



Including local arrangements in annexes for:

## **HAMILTON SCHOOL**

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## PART ONE: 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.

This policy covers how we promote high standards of behaviour and respect and how we respond when those standards are not met. The Trust and each school will have regard to their duties under the Equality Act 2010 in relation to the use of rewards and sanctions for behaviour. This policy should be read alongside a range of other Trust/school policies including:

- The Anti-Bullying Policy
- The Attendance Policy
- The Safeguarding Policy
- The Equality Policy
- The Physical Intervention Good Practice Document

Every member of The Trust and each school (pupils/students, staff, governors) has the right:

- to be able to work and learn to the best of their ability and without disruption
- to work and learn in a healthy, safe and pleasant environment
- to experience success and fulfil their potential
- to feel valued
- to feel supported
- to be treated with respect and good manners
- to be treated fairly

Every visitor has the right to feel welcomed and to be treated politely and with respect.

Every member of the public who meets pupils/students outside school has the right to be treated politely and with respect.

Every pupil/student is expected to do their very best to meet the Trust's high expectations, to take responsibility for, and accept the consequences of any mistakes or lapses in judgement, and to work constructively with any support put in place to help them to do so.

Parents and carers are expected to support the Trust and its schools in their work to maintain positive and safe environments, including in their application of this and other relevant policies.

## Definitions

Conduct: Poor conduct undermines the culture and climate of schools, for example by damaging:

- the orderly running of the School
- the safety and well-being of others
- the working/learning environment
- the learning of others
- the Trust/school's reputation.

Behaviour for Learning: Pupils/students who display good behaviour for learning display a positive attitude e.g. they:

- manage their own learning well
- present and organise their work neatly
- are well organised (e.g. meet deadlines and are punctual)
- welcome and respond positively to feedback
- support others in their work and learning
- make and maintain positive relationships with others
- take responsibility for their own behaviour and attitudes to learning
- show they can work independently, in pairs and in groups
- rise to challenges and are resilient.

Unless specified, the term "behaviour" will refer both to conduct and behaviour for learning.

Bullying is any act carried out by a group or individual, repeatedly over time against a target who cannot defend themselves, that intentionally causes harm, either physically or emotionally.

Harassment is unwanted behaviour which you find offensive or which makes you feel intimidated or humiliated. You do not need to have previously objected to something for it to be unwanted.

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'.

## PART TWO: CONDUCT AND BEHAVIOUR FOR LEARNING

Each school in the Trust will have a range of support strategies in place to try and prevent poor behaviour, to prevent incidents escalating and thus to prevent the need for sanctions. We acknowledge that we must strike the right balance between:

- Prevention: clear communication of expectations and consequences and roles and responsibilities, to students, staff and parents and rewarding consistently good behaviour and improved behaviour
- Support: identifying early when behaviour and/or attitudes are deteriorating so that supportive measures can be put in place to stop it escalating
- Response: sanctioning poor behaviour and, where possible, providing opportunities to restore relationships and good behaviour for learning and make amends

## **Prevention**

### Clarity of communication

Expectations for behaviour are expressed in two main documents:

- The Code of Conduct for Students (see Annex 1)
- The Acceptable Use of Digital Technology Agreement (see school website Key Policies page)

In addition, each school will have other documents outlining the roles and responsibilities of students, parents and the School e.g.

- Clear Anti-Bullying procedures
- Attendance and punctuality expectations
- Behaviour for Learning/Classroom expectations

When pupils/students join a school, they and their parents receive a copy of the Code of Conduct. At the start of each academic year, all pupils/students are reminded of the behaviour expected of them in classrooms, around school, when representing their school and when using Information Technology. Copies of the Code of Conduct and the Acceptable Use of Digital Technology Agreement are also found on the School website.

It is each Headteacher's responsibility to ensure that these expectations are clear to all stakeholders (this will include education, publication on website and/or in homework diaries, and reminders through bulletins and other ad-hoc communications).

### Rewards

Each school will develop its own reward structure appropriate for its context. In doing so, schools will consult staff and students. For examples of rewards see Annex 4.

## **Support**

Where the issue is related to Behaviour for Learning (including linked to homework), individual teachers will employ a range of support techniques to avoid having to escalate from a Level 1 issue (see Annex 3). For example:

- Encouraging pupils/students to use different resources and people to help them with activities
- Moving the student to a different part of the classroom
- Using a period of "time-out" with another teacher
- Offer support outside lesson time if they are finding the work challenging and/or to catch up missed work
- Implementing a short period on a department report card

Where the issue is related to conduct around the School (including linked to punctuality or uniform) staff will employ a range of support techniques to avoid having to escalate from a Level 1 issue (see Annex 3). For example:

- Encouraging pupils/students to focus on clear behavioural improvement targets
- Implementing a brief period on a pastoral report card or reward chart to reinforce positive conduct and/or behaviour for learning
- Issuing spare school uniform on a temporary basis

The Inclusion Team may also use a range of more bespoke supportive measures. For example:

