Westfield Nursery School

Behaviour Policy

Date policy last reviewed: May 2026

Signed by:

_____ Headteacher Date: _____

_____ Chair of governors Date: _____

Updated May 2026 (Additions in red)

- Added a sentence to the statement of intent
- Updated legal Framework references
- Added three more expectations of leaders and one more of parents/ carers
- Added examples of feelings children may experience
- Added two statements to 'adult's support and manage children's behaviour' section
- Expanded the biting section in Appendix Three

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Vision
At Westfield Nursery we aim to deliver against our vision ‘Inspired beginnings, outstanding futures.’

Statement of Intent
At Westfield Nursery School we aim to provide an environment where children can learn, play, and develop whilst forming positive relationships with adults and peers and preparing for the next phase in their lives.

We understand, however, that nursery can be a place in which children experience a range of emotions which may result in unwanted behaviours. The aim of this policy is to outline how the nursery will encourage children to consider and take responsibility for their own behaviour.

We believe that through a well ordered, positive environment and relationships which value all children as individuals and where all success is celebrated, children will develop appreciation, understanding and respect for the rights, needs and feelings of others; they will learn to manage their own behaviour. Children will also learn to respect and appreciate their environment. Physical punishment will never be acceptable practice and will not be used.

The school acknowledges that behaviour can sometimes be the result of educational needs, mental health issues, or other needs or vulnerabilities, and will address these needs via an individualised graduated response.

1. **Legal framework**

This policy has due regard to all relevant legislation and statutory and non-statutory guidance including, but not limited to, the following:

- DfE 'Early years foundation stage statutory framework'
- DfE 'Keeping children safe in education 2025'
- Childcare Act 2006
- DfE 'Working together to safeguard children 2026'
- DfE and Department of Health 'Special educational needs and disability code of practice: 0 to 25 years'
- The Children and Families Act 2014

This policy operates in conjunction with the following school policies:

- Complaints Procedures Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Positive Handling Policy
- Safeguarding and Child Protection Policy

2. **Roles and Responsibilities**

The governing board will have overall responsibility for:

- Making a statement of behaviour principles, and providing guidance for the headteacher on promoting good behaviour where appropriate
- Ensuring that this policy, as written, does not discriminate on any grounds, including, but not limited to, age, disability, gender reassignment, gender identity, marriage and civil partnership, race, religion or belief, sex and sexual orientation
- Promoting a whole-school culture where calm, dignity and structure encompass every space and activity
- Handling complaints, as outlined in the school's Complaints Procedures Policy
- Ensuring this policy is published on the school website

The headteacher will be responsible for:

- The monitoring and implementation of this policy
- Acting in accordance with the statement of behaviour principles made by the governing board, and having any regard to guidance provided by the governing board on promoting good behaviour
- Establishing high expectations of pupils' conduct and behaviour
- The day-to-day implementation of this policy
- Publicising this policy in writing to staff, parents/ carers and pupils at least once a year
- Reporting to the governing board on the implementation of this policy

The senior mental health lead will be responsible for:

- Overseeing the whole-school approach to mental health, including how this is reflected in this policy

The SENCO will be responsible for:

- Collaborating with the governing board, headteacher and the senior mental health lead, as part of the SLT, to determine the strategic development of behaviour and related policies and provisions in the school
- Undertaking day-to-day responsibilities for the successful operation of the behaviour policies to support pupils with SEND, in line with the school's Special Educational Needs and Disabilities (SEND) Policy
- Supporting teachers in the further assessment of a pupil's strengths and areas for improvement and advising on the effective implementation of support

- Reviewing effective support strategies and working with external agencies and staff in implementing these

Leaders will be responsible for:

- Setting the standards and requirements for all staff in terms of managing behaviour in an appropriate way
- Embedding the expected routines and boundaries; creating a calm environment where everybody is treated with mutual respect
- Planning and reviewing support for pupils with behavioural difficulties in collaboration with parents/ carers and the SENCO
- Planning to address potential areas of difficulty to ensure that there are no barriers to every pupil achieving their full potential
- Teaching and modelling expected behaviour and positive relationships, demonstrating good habits
- Being responsible and accountable for the progress and development of the pupils in their class
- Developing effective communications with parents/carers, ensuring they feel included in their child's educational experiences; and implementing shared solutions
- Maintaining records of any behaviour related incidents

All members of staff, including teaching and support staff, and volunteers will be responsible for:

- Adhering to this policy and applying it consistently and fairly
- Supporting pupils in adhering to this policy
- Promoting a supportive and high-quality learning environment
- Modelling high levels of behaviour
- Being aware of the signs of behavioural difficulties
- Setting high expectations for every pupil
- Being aware of the needs, outcomes sought, and support provided to any pupils with specific behavioural needs
- Keeping the SENDCO/ Head teacher with any changes in behaviour
- Developing supportive, respectful, and trustworthy relationships

Pupils will be responsible for:

- Their own behaviour
- Reporting any concerns about behaviour to a grown up

Parents/ carers will be responsible for:

- Acting as a positive role model
- Supporting their child in adhering to rules and boundaries and reinforcing these at home
- Informing the school of any behaviour concerns or changes in circumstances which may affect their child's behaviour

3. Definitions

- **Discrimination** – not giving equal respect to an individual on the basis of age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation
- **Harassment** – behaviour towards others which is unwanted, offensive and affects the dignity of the individual or group of individuals
- **Vexatious behaviour** – deliberately acting in a manner so as to cause annoyance or irritation

- **Bullying** – a type of harassment which involves personal abuse or persistent actions which humiliate, intimidate, frighten or demean the individual being bullied
- **Cyberbullying** – the use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature
- Possession of banned items
- Verbal abuse, including swearing, racist remarks and threatening language
- Fighting and aggression
- Any behaviour that threatens safety or presents a serious danger
- Any behaviour that seriously inhibits the learning of pupils
- Any behaviour that requires the immediate attention of a staff member

4. Staff induction, development and support

All new staff will be inducted clearly into the school's behaviour culture to ensure they understand its how best to support all pupils to participate in creating the culture of the school. Individual professional development is also available for all staff.
Staff will know where and how to ask for assistance if they're struggling to build and maintain an effective culture of positive behaviour.

5. Social, emotional and mental health (SEMH) needs

The school will create a safe and calm environment in which positive mental health and wellbeing are promoted. The school will promote resilience as part of a whole-school approach using the following methods:

- Culture, ethos and environment – the health and wellbeing of pupils and staff is promoted through the informal curriculum, including leadership practice, policies, values and attitudes, alongside the social and physical environment
- Teaching – the curriculum is used to develop pupils' knowledge about health and wellbeing
- Community engagement – the school proactively engages with parents, outside agencies and the wider community to promote consistent support for pupils' health and wellbeing

All staff will be made aware of how potentially traumatic adverse childhood experiences, including abuse and neglect, can impact on a pupil's mental health, behaviour, and education. Where vulnerable pupils or groups are identified, provision will be made to support and promote their positive mental health.

