



SHERBORNE PREP

Behaviour Management and Discipline (including Sanctions and Rewards) Policy

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Executive Summary

This policy is applicable to all pupils, including those in EYFS. It outlines the School's philosophy for managing behaviour and outlines how this is achieved through the Dragon Values, and a framework of Rights and Responsibilities. It also includes information on exclusions.



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Code of Behaviour Philosophy

The aim of our Behaviour Policy is to create an environment where pupils may work purposefully, feel secure, happy and confident and where relationships between Staff and pupils and between the pupils themselves are based on mutual respect and tolerance. The Code of Behaviour is promoted around the school via staff behaviour, assemblies and the display of the 6 core 'Dragon Values', through the Personal Development (PSHE) programme and in our approach to Anti-Bullying and the Policy of such. It is also compliant with the Equality and Diversity statement, ensuring that staff behave in accordance with the Equality Act 2010, which states that children should not be discriminated against, specifically but not exclusively on the grounds of special educational needs or disabilities. In these instances, reasonable adjustments must be made.

Positive Behaviour Ethos

We believe that everyone in our community must be encouraged to work together positively. We are committed to developing a positive climate which places learning as a priority and realises that we do need to teach and demonstrate good behaviour and respect for one another. This includes having regard to our Anti-Bullying Policy.

We believe that a strong ethos of achievement and good behaviour comes from us all working together within a clear framework. Every member of Staff has a responsibility to uphold the procedures outlined in this policy. We expect our teachers to take ownership of their own professional development; to be adaptable in their thinking and to keep abreast of best educational practice. We seek to create a collaborative and dynamic environment where the staff are a team striving to provide the best holistic education for each child and through positive management of behaviour and high expectations in all areas of their school life, aim to support children to reach their potential.

Staff/Adult Attitude and Approach

We recognise that behaviour management is part of our professional duty. Staff at Sherborne Prep are expected to adhere to high professional standards at all times. These expectations are laid out in the Staff Code of Conduct. We must be careful to ensure that our stated practices and policies are adhered to. We should not ignore opportunities to praise or reward children, nor should we ignore situations where children need to be spoken to for negative behaviour. Where appropriate, contact with children over a disciplinary matter should be followed up and recorded on CPOMS. Children should know who they can approach for help.

Be positive. Avoid “don’t” or phrases like “do it because I say so”. Be prepared to explain and avoid confrontations, loss of temper, or any form of physical or verbal intimidation. Give children a chance. They (we!) all make mistakes, sometimes by accident, without being able to help it, and sometimes deliberately. Children must know that there is a ‘way out’ and a way in which they can redeem themselves. We encourage a culture of forgiveness. When on duty, know what is happening and communicate with the children clearly. Be interested in what they say and do. ‘Be there’ for the children. Be prepared to ask Year 8 ambassadors to help. Give them a greater sense of responsibility and worth. When a child is in need of reprimand or sanction, please involve them in the process. Children should be asked to account for their actions (recognition of fault) and share in discussions about appropriate sanctions or ways forward so that they recognise the need for making amends. In this way they will learn from their mistakes and will not be resentful or feel unjustly treated.

Classroom Management

It is our statutory duty as teachers to discipline and educate pupils whose behaviour is unacceptable, who break the school rules or who fail to follow reasonable instruction. The teacher is responsible for supporting positive behaviour in the classroom. This must be based on a mutual recognition, between teacher and pupils, as to what the expectations are. Good behaviour within the classroom is enhanced by developing good communication and relationships with pupils. Sherborne Prep uses a traffic light visual reward and warning system: ‘Trackit’. It is expected that all teachers use this system as a means to track behaviour in the classroom.

Behaviour Strategies

If unacceptable behaviour occurs, members of staff will:

- Challenge the behaviour
- Explain to the child what they find unacceptable and why
- Explain how they could have behaved differently and model what they could have said or how they could have acted
- Try to find out / understand why the child is acting as they are
- Record as an orange or red trackit in the moment explaining why the pupil has received this and complete any necessary further detail on CPOMS as soon as possible
- If poor behaviour continues, is repeated or is deemed to be serious the teacher can decide which sanction or further intervention is required as per the guidance below

** The same expectations around high standards of behaviour exist in the Boarding House.

Further appropriate intervention or sanctions should follow on from on-going breaches of discipline or serious transgressions. Whilst our behaviour policy is based upon positive reward and mutual respect there are times when sanctions may be appropriate. It is of utmost importance that the teacher attempts to understand the child's behaviour and that proceedings are adjusted within reason for pupils with Special Educational Needs or Disability.

