



Behaviour (and Conduct) Policy

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We have added conduct to our Behaviour (and Conduct) Policy heading to indicate that we have discussed the distinction between *behaviour* and *conduct*.

We discussed the fact that *Behaviour* concerns itself only with the visible. We can be made to behave by others (while they are present at least). This means that our behaviour cannot be guaranteed to reflect our personal ideas, thoughts, beliefs and character, and may not be found continuously in our activities, but may have a haphazard and also thoughtless quality about it. Hansen (Hansen, 2001)* suggests that it can be mechanistic.

Conduct comprises the characteristic unity, pattern and continuity (even integrity) in the doings of a person. Conduct reveals or expresses in action our character (our thoughts, beliefs, ideas, aims and intentions). In sharp contrast to behaviour, conduct is unique to that person.

*Hansen, D. N (2001) *Exploring the Moral Heart of Teaching: Towards a Teacher's Creed*. New York: Teachers College Press.

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Informed by [DfE Behaviour in Schools – Advice for Headteachers and Staff \(February 2024\)](#)



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Introduction

The Behaviour and Conduct Policy in Cranham Church of England Primary School is informed by Christian Values which underpin every aspect of the School Community's life and work, including the curriculum. These values are rooted in the teaching of Jesus Christ. Central to a behaviour policy in a church school are Jesus' words recorded in the seventh chapter of the Gospel of Matthew:

*“So, in everything, do to others what you would have them do to you,
for this sums up the Law and the Prophets.”*

This principle to treat others as you would want to be treated is a core part of all main world religions and is widely known as ‘**The Golden Rule**’ (see appendix 1). This teaching replaces a set of school rules.

This policy is to be read in conjunction with the Anti-bullying, Safeguarding and SEND policies.

1. Aims

The Behaviour and Conduct Policy aims to:

- Ensure that all children feel safe in school; link effectively with the Safeguarding Policy, Anti-bullying Policy and SEND Policy to ensure a safe learning environment for everyone throughout the school day.
- Foster a **positive** and **compassionate** environment in which all children can flourish and reach their full potential.
- Develop relationships based on **respect, generosity, integrity** and **trust** between all members of the school community, including pupils, staff, parents and members of the Governing Body.
- Define what we consider to be unacceptable behaviour, including bullying.
- Outline how pupils are expected to behave and celebrate and reward positive behaviour.
- Summarise the roles and responsibilities of different people in the school community with regards to behaviour management.
- Outline our system of rewards and sanctions and ensure that there is clarity agreed by all stakeholders.
- Provide a consistent approach to behaviour management across the school.
- Give children the confidence that issues relating to behaviour will be referred back to **The Golden Rule** and the school's Christian values.

2. Intent

As a direct consequence of the Behaviour and Conduct Policy:

Children will:

- Learn that all behaviour has consequences
- Build strong relationships
- Experience what it means to live as a member of an **open, generous** and **forgiving** community
- Benefit from a calm and secure learning environment
- Be fully involved in regular reviews of the Behaviour and Conduct Policy (through School Council / pupil voice etc)

Adults working within school will:

- Model forgiveness and the possibility of restoration and a new beginning in their relationships, both with adults and children
- Convey expectations of behaviour clearly and with confidence
- Benefit from a calm and secure environment in which to teach effectively
- Build positive relationships with parents and the whole school community
- Develop personally and professionally
- Be supported in providing a consistent approach to behaviour management across the school with clear consequence where necessary



Parents will:

- Be fully informed about the school's ethos, core Christian values and the Behaviour and Conduct Policy
- Feel confident that all the decisions regarding behaviour are just, unbiased, and informed by 'The Golden Rule' and our school's values
- Be confident that their child is developing personally, socially, spiritually and academically
- Be confident that their child's learning opportunities will not be negatively impacted by the behaviour of others
- Be offered opportunities to explore further the school's values at home; for example, through our website, and the newsletter
- Feel welcome in school to discuss their child's progress and behaviour in a positive atmosphere