6. Managing behaviour

Children will be supported to:
-manage their own behaviour
-articulate their needs and feelings
-care for their environment, their peers, and all living things
-respect themselves and others regardless of protected characteristics, such as race, gender, disability
-understand rules are different within different environments, such as inside and outside & understand what is and is not acceptable behaviour within the school
-understand the reasons for rules within the school environment
-take responsibility for their own actions
-be part of a group/ community
-negotiate
-develop strategies to manage conflict
See Appendix 1 for how children are encouraged to look after themselves, care about others, be polite, look after equipment and care for the environment

Adults support and manage children's behaviour through:
-acting as positive role models
-treating children as individuals
-having an awareness of what children are doing, listening to what they say and what they tell us
-intervening quickly, calmly and attempting to redirect the child to a positive activity
-giving a child some supervised quiet time to calm down
-providing a neutral calming space in each class
-acknowledging and respecting individual children's feelings (such as confusion, fear or jealousy)
-sensitive interventions when appropriate. See Appendix 2
-respecting a child's perspective of a problem
-celebrating achievements
-challenging inappropriate behaviour, language and attitudes
-offering children strategies to enable them to deal with difficult and inappropriate situations
-developing positive relationships with parents
-sharing information with parents
-liaising with other agencies in support of children and their families
-monitoring behaviour using observations and discussions to support strategies for dealing with challenging behaviour, in partnership with parents
-ensuring that SEND Plans are available to support the child appropriately through behaviour difficulties
-working together as a whole school team
-working with outside agencies such as the Early Years Support Team to get advice on the right strategies to support a child's needs
-sharing strategies with receiving schools to ensure smooth transitions
-tackling incidents as they arise, including online incidents
-using interventions and specific resources such as those for our emotions group

Some staff members are trained in the 'Team Teach' approach

Support specific behaviours
All staff will be alert to changes in a pupil's behaviour that could indicate they need help or protection.
Information for supporting specific behaviours at Nursery can be found in Appendix 3

We provide:
-a clear well organised environment where children can self-access resources
-a structured timetable, which allows children to feel secure
-role models for children and families
-time for a dialogue & information about strategies for behaviour management so strategies can be agreed, and Nursery and families can work together
-signposting for parents e.g. reading materials, courses and access to other professionals (See our Nursery leaflet- Positive Reinforcement and Behaviour)
-a consistent approach in our management of behaviour
-clear individual programme, where appropriate, to address specific behaviour
-staff who undertake training
-policy and procedure which are reviewed annually
-a variety of strategies to support behaviour e.g. timers to support turn taking

Considering concerns
In the Early Years observing children is key for assessment. The following questions must be taken into careful consideration as children below the age of 5 are still developing.
Important information regarding behaviours can be gathered such as:
1. When does it happen?

2. How often does it happen?
3. How do people respond when it happens?
4. When does the child not behave like this?
5. What is the child trying to communicate?
6. Have I discussed this with the parents/carers/Head teacher?
7. Have I got the full picture whether/when this happens at home?
8. Have we agreed on behaviour strategies, which are consistent amongst staff?
9. Have we agreed ways forward?
10. Are there child protection concerns?

Recording

-It may be necessary to use physical intervention procedures i.e. holding- in an emergency to prevent injury to themselves or others or serious damage to property. See positive handling policy & serious incident reporting form

- If a child is reported to have difficulties managing their behaviour over a period, a behaviour log is set up, documenting the date, time and details of the incident. The log records the antecedents, the behaviour and the consequences, these are shared with parents

-Behaviour logs are analysed to explore possible triggers for unwanted behaviour so that appropriate support can be put into place, such as targets on a SEND support plan

-Positive handling plans will be written for those children who require it

Positive Handling

See Positive Handling Policy

7. Monitoring and Review

This policy will be reviewed by the headteacher and/ or senior mental health lead on an annual basis; they will make any necessary changes and communicate these to all members of staff and relevant stakeholders.

This policy will be made available for Ofsted inspections and reviews by the lead inspector, upon request.

The next scheduled review date for this policy is January 2027.

Appendix 1- Implementation

We help children look after themselves by:
- Helping them to recognise their feelings and express themselves in an acceptable way
- Encouraging them to ask for help from peers as well as adults
- Encouraging their attempts and to planning for their interests
- Praising them: focusing on the positive things they do
- Building their independence through self-help skills
- Encouraging them to see the good in others
- Helping them learn the adults' names and who to talk to help them feel safe

We help children to care about others by:
- Modelling appropriate behaviour
- Working on and reinforcing the understanding of feelings, e.g. in circle time
- Naming and making feelings clear; reflecting back to children
- Being aware of the power of language, i.e. not being confrontational or negative
- Boosting self-esteem
- Giving time to listen and help acknowledging their responses sensitively
- Keeping calm
- Using conflict resolution
- Learning to share & take turns
- Understanding 'Kind hands, kind feet (kind mouths)'

We help children to be polite by:
- Saying "Good morning", "Please" and "Thank you" (we model behaviours we want them to copy)
- Giving children clear messages and setting an example
- Talking one at a time: listening to each other without interrupting when someone is already speaking
- Encouraging children to wait their turn

We ask children to look after equipment by:
- Modelling how to look after the equipment
- Encouraging children to use equipment appropriately
- Teaching them about health and safety
- Washing the bikes, toys etc.
- Reminding them to tell us about breakages

We help children to care about the environment by:
- Making it as attractive as possible
- Tidying up together
- Displaying children's work
- Providing labelled storage
- Looking after plants
- Explaining proper care and use of areas (creative area, home corner, sand pit etc)
- Noticing, acknowledging and praising 'careful handling'
- Sharing responsibility
- Learning about nature (including Forest School)

Appendix 2-Intervention Techniques/ Strategies

Active listening: Sometimes listening to what the child has to say and exploring and acknowledging their feelings through the use of reflective response can help a child to feel that:
-Someone else acknowledges the reality of their feelings
-They are not alone
-Someone cares
Sometimes this can be enough for a child to stay in control.

Affection: If a child's behaviour is motivated by fear, anxiety or uncertainty, a big injection of affection – verbal or physical – can help head off inappropriate behaviour. Children do not always appreciate the care that is provided for them and need additional affection to understand how much the adults really care for them.

Backing away: This is not the same as backing down. You are giving the child time to calm down before you discuss the situation with them. Staying and continuing to challenge someone who is already angry is likely to make the situation worse.

Conflict Resolution: Adults will follow the six steps of conflict resolution to solve issues such as taking another child's toy, not sharing etc. This allows children to problem solve themselves with some adult support.
The 6 Steps of Conflict Resolution are:

1. **S**top any hurtful actions & approach calmly
2. **T**alk to each child about their feelings
3. **O**ffer help by gathering information
4. **N**eutralize the problem by restating it
5. **E**veryone shares their ideas and let the children decide on a solution
6. **S**upport and follow up with the children

Directive statement/direct appeal: A clear instruction to the child to stop certain behaviours or start something else.