- Bespoke support sessions (e.g. mentoring, counselling as appropriate)
- Revised Classroom Support Plans
- Risk Assessments with linked actions for staff, students and parents – where behaviour potentially poses a risk.
- An Alternative Learning Programme in school to allow pupils/students to reflect on their behaviour, keep up with work and make a fresh start when reintegrated into the wider school community.
- A part-time and/or modified timetable for an agreed period, to support rehabilitation and/or restoring relationships, or catching up work, and/or reducing anxiety which may be in part causing the poor behaviours (this may be in school or with another organisation, or a combination of both).
- A Managed Move to another school (see Part Three).
- Referrals to outside agencies (e.g. for assessment or to try and secure external support)

When issues are persistent, support strategies will be more formal and include students and parents. The purpose of these strategies is to:

- Set targets for improvement and de-escalation of issues
- Agree support strategies (and risk assessments or referrals to other agencies as necessary)
- Agree roles and responsibilities for all parties.

Individual Behaviour Plans (IBPs) are typically used for persistent Level 2 or Level 3 behaviours and run by Pastoral Middle Leaders and involve meetings every four to six weeks. We would expect to see significant improvement within half a term.

Pastoral Support Plans (PSPs) are typically used when an IBP has not had the desired outcome, when behaviour is a serious concern and/or when a pupil/student is deemed to be at risk of either fixed term or permanent exclusion. PSPs are usually run by Senior Leaders and involve meetings every 2 to 3 weeks. We would expect to see significant improvement within half a term, with no further Level 4 incidents.

Sixth Form Contracts are used in Key Stage 5 when an IBP or PSP may have been used in other key stages.

## **Response**

### The management of behaviour

This policy's effectiveness is based on consistent, assertive and positive school-wide behaviour management, which ensures that expectations, routines and good habits enforced in one area of the School, are reiterated and upheld in all other areas. All staff are responsible for managing behaviour, and the implementation of this policy, in each Trust school.

In addition, staff at Maiden Erlegh Trust schools are expected to adopt our basic principles of behaviour management:

- We praise more than we chastise (6:1)
- We sanction poor behaviours and support young people
- We do not punish the majority for the errors of a few
- We never make personal comments
- We do not shout or sanction in anger
- The person imposing any prevention or support strategies, or sanctions must inform the pupil/student and their parents in a timely way and explain the reasons for them.
- A pupil's/student's behaviour record may be taken into account when allocating places on a school trip, visit or activity.

### Staff training

All staff are required to read the Behaviour Policy before starting school and Behaviour Management are covered with all members of staff at induction and are refreshed during the year. In addition, all staff receive reminders of their school's local procedures (e.g. Annex 3) in the relevant handbook.

Trainee teachers and NQTs received bespoke sessions on behaviour management and we provide professional coaches and mentors for colleagues who need support in this area.

Whole school training sessions cover a range of professional development sessions linked to behaviour management e.g. on Behaviour for Learning, working with SEND pupils/students, de-escalation techniques.

We also provide training on advanced specialist strategies such as physical intervention, mental health first aid and working with SEND pupils/students.

### Sanctions

The law allows schools to impose sanctions upon pupils/students for disciplinary reasons only. This includes breaches of the Behaviour Policy and in respect of those who fail to follow instructions. Sanctions can be imposed for misbehaviour in and out of school to such an extent as is reasonable.

When imposing a sanction, the following conditions must be satisfied:

- The sanction must be imposed by a paid member of staff, or an unpaid member of staff authorised by the Headteacher;

- The decision to impose the sanction must be made on school premises or while the pupils/student is under the charge of the member of staff imposing the sanction;
- The imposition of the sanction must not breach any other legislation (for example, the Special Educational Need Code of Conduct or the Equality Act 2010);
- The sanction must be reasonable and proportionate, taking into account the pupils/student's age, special educational needs, disability, or religious requirements
- Having a Special Educational Need or Disability does not exempt a pupil/student from school consequences or sanctions, though this will be taken into account during the investigation and any potential sanction will be considered in accordance with the school's legal duties and responsibilities under the Equality Act 2010 and in line with the Special Educational Needs and Disability Code of Practice, and after all reasonable adjustments have been made where appropriate.

### When sanctions are required

We would expect the majority of incidents to be resolved immediately with a pupil/student responding to reminders of the Trust/school's expectations and not repeating the behaviour. If the pupil/student fails to respond positively to reminders of expectations and fails modify their behaviour, one or more of the following sanctions may be imposed:

- A verbal reprimand
- Extra work or repeating unsatisfactory work until it meets the required standard
- The setting of written tasks as punishments, such as writing lines or an essay
- Loss of privileges – for instance the loss of a responsibility or not being able to participate in a non-uniform day
- Detention including during break-time, lunch-time, after school and at weekends
- A same day disciplinary detention
- School based community service or imposition of a task – such as picking up litter or weeding school grounds; tidying a classroom; helping clear up the dining hall after meal times; or removing graffiti
- Regular reporting including early morning reporting; scheduled uniform and other behaviour checks; or being placed “on report” for behaviour monitoring
- In more extreme cases schools may use temporary or permanent exclusion.

