



## **Policy Document**

# **BEHAVIOUR FOR LEARNING POLICY**

Adopted by Governors: 12th September 2017

Next due for review: September 2018

Responsibility for review: Standards Committee

## Context

This policy is written in response to the Education and Inspection Act 2006 and with reference to the Equality Act (2010). There will be a consistent application of the policy and procedures which will take into account gender, race, disability, religion or belief, sexual orientation, pregnancy and gender reassignment.

The following DfE guidance will be used in conjunction with applying the policy:

- Use of Reasonable Force – advice for Principals, staff and governing bodies  
<http://www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies/f0077153/use-of-reasonable-force-advice-for-school-leaders-staff-and-governing-bodies>
- Screening, Searching and Confiscation – advice for Principals, staff and governing bodies  
<http://www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies/f0076897/screening-searching-and-confiscation>
- **Exclusion from maintained schools, academies and pupil referral units in England**  
<https://www.gov.uk/government/publications/school-exclusion>

Teachers' powers to discipline pupils are outlined in the following:

- sections 90, 91 and 92 of the [Education and Inspections Act 2006](#) give detail on statutory powers such as issuing detentions to confiscating inappropriate items
- section 93 of the Education and Inspections Act 2006 outlines the statutory power to use reasonable force to control or restrain students
- section 550ZA of the [Education Act 1996](#) and the [Schools \(specification and Disposal of Articles\) Regulations 2012](#) give teachers the power to search pupils without consent for a number of 'prohibited items'.

## 1. Review Period

This policy will be reviewed annually taking into account subgroups such as vulnerable children and in consultation with staff, students and parents.

## 2. Policy Aims

Through a consistent, whole school approach to positive behaviour management, all students regardless of race, ethnicity, gender, age, special educational needs, looked after etc, will be given the opportunity to fulfil their potential and achieve to the maximum of their capabilities.

### What are the purposes of Behaviour for Learning?

- To improve standards of behaviour in all areas of the learning environment.
- To encourage students to take responsibility for their own actions.
- To communicate to students what good behaviour means.
- Use constant positive reinforcement in the pursuit of high standards of work and behaviour.
- Provide a clear set of rewards and sanctions which all students, parents and staff understand.

### Behaviour for Learning has three strands:

- In the classroom.
- Around the school.

- Towards the individual.

**The aims of the policy are:**

- To create a positive ethos within which all members of the school feel secure and are treated with fairness and consistency.
- To offer clear guidelines and secure, safe conditions in which effective learning can take place.
- An expectancy of good behaviour in all circumstances and caring attitudes. These attitudes are understood and accepted as being necessary for the general well-being of the school community and all its members.
- To encourage this behaviour the adults will model tolerance and respect for others
- To create a quiet but firm approach to good behaviour. This will encourage the children to become self-disciplined and rational individuals.
- To help all members of the school to appreciate their own self-worth and to equally value, consider and respect their needs and the needs of others.

**Positive outcomes for students should be:**

- A reduction in exclusions.
- Raised attainment.
- Students feeling safe and secure.
- A reduction in incidents of inappropriate/unacceptable behaviour.
- a recognition that appropriate behaviour is a life skill and not just a school expectation.
- Students understand and accept responsibility for, and the impact of, actions and words.

### **3. Roles and Responsibilities**

**The Governing Body** will establish in consultation with the Principal, staff and parents the policy for the promotion of good behaviour and keep it under review. It will ensure that it is communicated to students and parents, is non-discriminatory and the expectations are clear. Governors will support the school in maintaining high standards of behaviour.

**The Principal** is accountable for the implementation of the policy, and will delegate the responsibility for its day to day management to the SLT and others.

**The Governing Body, Principal and staff** will ensure that there will be a consistent application of the policy and procedures which will take into account gender, race, disability, religion or belief, sexual orientation, pregnancy and gender reassignment. Parents will be informed of the statutory nature of this policy.

#### **EXPECTATIONS WITH REGARD TO STUDENTS**

Students will be expected to take responsibility for their own behaviour and will be made fully aware of the school policy, procedures and expectations. Students also have a responsibility to ensure that incidents of disruption, violence, bullying and any form of harassment are reported.