Hurdle help: Where the child is stuck, providing assistance can help overcome feelings of failure or inadequacy.

Interpretation and interference: Verbalise what has happened and ask the child if there was another way that they could have acted. For example, "It looked like you were really upset before you hit *Johnny* – was there another way you could have let him know how upset you were?"

Involvement and interest: Adults becoming involved in a situation can diffuse things.

Planned ignoring: By not giving the attention to minor, harmless, attention-seeking behaviour, these behaviours are likely to die out. Remember, it is equally important to praise appropriate behaviour.

Prompting: Gentle reminders to a child of what they need to stop doing or prepare for, can help the child to adjust to a change. This can be verbal or sensory input. (Avoid 'nagging').

Providing a neutral, safe space: Sometimes a child will be encouraged to a neutral, safe space, where they are given something to calm down e.g. comforter/ book. The adult will then talk to them about the behaviour once they are calm. A designated space in each class will be signposted via a poster.

Proximity: Sometimes an adult quietly heading in the general direction of what is going on can be enough to encourage children to do something else.

Redirecting/distracting: Trying to refocus the child away from what they are doing now, on to something else as a way of avoiding trouble.

Structuring the environment: Where we choose to speak to the child and whether we sit or stand can communicate the nature of the discussion, and may help the child to modify their own behaviour, for example, warm and friendly or cold and business-like, moving to child's level or standing over them

Appendix 3- Ideas to Support with Specific Incidents

Behaviour Which Causes Safety Issues
Strategies to use:
- Gain child's attention immediately to stop behaviour i.e. stop sign, word ‘stop’ spoken firmly, hand gesture
- Allow time to calm down if necessary
- Explain why behaviour is dangerous and consequences
- Ask child to think about alternatives/ give alternatives
- If appropriate, ask how to make injured party feel better, verbally or non-verbally
- Supplying a blanket cover if the child wants one
- Using quiet ‘safe’ spaces e.g. story room

Biting
Biting is reasonably common in toddlers up to two and a half years old, but it is a behaviour that causes lots of concerns amongst adults and needs to be discouraged. We recognise biting may occur for a number of reasons, including, but not limited to
-an attempt to ease the pain of teething
-Sensory exploration
-perceived self-defence
-imitation of another child
-inability to communicate overwhelming emotions
-inability to regulate emotions
-an attempt to get attention
It is important to try to understand why the child is biting and teach alternative solutions.
Strategies to use:
- Try to divert or distract the child if you think that they are going to bite (i.e. Jon come and play with the trucks)
- Saying ‘ouch, it hurts’ with an appropriate facial expression
- Encouraging the child to help looking after the hurt child
- Saying ‘stop’ firmly with an accompanying hand signal
- Regular input on using ‘kind hands, kind feet, kind mouths’
- Some children might need alternative things to bite on- especially if they are teething
- Use resources to look at what mouths are used for (laughing, smiling, kissing) and look at mouth shapes in the mirror
- Praise the child when they are using their mouth to do the right thing.
- Showing minimum attention to child following biting behaviour and focussing attention on the child who has been bitten

Persistent biting will be considered when it has happened three times in a term. Inform the Headteacher and consider the following
-Changing the routine/ environment
-Labelling emotions
-Monitoring for antecedents
-Regular meetings with parents/ carers
-Praising positive interactions
-Seeking external advice (biting could be a response to an unmet need)

Derogatory Remarks
We have a zero-tolerance attitude to these. Strategies to use:
-Say we do not allow people to talk about others in that way - explain words can hurt
-Try to establish where children have heard these comments
-Talk to parents/ carers about child's behaviour and explain lack of tolerance

Destroying Other Children's Activities
Children will in the course of play knock over a tower or make a mark on a piece of paper, this can cause understandable frustrations for other children, especially when proud of what they have been doing. Strategies to use:
-Assess what has happened and why
-Explain the other child is upset and why
-Ask how they might feel (if appropriate)
-Ask how they can help the other person to feel better, e.g. (say sorry, get tissue, help rebuild etc.)

Hitting, Kicking, Pinching or Scratching/ Aggression
Many children display these behaviours- directed to peers and adults. These behaviours can cause strong feelings amongst the adults who have to deal with them including annoyance, frustration, anger, embarrassment and upset. These feelings are normal. Strategies to use:
- Establish and teach clear group rules, e.g.: 'kind hands, kind feet'
- Lead small group activities focused around being kind
- Model language of sharing
- Regular reinforcement of positive behaviours (praise, attention etc)
- Sensitive intervention leading to redirection and finding alternative forms of expressing aggression; Try distracting and diverting the child- intervene early.
- Provide activities where children can express their feelings (puppets, animals, circle time, quiet areas)
-Reconciliation

Inappropriate Language/ Swearing
When toddlers swear or use bad language they are usually copying someone they might have heard elsewhere. They do not usually understand what the words mean but may have noticed the reactions that they get when using them. The more attention they get for using these words, the more likely they will continue using them. Strategies to use:
-Use judgement to ignore or challenge; Selective deafness and the occasional "We don't use those words here."
-Ensure the same strategy is used at home at the same time. Maybe both parties can choose to ignore inappropriate language for a week- but give lots of attention for an agreed alternative behaviour.
- Offer the child alternative words they can use to express themselves.
-Counsel aggrieved party

Misuse of Materials
-Stop behaviour
-Ask child to think about consequences of behaviour
-Back up with explanation if necessary
-Work alongside child to model behaviour
-Direct child to another activity if appropriate

Non-compliant Behaviours/ Refusal
It can be very frustrating when a child refuses to do what is expected of them. Some children are so excited by all the activities around them that they find it difficult to stop. Others are not quite used to doing as asked by an adult. Staff need to decide how important their request is and decide what 'battles' they are going to have, and which are best left. Strategies when children refuse to follow instructions:
- Give plenty of warning of change- sand timers or visual timetables
- Use now... next
- Choose activities that they like to build up a habit of compliance.
- Shorten the length of time of an activity.
- Make sure that the activity is appropriate

- Give lots of positive attention when child participates in adult- led tasks.
-Staff will give the child clear instructions as to the expected behaviour
-If the child refuses to comply i.e. remains outside, leaves the group etc., the adult should alert an additional member of staff who should oversee the situation and ensure the safety of the child

Spitting
Children may spit as a way to express emotions, seek attention, or explore their environment. This behaviour is often linked to limited verbal skills, sensory curiosity, or developmental phases. While it can be frustrating, spitting is usually a normal phase of growth and can be managed with the right strategies.

