

BEHAVIOUR POLICY

Reviewed January 2019

Behaviour Policy

Aims

We believe that:-

- learning to live and work together in the school community is an important preparation for responsible citizenship
- considerate behaviour and courtesy to others are essential skills that all members of our school community need to show
- children need to behave responsibly and thoughtfully and develop respect for people and property
- all members of the school should value the efforts and achievements of others
- it is important to strive for a positive relationship and good communication between home and school

We believe for the above aims to be achieved, all members of the community need to understand the aims, and achieve these by following the objectives, goals and procedures set out in this policy.

Role of Headteacher

The Headteacher has overall pastoral responsibility for both children and staff. Every effort will be made by her to develop awareness and take an interest in individual strengths and weaknesses, personalities and friendships within the school community.

The Headteacher takes the lead in defining the aims of the school in relation to standards of behaviour.

The Headteacher ensures that these standards are consistently applied throughout the school by regular monitoring and liaising with relevant staff members as appropriate.

The Headteacher has an important role in modelling the types of behaviour encouraged by school policy to both staff and pupils.

Role of all Other Staff

Staff will recognise and praise good behaviour as well as dealing with unwanted behaviour.

Staff will work towards achieving a whole school approach to promoting good behaviour.

Staff will recognise that Personal, Social, Citizenship and Health Education (PSCHE) are important as a means of promoting the values of mutual respect, self-discipline and social responsibility, which underline good behaviour.

Staff will model appropriate behaviour as encouraged by the school policy.

School rules will be applied consistently by all members of staff, but there must be flexibility in the use of sanctions and strategies to take into account individual circumstances.

Sanctions should make the distinction between minor and more serious misbehaviour clear to children and should be fairly and consistently applied.

Staff will ensure that all children involved in any incident will have the opportunity to explain their point of view with the knowledge and understanding that they will be listened to.

Role of Parents

In order to understand the ethos and philosophy of the school, parents are encouraged to attend half day visits to work alongside their child, attend formal parents' evenings and other school functions.

Parents will be expected to attend any meetings arranged with staff in order to show children that staff and parents are working together.

It is vital that the school is notified of any changes in home circumstances that may result in changes in their child's behaviour. Relevant staff will then be informed and be able to monitor any changes in behaviour. (A child may become withdrawn, sulky, appearing to not care about work, bad tempered or upset...even over relatively 'small' incidences such as the death of a pet).

It is important that parents and visitors to the school adhere to the Code of Conduct. Any parent breaking the Code of Conduct will be spoken to by the Headteacher or Chair of Governors. Parents will be reminded of the need for strict confidentiality. Parent helpers will sign a code of conduct which will be gone through with the parent and member of staff. (**Appendix 1**).

During sporting events or visits outside of school, it is particularly important for parents accompanying children or supporting children at events to promote good behaviour and set a good example.

Role of Children

Children will understand and follow the school rules (**Appendix 2**).

Children, through the School Council, will play a part in reviewing and revising the school rules on an annual basis.

Children will be aware of, and understand, rewards and sanctions available throughout the school, and the circumstances in which they will be used.

Children will understand that they are responsible for the actions that they may choose to take in any given situation.

Children will understand the importance of sharing worries and fears with somebody...and that this person could be a parent, guardian, favourite member of staff or friend...and that that person will 'know what to do next'.

Children may be responsible for determining a class set of rules when they move into their new classes.

Our Strategies for Promoting Good Behaviour

All children from Early Years may gain Smileys for very good work, extra effort, consideration, politeness etc. These will be counted on an individual basis for children to receive Smiley certificates and will also count towards the house system.

Children will become a member of a house team - Spring, Summer, Autumn or Winter.

There are also class awards for Best Class Attendance and Class of the Week. Each week we will also award the 'Stephanie Noakes Award for Achievement'. This will be for any outstanding achievement, not necessarily academic achievement.

Smileys

'Smileys' (Smiley faces) may be awarded for any actions, deeds or attitudes which are deemed noteworthy and may include particularly good work, displaying good manners, displaying a caring attitude towards others, putting in extra special effort for homework or other activities.

Smileys are intended to promote positive expectations, helping to focus on positive rather than negative behaviour. E.g. if a child is continuing to stay on task when a partner is trying to distract them, staff may choose to reward the child on task rather than apply a sanction to the child who is not.

A 'Smiley' can be awarded by any staff member to any child at any time. (With the exception of lunchtime supervisors who have their own reward systems, e.g. stickers.) Staff, may carry 'Smileys' to reward and reinforce positive behaviour as it occurs. When awarding the Smiley the member of staff should reinforce the good behaviour. E.g. 'You can have a Smiley for waiting so patiently'.

Once awarded a Smiley can never be taken away.

If giving a Smiley for a piece of work in a book, then a Smiley can be drawn. The child will then know that they need to collect a Smiley from the adult.

