

Chad Vale Primary Behaviour and Achievement Policy

School adoption date:	September 2015
School's review date:	September 2017 (minor amends/corrections)
Next review:	July 2019

1. At Chad Vale Primary School the behaviour of children is exemplary for the majority of the time and this behaviour policy is written for clarity and fairness to all children, teachers, parents, guardians, visitors and other adults working at the school.

1.1 It is based on these key principles:

- ✓ We always reward good, acceptable behaviour
- ✓ We never ignore children's behaviour- all adults are responsible for the behaviour of any child, at any time
- ✓ We support poor behaviour in an atmosphere of kindness, patience and understanding
- ✓ We regularly inform parents about the behaviour of their children
- ✓ We make rewards, sanctions and consequences clear
- ✓ We recognise that all children have the right to be heard, irrespective of their age, understanding and ability
- ✓ We are committed to a partnership between staff, pupils, parents and the community
- ✓ We actively support the principle of inclusion
- ✓ Opportunities for pupils to develop self-discipline and the desire to strive towards their own high expectations and standards
- ✓ No problem is too small - if you or your child is unhappy, please come and discuss it with us - we may be able to help
- ✓ Everyone in class is involved in creating the Classroom Rules, based upon the Golden Rules (displayed in every classroom and set within the 1st 2 days of term. Class-created rules **must not** clash or alter the school behaviour policy in any way);

1.2 Golden Rules- to be displayed in all classrooms and areas in school



Our Golden Rules



1. Be gentle; please don't hurt anybody.
2. Be kind and helpful; please don't hurt people's feelings.
3. Be honest; please don't cover up the truth.
4. Learn hard; try hard to do your best.
5. Look after property; please don't waste or damage things.
6. Listen to each other; please don't interrupt.

1.3 'Minor' Behaviour Incident Examples

'Minor' incidents must never be ignored as they tend to result in low-level disruption during teaching and learning which prevents the child, or their peers from achieving their full potential.

The following list is not exhaustive and should a 'minor' incident be consistently repeated, it should be classed as 'unacceptable';

- Throwing stones aimlessly
- Throwing pen tops in class
- Chatting 'off-task'
- Scribbling in work books
- Whistling in class/assembly
- Booing or chanting
- Not following a teacher's instructions fully
- Play fighting that does not cause injury or distress
- Excluding others
- Rudeness to another child followed by an immediate apology

1.4 'Unacceptable' Behaviour Incident Examples (this type of incident MUST be acted on immediately e.g. recorded on SIMS or reported directly to HT/DHT)

- Cutting another child's hair
- Disobeying an instruction from a teacher
- Play fighting that causes injury or distress
- Using sexually explicit language
- Racist/homophobic/transphobic/sexist/disablist behaviour
- Throwing stones at cars/people
- Defiance
- Defacing work books or materials
- Throwing objects in class to distress (at teacher or child)
- Excluding others by involving other children/gangs
- Dangerous behaviour/absconding from lessons/site
- Rudeness to an adult showing disrespect
- Breaking a behaviour contract negotiated between the child, parents and the school
- Cyber-bullying (may occur in or outside school- see Anti-Bullying Policy)

1.5 Behaviours that result in Exclusion (immediate, internal)

- Violent behaviour
- Wilful insolence to adults in front of other children

1.6 Behaviours that result in Exclusion (fixed term, external)

- Wilful violence/attacks towards teachers
- Abscond from school premises (e.g. escape over fence/gate)
- Extended abscond from classroom/attempted abscond from premises (longer than 15 minutes with no attempt to return)
- Repeated behaviours from 1.5 above

2. Sanctions

If children are seen to break the agreed code of behaviour without incurring consequences, we give the message that the rules are unimportant. We have a clear system of sanctions that are fairly and consistently implemented, that include;