Assess the context.
-Observe when and where the behaviour occurs.
-Identifying specific triggers
-Consider the child's emotional state.
-Consider environmental factors (overstimulation/ crowded spaces/ changes e.g birth of new sibling)

Managing Spitting Behaviour
-Stay Calm and Composed
-Ignore Minor Incidents
-Use natural Consequences e.g. wipe up mess
-Create a Safe Outlet e.g. consider a safe spitting location (sink
-Set Boundaries
-Relevant distractions e.g. teething ring

Teaching Alternative Behaviours
-Label emotion 'Angry'
- Take deep breaths or count to three
-Adopt same strategies at home/ school
-Provide safe alternatives e.g. bubbles/ mouthing toy

Tantrums
Tantrums are normal part of development for most children between the ages of 18 months to 3 years. Children want things and get very frustrated if they are not given what they want immediately. This often results in them throwing themselves on the floor, kicking, screaming and banging their heads in the hope that this will get them their own way. If adults give children what they want when they have a tantrum, then the children quickly learn that this approach is effective. Strategies to use:
- Diversion/ distraction- if the tantrum can be spotted early.
- Swapping with another adult- a fresh approach.
- Ignore the tantrum until it is over, and the child has calmed down. Keep reassuring them.
- Provide a special place where the child can go and calm down or a special toy to hold and cuddle.
- Teach the child words they can use to express their feelings and encourage them to use them.
- Physical intervention should only be used when there is a risk of damage to the child, other children or property.

Weapons
Staff will monitor weapon and combat play. Staff will use their discretion to channel/intervene to ensure play is safe for all children and is non-intimidating.

Westfield Nursery School

Anti-bullying Policy

Date policy last reviewed:	May 2026
Signed by:	
Headteacher	Date:
Chair of governors	Date:

Updated May 2026
-Updated reference to current 'Keeping Children Safe'

Contents:

Statement of Intent

2. Legal Framework
3. Definitions
4. Types of Bullying
5. Roles and Responsibilities
6. Statutory Requirements
7. Guidelines
8. Monitoring and Review

Statement of Intent

The aim of the anti-bullying policy is to ensure that pupils learn in a supportive, caring and safe environment without fear of being bullied. Bullying is anti-social behaviour and affects everyone; it is unacceptable and will not be tolerated. All pupils and staff have the right to feel happy, safe and included.

We aim to create and maintain a safe environment where adults and children alike are treated with, and treat each other, with respect. We aim to prevent bullying through a variety of strategies, such as clearly defined expectations of behaviour, an atmosphere where children and adults feel they are listened to and valued. The emphasis on Personal, Social and Emotional Development to encourage children and adults to be sensitive and considerate to others and feel confident and positive about themselves. Children are encouraged to care for others and tell an adult even if it happening to someone else. There is a zero-tolerance policy for bullying at the school.

The Education and Inspections Act 2006 outlines several legal obligations regarding the school's response to bullying. Under section 89, schools must have measures in place to encourage good behaviour and prevent all forms of bullying amongst pupils. These measures are part of the school's Behaviour Policy, which is communicated to all pupils, school staff and parents.

1. **Legal Framework**

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education and Inspections Act 2006
- Equality Act 2010
- Protection from Harassment Act 1997
- Malicious Communications Act 1988
- Public Order Act 1986
- Communications Act 2003
- Human Rights Act 1998
- Crime and Disorder Act 1998
- Education Act 2011
- DfE (2017) 'Preventing and tackling bullying'
- DfE (2018) 'Mental health and wellbeing provision in schools'
- DfE (2025) 'Keeping children safe in education 2025'
- DCMS, DSIT, and UK Council for Internet Safety (2020) 'Sharing nudes and semi-nudes: advice for education settings working with children and young people'

This policy operates in conjunction with the following school policies:

- Behaviour Policy
- Safeguarding and Child Protection Policy

2. **Definitions**

Bullying

Bullying is defined as deliberately hurtful behaviour repeated over a period of time, where it is difficult for those being bullied to defend themselves. A simple easy to remember definition of bullying is:

Several
Times
On
Purpose

3. **Types of Bullying**

The main types of bullying are:

- Physical (for example, hitting, kicking, theft)
- Verbal (for example, name calling, racist remarks,)
- Emotional
- Online (cyberbullying)
- Indirect (spreading rumours, excluding someone)

Some forms of bullying are attacks not only on the individual but also on the group to which he or she may belong. Such as

- Bullying relating to race, religion and culture
- Sexual and sexist bullying
- The use of homophobic, bi-phobic or transphobic language
- Ableist bullying of pupils who have special educational needs or disabilities
- Prejudicial bullying based on prejudices directed towards specific characteristics or experiences, e.g. religion or mental health issues
- Relational bullying which constitutes of excluding, isolating and ostracising someone – usually through verbal and emotional bullying

- Socioeconomic bullying based on prejudices against the perceived social status of the victim, including, but not limited to, their economic status, their parents' occupations, their health or nutrition level, or the perceived "quality" of their clothing or belongings

4. Roles and Responsibilities

The governing board is responsible for:

- Evaluating and reviewing this policy to ensure it does not discriminate against any pupils on the basis of their protected characteristics or backgrounds
- The overall implementation and monitoring of this policy
- Ensuring all governors are appropriately trained regarding safeguarding and child protection at induction
- Ensuring the school is inclusive and adopts an open-minded approach towards difference
- Ensuring the DSL has the appropriate status and authority within the school to carry out the duties of the role
- Appointing a safeguarding link governor who will work with the DSL to ensure the policies and practices are being implemented effectively
- Ensuring pupils are taught how to keep themselves and others safe

The headteacher is responsible for:

- Reviewing and amending this policy, accounting for new legislation and government guidance, and using staff experience of dealing with bullying incidents and improving procedures
- Keeping a bullying incidents log book of all reported incidents, including which type of bullying has occurred, to allow for proper analysis of the data collected
- Analysing the data in the bullying record to identify trends, so appropriate measures to tackle them can be implemented
- Arranging appropriate training for staff

Leaders are responsible for:

- Corresponding and meeting with parents where necessary
- Providing a point of contact for pupils and parents/ carers

Staff are responsible for:

- Being alert to social dynamics in their class
- Being available for pupils who wish to report bullying
- Providing follow-up support after bullying incidents
- Being alert to possible bullying situations, particularly exclusion from friendship groups
- Refraining from stereotyping when dealing with bullying
- Understanding the composition of pupil groups, showing sensitivity to those who have been the victims of bullying
- Reporting any instances of bullying once they have been approached by a pupil for support

Parents/ carers are responsible for:

- Informing their child's class leader if they have any concerns that their child is the victim of bullying or involving in bullying in anyway
- Being watchful of their child's behaviour, attitude and characteristics and informing the relevant staff members of any changes

Pupils are responsible for:

- Informing a member of staff if they witness bullying or are a victim of bullying

- Not making counter-threats if they are victims of bullying
- Walking away from dangerous situations and avoiding involving other pupils in incidents
- Keeping evidence of cyberbullying and informing a member of staff should they fall victim to cyberbullying
- Statutory requirements

5. Statutory Requirements

The school understands that, under the Equality Act 2010, it has a responsibility to:

- Eliminate unlawful discrimination, harassment, including sexual harassment, victimisation and any other conduct prohibited by the act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it

The school understands that, under the Human Rights Act (HRA) 1998, it could have charges brought against it if it allows the rights of pupils to be breached by failing to take bullying seriously. The headteacher will ensure that this policy complies with the HRA; the headteacher understands that they cannot do this without fully involving their teaching staff.

