



BEHAVIOUR & EXCLUSIONS POLICY

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Principles

At Turner Free School (TFS), our mission is to create scholars. We are ambitious for all our scholars, and have the highest expectations for achievement and conduct. Working as a team, we aim to create a calm and purposeful environment for our community in which all are welcome and able to learn. We also aim to deliver exceptional teaching and learning in order to ensure that all scholars, regardless of their starting point, have access to an outstanding education.

At TFS, we use a 'warm strict' approach, which is utilised to encourage scholars to make the right choices regarding their behaviour and to teach them how to conduct themselves with kindness and respect for all. Our 'How To' descriptors (Appendix 1) summarise the way in which our community operates on a daily basis. They provide clear and consistent guidelines for scholars in order to ensure that they understand how to behave in lessons, during unstructured times and as they move around the site.

Aims

- To provide absolute clarity to scholars over how to conduct themselves in all aspects of school life to ensure that all may learn unimpeded.
- To ensure that all scholars develop the good learning habits that they need to be successful in school and in life.
- To create an environment in which scholars are enabled to become mature, self-disciplined, industrious and able to accept responsibility for their own actions.
- To form an active partnership with families to encourage excellent behaviour and to establish improved behaviour when there are difficulties.
- To create a system based on verbal and non-verbal cues to ensure a calm and consistent environment.

Parents as Partners

Parents/carers play a crucial role in shaping the attitudes of their children. Positive attitudes are central to promoting good behaviour in schools. We will communicate with parents at every opportunity to ensure that they are fully aware of any issues, but also to celebrate their child's successes. To ensure that their children are ready to learn every day, we ask parents/carers to:

- ensure that their son/daughter has excellent attendance, and that they arrive on time to school, fully equipped every day.
- communicate effectively with TFS, modelling respectful interactions.

- support TFS in applying our Behaviour for Learning Policy consistently, and in encouraging their son/daughter to maintain high standards of discipline and respect for others.

Approach

All staff will consistently focus on promoting our system of ‘How To’ descriptors throughout the school. All staff will receive regular training on behaviour management strategies and protocols in order to ensure a consistent delivery of our expectations. Scholars will be recognised for their successes in many areas. Scholars will be encouraged to develop their community spirit and sense of responsibility to those around them. A strong pastoral system is in place in order to ensure that scholars feel supported at all times.

All learners and staff are expected to follow the TFS ‘How To’ descriptors at all times. Teachers will be expected to use agreed pedagogy to maintain a purposeful environment. A range of strategies may be implemented to secure positive classroom behaviour, including descriptive verbal praise, whole class reminders of expectations, reminders to individuals and non-verbal cues.

In instances where a scholar’s behaviour undermines any of the ‘How To’ descriptors, a member of staff will work through the following stages:

Stage	Definition	Examples of Behaviours (not an exhaustive list)
1	Warning	<ul style="list-style-type: none"> • Talking in class • Silly behaviour
2	Reminder & warning	<ul style="list-style-type: none"> • Continuation of undesirable behaviours
3	Sanction Sanction is a “same day”, 30 minute after-school detention. Scholars may earn a maximum of two sanctions per day.	<ul style="list-style-type: none"> • Failing To respond to a Reminder • Talking in a silent transition (FLOW) • Lateness • Using a mobile phone during school hours • Incorrect uniform • Inappropriate language • Misuse of school equipment • Dropping litter in the school • Truancy • H/W not completed, in full, on-time.
4	Red Line (Isolation) A member of staff has a serious concern about a scholar’s conduct.	<ul style="list-style-type: none"> • Refusal to follow staff instructions (defiance) • Use of any physical force • Answering back • Failure to attend a sanction
	Fixed Term Exclusion (FTE)	<ul style="list-style-type: none"> • Damaging property of the school or that of any other scholar • Sexual harassment • Inappropriate language directed at a member of staff • Fighting • Bullying • Abusive language to another scholar • Smoking • Dangerous behaviour (including bringing illegal items into school) • Theft/handling stolen goods

TFS may also use the following sanctions as appropriate: limiting scholar access to extra-curricular activities; removal of IT rights (e.g. email and internet access), confiscation of items, re-start conversations for up to 10 minutes after school without informing parents; not allowing scholars to attend reward events, or trips. Scholars who present with persistent poor behaviour will be put on a behaviour contract. Scholars may also be directed to an alternative provision or found an alternative school on a managed move basis.

Sanctions

Detentions, wherever possible, are completed on the same day as the incident. Detentions are held after school and are either half an hour, or one hour in duration. Parents are informed of detentions by the school via the Parent App. Scholars who fail to attend detentions will have their break times removed until the detention is completed. In detention, scholars who have failed to complete homework have the opportunity to complete it. Those who have a sanction for poor behaviour will be directed to other work set by the member of staff supporting detention. Scholars who fail to complete homework on a regular basis will be required to attend compulsory Homework Club for a period of time. Break and lunch-time detentions will also be used as appropriate.