The children will work towards achieving their Bronze award (100 Smileys), Silver award (200 Smileys) and then their Gold award (300 Smileys). When an award has been achieved then the child will receive a certificate in assembly and a choice of prize.

If all children in a class achieve their Bronze Award they will then get to choose one lesson activity of their choice, Silver Award – half day activity of their choice or Gold Award – whole day activity of their choice.

Each week the Smileys for each House get collected and the totals are shared and displayed in assembly.

Other Rewards

Class of the Week

Each class starts the week with 20 'class points'. They can gain additional individual class points for any opportunity where the class behaviour is seen to be very good (in lessons, around school, playtimes etc.) They can equally lose class points for unacceptable behaviour – this may be due to group or whole class behaviour.

Any adult can give or take away a class point – it is the adult's responsibility to inform the class teacher.

Results are announced in Monday assembly and the class with the highest score receive the 'Class of the Week' certificate. Class of the Week will sit on benches in assembly for the following week.

'Class of the Year' will also be awarded.

Stephanie Noakes' Award

This is awarded weekly. It can be given to anybody (a child or a member of staff) who has shown outstanding personal performance. It will be discussed during staff meetings when names should be put forward, or names can be given to the headteacher along with a brief explanation of why they should achieve it.

Best Kept Class Award
Mr Bavington consults with his cleaning team and a class, or number of classes can be awarded the cup in assembly.

Best Attendance
Each week a class with no (or the number of least) absences is awarded best attendance.

Top Table
Each week a child from each class in KS1 and KS2 is nominated by their teacher to sit at the 'top table' where they eat with Miss Sutton and Mrs Bains. An invitation is given to the child and taken home to share with their parents. Children are made aware in a celebratory assembly or in class, on a Thursday, where they are fully aware of their invite. Top table is for children who have had an exemplary week.

Stickers and Certificates
Staff have a wide range of stickers and certificates and are positively encouraged to hand them out to individuals for a variety of reasons.

Child of the Week
Within each class, every week, a child is chosen to be awarded the title of Rabbit of the Week, Dove of the Week, Wren of the Week etc. This would be given to a child who has worked particularly hard/put in a lot of effort, over the week. It is acceptable for a boy and/or a girl to be chosen each week if the teacher wishes to do this.

Fab Writer and Mathemagician
Fab Writer and Mathemagician awards are awarded weekly to a child who a teacher feels has made excellent progress or shown excellent effort in English or Maths

lessons.

DoodleMaths
Top Doodler (Badge and certificate) - Each week one child in each class/maths group is awarded Top Doodler. The teacher uses a variety of reasons to decide who to award this to. Eg. Most stars in a week, improvement in Doodle age, answers to additional extras.

Class award - The three classes/ maths groups with the most stars for DoodleMaths are announced in Monday's assembly. Certificates are then place on the classroom door. The same is done for DoodleTables.

Lunchtime Awards
Stickers may be awarded to children for a variety of reasons.

In addition to the above, class teachers may devise additional rewards such as Golden Time. From time to time it might be appropriate for a class to gain an extra 5 minutes of play as a special well done. If a class is repeatedly not achieving Best Behaved, a teacher may find it useful to give the class extra play with the exception of those children responsible for letting the class down.

Additional Strategies Available for Staff Use

To recognise children's non-academic achievements and encourage them to be proud of their strengths in other areas.

To take full account of the implications of pupil behaviour when reviewing grouping arrangements for various lessons or activities.

To encourage active participation from children in shaping and reviewing the school's rules.

To pay attention to furniture layout to minimise disruption.

To be enthusiastic and use humour to create a positive, well-disciplined classroom.

To continually observe class behaviour and 'nip in the bud' any disruptive element.

To emphasise the positive, including praise for good behaviour as well as good work.

To explain rules for classroom behaviour regularly and clearly to children, and state why they are necessary.

To be fair and consistent and to use sanctions sparingly.

To offer children with particularly challenging behaviour, strategies to develop more positive behaviour patterns - social skills work may be undertaken.

To have the flexibility to set own class rules with the children.

To be positive about good behaviour in and around the school, praising good behaviour in front of children who may be displaying less desirable behaviour.

For teaching staff and non teaching staff, such as teaching assistants and lunchtime supervisors, to have the opportunity to undertake staff training on the management of behaviour.

For staff to have the opportunity to learn effective methods and strategies from one another, through observations, videos and in service training.

When supply staff are in school a member of staff will take responsibility for making sure the school procedures are clearly understood. In the absence of the parallel teacher the deputy or office manager will talk to the supply teacher. Any teaching assistants will ensure usual expectations are set and met. They will report to a member of SLT or send a note if this is not the case. The supply agency will be contacted. Stickers/Smileys will be available and notes taken of children behaving well and those behaving not so well.

Pupils with Special Education Needs and Disabilities

Staff acknowledge the need to arrange for assessment of children with emotional and behavioural difficulties at the earliest stage, so that their needs can be met and that educational opportunities for other pupils are not endangered.