When a pupil/student, having been sanctioned in this way, either refuses to comply or fails to modify their conduct/behaviour for learning, or when a pupil's/student's behaviour has become more serious, they will be referred to a school leader who may impose one or more of the following sanctions:

- A longer disciplinary detention
- Multiple disciplinary detentions
- Multiple same day disciplinary detentions



- Extended days
- Withdrawal of free time at break, lunch, free period privileges in school
- A period of community service (done in the pupil's/student's own time)
- A temporary or permanent ban from representing the School on trips, visits or public activities
- A temporary or permanent ban from taking part in school social activities
- Withdrawal of an allocated place on a school trip, visit or other activity (forfeiting any monies paid for such activities)
- Imposed awareness and reflection work (e.g. regarding cyber-safety, healthy living, crime prevention)
- Confiscation of property (for which we reserve the right to search the pupil's/student's belongings)
- Department/phase withdrawal, usually for 1 lesson (or in rare cases, 2-3 lessons) when the pupil/student will work on their own in another classroom (this may be with another class)
- Alternative Learning Provision (ALP) in school (pupil/student is withdrawn from lessons for a day or more)
- ALP with a modified and personalised timetable and/or support from outside agencies (arranged through the Inclusion Team and with the agreement of parents)
- A Fixed Term Transfer (FTT) – a supervised Alternative Learning Provision and/or modified timetable in another educational establishment within the Trust or at another local school
- A Fixed Term Exclusion (FTE)
- A Permanent Exclusion (PEX)

The Trust's approach to poor behaviour will endeavour to be positive and constructive at all times, with any form of alternative learning being or exclusion used as a last resort, or if a situation has arisen which demands strong and immediate action.

Parents will not be involved in either the process or decision to sanction a pupil/student who is not their child, even where their child was a victim of that pupil's/student's misbehaviour.

Parents wishing to complain about any disciplinary sanction imposed on their child are able to do so under the Trust's published Complaints Policy.

See Annex 3 for the different 'stages' of response to poor conduct and/or behaviour for learning. See Part Three for specific details regarding detentions.

For all sanctions resulting in a pupil/student being withdrawn from their usual timetable as part of a formal sanction (not including the investigation period) due consideration will be given to a pupil's/student's needs, protected characteristic features, safeguarding issues and prior record, before making a final decision. The decision-making process and its conclusions will be recorded on the Trust "Sanction Consideration Form" and filed with the evidence of the investigation.

## Use of Reasonable Force or Restraint

Government guidance sets out how reasonable force or restraint can be used in schools. Use of Reasonable Force in Schools 2013. The Trust also has a Physical Intervention Good Practice Document which applies to all schools. This can be found on the school website.

The term “reasonable force” means such force as is reasonable in the circumstances, and covers a broad range of actions involving a degree of physical contact with a pupil/student which are used by most teachers and other members of staff in schools at some point during their careers. Force is usually used to control or restrain, ranging from guiding a pupil/student to safety by the arm, to more extreme circumstances such as breaking up a fight, or restraining a pupil/student to prevent violence or injury.

The term “reasonable in the circumstances” means using no more force than is needed to achieve the desired result, proportionate to the possible consequences it is intended to prevent.

Members of staff will always try to avoid using reasonable force in a way which might cause injury but, in extreme cases, it may not always be possible to avoid injuring a pupil/student.

Reasonable force is generally used for two main purposes; to control pupils/students, or to restrain pupils/students. The term “control” means either passive physical contact (such as standing in between two pupils/students or blocking the path of a pupil/student), or active physical contact (such as leading a pupil/student by the arm out of a classroom). The term “restrain” means to hold back physically or to bring a pupil/student under control.

The decision as to whether or not to physically intervene is down to the professional judgement of the member of staff concerned, and will always depend on the specific circumstances involved or perceived to be involved at the time when the decision needs to be made, sometimes within seconds. It is a power, not a duty, and a member of staff is not therefore under a duty to intervene, however members of staff to have a duty of care towards pupils/students and members of staff may therefore decide that not intervening may potentially breach that duty of care.

Where a pupil/student is disabled or has special educational needs, reasonable adjustments will need to be made by the member of staff.

Where a serious incident has occurred, which involved the use of reasonable force, this will be notified to the pupil’s/student’s parents. In deciding whether an incident is serious, the School will consider the pupil’s/student’s behaviour and the level of risk involved, the degree of force used, the effect of the use of reasonable force on the pupil/student or the member of staff and the pupil’s/student’s age.

Training in the use of reasonable force will be provided to members of staff, where appropriate.

All members of staff (including volunteers and parents attending school trips where the Headteacher has put these people temporarily in charge of pupils/students) have the power to use reasonable force to prevent pupils/students from:

Examples of when reasonable force can be used include:

- To remove a pupil/student from a classroom when they have refused to follow an instruction to do so
- To prevent a pupil/student from behaving in a disruptive manner at a school event or on a school trip
- To prevent a pupil/student from leaving a classroom where allowing them to leave would put their safety or the safety of others at risk

- To stop a fight between students
- To restrain a pupil/student during an outburst to prevent them from harming themselves or others.
- Prevent a pupil/student from committing a criminal offence

The above list contains examples, but is not exhaustive, and there may be other circumstances in which the use of reasonable force is justified. The force used must be reasonable, proportionate and necessary in the circumstances in which it was used.