3. Legislation and statutory requirements

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

- [DfE Behaviour in schools](#)
- [DfE Searching, screening and confiscation at school](#)
- [DfE The Equality Act 2010: advice for schools](#)
- [DfE Use of reasonable force in schools](#)
- [DfE Supporting pupils with medical conditions at school](#)

It is also based on the [special educational needs and disability \(SEND\) code of practice](#). In addition, this policy is based on:

- [Section 175 of the Education Act 2002](#), which outlines a school's duty to safeguard and promote the welfare of its pupils
- [Sections 88-94 of the Education and Inspections Act 2006](#), which require schools to regulate pupils' behaviour and publish a behaviour policy and written statement of behaviour principles, and give schools the authority to confiscate pupils' property
- [DfE guidance](#) explaining that maintained schools should publish their behaviour policy online
- This policy pays due regard to the [Equality Act 2010](#) – including aspects of safeguarding and SEND

This is a statutory policy which must be published on the school website and shared annually with parents.

4. Definitions

Misbehaviour

- Disruption in lessons
- Non-completion of classwork due to refusal
- Disruption around the school including on the playground, break and lunchtimes and in wrap-around care
- Negative attitude

Serious misbehaviour

- Repeated incidences of misbehaviour
- Threatening or violent behaviour towards pupils or staff
- Any form of bullying
- Sexual assault, which is any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation
- Vandalism
- Theft
- Fighting
- Smoking
- Racist, sexist, homophobic or discriminatory behaviour
- Swearing with intent to offend



Child-on-child abuse

Child-on-child abuse is when an individual or group intentionally harms others physically, sexually, or emotionally. It can include bullying, abuse in relationships, physical abuse, sexual violence, and sexual harassment. At Cranham C of E School, we have a zero-tolerance policy to child-on-child abuse, and we take steps to minimise the risk of this occurring. This includes exploring potential issues with the children through our PSHE programme, ensuring appropriate supervision throughout the school day and delivering parent workshops on relevant topics. Should this type of abuse occur, staff will seek support from the DSL or the Deputy DSL. We understand that this abuse can take many forms including, but not limited to:

- bullying (including cyberbullying, prejudice-based and discriminatory bullying);
- physical abuse which can include hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexual violence and sexual harassment;
- consensual and non-consensual sharing of nude and semi-nude images and/or videos;
- up-skirting (which is a criminal offence)
- initiation/hazing type violence and rituals

Incidents of Child-on-Child abuse are recorded on our safeguarding platform, My Concern, and are categorised to aid future analysis and pattern spotting. We set clear boundaries to prevent further incidents. The parents of all children involved are contacted, and we plan for reviewing opportunities to ensure the issue does not re-occur.

Bullying

Bullying is defined as the repetitive, intentional harming of one person or group by another person or group, where the relationship involves an imbalance of power. Bullying is, therefore:

- Deliberately hurtful
- Repeated, often over a period of time (STOP = **S**everal **T**imes **O**n **P**urpose)
- Difficult to defend against

Type of bullying	Definition
Emotional	Being unfriendly, excluding, tormenting
Physical	Hitting, kicking, pushing, taking another's belongings, any use of violence
Racial	Racial taunts, graffiti, gestures
Sexual	Explicit sexual remarks, display of sexual material, sexual gestures, unwanted physical attention, comments about sexual reputation or performance, or inappropriate touching
Direct or indirect verbal	Name-calling, sarcasm, spreading rumours, teasing
Cyber-bullying	Bullying that takes place online, such as through social networking sites, messaging apps or gaming sites

Details of our school's approach to preventing and addressing bullying are set out in our Anti-bullying Policy.



5. Roles and responsibilities

The governing board

The governing board has a statutory duty to produce and review a written statement of broad principles that underpins the school's Behaviour and Conduct Policy. Governors maintain a strategic oversight of behaviour within school and are committed to supporting high standards of behaviour. Governors help shape the ethos, approve the official principles, and hold the headteacher accountable for the fair, effective, and consistent implementation of the Behaviour and Conduct Policy. Governors monitor how the policy is being implemented in practice. This involves reviewing data on behaviour, suspensions, and permanent exclusions to ensure the policy is effective, applied fairly, and is not disproportionately affecting specific groups of pupils. They also ensure that any exceptions made for one child are not at the expense of others. The board ensures the headteacher is held accountable for the educational performance of the school, the well-being of its pupils, and the ongoing support and training given to staff.

