

Kirklington & Averham Primary Schools Collaboration



Behaviour Policy And Discipline Code

**Reviewed summer 2019
Next review due: summer 2021**

Pupil discipline

Purpose

The purpose of this policy is to create a happy, secure and stimulating learning environment where every child will be inspired to do their very best.

We believe that high-quality teaching promotes effective learning and good behaviour. Our emphasis will be on recognising and celebrating effort and success, so that all pupils feel valued. We will teach pupils to take responsibility for their own actions and to accept the consequences of their choices. We will investigate thoroughly any allegations of bullying and any such incidents will be dealt with promptly and fairly.

Who was consulted?

The whole staff agreed what constitutes good behaviour to develop this policy. All pupils are consulted at the beginning of each academic year on the rules, rewards and sanctions. Parents are encouraged to support the policy through the home-school agreement.

Relationship to other policies

This policy is linked to the drugs, teaching and learning, and equality policies, and the home-school agreement.

Aims

- The school expects every member of the school community to behave in a considerate way towards others.
- We will treat all children fairly and apply this behaviour policy in a consistent way.
- This policy aims to help children grow in a safe and secure environment, and to become positive, responsible and increasingly independent members of the school community.
- The school rewards good behaviour, as it believes that this will develop an ethos of kindness and co-operation. This policy is designed to promote good behaviour, rather than merely deter anti-social behaviour.

Rewards and punishments

- We praise and reward children for good behaviour in a variety of ways:
- Teachers congratulate children.
- Teachers give children stickers which convert to star awards.

- Each week, we nominate a child from each class to receive the 'Progress Shield', 'Thoughtful Bear' or the 'Wright Cup' in recognition of personal improvement, kindness and attitude to learning.
- Each nominee is recorded on the roll of honour.
- Year groups have an opportunity to lead a talents assembly where they are able to show examples of achievements outside school.
- The school employs a number of sanctions to enforce the school rules, and to ensure a safe and positive learning environment. We employ each sanction appropriately to each individual situation.
 - We expect children to listen carefully to instructions in lessons. If they do not do so, we ask them either to move to a place nearer the teacher, or to sit on their own.
 - We expect children to try their best in all activities. If they do not do so, we may ask them to redo a task.
 - If a child is disruptive in class, the teacher reprimands him or her. If a child misbehaves repeatedly, we isolate the child from the rest of the class until s/he calms down, and is able to work sensibly again with others.
 - The safety of the children is paramount in all situations. If a child's behaviour endangers the safety of others, the class teacher stops the activity and prevents the child from taking part for the rest of that session.
 - If a child threatens, hurts or bullies another child, the class teacher records the incident and the child is punished. If a child repeatedly acts in a way that disrupts or upsets others, the school contacts the child's parents or carers and seeks an appointment in order to discuss the situation, with a view to improving the behaviour of the child.
- All members of staff are aware of the regulations regarding the use of force by teachers, as set out in DfES Circular 10/98, relating to section 550A of the Education Act 1996: The Use of Force to Control or Restrain Pupils. Teachers in our school do not hit, push or slap children. Staff only intervene physically to restrain children or to prevent injury to a child, or if a child is in danger of hurting him/herself. The actions that we take are in line with government guidelines on the restraint of children.

The School Discipline Code

If a child misbehaves, the school will:

- Give a warning or verbal reprimand,
- Where necessary, discuss incidents with the children involved,
- Where possible, encourage children to resolve disagreements by negotiation and support them through mediation,
- Encourage children to take responsibility for their own behaviour and accept the consequences of their actions,
- Withdraw privileges e.g. playtime and/or lunch time detention, non-participation in an event, loss of position of responsibility
- Use behaviour modification strategies as appropriate to the child's needs.
- Arrange school based 'community service' such as cleaning/tidying an area

- Apply regular behavior checks or instigate a reporting system

Where there is repeated or serious misbehaviour the school will:

- Discuss the incident(s) informally with parents,
- Involve the Head teacher
- Arrange formal contact with the parents and Head teacher
- Implement additional behaviour improvement strategies e.g. short term report card or IEP

Where the above strategies do not resolve the issues or for a very serious breach of school rules which affect safety, the school will:

- Consider and implement a short term exclusion (usually arranged 'in-school' where possible),
- Issue a behaviour contract with the child and parent upon readmission,
- Involve a representative from the governing body discipline committee,
- Consider on-going temporary exclusions from certain parts of the school day (e.g. lunch time exclusion),
- Consider and implement a permanent exclusion.

