-site direction**

Under the Education Act 2002, the governing board may require any registered student to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour.

The governing board and the headteacher will decide, in communication with the student and their parents, whether off-site direction is an appropriate solution to manage a student's behaviour and avoid suspension or exclusion. Where all parties agree to this course of

action, the school will work with the student and their parents to discuss and agree a plan for the off-site direction, including a proposed maximum period of time that the student will be at the alternative provision and any alternative options that will be considered once the time limit has been reached, e.g. managed moves.

The governing board will notify parents, and the LA if the student has an EHC plan, in writing with information about the placement no later than two school days before the relevant day.

The school will keep any off-site placements under review by holding review meetings at intervals deemed appropriate by the governing board; the governing board will ensure, where possible, that review meetings are convened at a time suitable for the student's parents, and will invite parents in writing to each review meeting no later than six days before that date. Where parents request, in writing, that the governing board hold a review meeting, the governing board will arrange review meetings in response, as soon as is reasonably practicable, unless there has been a review meeting in the previous 10 weeks.

The governing board will decide at each review meeting whether the arrangement will continue and for what period of time; the meeting will also decide arrangements for further reviews. Reviews will be recorded in writing, including any decisions made regarding the placement.

### **Managed moves**

Where it is thought to be in a student's best interest to transfer them to another mainstream school permanently, the headteacher and governing board will discuss this with the parents of the student, and the LA if the student has an EHC plan – managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new school.

The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. The school will participate in information sharing with the student's new school, including sending data on prior and current attainment, academic potential and any risk management strategies. The school will also cooperate with the student's new school to create an effective integration strategy.

Parents who have concerns that a managed move is being forced on them or who are unhappy with a managed move will be referred to the Complaints Policy and Procedure.

## **8. Duty to inform parents**

Following the headteacher's decision to suspend or exclude a student, they will immediately inform the parents, or the excluded student if they are 18 or older, in person or by telephone, supported by email communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.

The headteacher will inform the parents in writing (or electronically if written permission has been received from the parents for notices to be sent this way) of the following:

- The reasons for the suspension or exclusion
- The length of the suspension or permanency of the exclusion
- Their right to raise any representations about the suspension or exclusion to the governing board, including how the student will be involved in this and how the representations will be made
- Their right to make a request to hold the meeting via remote access and how this request can be made

- Their right to attend a meeting where there is a legal requirement for the governing board to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the student to continue their education prior to the organisation of any alternative provision, or the student's return to school
- Relevant sources of free, impartial information

Where the student is of compulsory school age, the headteacher will inform the parents by the end of the afternoon session that for the first five days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

Where the headteacher has arranged alternative provision, they will also inform the parents of the following:

- The start and end date for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the student to identify the person they should report to on the starting date

Where the headteacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the student beginning the provision. If the alternative provision is due to begin before the sixth day of the suspension or exclusion, the headteacher is able to give less than 48 hours of notice, with parental consent.

If the headteacher has decided to suspend the student for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents without delay and issue a new suspension or exclusion notice to parents.

## **9. Duty to inform the governing board and LA**

The headteacher will inform the governing board, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the student)
- Any suspensions which would result in the student being suspended for more than 5 school days in a term (or more than 10 lunchtimes)
- Any suspensions or exclusions which would result in the student being absent from an examination or national curriculum test

For any suspensions and exclusions, other than those above, the headteacher will notify the governing board once per term.

The headteacher will inform the LA of all suspensions or exclusions, regardless of their length, without delay.

All notifications to the governing board and LA will include the reasons for suspension or exclusion and the duration of any suspension.

If a student who is suspended or excluded lives outside the LA in which the school is located, the headteacher will notify the student's 'home authority'.

### **10. Duty to inform social workers and the virtual school head (VSH)**

When a student has been suspended or excluded, the headteacher will, without delay, notify the student's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

Social workers and/or the VSH will also be informed when a meeting of the governing board is taking place, and will be invited to attend the meeting should they wish to do so.