- The "Look" - facial expression indicating an adult's awareness/concern/ disapproval
- Move position within classroom (teacher moves their own position, or moves the child)
- A verbal reminder (see 2.3)
- A verbal warning (see 2.3)
- Time out (see 2.3)
- Loss of Golden Time/playtime/dinner break/jobs/privileges
- 'High Supervision' play/dinnertimes (e.g children to spend break-times with an adult, playing games safely)
- Group sanctions (e.g to tidy a messy classroom, practice walking in school at break-time etc)
- Removal of attendance of special events (e.g. trips/sports matches/sports clubs)
- Exclusion of a child during the lunchtime break for either a short or indefinite period.
- 'Internal Exclusion' from class for a session/day, Fixed Term (temporary) or Permanent Exclusion

2.1 Teachers will NEVER:

- Remove a child from a classroom into an unsupervised area
- Stand children in corridors
- Identify publicly, to other children in their class, a child that is not behaving by writing their name on the board, e.g. sad face/smiley face

2.2 Red Triangle

If there is serious disruption in class or dangerous behaviour (e.g fighting, attacking a child or teacher) teachers must send the RED TRIANGLE. The **FIRST ADULT** who sees the red triangle goes to the class to assist whilst the teacher removes the offending pupil, OR the teacher looks after the class whilst the adult removes the pupil.

2.3 Reminders, Warnings, Time Out

If a child is breaking the rules, use the following techniques in this order:

1: Reminder (Say: "This is your REMINDER, we put up our hand to speak".)

2: Warning (Say: "This is your WARNING, we put up our hand to speak. If you keep breaking our rule, then you will be sent out.")

3: 1st Time Out (5 mins in next class up and SIMS Behaviour Record and Letter)

4: Go immediately to 2nd Timeout if behaviour continues on return from 1st Time Out (rest of lesson in next class up and further SIMS Behaviour Record and update letter) **Do not repeat reminders and warnings.** Inform the Behaviour Co-ordinator that a child has been sent out twice in a day.

5: Go immediately to 3rd Timeout if behaviour continues on return from 2nd Time Out, (rest of session in next class up and further SIMS Behaviour Record and update letter) **Do not repeat reminders and warnings.** You must inform the Head Teacher that a child has been sent out for a third time in a day.

In the event that a child has been sent out more than once in day, you should amend the original letter with the additional incident(s) added to it, rather than issue multiple letters! Do not make exceptions, please comply with the policy to the letter.

2.4 Intervention/Support Strategies (see BECo/SENCo)

Intervention strategies help children improve their behaviour (e.g. reward charts, trackers, daily text etc.) They last for 2 weeks (for KS2 pupils) and 1 week (for KS1 pupils). Whilst on 'intervention' children's behaviour is not recorded on SIMS. At the end of the intervention, an improvement in behaviour is expected and children go back onto the whole-school system. The intervention levels work as follows:

- After 3 SIMS behaviour records- parents to meet with Class Teacher and Intervention 1 put in place (1 week KS1/2 weeks KS2)
- After 4 SIMS behaviour records- parents to meet with Senior Teacher and Intervention 2 put in place (1 week KS1/2 weeks KS2)
- After 5 SIMS behaviour records- parents to meet with Behaviour Co-ordinator and Intervention 3 put in place. (1week KS1/2 weeks KS2)
- After 6 SIMS behaviour records- parents to meet with Deputy Head Teacher and Behaviour Co-ordinator to write an IBP (Intervention 4- ongoing) and explore outside agency support
- Should the IBP not be successful, the Head Teacher will meet with parents to discuss other options, which may include alternative provision or exclusion.

2.5 IBP Individual Behaviour Plan

An IBP is produced for pupils who reach Intervention Level 4. IBPs provide flexibility and the opportunity to manage pupils' behaviour in different ways to suit the needs of that child. Children on IBPs do not have further behaviour incidents recorded on SIMS. IBPs will be reviewed on a 4-6 weekly basis by the BECo/SENCo with an expectation that there is a measurable improvement in behaviour. If a measurable improvement in behaviour is NOT seen after 2 reviews, then the 5th and final Behaviour Letter is issued.

Behaviour Policy Guidance

Please follow this procedure for incidents of unacceptable behaviour:

Reminder

(E.g. say: "This is your REMINDER, we put up our hand to speak".)

