



## **MICKLEOVER PRIMARY SCHOOL**

**Name of Policy:** Behaviour Policy

**Date of Policy:** January 2022

**Member of Staff responsible:** K Halliday

**Review date:** January 2023

**Signature:** \_\_\_\_\_ **Chair of Governors**

**Date Approved:** \_\_\_\_\_

### **At Mickleover Primary School**

**We are:**

**Motivated to learn**

**Proud of our achievements**

**Successful and skilled for life**



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## BEHAVIOUR POLICY

This policy is for the information of staff, governors, parents and all those concerned with the welfare of children at Mickleover Primary School.

### AIMS

- To create an environment which encourages and reinforces good behaviour and choices
- To encourage consistency of response to both positive and negative behaviour and choices
- To promote self-esteem, self-discipline and positive relationships
- To ensure that the school's expectations and strategies are widely known and understood
- To encourage the involvement of both home and school in the implementation of this policy

At Mickleover Primary School, it is our aim that pupils become responsible for their own actions and increasingly independent members of the school community. We encourage children to be the best they can be in all areas of school life. We aim to promote an attitude of mutual respect and care for others built on an understanding of everyone's worth as an individual and the basic principles of rights, responsibilities and respect.

Our school's vision is to create a community where we are:

**Motivated to Learn**

**Proud of our Achievements**

**Successful and skilled for life**

We further promote our expectations of positive behaviour through our Curriculum Intent.

The 3 strands of our Curriculum Intent are:

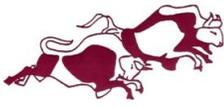
- Successful Learners
- Confident Individuals
- Responsible Citizens

Positive relationships underpin our ethos and approach and the children are taught to respect all members of the community and their property. Children are encouraged to develop self-esteem through celebrating work and efforts and through regular opportunities to reflect on achievements and behaviour.

At Mickleover Primary School, we are committed to providing high quality education. We aim to provide an engaging, interesting, fun and challenging curriculum, rewarding positive behaviours and promoting high self-esteem. Pupils are encouraged to contribute to a positive learning environment by recognising the need for an enthusiastic and proactive approach to learning. Lessons are designed to be engaging and inclusive to promote good behaviour and attitudes in the classroom.

### British Values and Behaviour

Our school reflects British Values in all we do.



We encourage our children to be creative, unique, open-minded and independent individuals, respectful of themselves and of others in our school, our local community and the wider world.

We aim to nurture our children on their journey through life so they can grow into safe, caring, democratic, responsible and tolerant adults who make a positive difference to British Society and to the world.

### **Democracy**

We provide pupils with a broad general knowledge of, and promote respect for, public institutions and services by discussing these whenever appropriate in curriculum work.

We model how perceived injustice can be peacefully challenged through our interactions with pupils and the schools' behaviour system.

### **The Rule of Law**

We ensure school rules and expectations are clear and fair by discussing them with pupils and establishing classroom rules with pupils themselves. We help pupils to distinguish right from wrong during everyday interactions and Collective Worship and we focus on fairness and justice to resolve any conflict as part of sanctions and our approach to behaviour.

We help pupils to understand that living under the rule of law protects individuals including the vulnerable in society.

### **Individual Liberty**

We support pupils to develop their self-knowledge, self-esteem and self-confidence through every aspect of teaching and learning in school. Pupils take responsibility for their behaviour, as well as knowing their wider rights and responsibilities. We implement a strong anti-bullying culture and actively challenge stereotypes.

### **Respect and Tolerance**

We promote respect for individual differences and help pupils to acquire an understanding of, and respect for, their own and other cultures and ways of life.

We challenge prejudicial or discriminatory behaviour.

We develop critical personal thinking skills throughout our curricular work. This includes discussion on the differences between people, including; faith, ethnicity, disability, gender or sexuality, and different family situations.



## 1. RIGHTS AND RESPONSIBILITIES – OUR SCHOOL PROMISES

The school has a set of rights and responsibilities that the children are expected to adhere to.

