

Behaviour and exclusions from school during COVID-19

This guidance attempts to summarise some of the information provided by the Department for Education (DfE) on the topic of behaviour and exclusions, during the Covid-19 pandemic, including some additions to the Exclusions Regulations published on the 29th May 2020. We have also included a suggested annex to your setting or school Behaviour Policy.

It is possible that some children and young people will return to school with increased anxiety or may present with behaviours that challenge the safety of the environment. The Local Authority continue to offer telephone and video support to settings and schools at this time, should you wish to discuss the needs of an individual child/ young person or you wish to request training or support for your staff. We strongly recommend that schools and settings seek advice, multi-agency support and carry out a risk assessment for children and young people, before considering exclusion as a sanction.

Behaviour and exclusions is mentioned in several pieces of guidance provided by the DfE since March 2020. For example, in the "Planning Guide for Primary Schools" (updated 25th May 2020), the DfE shares the following principles and areas to be considered as additions to a setting's or school's behaviour policy, in the form of a helpful reference list:

Behaviour Principles

In light of the need for children to behave differently when they return to school, and any new systems you have put in place to support that, you'll need to make changes to your behaviour policy. Behaviour policy changes will also need to be communicated to pupils, parents and staff.

Areas schools may wish to add to their behaviour policy are:

- *following any altered routines for arrival or departure*
- *following school instructions on hygiene, such as handwashing and sanitising*
- *following instructions on who pupils can socialise with at school*
- *moving around the school as per specific instructions (for example, one-way systems, out of bounds areas, queuing)*
- *expectations about sneezing, coughing, tissues and disposal ('catch it, bin it, kill it') and avoiding touching your mouth, nose and eyes with hands*
- *tell an adult if you are experiencing symptoms of coronavirus*
- *rules about sharing any equipment or other items including drinking bottles*
- *amended expectations about breaks or play times, including where children may or may not play*
- *use of toilets*
- *clear rules about coughing or spitting at or towards any other person*
- *clear rules for pupils at home about conduct in relation to remote education*
- *rewards and sanction system where appropriate*

Identify any reasonable adjustments that need to be made for students with more challenging behaviour.

The DfE guidance [found here](#) (last updated on 18th May 2020) addresses matters relating specifically to the exclusion of pupils:

19.1 Will pupils be punished if they deliberately disobey rules on protective measures?

It is important for schools to be calm and disciplined environments, where everyone follows the rules. Before they reopen, schools should update their behaviour policy to reflect the new protective measures and new rules and routines. It should also include appropriate consequences (such as sanctions and rewards), so that staff can ensure pupils understand them and can enforce them rigorously. The disciplinary powers that schools currently have, including exclusion, remain in place. Schools will be aware that the current circumstances can affect the mental health of pupils and their parents in a way that affects behaviour. Our guidance on mental health and behaviour in schools sets out how mental health issues can bring about changes in a young person's behaviour or emotional state and how this can be reflected within the approach to behaviour set out in Creating a Culture.

19.2 How can schools make reasonable adjustments when they devise and implement new rules?

Some children will return to school having been exposed to a range of adversity including bereavement and long term anxiety. This may lead to an increase in social, emotional and mental health (SEMH) concerns. Additionally, where children have special educational needs and disabilities (SEND), their provision may have been disrupted during partial school closure and there may be an impact on their behaviour. Some children will need additional support and access to services such as Educational Psychologists, social workers, and counsellors. For children and young people with SEND, it will be especially important to teach new norms and routines around protective measures and personal hygiene clearly and accessibly.

19.3 Can head teachers exclude pupils?

Head teachers retain the power to exclude pupils on disciplinary grounds. Any decision to exclude should be lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate. Permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches of the school's behaviour policy, and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

We expect schools who have permanently excluded a pupil to work with parents or carers and the local authority to arrange a place at an alternative educational setting as soon as possible so as to minimise any further breaks in education provision. Where the child in question is vulnerable, the school should notify the local authority/social worker immediately and should work with the local authority to ensure that the child is found a place in another educational setting quickly. During any gap in provision, education providers, social workers, local authorities and other professionals will need to work together to ensure adequate and appropriate arrangements are in place to keep in touch with vulnerable children and young people.

19.4 What is the effect of coronavirus on governing boards' duties to consider reinstatement of excluded pupils, and the process for independent review panels (IRPs)?

