

## **Behaviour Policy**

### **I. LEGAL CONTEXT**

This policy is written in response to the Education and Inspection Act (2006) and with reference to the Equality Act (2010) and the document Behaviour and discipline in schools: advice for headteachers and school staff (January 2016).

#### **Key Points**

- Teachers have power to discipline students for misbehaviour which occurs in school and, in some circumstances, outside school.
- The power to discipline also applies to all paid staff (unless the headteacher says otherwise) with responsibility for students, such as teaching assistants.
- Headteachers, proprietors and governing bodies must ensure they have a strong behaviour policy to support staff in managing behaviour, including the use of rewards and sanctions.
- Governing bodies of maintained schools have a duty under section 175 of the Education Act 2002 requiring them to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. The proprietors of Academies have a similar duty under paragraph 7 of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010. They must ensure that arrangements are made to safeguard and promote the welfare of pupils.

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

**Use of Reasonable Force** – advice for head teachers, staff and governing bodies (July 2013)

**Screening, Searching and Confiscation** – advice for head teachers, staff and governing bodies (February 2014)

**Exclusion from academies, maintained schools and pupil referral units in England** (February 2015)

The school 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.

### **2. AIMS AND OBJECTIVES OF THE BEHAVIOUR POLICY**

The policy will enable the school to maintain an environment conducive to learning, one which safeguards the rights of students to be educated and is proportionate.

The aims of this policy are to:

- promote self-discipline and respect for others
- promote good behaviour
- promote high self-esteem
- ensure fairness of treatment for all to ensure the welfare of all
- ensure a consistency of response to all behaviours
- provide a safe environment free from disruption, bullying, violence, discrimination and any forms of harassment
- encourage a positive partnership with parents

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) e.g. to and from school, on educational visits, sporting events, etc.

Schools have a statutory power allowing them to regulate the behaviour of students when off school premises and not supervised by school staff.

### 3. REVIEW PERIOD

This policy will be reviewed on a biannual basis.

### 4. ROLES AND RESPONSIBILITIES

**The Governing Body** will establish, in consultation with the headteacher, 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 that expectations are clear. Governors will support the school in maintaining high standards of behaviour.

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

**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 headteacher on the effectiveness of the policy and procedures. They also have responsibility, with the support of the headteacher, for creating a high quality learning environment, teaching good behaviour and implementing the agreed policy and procedures consistently.

**School staff have a statutory authority to impose sanctions on behalf of the school.**

**The Governing Body, headteacher and staff** will ensure that there is 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.

**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.

**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.

### 5. TAKING ACCOUNT OF INDIVIDUAL STUDENTS' NEEDS

The 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 through communication with our feeder primary schools
- not discriminate against students with regard to sexual orientation 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 worker in school who knows them well, has good links with home and can act as a reference point for staff when they are unsure how to apply the behaviour policy.
- ensure that staff are briefed regularly through the pastoral bulletin on updates to behaviour profiles for identified students
- work together to develop behaviour flow charts for students who are struggling to behave in a positive way to ensure that other students' learning is not disrupted.

## **6. EXPECTATIONS OF STUDENTS**

The school has established a simple and straightforward code of conduct. This code of conduct forms the basis of its behaviour policy:

We expect all members of our school community to:

- Act in a way that helps others to learn successfully.
- Behave in a way that allows everyone to be safe and happy.

This code of conduct is displayed in all of the school's teaching rooms and all students have discussed it and its meaning. Students who do not comply with the code of conduct understand that they can expect sanctions to be applied.

The code of conduct is supported by additional codes, also displayed in teaching rooms covering:

- Bullying
- Mobile telephone use
- Lunchtime behaviour

These codes are attached as appendices to this policy.

The school aims to be highly inclusive. In this environment it is inevitable that some students will need intensive support to comply with behaviour expectations and that support is available in school. However, the governing body is clear that they will not tolerate behaviour in school that places other people at risk, that causes physical or psychological harm to others through bullying, or that reduces other students' chances of educational success through disruption to lessons.

## **7. BANNED ITEMS**

In addition to the codes of conduct above students are banned from bringing the following items into school as posing a risk to the safety of students, staff and property:

- Weapons including knives, guns and everyday items carried with intent to be used as a weapon.
- Alcohol.
- Illegal drugs and "legal highs".
- Smoking materials, lighters and matches.
- Laser devices.
- Fireworks, bangers etc.
- Dangerous and flammable chemicals.

Where items on this list are found in the possession of students the school will consider the most serious of sanctions up to and including permanent exclusion.