Our school rules are based on the following six promises

- We treat others as we would like to be treated.



- We move around school sensibly and quietly.



- We listen to others.



- We are honest, polite and **kind** to everyone.



- We look after our school and everything in it.



- We do our best at work and play.



These are visible in every classroom and are regularly referred to when positive and negative behaviour are discussed.

## 1. REWARDS – RECOGNISING AND CELEBRATING SUCCESS

Our emphasis is on praise and rewards to re-inforce positive behaviour that sit within these rights and responsibilities. We believe that rewards have a motivational role, helping children to see that positive behaviour is valued.

At Mickleover Primary School, we praise and reward the children for good behaviour in a variety of ways:-

**Motivated to learn, Proud of our achievements, Successful and skilled for life.**



- Praise – both informal and formal, public and private, to individuals and groups. It is earned by the maintenance of high standards as well as by noteworthy achievements  
Rates of praise for behaviour should be as high as for work. As recognition of good behaviour the following rewards are used;
- Verbal praise, smiles, thumbs up
- Team Points (KS2) and Dojo Points (KS1 & EYFS)
- Outstanding Team Member Award – parents are invited to join our weekly celebration assembly.
- Bronze, Silver, Gold and VIP Awards
- Head teacher's Gold Book
- Individual class rewards, such as stickers, certificates, praise notes home to parents, prizes
- Displaying work and achievements

## 2. SANCTIONS

Whilst we focus on and reward examples of positive conduct, we deal fairly and firmly with behaviour that falls short of our expectations. Children are supported to recognise that their behaviour can have a negative impact on themselves, property or others. They are expected to take responsibility for their actions and to take steps to put the situation right. All members of the school community support children to reflect on their behaviour and emotions and to identify how they can make positive choices, helping them to resolve conflicts in the class and playground. Any dialogue about inappropriate behaviour should be held away from other children; children should never be humiliated, shamed or shouted at aggressively. In an environment where respect is central, loss of respect, or disapproval/disappointment, is a powerful deterrent.

The use of sanctions are characterised by certain features

- It must be clear why the sanction is being applied
- It must be made clear what changes in behaviour are required
- There should be a clear distinction between minor and major offences
- It is important that the sanction is not out of proportion to the offence
- It should be behaviour rather than the person that is disapproved of
- Account must be taken of the pupil's age, any special educational needs or disability they may have and any religious requirements affecting them

## 3. SANCTIONS USED:

- Expressions of disapproval
- Use of Traffic Lights (see Section 4)
- Withdrawal of privileges
- Reflection Time
- Referral to the Head teacher or Assistant Head teachers
- Fixed. Permanent exclusion (see Appendix A)



## 4. SANCTIONS WITHIN THE CLASSROOM

### EYFS

Due to the age of the children in EYFS, we adopt the following sanctions as and when the inappropriate behaviour occurs:

- Non-verbal reminders (expression of disapproval, moving towards the child's space, refocusing by using the child's name, directions and encouragement)
- If a child within EYFS, breaks one of the school's promises:
  - Verbal reminders will be given
  - Thinking Area – this is a 'time out' opportunity within the classroom for the child to reflect on their behaviour and to discuss how and why they have not followed the School Promises. As with any aspect of school life, the child is reminded how important it is to learn from their mistakes. Adults working with the child whose behaviour has been unacceptable may ask the following questions as part of the reflection:  
Why have you been sent to the Thinking Area today?  
What happened before your behaviour let you down?  
How do you think your teacher felt about this and why?  
Tell me one thing that you will do to behave better / more calmly next time

### KEY STAGE 1 AND KEY STAGE 2 (TRAFFIC LIGHT SYSTEM)

- All children start each day 'on the right track' This is a poster within the classroom which displays all the children's names. Each class also has a Traffic Light display which is used as follows:
- If a child breaks a school/classroom rule, identify pupils who are demonstrating positive behaviours and praise. **Use Non-verbal reminders:**
  - Expression of disapproval
  - Proximity – moving towards a child's space
  - Refocusing (it is okay to use a child's name to refocus behaviour)
  - Directions and encouragement.