Social workers and VSHs will be allowed to join a governing board meeting or independent review panel via the use of remote access, as long as the arranging authority is satisfied they will be able to participate effectively, they can hear and be heard throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.

### **11. Arranging education for suspended and excluded students**

For any suspensions of more than five school days, the governing board will arrange suitable full-time education for the student, which will begin no later than the sixth day of suspension. Where a student receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For exclusions, full-time education will be provided for the student from the sixth day of exclusion.

The governing board will not arrange full-time education for any student who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

The governing board is aware that it is beneficial to suspended and excluded students to begin their alternative education arrangements before the sixth day of suspension or exclusion; therefore, the governing board will always attempt to arrange alternative provision before the sixth day. Where it is not possible to arrange alternative provision during the first five days, the school will ensure that they take reasonable steps to set and mark work for the student.

If a student with SEND has been suspended or excluded, the governing board will ensure that:

- Any alternative provision is arranged in consultation with the student's parents, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the student's needs are reassessed, in consultation with the student's parents.

### **12. Considering suspensions and exclusions**

The governing board will consider any representations made by parents regarding suspensions and exclusions.

Parents and, where requested, a friend or representative, the headteacher, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations.

Any meeting to consider reinstatement of a student will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits. Parents, and excluded students if they are over 18, will also be able to request that the meeting is held via remote access.

Where it is appropriate to the student's age and level of understanding, the student will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.

The governing board will consider the reinstatement of a suspended or excluded student, where:

- The exclusion is permanent.
- The suspension is fixed-period, and would bring the student's total number of suspended school days to more than 15 in any given term.
- The suspension or exclusion would result in the student missing a public examination.

In the case of a suspension where the student's total number of suspended days is more than 5 but less than 16 school days (this includes suspensions that exceed 15 school days by less than a whole day, e.g. one that totals 15.5 days) within a term, if parents make representations, the governing board will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the governing board will consider the reinstatement on their own.

Where a suspension will take a student's total number of school days out of school above five but less than 15 for the term, and parents have not requested a governing board meeting, the governing board will not be required to consider the student's reinstatement but it will have the power to do so if it deems it appropriate.

Where a suspension will not bring a student's total number of days of suspension or permanent exclusion to more than five days in a term, the governing board will consider all representations made by parents; however, the board cannot direct the reinstatement of the student and it is not required to arrange a meeting with parents.

Where suspension or exclusion would result in a student missing a public examination, the governing board will consider the suspension or exclusion before the test to decide whether the student should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, the chair of governors, or the vice chair of governors if necessary, will consider the suspension or exclusion alone and decide whether or not to reinstate the student.

In light of the above, the governing board will also consider whether it would be appropriate to allow the suspended or excluded student to enter the premises to take the examination.

When considering the reinstatement of a student, the governing board will:

- Only discuss the suspension or exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow students and parents to be accompanied by a person of their choice to the meeting.

- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the suspended or excluded student to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the student, including the grounds for suspension or exclusion.

### **13. Reaching a decision**

After considering suspensions and exclusions, the governing board will either:

- Decline to reinstate the student.
- Direct the reinstatement of the student immediately, or on a specified date.

If reinstatement would make no practical difference, e.g. if the student has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the governing board will still consider whether the student should be officially reinstated, and whether the headteacher's decision to suspend or exclude the student was fair, lawful and proportionate, based on the evidence presented.

The governing board will apply the civil standard of proof when responding to the acts relating to a suspension or exclusion, i.e. that on the 'balance of probabilities' it is more likely than not that the facts are true.

To reach a decision, the governing board will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the suspension or exclusion of the student was lawful, proportionate and fair, taking into account the headteacher's legal duties and any evidence that was presented to the governing board in relation to the decision.
- Record the outcome of the decision on the student's educational records, along with copies, which will be kept for at least six months.
- Inform the LA of the outcome.
- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the student.

### **14. Notification of considered suspensions and exclusions**

The governing board will notify the parents of the suspended or excluded student, the headteacher, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of exclusion, where the governing board decides not to reinstate the student, they will notify the parents:

- That the exclusion is permanent.
- Of their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.