Serious Incident Protocol

When a serious incident has occurred, a full investigation will be undertaken. This will involve taking statements from scholars and staff where needed. Parents/carers will always be informed when we are dealing with a serious incident. At times, we may need to isolate a scholar during an investigation. When we have completed our investigation, parents/carers will be asked to attend the school to discuss the incident and possible resolutions.

Out of School Behaviour

TFS is committed to ensuring our scholars act as positive ambassadors for the school. We expect the following:

- Good order on transport to and from school, educational visits or other placements such as work experience
- Appropriate behaviour on the way to and from TFS
- Positive behaviour that does not threaten the health and safety of our scholars, staff or members of the public

The same behaviour expectations for scholars on the TFS premises apply to off-site behaviour. The Behaviour Policy will be used to deal with such incidents where a scholar:

- Is taking part in any school organised /related activity, or, travelling to or from the school or wearing TFS uniform or in some other way identifiable as a scholar at the school
- Poses a threat to another scholar, member of staff or member of the public
- Adversely affects the reputation of TFS. This would include scholar actions on social media sites.

In the event of any criminal behaviour or bullying by our scholars, the school will work with the police and other agencies as the law requires. TFS reserves the right to sanction scholars in addition to any police action that may occur.

Searching of Possessions and Confiscation

It is our first priority to ensure that scholars are in a safe and secure environment when they are in our care, and any items that may jeopardise the safety of other scholars or themselves will be taken from scholars

without notice. Following guidance set out by the Education and Inspections Act 2006, all school staff are authorised under the general power to discipline to confiscate, retain or dispose of a scholar's property, so long as it is reasonable in the circumstances. All staff may search a scholar's possessions with their consent if they suspect they have any items that are banned in the school e.g. cigarettes, disallowed food or drink, mobile phones.

If a scholar refuses consent for a search the school will ask parents to attend a meeting to resolve the issue under investigation, and if necessary, isolate that scholar until the parent is able to attend the meeting. Cigarettes and disallowed food and drink will be destroyed on confiscation. Mobile phones, MP3 players and other legal, valuable items will be stored safely until a parent can collect them.

According to The Department for Education guidance issued in January 2018, certain members of staff authorised by the Principal have the power to search scholars or their possessions, without consent, where they suspect the scholar has:

- Knives and/or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property

The legislation sets out what must be done with prohibited items found as a result of a search. Drugs, weapons and knives and extreme or child pornography will always be handed over to the police. Otherwise parents/carers will be expected to collect in person all other confiscated items.

The Education Act 2011 allows for staff seizing an electronic device to examine any data or files on the device if they think there is good reason to do so. These data or files may be erased before returning the item if they believe there is good reason to do this. These data or files may be given to the Police.
Power to use Reasonable Force

The legal provisions on school discipline also provides members of staff with the power to use reasonable force to prevent scholars committing an offence, disrupting school events, trips or visits, injuring themselves or others or damaging property, and to maintain good order and discipline in the classroom. Force must never be used as a punishment by school staff. Further information can be found in our 'Use of Force to Control or Restrain Policy'.

Internal Isolation

Where a scholar has crossed the Red Line they will be placed in Isolation for at least two periods. Depending upon the incident, scholars may be kept in Isolation for up to two days. Once in Isolation, scholars complete work from a booklet of work from the subject areas. All work is relevant to the curriculum the scholars are following. Scholars can also complete 100% work from their Knowledge Organisers. Parents/carers will be contacted via email regarding the Isolation and may be asked to attend a meeting to discuss their child's behaviour.

Internal Inclusion within the Trust

In some cases, scholars who are involved in more serious incidents, or who show persistent poor behaviour, will be removed from the TFS community for a fixed period. This would mean that they can continue their

education within the Trust and have the opportunity for a period of reflection. Scholars will be set appropriate work relevant to their curriculum. The Trust school is Folkestone Academy. Scholars will arrive at FA main reception at 12:50pm and will be met by a member of the FA internal inclusion faculty. They will work there until 16:00pm.

Once the period of time is complete, the parents and scholar will be asked to come to a reintegration meeting at TFS with a member of SLT.

Exclusions

To ensure site safety, good order and behaviour for learning it may be necessary to exclude scholars from the premises for a fixed term or permanently.