Should serious breaches of the behaviour policy and discipline code occur, see Appendix 1 for further clarification.

Arrangements for monitoring and evaluation

The governing body (*or Pupil Discipline Committee*) will evaluate the impact of this policy by receiving data from the headteacher. This may include:

- number and range of rewards for good behaviour each term
- fixed-term and permanent exclusions – number of and analysis of behaviour
- number of detentions and analysis of behaviour
- instances of bullying and action taken
- support provided for the victims.

Prior to any review of the policy, feedback will be sought from the pupils, staff and parents on the effectiveness of the policy. The governor monitoring this policy will visit the school at different times of the day and report to the Pupil and Personnel Committee.

Date established by governing body

Date for full implementation

Date for review

APPENDIX 1

Roles and responsibilities of headteacher, other staff, governors

The **headteacher** will be responsible for ensuring that this policy is implemented and for reporting to governors on its impact. He or she will:

- inform the pupil's parent or carer of serious indiscipline and the sanctions, the period of any exclusion, and when permanent exclusion is judged to be necessary
- carry out an investigation to identify the reasons for the exclusion
- advise the parent/carer that they may make representations about the exclusion to the governing body's discipline committee
- advise the parent/carer how representations may be made, that they are responsible to ensure their child is not found in a public place, and on what alternative education will be provided
- notify both the local authority and the governing body's discipline committee of the details of the exclusion, including the reasons for it, in the case of (a) a permanent exclusion or a fixed-period exclusion converted to a permanent one; (b) a fixed-period exclusion of more than five days or which brings the days the pupils has been excluded in one term to more than five; (c) an exclusion that would result in the pupil losing the opportunity to take a public exam.

The **headteacher and staff** will apply the principles identified above when implementing the following whole-school approaches to positive behaviour.

Pupils will be consulted fully when rules are being decided and will be expected to observe them.

The **governing body** will establish a Pupil Discipline Committee of three or five members and ensure that they receive training to fulfill their role. The headteacher will not be a member of this committee.

The committee will have regard to any guidance given by the Secretary of State. For permanent exclusions and fixed-period exclusions of more than 15 school days in any one term, the committee will meet no earlier than the sixth school day and no later than the 15th school day after receiving notice of the exclusion.

For fixed-period exclusions of more than five school days in any one term up to and including 15 school days, the committee will meet no earlier than the sixth school day and no later than the 50th school day after receiving notice of the exclusion.

The minimum time limit will not apply to any exclusion which would result in a pupil losing an opportunity to take a public examination. In such cases the committee will try to meet before the date of the examination, and if this is not practical the chairman of the discipline committee will review the exclusion before that date.

If the Pupil Discipline Committee decide that a pupil should be reinstated they will give the appropriate direction to the headteacher (who is under a duty to comply with it) and inform the parent and LA of their decision.

If they decide that a pupil should not be reinstated, they will inform the parent, the headteacher and the LA of their decision. In the case of a permanent exclusion they will notify the parent in writing of their decision and the reasons for it within one day. The letter will advise the parent of his or her right to appeal against their decision, whom they should contact to lodge an appeal, the final date for this, and that the notice of appeal should set out the grounds of appeal.

APPENDIX 2

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 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 headteacher;

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 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.

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.

Behaviour and sanctions

19. A clear school behaviour policy, consistently and fairly applied, underpins effective education. School staff, pupils and parents should all be clear of the high standards of behaviour expected of all pupils at all times. The behaviour policy should be supported and backed-up by senior staff and the head teacher.

20. Good schools encourage good behaviour through a mixture of high expectations, clear policy and an ethos which fosters discipline and mutual respect between pupils, and between staff and pupils.

21. Schools should have in place a range of options and rewards to reinforce and praise good behaviour, and clear sanctions for those who do not comply with the school's behaviour policy. These will be proportionate and fair responses that may vary according to the age of the pupils, and any other special circumstances that affect the pupil.

22. When poor behaviour is identified, sanctions should be implemented consistently and fairly in line with the behaviour policy. Good schools will have a range of disciplinary measures clearly communicated to school staff, pupils and parents.

These can include:

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

Pupils' conduct outside the school gates – teachers' powers

What the law allows:

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

7 Section 90 of the Education and Inspections Act 2006

24. 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.