- Of the name and address of whom the review application should be submitted to.
- That a request to hold the meeting via remote access can be made and how to do this.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a student's SEND is considered relevant to the exclusion.
- That, regardless of whether a student has been identified as having SEND, the parents have a right to require the governing board to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The governing board will also notify parents that, if they believe a suspension or exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the governing board will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

### **15. Removing excluded students from the school register**

The headteacher will remove students from the school register if:

- 15 school days have passed since the parents were notified of the governing board's decision not to reinstate the student and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following an exclusion.

If an application for an independent panel review has been made within 15 school days, the headteacher will wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel recommended or directed it to carry out, before removing the student from the school register.

If a student's name is to be removed from the register, the headteacher will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the student normally resides.
- The grounds upon which the student's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the student's name was removed.

If a student's name has been removed from the register and a discrimination claim is made, the student may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a student's name remains on the admissions register, the appropriate code will be used to mark the student's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

## **16. Independent review panel**

The LA will review the governing board's decision not to reinstate an excluded student if the parents submit their application for this within the required time frame.

The LA will constitute an independent review panel of three or five members that represent the following categories:

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity
- A current or former school governor who has served for at least 12 consecutive months in the last 5 years
- A headteacher or individual who has been a headteacher within the last 5 years

Parents are required to submit their applications within:

- 15 school days of the governing board's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of the above timeframe will not be reviewed. Parents are able to request an independent panel review even if they did not make a case to, or attend, the governing board's initial consideration of the exclusion.

Parents can request that independent review panels take place via remote access.

The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance.

## **17. Appointing a SEND expert**

If requested by parents in their application for an independent review panel, the LA will appoint a SEND expert to attend the panel and covers the associated costs of this appointment. Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

The LA will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the LA, school, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in

relation to SEND. Examples of suitable individuals include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.

Recently retired individuals are not precluded from fulfilling this role; however, during interview, the LA will assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA, they will not have had any previous involvement in the assessment or support of SEND for the excluded student, or siblings of the excluded student. The LA will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the LA to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert. In order to meet its duties within the statutory time frame, the LA will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

The LA will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

### **18. The role of the SEND expert**

The SEND expert's role is analogous to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the student's SEND.

The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded student, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the student's exclusion.

Where the school does not recognise that a student has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the student may potentially have, and any contribution that this could have made to the circumstances of the student's exclusion.

The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

### **19. Appointing a clerk**

The LA will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.

Where a clerk is appointed, the LA will ensure that the clerk did not serve as clerk to the governing board when the decision was made not to reinstate the student.

### **20. The role of the clerk**

The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

The clerk will:

- Identify, in advance of the meeting, whether the excluded student wishes to attend the panel hearing, taking reasonable steps to enable the student to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident leading to the exclusion, taking into account the fact that some of these people may be students at the school. Students under 18 will not be allowed to appear in person without parental consent.
- Inform the parents, headteacher and governing board that they are entitled to make oral and written representations to the panel, attend the hearing, and be represented.
- Inform the LA that it is entitled to make oral and written representations to the panel, attend the hearing, and be represented.
- Ensure that all parties are:
  - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
  - Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

Where a clerk is not appointed, the LA will undertake the functions outlined above.

## **21. The duties of the independent review panel**

The role of the panel is to review the governing board's decision not to reinstate an excluded student. In reviewing the decision, the panel will consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students and people working at the school. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel will do one of the following:

- Uphold the decision
- Recommend that the governing board reconsiders reinstatement
- Quash the decision and direct that the governing board reconsiders reinstatement

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the student, parents, governing board, headteacher and LA.

## **22. Conducting governing board meetings or independent review panels via remote access**

Parents, or excluded students if they are 18 or older, will be able to request that governing board meetings or independent review panels are held via remote access; however, parents and students will be made aware that this is not the default option.

Where a parent or student makes a request correctly in line with instructions set out in the headteacher's or governing board's written notification, the governing board or LA will hold the meeting via the use of remote access.

Remote meetings and panels will be held in accordance with timelines for face-to-face meetings.

