



Consultation on Revised Behaviour in Schools Guidance and Suspension and Permanent Exclusion Guidance: Response from the British Psychological Society

This paper sets out the British Psychological Society's (BPS) submission to the Department for Education's consultation on Revised Behaviour in Schools Guidance and Suspension and Permanent Exclusion Guidance. The BPS is the representative body for psychology and psychologists in the UK, and is responsible for the promotion of excellence and ethical practice in the science, education, and application of the discipline.

As a society we support and enhance the development and application of psychology for the greater public good, setting high standards for research, education, training and knowledge, and disseminating our knowledge to increase public awareness.

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| Section 1: Creating and maintaining high standards of behaviour | |
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| 1. | Paragraphs 7–8 outline what should be included in a school behaviour policy, for example information on purpose, leadership & management, school systems and pupil support. Do you agree with this approach? If not, please explain why. |
| Response: | <p>BPS disagrees with this approach and would like to recommend the following changes, the case for which will be evidenced throughout the course of this submission:</p> <ul style="list-style-type: none"> • A school policy should contain a relational approach to behaviour management that promotes self-control and self-motivation through connection rather than compliance. • School systems and social norms should be based on the principle of moving forward with positive feedback, and restorative practice, and not on sanctions and rewards. • There must be information provided on how schools’ systems can be responsive to individual needs, including their family and community within the overall culture and ethos of the school. • There should be provision written into the policy for staff wellbeing initiatives and staff development through training in relational approaches to behaviour management. |
| 2. | We propose a new national minimum expectation of behaviour in paragraph 12 which gives schools the ability to set a benchmark for behavioural standards. This sets out high standards of expectations from schools - for example, pupil behaviour not routinely disrupting teaching, routines, and leaders visibly and consistently supporting all staff to implement the school behaviour policy etc. Do you agree with this approach? |
| Response: | <p>BPS disagrees with this approach because it leads to excessive exclusions and fails to address the cause of the behavioural issues.</p> <p>Persistent disruptive behaviour is the most common cause of exclusion from school. The increase in school exclusion reported by DfE every year from 2012 – 2017 suggests that current practice is not addressing this issue effectively.</p> <p>We believe there is an assumption in this guidance that the definition of clear minimum standards and a ‘zero-tolerance’ approach to maintaining them will improve behaviour and support learning. This assumption is not consistent with the proven psychological realities of behaviour (Way, 2011; Gerlinger, 2021).</p> <p>Firstly, there is evidence which suggests that students who receive the most sanctions at school are those who respond most negatively to them, i.e. sanctions exacerbate rather than change behaviour. Mansifeld (2007) notes that “<i>because these students interpreted</i></p> |



sanctions in a threatening manner their maladaptive responses might have prompted demonstration of more inappropriate behaviour and/or a desire to not conform to the school's uniform code...in this instance receipt of sanctions may have contributed to a negative cycle of sanction and non-conformity".

Secondly, there is a tendency for schools to define minimum standards with ever increasing specificity (for example at what point in lessons children are permitted to pick up a pen and issuing sanctions if this standard is not met, or – with implications for traditionally marginalised/criminalised racial and ethnic groups – strict and detailed ‘standards’ about hair styles). In practice students report “that sanctions were mostly given for trivial matters, whereas rewards were ambiguous, rare and difficult to obtain” (Mansfield, 2007). In many cases this becomes an exercise in control and compliance and leads to a sanction-driven approach to low-level disruption, which is least effective in terms of managing low-level behaviour and supporting learning (Hattie & Timperley, 2007; Swinson, 2010; Payne, 2015; Nie & Lau, 2009).

Thirdly, as Payne (2015) notes, there is “*opportunity for biased and inconsistent use of rewards and sanctions resulting from the absence of a distinction between incentives and punishments and again between pupils’ task-based work and their social behaviour.*”

BPS believes that it is important that the ‘setting of minimum standards’ does not result in a ‘tariff list’ of behaviours and sanctions but is an expression of the school’s values as a community and the culture created, modelled and maintained by the whole school staff (Whitaker, 2021). The staff themselves should model the ‘minimum standards’ through a combination of relationships and structure, and work with families to promote the culture and ethos of the school (Nie & Lau, 2009; Swinson, 2010; Payne, 2015; Omer, 2021).