## **8. DAMAGE TO PROPERTY AND THEFT FROM SCHOOL PROPERTY**

Damage to school property or theft of property, including that belonging to staff, students and visitors will be considered a breach of the school's behaviour policy and appropriate sanctions applied.

The school will involve the police as appropriate.

The school may attempt to recover the costs of damage from parents.

## **9. PROCEDURES**

The procedures arising from this policy will be developed by the headteacher in consultation with the staff. These procedures will make clear to the students how acceptable standards of behaviour can be achieved and will have a clear rationale which is made explicit to staff, students and parents.

## **10. REWARDS**

A school ethos of encouragement is central to the promotion of good behaviour. Rewards are one means of achieving this. They have a motivational role in helping students to realise that good behaviour is valued, and are clearly defined in the procedures. Integral to the system of rewards is an emphasis on praise, both informal and formal, to individuals and groups.

## **11. SANCTIONS**

Sanctions are sometimes needed to respond to inappropriate behaviour and schools have a statutory power to impose them. A range of sanctions is clearly defined in the attached appendices.

## **12. POWERS OF SCHOOL STAFF**

**‘Teachers have the statutory authority to discipline students whose behaviour is unacceptable, who break the school rules and who fail to follow reasonable instruction’ (Section 91 of the Education and Inspections Act 2006).**

**‘The power also applies to all paid staff (unless the Headteacher says otherwise) with responsibility for students’.**

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

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

- 1) The decision to punish a student must be made by a paid member of school staff or a member of staff authorised by the head teacher;
- 2) The decision to punish the student and the punishment itself must be made on the school premises or while the student is under the charge of the member of staff; and
- 3) It must not breach any other legislation (for example in respect of disability, special educational needs, race and other equalities and human rights) and it must be reasonable in all the circumstances.

A punishment must be 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 student’s age, any special educational needs or disability they may have, and any religious requirements affecting them.

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

Corporal punishment is illegal in all circumstances.

Staff will consider whether the behaviour in question gives cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case, staff will follow the school’s safeguarding policy and report this to the Designated Safeguarding Lead. They should also consider whether continuing disruptive behaviour might be the result of an undiagnosed educational or other need. At this point, the member of staff should speak to the student’s pastoral leader and consider whether a referral to the school’s SENCO is needed or whether a multi-agency assessment is necessary. Students that are found to have made malicious allegations against staff would be deemed to have breached school behaviour policy. The school will consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).

**Teachers can discipline students at any time the student is in school or elsewhere under the charge of a teacher, including school visits.**

**Teachers can also discipline students for misbehaviour outside school.**

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 head teachers 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 child 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 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.

### **Teachers have the specific legal power to impose detention outside school hours.**

The times outside normal school hours when detention without parental consent may be given are evenings (as previously), plus weekends and INSET days.

Parental consent is not required for detentions, although staff will continue to try and give at least 24 hours' notice for all detentions issued after school. The school is not responsible for students travelling home if they miss the school bus due to an after school detention.

As with any disciplinary sanction, a member of staff must act reasonably when imposing a detention.

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

- the detention is likely to put the student at risk.
- has known caring responsibilities which mean that the detention is unreasonable.
- suitable travel arrangements can be made by the parent for the student. (Inconveniencing parents will however, not be regarded as a legitimate reason for not issuing a detention).

### **Teachers can confiscate students' property.**

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

- 1) The general power to discipline enables a member of staff to confiscate, retain or dispose of a student's property as a punishment and protects them from liability for damage to, or loss of, any confiscated items; and
- 2) Power to search without consent for "prohibited items" including: threat of violence, cause personal injury or damage to property, as an item which may be searched for on grounds of legality.

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 will always be handed over to the police.

In this school mobile phone use will result in the phone being confiscated for a period of 1 week unless the parent arranges with the school to come in and collect it from a member of the pastoral team. On all other occasions it is for the teacher to decide if and when to return a confiscated item. In the majority of cases, the confiscated items will be handed over to the pastoral team and advice sought from the headteacher and/or other professionals if required.

### **Power to use reasonable force**

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

Where force can be used authorised staff may only exercise the statutory power to use force where:

- they and the student are on the premises of a school at which education is provided. The student need not necessarily be a registered student at that school. The power also applies to students from other schools who are on the premises; or
- they are off school premises but are in lawful control or charge of the student (for example on a school visit).

Other than in these circumstances, staff only have common law rights to use force to defend themselves, persons or property.

Employers providing work experience placements for school students only have common law rights to use force.

Sometimes an authorised member of staff should not intervene in an incident without help (unless it is an emergency). For example, help is likely to be needed in dealing with an older student, a large student, more than one student or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other students who might be at risk and summon assistance from other authorised staff.

