

 <p><b>St Mary's Catholic High School</b></p>	<b>Policy No: PP4</b>	Revision No:	2
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***Gaudium et Spes***

***“Live, Love and Learn in the Light of Christ”***

## Ownership

This Behaviour and Exclusion Policy has been produced with contributions from pupils, teachers, support staff and in compliance with the most current guidelines issued by the Catholic Education Service and the Department for Education. Also references Paul Dix's studies into educational behaviour management strategies. (*Seismic shifts in school behaviour*).

## Aims and Objectives

At St Mary's Catholic High School we work very hard at all levels to maintain excellent standards of behaviour and our behaviour culture is rooted in the expectation of compliance.

As a school we will:

- maintain high expectations for pupils' behaviour and conduct and apply these expectations consistently and fairly.
- have consistent simple rules everyone knows & understand.
- pursue common values for the good of everyone to achieve a level of certainty around expectations that are expected, respected and unquestioned.
- promote positive and respectful relationships among pupils and staff so that pupils enjoy learning.
- notice and recognise behaviour that goes *over and above*
- support pupils in being resilient to setbacks.
- ensure pupils feel safe and will intervene promptly to challenge and diminish any bullying or discriminatory behaviours.
- actively promote the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.
- expect staff to model the behaviour they expect from the pupils.
- apply sanctions when behaviour falls short of the accepted standards; procedures are followed and sanctions are applied fairly and consistently and restorative practices follow.
- ensure the exclusions process is applied fairly and consistently.
- ensure the exclusions process is understood by governors, staff, parents and pupils.

## Behaviour and Discipline

It is the Headteacher's responsibility working with the Leadership Group and the Head of Behaviour and Attitudes to make judgements and interpret the behaviour policy on the day to day issues which the school faces in meeting our Mission Statement to ***live, love and learn in the light of Christ***. It is for **all staff** to play their part in making sure that the standards of discipline, behaviour, appearance and attitude of our pupils are of the highest order. The Education and Inspections Act 2011 gives all teachers and other staff in charge of pupils a power to discipline pupils for breaches of school rules, failure to follow instructions or other unacceptable conduct. St Mary's Catholic High School believes that achieving success is a shared responsibility between the pupil, parents and staff and as such, parents are asked to sign the home-school agreement (see appendix 2). School will notify and involve parents/carers when a pupil is being successful, as well as when things go wrong. Parents/carers are asked to alert school to anything that may affect their own child's behaviour or that of other pupils.

When necessary, the school will exercise its right to detain pupils at break, lunchtime, before or after school, even without the consent of parents (Section 5 of the Education Act 1997). If the detention is to take place after school then staff will usually give 24 hours' notice for the convenience of family arrangements. This is, however, at our discretion as schools now have the power to give no notice detentions as enshrined in the Education Act 2011. Ultimately, the governors are not prepared to tolerate disruptive, violent or undisciplined behaviour, which affects the safety and learning of pupils in this school. In extreme circumstances permanent exclusion can take place after only one offence. Here at St Mary's we shall employ an appropriately wide range and scale of rewards to promote good behaviour alongside robust and rigorous disciplinary procedures, allowing responses that are reasonable and proportionate.

## **Our school rules**

We have 3 simple rules that apply in any given situation:

- be ready
- be respectful
- be safe

(See Appendix 1 for our expectations linked to these 3 over-arching rules)

## **REWARDS AND HOUSE POINTS**

We hope to encourage every child to give of their best at all times and that when they do something well they will be recognised for that. All staff are encouraged to make use of praise to recognise positives and increase motivation and progress. Teachers can also recognise positive actions through allocation of house points.

Staff will recognise and praise those pupils displaying *over and above* behaviours by allocating *half term rewards* worth 5 house points.

Pupils are awarded with certificates at the following points thresholds:

### **KS3**

Bronze 50 points

Silver 150 points

Gold 250 Points

Platinum 350 points

Double Platinum 500 points

### **KS4**

Bronze 50 points

Silver 100 points

Gold 150 Points

Platinum 200 points

Double Platinum 250 points

## **SANCTIONS (Interventions to improve behaviour)**

There is a pupil code of behaviour that outlines our 3 school rules and our explicit expectations (see Appendix 1). It is unfortunately, sometimes necessary, to apply sanctions to those who misbehave in order to help pupils learn from their mistakes. Wherever possible the individual subject teacher will deal with the problems as they arise but continued issues and more serious problems will be referred to more senior colleagues. Following sanctions restorative follow-up work will be undertaken to boost pupil resilience and allow our pupils to learn that failing is human and *fresh starts* are possible. Pupils will have the opportunity to reflect on how they could have behaved differently, and how their behaviour impacts on others.