- Any sanction given should help pupils to adjust their behaviour through making positive and correct choices in the future.
- All sanctions must be fair, reasonable, and proportionate and not in breach of any legislation such disability, SEN and race.

Teaching Good Behaviour

Sherborne Prep seeks to provide a safe, secure and supportive environment where students can learn and teachers can teach. There is a direct link between the way that young people learn and their behaviour. It is the job of all staff to help and encourage pupils' understanding of socially acceptable and unacceptable behaviour.

To model this staff will:

- Model exemplary behaviour
- Treat all children and adults with respect
- Speak politely to each other
- Build pupil confidence and self-esteem through positive reinforcement
- Avoid using critical or sarcastic language
- Recognise student effort and achievements on a regular basis and celebrate success
- Keep parents informed about success, efforts and achievements
- Challenge unacceptable behaviour
- Work in partnership with parents through regular contact to help improve behaviour

The Dragon Values provide the framework underpinning our behavioural approach.

The Six Dragon Values

KINDNESS
PERSEVERANCE
AWARENESS
GENEROSITY
HONESTY
INDEPENDENCE



This framework helps:

- pupils make better choices
- keep the focus on learning
- make pupils aware of their place within the School community
- give a sense of fairness to both praise and correction
- pupils take responsibility for their own behaviour and learning
- create a consistent and predictable framework
- adults to share a common theme and common language
- pupils know where they stand
- pupils feel safe
- support our Anti-Bullying Policy

Rights of the school community

All members of the School have the following rights:

- to come to School free from fear of bullying (physical violence, threats, intimidation, name-calling - especially racist and sexist name-calling, ridicule, unkindness)
- to be treated with fairness, courtesy and politeness
- to be listened to and taken seriously
- to operate within a calm atmosphere

Teachers, Classroom Assistants and support staff have the following rights (in relation to pupils):

- to have all reasonable instructions willingly responded to
- to be told the truth (for example, when investigating incidents of unacceptable behaviour)
- to expect that work set will be done and handed in on time

Pupils have the following rights (in relation to teachers):

- to be taught and set work which is appropriate to their ability and as challenging and interesting as possible
- to have regular feedback on their work and to be offered constructive criticism and, where possible, the chance to discuss it

Responsibilities of the school community

All members of the School have the following responsibilities:

- to treat other members of the School with fairness, courtesy and politeness
- to listen to others sympathetically • not to lie or deliberately mislead • to assist in the maintenance of a calm atmosphere • to ensure that no bullying incident is ignored • to assist each other in the maintenance of positive behavioural standards • to be mutually respectful

Teachers (and, where appropriate, Classroom Assistants) have the following responsibilities (in relation to pupils):

- to plan lessons in which pupils are taught and set work which is appropriate for them and is as interesting and challenging as possible
- to provide (as far as possible within the constraints of the budget) appropriate books, equipment and facilities of good quality
- to begin and end lessons punctually
- to manage their lessons so that pupils are not prevented from working by poor organisation, bad behaviour or unnecessary noise
- to mark and assess pupils' work frequently, offering them constructive criticism and, whenever possible, opportunities for discussing it
- to promote the School's behaviour policy at all times, not just in their own lessons
- to ensure that pupils' parents (and other agencies as appropriate) are communicated with as required
- to ensure that the pupils' transition in and out of the school is as effective as possible
- to celebrate positive behaviour
- to never use punitive discipline

Pupils have the following responsibilities (in relation to teachers):

- to arrive at lessons punctually with the right books and equipment, and to leave promptly when asked to do so
- cooperate willingly with instructions from teachers. If they feel this has been unreasonable then later at an appropriate time, they can discuss the matter with the teacher who gave the instruction or with another teacher, or the Deputy Head Pastoral, Deputy Head Academic, Deputy Head Co-Curricular or Head
- to complete the work set and hand it in on time (if a pupil has genuine problems about completing a piece of work, they should discuss this with the teacher as soon as possible.)
- to behave in and around the School in such a way as to maintain the calm atmosphere and to ensure the safety of others. For example, not running or shouting indoors
- to demonstrate respect and to listen
- to take responsibility for their own learning