[Maintained schools: governance guidance](#)

The headteacher

The headteacher must set out measures in the Behaviour and Conduct Policy which aim to:

- promote good behaviour, self-discipline and respect
- prevent bullying
- ensure that pupils complete assigned work
- regulate the conduct of pupils

When deciding what these measures should be, the headteacher must take account of the governing body's statement of behaviour principles. The headteacher must have regard to any guidance or notification provided by the governing body which may include the following:

- screening and searching pupils
- the power to use reasonable force and other physical contact
- the power to discipline beyond the school gate
- when to work with other local agencies to assess the needs of pupils who display continuous disruptive behaviour
- pastoral care for staff accused of misconduct

The headteacher must decide the standard of behaviour expected of pupils at the school. He or she must also determine the school rules and any disciplinary penalties for breaking the rules.

Teachers' powers to discipline include the power to discipline pupils even when they are not at school or in the charge of a member of staff.

The headteacher must publicise the school Behaviour and Conduct Policy, in writing, to staff, parents and pupils at least once a year.

[DfE Behaviour in Schools – Advice for Headteachers and Staff \(February 2024\)](#)

In exceptional circumstances and where there are mitigating circumstances, the headteacher reserves the right to make decisions regarding this Behaviour and Conduct Policy based on the evidence before them. This is with support of the Chair of Governors and in liaison with appropriate professionals e.g. the Inclusion Team.

Staff

For a positive behaviour system to be successful, there needs to be consistency in the approach. This policy sets out that approach and all staff are expected to uphold the principles within. We believe in the importance of 'negotiating' i.e. offering choices to the



child. This helps to encourage mutual respect and foster self-responsibility in the child; they may be encouraged to choose from restricted choices so they do not feel that they have lost control.

Whatever the consequence issued, the behaviour will be discussed with the child, at a level appropriate for the child, so that they understand why the behaviour is not acceptable. Staff are discouraged from punishing the whole group unless this is unavoidable or appropriate.

Staff at Cranham C of E Primary will work with parents to provide pupils with the right support at the right time and keep them updated about their child's behaviour. This might include letting them know if their child has breached the school behaviour and conduct policy, as well as celebrating what their child has done well.

Parents

Parents have an important role in helping schools develop and maintain good behaviour. As a parent, you should get to know the school's Behaviour and Conduct Policy so that you can support your child to follow the school behaviour expectations.

Parents are expected to:

- Support their child in adhering to the behaviour expectations and code of conduct
- Support the school regarding consequences as a result of their child's behaviour
- Inform the school of any changes in circumstances that may affect their child's behaviour
- Discuss any behavioural concerns with the class teacher promptly

6. The children's vision for behaviour

The School Council met with staff to discuss behaviour at Cranham. Together they came up with the following vision:

**We show courage:
standing up for
each other and
owning up to our
mistakes and
saying sorry**

**We show compassion:
helping others,
forgiving and
looking for ways to
be kind**

**We are a community:
respecting each
other and allowing
everyone to learn**

Peer Mediators

Peer Mediators follow the core principles of the 'Golden Rule'. These pupils are selected and trained in September of each year by our pastoral lead using GHLL Peer Mediator resources. Peer Mediators wear a bib to allow others to identify them in the playground. They take care to listen to both sides of a disagreement, seek to avoid confrontation and demonstrate compassion through active listening. Their aim is to de-escalate, build bridges and model our British Values of respect and tolerance – they are trained *not* to take sides or make judgements.

7. Adult responses to positive behaviour

Verbal praise and positive comments:

Praise and positive comments will be given readily. Class and supply teachers, lunchtime supervisors and support teachers will be encouraged to comment on positive behaviour using the 'values language' in order that children understand what the value, e.g. compassion, looks like in practice.



Each classroom displays a 'Ready to Grow' poster with clear guidance on what kind of behaviour is expected and what kind of behaviour is unacceptable.