Students will be expected to:

- conduct themselves around the building in a safe, sensible, manner and show regard to others
- arrive on time to lessons or explain politely the cause of any lateness giving an acceptable reason
- bring equipment appropriate for the lesson
- follow reasonable instructions given by the teacher
- behave in a reasonable and polite manner to all staff and students

- co-operate with teachers in helping everyone to learn, listen attentively and take their turn to speak
- show respect for the opinions and beliefs of others
- complete all class work in the manner required
- hand in homework at the time requested
- show respect for the working environment

Behaviour for Learning is expected of all students within the classroom and in order to ensure that all students are given the chance to learn there are procedures in place for when this does not occur.

### **EXPECTATIONS WITH REGARD TO STAFF**

Staff, including teachers, support staff and volunteers, will be responsible for ensuring that the policy and procedures are followed, and consistently and fairly applied. Mutual support amongst all staff in the implementation of the policy is essential. Staff have a key role in advising the Principal on the effectiveness of the policy and procedures. They also have responsibility, with the support of the Principal, for creating a high quality learning environment, teaching good behaviour and implementing the agreed policy and procedures consistently. Staff have a statutory authority to impose sanctions on behalf of the school.

Staff will be expected to:

- endeavour to arrive on time to their lessons
- create a swift and purposeful start to the lesson
- reinforce clear expectations of behaviour
- deliver a suitably planned and structured lesson which meets all individual needs
- deal with incidents of inappropriate/unacceptable behaviour by following the school's Behaviour for Learning System
- promote and reinforce positive behaviour in and outside the classroom

### **EXPECTATIONS WITH REGARD TO PARENTS/CARERS**

Parents and carers will take responsibility for the behaviour of their child both inside and outside the school. They will be encouraged to work in partnership with the school to assist the school in maintaining high standards of behaviour and will have the opportunity to raise with the school any issues arising from the operation of the policy.

Parents and carers are expected to:

- work in partnership with staff to ensure good behaviour
- inform staff of any concerns
- respond to concerns raised by members of staff
- ensure pupils come to school correctly equipped and prepared to work

## **4. Rewards and Privileges**

We operate a system of rewards and privileges to encourage students to behave well. Some examples of rewards, for students who work hard, behave and attend well are as follows:

- Verbal praise from staff
- Positive points allocated
- Positive comments in the student planner
- Faculty own rewards, certificates and postcards
- Prizes for points achieved
- Rewards Assemblies

- Special awards
- Letters of praise to parents

### **Behaviour for Learning in the classroom**

Behaviour for Learning is a whole school approach which encourages a consistent system for applying consequences for behaviour which disrupts teaching and learning. Students will be made aware of the consequences of poor behaviour and be given opportunities to modify their behaviour with the support and guidance of staff. To support students signs are displayed in all classroom that clearly outline examples of inappropriate and unacceptable behaviour. Possible sanctions are also clearly outlined for students.

In addition to the behaviours outlined in the Behaviour for Learning system, meeting the expectations below will help to achieve success in learning:

- Arrive on time in school and lessons in correct uniform and with a good attitude towards learning.
- Ensure you have all equipment and clothing required for every lesson (i.e. pens/pencils, calculator, subject books, reading books, planner, PE Kit etc.)
- Complete independent learning tasks on time.
- Make use of the support offered by the school

The staff at Iveshead School will take into account the particular needs of more vulnerable students, those with SEN, disability and/or different race, religion or culture. We will ensure that we will:

- not discriminate against particular racial groups in the application of our behaviour policy
- ensure staff members are well informed about cultural differences in behaviour and their implications
- support newly-arrived students in understanding and following the behaviour policy
- make reasonable adjustments in the application of our behaviour policy to disabled students
- make special educational provision for students whose behaviour related learning difficulties call for it to be made
- identify students at-risk in advance
- not discriminate against students with regard to sexual orientation, pregnancy and gender reassignment
- plan proactively how our disciplinary framework should be applied for each of these identified students
- make sure that every vulnerable student has a key person in school who knows them well, has good links with the home and can act as a reference point for staff when they are unsure how to apply the behaviour policy.

## **5. Sanctions**

Outlined below are examples of inappropriate/unacceptable behaviour and sanctions which are available. This is not a tariff, and each case must be dealt with according to its merits. Sanctions will be applied fairly in accordance with DCSF guidance and exclusion used when no other alternatives are available.