If the use of non-verbal reminders does not correct the behaviour then move onto the Traffic Light System:

1. **Verbal reminder** – reminder of school expectation, e.g reminding of class or school rule, clarification as to why the behaviour is unacceptable and reminder of the possible consequences
2. **GREEN** – warning. Child's name is removed from 'the right track' and placed onto the Green light of the Traffic Light
3. **AMBER** –miss a playtime. Child's name is removed from 'the right track' and placed onto the Orange light of the Traffic Light. Child is sent at playtime to see the Head teacher. Head teacher discusses the School Promises and helps the child to understand why their behaviour was unacceptable. An Orange slip is sent home to parents to explain which school promise was broken. This is to be stapled into the child's reading diary by the class teacher.
4. **RED** – send to Head teacher. Red slip sent home to parents to explain which school promise has been broken. This will be stapled into the reading diary and followed up with a phone call to parents.



For repeat offenders the following sanctions apply:

**Red 1** – Sent to the Head teacher, as above. Time out of classroom (time dependent on child and what they have done wrong) where possible, to work in Head's office. If not, in the corridor near to front office. Parents informed.

**Red 2** – Phone call to parents and put on report. This will mean that the child will have to report to the Head teacher at the end of each morning and afternoon for a specified period of time and their behaviour monitored.

**Red 3** – Parents asked to come in to school for meeting with class teacher, Head and Inclusion Manager and discuss the consequences from that point.

Children who have been through the above process, are given a fresh start each half term.

The Head teacher or Assistant Head teachers record all traffic light incidents in the Behaviour Log. Continuation of negative behaviour will lead to fixed-term exclusion. The ultimate sanction is permanent exclusion. The school will adhere to Derby City Council Pupil Exclusion Procedures (See Appendix A)

## **5. SANCTIONS AT PLAYTIMES AND ASSEMBLIES**

1. The supervising adult will give a verbal reminder of the rule/s being broken.
2. If the child chooses to break the rule/s again a laminated traffic light is given out for the child to take back to class and go on the traffic light system within class.
3. Persistent offenders will be removed from the rest of the children until the end of the session.

## **6. SANCTIONS AT LUNCHTIMES (to be printed on individual cards)**

1. The supervising adult will give a verbal reminder of the rule/s being broken.
2. If the child chooses to break the rule/s again a verbal warning is given by the Play Leader
3. If the child continues to break the rule they will be issued a yellow card by the Play Leader
4. Subsequent misdemeanours will result in a red card.
5. Play Leader to inform class teacher.

Children with a red card will miss their next lunchtime

Any two yellow cards within a week will result in an automatic red card.

Any behaviour that threatens or endangers other children will necessitate those children being removed to safety whilst members of staff deal with the situation appropriately.

Bullying is a form of negative behaviour and the school will not tolerate bullying of any kind. Where bullying does take place we will not 'turn a blind eye' to the problem but will take active steps to eliminate and prevent its occurrence in the future. See our separate Anti-Bullying Policy.

## **7. STRATEGIES FOR SUPPORTING PUPILS WHO ARE NOT ABLE TO DEMONSTRATE POSITIVE BEHAVIOURS.**

We recognise that some children require additional reassurance, support and approaches to understand routines and expectations. Additional support may include:



- Individual behaviour plans to support those children who need specific adjustments to help them develop and demonstrate positive behaviour.
- One-to-one support from the Inclusion Team e.g. to help co-regulate
- Regular communication / meetings with parents
- Support from outside agencies

## **8. STRATEGIES FOR SUPPORTING PUPILS WITH SPECIAL EDUCATIONAL NEEDS**

There may be times when a different approach is used for pupils with social, emotional, mental health difficulties, ASD (Autistic Spectrum Disorder) or learning difficulties. Approaches to promote good behaviour include

- the use of visuals including timetables
- first and then prompts
- signs and symbols e.g. lanyards
- social stories
- sensory resources.