Warning

(E.g. say: "This is your WARNING, we put up our hand to speak. If you keep breaking our rule, then you will be sent out.")

First TIME-OUT (5 minutes, Behaviour Letter sent home)

Send child to the next class up for 5 minutes. (E.g. say: "You've chosen not to change your behaviour, spend 5 minutes thinking about our class rules. When you come back I want to see your hand up to speak." **RECORD** on SIMS Behaviour.

If a child continues to break the rules after their **FIRST** time out, please use the **SECOND** time-out sanction. DO NOT repeat the Reminders/Warnings- they have used these already!

Second Time-Out (rest of lesson, Behaviour Letter sent home)

The child must have work with them and stay in the class for the duration of the lesson, returning ready for the next lesson. **RECORD** on SIMS Behaviour and update letter. Inform BECO.

If a child continues to break the rules after their **SECOND** time out, please use the **THIRD** time-out sanction:

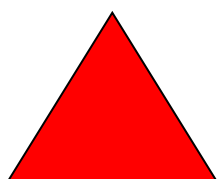
Third Time-Out (rest of session- am or pm, Behaviour Letter sent home)

The child is sent with work for the rest of the morning/afternoon session. This **MUST** be recorded on SIMS Behaviour and the letter updated. Inform the Head or Deputy Head Teacher.

Immediate Exclusion (rest of session- am or pm, Behaviour Letter sent home)

If a child is involved in an incident involving violence, or wilful insolence to teachers in front of others, they will be immediately excluded from class for the rest of the session. Send to HT/DHT/ST and **RECORD** on SIMS Behaviour. Parents also need to be informed.

Every child has a FRESH START every day- children who are never sent out earn a daily PERFECT POINT!



In an EMERGENCY (or, for example, if a child refuses to leave) teachers **MUST** send the **RED TRIANGLE**. This should be taken to an adult who will come to the class to support.



Getting it Right at Chad Vale


Everyone has a right to learn and do their best.



We respect everyone and we follow the class and Golden Rules.

We show our respect by our outstanding behaviour in, around and out of school.

1. Reminder 

2. Warning 

3. Time out (5 minutes) 

4. Time out (lesson)  

5. Time out (session)   

3. Rewards/Incentives

Rewards or incentives allow us to celebrate children's personal, social and academic development and creates a positive ethos in our school. Our incentives are designed to give children a sense of maintaining their effort and working towards a goal through following the rules and being aware of their behaviour.

3.1 They include;

- Positive comments/private/public praise
- Stickers, badges
- Class jobs/additional responsibilities
- Whole class reward systems created with the class/teacher
- Golden Signatures (given by teacher)
- Golden Signatures (given by HT/DHT/AHT)
- Golden Signature Reward Badges (given by Head Teacher/Deputy Head Teacher/AHT)
- Perfect Points
- Star/Learner of the Week certificates
- Online systems such as 'Class Dojo'

3.1.2 Teachers have their own Golden Signature stamper and stickers if they wish to give out Golden Signatures to large groups of children or if the HT/DHT/AHT is not available.

3.1.3 Golden Signatures can be issued by the HT/DHT/AHT but please try to avoid sending more than 5 children at once so that their achievements can be shared and celebrated personally.

3.2 Sweets/food or money are not permitted as rewards in school.

3.3 Golden Time

Golden Time takes place on Friday afternoon at 3.00pm. **It is a reward, which celebrates the success of those children who are maintaining the classroom and school rules.** It is a special time when children have access to organised indoor and outdoor activities that they find rewarding and particularly enjoyable.

Golden Time is not available to those children whose classroom behaviour falls 'below par' and individual teachers are expected to discuss with their class the system for recording Golden Time earned (or lost). Each Friday there should be a 'Time-Out' room where children who have lost Golden Time can be supervised. Golden Time should not be removed for not handing in homework.

Golden Time should only be removed as a 'whole class sanction' if you and your class have agreed that it can be given as a 'whole-class reward'.