What we ask of our children:

- To respect other people and their property
- To cooperate willingly with requests from members of staff
- To be well-mannered and helpful at all times
- To work hard and try to do their best
- To not hurt other people, in any way
- To support the school's Anti-Bullying Policy
- To adhere to the e-safety and safe use of technology policy

Early Years Foundation stage and Pre-Prep

Our children are praised for and encouraged with their efforts. Stars, stickers and written comments are added to particularly pleasing or improved work. Outstanding work or achievement may be celebrated in our golden assembly. When work is extremely well-done, children should be encouraged to take the work to show the Head of Pre-Prep.

As well as earning house points through Trackit, the children look forward to Golden Time for upholding our school values - at times children make poor choices and for this they will have minutes removed from their golden time, or from their playtime if a more immediate response is required.

Corporal punishment of any kind is not allowed. If a punishment is required, it should be logical and appropriate to the child concerned and of short duration. Children must be allowed to discuss what occurred.

If a problem has occurred in the classroom, a young child may not be sent out as a punishment to wait unsupervised in the corridor. In the very rare circumstance that removal from the classroom is warranted, the child should be accompanied to another classroom and handed over into the care of the teacher there.

If unacceptable behaviour has occurred outside, the child may be required to sit on a bench, or if more serious to remain supervised inside and miss part of outdoor play. At no point should a child be left unsupervised.

The Head of Pre-Prep should always be told if a child's behaviour continues to be a concern. If that case arises, parents of the child must be informed and asked to meet with the staff to determine the cause and to discuss options.

Reward and Sanction System

A Graduated Response to Behaviour

Staff should use their professional judgement to select the best way to proceed in any situation and may choose to escalate to a higher level of the process below should there be serious or dangerous breaches in discipline. Advice can always be sought at any point in time from Head of Departments, Form Tutors and members of the Senior Leadership team. Effective communication is key to ensuring that all staff and pupils are well supported.

Staff at the school will never use or threaten corporal punishment.

The purpose of this system is to correct and improve behaviour, i.e. it is essentially educational, not punitive in nature. The system should not be used in isolation; indeed, the best means of solving problems should be through all members of staff accepting their responsibility to respond promptly and directly with the pupils themselves. It is important that the process below is not therefore, used as the first mechanism, but the last, i.e. it should not be seen as a way for teachers to pass on management and control problems, they should deal with themselves in the first instance. The system is used to establish the link between the child's action and the reaction that can ensue if the behaviour is not deemed appropriate.

Consistency and Equity

It is crucial that a measure of consistency is achieved in the use of this system. Teachers over-using or under-using the system will make it unfair.

Responsibility

The Senior Team have overall responsibility for the disciplinary system and work with colleagues so that special circumstances regarding any individual child are handled sensitively and in a supportive manner. However, it is the responsibility of every member of staff to uphold the rewards and sanctions protocol in the school. Form teachers will sign diaries and monitor the system carefully to check that the system is being implemented fairly and consistently. If it is not, the Deputy Heads' attention will be drawn to the matter.

Rewards

Housepoints

House points and Green Track-Its are awarded to children in years R-8 who display the Dragon Values or the PSB Values and go above and beyond to be positive and supportive citizens of the school within their lessons and learning and during the school day.

Dragon Values:

- **Kindness**, being thoughtful and caring
- **Perseverance**, showing determination and endeavour
- **Awareness**, having a helpful attitude and good manners; seeing the bigger picture
- **Generosity** and consideration for others
- **Honesty** and commendable behaviour
- **Independence** and commitment

When a child receives each 50 house points/green track-its then they will receive a certificate. As they reach them:

- 50 points – bronze
- 100 points – silver
- 150 points – gold
- 200 points – platinum

When achieved the children start again on zero although an internal log will be kept so any outstanding achievers may, if appropriate receive a special commendation.

In years 6-8 children record their rewards in their prep diaries for form tutors to add to the system when the above amounts are reached.

Form Tutor expectations

To add information to the system when the child reaches a milestone and to communicate this with parents.