These will be discussed on an individual basis with class teachers and parents.

## **9. CLASSROOM MANAGEMENT**

Classroom management, an appropriately structured curriculum and effective learning contribute to good behaviour

- Classrooms are organised to develop independence
- Furniture is arranged to provide an environment conducive to 'on-task' behaviour
- Materials and resources are arranged to aid accessibility and reduce uncertainty and disruption
- Displays help develop self-esteem through demonstrating the value of every individual's contribution, and overall the classroom should provide a welcoming environment
- Teaching methods encourage enthusiasm and active participation for all
- Lessons have clear objectives understood by the children
- Lessons meet the needs of children of different abilities

## **10. ROLES AND RESPONSIBILITIES IN PROMOTING POSITIVE BEHAVIOUR**

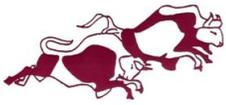
The Head teacher will:

- Implement the school behaviour policy consistently throughout the school by setting the standards of behaviour and supporting staff in the implementation of the policy.
- Keep records of all reported serious incidents of misbehaviour.
- Report to Governors, when requested, on the effectiveness of the policy.
- Ensure the health, safety and welfare of all children in the school.
- Report to/meet with parents/carers when necessary
- Be aware of and understand his/her rights and responsibilities

The Head teacher has the responsibility for giving fixed-term suspensions to individual children for serious acts of misbehaviour. The Head teacher may permanently exclude a child for repeated, or very serious, acts of anti-social behaviour. This action is only taken after the school governors have been notified.

**All Staff will:**

- Give opportunities to develop interpersonal and social skills
- Offer a curriculum that enables pupils to engage



- Give the opportunity to work in groups
- Make sure that pupils listen and are listened to and value others
- Help pupils to gain the ability to make choices about their behaviour
- Help pupils to be confident about their learning and enjoy it
- Help pupils understand their rights and responsibilities as citizens in our society.
- Be a positive role model
- Reward/praise positive behaviour
- Use the behaviour log when necessary
- Ensure the pupils in their class know the class and school rules
- Inform parents about their child's welfare or behaviour and, where necessary, work alongside parents
- Be aware of and understand their rights and responsibilities

**Pupils will:**

- Respect and care for others
- Listen to others
- Learn/work co-operatively
- Obey the school rules
- Resolve disputes positively
- Value and take responsibility of the environment
- When necessary carry out self-monitoring
- Be aware of and understand their rights and responsibilities
- Be aware of their own emotions and actions and take responsibility for these

**Parents, Carers and Families will:**

- Support the school when reasonable sanctions to punish a child have been used
- Promote positive behaviour at home in order to have continuity between home/school
- Initially contact the class teacher if they have concerns about the way their child has been treated. If concerns remain, contact the Head teacher then if necessary the school governors.
- Initially contact the class teacher if they feel their child's behaviour, in or out of school, is impacting on the child's emotional well-being.
- Be aware of and understand their rights and responsibilities

**The Governing Body will:**

- Support the school in the implementation of the policy
- Give advice, when necessary, to the Head teacher about disciplinary issues so that he/she can take the advice into account when making decisions about behaviour issues
- Review the effectiveness of the policy

## **11. PARENTS AND CARERS**

We give high priority to a positive partnership with parents/carers since this is crucial to promoting and maintaining high standards of positive behaviour. To this end, we would invite our families to work on the presumption that if a professional has highlighted a concern regarding their child's conduct this will be a considered decision, taken in good faith to safeguard our children and to support their social and emotional development.

Through their time in school, children are learning to understand and manage their impulses, develop an understanding of social etiquette and recognise the importance of mutual tolerances and respect. It is a time when children develop through first hand experiences and by making mistakes – we consider that to be a vital part of the learning journey. By working together, we can enable all of our pupils to become well-balanced, well-mannered and courteous citizens of the future.