Role of Outside Agencies

Staff acknowledge the need to liaise when necessary with the Behaviour & Tuition Service, School Psychologist, Special Educational Needs Team and the School Nurse, for advice on dealing with persistent behaviour challenges.

We will use opportunities whenever available to promote good relationships with the police and to promote the development of school-police liaison projects.

Our Strategies for Dealing with Undesirable Behaviour

Non teaching staff or class teachers deal with the misdemeanour in the first instance. There may be occasions when statements are taken and parents informed. These statements will be kept by the class teacher for the year.

For continuing bad behaviour or incidences of a more serious nature, non accidental injury, bullying, racism, swearing, spitefulness, staff will send the child to Key Stage 1 Co-ordinator or Key Stage 2 Co-ordinator. Further statements may be taken and these are kept by the Key Stage Co-ordinators. The class teacher or Key Stage Co-ordinator will inform the children's parents of the incident and of the action taken.

When incidences of a serious nature have occurred the children will be interviewed and statements will be taken. Children will be required to sign the statements as a correct record of events. These statements will be filed. The deputy and head will be kept informed.

Children who persistently display undesirable behaviour or attitudes may be sent to the deputy head who will adopt the above procedures. At this stage parents will be formally involved in working with the school to improve the situation.

Children displaying undesirable behaviour at any stage may be put on a home/school liaison/report card. This will require a conversation with the parents to explain what is

involved. This may be at class teacher level initially. The senior management team are kept informed as to who these children are.

It may be necessary from time to time for the headteacher or deputy head to deal with an incident directly. It would then be their responsibility to inform the deputy head/head, the relevant key stage co-ordinator and the class teacher.

Parents will be kept informed about their child's behaviour and may be seen by either the class teacher, key stage co-ordinator, deputy head or the headteacher or more than one of the above.

'Teachers can discipline pupils whose conduct falls below the standard which could reasonably be expected of them'. This means that if a pupil misbehaves, breaks a school rule, or fails to follow a reasonable instruction the teacher can impose a sanction on that pupil.

To be lawful, the punishment (including detentions) must satisfy the following three conditions:

1) The decision to punish a pupil must be made by a paid member of school staff or a member of staff authorised by the head teacher;

2) The decision to punish the pupil and the punishment itself must be made on the school premises or while the pupil is under the charge of the member of staff; and

3) It must not breach any other legislation (for example in respect of disability, Special Educational Needs, race and other equalities and human rights) and it must be reasonable in all the circumstances.

A punishment must be reasonable. In determining whether a punishment is reasonable, Section 91 of the Education and Inspections Act 2006 says the penalty must be proportionate in the circumstances and that account must be taken of the pupil's age, any special educational needs or disability they may have, and any religious requirements affecting them.

The headteacher may limit the power to apply particular punishments to certain staff and/or extend the power to discipline to adult volunteers, for example to parents who have volunteered to help on a school trip.

Corporal punishment is illegal in all circumstances'.

We will consider whether the behaviour under review gives cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case, school staff will follow the schools' safeguarding policy. We will also consider whether continuing disruptive behaviour might be the result of unmet educational or other needs. At this point, we will consider whether a multi-agency assessment is necessary.

'PUPILS' CONDUCT OUTSIDE THE SCHOOL GATES- TEACHERS POWERS

Teachers have a statutory power to discipline pupils for misbehaving outside of the school premises. Section 89(5) of the Education and Inspections Act 2006 gives head

teachers a specific statutory power to regulate pupils' behaviour in these circumstances 'to such extent as is reasonable'.

Subject to the school's behaviour policy, the teacher may discipline a pupil for:

- any misbehaviour when the child 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 at the school.
- or misbehaviour 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 or member of the public or
  - could adversely affect the reputation of the school.

CONFISCATION OF INAPPROPRIATE ITEMS

There are two sets of legal provisions, which enable school staff to confiscate items from pupils:

The **general power to discipline** enables a member of staff to confiscate, retain or dispose of a pupil's property as a punishment and protects them from liability for damage to, or loss of, any confiscated items.

Power to search without consent for "prohibited items" including:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property
- any item banned by the school rules which has been identified in the rules as an item which may be searched for.'

MALICIOUS ALLEGATIONS

Allegations of abuse will be taken seriously, and the Headteacher will deal with allegations quickly in a fair and consistent way that provides effective protection for the child and supports the person who is the subject of the allegation. Every effort will be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated. Suspension will not be used as an automatic response when an allegation has been reported. The Headteacher will follow the school's safeguarding policy. A flow chart showing the actions taken can be seen by all staff in the staffroom.

USE OF REASONABLE FORCE

(this is based on the DfE's Use of Reasonable Force – we also have a Positive Handling Policy based on this…please see for further details)

The legal provisions on school discipline also provide members of staff with the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others or damaging property, and to maintain good order and discipline in the classroom.

Head teachers and authorised school staff may also use such force as is reasonable given the circumstances when conducting a search without consent for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Force **cannot** be used to search for items banned under the school rules.