Examples of ways to earn House Points for Dragon Values

Kindness - mentioning the achievements of others; offering to let someone borrow something; giving up a chair for the last person to enter; volunteering, being sympathetic, supporting a peer in the classroom.

Perseverance - Working out how to overcome obstacles, standing up for the truth; setting high goals; asking for help; facing troubles with determination and grace without taking shortcuts; dedication to improving work.

Awareness - Showing empathy and kind-heartedness, trying to learn about others; trying to improve something for the benefit of all; supporting others in their learning.

Generosity - Giving without expecting anything back; sharing freely; making things easier for others.

Honesty - Speaking out; accepting the consequences of personal actions; admitting wrongdoing.

Independence – Consistently remembering equipment and kit/being organised; being proactive and be helpful without being asked; going above and beyond in their efforts in their work.

Sanctions

All staff at Sherborne Prep are responsible for supporting the children in upholding the Dragon Values. Teachers should take ownership of behaviour within their classroom and have a consistently high expectation should be set by all teachers based on mutual respect, punctuality and a good work ethic. Children are encouraged to be curious and interested learners. During down time in school children are expected to maintain the school values and any member of staff that witnesses an issue is responsible for initially dealing with the situation. If it is a serious infraction a senior member of the team should be informed as soon as possible to help manage the incident. It is every member of staff's responsibility to log an incident that they have dealt with on CPOMS including the details of the incident and what the staff member did to resolve it.

In some circumstances it may be appropriate for a group of children to have time together to discuss incidents that they may have been involved in. If it is deemed necessary to help support a group of girls then a 'Girls On Board' session may take place and be guided by a member of staff trained in this.

There are 4 steps of escalation that should be followed when there is a behaviour incident.

1. In the first instance of negative behaviour or in attitude the member of staff working with the child will discipline by adding an orange Trackit and may include a reduction of freedom during a break time, although an entire break time would not be removed. If the member of staff is unable to administer the sanction, a member of staff on duty will have the child with them during the break time. Study or lesson time must not be impacted. This will be logged on CPOMS so form teacher and key staff are made aware.
2. If there is a repetition of negative behaviour or a more serious infraction occurs the child will be placed into a detention and may receive a red Trackit. Detentions are held during a lunch break during the week and are overseen by the Deputy Head Pastoral. A log of detentions is kept and if a child receives 3 in a term the child may move on to step 3. If a child has received two detentions the Form Tutor will contact the parents to talk through concerns.
3. For infractions that are deemed of greater severity or if the child has received three formal detentions, a period of isolation will occur. Parents will be contacted by the Deputy Head Pastoral or Academic prior to the isolation.
4. For serious incidents, where a fixed exclusion is appropriate, the Head will contact the parents.

Form Tutors should be in regular contact with parents – it is vital that parents are aware of how their child is behaving in school. There should not be an incident past stage two that is not communicated to the parents. The Form Teacher is the initial port of call and if necessary behavioural concerns will be followed up by one of the Deputy Heads.

Appendix 1: Summary of Changes

- The policy on Excluding Pupils, formerly a standalone policy, has been appended.

Appendix 2: Excluding Pupils

Pupil exclusions rank as one of the most difficult and stressful decisions a school must from time to time take. All schools have the legal right to impose reasonable sanctions if a pupil misbehaves. Physical punishment is illegal; but DCFS guidance advises that sanctions that a school might use include: a reprimand, a letter to parents or guardians, removal from a class or group, loss of privileges, confiscation of a possession that is inappropriate in the classroom, detention, or exclusion. Exclusion, whether temporary or permanent, is a last resort. Permanent exclusion is used only in the most serious circumstances. Independent schools are required to have discipline and exclusions policies that are accessible to parents and pupils (in, for example, the parent handbook). A proper exclusion procedure, operated fairly, will reduce the likelihood of appeals and claims.

The Law

Independent schools operate parallel to, but outside of, the state sector. As such they have responsibility for their own conduct and governance, relatively free from the statutes and government guidance that constrain the state sector. Nevertheless, independent schools do not operate in a legal vacuum and should always bear the following issues in mind when contemplating or effecting a pupil exclusion.