As Whitaker (2021) argues: most children are aware of expected behaviour. What is more relevant is to have clear and robust processes in place to explore the question of why an individual pupil is struggling in their school environment. These processes should cover:

- Any issues relating to SEND, including SEMH (often overlooked by schools addressing ‘behaviour’ as yet unidentified or inadequately addressed)
- The quality of the child’s relationships with adults in school and their sense of belonging within a school community.
- The ways in which the school is working in partnership with home and working collaboratively with other professionals to understand the presenting behaviour (Paget, 2018)

We believe that there is an assumption throughout this guidance that once children know what the behaviour standards are and the



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| | <p>rewards or consequences then they have the skills and capacity to decide whether to meet them or not. This is not true. The entire document overlooks the role of emotions and how they contribute to behaviour (emotions are mentioned only once in an example).</p> <p>The concept of minimum standards therefore needs a rethink informed by research evidence and theories of learning rather than rewards and sanctions and implemented in this light.</p> |
| 3. | <p><i>Paragraphs 13-15 outline how schools should adopt a whole school approach to behaviour so it can be consistently and fairly implemented across the whole school, with all staff adhering to the same expectations. Do you agree with this approach? If not, please explain why.</i></p> |
| Response: | <p>BPS disagrees with this approach because a whole school approach must define culture and practice more broadly.</p> <p>The benefits of this have been demonstrated in Scotland, where there has been a whole school ethos and culture adopted, based on Relationships, Learning and Behaviour, developed collaboratively by the Scottish Government (Scottish Government, 2013) with support from Educational Psychologists and with regard to children's rights. The approach draws on restorative practice, solution orientated approaches, nurturing interventions, using support staff to build positive relationships, and mentors in violence prevention. Glasgow Educational Psychology Service has also developed an Implementation Tool for Restorative Approaches. All EPs in Glasgow are trained to use this in their work with schools (Thorsborne & Blood 2013). The effectiveness of Scotland's approach is demonstrated by a cross-national study of school exclusion in the four jurisdictions of the UK which found that permanent exclusion in Scotland was at an all-time low of just five cases in 2014/2015, which is a stark contrast to England where exclusions have increased substantially since 2012 (McCluskey et al, 2019).</p> <p>In addition, we note that schools that have adopted restorative practice as a whole school policy, effective engagement with parents, and robust processes to assess and address need report significantly lower rates of both suspension and exclusion. Spen Valley High School in Kirklees, for example, replaced Fixed Term Exclusions higher than the national average and low attendance with an 80% reduction in FTE, a 75% reduction in removal from lessons and a measurable improvement in the quality of teaching. Since adopting Restorative Practice as a whole-school approach, Carr Valley High School has not issued a single Permanent Exclusion; issued a total of eight Fixed Term Exclusions in four years, and closed its Isolation Room in 2018 due to a lack of demand (Finnis, 2021).</p> |



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| | A whole school approach should therefore be equitable in the way policy is applied in relation to an individual's evolving capacities, and be concerned with culture and ethos rather than blanket compliance. |
| 4. | <i>Paragraphs 33-37 set out the approach to behaviour expectations for pupils with SEND so that everyone can feel they belong in the school community and expectations are not lowered for any pupils. Do you agree with this approach? If not, please explain why.</i> |
| Response: | <p>Educational settings need to comply with the legislation outlined in Paragraph 36 as well as other guidance including that set out by the Equality and Human Rights Commission Reasonable Adjustments for Disabled Pupils: Guidance for Schools</p> <p>BPS believes that it is important that educational settings begin with a holistic understanding of a pupil's SEND needs reasonable adjustments to the school's behaviour support policy should be made to meet the pupil's need. The examples of preventative measures outlined in Section 37 could be expanded to include adjustments in terms of uniform, methods of teaching and learning, and access to pastoral support.</p> <p>It is clear from the evidence that sanctions such as exclusions disproportionately impact on pupils with SEND and marginalised pupils including Black boys. Permanent exclusions and suspensions in England, Academic Year 2019/20 – Explore education statistics – GOV.UK (explore-education-statistics.service.gov.uk)</p> |
| 5. | <i>We outline in paragraphs 31-32 the crucial role of parents in helping schools develop and maintain good behaviour. We suggest that parents should be encouraged to know the school behaviour policy and take part in the life of the school. There is also an expectation that schools should build and maintain positive relationships with parents. Do you agree with this approach? If not, please explain why.</i> |
| Response: | <p>Essentially, we do agree with this approach, but would like to note some specifics to inform how this is implemented:</p> <ul style="list-style-type: none"> • Feedback from pupils indicates that parents being given both positive and negative feedback were the most effective in terms of, respectively, encouraging learning and positive behaviour and discouraging poor behaviour (Swinson, 2010) • Parents being informed about their children's' behaviour and performance encourages both working harder and behaving better (Payne, 2015) |
| 6. | <i>We are aware that schools often gather feedback from pupils to hear their views on the school's behaviour policy and wider culture. What is the best way to capture pupil voice and what is the impact on the behaviour standards?</i> |
| Response: | BPS argues that this requirement should go well beyond 'gathering feedback' or capturing pupil voice. Children should be actively involved in the development and ongoing ownership and monitoring of behaviour policy in their schools. Whitaker (2021), Payne (2015) |



