



St Bede's
Catholic School
& Sixth Form College



Local Governing Committee Statement and Policy on Behavioural Standards

Date policy last reviewed:

	Executive Headteacher	Date:	
	Chair of Local Governing Committee	Date:	

The Local Governing Committee of St. Bede's Catholic School & Sixth Form College wish to maintain the highest standards of behaviour in the school. In achieving this end, the Local Governing Committee seek the support of parents and carers for the Executive Headteacher and staff.

The Local Governing Committee wish all parents and carers to know that they expect the Executive Headteacher and staff to maintain a caring, respectful atmosphere in the school where the students can feel happy and secure and work to the best of their ability. The Local Governing Committee believe that this atmosphere presently exists in the school.

The Local Governing Committee is responsible for setting general principles that inform the behaviour policy. The Executive Headteacher is responsible for developing the behaviour policy in the context of the DfE framework. This policy will explain the standard of behaviour expected of students at St Bede's Catholic School and how that standard will be achieved, the school rules, any disciplinary penalties for breaking the rules and rewards for good behaviour.

The Local Governing Committee believe that the school is blessed with caring parents and guardians and well-behaved, well-mannered students. The school aim is to encourage this positively by encouragement, praise and example.

The Local Governing Committee believe that, in order to enable effective teaching and learning to take place, good behaviour in all aspects of school life is essential. The school seeks to create a caring and learning environment by:

- ◆ Promoting excellent behaviour and discipline.
- ◆ Promoting self-esteem, self-discipline, respect for authority with relationships based on mutual respect.
- ◆ Encouraging consistency of response to both positive and negative behaviour.
- ◆ Providing a safe environment free from disruption, violence and bullying, which protects the well-being of the whole school community.
- ◆ Encouraging a positive relationship with parents and carers to ensure that they play their part in the implementation of the school's policy and procedures.
- ◆ Supporting the Executive Headteacher and staff when faced with challenging behaviour.
- ◆ Following the Department for Education (DFE) Statutory Guidance (September 2012) and relevant Central and LA updates; the principal legislation to which this guidance relates is:
 - The Education Act 2002, as amended by the Education Act 2011
 - The School Discipline (Student Suspensions and Reviews) (England) Regulations 2012
 - The Education and Inspections Act 2006
 - The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007.
 - The Equality Act 2010.
 - Behaviour and Discipline in schools DFE 2016

Student Suspension

Only the Executive Headteacher can suspend a student, and this must be on disciplinary grounds. A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded. A fixed period suspension does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period suspension may be extended or converted to a permanent suspension.

Students whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to suspension, such as the Executive Headteacher's duty to notify parents, still apply. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a Local Governing Committee meeting is triggered.

The behaviour of students outside school can be considered as grounds for suspension.

Any decision of this school, including suspension, will be made in line with the principles of administrative law, i.e., that it is: lawful (with respect to the legislation relating directly to suspensions and a school's wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair; and proportionate. The Executive Headteacher will take account of their legal duty of care when sending a student home following suspension.

When establishing the facts in relation to a suspension the Executive Headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not, that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.

Under the Equality Act 2010 ("the Equality Act") schools must not discriminate against, harass or victimise students because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.

In carrying out their functions under the Equality Act, the public sector equality duty means that the school must also have due regard to the need to:

- ◆ eliminate discrimination and other conduct that is prohibited by the Equality Act;
- ◆ advance equality of opportunity between people who share a protected characteristic and people who do not share it;
- ◆ foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.

These duties need to be considered when deciding whether to suspend a student. The school must also ensure that policies and practices do not discriminate against students by unfairly increasing their risk of suspension. Provisions within the Equality Act allow schools to take positive action to deal with disadvantages affecting one group, where this can be shown to be a proportionate way of dealing with such issues.

The Executive Headteacher and Local Governing Committee will take account of their statutory duties in relation to special educational needs and disabilities (SEND) when administering the suspension process. This includes having regard to the SEND Code of Practice.