School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.

Suspension should not be an automatic response when a member of staff has been accused of using excessive force.

Senior school leaders should support their staff when they use this power.

Please Note: Parental consent is not required to restrain a pupil.

WHAT IS REASONABLE FORCE?

- The term **'reasonable force'** covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
- Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed.

- As mentioned above, schools generally use force to control pupils and to restrain them. **Control** means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.

- **Restraint** means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

- School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

WHO CAN USE REASONABLE FORCE?

- All members of school staff have a legal power to use reasonable force.

- This power applies to any member of staff at the school. It can also apply to people whom the head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

WHEN CAN REASONABLE FORCE BE USED?

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.

- In a school, force is used for two main purposes – to control pupils or to restrain them.

- The decision on whether or not to physically intervene is down to the professional judgment of the staff member concerned and should always depend on the individual circumstances.

- The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;

- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;

- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;

- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and

- restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

- use force as a punishment – it is always unlawful to use force as a punishment.

COMMUNICATING THE SCHOOL'S APPROACH TO THE USE OF FORCE

- Every school is required by law to have a behaviour policy and to make this policy known to staff, parents and pupils. This policy should include guidance on the use of reasonable force although this is not a legal requirement.
- Any policy on the use of reasonable force should acknowledge their legal duty to make reasonable adjustments for disabled children and children with SEN.
- Schools do not require parental consent to use force on a student.
- By taking steps to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

USING FORCE

- A panel of experts identified that certain restraint techniques presented an **unacceptable risk** when used on children and young people. The techniques in question are:
    - the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
    - the 'double basket-hold' which involves holding a person's arms across their chest; and
    - the 'nose distraction technique' which involves a sharp upward jab under the nose.

STAFF TRAINING

The Headteacher should consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so.

Telling parents when force has been used on their child

If the use of force has been applied to a child then a record will be made and the parents/guardians will be informed.

In deciding what a serious incident is, teachers should use their professional judgement and also consider the following:

- the pupil's behaviour and level of risk presented at the time of the incident;
- the degree of force used;
- the effect on the pupil or member of staff;
- the child's age.

WHAT HAPPENS IF A PUPIL COMPLAINS WHEN FORCE IS USED ON THEM?

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is **not** for the member of staff to show that he/she has acted reasonably.
- Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the 'Dealing with Allegations of Abuse against Teachers and Other Staff' [DFE-00061-2011] guidance where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.'

The above extract has been deemed appropriate advice and will form part of this policy. The advice detailing what should be done will be done.

Flow chart to show the usual sequence for dealing with negative behaviour

A member of staff deals with a first incidence and details are reported to class teacher if this happens to be a different member of staff.



If negative behaviour does not stop and learning is affected parents are seen, at this point a home school card could be introduced, detailing daily feedback both positive and negative. Other behaviour strategies will be introduced.



If behaviour persists and is more serious Key Stage Co-ordinators will become involved and will usually involve parents. Children may need to write letters of apology, they may miss playtimes or if the incident is a lunchtime one the senior supervisor will deal with it first then report to Key Stage Co-ordinators/class teachers.



Assistant Heads may be involved at this stage, especially if they have prior knowledge of the child and parents. Neither Assistant Head has a full-time teaching commitment so anything that may involve a long process is often dealt with by one of them.



If the behaviour continues, despite involvement of KS Co-ordinators and Assistant Heads, the Deputy Head will become involved. This will always involve parents.
If the behaviour is extreme the process is escalated to this point and the child or group of children will be seen by the Deputy. Outside agencies may become involved.



When the behaviour is such that it could lead to exclusion the Headteacher is kept fully involved whilst the Deputy looks into the matter. The circumstances may warrant the Headteacher taking over the investigation once fully informed. Parents will be informed.

There will be times when this sequence is not followed. This will often be when children with SEND are involved. The SENCo or Headteacher will often be involved as they are most likely to have the best understanding and knowledge of the individual child. Parents will be very closely involved and sanctions selected will be those discussed with parents as having the greatest influence on a child's behaviour and enabling them to learn from the sanction.

At all times the Headteacher is made aware of children's behaviour...both negative and positive. This is done through fortnightly evaluations which are between teachers and the Head. Teaching Assistants also comment on behaviour in their weekly evaluations. These are read by the Head and Assistant Head/SENCo.

Bullying

"Behaviour by an individual or group, usually repeated over time, that intentionally hurts another individual or group, either physically or emotionally."

There are many forms of bullying these include: racist, sexist, homophobic, sexual as well as bullying that targets faith and religion, social class and disability.

All allegations, whether considered low-level or serious, will be investigated thoroughly and impartially, and all parties will be involved.

We will support children by:-

- Identifying a member of staff with whom the victim can talk
- Encouraging the victim to identify the perpetrator
- Finding out what happened and taking steps to avoid similar situations in the future
- Interviewing pupils involved and obtaining written statements where necessary
- Maintaining close supervision letting the perpetrator(s) know that this is happening and applying sanctions if further intimidation occurs
- Involving parents of the victim and perpetrator as appropriate

What do you do if you as a parent are concerned about bullying?