Although bullying itself is not a criminal offence, some types of harassment, threatening behaviour and/or communications may be considered criminal offences:

- Under the Malicious Communications Act 1988, it is an offence for a person to electronically communicate with another person with the intent to cause distress or anxiety, or in a way which conveys a message which is indecent or grossly offensive, a threat, or contains information which is false and known or believed to be false by the sender.
- The Protection from Harassment Act 1997 makes it an offence to knowingly pursue any course of conduct amounting to harassment.
- Section 127 of the Communications Act 2003 makes it an offence to send, by means of a public electronic communications network, a message, or other matter, that is grossly offensive or of an indecent, obscene or menacing character. It is unlawful to disseminate defamatory information through any media, including internet sites.
- Other forms of bullying which are illegal and should be reported to the police include violence or assault, theft, repeated harassment or intimidation, and hate crimes.
- Prevention

The school will clearly communicate a whole-school commitment to addressing bullying and have a clear set of values and standards which will be regularly promoted across the whole school. All members of the school will be made aware of this policy and their responsibilities in relation to it.

6. Guidelines

Circle time, stories and discussions are used to promote friendship and to consider feelings. Children are encouraged to let others play and, if they are lonely, to ask to play with someone or tell an adult, who will support them in their endeavour to find someone to play with. Children are acknowledged for being considerate to others.

Staff have been trained in conflict resolution and use conflicts as an opportunity to assist children in acknowledging their emotions, expressing themselves calmly and listening to the viewpoint of others.

Happiness and wellbeing are taken seriously, and children are encouraged to express how they feel to an adult. Adults are observant as to friendships, loneliness, and children's personal social and emotional skills and use strategies to help children make friends and relate to others positively. We welcome comments from children and parents/carers about how their children feel about coming to nursery and take any concerns seriously, investigating if necessary, sharing the information with others if necessary and giving feedback to parents/ carers as appropriate. Parent/carer and staff interactions are recorded.

'Anti-Bullying' week which we call friendship week (day) will be used as a focus and celebration of working together.

At Nursery age most 'unkind' or 'anti-social' incidents are NOT bullying but simply a child who has not yet learned to share, take turns or to express his/her needs appropriately. This may be particularly true of very young children, children with SEND, children with speech, language and communication difficulties and children for whom English is an additional language.

As such these types of incidents are dealt with in a 'low key' way as appropriate. Through conflict resolution children are encouraged to acknowledge how they feel and to express their views. With adult support they are encouraged to think of an appropriate resolution. Adults support the children through modelling appropriate language and behaviour.

Children and parents/carers should encourage pupils who have been bullied or have seen others being bullied to report this to a member of staff.

Where bullying is reported the incident is:

- Taken seriously
- Investigated, and feedback given to the informant when the matter has been investigated
- Discussed with staff as appropriate to ensure a proper investigation and prevention of further possible bullying
- Is reported to the Headteacher
- Is recorded in the Incidents Logbook
- Parents/carers of children involved in bullying incidents will be notified

Strategies are agreed upon by the staff to help the child who is being bullied and the child who is bullying. These may include agreed individual responses to each, and more general activities to promote Personal, Social and Emotional Development such as circle time or small group time.

Pupils and parents/ carers can approach any member of staff to discuss their concerns and will be reassured that they were correct to voice their concerns and that the matter will be taken seriously. If, having voiced their concerns to a member of staff they feel unsatisfied with the response we ask that this be brought to the Headteacher's notice. If the Headteacher cannot resolve these concerns informally parents/ carers can raise their concerns through the school's Complaints Procedure, which can be found on the school's website.

Bullying of Staff

Refer to Complaints Procedure.

As outlined in our policy for equal opportunities we believe everyone has the right to work in a safe environment free of discrimination, prejudice or stereotypes, where all members of the school community are respected as individuals, valued and listened to.

Whistle blowing – Adults should report any behaviour by colleagues that raises concerns to the Headteacher/Chair of Governors as appropriate. Whistle blowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion.

7. Monitoring and Review

This policy is reviewed every year by the headteacher and/ or the Designated Safeguarding Lead. Any changes to this policy will be communicated to all relevant stakeholders.

We will evaluate our policy using the following measures:

- The number of incidents of bullying reported
- Scrutiny of recorded interactions between staff and parent/carer
- The comments made on parent/carer and pupil questionnaires
- Comments made about the nursery by parents/carers and other visitors
- Comments made by children to staff or through circle time discussions
- The perceived sense of well-being as observed on target child observation sheets and well-being tracking forms.

The scheduled review date for this policy is May 2027.

Westfield Nursery School

Suspension and Exclusion Policy

Date policy last reviewed:	January 2025
Signed by:	
	Headteacher Date:
	Chair of governors Date:

Changes May 2026

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Appendix

A. Flowchart for reviewing the headteacher's suspension or exclusion decision

Vision
At Westfield Nursery we aim to deliver against our vision ‘Inspired beginnings, outstanding futures’

Statement of Intent

At Westfield Nursery School, we understand good behaviour and discipline are essential for promoting a high-quality education.

Suspending or excluding a pupil may be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the headteacher, governing board and LA when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil’s right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

A **“suspension”** is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

An **“exclusion”** is defined as the permanent removal of a pupil from the school, 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 pupils or staff in the school.

1. **Legal framework**

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023
- The European Convention on Human Rights (ECHR)

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2024) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2024) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

This policy operates in conjunction with the following school policies:

- Behaviour and Anti-bully Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Safeguarding and Child Protection Policy

2. **Roles and Responsibilities**

The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of Looked After Children
- Reviewing and reassessing pupils' needs in consultation with their parents/ carers where they have an Education Health Care Plan and are excluded permanently, with a view to identifying a new placement
- Arranging for an independent review panel hearing to review the decision of the governing board not to reinstate a permanently excluded pupil where required
- Arranging the hearing without delay at a time, date and venue convenient for all parties
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment

The governing board is responsible for:

- Providing information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months

- Considering parents' representations about suspensions and exclusions within 15 school days of receiving notice if the appropriate requirements are met
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits
- Adhering to its responsibilities to consider the reinstatement of pupils
- Considering the interests and circumstances of the suspended or excluded pupil, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion
- Ensuring clear minutes are taken of the representation meeting
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference
- Notifying the pupil's parents, the headteacher and the LA of its decision and the reasons for it, without delay
- Appointing a clerk to provide advice to the relevant panel and parties to the review on procedure, law and statutory guidance on suspensions and exclusions
- Where appropriate, informing parents of where to apply for an independent review panel and relevant sources of information
- Ensuring a pupil's name is removed from the school admissions register, where appropriate
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the suspensions and exclusions review panel
- Using data to evaluate the school's practices regarding intervention, suspension and exclusion