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| | <p>and Swinson, (2010) all present compelling evidence in terms of improved behaviour and a clear theoretical rationale of involving children actively in this process.</p> <p>We would encourage the DfE to consult extensively with children and young people to contribute towards the development of this guidance.</p> |
| 7. | <p><i>What would be the workload implications for schools and in particular teachers in developing and implementing a behaviour policy as outlined in section one of the guidance?</i></p> |
| Response: | <p>BPS believes that as well as considering the impact on workload for teachers, we need to consider the impact on their wellbeing. Staff wellbeing is central: Relational behaviour management requires teachers whose wellbeing and mental health enables them to create and sustain supportive relationships with their pupils:</p> <ul style="list-style-type: none"> • Burnout in teachers inflates perceptions of antisocial and oppositional behaviours (Kokkinos et al., 2005) • The use of predominantly reactive management strategies has a significant relationship with elevated teacher stress and decreased student on-task behaviour (Clunies-Ross; Little; & Kienhuis, 2008). We note that this guidance places a heavy emphasis on reactive management strategies and therefore risks undermining teacher wellbeing through school policy • Teachers reporting high levels of stress and low coping have higher levels of disruptive behaviour (Herman, Hickman-Rosa & Reinke, 2018) • Teachers with positive relationships with pupils report 31% fewer discipline related problems (Marzano, 2003) • Poor teacher wellbeing and mental health affects pupil wellbeing and distress and appears to decrease teachers' ability to engage in positive classroom and behaviour management (Harding et al, 2019) |
| <p>Section two – after incidents of misbehaviour</p> | |
| 8. | <p><i>The guidance offers advice on de-escalation techniques to help prevent further behaviour issues arising and recurring, for instance schools may use pre-agreed scripts and phrases to help calmly restore order. What other de-escalation techniques could be used by schools?</i></p> |
| Response: | <p>BPS believes that pre-agreed scripts and phrases are used often as a poor replacement for genuine, effective relationship-based, restorative practice. They should only be used where schools have already embedded training in relational approaches, restorative practice and mediation training.</p> <p>BPS believes that the guidance for responses to misbehaviour in paragraphs 38 and 40 are inconsistent with the guidance in paragraph 41:</p> |



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| | <p>38. <i>“It is important that staff across a school respond in a consistent manner so pupils know with certainty that misbehaviour will always be addressed, and that context will be taken into account.”</i></p> <p>40. <i>“Inconsistency teaches pupils that boundaries are flexible which can encourage further misbehaviour.”</i></p> <p>41. <i>“Where appropriate, staff should take account of any contributing factors that are identified after an incident of misbehaviour has occurred”</i></p> <p>Staff cannot respond consistently to every incident whilst also taking account of contributing factors for individual children. We should not expect the same level of regulation skills across all children just as we do not expect the same standard of academic work for all children. We see here again the focus on external methods to control and promote expected standards of behaviour rather than recognition that we need to support children and young people so that they can develop internal mechanisms to manage their behaviour, make positive choices and develop a sense of autonomy.</p> |
| 9. | <p><i>Paragraphs 77-78 outline the support that schools may want to provide to pupils following behaviour incidents or a pattern of incidents. This includes engagement with the pupil or parents or inquiries into circumstances at home, conducted by the Designated Safeguarding Lead or a deputy. What other pastoral support should schools consider when trying to support students following behaviour incidents?</i></p> |
| Response: | <p>We believe that the guidance should be altered to embed the relational approach to behaviour and suggest rephrasing paragraphs 77-78 as follows:</p> <p>77 – should be re-phrased to include ‘following a sanction, relational strategies should be considered to help the child to understand theirs and other’s behaviours and responses. This could include:</p> <ul style="list-style-type: none">• Targeted restorative discussion• Inquiries regarding the child’s emotional wellbeing• Consideration as to whether the child needs adult support <p>78 All staff should be trained in relational approaches and how to put in place strategies to ensure the child feels listened to, safe and supported to engage in their learning</p> |
| 10. | <p><i>As set out in paragraph 79, removal (sometimes known as isolation) is now defined as “where a pupil, for disciplinary reasons, is required to spend a limited time out of the classroom, at the instruction a member of staff”. The guidance says: “The use of removal should allow for continuation of the pupil’s education in a supervised setting”. Do you agree with this definition and guidance? If not, please explain why.</i></p> |