3.4 Perfect Points

Every child has the opportunity to earn 'Perfect Points' at the end of each day, and any child who has been 'perfect' (e.g. not sent out) should be rewarded with a 'Perfect Point', recorded via the register on SIMS. At the end of each term there will be a 'Golden Ticket' Event to reward those

children who have earned a certain number of Perfect Points throughout the term (cut off point to be decided by the teacher). **You must record this on a DAILY basis.**

For children not earning enough Perfect Points, an alternative activity must be planned to support the emotional resilience of children who may have improved their behaviour but have not yet earned enough points to gain a Golden Ticket. This should be a reward-type activity, for example, a film, some iPad/ICT games, a circle time activity with activities such as 'Duck, duck, goose' ending with a reminder that although they hadn't earned enough points this time to gain a Golden Ticket, they have another chance next term.

3.5 Positive Handling

Staff are trained by Team Teach to use positive handling techniques for certain situations. Please see the Care and Control Policy for more details. All positive handling incidents must be recorded on a 'Serious Incident Form' in the main office and recorded on SIMs under 'Positive Handling' with the reference number from the Serious Incident Form recorded in the comment box.

3.6 Blue and Green Triangles

Blue Triangles may be used for pupils with IEPs/IBPs. Guidance for how each child uses their Blue Triangle is displayed on the Staff Noticeboard.

Green Triangles which should be found in classrooms next to the red triangles are for non-emergency situations where teachers may require additional support for a short period of time (e.g. to go to the toilet!)

4. Recording, Monitoring and Tracking of Behaviour Incidents/Achievements

4.1 All behaviour and achievements are recorded using SIMS Behaviour. If staff deal with a behaviour incident for a child in someone else's class, they must ensure that this is recorded.

There is additional guidance/instructions available from the BECO for using the Behaviour Module on SIMs, however the following principles should always be followed:

- Record the Location, Time, Lesson and 'Behaviour/Achievement Type'
- Add additional information if required in the further information section.
- All information recorded will be sent to parents in Interim Termly Reports ()
- All children have a 'fresh start' each term.
- Record multiple achievements/behaviours quickly via the attendance register

4.2 Golden Signature Prizes

Children earn a prize when they have collected the following number of Golden Signatures:

Reception and Y1: 10 Years 2/3: 20 Years 4/5/6: 30

4.3 School Gateway

Parents can access the School Gateway online portal to view behaviours and achievements. Any incidents recorded will be sent home via text message after 5pm.

5. Bullying (see also Anti-Bullying Policy)

All staff recognise the seriousness of any instances of bullying and address them as a matter of priority. We recognise that all schools have incidents of bullying and that, in this aspect, Chad Vale Primary School is no different than any other outstanding school. However, in recognising this fact we believe that we will address any future complacency. The implementation of this policy is a focus for on-going school self-evaluation.

5.1 In order to support the victims of bullying it is necessary to define what we mean by bullying:

- It may be verbal, physical or psychological
- It is repetitive, although one-off incidents do occur
- It can be premeditated
- It is often aggressive and malicious and involves an imbalance of power
- It can involve a variety of people
- It can occur in school and out of school (in clubs, over the internet/social networking/mobile devices)
- It may be a discriminatory incident based upon any of the protected characteristics from the Equality Act 2010 (see anti-bullying policy)

5.2 The victim, other children, the parents or staff, can identify instances of bullying. Adults working in school need to be vigilant for signs of distress that may indicate a child is being bullied. Changes in a child's normal behaviour pattern should be viewed with concern. It is important to take any suggestion or suspicion of bullying seriously.

5.3 It is essential to listen to what parents/children are saying and feeling. Parents should be involved and an 'action plan' put in place which reflects the needs of the children and families concerned.

5.4 It is important to be aware of the needs of the "bully" as well as the "victim"
The Behaviour Coordinator and Head Teacher should always be informed of any concerns about possible instances of bullying.

5.5 Bullying and fighting should always be addressed by making sure the 'victim' is happy with any action that has been taken. The parents of a child that has been bullied must be informed about the action taken. If they are not happy then this should be referred to the Deputy Head or Head Teacher.