The clerk to the suspensions and exclusions review panel is responsible for:

- Informing the appropriate individuals that they are entitled to:
  - Make written representations to the panel
  - Attend the hearing and make oral representations to the panel
  - Be represented
- Circulating copies of relevant papers at least five school days before the review to all parties
- Giving all parties details of those attending and their role, once the position is clear
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy

The headteacher is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion

- Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, experienced bullying or has a mental health issue
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups
- Engaging effectively with parents/ carers in supporting the behaviour of pupils with additional needs
- Determining whether a pupil will be suspended or excluded on disciplinary grounds
- Adhering to their responsibilities when cancelling an exclusion before the governing board has met to consider whether the pupil should be reinstated. Withdrawing any suspensions or exclusions that have not been reviewed by the governing board, where appropriate
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a pupil
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion
- Notifying a pupil's parents/ carers without delay where the decision is taken to suspend or exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required
- Ensuring that all information provided to parents is clear and easily understood
- Notifying the governor responsible and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required
- Notifying the governing board once per term of any exclusions in the headteacher's report to governors
- Organising suitable work for excluded pupils where alternative provision cannot be arranged

3. Grounds for suspension or exclusion

The school will only suspend or exclude a pupil where it is absolutely necessary. The following examples of behaviour may warrant the decision to suspend or exclude a pupil:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying

- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse

Pupils can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year or permanently excluded. Similarly, pupils can be permanently excluded following a suspension, where further evidence is presented. In all cases, the headteacher will decide whether a pupil will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

4. The headteacher's power to suspend and exclude

Only the headteacher has the power to suspend or exclude a pupil from the school and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds.

When sending a pupil home following any suspension or exclusion, the headteacher will ensure that they exercise their duty of care at all times.

Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the school's wider legal duties, including the ECHR. At all times, the headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds and will not increase the severity of a pupil's suspension or exclusion on these grounds.

The headteacher will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The headteacher may cancel any suspension or exclusion that has already begun, or one that has not yet begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the governing board. Where a suspension or exclusion is cancelled, the headteacher will notify the pupil's parents/ carers, the governing board, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The notification will also provide the reason for the cancellation. The headteacher will offer the pupil's parents/ carers the opportunity to meet with the headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school without delay.

When a suspension or exclusion is cancelled, the governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.

Any days spent out of school as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school days that a pupil can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the pupil has already been suspended or excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect.

The headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the governing board once per term, to allow the governing board to have appropriate oversight.

The headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a pupil home to 'cool off', regardless of whether the parents/ carers have agreed to this.
All suspensions and exclusions will be formally recorded on the school's pupil information system.

5. Factors to consider when suspending or excluding a pupil

When considering the suspension or exclusion of a pupil, the headteacher will:

- Allow the pupil the opportunity to present their case once evidence has been collected
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying
- Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour

The headteacher will consider what extra support may be available for vulnerable pupil groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion, including LAC & pupils with SEND

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed.
Where a pupil with SEND or SEMH issues is excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.
The headteacher will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

6. Preventative measures

Before taking a final decision to exclude, the headteacher will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to exclusion.

Off-site direction

Under the Education Act 2002, the governing board may require any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour.

The governing board and the headteacher will decide, in communication with the pupil and their parents/ carers, whether off-site direction is an appropriate solution to manage a pupil's behaviour and avoid suspension or exclusion. Where all parties agree to this course of action, the school will work with the pupil and their parents to discuss and agree a plan for the off-site direction, including a proposed maximum period of time that the pupil will be at the alternative provision and any alternative options that will be considered once the time limit has been reached, e.g. managed moves.

The governing board will notify parents, and the LA if the pupil has an EHC plan, in writing with information about the placement no later than two school days before the relevant day.

The school will keep any off-site placements under review by holding review meetings at intervals deemed appropriate by the governing board; the governing board will ensure, where possible, that review meetings are convened at a time suitable for the pupil's parents/ carers and will invite them in writing to each review meeting no later than six days before that date. Where parents/ carers request, in writing, that the governing board hold a review meeting, the governing board will arrange review meetings in response, as soon as is reasonably practicable, unless there has been a review meeting in the previous 10 weeks.

The governing board will decide at each review meeting whether the arrangement will continue and for what period of time; the meeting will also decide arrangements for further reviews. Reviews will be recorded in writing, including any decisions made regarding the placement.

7. Duty to inform parents

Following the headteacher's decision to suspend or exclude a pupil, they will immediately inform the parents/ carers, in person or by telephone, supported by email communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.

The headteacher will inform the parents/ carers in writing (or electronically if written permission has been received from the parents/ carers for notices to be sent this way) of the following:

- The reasons for the suspension or exclusion
- The length of the suspension or permanency of the exclusion
- Their right to raise any representations about the suspension or exclusion to the governing board, including how the pupil will be involved in this and how the representations will be made
- Their right to make a request to hold the meeting via remote access and how this request can be made
- Their right to attend a meeting where there is a legal requirement for the governing board to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual

- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
- Relevant sources of free, impartial information

Where the pupil is of compulsory school age, the headteacher will inform the parents/ carers by the end of the afternoon session that for the first five days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), parents are legally required to ensure their child is not present in a public place during school hours without justification, and parents/ carers may receive a penalty fine if they fail to do so.

If the headteacher has decided to suspend the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents/carers without delay and issue a new suspension or exclusion notice to parents.

8. Duty to inform the governing board and LA

The headteacher will inform the governing board, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil)
- Any suspensions which would result in the pupil being suspended for more than 5 school days in a term (or more than 10 lunchtimes)
- Any suspensions or exclusions which would result in the pupil being absent from an examination or national curriculum test

For any suspensions and exclusions, other than those above, the headteacher will notify the governing board once per term. The headteacher will inform the LA of all suspensions or exclusions, regardless of their length, without delay. All notifications to the governing board and LA will include the reasons for suspension or exclusion and the duration of any suspension.

If a pupil who is suspended or excluded lives outside the LA in which the school is located, the headteacher will notify the pupil's 'home authority'.

9. Duty to inform social workers and the virtual school head (VSH)

When a pupil has been suspended or excluded, the headteacher will, without delay, notify the pupil's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

Social workers and/or the VSH will also be informed when a meeting of the governing board is taking place and will be invited to attend the meeting should they wish to do so.

Social workers and VSHs will be allowed to join a governing board meeting or independent review panel via the use of remote access, as long as the arranging authority is satisfied they will be able to participate effectively, they can hear and be

heard throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.

10. Arranging education for suspended and excluded pupils

For any suspensions of more than five school days, the governing board will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension. Where a pupil receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For exclusions, full-time education will be provided for the pupil from the sixth day of exclusion.