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| Response: | <p>The BPS is opposed to the use of isolation for a number of reasons. Isolation as a form of internal exclusion is inconsistent with the UNCRC (Tillson & Oxley, 2021). There are no limits on the number of days children can spend in isolation which in practice often leads to extended periods of time away from access to qualified teaching and peers, and with no clear rationale for the use of such an 'intervention'. We note that in the Youth Justice system children are not allowed to spend more than three hours in isolation. We question why there are no limits at all on such a practice in schools.</p> <p>In psychological terms “extrinsic controls [compliance driven sanctions such as isolation] may negatively influence students’ sense of belonging and school affect (L. H. Anderman & Anderman, 2003; L. H. Anderman & Freeman, 2004; Roeser, Midgley, & Urdan, 1996, cited in Mansfield, 2007). “Belonging is an essential aspect of psychological functioning. Schools offer unique opportunities to improve belonging for school-aged children” (Allen, Kern, VellaBrodrick, Hattie, & Waters, 2018). Sense of belonging could be defined as the feeling that a person is connected to and matters to others in an organisation. There is a body of research (Cornwall, 2015; Dyson, 2018; EEF, 2019; Riley, Coates & Allen, 2020) which suggests that a sense of belonging and feeling safe has been linked with a number of positive outcomes for children and young people including; increased student motivation, increased staff well-being, motivation and retention, reductions in student absenteeism, positive social outcomes (e.g. health and well-being), improved academic achievement and a sense of empowerment (a belief that children can make a difference).</p> <p>On the other hand, young people feeling that they don’t belong in school is linked with higher level of exclusion. For example, children from disadvantaged communities are twice as likely as their more advantaged peers to feel they don’t belong and four times more likely to be excluded (Riley, Coates & Allen, 2020). Literature has identified various factors that influence school belonging including academic motivation, emotional stability, personal characteristics, parent support, peer support, teacher support, gender, race and ethnicity, extracurricular activities and environmental/school safety (Allen et al., 2018). However, teacher support and positive personal characteristics were the strongest predictors of school belonging.</p> <p>As noted above there are clear ethical and moral reasons to end the practice of isolation. In addition there is no research evidence of which we are aware to suggest that it is an effective practice and a growing body of evidence to suggest that it exacerbates rather than ameliorates the difficulties of children more likely to be placed in isolation.</p> |
| 11. | <p><i>As set out in paragraph 82, removal should be distinguished from the use of separation spaces (sometimes known as sensory or nurture rooms) for nondisciplinary reasons. These</i></p> |



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| | generally involve focused, in-school, teacher-led interventions for small groups of pupils with identified SEN or other needs: for instance, where a pupil is taken out of the classroom to regulate their emotions because of identified sensory overload. Do you agree with this approach? If not, please explain why. |
| Response: | BPS believes that separation spaces can be appropriate for a student's own emotional wellbeing and safety. However, any time out should be agreed with the child and followed to ensure clarity and engagement with any response from school staff to behaviour that changes. |
| 12. | In paragraph 81, we outline that removal should only be used as a last resort to: <ul style="list-style-type: none"> a. restore order and calm following an unreasonably high level of disruption b. enable disruptive pupils to be taken to a place where education can be continued in a managed environment. Do you agree with these reasons? If not, please explain why. |
| Response: | |
| 13. | Paragraph 83 outlines the ways in which headteachers should govern the use of removal: maintain overall strategic oversight of the school's arrangements for any removals, as set out in the school's behaviour policy; make sure the reasons that may lead to pupils being removed are transparent and known to all staff and pupils; outline in the behaviour policy the principles governing the length of time that it is appropriate for a pupil to be in removal; ensure that the removal location is in an appropriate area of the school, that the room is stocked with appropriate resources, and is a suitable place to learn, and is staffed by suitably trained members of staff; design a clear process for the re-integration of any pupil in removal into the classroom when appropriate and safe to do so. Do you agree with these proposals? |
| Response: | BPS would suggest the following: 83 a removal should be a very last resort and involve parents/carers |
| 14. | Paragraphs 84-85 outline that schools should monitor who is removed from classrooms and frequently review this data to identify any patterns relating to any individual pupil and pupils with protected characteristics. Do you agree with this approach? If not, please explain why. |
| Response: | BPS agrees with this approach. The application of behavioural policies can be subjective and involve biases. Monitoring may help to mitigate against ongoing discriminatory practices. We believes there is a need for rigorous scrutiny of the impact of policies/practices on children with protected characteristics, including children with SEND and those from minority backgrounds. |
| 15. | Paragraph 86 outlines the specific actions schools should take when dealing with individual removal cases. Both include clear reference to pupils with SEND and their specific needs. Do you |