### **13. MONITORING THE IMPACT OF THE BEHAVIOUR POLICY**

Chapel-en-le-Frith High School will monitor the distribution of behavioural incidents, rewards and sanctions by gender, ethnicity and SEN in order to ensure that our behaviour policy is effective and we will evaluate the impact of this behaviour policy and act on the results of these evaluations. Reports of these data are considered by the governors' Learning and Pastoral committee on a half termly basis. The school's governing body will inform the Local Education Authority of the pattern and frequency of any racist incidents.

### **14. SANCTIONS**

The following sanctions and strategies are available to be used in school. The headteacher has authorised staff as indicated to issue these sanctions:

#### **Classroom behaviour sanctions – issued by teachers and learning supervisors:**

- Verbal warning.
- Move to another seat in the classroom.
- Issue a detention: break, lunchtime or after school.
- Relocate the student to another class following the departmental plan.
- Call “on call” and have the student removed from the lesson.
- Telephone call home.

#### **General behaviour sanctions – issued by teachers, learning supervisors and the pastoral team.**

- Verbal warning.
- Issue a detention: break, lunchtime or after school.
- Loss of privileges e.g. prefect status.
- Telephone call home.
- Meeting with parents (member of staff, pastoral leader, SLG or headteacher).
- Internal exclusion (with SLG authorisation).
- Community service (to “repay” damage caused).
- Restorative justice.

#### **Sanctions for failure to attend detention – issued by teachers or the pastoral team.**

- Students who fail to attend a detention without good reason will be placed in Leadership Group Detention.
- Failure to attend Leadership Group Detention will result in a 1 day internal exclusion.

## **Sanctions for serious misbehaviour – authorised by the headteacher.**

The school works hard to avoid exclusion. In some cases of serious misbehaviour, however, exclusion is the only appropriate sanction and may either be:

- Fixed term exclusion.
- Permanent exclusion.

The school will use permanent exclusion in line with paragraph 15 of the DfE guidance: **Exclusion from academies, maintained schools and pupil referral units in England** (February 2015)

*15. A decision to exclude a pupil permanently should only be taken:*

- *in response to a serious breach, or persistent breaches, of the school's behaviour policy; and*
- *where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.*

In cases of serious misbehaviour which may constitute breaches of the law, the school will liaise with the police as appropriate.

Where a serious breach of the school's behaviour policy leads to a decision to permanently exclude, the Derbyshire "Deferred Exclusion Transfer" protocol may be invoked where appropriate.

## **15. REPEATED OR PERSISTENT BREACHES OF THE BEHAVIOUR POLICY.**

Where breaches of the school's behaviour policy are repeated, sanctions can be expected to escalate.

## **16. MEASURES TO SUPPORT IMPROVED BEHAVIOUR.**

The school monitors the patterns of behaviour of individual students. Where persistent breaches of the behaviour policy occur measures will be put in place to support improvements in behaviour. The school's weekly pastoral meeting tracks behavioural issues with students and makes decisions on intervention. This information is communicated to staff through a weekly pastoral bulletin.

These may include:

- Subject report (put in place by a CLM for problems in a subject area).
- Departmental behaviour plan (put in place by a CLM for problems in a subject area).
- School behaviour report (put in place by a pastoral leader for more widespread problems).
- Informal counselling around behaviour.
- More formal behaviour management programmes delivered by the school or externally.
- Work with the school's student support centre.
- Changes to timetable or curriculum (either temporary or permanent).
- Meetings and reviews with parents.

In serious cases of persistent behavioural problems the following actions may be taken:

- The student's case will be raised at Peak 11 Pastoral Panel to seek solutions.
- Additional funding may be sought to support interventions from Peak 11.
- A managed move to another school may be requested if appropriate (under the Derbyshire managed move protocol).
- The school may seek alternative provision for the student.
- A multi agency meeting may be convened to discuss the case.

The school may choose to set up a Pastoral Support Plan (PSP) for a student who persistently breaches the school's behaviour policy. Such a plan is a formal reviewing and target setting process carried out over a 12 week period with a midpoint review. The school, parents, student and any external agencies involved are parties to the process. A PSP can be extended in exceptional circumstances.

Where a student on a PSP is not making good progress before the midpoint review school governors may be invited to meet with the student and parents at that review. This provides the family with a chance to challenge the provision the school is making if necessary and reinforces the seriousness of the process with the student.

In most cases failure to meet PSP targets at the end of a PSP will result in permanent exclusion from school or the school seeking alternative provision.