When using reasonable force would put a member of staff, or anyone else at risk, they should take other reasonable action to minimise the risk and get help (including calling the police or paramedics, or for the help of parents, where necessary).

The Headteacher and authorised members of staff may also use such force as is reasonable in the circumstances when conducting a search of a pupil/student without their consent for certain prohibited items (see Part Four).

Parental consent is **not** required for members of staff to use reasonable force on pupils/students. Parents who are unhappy that reasonable force has been used on their child are able to submit a formal complaint to the relevant school under its published Complaints Policy, however it will be the responsibility of the parents to prove that the force used was not reasonable, proportionate and necessary. It will not be for the member of staff to prove this and the member of staff will not necessarily be suspended when a complaint is received.

It is not illegal for members of staff to touch a pupil/student where this is proper and necessary. In addition to being able to use reasonable force, in the course of normal day to day activities and in proper and necessary circumstances, for example when comforting, congratulating or praising a pupil/student, or demonstrating techniques in music or physical education, it may be appropriate for staff to touch a pupil/student.

Each school will keep a log of serious incidents involving the use of reasonable force which will be reviewed with the Trust's Director of Inclusion and Safeguarding on an annual basis.

### Corporal Punishment

Corporal punishment (the use of physical violence or force to inflict pain as a punishment) is illegal in all circumstances and will never be used at the School or anywhere within the Trust.

### **Specific Types of incident**

#### Pupils'/students' behaviour outside the School gate (including on the internet)

When a school is made aware of pupils/students behaving inappropriately or in a way which is unsafe outside school, their parents will be informed, and advised as to how they can support their child in the community and/or online. There will be an expectation on parents to support the School in disciplinary matters.

Non-criminal poor behaviour and/or bullying which occurs off the School premises, and which is witnessed by a staff member or reported to the School, may also be considered as grounds for sanctions as outlined within this policy. In such cases, incidents will be reviewed, and sanctions imposed in the same way as if the incident had happened in school (including up to exclusion).

Pupils/students may be disciplined for poor behaviour when the pupil/student is:

- Taking part in any school-organised or school-related activity or

- Travelling to or from school or
- Wearing school uniform or
- In some other way identifiable as a pupil/student at the School

Pupils/students may also be disciplined for poor behaviour at any time, whether or not the conditions above apply, that:

- Could have repercussions for the orderly running of the School or
- Poses a threat to another pupil/student or member of the public or
- Could adversely affect the reputation of the School or the Trust

In all cases of poor behaviour, the teacher can only discipline the pupil/student on school premises or elsewhere when the pupil/student is under the lawful control of the staff member.

### Breaches of the Law

The School has the power to impose an appropriate disciplinary sanction on a pupil/student who has misbehaved in a way which could amount to a criminal offence (for example, theft, physical or sexual assault, criminal damage, possession or supply of prohibited substances, harassment or public order offences). This applies to misbehaviour on the School's premises or outside school, and a sanction can be imposed even where the pupil/student was not identifiable as a pupil/student of the School at the time.

There may be occasions when the police decide to take no formal action against a pupil/student, but this does not always mean that the police have cleared the pupil/student of guilt – they may be satisfied that an offence was committed, but have decided it was not in the public interest to take formal action. The School will therefore carry out its own investigation (applying the civil standard of proof 'on the balance of probability', rather than the criminal standard of 'beyond reasonable doubt') and may impose a sanction where it is fair, reasonable and proportionate to do so.

The Trust and/or the relevant school will report any behaviour which may amount to a criminal offence to the police (and in most cases to Social Services) and co-operate fully with any subsequent police investigation or prosecution by providing all relevant information.

If a child is found in possession of a weapon (including a blade), a controlled substance, an acid or toxin, child or extreme pornography the Trust and/or relevant school will automatically report them to the police and in most cases to Social Services.

If the School is concerned of potential links to radicalisation, criminal exploitation or gangs they will liaise with the appropriate agency.

### Mobile telephones and electronic devices

When used at a time or in a way which is restricted, the mobile telephone/device will be considered a "prohibited item" banned by the Trust/school, and subject to the normal rules on searching, seizure, retention or destruction.

A pupil's/student's mobile telephone/device may also be confiscated by the relevant school as a disciplinary sanction. In such cases, the mobile telephone/device will be retained until it can be collected by the pupil/student and/or parent after a period of time agreed by the School. This may be up to the end of the current term.

Any use of a mobile telephone/device must comply with the relevant school's Acceptable Use of Digital Technology Agreement. Any unauthorised use of a mobile 'telephone will be considered to be in breach of this agreement.

Please see Annex 2 for local arrangements.

### School uniform (code of dress in the Sixth Form)

Pupils/students are expected to wear the relevant school uniform/code of dress, and abide by the School's expectations of appearance and self-presentation including to and from school.

