



HAMILTON SCHOOL

| | |
|--------------------------|------------|
| Initial approval: | March 2020 |
| Review frequency: | Annually |
| Date(s) reviewed: | |

RATIONALE

Maiden Erlegh Trust has high expectations of the behaviour and attitudes of its pupils/students in all schools across the Trust. This includes whilst at school, on school trips/fixtures, and when representing the School and/or the Trust in any capacity, including walking to and from school and on the internet.

In some cases when a child has displayed particularly difficult or dangerous behaviour, the Headteacher may conclude that having reviewed the situation and considered the available sanctions, that there is no alternative that to exclude.

When establishing the facts in relation to a behaviour incident the School will apply the civil standard of proof; i.e. 'on the balance of probabilities' (it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

EXCLUSIONS

Any decision to send a pupil/student off-site (even at lunchtimes) is an exclusion and will be dealt with formally in accordance with Department for Education's statutory guidance September 2017. **Only the Headteacher has the power to impose a fixed-term or permanent exclusion.**

Our priority is to try and prevent pupils/students being excluded and exclusion from school (fixed term or permanent) is an absolute last resort. Exclusion may be imposed for:

- Bringing a prohibited item into school
- Bringing a school or the Trust into disrepute
- Bullying or harassment (of any member of the School community)
- Discrimination or harassment on the grounds of membership of a protected group under the Equality Act
- Damage to property belonging to another pupil/student, a member of staff or visitor to a school/the Trust
- Defiance of staff which puts the safety of staff and/or pupils/students in jeopardy
- Drug and alcohol related incidents (including legal highs, tobacco and vaping)
- Failure to comply with the expectations of an internal isolation, ALP or a Fixed Term Transfer
- Grooming for any purpose including sexual or criminal exploitation and radicalisation
- Persistent and/or significant disruptive behaviour incompatible with the safe and efficient education of others
- Physical assault upon another pupil/student, member of staff or visitor to a school/the Trust
- Possession/use of a dangerous weapon (or implement/substance which could be construed as a dangerous weapon)
- Posting abusive, misleading or illegal comments, images or other content in emails or on

social networking sites or blogs

- Significant or persistent breach of the Acceptable Use of Digital Technology Agreement
- Sexual misconduct
- Theft of property belonging to another pupil/student, member of staff or visitor to a school/the Trust
- Threatening or intimidating behaviour of any kind
- Malicious accusations
- Verbal abuse of another pupil/student, member of staff or visitor to a school/the Trust
- Violent disorder
- Persistent or deliberate reckless or dangerous behaviour

This list is not exhaustive, and there may be other instances of poor behaviour or patterns of persistent lower level behaviour which are considered to be sufficiently serious in nature to warrant an exclusion. In addition, we consider the harm caused to the education and welfare of others of the pupil/student staying in school.

Exclusion Procedures

The Decision to Exclude

Before taking the decision to exclude, the Headteacher will:

1. Conduct an investigation into the events leading up to the exclusion or delegate the investigation to another appropriate colleague.
2. The investigation will include:
 - Taking signed and dated witness statements from other pupils/students and members of staff;
 - If a witness is reluctant to sign a statement the interviewing staff member will produce a witness statement to confirm exactly what the witness said, and the witness will be given a chance to correct any mistakes;
 - In the event that a pupil/student refuses to make a statement this fact will be recorded formally by the interviewing member of staff.
 - Collecting any other relevant evidence possible (for example, photographs or CCTV footage);
 - Taking all reasonable steps to obtain a statement from the pupil/student at risk of exclusion.
3. The Headteacher will assess the evidence and information obtained during the course of the investigation, and establish the facts (on a balance of probabilities).
4. He/she will ascertain whether there are any underlying causes for the behaviour (e.g. if the pupil/student has recently suffered a bereavement or has been subjected to bullying).
5. He/she will ascertain whether the pupil/student has a special educational need or disability or protected characteristic (as defined by the Equality Act 2010) and whether a reasonable adjustment should be made.

6. He/she will decide whether an exclusion is merited and, if so, the length of a fixed-term exclusion or whether the exclusion should be permanent.
7. He/she will decide whether an exclusion is lawful, rational, reasonable, fair and proportionate.
8. A permanent exclusion will be imposed where there has been a serious breach, or persistent breaches, of the Behaviour Policy, **and** where allowing the pupil/student to remain in school would seriously harm the education or welfare of the pupil/student or others in the School.
9. The School reserves the right to impose (exceptionally) a further consecutive fixed term exclusion or permanent exclusion for the same misbehaviour where further evidence come to light after the original fixed term exclusion.