25. 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.

26. 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.

Detention

What the law allows:

27. Teachers have a power to issue detention to pupils (aged under 18).
28. Schools must make clear to pupils and parents that they use detention (including detention outside of school hours) as a sanction.

29. The times outside normal school hours when detention can be given (the 'permitted day of detention') include:

- a. any school day where the pupil does not have permission to be absent;
- b. weekends - except the weekend preceding or following the half term break; and
- c. non-teaching days – usually referred to as 'training days', 'INSET days' or 'non-contact days'.

30. The headteacher can decide which members of staff can put pupils in detention. For example, they can limit the power to heads of year or heads of department only or they can decide that all members of staff, including support staff, can impose detentions.

Matters schools should consider when imposing detentions

31. Parental consent is not required for detentions.

32. As with any disciplinary penalty a member of staff must act reasonably given all the circumstances, as described in paragraph 15 above, when imposing a detention.

33. With lunchtime detentions, staff should allow reasonable time for the pupil to eat, drink and use the toilet.

Detentions outside school hours

34. 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; and

- 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.

Confiscation of inappropriate items

What the law allows:

35. 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 lawfully⁸. The legislation does not describe what must be done with the confiscated item and the school behaviour policy may set this out; and

8 Section 94 of the Education and Inspections Act 2006

9 Section 550ZA (3) of the Education Act 1996

2) **Power to search without consent** for “prohibited items”⁹, 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; and
- any item banned by the school rules which has been identified in the rules as an item which may be searched for.

The legislation sets out what must be done with prohibited items found as a result of a search.

36. Weapons and knives and extreme or child pornography must always be handed over to the police, otherwise it is for the teacher to decide if and when to return a confiscated item.

37. More detailed advice on confiscation and what must be done with prohibited items found as a result of a search is provided in ‘Screening, Searching and Confiscation – advice for head teachers, staff and governing bodies’. See Associated Resources section below for a link to this document. 12

Power to use reasonable force

38. Members of staff have 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.

39. 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.

40. Schools can also identify additional items in their school rules which may be searched for without consent. Force **cannot** be used to search for these items.

41. Separate advice is available in 'Use of Reasonable Force – advice for school leaders, staff and governing bodies'. See Associated Resources section below for a link to this document.

Seclusion / isolation rooms

42. Schools can adopt a policy which allows disruptive pupils to be placed in an area away from other pupils for a limited period, in what are often referred to as seclusion or isolation rooms. If a school uses seclusion or isolation rooms as a disciplinary penalty this should be made clear in their behaviour policy. As with all other disciplinary penalties, schools must act reasonably in all the circumstances when using such rooms (see paragraphs 14 and 15). The school must also ensure the health and safety of pupils and any requirements in relation to safeguarding and pupil welfare.

43. It is for individual schools to decide how long a pupil should be kept in seclusion or isolation, and for the staff member in charge to determine what pupils may and may not do during the time they are there. Schools should ensure that pupils are kept in seclusion or isolation no longer than is necessary and that their time spent there is used as constructively as possible. Schools should also allow pupils time to eat or use the toilet.

APPENDIX 3

Use of Reasonable Force

Key points

- School staff have a 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.

What is reasonable force?

1. 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.
2. 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.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. 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.
5. 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.
6. 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 force².
- This power applies to any member of staff at the school. It can also apply to people whom the headteacher 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 judgement 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.

Power to search pupils without consent

- In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”³:
 - 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.
- Force cannot be used to search for items banned under the school rules.

Using force

- A panel of experts⁴ 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

- Schools need to take their own decisions about 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.
- Some local authorities provide advice and guidance to help schools to develop an appropriate training programme.

Telling parents when force has been used on their child

- It is good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to schools to decide whether it is appropriate to report the use of force to parents⁵.
- In deciding what is a serious incident, teachers should use their professional judgement and consider the:
 - pupil's behaviour and level of risk presented at the time of the incident;
 - degree of force used;
 - effect on the pupil or member of staff; and
 - the child's age.

What about other physical contact with pupils?

- It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.
- Examples of where touching a pupil might be proper or necessary:
 - Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
 - When comforting a distressed pupil;
 - When a pupil is being congratulated or praised;
 - To demonstrate how to use a musical instrument;

- To demonstrate exercises or techniques during PE lessons or sports coaching;
and
- To give first aid.