The governing board is aware it is beneficial to suspended and excluded pupils to begin their alternative education arrangements before the sixth day of suspension or exclusion; therefore, the governing board will always attempt to arrange alternative provision before the sixth day. Where it is not possible to arrange alternative provision during the first five days, the school will ensure that they take reasonable steps to set work for the pupil.

If a pupil with SEND has been suspended or excluded, the governing board will ensure:

- Any alternative provision is arranged in consultation with the pupil's parents/ carers, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents.

11. Considering suspensions and exclusions

The governing board will consider any representations made by parents/ carers regarding suspensions and exclusions.

Parents/ carers and, where requested, a friend or representative, the headteacher, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations.

Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits. Parents/ carers will also be able to request that the meeting is held via remote access.

The governing board will consider the reinstatement of a suspended or excluded pupil, where:

- The exclusion is permanent
- The suspension is fixed-period and would bring the pupil's total number of suspended school days to more than 15 in any given term

In the case of a suspension where the pupil's total number of suspended days is more than 5 but less than 16 school days (this includes suspensions that exceed 15 school days by less than a whole day, e.g. one that totals 15.5 days) within a term, if parent/ carers make representations, the governing board will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the governing board will consider the reinstatement on their own.

Where a suspension will take a pupil's total number of school days out of school above five but less than 15 for the term, and parents have not requested a governing board meeting, the governing board will not be required to consider the pupil's reinstatement, but it will have the power to do so if it deems it appropriate.

Where a suspension will not bring a pupil's total number of days of suspension or permanent exclusion to more than five days in a term, the governing board will consider all representations made by parents; however, the board cannot direct the reinstatement of the pupil and it is not required to arrange a meeting with parents.

When considering the reinstatement of a pupil, the governing board will:

- Only discuss the suspension or exclusion with the parties present at the meeting
- Ask for any written evidence prior to the meeting
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting
- Allow pupils and parents/ carers to be accompanied by a person of their choice to the meeting
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting
- Consider the interests and circumstances of the pupil, including the grounds for suspension or exclusion

12. Reaching a decision

After considering suspensions and exclusions, the governing board will either:

- Decline to reinstate the pupil
- Direct the reinstatement of the pupil immediately, or on a specified date

If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the governing board will still consider whether the pupil should be officially reinstated, and whether the headteacher's decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The governing board will apply the civil standard of proof when responding to the acts relating to a suspension or exclusion, i.e. that on the 'balance of probabilities' it is more likely than not that the facts are true.

To reach a decision, the governing board will:

- Identify the steps they intend to take to ensure all parties involved will have the opportunity to participate and present their views
- Ensure minutes are taken of the meeting as a record of the evidence that was considered
- Ask all parties to withdraw from the meeting before concluding their decision
- Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, taking into account the headteacher's legal duties and

any evidence that was presented to the governing board in relation to the decision
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- Inform the LA of the outcome
- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil

13. Notification of considered suspensions and exclusions

The governing board will notify the parents/ carers of the suspended or excluded pupil, the headteacher, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of exclusion, where the governing board decides not to reinstate the pupil, they will notify the parents:

- That the exclusion is permanent
- Of their right for it to be reviewed by an independent review panel
- Of the date by which an application for review must be made
- Of the name and address of whom the review application should be submitted to
- That a request to hold the meeting via remote access can be made and how to do this
- That any application should set out the grounds on which it is being made and where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion
- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the governing board to ensure a SEND expert attends the review
- Of the role of the SEND expert that will attend the review, and the parents/ carers will not be charged for this
- That they are required to make it clear if they wish for a SEND expert to attend the review
- That they may appoint someone at their own expense to make representations to the panel

The governing board will also notify parents, if they believe a suspension or exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and this should be within six months of when the discrimination allegedly took place.

After any conclusion, the governing board will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

14. Removing excluded pupils from the school register

The headteacher will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the governing board's decision not to reinstate the pupil and no application for an independent panel review has been received

- The parents/ carers have stated in writing they will not be applying for an independent panel review following an exclusion

If an application for an independent panel review has been made within 15 school days, the headteacher will wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

If a pupil's name is to be removed from the register, the headteacher will make a return to the LA, which will include:

- All the particulars which were entered in the register
- The address of any parent with whom the pupil normally resides
- The grounds upon which the pupil's name is to be removed from the register

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

15. Independent review panel

The LA will review the governing board's decision not to reinstate an excluded pupil if the parents submit their application for this within the required time frame. The LA will constitute an independent review panel of three or five members that represent the following categories:

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity
- A current or former school governor who has served for at least 12 consecutive months in the last 5 years
- A headteacher or individual who has been a headteacher within the last 5 years

Parents/ carers are required to submit their applications within:

- 15 school days of the governing board's notification of their decision
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010

Any application made outside of the above timeframe will not be reviewed. Parents are able to request an independent panel review even if they did not make a case to, or attend, the governing board's initial consideration of the exclusion.

Parents/ carers can request that independent review panels take place via remote access.

The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance.

16. Appointing a SEND expert

If requested by parents/ carers in their application for an independent review panel, the LA will appoint a SEND expert to attend the panel and covers the associated costs of this appointment. Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

The LA will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the LA, school, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers. Recently retired individuals are not precluded from fulfilling this role; however, during interview, the LA will assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The LA will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the LA to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert. In order to meet its duties within the statutory time frame, the LA will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

The LA will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

17. The role of the SEND expert

The SEND expert's role is analogous to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.

The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's exclusion.

Where the school does not recognise a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND the pupil may potentially have, and any contribution this could have made to the circumstances of the pupil's exclusion.

The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

18. Appointing a clerk

The LA will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.

Where a clerk is appointed, the LA will ensure that the clerk did not serve as clerk to the governing board when the decision was made not to reinstate the pupil.

19. The role of the clerk

The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

The clerk will:

- Identify, in advance of the meeting, whether any alleged victims of the incident leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance
- Ensure the panel is able to hear from any witnesses to the incident leading to the exclusion
- Inform the parents/carers, headteacher and governing board they are entitled to make oral and written representations to the panel, attend the hearing, and be represented
- Inform the LA it is entitled to make oral and written representations to the panel, attend the hearing, and be represented
- Ensure that all parties are:
    - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date
    - Informed about who is attending the meeting, and what their roles are

- Attend the review and ensure minutes are produced in accordance with instructions from the independent review panel

Where a clerk is not appointed, the LA will undertake the functions outlined above.

20. The duties of the independent review panel

The role of the panel is to review the governing board's decision not to reinstate an excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel will do one of the following:

- Uphold the decision
- Recommend the governing board reconsiders reinstatement
- Quash the decision and direct the governing board reconsiders reinstatement

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents, governing board, headteacher and LA.

21. Conducting governing board meetings or independent review panels via remote access

Parents/carers will be able to request governing board meetings or independent review panels are held via remote access; however, parents/ carers will be made aware this is not the default option

Where a parent/ carer makes a request correctly in line with instructions set out in the headteacher's or governing board's written notification, the governing board or LA will hold the meeting via the use of remote access.