These are made clear on the website and we expect parents to support our expectations. When there are valid reasons for a pupil/student not being able to comply for a short period of time, parents are expected to confirm the reasons for this in writing, and to rectify the situation in the shortest period of time possible.

Please see Annex 2 for local arrangements.

### Malicious allegations

Malicious allegations against staff are very serious, and we reserve the right to impose any sanction up to and including a permanent exclusion. When a pupil/student is found to have made a malicious allegation, a sanction will be imposed.

In addition, where the pupil/student remains in school, they are likely to be required to undertake some supportive and educational work. In some circumstances it may be appropriate for the child to take part in a process of restorative justice or mediation with the member of staff in order for all parties to be able to move forward. We would expect parents to support this.

## **PART THREE: DETENTION**

Schools have the power to impose detention (including outside school sessions) upon any pupil/student under the age of eighteen years as a disciplinary penalty. All detentions will be recorded electronically on the pupil's/student's file.

### **Permitted Day**

The detention can be on a "permitted day", which is any school day, any Saturday or Sunday (excluding the Saturday and Sunday immediately before or after school holiday) or any teacher CPD/inset day.

### **Notice**

Parents are not legally entitled to notice of a detention imposed upon their child before it can take place, although a school will usually notify the parents of any detention imposed outside normal school sessions, except in relation to detentions which take place immediately after school.

### **Parental Consent**

Parental consent to a detention is **not** required. If parents want to raise an objection to a detention, they may do so under the Trust's published Complaints Policy. In those circumstances, the detention may be postponed until after the complaint has been considered. This is not guaranteed, however.

### **Travelling Arrangements**

In addition to the normal rules regarding the imposition of sanctions, a school will take into account

whether suitable travelling arrangements can reasonably be made by the parents where the pupil/student is very young, does not live within walking distance of the School and is reliant on school transport or public transport which is only available at specific times. Whether making alternative travel arrangements is inconvenient to the parents is **not** a factor which a school will take into account.

### **Lunch Time Detentions**

If a school imposes a detention at lunch time, the School will ensure that the pupil/student is allowed a reasonable amount of time to eat, drink and use the toilet facilities.

### **Failure to Attend Detention**

If a pupil/student fails to attend a detention without a reasonable excuse, they will normally receive a more severe sanction.

## **PART FOUR: EXCLUSION AND ALTERNATIVES TO EXCLUSION**

### **Sanctions which do not constitute exclusion**

**Lesson Withdrawal** Lesson withdrawal is when the pupil/student is removed from a particular lesson for one or more lessons and placed elsewhere in the School, either on their own or with other pupils/students. This is a sanction for serious or persistent poor behaviour in a particular subject.

**Alternative Learning Provision (ALP)** ALP is when a pupil/student is removed from his or her formal lessons for a limited period of time and placed elsewhere in the School and remains supervised. This is a sanction for serious or persistent poor behaviour. In such cases, provision will be made for the pupil/student to eat lunch and use the toilet facilities.

The period of time a pupil/student may be sanctioned in this way is determined on a case-by-case basis. During this period, pupils/students will typically also undertake a programme of activities designed to enable them to reflect on their behaviour, its impact on them and others and how to reintegrate positively back into their school.

**Modified Timetable (MTT)** A school may work with the parents and pupil/student to agree a modified timetable (usually for a fixed period of time) when the pupil's/student's day timings and/or timetable structure is adapted to improve engagement, provide time for therapeutic interventions, work experience, alternative courses etc. The MTT and its impact is reviewed regularly throughout the process.

**Fixed Term Transfers** Schools within the Trust may impose a Fixed Term Transfer, whereby a pupil/student is required to attend an Alternative Learning Provision (ALP) at another school for a period of time determined on a case-by-case basis. This is a sanction for very serious or persistent school behaviour, usually as an alternative to fixed-term exclusion from school.

**Direction to an alternative education establishment** A school's Local Advisory Board may direct a pupil/student off-site for education to improve their behaviour (in line with Alternative Provision

Statutory guidance for local authorities 2013). This would be for an agreed time and reviewed regularly throughout the placement.

#### Managed Move

Schools within the Trust may suggest a managed move to another school with a view to it becoming a permanent placement. Typically, this will be a six-week trial (though this can be extended for a reasonable term with the consent of all parties). This is a structured and supported process allowing the pupil/student to make a fresh start, usually to avoid permanent exclusion. It is done with the pupil's/student's and the parents' consent and reviewed regularly throughout the placement

#### Readmission

When a child returns to school following an exclusion, there will be a readmission meeting involving key staff, the child and parents. The purpose of this meeting is to:

- Take in any outstanding work set for the period of the sanction.
- Re-establish expectations for re-integration into the School community.
- Review any support strategies in place and agree any amendments/additions.

All readmission meetings will be followed-up with parents in writing.

#### 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 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
- Persistent or deliberate reckless or dangerous behaviour
- 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

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 this 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's/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@maidenerlegtrust.org](mailto:trustees@maidenerlegtrust.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's/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.