We encourage parents to support their children's behaviour in school and our Home/School agreement confirms our approach to behaviour and discipline.

### **12. PARENTS AND CARERS CONDUCT IN SCHOOL:**

In school, parents/carers are expected to show teachers, adults and other parents and pupils respect and to conduct themselves in a responsible and dignified manner. Parents/carers are expected to collaborate and cooperate with staff to promote the child's welfare and learning. If parents/carers have concerns or cause for complaint they should follow the procedure set out in the Complaints Policy that can be obtained from the school website. Any person causing a nuisance or disturbance on school premises may be removed and prosecuted. The Local Authority and governing body have legal powers to prohibit access to schools. If a person threatens or assaults a member of staff, this will be reported to the police.

### **13. BEHAVIOUR BEYOND THE SCHOOL GATE**

Our expectation is that our children's conduct beyond the school gates should reflect the values that we promote and present a positive view of the school within the community we serve. Reports of children behaving inappropriately outside of school (for example, when playing locally, wearing their school uniform or on a trip) will be taken seriously and discussed with parents. If the behaviour is criminal or poses a threat to a member of the public, the police should be informed. In addition, the Head teacher will consider whether the misbehaviour may be linked to the child suffering, or being likely to suffer, significant harm. In this case, they would follow the Safeguarding policy.

### **14. CYBER BULLYING (PLEASE READ ALONGSIDE THE ANTI-BULLYING AND E-SAFETY POLICY**

Even if an incident of Cyber Bullying takes place at home and / or outside of school, Mickleover Primary School and the Governing Board retain the right to act in accordance with the School's Behaviour Policy. This may include Thinking Time, Circle Time within the classroom, meetings with parents/carers and possibly exclusions.

### **15. THE USE OF REASONABLE FORCE**

The school follows the advice contained in the DfE publication 'Use of reasonable force – Advice for head teachers, staff and governing bodies,' July 2013, reviewed July 2015:

In order to maintain the safety and welfare of our pupils, it may be necessary to use reasonable force on a pupil, as permitted by law. This is only to be used when all possible options for giving the child time/space to regain self-control have been exhausted. This can mean either passive contact (standing between two pupils or blocking a pupil's path) or active physical contact (leading a pupil by the hand or arm, ushering a pupil away by placing a hand in the centre of the back). All members of school staff have a legal power to use reasonable force. This power also applies to people whom the Head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying pupils on a school organised visit. Any use of force by staff will be reasonable, lawful and proportionate to the circumstances of the incident and the seriousness of the behaviour (or the consequences it is intended to prevent).

Reasonable force will be used only when immediately necessary and for the minimum time necessary to achieve the desired result and in order to prevent a pupil from doing or continuing to do any of the following:

- injuring themselves or others
- causing damage to property, including their own
- engaging in any behaviour prejudicial to good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom or elsewhere.
- committing a criminal offence.



Force will never be used as a punishment. Whether it is reasonable to use force and to what degree, also depends on the age and understanding of the pupil and whether they have Special Educational Needs or disabilities. Medical advice will always be sought about the safest way to hold pupils with specific health needs, special educational needs and disabilities. All staff including teaching assistants, lunchtime supervisors, admin staff and the site management have the right to defend themselves from attack, providing they do not use a disproportionate degree of force to do so. Similarly in an emergency, if for example, a pupil was at immediate risk of injury or at the point of inflicting injury on someone else, any member of staff is entitled to intervene. A volunteer helping in school would not be expected to work with a child who is known to need physical restraint as indicated in their Behaviour Management Plan.

## 16. SCREENING AND SEARCHING PUPILS

School staff can search a pupil for any item if the pupil agrees; an adult of the same sex of the pupil will always be present. Head teachers and staff authorised by them have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.