Talk to your child's class teacher. If you are not satisfied, make an appointment to meet with the relevant Key Stage Co-ordinator. Meet with them regularly and work to resolve the matter.

If you are dissatisfied with the outcome then you should make an appointment to meet with the Assistant Heads. If you are still dissatisfied, make an appointment to meet with the Deputy Head. If you are still dissatisfied, make an appointment to meet with the Headteacher.

There may be occasions when you could find your child involved in cyber bullying. Although this could be happening at home we would like to be informed so we can measure how successful our policies on e-safety are. We will also do whatever we can to help.

What staff do to help limit bullying and its effects

Staff have an understanding that if a child feels they are being bullied then it needs to be investigated as such. It is the child's perception that they are being bullied that is of most importance. As staff, we may wish to change that perception. However, at the time it is shared, to the child it remains bullying.

Part of school work on Personal, Social, Citizenship, and Health Education covers aspects of bullying. Children in every year group will have planned lessons on bullying: what it is and how it can be prevented, and what to do if they are bullied.

Posters will be seen around the school encouraging the children to tell an adult or a friend...*anyone*...if they are being made to feel as though they are being bullied. Childline posters can be seen by the children.

Wherever possible, outside speakers and drama groups will be invited into school to highlight what to do if children feel they are being bullied.

Staff will take a report of bullying as serious and let the child know this. It will not be seen as 'telling tales'.

Relevant and up to date advice from the Department for Education will be made use of, and guidance will be followed.

Sanctions

There are a number of sanctions available for staff to use, and children are made fully aware of these. The choice of sanction is up to the member of staff who will use their discretion and will bear in mind the sanction that 'best fits' the behaviour shown by the child ie: a child who draws on a toilet wall will be sent to the Site Agent and will be given the appropriate materials to put right the damage.

The sanctions may take the following forms:-

- Being moved to a solitary position within the classroom or to another group of children
- Temporary exclusion from the classroom to another class
- Finishing uncompleted work out of classroom time (must be supervised), or at home
- Tasks to assist the school in any reasonable way e.g.: making good minor damage
- Withdrawal of privileges e.g.: occasionally missing out on a liked activity (clubs) - not curriculum time
- Staying in at break/lunch time. The child must be supervised within the classroom
- Apologising either verbally or in writing, whichever is deemed most appropriate
- Referral to Key Stage 1 or Key Stage 2 Co-ordinator

- The sanction applied will be appropriate to the time and place in which the original misdemeanour occurred.

- Referral to the Assistant Heads

- Referral to the Deputy Headteacher

- Referral to the Headteacher

- A period of time spent at our neighbourhood behaviour provision (no further details are available at this stage)

Exclusions

New arrangements for school exclusion came into force in September 2012. These apply to any pupil excluded on or after 1 September 2012 from a maintained school, academy school / Free School, alternative provision academy / Free School or pupil referral unit in England. Revised regulations and guidance for those with legal responsibilities in relation to exclusion have been issued – see **Appendix 3**.

Overview

The process for challenging a school's decision to permanently exclude a pupil has changed. The old system of independent appeal panels has been replaced by independent review panels.

Where requested by a parent, a SEND expert needs to be appointed by the local authority or academy trust to advise the independent review panel.

The independent review panel can uphold the decision to permanently exclude a pupil; recommend that the governing body reconsider its decision; or direct the governing body to reconsider its decision. A direction to reconsider is limited to circumstances where a panel decides that the school has acted illegally, irrationally or where there are significant flaws in procedure.

Where a governing body decides not to offer to reinstate a pupil following a direction from a panel to reconsider its decision, the panel is expected to require an adjustment to a school's budget or payment of £4000 towards the cost of alternative provision.

Where a parent alleges discrimination (under the Equality Act 2010) in relation to a fixed period or permanent exclusion, they are able to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

Key responsibilities

Headteachers

- Headteachers' powers to exclude remain unchanged but there is new statutory guidance on the use of these powers.

Governing bodies

- Governing bodies perform the key role of determining whether an excluded pupil should be reinstated. This involves reviewing the decision of the headteacher and considering the outcome of any independent review panel hearing.

Local authorities / academy trusts

- Where requested by a parent, local authorities or academy trusts need to arrange an independent review panel to consider the decision of a governing body to uphold a permanent exclusion.
- Panel members need to be trained in how to perform their role.
- Local authorities or academy trusts also need to appoint a special educational needs expert to advise the panel, where requested by a parent.

Local authorities

- Local authorities need to oversee adjustments to a school's budget or payments by a school, where a school does not offer reinstatement following a direction by a panel to reconsider its decision to permanently exclude a pupil.