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| | think the updated advice provides helpful guidance to schools on the decision-making process over using removal where necessary for pupils with SEND? If not, please explain why. |
| Response: | <p>BPS does not believe it provides comprehensive helpful guidance on decision-making process over using removal for pupils with SEND as it does not include an assessment of a child’s emotional wellbeing.</p> <p>All staff should be trained and experienced in supporting and understanding behaviour as a communication of need and be able to respond to any emotional wellbeing factors. This guidance should also advise staff to explore and put in place support that may be need to avoid future dysregulation rather than centering their response on disruptive behaviour.</p> |
| Section three – preventing recurrence of misbehaviour | |
| 16. | <i>Paragraphs 96-100 outline how schools should adopt a range of initial intervention strategies to help pupils manage their behaviour and help to reduce the likelihood of suspension and permanent exclusion. We list a range of interventions including providing mentors, in-school units and engagement with parents. What other types of early intervention work well to address behaviour issues?</i> |
| Response: | <p>To prevent recurrences, early intervention must give consideration to both the proximal (immediate) and distal (broader underlying) causes of behaviour. Paget et al (2018) notes “<i>Exclusion from school [is] associated with child, family and school-related factors identifiable at, or prior to, primary school age.... Children who are excluded warrant a holistic assessment that goes beyond their educational needs.... Difficulties experienced by children who are excluded in relation to their mental health, behaviour, social communication and learning may be identifiable early on at primary school or even prior to school entry – providing opportunities for intervention</i>”.</p> <p>Early intervention needs to begin with early identification and support for children and young people, families and carers during pregnancy, following through early childhood into pre-school and then school.</p> <p>Young people need to be supported through a relational approach that allows them to work closely with key adults in school; consideration needs to be given to whether disciplinary responses serve to strengthen identity and sense of belonging to their school community, or to whether they weaken it. Disciplinary responses need to take account of causes of behaviour, and offer a graduated approach within which pastoral care and support plays a primary role: preventing a recurrence is likely to prove more successful if the cause of the occurrence is understood, and the support needed by that young person put in place.</p> |



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| | <p>Consideration of the reasons behind the behaviour must be at the forefront of any intervention strategies: Why is the child behaving like this, and what can be done to meet any unmet needs resulting in this behaviour? Additionally:</p> <ul style="list-style-type: none">• Collaborative approaches that ensure there is a role for the teacher and student in changing the behaviour.• Ensuring that all SEND needs are met – e.g. differentiating and providing appropriate work.• Promoting well-being and putting in interventions that encourage this rather than that focus on negative consequences.• A child may require time outside of the classroom to regulate (when distressed) but this should be supported with strategies and psychoeducation around this rather than an expectation that they will ‘know’ how to manage how they are feeling.• Interventions that promote building the relationship with the teacher.• Strategies that support a sense of belonging within the school and class.• Strategies that are developmentally appropriate and consider changing priorities for teenagers in line with brain development (e.g. the increasing importance of peers). |
| 17. | <p><i>Paragraph 101 outlines our definition of an in-school behaviour unit as “planned interventions that take place in small groups outside of normal lessons. The approach taken in such a unit should be aligned to the culture of the whole school and delivered in line with the school’s behaviour policy”. Do you agree with this definition? If not, please explain why.</i></p> |
| Response: | <p>We agree with the principle of needing ‘planned interventions that take place in small groups outside of normal lessons’ as these may be needed for young people who require additional support to make progress (in all areas of development). However, we disagree with these being labelled as ‘in-school behaviour units’ as it establishes a sense of shame around the need for these interventions as the young person will feel they need these because they cannot ‘behave’. In the long-term creating this kind of shame is likely to create further challenging behaviour. Some children may need planned intervention to support their inclusion in school and these should focus on building skills to help them cope effectively in the classroom rather than to punish (or be used as a form of exclusion from others).</p> |
| 18. | <p><i>Paragraph 105 outlines factors and processes schools should consider when developing an in-school behaviour unit which includes the following:</i></p> <ul style="list-style-type: none">• <i>Referring pupils based on their needs, including sharing information on previous behaviour incidents with multi-agency partners if appropriate and consulting with parents on the in-school behaviour unit placement. 13</i> |