Procedure

When the Headteacher has made a decision to exclude, the following procedure will be followed:

1. The parents will be contacted on the same day verbally (usually by telephone) or by email if that is not possible. They will be informed of the period of the exclusion and the reasons for the exclusion.
2. The parents will receive a formal notification letter confirming the period of the exclusion, the reasons for the exclusion, and all other statutory information required by the Regulations and Guidance. Every effort will be made to give a copy of this to the parent or pupil/student at the time the exclusion is issued.
3. Work will be sent home for the pupil/student to complete during the first five days of the exclusion. Where the exclusion is for a fixed period of more than five days, the relevant school will arrange for alternative educational provision from the sixth consecutive day of the exclusion. For permanent exclusions, the local authority will arrange for alternative educational provision from the sixth day of the exclusion.
4. For an exclusion which results in the total number of days excluded in that term **not exceeding 5 days**, the parents will be invited in the notification letter to make representations about the exclusion which, if received, will be considered by the Local Advisory Board and, in appropriate cases, a copy of their comments will be placed on the pupil/student's record. The Local Advisory Board will not, however, have the power to direct reinstatement, and the pupil/student will not be readmitted without a re-integration meeting with a senior member of staff (and possibly a Governor).
5. For an exclusion which results in the total number of days excluded in that term **exceeding 5 days but not exceeding 15 days**, the parents will be invited in the notification letter to make representations about the exclusion which, if received, will result in the Local Advisory Board Disciplinary Committee arranging a meeting **within 50 school days** to review the Headteacher's decision and decide whether to uphold the exclusion or direct reinstatement, immediately or on a specified date. If the decision to exclude is upheld, the pupil/student will not be readmitted without a readmission meeting with a senior member of staff (and possibly a Governor).
6. For an exclusion which results in the total number of days excluded in that term **exceeding 15 days**, the parents will be invited in the notification letter to make representations about the exclusion and, whether or not representations are received, the Local Advisory Board Disciplinary Committee will arrange a meeting **within 15 school days** to review the Headteacher's decision and decide whether to uphold the exclusion or direct reinstatement, immediately or on a specified date. If the decision to exclude is upheld, the pupil/student will not be readmitted without a readmission meeting with a senior member of staff (and possibly a Governor).

7. For a **permanent exclusion**, the parents will be invited in the notification letter to make representations about the exclusion and, whether or not representations are received, the Local Advisory Board Disciplinary Committee will arrange a meeting **within 15 school days** to review the Headteacher's decision and decide whether to uphold the exclusion or direct reinstatement, immediately or on a specified date.
8. For an exclusion which results in the **loss of opportunity to take a national curriculum test or public examination**, the parents will be invited in the notification letter to make representations about the exclusion and, whether or not representations are received, the Local Advisory Board Disciplinary Committee will **take reasonably practicable steps to arrange a meeting before the test or examination is due to take place, and in any event within 15 school days** to review the Headteacher's decision and decide whether to uphold the exclusion or direct reinstatement, immediately or on a specified date. If the decision to exclude is upheld, the pupil/student will not be readmitted without a readmission meeting with a senior member of staff (and possibly a Governor).

The Student's Involvement in Making Representations

Where representations are made by parents, the excluded pupil/student may also be involved by writing down anything that the pupil/student wants to say about the exclusion and attaching this to the parents' representations, which should be addressed to the Clerk to the Local Advisory Board and either taken in to the School office, or sent by email to the Clerk to the Board of Trustees at trustees@maidenerleghtrust.org as soon as possible, and at least two days before the meeting, where relevant.

Local Advisory Board Disciplinary Committee Meeting

Local Advisory Board Disciplinary Committees are typically made up of three Local Advisory Board members. Where availability is limited one member of the Committee may be a Trustee.

When a Local Advisory Board Disciplinary Committee meeting is to take place, the parents are able to attend the meeting, and be accompanied by a representative (at their own expense) or a friend. The pupil/student may also attend, if the parents so wish. The parents, pupil/student, representative or friend may make representations to the Local Advisory Board at the meeting. The parents may also request that a representative of the local authority (and a representative of the local authority in the area in which the pupil/student lives, if this is a different area to the School) is invited to attend the meeting, as an observer only.

Where the Local Advisory Board Disciplinary Committee direct that the pupil/student is to be reinstated, they will be reinstated by the Headteacher immediately or, if so directed, on the specified date, and the exclusion will be recorded as withdrawn on the pupil/student's record.

Where the decision to exclude is upheld by the Local Advisory Board Disciplinary Committee, the parents will be sent a notification letter informing them of this fact and the reasons for the decision, together with statutory information required under the Regulations and Guidance. In the case of permanent exclusions, this information will include full details of how the parents may ask for a review of the decision by an independent review panel.

Independent Review Panel

Independent Review Panels will be convened and run in accordance with Sections 8 and 9 of the September 2017 Statutory Guidance: Exclusion from maintained schools, academies and pupil referral units in England.

Document Retention

Unless exceptional circumstances apply warranting a longer retention, a copy of the Permanent Exclusion file will be retained by the School for a period of one year after which time it will be confidentially disposed of.