There are 2 types of exclusion. The first is known as 'fixed term' and the other 'permanent'. Fixed term exclusion can be applied particularly where there are persistent breaches of school rules and in instances of malicious or vexatious behaviour. Under the new guidance, Headteachers are encouraged to consider alternatives to exclusion:-

- Using a restorative justice process which enables an offender to redress the harm that has been done to a 'victim', and enables all parties with a stake in the outcome to participate fully in the process

- Internal exclusion (internal seclusion) can be used to diffuse situations that occur in school that require a pupil to be removed from class, but may not require exclusion from the school premises. The exclusion could be to a designated area within the school, with appropriate support, or to another class on a temporary basis, and may continue during break periods.

- A managed move - if a school feels that it can no longer manage the behaviour of a particular pupil, the school may ask another school to take over his/her education. This should only be done with the full knowledge and cooperation of all parties involved, including the parents and the LA, and in circumstances where it is in the best interests of the pupil concerned. Parents should never be pressed into removing their child from school under threat of permanent exclusion, nor should pupils be deleted from the school roll to encourage them to find another school place.

The following guidance has been issued to schools and would feature in any appeal hearing:-

In circumstances where a pupil has a recognised disability an exclusion should not be implemented if the child's action/behaviour is a symptom of their disability. The school will need to be mindful to follow procedure, calling on a multi-agency team and/or professionals, for advice to support the pupil's education (e.g. training for staff etc). A decision to exclude would only be lawful if a pupil's behaviour is in breach of the school's published discipline policy. The published discipline policy should be

sympathetic to special educational needs and schools need to demonstrate that all reasonable steps have been taken to address the pupil's behaviour prior to exclusion.

Lunchtime debarment is now classified as a fixed-period exclusion (counted as equivalent to half a school day) and treated as such; a lunch time exclusion for an indefinite period would not be lawful.

At Bramingham, we aim to give every child the understanding they need. We will always think about the reasons **why** a child is behaving in the manner they are choosing to behave.

Staff are provided with a wide range of strategies for dealing with unsociable or unacceptable behaviour, and as can be seen from this policy, children are given 'chances' to improve on any negative behaviour, and many opportunities to be praised for positive behaviour and therefore act as role models to their peers. We aim to listen and be fair and we can only do this if we treat each child as the individual they are.

We have adopted the advice and guidance given by the DfE as can be seen in this policy. This policy forms part of the induction process for all staff members. The procedures are highlighted yearly for teachers, teaching assistants and lunchtime supervisors.

Appendix 1

CODE OF CONDUCT

The Governors at Bramingham Primary School expect all staff, parents and visitors to be civil and respectful towards those with whom they have dealings, whether in giving advice, or seeking guidance. In particular, the governing body would wish all those on the premises to conduct themselves in a professional manner and to discuss matters relating to either education or the school with understanding, tolerance and confidentiality when appropriate.

It is expected that anyone who has a concern about, or grievance with another person, in connection with the educational activities of the school, refer the matter in the first instance to the Headteacher. If the matter is not resolved to the satisfaction of the complainant then a further referral may be made to the Chair of Governors who will carry out an investigation to ensure the correct process has been followed.

The governing body does not accept that anyone has the right to show threatening or disrespectful behaviour to another person. Persons who are found to be unable or unwilling to comply with the standards of proper conduct as set out above will be subject either to disciplinary action or will be required to leave the premises. The school, with the full consent of the governors, will not hesitate to involve the police should anyone undertake an action that is considered to be of a criminal nature.

This Code of Conduct will be made available to all parents in their School Booklet and on our website. Staff will be required to sign that they have read it on an annual basis.

Bramingham Primary School Rules



At Bramingham we…

Listen

Encourage each other

Ask awesome questions

Respect everyone

Never give up

together!



Appendix 3

Statutory guidance on the exclusion of pupils from local-authority-maintained schools, academies and pupil referral units.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/180781/DFE-00042-2012_Statutory_Guidance_-_exclusion_from_1_sep_2012_-_june.pdf

Searching, screening and confiscation

Advice for headteachers, school staff and governing bodies

January 2018



Contents

Summary 3
About this departmental advice 3
Expiry or review date 3
Who is this advice for? 3
Key points 3
Searching 3
Confiscation 4
Schools' obligations under the European Convention on Human Rights (ECHR) 4
Screening 5
Searching with consent 6
Searching without consent 7
During the search 10
After the search 11
Further sources of information 15
Associated resources (external links) 15
Legislative links 15

Summary

About this departmental advice

This advice is intended to explain schools' powers of screening and searching pupils so that school staff have the confidence to use them. In particular, it explains the use of the power to search pupils without consent. It also explains the powers schools have to seize and then confiscate items found during a search. It includes statutory guidance which schools must have regard to.

Expiry or review date

This advice will be kept under review and updated as necessary.

Who is this advice for?

This advice is for:

• School leaders and school staff in **all** schools in England.

• For the purposes of this advice references to "maintained school" means a community, foundation or voluntary school, community or foundation special school. It also means Pupil Referral Units and non-maintained special schools.