Education Act 2002

The Education Act 2002 restated the registration system for independent schools and made provision for the introduction of standards against which school inspections would be carried out. These include a policy to promote good behaviour amongst pupils and setting out the sanctions to be adopted in the event of pupil misbehaviour. In addition, the standards require schools to handle parental complaints in a particular manner and to have in place a written complaints procedure. These standards, which schools are now expected to meet, will obviously have a bearing on how schools handle serious disciplinary incidents and challenges from parents.

The School-Parent Contract

The school-parent contract underpins the entire relationship between a school, its pupils and their parents and is fundamentally important to the way in which the exclusion process operates.

Bad Behaviour

A non-exhaustive list of the sorts of behaviour that could merit exclusion includes the following:

- Physical assault against pupils or adults
- Verbal abuse/threatening behaviour against pupils or adults
- Child on child abuse
- Bullying
- Racist abuse
- Sexual misconduct
- Drug and alcohol misuse
- Damage to property
- Theft

- Persistent disruptive behaviour
- Parental behaviour
- Smoking/vaping
- Internet/Social Media abuse

Conversely, the sorts of behaviour that should not normally justify an exclusion (at least for a first offence) would include:

- Lateness or truancy
- Poor academic performance
- Breaches of school uniform rules.

The Procedure

The First Steps

When a potential exclusion presents itself, some key considerations are as follows:

What exactly is the allegation?

Clarity at this stage is essential, not least because the pupil must be informed of the case against them. For example, if the allegation is that pupil A stole from pupil B, pupil A should be told all the elements of this (i.e. the identity of the other pupil, what was allegedly stolen, when and where) and asked to explain what happened.

What information is available and what further information is required?

Consider what evidence is already available to support the allegation. Next, consider what additional information is required and how best to obtain it.

Is anyone at risk (i.e. do the police or social services need to be informed?)

This is an important issue that needs to be addressed.

Who should be dealing with this?

Where possible, a different person should conduct each of the following stages:

- interviews with witnesses and general investigation of the allegations,
- the hearing; and
- the appeal.

It will generally make sense for the investigation to be carried out by the relevant form teacher, head of department, one of the Deputy Heads, for the hearing to be conducted by the Head and for any appeal to be held by the governors.

Investigation

Of all the procedural steps, the investigation stage is perhaps the one that schools most often get wrong. Key issues are as follows:

Information Gathering

Before a decision to exclude can be fairly taken, it is essential to establish the facts. If exclusion is being considered, then statements should be taken from all pupils and staff who were involved in or witnessed the incident. All written statements should be attributed, signed and dated by the witness who should first be given the opportunity to read it. The statement should also be countersigned by the person who took the statement and the person who was present when the pupil signed it. The original statement should be kept on file. The information gatherer should not be the same person as the decision taker.

It is good practice for another adult to be present when pupils are being interviewed by the person charged with the investigation. However, this need not be a parent. A neutral adult such as the school secretary or another member of staff is preferable.

When should the parents be informed?

This will always depend on the facts of the particular case. As a general rule, however, it will normally make sense for the parents to be informed after initial investigations have been made but sufficiently in advance of any hearing to allow them time to prepare for that hearing. Clearly, where a pupil has been suspended pending the outcome of a disciplinary process then it will be necessary to inform the parents immediately of this. Similarly, in cases where Social Services or the Police become involved, it will generally be prudent to inform parents as soon as possible, after seeking guidance from the local Safeguarding Team.

Should suspects be kept apart?

Yes, to the extent that this is reasonably possible. The pupil should be told not to discuss the matter with other pupils and, in particular, with the other pupils involved. This is particularly important where the accusation relates to issues such as bullying and physical or verbal abuse.

When is suspension or a fixed exclusion appropriate?

In particularly serious cases it may be appropriate for the pupil to be suspended. Be realistic in assessing how long the suspension needs to be. Any suspension should be as brief as possible. If a relatively lengthy suspension is unavoidable, consider making suitable arrangements to ensure that, so far as practicable, the child is able to continue with his education during this time. This could be work sent home and marked or through Microsoft Teams. Parents should be told immediately of any decision to suspend and this should be followed within one school day by a confirmatory letter. In some instances, an internal suspension is more appropriate, particularly if the child is a full boarder. An internal suspension requires the child to be isolated from peers and lessons for a fixed period of time. The child will be supervised by a member of staff and work will be provided.