Our school aims to ensure that:

- the exclusions process is applied fairly and consistently
- the exclusions process is understood by Trustees, staff, parents and scholars
- scholars in school are safe and happy
- the risk of scholars becoming NEET (not in education, employment or training) is minimised

Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and scholar referral units (PRUs) in England. It is based on the following legislation, which outline schools' powers to exclude scholars:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Scholar exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded scholars
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Scholars) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Scholars) (England) (Amendment) Regulations 2014

The Decision to Exclude

Only the Principal, or a person acting with the Principal's authority, can exclude a scholar from school.

Permanent exclusion will normally be used as a last resort in response to serious or persistent breaches of the school's behaviour policy. It may, however, be an appropriate sanction for a single incident of extreme misconduct.

The exclusion policy relates to behaviour not only in school but also to behaviour out of school. This includes for example: - travelling to and from school; behaviour on school trips, and at work experience placements.

Before deciding whether to exclude a scholar, either permanently or for a fixed period, the Principal may take advice from the Assistant Principal responsible for behaviour and the Pastoral Team, who will

scrutinise the evidence acquired and consider whether any reasonable adjustment is appropriate. The Principal will therefore:

- consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- conduct witness interviews or consider witness statements
- ensure the scholar has been allowed to give their version of events

Each case will be judged on the facts and the context taking into account:

- the degree of severity of the offence
- the likelihood of recurrence
- the scholar's previous record
- contributory factors (e.g. recent bereavement, mental health issues, bullying, disability, harassment)
- support provided

The Principal will also take into account the school Behaviour Policy, Special Educational Needs Policy and the Equality Act Policy. A decision to exclude a scholar will be taken only:

- in response to serious or persistent breaches of the school's behaviour policy, and/or
- if allowing the scholar to remain in school would seriously harm the education or welfare of others
- on the balance of probabilities i.e. it is more probable than not that the accused acted as alleged

Definitions

School Day: For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

Term: For the purposes of exclusions, term is defined as a long term i.e. Autumn, Spring or Summer term.

Types of Exclusion

Lunchtime Exclusion: (equivalent to a half day exclusion)

Fixed-Term Exclusion: Fixed-term exclusion may be used for a single occurrence of serious misconduct or for persistent misbehaviour. The length of a fixed term exclusion may vary and the severity and persistent nature of the incident will be contributory factors in the Principal's decision.

Fixed term exclusions may apply, for example, when a scholar:

- persistently employs disruptive behaviour, including refusal to follow reasonable requests
- uses abusive language
- assaults a member of Turner Free School
- exhibits dangerous behaviour
- commits a serious breach of discipline in the local community

Permanent Exclusion: will normally be used as a last resort in response to serious or persistent breaches of the school's behaviour policy. It may, however, be an appropriate sanction for a single incident of extreme misconduct.

Permanent exclusions may apply if a scholar:

- brings a weapon onto the school premises

- brings alcohol or controlled substances onto the premises
- seriously assaults a scholar
- seriously assaults an adult
- is committing continual serious misdemeanours that lead to several Fixed Term Exclusions. This can form a case for a Permanent Exclusion.

In both fixed-term and permanent exclusions, the lists above are indicative and not exhaustive.

Roles and Responsibilities

The Principal

Informing parents

The Principal will immediately provide the following information, in writing, to the parents of an excluded scholar:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent and Information about parents' right to make representations about the exclusion to the Trustees and how the scholar may be involved in this
- Where there is a legal requirement for the Trustees to meet to consider the reinstatement of a scholar, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Principal will also notify parents by the end of the afternoon session on the day their child is excluded that for the first five school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the scholar to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the Challenge & Community Committee and the Local Authority

The Principal will immediately notify the Trust, Chair of the Challenge & Community Committee (C&CC) and the local Authority (LA) of:

- a permanent exclusion, including when a fixed-period exclusion is made permanent

- exclusions which would result in the scholar being excluded for more than five school days (or more than ten lunchtimes) in a term
- exclusions which would result in the scholar missing a public examination

For a permanent exclusion, if the scholar lives outside the LA in which the school is located, the Principal will also immediately inform the scholar's 'home authority' of the exclusion and the reason(s) for it without delay. For all other exclusions, the Principal will notify the Trustees and LA once a term.

The Challenge & Community Committee

Responsibilities regarding exclusion panels and appeals are delegated by the Board of Trustees to the C&CC, who will convene an Exclusions panel.

- Their duty is to consider the representations of the parents;
- The C&CC can either uphold the exclusion or direct reinstatement (and if the latter is not practical still consider if the decision to exclude was justified);
- The decision of the C&CC will be given in writing and without delay and will give the reasons for the decision.

Within fourteen days of receipt of a request, the C&CC will provide the secretary of state with information about any exclusions in the last twelve months.

For a fixed-period exclusion of more than five school days, the school Senior Leadership Team will arrange suitable full-time education for the scholar. This provision will begin no later than the sixth day of the exclusion.