• For the purpose of this advice references to "Academy" means Academy schools (including mainstream free schools) and Alternative Provision (AP) Academies (including AP free schools).

• Where particular provisions do not apply to a particular type of school we make this clear.

Key points

Searching

• School staff can search a pupil for any item if the pupil agrees.

• Headteachers and staff authorised by them have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. Prohibited items are: The ability to give consent may be influenced by the child's age or other factors

• knives or weapons
• alcohol
• illegal drugs
• stolen items
• tobacco and cigarette papers
• fireworks
• pornographic images
• 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).

• Headteachers and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Confiscation

• School staff can seize any prohibited item found as a result of a search. They can also seize any item, they consider harmful or detrimental to school discipline.

Schools' obligations under the European Convention on Human Rights (ECHR)

• Under article 8 of the European Convention on Human Rights pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils have the right to expect a reasonable level of personal privacy.

• The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school (or any public body) must be justified and proportionate.

• The powers to search in the Education Act 1996 are compatible with Article 8. A school exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8. This advice will assist schools in deciding how to exercise the searching powers in a lawful way.

Screening

What the law allows:

• Schools can require pupils 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.

• Schools' statutory power to make rules on pupil behaviour[2] and their duty as an employer to manage the safety of staff, pupils and visitors[3] enables them to impose a requirement that pupils undergo screening.

• Any member of school staff can screen pupils.

Section 89 of the Education and Inspections Act 2006 for all maintained schools, PRUs and NMSS and the Education (Independent School Standards) (England) Regulations 2010 for academy schools and alternative provision academies

Section 3 of the Health and Safety at Work etc. Act 1974

Also note:

• If a pupil refuses to be screened, the school may refuse to have the pupil on the premises. Health and safety legislation requires a school to be managed in a way which does not expose pupils or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.

• If a pupil fails to comply, and the school does not let the pupil in, the school has not excluded the pupil and the pupil's absence should be treated as unauthorised. The pupil should comply with the rules and attend.

• This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

Searching with consent

Schools' common law powers to search:

• School staff can search pupils with their consent for any item.

Also note:

• Schools are not required to have formal written consent from the pupil for this sort of search – it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree.
• Schools should make clear in their school behaviour policy and in communications to parents and pupils what items are banned.
• If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.
• A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate disciplinary penalty.

Searching without consent

What the law says:

What can be searched for?

• Knives or weapons, alcohol, illegal drugs and stolen items; and
• Tobacco and cigarette papers, fireworks and pornographic images; and
• 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, or damage to property; and
• Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

1. Can I search?

• Yes, if you are a headteacher or a member of school staff and authorised by the headteacher.

2. Under what circumstances?

• You must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if possible, they should be the same sex as the pupil being searched.
• There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and / or without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

3. When can I search?

• If you have reasonable grounds for suspecting that a pupil is in possession of a prohibited item.

Also note:

• The law also says what must be done with prohibited items which are seized following a search.

• The requirement that the searcher is the same sex as the pupil and that a witness is present will continue to apply in nearly all searches. Where it is practicable to summon a staff member of the same sex as the pupil and a witness then the teachers wishing to conduct a search must do so.

4. Authorising members of staff

• Headteachers should decide who to authorise to use these powers. There is no requirement to provide authorisation in writing.
• Staff, other than security staff, can refuse to undertake a search. The law states that headteachers may not require anyone other than a member of the school security staff to undertake a search.
• Staff can be authorised to search for some items but not others; for example, a member of staff could be authorised to search for stolen property, but not for weapons or knives.
• A headteacher can require a member of the school's security staff to undertake a search.
• If a security guard, who is not a member of the school staff, searches a pupil, the person witnessing the search should ideally be a permanent member of the school staff, as they are more likely to know the pupil.

5. Training for school staff

• When designating a member of staff to undertake searches under these powers, the headteacher should consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

6. Establishing grounds for a search

• Teachers can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The teacher must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to suspect that the pupil is concealing a prohibited item.
• In the exceptional circumstances when it is necessary to conduct a search of a pupil of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a pupil's expectation of privacy increases, as they get older.
• The powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.
• School staff may wish to consider utilisingCCTV footage in order to make a decision as to whether to conduct a search for an item.

7. Searches for items banned by the school rules

• An item banned by the school rules may only be searched for under these powers if it has been identified in the school rules as an item that can be searched for.
• The school rules must be determined and publicised by the headteacher in accordance with section 89 of the Education and Inspections Act 2006 in maintained schools. In the case of academy schools and alternative provision academies, the school rules must be determined in accordance with the School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012. Separate advice on school rules is available in 'Behaviour and Discipline – advice for headteachers and school staff' via the link under Associated Resources.
• Under section 89 and the School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012 the headteacher must publicise the school behaviour policy, in writing, to staff, parents and pupils at least once a year.

8. Location of a search

• Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on school trips in England or in training settings.
• The powers only apply in England.