## Iveshead Behaviour for Learning

	Example Behaviour	Possible Actions	Sanction
<b>B1</b>	<ul style="list-style-type: none"> <li>• Talking unnecessarily</li> <li>• Calling out</li> <li>• Chewing gum, eating, drinking (other than water)</li> <li>• Slow to start work</li> <li>• Distracting others</li> <li>• Lack of respect for others property</li> <li>• Using mobile phone</li> <li>• Incorrect uniform</li> </ul>	<ul style="list-style-type: none"> <li>• Verbal warning</li> <li>• Name on whiteboard</li> <li>• Moved within the class</li> <li>• Removal of phone</li> <li>• Removal of non-uniform (if appropriate)</li> </ul>	
<b>B2</b>	<ul style="list-style-type: none"> <li>• Inappropriate behaviour continues</li> <li>• Homework not handed in</li> <li>• Lack of equipment (including PE kit)</li> <li>• Incorrect uniform following warning</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to paired lesson within faculty</li> <li>• Removal of phone</li> <li>• Removal of non-uniform (if appropriate)</li> </ul>	<ul style="list-style-type: none"> <li>• Lunchtime detention (30 mins) within faculty or phase manager (uniform)</li> </ul>
<b>B3</b>	<ul style="list-style-type: none"> <li>• Student refuses to attend paired lesson</li> <li>• Student disrupts learning in paired lesson</li> <li>• Refusal to work</li> <li>• Refusal to obey member of staff</li> <li>• Unexplained lateness after 9am</li> <li>• Smoking on campus</li> <li>• Failure or refusal to attend lunchtime detention</li> <li>• Incorrect uniform following lunchtime detention</li> <li>• Off site at break and/or lunchtime</li> </ul>	<ul style="list-style-type: none"> <li>• Collected by duty staff</li> <li>• Isolation for the lesson</li> </ul>	<ul style="list-style-type: none"> <li>• After school detention (1 hour)</li> </ul>
<b>B4</b>	<ul style="list-style-type: none"> <li>• Failure or refusal to attend after school detention</li> <li>• Swearing at a member of staff</li> <li>• Fighting</li> <li>• Bullying</li> <li>• Dangerous object or prohibited item (or replica)*</li> <li>• offensive/abusive/racist or homophobic language</li> <li>• Dangerous behaviour</li> <li>• Incorrect uniform following after school detention</li> </ul>	<ul style="list-style-type: none"> <li>• Collected by duty staff</li> <li>• Isolation for the rest of day pending investigation</li> </ul>	<ul style="list-style-type: none"> <li>• Isolation</li> <li>• Fixed term exclusion</li> <li>• Hosting at another school</li> </ul>

- The first time you get your phone taken off you, it will be returned at the end of the school day. Following that your parent/carer will need to collect it.

In relation to dangerous and prohibited items (or replicas)\* school staff can search a pupil for any item if the student agrees. The Principal, and staff authorised by him, have a statutory power to search students or their possessions, *without consent*, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.

Prohibited items are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco
- fireworks
- pornographic images

any article that the member of staff reasonably suspects has been, or is likely to be used:

- i. to commit an offence
- ii. to cause personal injury to, or damage to the property of, any person (including the student)
- iii. In addition the school considers unsuitable items such as fizzy drinks, chewing gum and aerosol sprays as prohibited items.

Confiscation

- School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school behaviour.
- Making a decision as to what happens to the item will be made by the Principal and/or Vice Principal with reference to the nature of the item, its intended purpose and its legality.

(See Appendix 1)

**Sanctions available for very serious breaches of the behaviour code (B4) include:**

- Parental meetings with The Progress Director and/or SLT
- internal exclusion
- fixed term exclusion including a fixed term exclusion at a different school
- a managed move
- Permanent exclusion
- Police involvement

**Internal exclusions**

This will be initially school-based but a repeat or serious offence may mean internal exclusion in a different school (hosting). The student will work in isolation doing work provided by their subject teachers. Internal exclusions are frequently used for students who have a build-up of poor behaviour across a range of subjects and who are persistently failing to respond to the school discipline code. Internal exclusions may be used as a sanction for B3 and B4 behaviours.

**Fixed term exclusions**

The Principal (or a member of the SLT deputising for the Principal) is the only member of staff who can sanction a **fixed term or permanent exclusion by the power delegated by the governing body**. In the case of all exclusions, parents/carers are informed in writing of the reasons for the exclusion and their right of appeal. Excluded pupils are provided with work for the duration of the exclusion.

This is likely to be the case where the seriousness of the offence warrants this punishment and exclusions could be held at a different school within our partnership.