### **Subject Teacher and Form Teacher Interventions**

- In the first instance a discussion about the issue and why it was a problem and how to avoid the mistake being made again.
- A reprimand and invitation to apologise, verbally or in writing.
- Recording a warning on the pupil's individual electronic behaviour file.
- Recording a **debit** on the pupil's individual electronic behaviour file.
- A break, lunchtime or after school detention organised by the subject teacher.

### **Head of Year/Head of Department Interventions**

- Placing on an appropriate *ready respect* or *safe* behaviour target report.
- Head of Year / Head of Department Detention.
- Parental contact by phone or meeting in school.
- Timetable reduction or other modification.
- Wellbeing Team referral considered.
- Confiscation (when a teacher considers it necessary they may confiscate articles).
- Pupils will be expected to pay for lost or damaged equipment and any damage caused by carelessness or vandalism.

### **Head of Behaviour and Attitudes/ Leadership Group Interventions**

- Headteacher Detention
- Isolation at break and lunchtime for a fixed period of time
- Pupils being placed on a pastoral support programme\* (see below)
- Pupil and parental interview with Head of Key Stage /Assistant Headteacher or Deputy Headteacher
- Managed move to another school
- Alternative provision for part of the curriculum elsewhere
- Internal Fixed term exclusion served in school
- Fixed term exclusion served at home
- Pupil and parental interview with Headteacher and Governors
- Permanent exclusion

### **\*PASTORAL SUPPORT PROGRAMME (PSP)**

It should be noted that certain instances of indiscipline, poor behaviour or pupils do not respond to sanctions then this may result in the setting up of a Pastoral Support Programme (PSP). The intention being, to reduce the likelihood of fixed term exclusions escalating into permanent exclusions and to try where possible to obtain a marked improvement in a child's effort / behaviour. The focus is on identifying problems and looking for solutions. The Pastoral Support Programme is a school based intervention to help pupils better manage their behaviour and should be automatically be considered as a platform for improvement for a pupil who has several fixed period exclusions.

**EXCLUSION:** Pupils can only be excluded from the school by the **HEADTEACHER**.

### **The Use of Exclusion**

Used in one or more of the following:

- in response to serious breaches of our pupil behaviour code;
- alternative strategies to improve a pupil's behaviour have been tried but have failed;
- having a pupil remain would seriously harm the education or welfare of other pupils.

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headteacher will:

- consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked;
- where practical allow the pupil to give their version of events;
- consider if the pupil has special educational needs (SEN) or comes into a category that is known to be a particularly vulnerable group e.g. pupils with SEN, FSM pupils; looked after children; and whether all preventative strategies have been fully utilised;
- consider possible short term mitigating circumstances such as bereavement, mental health issues or whether a pupil has already had a number of fixed term exclusions which appear to be ineffective;
- ensure that statutory guidance on exclusions, equalities policy and disability discrimination has been taken into account.

Having considered these matters the Headteacher will make a decision applying the civil standard of proof i.e. on the balance of probabilities. In reaching a decision the Headteacher will look at each case on its own merits and will not exclude any pupil for non-disciplinary reasons. Exclusion will never be used informally or unofficially. This is against the law. The Headteacher does, however, have the right to direct a pupil for education off-site to improve behaviour, or to arrange a 'managed move' for the same reason, but this will only be considered when there has been full consultation and agreement with parents and the receiving institution.

Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of our Pupil's Code of Behaviour:

- racist, homophobic or gender bullying;
- continuous disruptive behaviour;
- disobedience of the school rules including defiance of senior staff;
- threats or intimidation of other children including bullying and cyber bullying;
- threatening behaviour towards any member of staff;
- verbal abuse to other pupils;
- verbal abuse to staff and others;
- physical abuse to/attack on pupils;
- physical abuse to/attack on staff;
- sexually abusive language and/or behaviour;
- indecent behaviour or possession of pornography ;
- damage to property, wilful graffiti or vandalism;
- repeated attempts to bring or to smoke cigarettes (including e cigarettes) in school (the same sanctions will apply to pupils found with smokers even if they have not been smoking themselves);
- bringing illegal drugs or substances purporting to be illegal substances into school;
- bringing or carrying an offensive weapon or something which could be deemed an offensive weapon in school;
- arson;
- theft;
- unacceptable behaviour which has previously been reported e.g. being in an individual toilet cubicle with another pupil and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that exclusion is an appropriate sanction

### **Duration of Exclusions**

- Exclusions can be either fixed term or permanent.
- The Headteacher may exclude a pupil for one or more fixed periods not exceeding a total of 45 days in any one school year or permanently.
- If a pupil is excluded for lunchtimes only, each lunch time counts as a half day.
- The Headteacher may exclude a pupil permanently if he/she judge the circumstances warrant it.