The timeframes set out in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 remain in force. This applies to all exclusions, including those that were issued before 23 March.

The government appreciates that it may not be possible to meet the timeframes set out in regulations for review meetings and IRPs, due to the disruption caused by the coronavirus outbreak and the health risks of holding meetings. The Regulations themselves envisage that the timeframes may not always be met, which is why they specify that meetings and panel hearings must still go ahead even if the relevant deadline has been missed. It is for the governing board or arranging authority to assess the facts of the case and decide whether the statutory deadlines are achievable or whether, in the circumstances, the meeting has to be delayed. Governing boards and arranging authorities should continue to take reasonable steps to ensure meetings are arranged for a time when all parties are able to attend.

Summary of new statutory guidance on changes to schools exclusions during Covid19 outbreak

DfE has published statutory guidance and new regulations on changes to school exclusions during the COVID-19 outbreak. They apply to all maintained schools, academies, including alternative provision academies but excluding 16 to 19 academies, and pupil referral units. The arrangements came into force on 1st June 2020 and will apply to all exclusions occurring from then until 24 September 2020 (inclusive of those dates). The arrangements also apply to:

- Permanent and fixed term exclusions occurring before 1st June which have not yet been considered by the governing board or trust board;
- Permanent exclusions occurring before 1st June which have been considered by the governing board or trust board, if they have chosen not to reinstate the pupil and the time limit to apply for a review of this decision has not passed; and
- Permanent exclusions occurring before 1st June where a parent (or pupil aged 18) has requested a review of a governing board's decision, but this has not yet happened.

The guidance covers remote access meetings, timescales, different types of exclusion and timescales for independent reviews.

Although timescales have been increased in some of the processes, best practice for schools would be to hold meetings as quickly as possible, to prevent unnecessary delay for the child/young person and their family.

Cambridgeshire and Peterborough Risk Assessment Guidance

If you feel that you are currently unable to offer a place or you need to withdraw a place due to a child or young person's presenting behaviours, we strongly recommend that you undertake a risk assessment, to evidence and record your decision and look at what reasonable endeavours you can offer to the child and family in order to support the reintegration of the child. It is also vital that you review and work in partnership with multiagency colleagues to mitigate against any repeating behaviours, including those that could be rooted in anxiety.

The Government released an update on 26th March 2020 on their previous guidance around Risk Assessments for children with Special Educational Needs and Disabilities: Supporting children and young people with SEND as schools and colleges prepare for wider opening . To support settings and schools with this document we have produced a summary which can be found here.

We have worked in partnership with colleagues across education, social care and health services to create a risk assessment tool that can facilitate a process that ensures that all the children and young people who should be in school will be identified and offered a place wherever it is safe to do so and is clearly in the best interests of the individual child and young person.

We have developed a protocol to allow schools and professionals to understand both the legislation and our approach – this can be found here. This common risk assessment framework is not intended to replace any existing risk assessments that have already been agreed; in fact the guidance is quite clear and stipulates that existing risk assessments remain in play. However, consideration in regard to the need to review any existing risk assessment, in the light of the new guidance should be undertaken and the new risk assessment framework should be used to support any review process. The risk assessment template can be found here.

Behaviour Policy

You may wish to add an annex to your Relationship or Behaviour Policy which reflects your approach during the COVID-19 pandemic. An example is shared below, which you may wish to adopt or amend. Alternatively, you may prefer to design your own annex.

Example Annex to Behaviour Policy

From March 2020, the global Covid-19 pandemic has led to a change in how we define some of our children's behaviours in school and our assessment as to whether these could challenge the safety of the environment, particularly where a child or young person's behaviours could cause an increased risk to their own health or the health of others. Examples of this might include (but are not limited to):

- spitting
- repeated disregard of social distancing rules
- not staying in their class bubble

We will work together with the child and their parents/carers to carry out a risk assessment which will explore whether the child can manage in the school environment, under current circumstances. In exceptional circumstances, the outcomes of the risk assessment may mean we are unable to offer a place in school, at this time. If the child is unable to manage within the safety rules to minimize Covid-19 risk, then the offer of a return to school may be removed

until a new plan and phased return can be implemented that ensures the current guidance can be adhered to. In all cases, the child's Risk Assessment and plan will be regularly reviewed and the school will work with the family to ensure the child is provided with support and access to remote learning in other ways, through reasonable endeavours.