Prohibited items are:

- **Knives or weapons including replicas**
- **Alcohol**
- **Illegal drugs**
- **Stolen items**
- **Tobacco and cigarette papers**
- **Fireworks**
- **Pornographic images**
- **Any article that the member of staff reasonably suspects has been, or is likely to be used to commit an offence or to cause personal injury to, or damage to the property of, any person (including the pupil)**

The school will take very seriously the bringing onto the premises of prohibited items. The parents or guardians of any child involved will always be notified immediately. Any child who deliberately brings such items into school may be subject to a fixed-term exclusion. If the offence is repeated, the child will be at risk of permanent exclusion. A referral will be made to and the police may become involved. If any child is found to be suffering from the effects of tobacco, alcohol or other substances, appropriate action will be taken including making a referral. It is forbidden for anyone, adult or child, to bring onto the school premises illegal drugs. Any child who is found to have brought to school any type of illegal substance will be at risk of fixed-term exclusion. The child will not be readmitted to the school until a parent or guardian of the child has visited the school and discussed the seriousness of the incident with the Head teacher. If a child is found to have deliberately brought illegal items into school, and is found to be distributing these to other pupils, the child will be at risk of permanent exclusion. A referral will be made to and the police may become involved.

## Equality Act 2010

Legislation relating to equality and discrimination is laid out in the Equality Act 2010.

Mickleover Primary School will take steps to advance equality of opportunity, foster good relations and eliminate discrimination or harassment across all the protected characteristics (age, race, gender reassignment, disability, marriage and civil partnership, religion and belief, pregnancy and maternity, gender, sexual orientation) within the school community as set out in our Equality Policy.



This means:

- We will take reasonable and necessary steps to meet pupils' needs by using a variety of approaches and planning reasonable adjustments for disabled pupils, enabling our pupils to take as full a part as possible in all the activities of the school.

We will make reasonable adjustments to ensure the school environment and its activities are as accessible and welcoming as possible for pupils, staff and visitors to the school. We are also committed to ensuring staff with a disability have equality of opportunity.

- We will actively encourage positive attitudes towards pupils and staff and expect everyone to treat others with dignity and respect.
- We will regularly consider the ways in which the taught and wider curricula will help to promote awareness of the rights of individuals and develop the skills of participation and responsible action.
- We will regularly consider the ways in which our teaching and the curriculum provision will support high standards of attainment, promote common values, and help students understand and value the diversity that surrounds them, and challenge prejudice and stereotyping.

## **17. MONITORING, EVALUATION AND REVIEW**

This policy will be promoted and implemented throughout the school. The school will review this policy annually and assess its implementation and effectiveness.

### **THIS POLICY IS LINKED TO THE FOLLOWING POLICIES:**

Safeguarding Policy

E-safety Policy

Anti-bullying and Child-Friendly Anti-bullying policy.

PSHE/RSHE Policy

Child protection policy

Equality Policy

Child-friendly version of the Behaviour Policy written by Infant and Junior School Councils

SEND

Mental Health and Wellbeing Policy



## Appendix A

### Derby City Council – Pupil Exclusion Procedures

#### INFORMING PARENTS

Parents should be notified immediately, by telephone if possible, followed by a letter within one school day.

For children in public care, the social worker should be notified as well as all those with parental responsibility.

For pupils living outside the Derby City LA area, the home LA should be notified if the exclusion is permanent.

Letters about either fixed period, which include lunchtime exclusions counting as one half of a school day, or permanent exclusions must state:

- for a fixed period exclusion -the precise period of the exclusion
- for a permanent exclusion – the fact that it is a permanent exclusion
- the reasons for the exclusion
- the parent's right to make representations about the exclusion to the governing body
- who parents should contact if they wish to do so (this will usually be the Clerk to the Governors)

The following should also be included:

- the latest date by which the governing body must meet (for exclusions of over five days in one term) but see model letter 2 for exclusions of over 5 but no more than 15 days – only if parents request a meeting
- the parents' right to see and have a copy of their child's school record
- for **fixed period** exclusions, the date and time for the return to school – for exclusions of over 15 days the LA also requests a report at least 5 school days before the governing body meets in order to provide advice to the governors. Parents should also be sent a copy of this report.
- for **lunchtime** exclusions, the number of lunchtimes for which the pupil is being excluded and the arrangements for providing a free school meal for entitled pupils.
- For fixed term exclusions information about who parents can appeal to if they feel disability discrimination has occurred – see model letters 1,2 and 3
- for **permanent** exclusions, the date the exclusion takes effect and any relevant previous history. (Since the previous history is likely to prevent the letter being sent within one school day this should be sent in a prompt follow up document (Headteacher's report) to be received by the parent and the LA at least 5 school days before the governing body meeting)
- The arrangements for setting and marking work for exclusions of more than one day
- that advice on the exclusions process is available from the Education Service, contact the Exclusions Team, Telephone: 01332 642732, Email: [iyfa@derby.gov.uk](mailto:iyfa@derby.gov.uk)

Where the parents of an excluded pupil do not speak or have a good understanding of English, correspondence and documentation relating to the exclusion should be translated into their mother tongue. In such cases the school and/or the LA should arrange for an interpreter to be present at any meetings with the parent about the exclusion. We would normally expect the school to make these



arrangements. In cases of difficulty please contact the Access Service. Also the parents should be invited to advise the school if they have a disability or special needs which would affect their ability to attend any meeting.

The appropriate model letters, numbered 1-4, can be found on the Schools' Information Portal and should be used.

All exclusion cases should be treated in the strictest confidence.

If a fixed period exclusion is extended or is changed to a permanent one, a fresh letter must be sent.

## **INFORMING THE GOVERNING BODY AND THE LA**

The Head teacher must notify the governing body and the LA within one school day of:

- all permanent exclusions
- all exclusions which result in the pupil missing more than five school days in aggregate in any one term
- all lunchtime exclusions which result in the pupil missing more than 10 lunchtimes in any one term
- all exclusions which deny pupils the chance to take a public examination.

The LA's notification should be on Form EX- 04 or a form containing the same information.(see Derby City Website) **NB** All the information **must** be given including the unique pupil number.

Fixed period or lunchtime exclusions for the equivalent of five days or less in any one term **must** be reported to the governing body and the LA once per term. However, the LA prefers to receive details of these exclusions within one school day in the same way as longer exclusions since it is required for monitoring and improving practice. In any case the same detailed information on Form EX –04 is required for DFE return purposes.

## **THE DISCIPLINE COMMITTEE**

A discipline committee is no longer statutory but is recommended. A Discipline Committee is made up of three or five governors, not including the Head teacher, who can be drawn from a nominated pool. It can run with four governors, in which case the Chair has a casting vote. The members should not have any personal interest, which could rule out parent governors whose child is taught with the pupil under consideration or a member of staff who has been involved with the pupil. Committee meetings must be clerked. Neither the Head teacher nor a governor may act as clerk.

## **ARRANGEMENTS FOR MEETINGS**

For **exclusions of 5 days or less (including lunchtimes)**, there is no requirement for a meeting.

However, if the parent makes representations the governing body must consider these.

If any exclusion would result in the pupil missing a public examination, the governing body should try to meet before the date of the examination. If, exceptionally, it is not practical for the governing body to meet before the time when the pupil is due to take the public examination, the Chair of Governors - using his or her powers to act in an emergency - may consider the exclusion and decide whether or not to reinstate the pupil (these are the only circumstances in which the Chair of Governors can alone review an exclusion). In such cases the parent has the right to make oral representations to the governing body or, as the case may be, the Chair. If possible, the Chair should have the advice of the Clerk and an LA Officer.



In some cases, depending on the nature and seriousness of the exclusion, the governing body may exercise its discretion to allow an excluded pupil on the premises for the sole purpose of taking a public examination. There is no automatic right for any excluded pupil to take a public examination on the excluding school's premises - this is entirely at the governor's discretion.