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| | <ul style="list-style-type: none"> • Delivering a broad and balanced curriculum offer that aligns to the curriculum in mainstream lessons and supports reintegration. • Maintaining a visible presence from school leaders to make in-school behaviour units an integral part of the school with wider school staff. <p>Do you agree with this governance approach? If not, please explain why.</p> |
| Response: | <p>BPS disagrees with this governance approach. Whilst it is acknowledged that some pupils may need extra support based on their needs the environment established in ‘in-school behaviour units’ is often not conducive to supporting those needs. Therefore, additional factors that should be considered:</p> <ul style="list-style-type: none"> • Ensures that any child is still having access to a trained teacher at all times (in line with the UNCRC). • Placing restoration at the heart of any time spent outside of class (and rebuilding relationships) rather than exclusion and segregation. Ensuring the environment does not use exclusion and disconnection from peers as a main feature of the unit (e.g. no talking). • Monitoring referrals to the unit and taking steps to involve an Educational Psychologist if time in the unit is not decreasing over time. |
| 19. | <p>Paragraph 108 also outlines how schools should re-integrate pupils back to mainstream lessons, including holding meetings and considering what support pupils may need to help them return to mainstream education. In what additional ways should pupils be re-integrated back into mainstream lessons?</p> |
| Response: | <p>Reintegration meetings should have ‘restorative practice’ at their core. Seeking to rebuild relationships and hearing the views of the young person should be core at this stage E.g. what do they think is a realistic expectation, what do they feel they need to achieve this? Any meetings should ensure a positive, hopeful focus. Where offenders feel that the community wants them to be reintegrated, they are most likely to be motivated and have control over their behaviour and are less likely to reoffend (Braithwait, 1989). A balanced meeting should equally focus on increasing a CYP self-worth (which is likely to be significantly impacted following an exclusion and may lead to further incidences) (Blakester, 2006)</p> <p>We note the difference between Restorative Practice, which is proactive and informs all school policy, and Restorative Justice, which is often reactive and, when badly done, becomes an exercise in blame, shame and humiliation which increases rather than decreases the likelihood of further incidents (Finnis, 2021). Our preference is for whole-school restorative practice.</p> |
| <p>Section four – responding to specific behavioural incidents</p> | |
| 20. | <p>Paragraph 113 outlines how schools should be clear in every aspect of their culture that sexual violence and sexual harassment are never acceptable and will not be tolerated. It is</p> |



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| | <i>especially important not to pass off any sexual violence or sexual harassment as ‘part of growing up’. This is because it can lead to the normalisation of unacceptable behaviours and an unsafe environment for pupils. How can schools practically avoid unacceptable behaviour becoming normalised?</i> |
| Response: | |
| 21. | <i>Schools should be clear that the same standards of behaviour are expected online as offline, including the importance of respect for others. Inappropriate online behaviour including bullying, the use of inappropriate language, the soliciting and sharing of nudes or semi-nudes, and sexual harassment should be addressed in accordance with the same principles as offline behaviour. Do you agree with this approach? If not, please explain why.</i> |
| Response: | The nature of online sexual harassment and abuse can disproportionately impact on girls who may lack the confidence to report receiving inappropriate images and may feel that reporting these incidents may make matters worse (Ringrose, 2021). Educational settings need to take a victim-centred approach and staff need additional training on identifying and responding to online (and offline) sexual harassment and abuse (Ringrose, 2021). |
| 22. | <i>Are there any particular issues you feel are not covered in the revised Behaviour in Schools Guidance?</i> |
| Response: | As a general point we take issue with the fundamental premise of this guidance and with the concept of a ‘Good Behaviour Curriculum’ as set out in it. Children and young people behave well and thrive when their physical and psychological needs are met. The notion of a ‘Behaviour Curriculum’ creates a focus on outdated external methods of control derived from an extremely limited application of behaviourist psychology, entirely ignoring changes in the rest of the education system that draw on Self-determination theory, Student Engagement Theory, Relational neuroscience, Social Constructionism, Systemic Perspectives and Non-Violent Resistance. Behaviourist methods promote expected standards of behaviour rather than promoting more effective ways of supporting children and young people to develop internal mechanisms to manage their behaviour, make positive choices, take genuine responsibility for their actions and impact on others, and develop a sense of autonomy. The failure of such approaches can be seen on the increase, year on year, in exclusions from school, and in the proliferation of practices such as off-rolling. We find the statement in Paragraph 16 to be incorrect in light of the evidence base: “ <i>Good behaviour also requires positive reinforcement through rewards but also sanctions where rules are broken.</i> ” This is not informed by evidence or psychological understanding. There is ample evidence of how the use of reward systems negatively impacts on intrinsic motivation (Deci, E. L., Koestner, R., & Ryan, R. M. (2001). <i>Extrinsic rewards and intrinsic motivation in education: Reconsidered once again</i> . Review of Educational Research, 71(1), 1- |