External fixed term exclusions are also likely to be given where the student has already had a number of school internal exclusions in the past. Work will be provided and a re-admittance procedure will be followed whereby parents, student and the Principal or his representative, working on behalf of the governing body, will meet. Students will not be readmitted until this meeting has taken place. Re-admittance procedures for persistent offenders may be held by a panel of governors. Work will need to be completed to a suitable standard. Following an exclusion students will be reintegrated into school via our phase base.

### **Managed Move**

A student whose behaviour is such that the school may consider a managed move will be referred to the Behaviour Inclusion Partnership via our Inclusion team. A managed move may be considered for a student who has received a number of fixed term exclusions or for a serious breach of the behaviour code. The inclusion team team will work closely with the student in school.

These plans are for pupils who are in danger of permanent exclusion.

- Interventions will be put in place to support the student's efforts to engage with the school.
- Students will be set targets
- The student's' progress will be regularly monitored.
- Parents will be kept informed of progress on a weekly basis.
- Regular meetings will be held to review progress

Permanent exclusions may occur for a student who has received a number of exclusions or has committed a serious breach of the behaviour policy or for whom a managed move has not been successful.

(See Appendix 3)

### **Outside the classroom**

This policy will apply at all times when students are the responsibility of school staff and when they are out of school as the responsibility of others and are acting in such a way as to bring the school into disrepute (whether or not they are in school uniform).

Teachers have a statutory power to discipline students for misbehaving outside of the school premises. Section 89(5) of the Education and Inspections Act 2006 gives Principal a specific statutory power to regulate students' behaviour in these circumstances "to such extent as is reasonable."

Teachers may discipline a student for any misbehaviour when the student is:

- taking part in any school-organised or school-related activity or
- travelling to or from school or
- wearing the school uniform or
- in some other way identifiable as a student 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 student, member of staff or member of the public or
- could adversely affect the reputation of the school.

We expect high levels of good and acceptable behaviour from students both inside and outside of the classroom. The latter will include:



- Behaviour in the corridors and communal areas of the school
- Behaviour at break and lunchtimes
- Behaviour on the way to and from school
- Behaviour on the buses
- Behaviour outside of school if it impinges on the well-being of other students and/or staff ( as above)

We expect students to:

- Show respect for each other in the way that they talk to each other and behave towards each other
- Show respect for adults in the school community
- Show respect for the physical environment. This includes not dropping litter or knowingly damaging school property/the damage of others
- Behave calmly and safely so that no other person is placed at physical risk
- Refrain from any activity that could be regarded as bullying or harassment of others
- Show equality and fairness to all members of the school community and not to act in a way that could be regarded as prejudiced or discriminatory.

Before school, break and lunch times and after school are the responsibility of the duty-team. Any incidents of a disciplinary nature should be reported to the duty-team leader and the phase manager (s).

Once an incident has been reported to or discovered by the duty-team leader and the phase manager they may use any of the sanctions listed below:

- verbal reprimand
- isolating from friends at break and lunchtime (on that duty day)
- lunchtime detention
- after school detention
- for serious incidents refer to SLT

When students have repeated incidents of poor behaviour we will monitor their behaviour and put strategies in place to support them. This will be done by working together with the student and parents/carers as we believe this has the best possible outcomes.

Level	Behaviour	Actions	Report	Possible Interventions
1	3 x B2 incidents or 1x B3 incident	Phase manager to contact parents to raise concerns about poor behaviour. Meeting with student and phase manager (tutor invited). If all one subject teacher also invited.	Tutor	<ul style="list-style-type: none"> <li>● Refer to pastoral support checklist</li> <li>● Set targets</li> <li>● Restorative justice</li> <li>● Welfare and Attendance</li> </ul>
2	6 x B2 or 2 x B3	Phase manager to contact parents to highlight further concerns. Meeting with student, phase manager and parent to discuss possible strategies to support behaviour.	Phase Manager	<ul style="list-style-type: none"> <li>● Refer to pastoral support checklist</li> <li>● Set targets</li> <li>● Restorative justice</li> <li>● Changes to learning environment</li> <li>● Internal intervention e.g anger management</li> <li>● Welfare and Attendance</li> </ul>
3	9 x B2 or 4 x B3 or 1 B4	Phase manager to contact parents to discuss further concerns. Meeting with phase manager, student, parent and	Progress Director	<ul style="list-style-type: none"> <li>● External provision</li> <li>● Boxall Profile</li> <li>● Welfare and Attendance</li> </ul>