For TFS scholars in final year of compulsory education:

Provision does not have to be arranged for scholars in the final year of compulsory education who do not have any further public examinations to sit.

If a scholar has fifteen days exclusion in any one term, a C&CC panel will convene to meet the scholar and their parents/carers.

The Local Authority

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

Considering the Reinstatement of a Scholar

The LGB will consider the reinstatement of an excluded scholar within fifteen school days of receiving the notice of the exclusion if:

- the exclusion is permanent
- it is a fixed-term exclusion which would bring the scholar's total number of school days of exclusion to more than fifteen in a term
- it would result in a scholar missing a public examination

If requested to do so by parents, the C&CC Board will consider the reinstatement of an excluded scholar within fifty school days of receiving notice of the exclusion if the scholar would be excluded from school for more than five school days, but less than fifteen, in a single term.

Where an exclusion would result in a scholar missing a public examination, the C&CC will consider the reinstatement of the scholar before the date of the examination. If this is not practicable, the C&CC will consider the exclusion and decide whether or not to reinstate the scholar. The C&CC can either:

- decline to reinstate the scholar, or
- direct the reinstatement of the scholar immediately, or on a particular date

In reaching a decision, the C&CC will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the scholar's educational record.

The C&CC will notify, in writing, the Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the C&CC's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
- The date by which an application for an independent review must be made
- The name and address to whom an application for a review should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the scholar's SEN are considered to be relevant to the exclusion
- That, regardless of whether the excluded scholar has recognised SEN, parents have a right to require the [LA/academy trust] to appoint an SEN expert to attend the review:
 - o Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - o That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
 - o That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

An Independent Review

If parents apply for an independent review, the Trust will arrange for an independent panel to review the decision of the C&CC not to reinstate a permanently excluded scholar. The set up and process of an independent review will be run in accordance with DfE guidance.

Applications for an independent review must be made within fifteen school days of notice being given to the parents by the C&CC of its decision to not reinstate a scholar.

A panel of three or five members will be constituted with representatives from each of the categories below. Where a five member panel is constituted, two members will come from the school C&CC category and two members will come from the Principal/Head of Schools category.

A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer:

- School Governors who have served as a governor for at least twelve consecutive months in the last five years, provided they have not been teachers or Head of Schools during this time
- Principals/Head of Schools or individuals who have been a Principal/Head of School within the last 5 years.

A person may not serve as a member of a review panel if they:

- are a [member/director] of the academy trust, or Governor of the excluding school
- are the Principal of the excluding school, or have held this position in the last five years
- are an employee of the academy trust, or the C&CC, of the excluding school (unless they are employed as a Head of School at another school)
- have, or at any time have had, any connection with the academy trust, school, C&CC, parents or scholar, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- have not had the required training within the last two years (see Appendix B for what training must cover).

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the C&CC's decision
- Recommend that the C&CC reconsiders reinstatement
- Quash the C&CC's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

School Registers

A scholar's name will be removed from the school admissions register if:

- fifteen school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the scholar and no application has been made for an independent review panel, or
- the parents have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review has been made, the Trustees will wait until that review has concluded before removing a scholar's name from the register.

Where alternative provision has been made for an excluded scholar and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded scholars are not attending alternative provision, code E (absent), will be used.

Returning from a Fixed-Term Exclusion

Following a fixed-term exclusion, a reintegration meeting must be held before the scholar returns to lessons. This will involve the scholar, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a scholar returns from a fixed-term exclusion:

- Restorative conversations with members of staff
- Agreeing a behaviour contract
- Putting a scholar 'on report'
- Internal Isolation

Monitoring Arrangements

The Principal monitors the number of exclusions every term and reports back to the C&CC. They also liaise with the Local Authority to ensure suitable full-time education for excluded scholars.

This policy will be reviewed by the Vice Principal responsible for Behaviour every two years. At every review, the policy will be shared with the C&CC.

Links with other Policies

This Behaviour Policy is linked to our:

- SEN Policy and Information Report
- Anti-Bullying Policy

Discretion

No behaviour policy can cover all eventualities. The Principal reserves the right to use discretion to help TFS pupils make better choices and learn the right lessons.

Appendix 1

TFS 'HOW TO' DESCRIPTORS:

How We LEARN in Lessons:

- L We **Listen** and follow
- E We **Enter** on time
- A We **Always** do our best
- R We **Respect** ourselves
- N We **Never** make excuses

How we FLOW:

- F We **Flow** between
- L We Walk on the **Left**
- O We **Observe** silence
- W We **Walk** with purpose

How we EAT:

- E **Everyone** eats together
- A We are **Attentive**
- T We **Try** everything