Early intervention to address underlying causes of disruptive behaviour will include an assessment of whether appropriate provision is in place to support any SEND that a student may have. The Executive Headteacher will also consider the use of a multi-agency assessment for students who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified SEND but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.

It is unlawful to suspend or to increase the severity of suspension for a non-disciplinary reason. For example, it would be unlawful to suspend a student simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment / ability; the action of a student's parents; or the failure of a student to meet specific conditions before they are reinstated. Students who repeatedly disobey their teachers' academic instructions could, however, be subject to suspension.

'Informal' or 'unofficial' suspensions, such as sending students home 'to cool off' are unlawful, regardless of whether they occur with the agreement of parents or carers. Any suspension of a student, even for short periods of time, will be formally recorded.

Academies have the power to direct a student off-site for education to improve his or her behaviour. A student can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents. However, the threat of suspension must never be used to influence parents to remove their child from the school.

A decision to exclude a student permanently should only be taken:

- ◆ in response to a serious breach, or persistent breaches, of the school's behaviour policy;
- ◆ where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

A decision to exclude a student permanently is a serious one and will only be taken where the basic facts have been clearly established on the balance of probabilities. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the student and should normally be used as a last resort. The decision on whether to permanently exclude is for the Executive Headteacher to take. However, where practical, the Executive Headteacher will give students an opportunity to present their case before taking the decision.

Whilst permanent exclusion may still be an appropriate sanction, the Executive Headteacher will take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a

student has suffered bereavement, has mental health issues or has been subject to bullying.

There will however be exceptional circumstances where the Executive Headteacher will permanently exclude a student for a first or 'one off' offence, for example, in the following circumstances:

- ◆ Serious actual or threatened violence against another student or a member of staff.
- ◆ Sexual abuse or assault.
- ◆ Drugs related incidents, having regard to the school's Drug Policy (cross reference Policy on Substance Use and Misuse).
- ◆ Carrying an offensive weapon.

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the school community.

Examples of other misbehaviour that may lead to suspension and in certain instances lead to permanent exclusion are if a student:

- ◆ Makes false and malicious accusations against a member of staff, which could precipitate action by the Police or the Local Safeguarding Children Partnership.
- ◆ Persistently defies behavioural standards.
- ◆ Swears at or is personally insolent to a member of staff either in school or outside school.
- ◆ Makes an unprovoked physical assault on another student on the school premises or on the journey to or from school.
- ◆ Takes up an inordinate amount of staff time dealing with his or her misbehaviour.
- ◆ Misbehaves in any way while on report.
- ◆ Is involved in the bullying of another student.
- ◆ Is involved in activities which are prejudicial to the health and safety of member(s) of the school community.

St. Bede's will also consider whether to inform the Police where a criminal offence has taken place and will also consider whether or not to inform other agencies.

Factors to consider before making a decision to suspend or permanently exclude

At St. Bede's we will not impose neither suspension nor permanent exclusion in the heat of the moment unless there is an immediate threat to the safety of others in the school or the student concerned. Before deciding whether to suspend a student for a fixed period or permanently exclude, the Executive Headteacher will:

- ◆ Ensure that an appropriate investigation has been carried out.
- ◆ Consider all the evidence available to support the allegation.
- ◆ Allow the student to give their version of events.
- ◆ Check whether the incident may have been provoked by any form of prejudice or discrimination.

- ◆ If necessary, consult others, but not anyone who may later have a role in reviewing the Executive Headteacher's decision, for example a member of the Local Governing Committee.
- ◆ Keep a written record of the actions taken (and copies of written records made by other members of staff including any interview with the student concerned. Witness statements should be dated and signed, wherever possible. These statements may be made anonymous for any subsequent meetings to protect witnesses if deemed appropriate.