Are you creating the right conditions for learning?

struggling to take root...
...preventing yourself,
or others,
from growing

ASK-TELL-SEND-MEND

Expected behaviour:

- Listening attentively
- Being enthusiastic
- Doing as asked first time
- Being organised
- Having good manners
- Keeping safe

Expected behaviour:

- Following the 'Golden Rule'
- Having the **courage** to be the best you can be
- Showing **compassion**
- Helping others in your **community** (if they want help)

Flourishing!

Going well **above** and **beyond** the high expectations we already have!

Unacceptable behaviour:

- Not following the 'Golden Rule'
- Distracting others
- Calling out
- Not listening / fiddling
- Negative attitude
- Disrespectful gestures like shrugs or eye-rolling
- Arguing back
- Being unkind
- Being unsafe

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Value Awards, Values Pebbles and Dojo Points:

Value Awards: Every Friday, during our Celebration collective worship, values certificates are awarded in recognition of children living out our school values through their behaviour and effort within school. The names of our values award winners are shared with parents in our weekly newsletter.

Values pebbles: Our hand-made owl pebbles are awarded to children going above and beyond in modelling a particular school value: courage, compassion or community. These children can be nominated by any member of staff, parents and or other children. Children who receive values awards are celebrated in celebration worship and they take home a Values pebble. The names of our pebble winners are also shared in our weekly newsletter.

Dojo points: These are awarded for behaviour as well as effort and successes across the curriculum. Children are celebrated during collective worship for reaching specified milestones each term (25, 50, 75 and 100). All children belong to one of four school families: Badgers, Foxes; Hedgehogs or Squirrels. The individual points are added together to produce a family group total. Family points are celebrated weekly and the winning family is celebrated termly.

Values Award Winner

CONGRATULATIONS!

This certificate is awarded to

For _____

Date: _____

Signed: _____

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Cranham Church of England (VA)
Primary School
Courage - Compassion - Community

8. Adult responses to inappropriate behaviour

When dealing with behaviour that falls below the expected standard throughout the school, adults will:

- Use The Golden Rule as the starting point to challenge the child on how he/she would have felt if he/she had been on the receiving end of the behaviour in question; encourage the child to feel empathy.
- Ensure that the child understands why his/her behaviour is not appropriate.
- Seek to avoid confrontation and demonstrate compassion through active listening and forgiveness where there is an acknowledgement of wrongdoing.
- Establish the facts and reserve initial judgement.
- Use formal consequences sparingly and appropriately; a removal of privileges will be used as the principal sanction.
- Remember that quiet, personal, explicit reprimands are preferable to general criticism of whole groups.
- Provide children with the opportunity to make amends, reminding them that it is their behaviour, not themselves, that is unacceptable. As a Church of England school, we have a focus on putting right any harm we have done, and the importance of forgiveness and moving on.

The same behaviour expectations apply off-site, at lunchtimes and during breakfast and after-school clubs (wrap-around care).

When dealing with behaviour that falls below the expected standard within the classroom, teachers will:

- Deal with classroom problems, whenever possible, within the classroom.
- Require unacceptable work to be repeated.
- Expect a child to make up for wasted time during his/her free time; e.g. at break or lunch time (a rest break at a later time may be considered if necessary).
- Inform parents if equipment is deliberately damaged and invite them to replace it.
- Use the '**Ask, tell, send and mend**' approach:
 - **Ask:** Ask a child to behave, reminding him/her of appropriate behaviour;
 - **Tell:** Tell the child to behave appropriately e.g. I have asked you to stop, now I am telling you to stop
 - **Send:** If the child continues to misbehave, they will be sent to another area of the classroom or a different classroom if appropriate for a 'Time Out' session. For our very youngest children in EYFS, the 'send' part might involve being sent to try another activity or to play elsewhere;
 - When the teacher has an opportunity, he/she will speak to the child calmly about his/her behaviour. If inappropriate behaviour continues, the child will be sent to the headteacher (or to a senior member of staff if the headteacher is not available);
 - **Mend:** This part is about the adult and the child agreeing together how the child could make amends for any harm caused by their behaviour (e.g. tidying up, an apology or completing learning tasks in their own time).
- Communicate with parents where appropriate and ask for support and encouragement from home in meeting our behaviour expectations.