		SMY. Behaviour contract signed with clear targets (refers to exclusion)		<ul style="list-style-type: none"> <li>• Mentor</li> </ul>
4	12 XB2 or 6xB3 or repeated B4	Phase manager to contact parents to discuss further. Meeting with AG, SMY and parents. Behaviour contract signed with clear targets (refer to exclusion)	AG	<ul style="list-style-type: none"> <li>• Refer to pastoral support checklist</li> <li>• Set targets</li> <li>• Restorative justice</li> <li>• Changes to learning environment</li> <li>• Internal intervention e.g anger management</li> <li>• Welfare and Attendance</li> <li>• External provision</li> <li>• Mentor</li> <li>• Governor meeting</li> <li>• Hosting</li> </ul>
5	Repeated fixed-term exclusions with no impact on changing behaviour	To be decided by pastoral team on case by case decisions.		<ul style="list-style-type: none"> <li>• Referral to inclusion team</li> </ul>

- all reports to be handed out formally during behaviour meeting. Targets must be specific and linked to initial behaviour (s). Student must be involved in setting behaviours
- Phase managers produce all reports and letters (if appropriate)
- Transfer student narrative when refer to inclusion team

### Use of reasonable force

Iveshead School seeks to avoid the use of force unless it becomes absolutely necessary; it would only be used in extreme situations such as to defuse a serious and potentially harmful situation to a student(s) and/or members of staff where there is a risk to their physical safety. In this case, the member of staff is fulfilling their duty of care to all students by ensuring that the students involved are kept safe from physical harm. In other instances a student may be putting him/herself at risk as a result of the behaviour demonstrated and this may also justify a degree of reasonable physical intervention by an employed adult at the school.

If a volatile situation arises, a member of staff should immediately seek the assistance of the SLT or any available senior colleague. The school observes all DFE guidance relating to the use of reasonable force which can be found by visiting

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

### Definition

The use of force can be regarded as “reasonable” only if:-

- The circumstances of the particular incident warrant it
- The degree of force used is in proportion to the incident and is the minimum needed
- The age and level of understanding of the student is taken into account

Otherwise, any use of force is unlawful.

Reasonable force should not be used automatically in situations or as a form of discipline.

Physical intervention to force compliance with staff instructions should never be used as a substitute for good behaviour management.

Reasonable force might involve staff:-

- Physically interposing between students
- Blocking a student's path
- Shepherding a student away by placing a hand in the centre of his/her back

### **Preventative Strategies**

The school actively promotes positive behaviour management strategies and seeks to develop good relationships at all levels thus reducing the need for the use of any form of physical intervention except in an emergency situation.

All staff will seek to follow strategies likely to reduce the need for force in dealing with difficult students, based on the age of the student and context in which they are applied. They will endeavour at all times to:

1. Move calmly and confidently
2. Make clear, simple statements, telling the student to stop and the consequences of failing to do so
3. If necessary, summon another adult before the problem escalates
4. If necessary, remove the audience from the immediate location

Staff should never give the impression that they have lost their temper or are acting from anger or frustration. When the school is aware that an individual student is likely to behave in a disruptive way that may require the use of reasonable force, the school will draw upon individual risk assessment, consult with parents/carers and plan proactive and reactive measures appropriately.

### **When reasonable force may be used**

Calm and measured responses will be considered before any force is applied in any situation. It is often inappropriate for a member of staff to intervene in an incident without help if he/she may be at risk of injury. In this event, he/she will remove other students who may be at risk and summon help from a colleague.

Reasonable force may be appropriate to restrain a student where action is necessary for self-defence, where there is an imminent risk of injury or damage to property or where a student is compromising good discipline.

Examples are:

- A student attacks a member of staff or a student
- Students are fighting
- A student is in danger of causing injury or damage by accident, rough play, misuse of dangerous materials/substances

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action consistent with the use of reasonable force, for example, to prevent a student running into the path of oncoming buses or throwing something which might hit someone.

### **Dealing with allegations against members of staff**

Where there are allegations made against members of staff, these will be investigated swiftly and consistently by the School Leadership Team in line with the School Complaints Policy. Where there are issues relating to safeguarding and child protection, these will be dealt with via the appropriate channels including immediate communication with the Local Area Designated Officer (LADO) for Child Protection.