6. Other School Rules that must be enforced by all adults:

- We walk at all times on the left.
- We don't eat on school corridors ("if there's carpet underneath your feet- you are not allowed to eat!").
- We take off caps/hats in school.
- We wear our school sweatshirt or jumper when going swimming or attending clubs/trips/local visits/assembly.
- We wear sensible and safe shoes.

6. 1 Use '3 part Praise with Feedback' (name, praise, feedback) every time you see children adhere to the school rules. e.g:

"Sanjay, you are walking beautifully, well done!"

"You are keeping to the left, Imogen, super!"

"What a lovely example- you are sitting quietly Robin!"

7. Whole School Behaviour Initiatives

These arise from concerns raised by staff, pupils or parents that are shared by the whole or large sections of the school or through ongoing projects linked with behaviour.

- Promoting Alternative Thinking Skills (PATHS) is currently well established in KS1, and will be introduced in KS2 from Sept 2011.
- Circle Time/PSMHE (resources are available in school for this valuable tool to help address issues in class)
- Dorothy.com resources for KS2 pupils relating to safety behaviours and dangerous situations

8. Dinnertime Behaviour

Dinnertime behaviour will continue to be recorded on SIMS by lunchtime supervisors. Incidents at dinnertime will generate a letter (filled out by the lunchtime supervisors and handed to teachers). Teachers will issue this letter or add the dinnertime incident to any class behaviour letter already 'accrued'.

9. Recording of discriminatory incidents: based on any of the protected characteristics from the Equality Act 2010

At Chad Vale we value the cultural diversity that is explicit in our planning and assemblies. We also create and implement strategies to address racist, homophobic and disablist bullying.

1. This section also features in our Equal Opportunities Policy.
2. All incidents of a racist, sexist, homophobic, biphobic, transphobic or disablist nature will be recorded on SIMS. They MUST also be reported to the head teacher who will report it to the pupil's parents/carers (victim and aggressor) and then to the Governors via the Head Teacher's report.
3. We will continue to provide for the particular needs of all our pupils having regard to their ethnic, cultural, historical, linguistic and religious backgrounds.
4. We will continue to prepare, through PSMHE, RE and other activities; all pupils for life in our multicultural society, building upon the strengths of cultural diversity.
5. We will continue to celebrate cultural diversity.
6. We will continue to monitor and then target under achievement with particular regard to gender and ethnicity.

10. Behaviour/Achievement Incident Notification Slip

Orange slips are provided for teachers to hand out when incidents are recorded. This is in addition to the SIMS recording that will automatically send a text message home.

Exclusions Policy

The Head Teacher will be guided, in any decision regarding excluding a pupil by this document.

The regulations allow head teachers to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year. However, individual exclusions should be for the shortest time necessary. Exclusions may not be given for an unspecified period, for example until a meeting can be arranged.

In a permanent exclusion, the pupil stays on the school roll until an appeal is determined, the time limit for an appeal has passed, or the parent has told the LA that it will not make an appeal. While the pupil is on the roll of the school it is the school's responsibility that his or her education continues but it may be necessary for the school to seek financial assistance from the consortium.

The period of exclusion will be determined by looking at each individual case but should relate to the history of the individual. For example a child who has been excluded for 1 day for an incident would be excluded for a minimum of 2 days if a similar incident occurs and procedures had been in place to support the child.

Overview:

A decision to exclude a pupil should be taken only:

- In response to serious breaches of the school's behaviour policy and If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- It should not be used if there are possible alternative solutions available.

Deciding to exclude a child permanently is a last resort, although there may be rare occasions when a first or one-off offence is sufficient to justify exclusion. These include:

- Serious, actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon.

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the head teacher should:

- Ensure an appropriate investigation has been carried out
- Consider the evidence available to support the allegations
- Allow the pupil to give his or her version of events
- Check whether the incident was provoked
- If necessary consult others, but not anyone who may later have a role in reviewing the head teacher's decision.