The **Ask, tell send, mend** approach will also be followed at play and lunch times and in wrap-around care. All staff will use a consistent approach.

We may use the headteacher's office in response to serious or persistent breaches of this policy. Pupils may be sent to the headteacher's office during lessons if they are disruptive, and they will be expected to complete the same work as they would in class. Children may also lose the opportunity to attend wrap-around provision.



9. The school's response to serious incidents

The school's approach to behaviour is focused on positive reinforcement and relationship building to support emotional development. However, the school has a safeguarding responsibility to all its pupils and staff, and we therefore need to react appropriately to incidents of serious misbehaviour.

The following inappropriate behaviours are deemed to be more serious, and may result in an internal or external fixed-term exclusion:

- Repeated breaches of the school behaviour and conduct policy
- Threatening or violent behaviour towards pupils or staff
- Any form of bullying
- Sexual assault, which is any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation
- Vandalism
- Theft
- Fighting
- Smoking
- Racist, sexist, homophobic or discriminatory behaviour
- Swearing with intent to offend

The use of reasonable force

There are circumstances when it is appropriate for staff in school to use reasonable force to safeguard children and young people. The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury. 'Reasonable' in these circumstances means 'using no more force than is needed.' The use of force may involve either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom.

In the unlikely event of action of this type being required at Cranham Primary school, it is to be carried out, if possible, by a member of staff who has been 'Team Teach' trained. Staff will inform another adult of their intention to use reasonable force in advance of the action, whenever this is practical, and remain in sight of another adult throughout the process. Parents will be informed if such action has been taken and details will be recorded on our safeguarding platform, My Concern.

Please see [DfE Guidance: Use of reasonable force in schools](#)

Liaison with parents and other agencies

Working with parents is an important part of supporting children with their behaviour. We make sure that parents are informed of incidents involving their child, especially where this behaviour has been of a serious or of a continuous low-level nature. We expect our parents to support us by encouraging and promoting our behaviour expectations both at school and at home.

Exclusion (see Appendix 2)

As part of our positive behaviour strategy, and depending upon the severity of a misdemeanour, the school expects to use supervised internal exclusions as much as possible before moving to the formal terms of the out-of-school exclusions procedure. In the case of an internal exclusion, the school will write to parents to inform them formally of this decision. The school also commits to providing support for pupils who have been given an internal exclusion, seeking external advice where necessary, to prevent further incidents.

Where a child's behaviour causes significant concern, and/or the range of strategies outlined above has failed, the headteacher will use fixed term exclusions (suspensions) when appropriate. If this does not have a positive impact on the pupil's behaviour, the governing body will be involved by following the local authority exclusions procedure, including consideration of a managed move. It is the governors and headteacher's responsibility to support staff, particularly when there is a child with challenging behaviour in their care. This can be done through offering advice, ensuring support with sanctions and paying due regard to staff health and wellbeing.

Fixed-term exclusions and permanent exclusions will follow the formal procedure as agreed by the Governing Body in consultation with the Local authority:

[GCC suspension and permanent Exclusion from maintained schools](#)

At all times we work to the framework of national government guidance which can be found online:

[DfE school suspensions and permanent exclusions](#)

[DfE school suspensions and permanent exclusions: guide for parents](#)

We also work to the Local Authority guidance:

[Gloucestershire Schoolsnet: exclusions](#)

The role of the local authority is also clearly laid out in this document.

10. Pupil support – behaviour management

The SENCO, pastoral lead and headteacher will assist with any persistent challenging behaviour in any context. An assessment of the pupil's needs is undertaken and a meeting with school staff and parents is initiated. At this meeting, a plan will be devised to support the child including the involvement of outside agencies if appropriate. Records of behaviour will be kept and evidence gathered should further action be required in the future.