The School takes its responsibility for safeguarding and child protection extremely seriously. With this in mind we also regard false and malicious allegations against members of staff by students as an extremely serious breach of the school's behaviour code and hence serious sanctions will be imposed against students who knowingly make such false allegations.

### **Support structures for students**

The following structures exist within the school to support students whose progress in lessons or whose behaviour is causing concern. Referral to these areas of support is by the Community Leaders via weekly meetings.

### **Placement on the SEN Register**

Pupils on the register are monitored by the SENCO and appropriate interventions are put in place.

### **Short term interventions**

**A number of short term interventions are promoted within the school as part of a range of measures designed to help achieve behaviour for learning within the classroom and the school.**

**The following are examples of some of the interventions:**

- Love for Life
- Self esteem
- Boxing
- Youth club
- Fire school
- Relate
- Anger management
- Draw and talk
- Peer mentoring

The school is aware that transition times can be difficult times for some students and a number of transition programmes are put in place to help ease students' anxieties.

### Key Points

#### Discipline in schools – teachers' powers

##### Key Points

- Teachers have statutory authority to discipline pupils whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction (Section 90 and 91 of the Education and Inspections Act 2006).
- The power also applies to all paid staff (unless the Principal says otherwise) with responsibility for pupils, such as Teaching Assistants.
- Teachers can discipline pupils at any time the pupil is in school or elsewhere under the charge of a teacher, including on school visits.
- Teachers can also discipline pupils in certain circumstances when a pupil's misbehaviour occurs outside of school.
- Teachers have a power to impose detention outside school hours.
- Teachers can confiscate pupils' property.

#### Punishing poor behaviour

##### What the law allows:

13. 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 punishment on that pupil.

14. 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 Principal;
- 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.

15. A punishment must be proportionate. In determining whether a punishment is reasonable, section 91 of the Education and Inspections Act 2006 says the penalty must be reasonable in all 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.

16. The Principal 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.

17. Corporal punishment is illegal in all circumstances.

18. Schools should 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 should follow the schools' safeguarding policy. They should also consider whether continuing

disruptive behaviour might be the result of unmet educational or other needs. At this point, the school should consider whether a multi-agency assessment is necessary.

## **Pupils' conduct outside the school gates – teachers' powers**

### **What the law allows**

19. Teachers have the power to discipline pupils for misbehaving outside of the school premises “to such an extent as is reasonable”<sup>7</sup> – see paragraph 21.

20. Maintained schools and Academies' behaviour policies should set out what the school will do in response to non-criminal bad behaviour and bullying which occurs off the school premises and which is witnessed by a staff member or reported to the school, including the punishments that will be imposed on pupils.

21. Subject to the behaviour policy, teachers may discipline pupils for: misbehaviour when the pupil 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.

22 In all cases of misbehaviour the teacher can only discipline the pupil on school premises or elsewhere when the pupil is under the lawful control of the staff member

### **Detentions outside school hours**

30. School staff should not issue a detention where they know that doing so would compromise a child's safety. When ensuring that a detention outside school hours is reasonable, staff issuing the detention should consider the following points:

- Whether the detention is likely to put the pupil at risk.
- Whether the pupil has known caring responsibilities which mean that the detention is unreasonable.
- Whether the parents ought to be informed of the detention. In many cases it will be necessary to do so, but this will depend on the circumstances. For instance, notice may not be necessary for a short after school detention where the pupil can get home safely.
- Whether suitable travel arrangements can be made by the parent for the pupil. It does not matter if making these arrangements is inconvenient for the parent.

### Key Points

#### Confiscation of inappropriate items

##### What the law allows:

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

1) The **general power to discipline** (as described in the bullets under the heading “Discipline in Schools – Teachers’ Powers” on pages 3 and 4) enables a member of staff to confiscate, retain or dispose of a pupil’s property as a punishment, so long as it is reasonable in the circumstances. The law protects them from liability for damage to, or loss of, any confiscated items provided they have acted lawfully. The legislation does not describe what must be done with the confiscated item and the school behaviour policy may set this out; and

2) **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

##### After the search

The power to seize and confiscate items – general

What the law allows:

Schools’ general power to discipline, as set out in 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 thought to be a 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 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. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police.

