Behaviour, Discipline and Exclusions Statement

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1. Aims

This statement aims to:

- Provide guidance to ensure that all KCSP academies provide a consistent approach to **behaviour management** through an Academy specific behaviour policy and associated policies such as an anti-bullying policy;
- Summarise the **roles and responsibilities** with regards to behaviour management and exclusions;
- Ensure that where **exclusions** are used that the process is applied fairly and consistently, and is understood by governors, staff, parents/carers and pupils.

2. Legislation and statutory guidance

This statement, and the requirements it refers to, is based on statutory guidance and advice from the Department for Education as follows.

**Behaviour management**

Advice from the Department for Education (DfE) on:

- Behaviour and discipline in schools
- Searching, screening and confiscation at school
- The Equality Act 2010
- Use of reasonable force in schools
- Supporting pupils with medical conditions at school
- Special educational needs and disability (SEND) code of practice.

Teaching and support staff union guidance on behaviour and discipline.

In addition, this statement is based on:

- Schedule 1 of the **Education (Independent School Standards) Regulations 2014**; paragraph 7 outlines a school’s duty to safeguard and promote the welfare of children, paragraph 9 requires the school to have a written behaviour policy and paragraph 10 requires the school to have an anti-bullying strategy
- **DfE guidance** explaining that academies should publish their behaviour policy and anti-bullying strategy online

**Exclusions**

Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

- 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:
• Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils
• Section 579 of the Education Act 1996, which defines ‘school day’

3. Roles and Responsibilities

Headteacher or Principal

Behaviour Management

• The headteacher or principal must develop, approve, implement and review a behaviour policy that is compliant with the DfE guidance and advice set out in Section 2 and that:
  o Provides a consistent approach to behaviour management;
  o Ensure that pupils complete assigned work.
  o Defines what the academy considers to be unacceptable behaviour, including bullying in the academy as well as online.
  o Outlines how pupils are expected to behave in general, as well as promoting their good behaviour for learning.
  o Summarises the roles and responsibilities of different people in the academy community with regards to behaviour management;
  o Outlines the academy’s system of rewards and sanctions.

Exclusions

• Only the headteacher/principal, can exclude a pupil from the academy and a decision to exclude will be taken only:
  o In response to serious or persistent breaches of the academy’s behaviour policy; and
  o If allowing the pupil to remain in the academy would seriously harm the education or welfare of others.
• The headteacher/principal MUST follow the statutory guidance listed in section 2 of this statement, including Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.
• The headteacher/principal must ensure that every effort is made to avoid exclusions; a permanent exclusion should only be taken as a last resort.
• The headteacher/principal will consult the KCC Inclusion Team on any cases of doubt and always before any permanent exclusion.
• The headteacher/principal will immediately notify the LGB, the Executive Principal (if there is one in place) the CEO at the Trust and the Local Authority of:
  o A permanent exclusion, including when a fixed period exclusion is made permanent
  o Exclusions which would result in the pupil being excluded for more than 5 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 academy is located, the headteacher/principal will also immediately notify the pupil’s “home authority” of the exclusion and the reason(s) for it without delay.

• For all other exclusions, the headteacher/principal will notify the LGB on a termly basis and the Trust on an annual basis.

**Governing Body (GB)**

**Behaviour Management**

• The GB will monitor the behaviour policy’s effectiveness and hold the headteacher to account for its consistent implementation.

**Exclusions**

• The GB MUST follow the statutory guidance listed in section 2 of this statement, including *Exclusion from maintained schools, academies and pupil referral units (PRUs) in England*

**Clerk to the Governing Body**

**Exclusions**

• Where the LGB is considering parental appeals for the reinstatement of a pupil (through an Exclusion Panel) the Clerk to the LGB must ensure that:
  
o Any governor sitting on a panel for reinstatement (an Exclusion Panel) has received training on their role within the last two years;
  
o For permanent exclusions, the Exclusion Panel includes at least one governor from another school or academy in order to demonstrate appropriate independence of the Headteacher/Principal.

• If parents/carers apply for an independent review, the Clerk to the LGB will arrange with Kent County Council Appeals Team (appeals@kent.gov.uk) for an independent panel to review the decision of the Exclusions Panel not to reinstate a permanently excluded pupil.

**KCSP Board of Directors**

The responsibilities of KCSP’s Board of Directors are to:

• Regularly review this statement to ensure it is fit for purpose and is compliant with statutory regulations;

• Monitor exclusions through reports submitted to the Board or its committees.

**Local Authority (LA)**

• For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

4. **Links with other policies**

This statement is linked to:
• Academy behaviour policies;
• Academy SEN policies and information report.