At Cranham C of E Primary, we recognise that some children will need additional support to improve their behaviour and conduct, due to the conditions or additional needs that they have. For every instance of misbehaviour, we consider whether a child's special educational needs or disabilities (SEND) have contributed to their behaviour, and whether it is therefore fair and lawful to sanction them because of this. We also consider any triggers of misbehaviour so we can support all pupils with SEND to behave well. We remain aspirational in our behaviour expectations for all children, as we believe that this is the best way to ensure that they are as prepared as possible for their future; however, we accept that some pupils may need reasonable adjustments made to our approach in the same way that we do with the curriculum. **In every behaviour incident, our first and foremost priority is the safeguarding of children and staff; the inclusion of one child should not be detrimental to the safeguarding of others.**

We are aware that certain groups of pupils with additional needs are particularly vulnerable to the impacts of exclusion. This includes pupils with Educational Health and Care plans (EHCPs) and looked after children. As far as possible, Cranham School avoids permanently excluding any pupil with an EHC plan or a looked after child; we engage proactively with parents and partnerships in supporting the behaviour of pupils with additional needs. We will meet with parents of children with an EHC plan if we have any concerns about their child's behaviour at an early stage. We will also contact the local authority and consider requesting an early annual review. (This is when the local authority reviews a child's EHC plan to ensure it is fit for purpose.)

See points 23-25 of Appendix 4



Appendix 1: The Golden Rule



Appendix 2: Glossary of relevant terms

Internal exclusion

Schools can use internal exclusions, where a pupil is removed from their class for either a half or full day. Such exclusions are served on the school site and are not treated as an exclusion from school. Internal exclusion may be more appropriate in cases where a pupil is a Child in Care (CiC) who is subject to a Child Protection Plan, or for whom the headteacher believes formal exclusion might pose a safeguarding risk.

Fixed Term Exclusion (suspension)

This is when a child is excluded from school for a short period of time. The research shows that between 1-3 days is usually sufficient. This must be formally recorded using the Gloucestershire Local Authority documentation.

Permanent Exclusion

This is when a child is excluded from the school on a permanent basis, and an alternative school must be found for the child. This would only take place when all other options for addressing the child's poor behaviour have been explored; considerable support has been put in place but has failed to have the required impact.

Managed Move

This is when schools and the Local Authority work together to find an alternative school place for a child who is at high risk of Permanent Exclusion from their current school. It is designed to provide a fresh start and to be an alternative to the child having a Permanent Exclusion on their record.

Appendix 3: Advice for parents in the case of an exclusion from school

Where to get support

Several organisations provide free advice on fixed-term or permanent exclusion matters, including:

- [DfE A guide for parents on school behaviour and exclusion](#)
- [Coram's Child Law Advice service](#) - telephone: 0300 330 5485 (Monday to Friday, 8am to 6pm)
- [Your local SEND information and support \(IAS\) service](#) - information and support for children and young people with SEND, including on suspensions and permanent exclusions
- [Independent Provider of Special Education Advice \(IPSEA\)](#) - independent information and support on the suspension and permanent exclusion of children with SEND



Appendix 4: The headteacher's power to exclude

A guide to the law²

1. Only the headteacher³ of a school can exclude a pupil and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed-period exclusion does not have to be for a continuous period. (The requirements of headteachers are included in the table in Annex B of this guidance, The exclusion process for headteachers).
2. A fixed-period exclusion can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period. The legal requirements relating to exclusion, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.
3. The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a fixed-period exclusion may in effect be 'extended' by issuing a further fixed-period exclusion to begin immediately after the first period ends; or 'converted' by issuing a permanent exclusion to begin immediately after the end of the fixed-period.
4. The behaviour of a pupil outside school can be considered grounds for an exclusion.
5. The headteacher may withdraw an exclusion that has not been reviewed by the governing body.
6. Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate.
7. The headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.
8. When establishing the facts in relation to an exclusion decision the 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.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen.
9. Under the Equality Act 2010 (the Equality Act), schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices and the provision of auxiliary aids.
10. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:
 - eliminate discrimination, harassment, victimisation, 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; and
 - foster good relations between people who share a protected characteristic and people who do not share it.
11. These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages, needs, or low participation affecting one group, where this can be shown to be a proportionate way of dealing with such issues.
12. The headteacher and governing body must comply with their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEN Code of Practice.
13. It is unlawful to exclude for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil 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 pupil's parents; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. However, a pupil who repeatedly disobeys their teachers' academic instructions could, be subject to exclusion.
14. 'Informal' or 'unofficial' exclusions, such as sending a pupil home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.
15. Maintained schools have the power to direct a pupil off-site for education to improve their behaviour⁴. A pupil 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 and the admission authority of the school. However, the threat of exclusion must never be used to influence parents to remove their child from the school.