## **PART FIVE: THE POWER TO SEARCH**

Any decision to search a pupil/student will be dealt with in accordance with Department for Education's guidance: Searching, screening and confiscation January 2018: <https://www.gov.uk/government/publications/searching-screening-and-confiscation>

A school can search any pupil/student or their possessions for any item with the pupil's/student's consent. If a member of staff asks a pupil/student to empty their pockets or bag, and they do so, this will be deemed to be consent to being searched.

The School can require pupils/students to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the pupils/students.

'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags.

### Prohibited Items

A school's Headteacher and members of staff authorised by the Headteacher have the right to search a pupil/student or their possessions, without consent, if they have reasonable grounds for suspecting that the pupil/student may be in possession of a "prohibited item". If a member of staff suspects that a pupil/student is in possession of a "prohibited item" and the pupil/student refuses to empty their pockets or bag, the School can impose an appropriate sanction for this refusal.

A school's Headteacher and members of staff authorised by the Headteacher have the right to use such force as is reasonable, given the circumstances, when conducting a search for a 'prohibited item'.

The "prohibited items" are:

- Abusive or racially inflammatory images or texts
- Acids or toxins
- Alcohol
- Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the pupil/student themselves).
- Any item which may be being used, or have been used to coerce, groom, bribe or intimidate others;
- E-cigarette or vaping items
- Fireworks
- Controlled substances (including illegal or prescription drugs and associated paraphernalia)
- Knives/blades or weapons
- Laser pens or similar
- Legal highs
- Literature or images considered to be purporting extremist views
- Mobile telephones/electronic devices when used in a way that contravenes the School rules
- Pornographic images
- Stolen items
- Tobacco products, lighters/matches and cigarette papers

### Banned Items

A School and/or the Trust reserves the right to ban other items if their use or dissemination becomes disruptive or unsafe to stakeholders, or if they are considered offensive. Headteachers and authorised staff can search for items banned by the School as identified in the local school rules as an item which may be searched for. Force cannot be used to search for items banned under the School rules.

### Authorised Members of Staff

Searches will only be conducted by members of staff authorised by the Trust and/or Headteacher of a school. The following members of staff are authorised to conduct searches:

- All members of the senior leadership of the relevant school

- All members of the relevant school's Inclusion Team
- The relevant school's Special Educational Needs Co-ordinator
- The relevant school's Designated Safeguarding Lead
- The relevant school's Pastoral middle leaders
- The relevant school's Phase leaders
- The relevant school's Family Support Advisor
- The Trust's Director of Inclusion and Safeguarding
- The Chief Executive Officer
- Any other member of staff authorised by the Headteacher

### Searches

In almost all cases, the member of staff conducting the search must be the same sex as the pupil/student being searched; and the search will be conducted in the presence of another member of staff acting as a witness. If possible, they will also be the same sex as the pupil/student.

In rare cases, however, where there are reasonable grounds to believe that there is a risk of serious harm to the pupil/student or another person if the search is not conducted immediately and there is not sufficient time to summon another member of staff, the search may be carried out by a member of staff who is the opposite sex of the pupil/student and without a witness present.

Members of staff can refuse to conduct a search, even where they are authorised to do so by the Headteacher, and the Headteacher cannot compel any member of staff to conduct a search other than a member of the School's security staff. Where a member of the School's security staff conducts a search, it should be witnessed by a permanent member of staff other than security staff at the School. Members of staff will receive training on conducting searches, as appropriate.

There is no requirement for parents to be notified in advance of a search, and parental consent is not required.

Intimate searches will never be carried out by any member of the School's staff – if it appears necessary, the matter will be reported to the police for them to decide whether to use their statutory powers in this respect.

Where a pupil/student fails to cooperate with a search for any item (including items prohibited by the School), this will be regarded as defiance and a disciplinary sanction imposed, in addition to any disciplinary sanction for other misbehaviour leading to the search.

All members of staff conducting a search of a pupil/student will have due regard to the pupil's/student's expectations of privacy during the search. The pupil/student will not be required to remove any clothing other than outer clothing, namely clothing that is not worn next to the skin or immediately over clothing that is being worn as underwear. Outer clothing also includes hats, footwear, gloves and scarves.

The School will notify the pupil's/student's parents when a "prohibited item" or a "banned" item has been found.

### Confiscation of Items Found

A school can seize, retain or destroy any 'prohibited item' found following a search. A school can also seize any item found in any circumstances which is considered to be harmful or detrimental to the School and/or Trust, or any item which is evidence in relation to a criminal offence. In addition, a school can confiscate, retain or dispose of any item belonging to a pupil/student as a disciplinary sanction for misconduct by the pupil/student, where reasonable to do so.

Where the member of staff is not sure whether a substance found is illegal or not, but has reason to believe that it may be an illegal substance, it will be treated as an illegal substance.

In determining whether there is a “good reason” not to hand items over to the police, or for not erasing data or files from electronic devices, the member of staff will take into account all relevant circumstances and use their professional judgement, including considering the value of a stolen item, and whether an item can be safely disposed of by the School.