Where a request for a meeting to be held via remote access is not made, or the parent or student does not state a preference, the meeting or panel will be held in person unless it is not practicable to do so.

If there is a reason related to extraordinary events or unforeseen circumstances, e.g. an outbreak of an infectious illness, which means it is not reasonable for a meeting or panel to be held in person, it may be held via remote access.

Meetings will only be held via remote access if the governing board or LA is satisfied that that the meeting can be held fairly and transparently. If this cannot be done, the governing board or LA will consult with the parent to discuss how a face-to-face meeting can be arranged that will be convenient for them.

If there are technological or internet issues during a remote meeting which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonably practicable to resolve, a face-to-face meeting will be arranged without delay.

When holding meetings or panels via remote access, the governing board or LA will:

- Comply with relevant equalities legislation.
- Enable access to support which the parent is entitled to, including the presence of a friend.
- Confirm with all participants that they have access to the technology that will allow them to participate in the meeting or panel.
- Ensure all the participants will be able to put across their point of view and/or fulfil their function.
- Ensure the remote meeting or panel can be held fairly and transparently.

Where a suspension or exclusion began before 1 September 2023 and a governing board meeting has not yet been held, the headteacher will notify the parent, either on 1 September or as soon as possible afterwards, that they can ask the governing board to hold the meeting via the use of remote access. This also applies if an exclusion began before 1 September and the parent is entitled to make representations but has not yet done so. The headteacher's notification will explain how requests must be made and to whom and that requests must be made within three school days of the notification.

Where an exclusion began before 1 September 2023 and an independent review panel has not yet been held, the governing board must notify the parent, either on 1 September or as soon as possible that they can ask the independent review panel to hold the meeting via the use of remote access. This also applies if an exclusion began before 1 September and the parent is entitled to apply for an independent review panel but has not yet done so. The notification will explain how requests must be made and to whom and that requests must be made within three school days of the notification.

### **23. Reconsidering reinstatement following a review**

Where the independent review panel **instructs** the governing board to reconsider their decision not to reinstate a student, they will do so within 10 school days of being given notice of the review panel's decision.

The school is aware that if, following an **instruction** to reconsider, the governing board does not offer to reinstate the student, then a £4,000 adjustment will be made to the school's budget.

Where the independent review panel **recommends** that the governing board should reconsider their decision not to reinstate a student, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if, following a recommendation to reconsider, the governing board does not offer to reinstate the student, it will not be subject to a financial adjustment. If, following reconsideration, the governing board offers to reinstate the student but the parents decline, no adjustment will be made to the school's budget.

Following reconsideration, the governing board will notify the parents, headteacher and LA of their reconsidered decision and the reasons for this.

## **24. Criminal investigations**

The headteacher will not postpone taking a decision to suspend or exclude a student due to a police investigation being underway, or any criminal proceedings that are in place.

Particular consideration will be given by the headteacher when deciding to suspend or exclude a student where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the governing board is required to consider the headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

## **25. Training requirements**

The LA will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review. Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing suspensions and exclusions.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair of a review panel.
- The role of the clerk to a review panel.
- The duties of headteachers, governing boards and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.

Clerks will also have an up-to-date understanding on developments in case law which are relevant to suspension and exclusion.

## **26. Using data**

The headteacher will ensure that all data regarding suspensions and exclusions is collected and provided to the governing board on a termly basis. The governing board will review this data regularly in order to:

- Consider the level of student moves and the characteristics of students who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on students who are taken off the roll and those who are on the roll but attending education off-site.
- Consider the effectiveness and consistency in implementing the Behaviour Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded students and evaluate equality considerations.
- Gather information on where students are receiving repeat suspensions.
- Evaluate interventions in place to support students at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
- Analysing whether the placements of students directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.

## **27. Monitoring and review**

The behaviour policy will be reviewed annually by the headteacher in conjunction with the governing board. The next scheduled review date for this policy is September 2024.

All members of staff will be required to familiarise themselves with this policy as part of their induction programme.

## 28. Flowchart for reviewing the headteacher's suspension or exclusion decision