Remote meetings and panels will be held in accordance with timelines for face-to-face meetings.

Where a request for a meeting to be held via remote access is not made, or the parent or pupil does not state a preference, the meeting or panel will be held in person unless it is not practicable to do so.

If there is a reason related to extraordinary events or unforeseen circumstances, e.g. an outbreak of an infectious illness, which means it is not reasonable for a meeting or panel to be held in person, it may be held via remote access.

Meetings will only be held via remote access if the governing board or LA is satisfied that that the meeting can be held fairly and transparently. If this cannot be done, the governing board or LA will consult with the parent to discuss how a face-to-face meeting can be arranged that will be convenient for them.

If there are technological or internet issues during a remote meeting which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonably practicable to resolve, a face-to-face meeting will be arranged without delay.

When holding meetings or panels via remote access, the governing board or LA will:

- Comply with relevant equalities legislation
- Enable access to support which the parent is entitled to, including the presence of a friend
- Confirm with all participants they have access to the technology that will allow them to participate in the meeting or panel
- Ensure all the participants will be able to put across their point of view and/or fulfil their function
- Ensure the remote meeting or panel can be held fairly and transparently

22. Reconsidering reinstatement following a review

Where the independent review panel **instructs** the governing board to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

The school is aware if, following an **instruction** to reconsider, the governing board does not offer to reinstate the pupil, then a £4,000 adjustment will be made to the school's budget.

Where the independent review panel **recommends** that the governing board should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware if, following a recommendation to reconsider, the governing board does not offer to reinstate the pupil, it will not be subject to a financial adjustment. If, following reconsideration, the governing board offers to reinstate the pupil, but the parents decline, no adjustment will be made to the school's budget.

Following reconsideration, the governing board will notify the parents, headteacher and LA of their reconsidered decision and the reasons for this.

23. Criminal investigations

The headteacher will not postpone taking a decision to suspend or exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place. Particular consideration will be given by the headteacher when deciding to suspend or exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable. If the governing board is required to consider the headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

24. Training requirements

The LA will ensure all independent review panel members and clerks have received training within the two years prior to the date of the review. Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing suspensions and exclusions
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair of a review panel
- The role of the clerk to a review panel

- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act

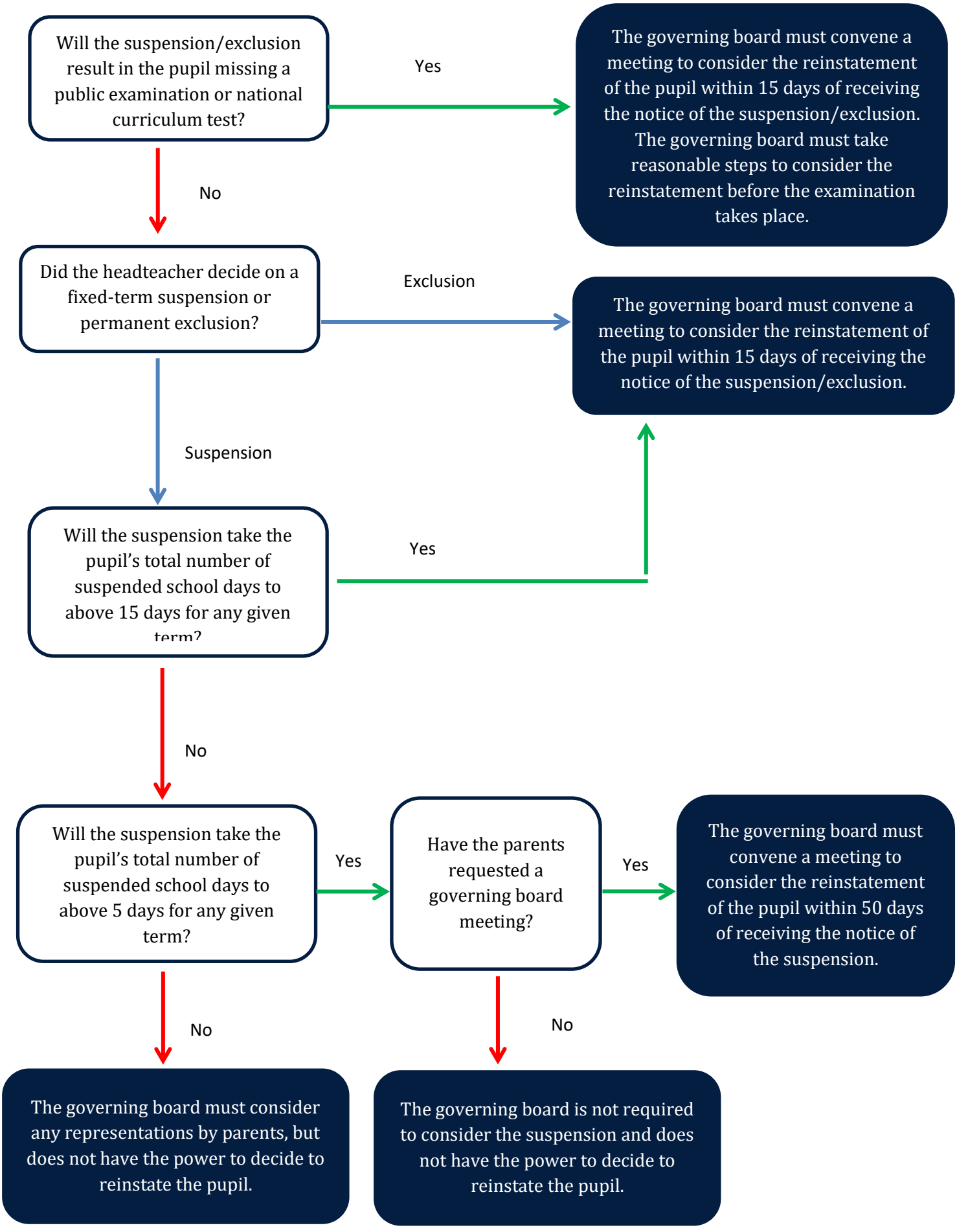
Clerks will also have an up-to-date understanding on developments in case law which are relevant to suspension and exclusion.

25. Using data

The headteacher will ensure all data regarding suspensions and exclusions is collected and provided to the governing board on a termly basis. The governing board will review this data regularly in order to:

- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort
- Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site
- Consider the effectiveness and consistency in implementing the Behaviour Policy
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary
- Understand the characteristics of suspended and excluded pupils and evaluate equality considerations
- Gather information on where pupils are receiving repeat suspensions
- Evaluate interventions in place to support pupils at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working
- Analysing whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives

26. Monitoring and review

This policy will be reviewed annually by the headteacher in conjunction with the governing board. The next scheduled review date for this policy is January 2026. All members of staff will be required to familiarise themselves with this policy as part of their induction programme.

Flowchart for reviewing the headteacher's suspension or exclusion decision