Where an **article that has been (or could 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 teachers 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 they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

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 must 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 inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

#### 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

### Key points on the procedures for exclusion

#### Statutory guidance on the procedures for exclusion

The Department for Education (DfE) has published revised statutory guidance on exclusions. The revised guidance came into effect from 1 September 2012 and applies to all maintained schools, academies and pupil referral units (PRUs) in England.

It replaces 'Improving behaviour and attendance: guidance on exclusion from schools and PRUs'.

By law, school leaders, governing bodies, local authorities (LAs) and independent appeals panels must have regard to the document when excluding a pupil.

#### The Principal's power to exclude a pupil

Only a Principal, or acting Principal, of a school can authorise fixed and permanent exclusions

A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.

#### Responsibilities of the Principal/Vice Principal

:

- A Principal may withdraw an exclusion that has not been reviewed by the governing body
- Principals must take account of their legal duty of care when sending a pupil home following an exclusion
- When establishing the facts in relation to an exclusion decision the Principal must 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'.

Principals must also consider a school's responsibilities under the Equality Act 2010 when deciding whether to exclude a pupil. Schools must not discriminate against, harass or victimise pupils because of their sex, race, disability, religion or belief, sexual orientation; because of a pregnancy/maternity; or because of a gender reassignment.

Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion.

#### Notifying parents of an exclusion

A Principal, on excluding a pupil, must notify parents of the period of the exclusion and the reasons for it without delay. He/she must also provide parents with the following information in writing:

- The reasons for the exclusion
- The period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent
- Parents' right to make representations about the exclusion to the governing body and how the pupil may be involved in this
- How any representations should be made

- Where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend

Where an excluded pupil is of compulsory school age the Principal must also notify parents, by the end of the afternoon session, that:

For the first five school days of an exclusion (or until the start date of any alternative provision where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.

If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale:

- The start date for any provision of full-time education that has been arranged for the pupil during the exclusion.
- The start and finish times of any such provision, including the times for morning and afternoon sessions where relevant.
- The address at which the provision will take place.
- Any information required by the pupil to identify the person he/she should report to on the first day.

Paragraph 35 explains that effective methods for providing the information may include email or text message, giving the notice directly to the parents, or sending the information home with the excluded pupil. Where information is sent home with a pupil, Principals should consider sending a duplicate copy by an alternative method or confirming that the information has been received.

### **Notifying the governing body and LA of exclusions**

Paragraph 38 states that the Principal must, without delay, notify the governing body and the LA of:

- Permanent exclusions (including where a fixed period exclusion is made permanent)
- Exclusions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in any one term
- Exclusions which would result in the pupil missing a public examination or national curriculum test

For all other exclusions the Principal must notify the LA and governing body once a term. Notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.

### **Responsibility of the governing body and LA to arrange education for excluded pupils**

Section 5 of the guidance explains that for a fixed period exclusion of more than five school days, the governing body (or LA in relation to a pupil excluded from a pupil referral unit) must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth day of the exclusion.

Paragraph 48 of the guidance notes that there is an obvious benefit in starting this provision earlier if possible. Where it is not possible, or appropriate, to arrange alternative provision during the first five school days of an exclusion, schools should take reasonable steps to set and mark work for pupils.

For permanent exclusions, the LA must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion. Paragraph 44 says that this will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different LA.

Provision does not have to be arranged by either the school or LA for pupils in the final year of compulsory education who do not have any further public examinations to sit.

### **Removing a permanently excluded pupil's name from the school register**

Page 17 of the guidance says that the Principal must remove a pupil's name from the school admissions register if:

- A total of 15 school days have passed since the parents were notified of the governing body's decision to uphold a permanent exclusion and no application has been made for an independent review panel; or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review panel has been made within 15 school days, the Principal must wait until the review has been determined, or abandoned, before removing a pupil's name from the register.

### **Marking attendance registers following exclusion**

Paragraph 82 says that while an excluded pupil's name remains on a school's admissions register, he/she should be marked using the appropriate attendance code. Where alternative provision has been made that meets the requirements of the pupil registration regulations, and the pupil attends it, an appropriate attendance code should be used. For example:

- Code B (education off-site)
- Code D (dual registration)

Where pupils are not attending alternative provision they should be marked absent using code E

### **Duty of the LA/academy trust to arrange an independent review panel**

From 1 September 2012, independent appeal panels have been replaced by independent review panels. These new panels cannot force a school to re-admit a pupil. Chapter 8 of the guidance contains detailed information on the procedures to be followed when parents request an independent review of an exclusion.