The following meetings **must** be arranged within this timescale:

- for **individual or aggregated exclusions of between over five and 15 school days in a term (including lunchtimes)**, if the parent requests a meeting. The meeting must be held within six and 50 school days of the governing body receiving notice of the exclusion.
- for **permanent exclusions and individual or aggregated exclusions of over 15 school days in a term ( including lunchtimes)**, a meeting must be held within six and 15 school days of the governing body receiving notice of the exclusion.

The clerk or chair:

- **must** invite the parent, Head teacher and the LA to the meeting, where possible at a time convenient to all. For children in public care the social worker should be invited as well as all those with parental responsibility. The LA representative will normally fit in with your arrangements provided that sufficient notice is given. Parents may be accompanied by a friend or legal representative. The excluded pupil may attend if the parent wishes and there are no strong reasons to refuse
- **should** ask for any written statements, including witness statements, in advance of the meeting
- **should** circulate in advance any written statements and a list of those who will be present to all parties attending the meeting.

## PROCEDURE AT THE MEETING

If the pupil is back at school before the governing body meet, the governors must consider whether the Head teacher's decision to exclude was justified based on the evidence. The outcome of their review should be added to the pupil's record.

If the pupil is excluded for a fixed period and is still out of school when the meeting takes place or is permanently excluded, the governing body should decide whether to direct reinstatement.

In reaching a decision the governing body should:

- consider any representations made by the parent, the pupil and the LA
- whether the Head teacher has complied with the exclusion procedure and has had regard to the Secretary of State's guidance before deciding to exclude the pupil. The procedure and guidance are contained in the document "Improving Behaviour and Attendance: guidance on exclusion from schools and PRUs 20/01/03 and revised in October 2004 see [www.teachernet.gov.uk/management/workingwithothers/safeschools/exclusion](http://www.teachernet.gov.uk/management/workingwithothers/safeschools/exclusion) together with the parts of the DFE's Circular 10/99 which have not been replaced by the more recent guidance. ( Chapter 6 and Annex D have been replaced)

## AFTER THE DECISION

The governing body should notify the parent, the Head teacher and the LA of the decision in writing **within one school day**, giving reasons. The governing body may not attach conditions to a reinstatement.

Where a permanent exclusion is confirmed, the letter should also include:



- the reasons for the decision
- the parent's right to appeal to an independent appeal panel by writing to Michael Foote, Clerk to the Independent Appeal Committee, Derby City Council, The Council House, Corporation Street, Derby DE1 2FS
- that any letter requesting an appeal should give the grounds for the appeal which may include a reference to any disability discrimination claim that the parent may wish to make
- the date by which the parent can lodge an appeal, which will be 15 school days from the date the parent receives notice. This date is taken to be: the second school day after the date of posting the letter by first class post
- that the parent should advise Michael Foote if they have a disability or special needs which would affect their ability to attend the hearing and/or that they would find it helpful to have an interpreter present.

The LA should be informed of this date, as it also has a duty to write to parents about their right of appeal – contact Admissions on 716940.

Model letter 5 (on Schools' Information Portal) incorporates all necessary information

A note of the governing body's views on the exclusion should be placed on the pupil's record along with copies of relevant papers.

### **ARRANGEMENTS FOR AN APPEAL HEARING**

The Director of Corporate Services will arrange appeal hearings. The panel must meet within 15 school days of the date the parent lodges an appeal.

However, the panel may decide to adjourn the hearing, if necessary. Hearings will be arranged, as far as is practicable, so that all parties are able to attend.

Those entitled to attend are:

- the parent, who may bring a friend or representative
- the pupil, if they and their parents wish it
- the Head teacher, who may make oral representations
- a nominated governor, who may make oral representations
- a nominated LA officer, who may make oral representations
- a legal or other representative of the governing body
- any alleged victim or his/her representative
- a member of the Council on Tribunals – as observer

The Head teacher, governing body and LA may also make written representations. An alleged victim can have a "voice" at the hearing, either in person, through a representative or by submitting a written statement.

The decision of the panel is final and binding on all parties.