The Hearing

Once the information gathering stage has been completed, the next step is to hold the hearing itself. The hearing will generally be heard by the Head and attended by the pupil, parents, a note-taker and any other person required (e.g. witnesses or the member of staff who carried out the investigation). A checklist for conducting the hearing is set out below.

Before the hearing	Comments
Notify the pupil and parents of the hearing	Make sure the letter sets out precisely what allegations have been made. It should also contain all relevant practical details (e.g. the time, date, place and purpose of the hearing and who will be attending).
Circulate the evidence to be relied upon by the school	Provide copies of all evidence to be relied on by the school (including witness statements) and ask for any written submissions from the pupil/parents (including witness statements) to be provided for circulation by a specified (reasonable) date. Make sure all parties have sufficient time to prepare for the hearing.
Circulate any further evidence produced by the pupil/parents	Ideally, all parties should have copies of all evidence to be relied on five working days before the actual hearing. If this is not possible then consider whether a brief postponement is preferable.

At the hearing...	Comments
Explain the purpose of the hearing	The Head should set out how the hearing will be conducted and the role of all those present.
The school presents its case	Generally, this will be done by the person who conducted the investigation. If witness statements have been obtained, then these should be read out loud.
Allow the pupil/parents to ask questions	From a legal perspective, the pupil and parents are entitled to know the precise nature of the alleged facts. From a practical perspective, allowing sufficient questioning will reinforce the impression of fairness.
The pupil/parents present their case	The parents will normally undertake this role, but the pupil should be allowed to comment if appropriate.
The Head asks questions of the pupil/parents	The objective is for the Head to establish all the relevant facts to allow a fair decision to be reached.
Minute the hearing	A designated note-taker should note the names and roles of all people present, all written documents considered, all oral evidence given, and the decision reached, including the reasons stated.
Adjourn	In all but the most straightforward of cases, however, it is good practice to adjourn the hearing before announcing the decision. Failure to do so creates the impression that the outcome was pre-determined. Before adjourning, explain what will happen next and when.

Following the hearing...	Comments
Inform all parties of the decision	This can be done face to face in the first instance but should always be confirmed in writing, preferably within one school day of the hearing. The letter should state the decision in relation to the charge (or each of them), the sanction, when it takes effect, the reasons, to whom the parents may appeal and the deadline within which they must do so.

Prior to the hearing, other considerations are:

Should the pupil be present at the hearing?

As a general rule, yes. Natural justice requires that a pupil is able to hear the case against them and defend themselves. Unless there are strong reasons to the contrary, the pupil should be present and allowed to speak on his/her own behalf if he/she wishes to do so and the parents agree.

Should any other witnesses be present at the hearing?

Particularly where the other witnesses are also pupils it is generally preferable to rely on written statements at the hearing. Sometimes it may be felt that a witness should be present, for example to allow necessary questioning on the content of their statement. If so, the pupil may be asked to appear but should not be compelled to do so and the parents of that pupil must first consent.

Can parents bring legal representatives to the hearing?

This should normally be avoided unless there are compelling reasons for allowing it (e.g. illness, English not parents' first language). You may, however, wish to consider allowing parents to bring a non- legally qualified supporter, making it clear in advance that this person is not able to make representations. If this offer is made, then parents should also be asked to name any such supporter in advance of the hearing.

Should the hearing be recorded?

This is generally unwise. The time taken to produce transcripts, and subsequent arguments over their accuracy, can cause significant and unhelpful delays. A full set of minutes of the meeting should still be taken and retained on file.

The Sanction

Once the hearing has been held the decision-taker (almost certainly the Head) will have a range of sanctions open to them. The fairness of the sanction selected is another area open to legal challenge. Before concluding that exclusion is justified, ask yourself the following questions:

Has the burden of proof been discharged?

The burden of proof required is for all misdemeanours is that on the balance of probabilities (i.e. it is more probable than not) the pupil did what was alleged. Guidance on exclusion from schools and pupil referral units states that the more serious the allegations, the more convincing the evidence substantiating the allegation needs to be.

Is an exclusion fair in all the circumstances?