If satisfied that, **on the balance of probabilities**, the pupil did what he or she is alleged to have done, the head teacher may exclude the pupil. Except in the most exceptional circumstances, schools should not permanently exclude pupils with statements of special needs.

Bad behaviour outside school should be dealt with as if it has taken place in school.

Lunchtime exclusion:

Pupils whose lunchtime behaviour is disruptive may be excluded from the premises for the duration of the lunchtime period. This is a fixed-period exclusion equivalent to one half-school day and should be treated as such. Parents have the same right to be given information and to appeal. Lunchtime exclusion for an indefinite period is not lawful.

Arrangements should be made for pupils who are entitled to free school meals. This may mean providing a packed lunch.

Parental co-operation:

If a parent refuses to co-operate with a formal exclusion, the school must have regard for the pupil's safety in deciding what to do. Exclusion should not be enforced if doing so puts the safety of the pupil at risk.

Review and appeal:

Governing Bodies must have arrangements to review all permanent exclusions and all fixed term exclusions that would lead to a pupil being excluded for more than 15 days in a term, or missing a public examination. Governing Bodies should also establish arrangements to review fixed-term exclusions that would lead to a pupil being excluded for over five days, but not over 15 days, in a school term, where the parent has expressed a wish to make representations.

Procedure for excluding a pupil:

The role of head teacher:

When a head teacher excludes a pupil, the parent should be notified immediately. Letters of notification of exclusion must state:

- The period of the exclusion or whether it is a permanent exclusion
- The reasons for the exclusion
- The parent's right to make representations about the exclusion to the Discipline Committee
- The person whom the parent should contact if they want to make such representations.

Letters should also mention:

- The date by which the Discipline Committee must have met to consider the exclusion
- The parent's right to see and have a copy of his or her child's school record upon written request to the school
- The date and time when the pupil should return to school or, in the case of a lunchtime exclusion, the number of lunchtimes for which the pupil is being excluded, and, if applicable, the arrangements for the child to receive free school meals
- If the exclusion is permanent, the date it takes effect and any relevant previous history
- The arrangements made for enabling the pupil to continue his or her education

- The name and telephone number of an LA officer who can provide advice
- The telephone number for the Advisory Centre for Education (ACE) exclusions help-line - 020 7704 9822.

Within one school day, the head teacher must inform the Discipline Committee of the Governing Body and the LA of:

- Permanent exclusions
- Exclusions that will mean the pupil missing more than five school days or 10 lunchtimes in any one term
- Exclusions that will mean the pupil missing a public examination

Fixed-period exclusions totalling 5 or fewer school days, or 10 or fewer lunchtimes or half days, in any term, must be reported to the Discipline Committee and LA once a term.

Responsibilities of the Discipline Committee:

The Governing Body must set up a Discipline Committee to review exclusions and consider any representations made by parents. To do this, they should nominate a pool of governors from which to select three or five governors to serve as the Discipline Committee as the need arises and should appoint a clerk to the Committee. The quorum for a Discipline Committee meeting is three members.

On receiving notice of an exclusion from the head teacher, the chair:

- Must meet to consider any representations from the parent in the case of one or more fixed-period exclusions totalling five school days or less in any one term
- Must, in the case of one or more fixed-period exclusions totalling more than five but not more than 15 school days in any one term, convene a meeting between the sixth and the 50th school day after receiving the notice of exclusion, to consider the exclusion, if the parent requests a meeting
- Must, in the case of a permanent exclusion, or one or more fixed period exclusions (including lunchtimes) totalling more than 15 school days in any one term, convene a meeting between the sixth and the 15th school day to consider the exclusion
- Must invite the parent, head teacher and an LA officer to the meeting at a time and place convenient to all parties
- Should ask for any written statements in advance of the meeting
- Should circulate in advance any written statements and a list of those who will attend.