During the search

9. Extent of the search – clothes, possessions, desks and lockers

What the law says:

• The person conducting the search may not require the pupil to remove any clothing other than outer clothing.
• 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.
• 'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags.
• A pupil's possessions can only be searched in the presence of the pupil and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

Also note:

• The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

10. Lockers and desks

• Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not the pupil is present.
• If a pupil does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the "prohibited items" listed above.

11. Use of force

• Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the school rules.
• Separate advice is available on teachers' power to use force – see Associated Resources section below for a link to this document

After the search

12. The power to seize and confiscate items – general

What the law allows:

• Schools' general power to discipline, as circumscribed by Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.

Also note:

• The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is reasonably suspected to be an offensive weapon, it must be passed to the police.

• Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

13. Items found as a result of a 'without consent' search

What the law says:

• A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

• Where a person conducting a search finds alcohol, they may retain or dispose of it. This means that schools can dispose of **alcohol** as they think appropriate but this should not include returning it to the pupil.

• Where they find **controlled drugs**, these must be delivered to the police as soon as possible but may be disposed of if the person thinks there is a good reason to do so.

• Where they find **other substances** which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.

• Where they find **stolen items**, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so.

• Where a member of staff finds **tobacco or cigarette papers** they may retain or dispose of them. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the pupil.

• **Fireworks** found as a result of a search may be retained or disposed of but should not be returned to the pupil.

• If a member of staff finds a **pornographic image**, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable.

• Where an article that has been (or is likely to be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of.

• Where a member of staff finds **an item which is banned under the school rules** they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.

• Any **weapons or items which are evidence of an offence** must be passed to the police as soon as possible.

14. Statutory guidance on the disposal of controlled drugs and stolen items

• It is up to the teachers and staff authorised by them to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police. In determining what is a "good reason" for not delivering controlled drugs or stolen items to the police the member of staff must have regard to the following guidance issued by the Secretary of State:
• In determining what is a 'good reason' for not delivering controlled drugs or stolen items to the police, the member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.
• Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such.
• With regard to stolen items, it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases. However, school staff may judge it appropriate to contact the police if the items are valuable (iPods/laptops) or illegal (alcohol/fireworks).

15. Statutory guidance for dealing with electronic devices

• Where the person conducting the search finds an electronic device that is prohibited by the school rules or that they reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the police. This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone if it has been seized in a lawful 'without consent' search and is prohibited by the school rules or is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.
• The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a "good reason" for examining or erasing the contents of an electronic device:
• In determining a 'good reason' to examine or erase the data or files the staff member should reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.
• If an electronic device that is prohibited by the school rules has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police.[4]
• If a staff member does not find any material that they suspect is evidence in relation to an offence, and decides not to give the device to the police, they can decide whether it is appropriate to delete any files or data from the device or to retain the device as evidence of a breach of school discipline.
• All school staff should be aware that behaviours linked to sexting put a child in danger. Governing bodies should ensure sexting and the school's approach to it is reflected in the child protection policy. The UK Council for Child Internet Safety

[4] Section 62 of the Coroners and Justice Act 2009 defines prohibited images of children. Section 63 of the Criminal Justice and Immigrations Act 2008 defines extreme pornographic images.
(UKCCIS) Education Group has recently published the advice - sexting in schools and colleges - responding to incidents and safeguarding young people

Also note:
• Teachers should also take account of any additional guidance and procedures on the retention and disposal of items that have been put in place by the school.

16. Telling parents and dealing with complaints

• Schools are not required to inform parents before a search takes place or to seek their consent to search their child.
• There is no legal requirement to make or keep a record of a search.
• Schools should inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
• Complaints about screening or searching should be dealt with through the normal school complaints procedure.

Further sources of information

Associated resources (external links)

• Use of Reasonable Force - advice for headteachers, staff and governing bodies
Behaviour and Discipline in Schools

• Behaviour and Discipline in Schools - advice for head teachers and school staff

• Information Commissioner for advice on the Data Protection Act

• Keeping children safe in education statutory guidance for schools and colleges

• UK Council for Child Internet Safety- UKCCIS Sexting in schools and colleges - responding to incidents and safeguarding young people

Legislative links

• The Education Act 1996

• Education and Inspections Act 2006

• Education (Independent School Standards) (England) Regulations 2010

• The Schools (Specification and Disposal of Articles) Regulations 2012

• School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012

• Health and Safety at Work etc Act 1974

© Crown copyright 2018
This publication (not including logos) is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.
To view this licence:
visit www.nationalarchives.gov.uk/doc/open-government-licence/version/3
email psi@nationalarchives.gsi.gov.uk
write to Information Policy Team, The National Archives, Kew, London, TW9 4DU
About this publication:
enquiries www.education.gov.uk/contactus
download www.gov.uk/government/publications
Reference: DFE-00034-2014 Follow us on Twitter: @educationgovuk Like us on Facebook: facebook.com/educationgovuk