The decision to exclude is a very serious one with significant potential repercussions. In general, the decision should only be taken in response to a serious breach of the school's behaviour policy, once other options have been exhausted and if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. Once guilt has been established, ask yourself the following:

- Does the offence fall within the school's list of offences which may lead to exclusion? Any such list should state that it is non-exhaustive but an exclusion will be harder to challenge if the offence is contained in a published policy.
- Have pupils been excluded for similar offences in the past? As a general rule it is dangerous to exclude a pupil where previous offenders have been let off with, for example, a suspension.
- Has this pupil committed a serious disciplinary offence in the past? Excluding for a first breach of discipline is far more susceptible to challenge than where a pupil has a proven track record of misbehaviour.
- Have you taken into account any relevant domestic circumstances and whether the pupil was provoked, perhaps as a result of bullying or harassment?
- Are any other pupils involved in the investigation being dealt with in the same way? Again, it is dangerous to scapegoat one pupil in circumstances where others are to be treated more leniently. Check for consistency.

- Are the interests of the pupil outweighed by those of the school community?
Consideration should be given to how much harm will it do to the school and those in it if this pupil is allowed to remain?

If the answer to any internal exclusion or of these questions is "no", consider whether a less draconian sanction is more appropriate. Suspension (perhaps accompanied by a final warning) are the logical and less severe alternatives. If the Head feels able to then they could consider agreeing to a managed move of the pupil to another school, provided such an alternative can be readily identified. Another option may be to allow the parents an opportunity to withdraw the pupil rather than having an exclusion imposed. Both these options should be used with care and are generally to be avoided where there is no confidence in the quality of the relationship between the school and parents going forward.

The Appeal

Fundamental to the fairness of any exclusion process is the right to appeal. An appeal should usually be heard by at least two of the governors and one person who is independent of the running of the School. A key point is that the appeal is not heard by the original decision taker and to this end, no governor who has been directly involved in the matter at hand should hear the appeal. The risk of lost schooling is a key concern that makes time of the essence. The objective must therefore be to hold any appeal within five working days. The appeal panel should not receive or consider fresh evidence that relates to issues not considered when the decision to exclude was taken. Equally, it should not overturn a decision to exclude purely on the basis of there having been a technical defect in the procedure followed - unless that defect was so substantial that justice was not done. It should be made clear from the outset that the appeal decision is final.

Procedure

The procedure for an appeal hearing is broadly the same as for the original hearing. The principal differences are that the appeal will generally be heard by the panel and the head will generally present the case for the school, taking everyone through the charges and supporting evidence then submitting why in their view the decision to exclude was justified. The parents then present the "case for the defence" (i.e. why their child is not guilty and/or why the sanction is disproportionate). The same principles as before, such as advance notification, the opportunity for questioning, preparation of minutes and so on should be followed.

New evidence

Both the school and the parents are free to introduce any relevant new evidence that has subsequently come to light and that relates to the issues considered when the original decision was taken. As with the first hearing, however, it is important to ensure that any such evidence is distributed to the relevant parties in advance of the appeal and in sufficient time to allow everyone to prepare.

Appeal or Re-hearing

Inevitably there are some occasions where, often unintentionally, the investigatory process or first hearing was so flawed that it is difficult, if not impossible, for these flaws to be corrected by an appeal. In that situation, careful thought should be given to offering an appeal by way of re-hearing instead.

The Aftermath

The consequences of a decision to exclude can be far-reaching, both in terms of the immediate issue of placing the pupil in another school but also in light of the perceived blemish to a pupil's good character. The potential for emotional and psychological side-effects should obviously be

borne in mind and can be mitigated not only by the human way in which the process is managed, but also by the school's care for the pupil both during and after the process.

References

As in the employment context there is no absolute obligation on schools to provide references for their pupils and, where an exclusion is involved, even greater care is required. In giving references schools will owe legal duties both to the pupil and also the recipient. Any reference must therefore be fair, accurate and not misleading.

Fees

The starting point is once again the school-parent contract. Check the provisions to establish what the school is entitled to retain or recover. If so, decide whether you actually wish to enforce that provision. It is not uncommon for a threat of legal action for an unfair exclusion to be motivated by a desire to escape liability for fees, and a without prejudice offer to waive amounts owed can make all the difference between a protracted legal dispute and a relatively swift and amicable resolution.