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| | <p>27), and ample evidence of approaches such as Restorative Practice and relational behaviour management that leading to sustained positive change in schools.</p> <p>Using behaviourist strategies to control behaviour is in conflict with practices that promote motivation and self-efficacy in learning, placing practice in relation to behaviour management at odds with all other theories and practices relating to teaching and learning (Hattie & Timperley, 2007; Payne, 2015; Nie & Lau, 2009). This perpetuates the fallacy that behaviour can be in some way separated from other aspects of functioning: learning, wellbeing and mental health, life experience and context. This leads to policies in many schools addressing only the symptoms and never the causes of challenging behaviour (Whitaker, 2021). Whilst it is clear that limits must be set in response to unacceptable behaviour and to maintain an atmosphere in which teachers can teach and children can learn, the evidence base from both psychology and from education research does not support the idea that stamping out certain behaviours using behaviourist strategies to control misbehaviour automatically results in improved learning. We would like national guidance to promote a high support, high challenge approach instead of a high threat, high challenge approach.</p> <p>Our position asserts that we need orderly classrooms that facilitate learning and schools that are safe places for everyone: pupils, teachers and parents. Moving away from so-called ‘zero tolerance’ approaches does not mean adopting a permissive approach without boundaries, standards or aspiration. We advocate practice that can be shown to support the educational, social and emotional development of children and young people and equip them with the capacity to regulate their emotions and behaviour, be accountable for their actions, and engage in learning in preparation for a productive life.</p> |
| Equalities Act Duties | |
| 23. | <p><i>Under the Equality Act 2010, schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment.</i></p> <p>What do you consider to be the equalities impacts of the revised guidance documents on individuals with particular protected characteristics?</p> |
| Response: | <p>If exclusion from school is seen as the ultimate expression of the school’s behaviour policy it is clear that the approaches outlined in this guidance – sanction and compliance-driven – will perpetuate existing inequalities in school (Timpson Review of School Exclusion, 2019; Tillson & Oxley, 2021). As noted above we suggest an alternative and more evidence-based approach.</p> |

Changes to the Suspension and Permanent Exclusion Guidance



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| Proposed changes to the regulations | Paragraph 12 sets out how a headteacher may not bring a permanent exclusion to an end after it has begun. In addition, a headteacher may not end a suspension earlier than the agreed end-date once it has begun (that is, when the pupil is no longer attending school). 1. Do you agree with this proposed change in the law? If not, please explain why. 2. Is the associated guidance at paragraph 12 sufficiently clear? If not, please explain why. | |
| | Response: | |
| | Paragraph 54 introduces a deadline for the headteacher to notify the parents of a pupil's suspension or permanent exclusion, the reasons for this and the period of any suspension. The obligation to do this 'without delay' will remain, but the regulations will also specify that in no case must this take longer than three days. 3. Do you agree with this proposed change in the law? If not, please explain why. 4. Is the associated guidance at paragraph 54 and throughout sufficiently clear? If not, please explain why. | |
| | Response: | |
| | Paragraph 68-70 expands the Headteacher's duty to inform relevant professionals of their decision to suspend or permanently exclude to include social workers. As a result, if a pupil with a social worker is excluded, the social worker must be notified in writing and involved in the governing board meeting and independent review panel, where possible. 5. Do you agree with this change in the law? If not, please explain why. 6. Is the associated guidance at paragraphs 68-70 sufficiently clear? If not, please explain why. | |
| | Response: | |
| | Virtual School Heads (VSH) should already be closely involved with a school if a looked after child (LAC) is at risk of suspension or permanent exclusion. Paragraphs 68-70 extend the headteacher's duty to inform a VSH if a LAC is suspended or permanently excluded. If a LAC is excluded, the VSH must be notified in writing and, where possible, involved in the governing board meeting and independent review panel. 7. Do you agree with this change in the law? If not, please explain why. 8. Is the associated guidance at paragraph 68-70 sufficiently clear? If not, please explain why. | |
| | Response: | |
| | During the coronavirus pandemic when school attendance was restricted, the department amended the | |



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| | <p>School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 to regulate the use of remote meetings for governing board considerations of reinstatement and independent reviews. We are proposing to make these rules a permanent option in any circumstances. This is a measure that would benefit governing boards, parents and pupils and enable schools to meet the statutory timescales sooner for such reviews as set out in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.</p> <p>9. Do you agree with virtual meetings being made a permanent option under any circumstances? If not, please explain why.</p> <p>10. Do you think virtual meetings should be made at the request of the parent only? Please explain why.</p> | |
| | <p>Given the value of parent engagement previously evidenced in this submission, we are opposed to difficult and emotionally charged meetings taking place online unless Public Health, i.e. a pandemic, requires it. School staff should have the courtesy to meet with parents and carers in person so that they can engage in collaborative problem solving</p> | |
| <p>Proposed non-statutory changes to the guidance</p> | <p>We have sought to provide best practice on the use of managed moves and off-site direction and how they should be used as an early intervention measure for pupils at risk of exclusion. We have set out our expectation of the process and the safeguarding measures that should be put in place for pupils in paragraphs 31-43</p> <p>11. To what extent is the process outlined clear and suitable for all involved? Please explain why.</p> <p>12. Please describe both the benefits and risks of introducing stricter oversight of pupil movements between education settings, such as a revised statutory framework for all pupil movement between education settings?</p> <p>13. Following a period of suspension or off-site direction, what are the best approaches to reintegrating a pupil into a mainstream setting? Please explain why and copy and paste any relevant information.</p> | |
| | <p>Response: We refer you to our comments on the importance of belonging at school previously evidenced in this submission. Off-site provision ignores the importance of relationships.</p> | |
| | <p>The guidance emphasises the importance of monitoring and understanding suspension and permanent exclusion data. Schools, local authorities, and local forums should work together to track and review the information on</p> | |