The LA should send a representative to all permanent exclusion meetings and to longer fixed-period exclusion meetings if possible. The LA's role at the Discipline Committee meeting is to give its view on the appropriateness of the exclusion. However, no one else should be present when the committee makes its decision. The Discipline Committee should inform the parent (or, if aged over 18, the pupil), the head teacher and the LA of its decision in writing within one school day of the hearing, stating their reasons. If the pupil is not being reinstated, the letter should also detail:

- The reason for the decision
- Their right to appeal to an Independent Appeal Panel, together with the name and address of the person to whom any notice of appeal should be sent

- The date by which any notice of appeal should be lodged (15 school days after the day on which notice in writing was given of the Discipline Committee's decision. Where the notice is sent by first class post it is treated as having been given on the second working day after it was posted)
- That any notice of appeal must set out the grounds on which the appeal is made.

Independent Appeal Panels

When a permanent exclusion is upheld by the Discipline Committee, the LA should also write to the parent (or pupil) within three working days indicating the latest date by which an appeal may be lodged, the name and contact details for the clerk to the appeal panel, and explain that the notice of appeal must be in writing setting out the grounds on which it is made.

An appeal panel must meet to consider an appeal no later than the 15th school day after the day on which the appeal was lodged. However, the panel may decide to adjourn the hearing if they think it would not be appropriate for them to proceed to determine the appeal. They may adjourn on more than one occasion if necessary.

The LA must constitute the appeal panel and appoint a clerk. The panel must have three or five members (as decided by the LA) made up of three categories:

- The chair must be a lay member
- One (or, on a five-member panel, two) must be, or have been, a governor of a maintained school provided they have served in this capacity for a least 12 consecutive months in the last six years (but must not be or have been a teacher or head teacher)
- One (or, on a five-member panel, two) must be, or have been within the last five years, a head teacher of a maintained school. If the exclusion is from a PRU (pupil referral unit) then this representative can be either a head teacher of a maintained school, or a teacher in charge of a PRU.

The clerk provides an independent source of advice on procedure for all parties. The clerk should not have served as clerk to the Discipline Committee hearing.

In advance of the hearing the LA must take reasonable steps to find out when the parent and others entitled to attend the hearing would be available in order to ensure that all parties are able to attend. They must also arrange a suitable venue for hearing the appeal in private. Appeal hearings should never be held at the excluding school.

The following are entitled to attend a hearing and present their case:

- The parent (or, if aged over 18, the pupil), who may be represented by a legal or other representative
- 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.

The guidance also offers directions as to how the appeal should be run.

An appeal panel may:

- Uphold the decision to exclude

- Direct immediate reinstatement or reinstatement at some future date, or
- Decide that because of exceptional circumstances or other reasons it is not practical to give a direction requiring reinstatement, but that it would otherwise have been appropriate to give such a direction.

The panel's decision is binding on the parent, the Governing Body, the head teacher and the LA. The panel cannot revisit its decision once made. The panel must let all parties know its decision by the end of the second working day after the hearing.

A parent can complain to the Local Government Ombudsman about maladministration by the appeal panel. The Ombudsman can make recommendations if he or she finds that there has been maladministration. If either the parent or the Governing Body considers that the panel's decision is perverse, they may apply for a judicial review. This must be done promptly and no later than three months from the date of the decision. A judicial review would consider the lawfulness of the panel's decision. If it found the panel's decision to be unlawful or unreasonable it could quash the decision and direct the LA to hold a fresh appeal hearing before a newly constituted panel.

Police involvement and parallel criminal proceedings.

A school-related incident may sometimes also be the subject of a police investigation. This can mean that the evidence available to head teachers, Discipline Committees and Independent Appeal Panels is very limited. Whereas the police and the courts will be applying the criminal standard of proof, the head teacher, Discipline Committee and Independent Appeal Panel will apply the civil standard of proof (balance of probabilities).

The DfE does not consider that the case law imposes a higher standard of proof on schools than the simple balance of probabilities.

A head teacher should not postpone his or her decision to exclude permanently a pupil simply because of the possibility that criminal proceedings might be brought in respect of the same incident. In these circumstances, a judgement must be made based on the evidence available. The simple fact that parallel criminal proceedings are in progress will not of itself determine whether any hearing should be adjourned.

Policy adopted by governors: (date)

Signed:

Date of review: