

Safeguarding – School website

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Policy guidance provided: statutory policies but ones that require consideration at local level to ensure pupils' needs are fully met and local circumstances are taken into account. Central team provides policy guidance.

Behaviour Policy Guidance

I STATEMENT OF INTENT

A clear school behaviour policy, consistently and fairly applied, underpins effective education. ODST believes that high standards of behaviour lie at the heart of a successful school and that this enables our pupils to make the best possible progress in all aspects of their school life. A fundamental part of a child's education is learning to be part of the society in which they live.

Through our behaviour policy guidance we aim to encourage and acknowledge behaviour which allows others to learn and our schools to flourish. We value everyone as an individual, capable of growth, change and development. Our relationships are underpinned by the principles of justice, equality, mutual respect, fairness and consistency. We have high expectations that support the development of our pupils as effective and responsible citizens.

II INTRODUCTION

The proprietors of Academies have a duty under paragraph 7 of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010 to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children¹.

The proprietors of Academy schools are required to ensure that a written policy to promote good behaviour among pupils is drawn up and effectively implemented by each school's Local Governing Body (LGB). Such policies must set out the disciplinary sanctions to be adopted if a pupil misbehaves. Academies are also required to ensure that an effective anti-bullying strategy is drawn up and implemented.

Information about the school's behaviour policy must be made available to parents on the school's website² and on request.

This policy is not a statement of prescribed policy content or style which is a devolved responsibility of the local governing body. It is however a reminder of the statutory and advisory content of any such policy.

¹ [Behaviour and discipline in schools. Advice for headteachers and school staff.](#) (January 2016) ² School Information (England) Regulations (2008)

III **OBJECTIVES**

Our behaviour policy is based on the key principles in which our schools:

- respect and accept pupils and staff, regardless of age, gender, race, sexuality, religious beliefs or academic ability
- allow teachers to teach and learners to learn
- help our schools to act with trust and honesty
- take pride in our schools, their uniqueness and individual ethos

This document describes how we expect Local Governing Bodies (LGB) to design and implement policies promote good behaviour, self-discipline and respect, prevent bullying and regulate the conduct of pupils. Their policies will show how behaviour is monitored, praised or corrected and how they expect the school community to function and flourish.

IV **SCOPE**

- | | | |
|--|---|------------------|
| ▪ Governing Body | ✓ | ▪ Teaching Staff |
| ✓ | | |
| ▪ Headteacher | ✓ | |
| ▪ Support staff | ✓ | |
| ▪ All School Staff | ✓ | |
| ▪ Pupils | ✓ | |
| ▪ Central Office Staff | ✓ | |
| ▪ Contractors/ Service Providers | □ | |
| ▪ Users of the school site and buildings | □ | |

V **RELEVANT LEGISLATION**

- Education Act 1996
- School Standards and Framework Act 1998
- Education Act 2002
- Education and Inspections Act 2006
- School Information (England) Regulations 2008
- Equality Act 2010
- The Education (Independent School Standards) (Amended) (England) Regulations 2014
- Education Act 2011
- Schools (Specification and Disposal of Articles) Regulations 2012
- The School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012

VI **RELATED POLICIES**

- ODST and School Safeguarding & Child Protection Policy
- ODST Equality Policy
- ODST Tackling Extremism and Radicalisation Policy
- School Anti-Bullying Policy
- School E-Safety Policy

VII **RELATED DOCUMENTS**

VIII DATE OF REVIEW

The policy will be reviewed as required by the Board of Directors of ODST to take account of any legislative changes and / or national policy development as well as feedback from ODST staff and schools and in any event, by 31 July 2019 at the latest.

IX GENERAL PRINCIPLES

Definitions

- Where the term “relevant body” has been used this refers to the Board of Directors of ODST;
- Unless indicated otherwise, all references to “school” include both schools and academies; ▪ Unless indicated otherwise, all references to “teacher” include the headteacher; ▪ Unless indicated otherwise, all references to ‘staff’ include teaching and support staff.
- The term ‘behaviour’ is deemed to include all policies dealing with conduct, attitudes, sanctions, rewards, sanction, detention and the authority of employed staff to discipline pupils.

X DELEGATION

The relevant body has chosen to delegate its functions to local governing bodies and headteachers as set out in this policy.

XI MONITORING & EVALUATION

The Local Governing Body and headteacher will monitor the operation and effectiveness of the school’s Behaviour Policy and deal with any queries relating to it. The relevant body, through the ethos committee, will monitor any concerns or complaints raised in relation to the policy on an annual basis.

Behaviour Policy Guidance

1. Policy Background

1.1 A clear school behaviour policy, consistently and fairly applied, underpins effective education. Trustees expect the LGBs for schools in the trust to adopt and hold policies which set out the measures in a locally adopted behaviour policy which aim to:

- promote good behaviour, self-discipline and respect;
- prevent bullying;
- ensure that pupils complete assigned work; and which
- regulate the conduct of pupils.

1.2 When deciding what these measures should be, the LGB must take account of the trustees' statement of behaviour principles. The LGB must have regard to any guidance or statute provided by the trust, the DfE or other responsible bodies which may include the following:

- screening and searching pupils;
- the power to use reasonable force and other physical contact;
- the power to discipline beyond the school gate;
- when to work with other local agencies to assess the needs of pupils who display continuous disruptive behaviour; and
- pastoral care for staff accused of misconduct.

The LGB must decide

- the standard of behaviour expected of pupils at the school
- the school rules and any disciplinary penalties for breaking the school rules.
- teachers' powers to discipline
- the power to discipline pupils even when they are not at school or in the charge of a member of staff.

1.3 The headteacher must publicise the school behaviour policy, in writing, to staff, parents and pupils at least once a year. The school's behaviour policy must be published on its website. Where they do not have a website the LGB should make arrangements for the behaviour policy to be put on a website and to make the address and details (of the website) known to parents.

2. Local School Behaviour Policies

2.1 In developing the local behaviour policy, trustees expect LGBs to reflect on the following ten key aspects of school practice that, when effective, contribute to improving the quality of pupil behaviour:

1. A consistent approach to behaviour management;
2. Strong school leadership;
3. Classroom management;
4. Rewards and sanctions;
5. Behaviour strategies and the teaching of good behaviour;
6. Staff development and support;
7. Pupil support systems;

8. Liaison with parents and other agencies; 9. Managing pupil transition; and
10. Organisation and facilities.

2.2 The local behaviour policy should set out the disciplinary action that will be taken against pupils who are found to have made malicious accusations against school staff.

2.3 The behaviour policy should acknowledge the school's legal duties under the Equality Act 2010, in respect of safeguarding and in respect of pupils with special educational needs (SEN).

3 Discipline in schools – teachers' powers

3.1 LGBs should take into account the following statutory authorities and expectations:

- Teachers have statutory authority to discipline pupils whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction²
- The power also applies to all paid staff (unless the headteacher 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.

3.2 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.

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

1. The decision to sanction 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 sanction the pupil and the sanction 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.

3.4 A sanction must be proportionate. In determining whether a sanction is reasonable account must be taken of the pupil's age, any special educational needs or disability they may have, and any religious requirements affecting them.

3.5 The headteacher may limit the power to apply particular sanctions 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.

3.6 Corporal sanction is illegal in all circumstances.

3.7 LGB policies should invite staff to 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

²(Section 90 and 91 of the Education and Inspections Act 2006).

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 multiagency assessment is necessary.

3.8 Teachers have the power to discipline pupils for misbehaving outside of the school premises “to such an extent as is reasonable”.

3.9 ODST school’s behaviour policies should set out what the school will do in response to noncriminal 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 sanctions that will be imposed on pupils.

3.10 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.

3.11 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.

4. Behaviour and sanctions

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

4.2 Our 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.

4.3 ODST 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.

4.4 When poor behaviour is identified, any sanctions used should be implemented consistently and fairly in line with the local behaviour policy. Our schools will have a range of disciplinary measures clearly communicated to school staff, pupils and parents. These may include:

- A verbal reprimand.
- Extra work or repeating unsatisfactory work until it meets the required standard.
- The setting of written tasks as sanctions, 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 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.

4.5 Trustees would expect LGBs to be specific in their local policy of the range of sanctions used in the specific school. Should a school seek to include detention as a sanction it must comply with the guidance in Appendix A, even if this is detention for break or lunch time. If that decision involves detention outside normal school hours, trustees would expect the LGB to have first discussed this sanction, risk assessments and the safeguards surrounding it with officers before it is included in the local behaviour policy.

5. Policy Review

5.1 The ODST Behaviour Policy Guidance will be reviewed annually as part of the overall policy review.

5.2 This policy will be used by the Local Governing Body of each academy to frame its local behaviour policy with a view to adopting this at the first LGB meeting of the academic year.

5.3 This guidance will be reviewed on or before the following date: July 2019.

Appendix A - Specific Guidance

Confiscation of inappropriate items

- LGBs should be aware of 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 sanction, 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 ODST would expect LGBs to set this out in its behaviour policy; And
 - 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.
- 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.
- More detailed advice on confiscation and what must be done with prohibited items found as a result of a search is provided in guidance³.

Power to use reasonable force

- 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.
- 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.
- 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.
- Separate advice is available on the use of reasonable force⁴

Seclusion / isolation rooms

- 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 3.4).
- Any use of isolation that prevents a child from leaving a room of their own free will should only be considered in exceptional circumstances. The school must also ensure the health and safety of pupils and any requirements in relation to safeguarding and pupil welfare.
- 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.

Detention

- ODST is aware of the statutory powers for schools but would want a clear discussion should an ODST primary schools seek to include 'detention' outside school hours in its list of sanctions.
- With lunchtime or break time detentions, staff should allow reasonable time for the pupil to eat, drink and use the toilet. This should be

³ [Screening, Searching and Confiscation – advice for head teachers, staff and governing bodies](#) (2014)

⁴ [Use of Reasonable Force – advice for school leaders, staff and governing bodies](#) (2013)

⁶ Section 90 of the Education and Inspections Act 2006

- Trustees are aware that teachers have a power to issue a detention⁶ to pupils (aged under 18) but that LGBs would need to have made clear to pupils and parents that they use detention (particularly detention outside of school hours) as a sanction.
- LGBs should be aware of the times outside normal school hours when detention can be given (the 'permitted day of detention'). These 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 'noncontact days'.
- LGBs should also be clear which members of staff are sanctioned by the headteacher to place pupils in detention and the limits to this devolved authority.
- Parental consent is not required for detentions, however ODST would expect any policy which uses detention to expect staff to act reasonably (see 3.4) when imposing a detention.
- Detentions outside school hours
- 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.