Abusive or racially inflammatory images or texts	These will either be handed to the police or destroyed. If the image or text is electronic they will be deleted from the device and from the cloud if it is not to be handed over to the police, before retaining or disposing of the device, or returning it to the pupil/student who owns it.
Acids or toxins	Where acids or toxins are found, these will either be handed to the police or destroyed.
Alcohol	Where alcohol is found, the School will seize and dispose of it. Alcohol will not be returned to the pupil/student, their parents or any other person.
Any item which may be being used, or have been used to coerce, groom, bribe or intimidate others	Any item falling into this category will be seized and handed to the police.
Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the student/pupil themselves).	Any item falling into this category may be delivered to the police or returned to the owner. It may also be retained or disposed of.
E-cigarette or vaping items	Where these items are found, the School will seize these and dispose of them. They will not be returned to the pupil/student, their parents or any other person.
Mobile telephones/electronic devices when used in a way that contravenes the School rules	Where mobile telephones or electronic devices are seized, the Headteacher or authorised member of staff may search the device if they reasonably suspect that there is data or a file on the device which has been, or could be, used to cause harm, to disrupt teaching, to break the School rules or to commission a crime. They can delete the data/file including from the cloud if it is not to be handed over to the police, before retaining or disposing of the device, or returning it to the pupil/student who owns it.
Fireworks/caps	Where fireworks are found, the School will seize these and dispose of them. They will not be returned to the pupil/student, their parents or any other person.
Controlled substances (including illegal or prescription drugs and associated paraphernalia)	Where controlled drugs are found, the School will seize these and hand them over to the police as evidence as soon as possible, and co-operate fully with any subsequent investigation or prosecution. Where there is a good reason for doing so, the School may dispose of the controlled drugs instead of handing them over to the police.
Knives/blades or weapons	Where knives/blades or weapons are found, the School will seize these and hand them over to the police as evidence as soon as possible, and co-operate fully with any subsequent investigation or prosecution.

Laser pens or similar	Where these items are found, the School will seize these and dispose of them. They will not be returned to the pupil/student, their parents or any other person
Legal highs	Where other substances are found which are not believed to be controlled drugs but are believed to be harmful or detrimental to good order and discipline (for example “legal highs” or acid), the School will dispose of them. They will not be returned to the pupil/student, their parents or any other person.
Literature or images considered to be purporting extremist views	These will either be handed to the police or destroyed. If the image or text is electronic it will be deleted from the device and from the cloud if it is not to be handed over to the police, before retaining or disposing of the device, or returning it to the pupil/student who owns it.
Pornographic images	Where pornographic videos or images are found, the School will seize these and dispose of them. Electronic imagery Images will be permanently deleted from the device and from cloud storage. Where the pornography is extreme or involves children, the School will hand the video/images over to the police, and co-operate fully with any subsequent investigation or prosecution. They will not be returned to the pupil/student, their parents or any other person.
Stolen items	Where items which are believed to be stolen are found, the School will seize these and hand them over to the police as evidence as soon as possible, and support any subsequent investigation or prosecution. Where there is a good reason for doing so (for example, where there is no criminal investigation), the School may return the stolen items to their rightful owner instead of handing them over to the police.
Tobacco products, lighters/matches and cigarette papers	Where these items are found, the School will seize these and dispose of them. They will not be returned to the pupil/student, their parents or any other person.

### Liability for Confiscated Items

Members of staff who have seized a “prohibited item” have a defence to any proceedings brought against the School or Trust or themselves in relation to the loss of, or damage to, any item which they have confiscated in accordance with the procedure outlined in this Behaviour Policy. Whilst the School will ensure that reasonable care is taken of seized items, the School will not accept any liability for the loss of, or damage to, any items which have been confiscated in accordance with the procedure outlined in this Behaviour Policy.

## PART SIX: MONITORING

School level rewards, support strategies and sanctions (including all detentions) are recorded centrally, as are all attendance records.

This log is monitored by members of pastoral/Inclusion staff to check for patterns and trends (for example with respect to gender and SEND). As a result of this monitoring, interventions are put in place to support individuals and groups as necessary.

As part of each school’s half termly reviews of its school improvement plan review and school evaluation, senior leaders scrutinise a range of data relating to behaviour and attitudes (including exclusions) to determine how effective strategies are and the impact they are having. Where necessary, strategies are adapted and interventions put in place.

These reviews and their outcomes, are shared with the Local Advisory Board and the Trust Chief Executive Officer.

The Chief Executive Officer reviews information relating to behaviour across all school in the Trust, as well as any particular strengths and strategies for further improvement, and presents

this to the Standards Committee. Where necessary, the Trust Standards Committee can direct the Chief Executive Officer to undertake further work in respect of behaviour with and/or through the Director of Inclusion and Safeguarding and/or the Headteachers.

## ANNEX 1: TRUST CODE OF CONDUCT FOR PUPILS AND STUDENTS

**All pupils/students are expected to behave in a manner which promotes the best that they can be and the best interests of their school community and the Trust community. They must:**

Treat everyone in the School community with kindness and respect.

