

BEHAVIOUR OUTSIDE SCHOOL

Under the Education and Inspections Act 2006, Head Teachers have a specific power to regulate students' behaviour when they are not on the premises of the school and not under the lawful control or charge of a member of staff.

If a student behaves in such a way as to contravene the RGS Code of Conduct when out of school but under the lawful control or charge of a member of staff e.g. on a school trip, sanctions should be put into place as indicated in the Protocol for Incidents on School Trips.

If a student behaves in an inappropriate way while not under the lawful control or charge of a member of staff e.g. on the way home from school a sanction cannot be imposed at the time. If the student is observed behaving inappropriately by a teacher or by an older student, the observer should point out they have been observed and try to persuade them to change their behaviour but must not put themselves at risk or promote further confrontation. If inappropriate conduct is seen by a member of staff or reported to a member of staff then a sanction should be put in place when the student is next in school.

Inappropriate behaviour includes use of new media, such as mobile phones, internet sites and chat rooms, for harassing other students or school staff. The use of defamatory or intimidating messages/images inside or outside school will not be tolerated and disciplinary sanctions will be applied to perpetrators.

EXCLUSION

Exclusion is extremely rare at RGS. It is a final strategy which is adopted in order to ensure a sound learning environment for students in the school. The student is responsible for the exclusion by her/his behaviour. Only the Head Teacher can take the decision to exclude a student from school. If the Head Teacher is absent the power rests with the most senior teacher who should make it clear they are acting in the head's absence.

Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the student concerned. Before deciding whether to exclude a student, either permanently or for a fixed period, the Head Teacher will:

- a) Ensure that a thorough investigation has been carried out; signed and dated statements should be obtained from all those involved in any incident.

b) Consider all the evidence available to support the allegations, taking account of the school's behaviour and equal opportunities policies, and, where applicable, the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended;

c) Allow and encourage the student to give her or his version of events;

d) Check whether the incident may have been provoked, for example by bullying, including homophobic bullying, or by racial or sexual harassment;

e) If necessary, consult others, but not anyone who may later have a role in reviewing the Head Teacher's decision, for example a member of the governing body. Any case of exclusion should be discussed with the Medway Inclusions Team.

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the student did what he or she is alleged to have done, the Head Teacher may exclude the student. However, the more serious the allegation, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard to be applied but it does mean that when investigating more serious allegations, the Head Teacher will need to gather and take account of a wider range of evidence (extending in some instances to evidence of the student's past behaviour), in determining whether it is more probable than not that the student has committed the offence. Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available may be very limited. However, it may still be possible for the Head Teacher to make a judgment on whether to exclude the student. Part 6 on page 47 of this guidance deals with such circumstances in detail.

There may be exceptional circumstances in which Head Teachers need to remove students from the school site when exclusion would be inappropriate. An example is where a student is accused of committing a serious criminal offence which took place outside the Head Teacher's jurisdiction (perhaps during a weekend or school holiday and off the site) and the Head Teacher considers it appropriate to remove the student from the site. There may be insufficient evidence to warrant exclusion. The Head Teacher can authorise leave of absence for a fixed period, with the parents' agreement, or, exercising powers delegated by the governing body under section 29(3) of the Education Act 2002, can arrange for the student to be educated elsewhere (without parental approval, although the parents should be notified). However, such education elsewhere must be arranged for the purposes of receiving any instruction or training included in the secular curriculum of the school. Whether the student has been granted leave of absence or is being educated elsewhere, the school must ensure that the students' full-time education continues while off site. Any such arrangements do not amount to an exclusion from school on disciplinary grounds and should be kept under periodic review involving the parents. Where there is sufficient evidence to enable a Head Teacher to consider exercise of the power to exclude we would not expect the section 29(3) power to be exercised or arrangements to be made for authorising leave of

absence in connection with the behaviour in question. It is important that in such exceptional circumstances the Head Teacher's actions and arrangements are documented to remove any possibility of this being construed as an illegal exclusion. If exclusion some time later remains a possibility, the Head Teacher should make the parents aware of this at the outset. The more time that passes the more difficult it becomes to impose exclusion for an event in the past.

The Head Teacher may send a student home, after consultation with that students' parents and a health professional (for example, a school nurse) as appropriate, where because of a diagnosed illness such as a notifiable disease he or she poses an immediate and serious risk to the health and safety of other students and staff. This is not an exclusion and should be for the shortest possible time. If difficulties persist, the Head Teacher should seek medical advice.

Exclusion can follow from a single major incident or from repeated, serious infringement of the Code of Conduct.

The types of behaviour that can lead to immediate exclusion include:

- Serious abuse of a member of staff, including swearing.
- Assault on staff or students, with intent to harm
- Carrying an offensive weapon *including material that could cause a fire.*
- Supplying illegal substances to others
- Discriminatory behaviour
- *Repeated disruption of lessons.*

Allowing a student who is behaving in this way to remain in school would seriously harm the education or welfare of the student and others in the school.

When serious, but not threatening behaviour occurs on a number of occasions or where a large number of infringements to the code occur, exclusion can result but only after all other avenues have been tried e.g. Progress Monitoring Scheme(PMS); Behaviour Support; Ed Psych.

Examples of serious infringements are

- Possession of drugs
- Repeated disruption of lessons.

Exclusion is **not** appropriate for

- Minor incidents such as failure to do homework
- Poor academic performance
- Lateness or truancy

- Pregnancy
- Breaching the school dress code
- Punishing students for the behaviour of their parents.

When the decision to exclude has been made the parents should receive formal letter of notification (see Procedure for excluding students-Informing the parents).

Alternative to exclusion include

Restorative Justice

Mediation

Internal Exclusion

Managed Move

Internal exclusion

This is an intervention method organised to try to prevent the deterioration of a student's behaviour and thus prevent a student become excluded from the school. The student will spend lessons with the *Learning Mentor*, , Head of House or a member of SMT as appropriate. Break and lunchtime will be spent in isolation or doing community service.

Internal exclusions where the student is isolated from her peers during lesson time will normally last no longer than a week. Isolation during break and lunchtime may be longer, with integration being a phased process with a support system in place to assist with this process. The student will be on the PMS system or have a Pastoral Support Programme.

Fixed term exclusion

The regulations allow Head Teachers to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year. The limit of 45 school days applies to the student and not to the institution. Therefore, any days of fixed period exclusion served by the student in any school or PRU in the same school year will count towards the total. It is important therefore that, when a student transfers to a new school during the academic year, records of the fixed period exclusions a student has received so far during the current academic year are also transferred promptly to the new school. However, individual fixed period exclusions should be for the shortest time necessary. Exclusions may not be given for an unspecified period, for example until a meeting can be arranged. Such a practice amounts to an indefinite exclusion for which no legal arrangements exist.

From September 2007 parents and school have new responsibilities with regard to excluded children. The parents have a new statutory responsibility and must supervise their child(ren) for the first 5 days. They will be issued with a fixed penalty notice if their child is found in a public place in school hours without reasonable justification e.g.

being taken by a parent for a medical appointment. The school will have in place full time educational provision for students from day 6 of any fixed term exclusion. The arrangements for this will be in appendix 2 following the finalisation of the details with Medway LA.