In compliance with appropriate guidance St. Bede's will apply the regulations which relate to students with SEND, the revised guidance on Looked After Children and will have regard to the sections on when a suspension is not appropriate and unofficial suspensions.

Statutory guidance to Headteachers on the suspension of students from groups with disproportionately high rates of suspension

The suspension rates for certain groups of students are consistently higher than average. This includes:

- ◆ students with SEND;
- ◆ students eligible for Free School Meals;
- ◆ looked after children;
- ◆ students from certain ethnic groups.

In addition to the approaches on early intervention set out above, the Headteacher will consider what extra support might be needed to identify and address the needs of students from these groups to reduce their risk of suspension.

Statutory guidance to Headteachers on the suspension of students with statements of SEND (EHC Plan) and looked after children

As well as having disproportionately high rates of suspension, there are certain groups of students with additional needs who are particularly vulnerable to the impacts of suspension. This includes students with statements of special educational need and disability (SEND) and looked after children. Headteachers should, as far as possible, avoid permanently excluding any student with a statement of SEND (EHC Plan) or a looked after child.

Schools should engage proactively with parents in supporting the behaviour of students with additional needs. In relation to looked after children, schools should co-operate proactively with foster carers or children's home workers and the Virtual School in the local authority that looks after the child.

Where a school has concerns about the behaviour, or risk of suspension, of a child with additional needs, a student with a statement of SEND (EHC Plan) or a looked after child, it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a student's SEND. Where a

student has a statement of SEND, schools should consider requesting an early annual review or interim/emergency review.

Whether or not a school recognises that a student has special educational needs and disability (SEND), all parents (or students if aged 18 or over) have the right to request the presence of a SEND expert at an independent review panel. The SEND expert's role is to provide impartial advice to the panel about how SEND could be relevant to suspension; for example, whether the school acted reasonably in relation to its legal duties.

Procedures following permanent exclusion

The student remains on the roll of the school until any appeal is determined, until the time limit for the parents to lodge an appeal has expired without an appeal being brought or the parent has informed the Local Authority in writing that no appeal is to be brought. It is St. Bede's responsibility during the first five days of a permanent exclusion to ensure that work is sent home for the student to complete. During these initial five days of suspension parents must ensure that their child is not found in a public place during normal school hours without reasonable justification. Parents are subject to a fixed penalty notice fine if they fail to do this.

From the sixth day of the permanent exclusion the Local Authority is statutorily responsible for ensuring that suitable full-time education is provided. This will be the responsibility of the Local Authority in which the student resides.

In addition, where a student has a statement of SEND, the local authority must ensure that an appropriate full-time placement is identified in consultation with the parents, who retain their rights to express a preference for a school that they wish their child to attend or make representations for a placement in any other school.

Local authorities must have regard to the statutory guidance, *Promoting the Educational Achievement of Looked After Children: Statutory Guidance for Local Authorities* when carrying out their duties in relation to the education of looked after children.

Provision does not have to be arranged by either the school or Local Authority for students in the final year of compulsory education who do not have any further public examinations to sit.

Procedures following a Fixed Term Suspension

For suspensions up to 5 days, work will be set and marked, and parents must ensure that students complete this work and return it. During this period the parents must ensure that their child is not found in a public place during normal school hours without reasonable justification. Parents are liable to fixed penalty notice fine if they fail to do this.

Where a student is given a fixed period suspension of six school days or longer, the school will arrange suitable full-time educational provision from and including the sixth school day of the suspension.

The Executive Headteacher may suspend a student for one or more fixed periods not exceeding forty-five school days in any one school year. The limit of forty-five school days applies to the student and not the school; therefore, any days of fixed term suspensions served by a student in the same school year will count towards the total.

St. Bede's will arrange a reintegration interview with parents following any fixed term suspension.

In exceptional cases, usually where further evidence has come to light, a fixed period suspension may be extended or converted to a permanent exclusion. Should this be the case, the Executive Headteacher will write to the parents explaining the reason for the change.