## **Roles and Responsibilities**

### **The Headteacher**

#### **Informing Parents**

The Headteacher will make every effort to inform parents/carers of a fixed term exclusion before the end of the school session by telephone, email or text and provide the following information, in writing, to the parents/carers of an excluded pupil:

- The reason(s) for the exclusion.
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent.
- Their right to make representations and who to contact if they wish to make representations about the exclusion.
- Parents/carers will be advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility. Parents/carers, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.
- The letter will also make clear the date and time when the pupil should return to school for a reintegration meeting.
- The Chair of Governors receives a copy of the letter for information.
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

The Headteacher will make arrangements to provide suitable full time education from the sixth day onwards for pupils who have been given a fixed period exclusion lasting longer than five days. Once alternative provision has been arranged from the sixth day of the exclusion, the Headteacher must by law inform the parents without delay of the start date, times and venue of the provision. This must be done no later than 48 hours before the alternative provision is to start. If the excluded pupil is in Year 11 or 13 and has completed all public examinations, no alternative educational provision after six days is necessary.

#### **Informing the Governing Board and Local Authority**

The Headteacher will immediately notify the Governing Board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the local authority in which the school is located, the Headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay. For permanent exclusions, the local authority is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion. For all other exclusions, the Headteacher will notify the Governing Board and local authority once a term.

### **The Governing Board**

Responsibilities regarding exclusions is delegated to the Discipline Panel which consists of at least three governors. The Discipline Panel has a duty to consider the reinstatement of an excluded pupil. The Discipline Panel will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent.
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term.

- It would result in a pupil missing a public examination. Where an exclusion would result in a pupil missing a public examination, the Discipline Panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Discipline Panel will consider the exclusion and decide whether or not to reinstate the pupil. Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

The Discipline Panel can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date.

In reaching a decision, the Discipline Panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude. Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record. The Discipline Panel will notify, in writing, the Headteacher, parents and the local authority of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Discipline Panel will indicate in writing that the exclusion is permanent and give notice of parents' right to ask for the decision to be reviewed by an Independent Review Panel, and all of the following:

- The date by which an application for an independent review must be made.
- The name and address to whom an application for a review should be submitted.
- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion.
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require St Mary's Catholic High school to appoint an SEN expert to attend the review.
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment.
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review.
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review.
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination; or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place.

### **An Independent Review**

If parents apply for an independent review, St Mary's Catholic High School will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil. Applications for an independent review must be made within 15 school days of notice being given to the parents by Discipline Panel of its decision to not reinstate a pupil. The September 2017 Department of Education full guidance is available at the following web address:

<https://www.gov.uk/government/publications/school-exclusion>

In selecting the Independent Review Panel every care will be taken to avoid bias or an appearance of bias. St Mary's Catholic High School will request that prospective panel members declare any conflict of interest at the earliest opportunity. The panel members must not be employed by St Mary's Catholic High School or have any connection with the school. The panel of three or five members will have representatives from

each of the categories below. Where a five member panel is constituted, two members will come from the school governor's category and two members will come from the Headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- School governors who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or Headteachers during this time.
- Headteachers or individuals who have been a Headteacher within the last five years.

A person may not serve as a member of an Independent Review Panel if they:

- Are the Headteacher of the excluding school, or have held this position in the last five years.
- Are an employee of the St Mary's Catholic High School.
- Have, or at any time have had, any connection with St Mary's Catholic High School, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality.
- Have not had the required training within the last two years (see Appendix 3 for what training must cover).

A clerk will be appointed to the panel.

The Independent Review Panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)
- The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

### **School Registers**

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the Discipline Panel's decision to not reinstate the pupil and no application has been made for an Independent Review Panel, or
- the parents have stated in writing that they will not be applying for an Independent Review Panel.