Statutory guidance on factors that a headteacher should take into account before taking the decision to exclude

16. A decision to exclude a pupil permanently should only be taken:

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

17. The decision on whether to exclude is for the headteacher to take. However, where practical, the headteacher should give the pupil an opportunity to present their case before taking the decision to exclude.

18. Whilst an exclusion may still be an appropriate sanction, the headteacher should 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 the pupil has suffered bereavement, has mental health issues or has been subject to bullying.

19. Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The headteacher should also consider the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.

20. Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed-period exclusion in an academic year, the headteacher should consider whether exclusion is providing an effective sanction.

Statutory guidance to the headteacher on the exclusion of pupils from groups with disproportionately high rates of exclusion.

21. The exclusion rates for certain groups of pupils are consistently higher than average. This includes: pupils with SEN; pupils eligible for free school meals; looked after children; and pupils from certain ethnic groups. The ethnic groups with the highest rates of exclusion are: Gypsy/Roma; Travellers of Irish Heritage; and Caribbean pupils.

22. In addition to the approaches on early intervention set out above, the headteacher should consider what extra support might be needed to identify and address the needs of pupils from these groups in order to reduce their risk of exclusion. For example, schools might draw on the support of Traveller Education Services, or other professionals, to help build trust when engaging with families from Traveller communities.

Statutory guidance to the headteacher on the exclusion of pupils with education, health and care plans (EHC plans) and looked after children.

23. As well as having disproportionately high rates of exclusion, there are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with EHC plans and looked after children. The headteacher should, as far as possible, avoid permanently excluding any pupil with an EHC plan or a looked after child.

24. Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to looked after children, schools should cooperate proactively with foster carers or children's home workers, the local authority that looks after the child and the local authority's virtual school head.

25. Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an 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 pupil's SEN. Where a pupil has an EHC plan, schools should consider requesting an early annual review or interim/emergency review.

2 Section 51A Education Act 2002 and regulations made under that section.

3 In a maintained school, 'headteacher' includes an acting headteacher by virtue of section 579(1) of the Education Act 1996. An acting headteacher is someone appointed to carry out the functions of the headteacher in the headteacher's absence or pending the appointment of a headteacher. This will not necessarily be the deputy headteacher: it will depend who is appointed to the role of acting headteacher. In an academy, 'principal' includes acting principal by virtue of regulation 21 of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

4 Non-statutory advice from the Department for Education is available to help schools to understand how the Equality Act affects them and how to fulfil their duties under the Act and can be downloaded at the following link: <https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>.

5 Guidance on the SEN code of practice can be found here <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>.

6 Section 29A of the Education Act 2002. The legal requirements and statutory guidance relating to this power are set out in guidance on alternative provision (www.GOV.UK). Teachers can also place a pupil in another educational setting under general powers.

7 Non-statutory guidance for headteachers of maintained schools on the place of multi-agency assessments in a school's behaviour policy is provided by Behaviour and Discipline in Schools – A Guide for Headteachers and School Staff (2015) <https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>.

8 As defined in section 22 of the Children Act 1989.

9 References to pupils with EHC plans include pupils with statements of SEN whilst they remain.

Procedures set out in Part 3 of the guidance document: [DfE Exclusion from Maintained Schools, Academies and Pupil Referral Units in England – A guide for those with legal responsibilities in relation to exclusion \(\[www.education.gov.uk\]\(http://www.education.gov.uk\)\)](#) are followed at all times.