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| | <p>children who leave schools, by exclusion or otherwise, to establish a shared understanding of how the data on the characteristics of such children feeds local trends. Where patterns indicate possible concerns or gaps in provision, we expect Headteachers and other local leaders to use this information to ensure they are effectively planning to meet the needs of all children.</p> <p>14. Do you agree with this revision? If not, please explain why.</p> | |
| | Response: | |
| | <p>Throughout the revised guidance we have set out when and where pupils should be included in the suspension and permanent exclusion process.</p> <p>15. Is this sufficiently clear? If not, please explain why.</p> | |
| | Response: | |
| | <p>The current limit on the total number of days a pupil can be suspended in a school year is 45 school days:</p> <p>16. Should this limit be changed or not? Please explain how and why.</p> <p>17. What potential impact would there be if the 45-day limit for suspensions in a school year was reduced? Please explain why.</p> | |
| | <p>DfE figures indicate that in 2018, for example, 37.4% of children suspended from school were suspended on more than one occasion. As stated above our overall position is that given the demonstrable ineffectiveness of exclusion in the short, medium or long term as general policy in schools, and the evidence that for almost 40% of children it has not resulted in a decrease in concerning behaviour, we suggest that it is more helpful to set out the graduated, multi-professional response needed in school from the second suspension of any pupil from school.</p> | |
| | <p>To inform the wider special educational needs and disabilities (SEND) Review and Alternative Provision (AP) Reforms programme, we would like to understand more about the barriers to providing alternative provision before the sixth school day of a suspension or permanent exclusion. Your answers to the following questions will help us to understand what more we need to do to ensure timely support and education is put in place:</p> <p>18. In your experience, what continuity of education is provided following the suspension or permanent exclusion of a pupil before the sixth school day?</p> <p>19. What are the barriers to providing alternative provision before the sixth school day when a child is suspended or permanently excluded from school? Please explain why.</p> | |



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| | <p>20. Following a suspension or permanent exclusion, after how many school days should there be a requirement for schools to provide alternative provision for a pupil (currently 6 school days)? Please explain why.</p> | |
| | <p>In order for exclusion to be non-punitive, Tillson and Oxley (2021) argue that communities would have to do much better in making educational opportunities available through alternative provision and ensuring that that provision does not increase opportunities of criminal activity or vulnerability to abuse. At present, being temporarily excluded from school means that young people are at home, often unsupervised, during the day whilst their age-appropriate peers are in school. They often become involved with older peers who are already involved in criminality. Exploitation of excluded children, for drug running, for example, is a real issue” (Tillson & Oxley, 2021)</p> <p>In our opinion the practice of excluding children from school should be a rare occurrence and children should be provided with continuity of education during any period of time at all they are excluded from school.</p> | |
| | <p>Recently, a High Court case considered the legal position for mandatory off-site education for the purpose of keeping pupils apart for safeguarding reasons. This case involved allegations of child-on-child sexualised behaviour by young pupils in a primary school setting. We need to consider, following the court’s decision, whether it is right to suspend or permanently exclude based on safeguarding reasons rather than just disciplinary reasons. We would like to know how this will affect practice in schools and whether there is any further need to clarify or change the law or guidance in this area.</p> <p>21. Do you think it is positive or negative that the Court has made it clear that pupils can be temporarily excluded for safeguarding reasons as described in the judgement? Please explain why.</p> <p>22. Are there any particular issues you feel are not covered in the revised Suspension and Permanent Exclusion Guidance?</p> | |
| | <p>Response:</p> | |
| <p>Equality Act 2010 duties</p> | <p>Under the Equality Act 2010, schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. The Suspension and Permanent Exclusion Guidance sets out how this must be taken into</p> | |



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| | consideration when suspending or permanently excluding a pupil. 23. What do you consider to be the equalities impacts of the revised guidance on individuals with particular protected characteristics? | |
| | Response: | |

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