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

Section 89(5) of the Education Act 2006 gives headteachers a power to regulate pupils' behaviour when off school premises and not supervised by school staff to such extent as is reasonable.

The following factors will be taken into account in deciding whether a sanction is reasonable:

- Severity of the misbehaviour.
- How it affects the school's reputation.

- If the pupil was wearing a uniform or was otherwise identifiable as members of the school.
- Whether the behaviour affects the orderly running of the school, or poses a threat to other pupils or staff (e.g. bullying a pupil or insulting staff).
- Proximity of the misbehaviour to the school.
- If the misbehaviour might affect the chance of other pupils being offered similar work, study or sporting opportunities in the future.

Under the 2006 Education Act a number of changes have been made to the law in relation to school discipline from September 2007. These are summarised below:

- Fixed term (i.e. temporary) exclusions can now be up to 45 school days in one year.
- From September 2007 schools must arrange full-time education from and including the sixth day of any period of fixed period exclusion of six days or longer. The education must not be provided at the school.
- Section 5 of the Act gives school legal backing to detain pupils after school on disciplinary grounds. (In effect schools can place a child in detention without parents' permission).
- If your child is excluded from school you will be responsible for his/her whereabouts during school hours for the first five days of any exclusion.
- If your child is excluded from school and is found in a public place, during school hours, without good reason, then you are liable to a £50 fine.
- If your child is excluded from school, work will be set by the school, and it is important that the work is completed and returned to school.
- If your child is excluded from school a reintegration interview will be arranged which you must attend.

### **Definition**

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

### **Legislation and Statutory Guidance**

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England September 2017.

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, Chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014

**Linked Policies**

- Attendance Policy
- Anti-Bullying Policy
- Sexting – (Youth Produced Sexual Imagery) Policy
- Complaints Policies
- Drugs and Alcohol Policy
- Searching and Confiscation Policy

**Accountability**

School procedures will be constantly monitored by the Headteacher and the Leadership Group and reported each term to the Governors.

## Appendix 1

### Our 3 Rules at St Mary's

**Be ready**  
**Be respectful**  
**Be safe**



#### Being **READY** to learn

- Pupils must wear our St Mary's approved uniform and be smart and clean at all times
- Pupils must queue quietly in a line when waiting for a lesson, an assembly or a school bus
- Pupils must have the correct equipment, books and kit needed for each school day
- Pupils must have their homework diary in their bag every day and their hymn book for assembly
- Pupils must wait behind their chairs after entering a classroom until they are asked to sit down

#### Being **RESPECTFUL** to all

- Pupils must show courtesy, respect and consideration to others at all times
- Pupils must not verbally or physically abuse anyone, as bullying will not be tolerated
- Pupils must listen to all staff and follow instructions promptly
- Pupils must listen to senior pupils who are prefects, in school and on the school bus
- Pupils must not wear makeup, jewellery or have extremes of haircut (see dress code)
- Pupils must show care and respect for our school and its surroundings and put all litter in the correct bin
- Pupils must not draw graffiti on walls, desks, textbooks, exercise books or any other school equipment
- Pupils must not abuse or misuse any ICT equipment or the network
- Pupils must stand when any of the leadership group come into a classroom

#### Being **SAFE**

- Pupils must walk in a single file and keep to the left on stairs and corridors
- Pupils must wait for people to leave blocks or classrooms before entering
- Pupils must walk and not run on the precinct
- Pupils must not go on the grassy areas behind the science or geography blocks – these are out of bounds
- Pupils must not be in an individual toilet cubicle with another pupil
- Pupils must not eat food outside the dining halls
- Pupils may carry a bottle of water but only drink water at the appropriate times and always ask in class
- Pupils must not leave money or valuables in their bags or blazers when doing PE or DT.
- Pupils must not bring large sums of cash into school.
- Pupils must not leave the school at any time during the school day without permission from their Head of Year, Head of Key Stage or one of the Leadership Group
- Pupils must not bring mobile phones or any other electronic device into school
- Pupils must not bring chewing gum, alcohol, cigarettes, e-cigarettes, matches, lighters or any weapon into school

#### **REMEMBER**

- If you are found with a mobile phone in school it will be confiscated for 6 weeks.
- Pupils smoking (or found with smokers) or bringing banned items into school will face serious sanctions.



## **Appendix 3**

### **Independent Review Panel Training**

St Mary's Catholic High School must ensure that all members of an independent review panel and clerks have received training within the two years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair and the clerk of 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 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.