Move around the School and classrooms in a safe and responsible manner.

Respect the School environment and the property of others.

Be attentive and polite in lessons, and contribute positively.

Work hard and do their best in class and on homework/independent study.

Attend school regularly and arrive at school and lessons on time.

Take responsibility for managing their own learning.

Listen to members of staff and follow all reasonable instructions.

Use digital/smart technology and the internet safely and positively.

Dress smartly and appropriately at all times, and ensure their appearance is in line with expectations.



## ANNEX 2: HAMILTON SCHOOL SPECIFIC ARRANGEMENTS

Expectations and Sanctions with regard to:

- **Mobile phones**  
Hamilton students are allowed to bring their mobile phones to school. They are allowed to use these at break and lunchtimes, in the hall, common room or outside. Students are not permitted to use mobile phones during lessons; during lessons, mobile phones must be on 'silent' and put away in student bags or pockets. Students are not allowed to play music on their phones unless wearing earphones at break or lunchtime. Students must not photograph, video or audio record other students or staff. Students must not access inappropriate websites or social media channels using their mobile phones whilst on the school site. Students are encouraged at all times to keep themselves 'cyber safe'. The school does not accept responsibility for any loss of, theft of or damage to a student's mobile phone.
- **Uniform/dress code**  
Hamilton School has a uniform which should be worn by all students. This comprises sweatshirt with logo, polo shirt and black trousers/shoes or trainers without logo/design. Any student who has difficulty with complying with the school uniform requirements owing to sensory issues should speak in the first instance to a member of SLT with their parents. Financial support can be requested for purchasing school uniform.
- **Attendance and punctuality**  
Please see Hamilton School Attendance Policy for expectations on attendance and information about how we support and tackle poor attendance.

## ANNEX 3: HAMILTON SCHOOL EXAMPLES OF BEHAVIOUR AND SCHOOL RESPONSES

LIST OF EXAMPLE NEGATIVE BEHAVIOURS AND HOW STAFF SUPPORT STUDENTS WITH THEIR BEHAVIOUR	
<p>Bullying or harassment or any descriptions (of any student, including if linked to a protected group)            Fighting            Theft            Smoking or being in possession of tobacco            Truancy from school            Reckless behaviour            Breach of Acceptable Use of Digital Technology Agreement            Bringing a prohibited item into school            Bringing the school or the Trust into disrepute            Bullying or harassment (of any member of the School community)            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)            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</p>	<ol style="list-style-type: none"> <li>1. Hamilton School staff are trained in 'Therapeutic Schools' methods of supporting positive behaviour. Staff always aim in the first instance to support student behaviour with a positive and therapeutic approach, looking with the student at the reasons for behaviours and supporting students to find socially acceptable methods for managing their emotions and reactions to different triggers.</li> <li>2. All students at Hamilton School have social, emotional and mental health difficulties. Staff always try to distinguish between intentional anti-social behaviour and behaviour arising from acute anxiety, learning, social, emotional or sensory needs, which impacts on or prevents students making the right decisions.</li> </ol> <p>Positive behaviour is encouraged by:</p> <ul style="list-style-type: none"> <li>• Visibility and reinforcement of the school's expected behaviours</li> <li>• Staff modelling expected behaviours</li> <li>• SEMH-friendly teaching and learning techniques</li> <li>• Direct teaching of expected behaviours</li> <li>• Environmental modifications</li> <li>• Therapeutic support for group and individuals • Deployment of staff to support student anxiety and behaviour</li> <li>• The use of visual timetables</li> <li>• Rehearsal of expected behaviours and clear expectations</li> <li>• Liaison with parents</li> <li>• Rewarding expected behaviour</li> <li>• The use of consequences for unexpected behaviour</li> </ul> <ol style="list-style-type: none"> <li>3. In the event of a negative behaviour incident, staff and student statements will be taken and the incident will be entered on Behaviour Watch.</li> <li>4. Statements will be passed to SLT by end of day.</li> <li>5. Investigation by SLT; all staff concerned will be asked to examine what led to the behaviour being displayed by the student.</li> <li>6. Any consequence will be shared with the student; examples include withdrawal of free time, contacting parents, fixed term exclusion, contacting external agencies in the case of criminal behaviour.</li> <li>7. In the case of allegations of bullying, which is taken very seriously, a thorough investigation will be carried out and both</li> </ol>

	<p>parties will be expected to reflect and supported wherever possible to build or rebuild respectful relationships with one another.</p> <p>8. Serious incidents may occasionally result in permanent exclusion, if it is felt that the student is no longer safe to attend Hamilton School.</p>
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*These examples are indicative and not exhaustive. Consequences for negative or inappropriate behaviours are carefully considered and take into account the individual's circumstances, mitigating factors and social, emotional and mental health needs or other learning difficulties.*

## ANNEX 4: HAMILTON SCHOOL REWARDS

Hamilton School staff aim to reward all students with praise and encouragement whenever possible. Staff support students to learn socially acceptable ways of interacting with others which will lead to success in adult life. Students are sometimes rewarded with activity choices or special trips.