

## BEHAVIOUR POLICY

### **Vision Statement**

***We, the staff and governors, aspire to ensure that all our students, irrespective of ability and regardless of anyone's doubts, achieve their potential in full; and we aspire in this way to make Thomas Mills High School the best in the country.***

***We regard the following as central to our purpose:***

- ***Acceptance of personal responsibility***
- ***Equal value accorded to all persons***
- ***Courtesy, self-discipline and respect for others***
- ***Honesty, moral courage and integrity***
- ***Good fellowship***

### **Section 1 - Responsibility for School Discipline**

- The Governing Body sets the framework of a school's disciplinary policy through a written statement of general principles. This statement of policy has been adopted in conformity with the requirements of Part 3 of the Education (Independent School Standards) (England) Regulations, 2010. The Governing Body is responsible for ensuring that it is implemented effectively.
- The Governing Body will provide clear advice and guidance to the Headteacher on which he can base the school behaviour policy. In providing this guidance the Governing Body will not seek to hinder teachers' powers by including "no searching" or "no contact" policies, nor to restrict their power to discipline pupils for misbehaviour out of school.
- The role of the Headteacher is to promote good behaviour and discipline in the school by acting in accordance with the Governing Body's statement of general principles. The Headteacher must publicise the policy at least once a year to pupils, parents and staff. The school prides itself on its calm and purposeful atmosphere and expects pupils and parents to support this ethos.
- The behaviour of the majority of pupils is something of which the school is rightly proud. Where a pupil's behaviour falls short of the standards expected, how that behaviour is dealt with is a matter of professional judgement. It is good practice by staff which helps maintain good behaviour, not adherence to a system of set sanctions.

## **Section 2 – The Fundamental Principles**

### **2.1 The School's Charter of Values**

The roots of the School's policy on behaviour can be found in the Charter of Twelve Values which underpin our vision for the school. Of particular relevance to the behaviour policy are the following :

- Acceptance of personal responsibility.
- Equal value accorded to all persons.
- Courtesy, self-discipline and respect for others.
- A determination to achieve excellence in all we do.
- Honesty; moral courage.
- Respect for the traditions and achievements of the school.

These values also lie at the heart of the School Code of Behaviour.

### **2.2 The School Code of Behaviour**

We should :

- respect each other and treat others in the way we would like to be treated;
- accept that everyone is different but equally important;
- always be polite and avoid using language which might offend;
- allow others to work without disruption;
- respond helpfully if someone is in difficulty;
- observe and uphold the school regulations on uniform, jewellery, mobile phone and portable music player usage, drugs, smoking, alcohol and care of the environment.

**Section 3 – The School’s Expectations**

**3.1 Respect for Teachers and Adults**

Pupils are expected to treat teachers and other adults they meet in School with politeness and respect, and to obey proper instructions from people in authority over them (including all teachers, support staff and lunchtime supervisors). Aggressive behaviour or abusive language directed at or about members of staff would always be regarded as a serious offence. Swearing, in any situation, is never acceptable.

**3.2 Uniform**

As a school, we aim to uphold a high standard of dress and appearance of our pupils. The clear policy of the school is that all pupils in Years 7-11 will wear school uniform.

It is expected that uniform will be worn appropriately.

**GIRLS**

- Sensible black or brown shoes, not trainers, not boots, not suede and not canvas
- White or navy plain socks or black or navy tights (in a thick knit)
- Pleated (stitched down) skirt in castle grey check, length on or below the knee
- OR** mid-grey trousers (straight leg, creased. Not flared or stretch fabric. Clip and zip fastening. Available, as acceptable skirts, from Messrs. Coes)
- White shirt
- School tie
- Navy V-neck pullover with the school badge and motto. No other motif is acceptable
- Plain navy coat or anorak if possible (not denim)

**BOYS**

- Sensible black or brown shoes, not trainers and not suede and not canvas
- Black or grey socks.
- Plain dark grey trousers, not black and not corduroy or denim
- White shirt
- School tie
- Navy V-neck pullover with the school badge and motto. No other motif is acceptable
- Plain navy coat or anorak if possible (not denim)
- Acceptable fabric for trousers is a woven polyester (65%) and viscose (35%) mix***

If the school deems anything a pupil is wearing is not appropriate for school, it reserves the right to insist the pupil does not wear that item.

Details of PE kit are in the school brochure.

Coats, hooded sweatshirts and jackets should not be worn in the building at any time but should be left in lockers or carried in a bag.

### 3.3 Jewellery

Ear loops, hooks, large ear rings and nose piercings are not suitable for school. Movement around the school at times becomes congested and such articles of jewellery become a safety hazard. For this reason, we ask students to confine themselves to one stud in each ear and other forms of jewellery are not acceptable.

### 3.4 Hairstyles and Presentation

Extreme hairstyles are likely to be distracting and for this reason we expect pupils to confine themselves to conventional styles (and colours). Any make up should be discreet. If it is noticeable it is excessive and should be removed. The school reserves the right to insist pupils remove make-up, including nail varnish.

### 3.5 Illegal Substances or Drugs

Under no circumstances should any pupil bring an illegal substance or drug on to the school premises. An appropriate programme of drug education will be given to pupils at various stages of their development and will alert pupils to the damage which drugs and other illegal substances can cause to individuals and society as a whole.

### 3.6 Smoking

Smoking, including the use of e-cigarette devices and vape pens, by pupils is not permitted in school or whilst travelling to and from school, in close proximity to the school or on a school trip. Special arrangements apply to Sixth Formers out of school and in agreement with the Head of Sixth Form.

### 3.7 Alcohol

The consumption of alcohol by pupils in school is not permitted, neither is the bringing of alcohol on to the school premises.

The Health Education and Religious Studies programmes will aim to provide both factual information and the opportunity to discuss the issues arising for individuals, and within society, from the use and abuse of tobacco and alcohol.

### 3.8 Mobile Phones

Pupils are expected to conform to the mobile phone protocol, printed in the Logbook. The school reserves the right to confiscate mobile phones where they are used inappropriately and in exceptional circumstances may ban a pupil from bringing a mobile phone into school.

### 3.9 Confiscation

The School reserves the right to confiscate any item from a pupil if the possession or use of the item goes against school regulations or if it is causing a disturbance or if it is a risk to the health and safety of the pupil or others. Anything confiscated by a teacher will either be returned to the pupil directly or in the case of a dangerous item or smoking materials, for example, parents will be invited to collect the item from school. See later for further guidance on confiscation.

### 3.10 Beginning and end of lessons

- Pupils should wait in the classroom in an orderly manner for their teacher. They should only wait outside designated rooms. They should place the books and other materials needed for the lesson on the tables ready.
- When required, pupils should stand, in silence, until the teacher is ready to begin. At the end of the lesson, pupils stand, pick up any litter in the room and place chairs under the tables (or on top if it is the last period of the day).
- Pupils are asked to stand when the Headteacher enters the room with a visitor.

### 3.11 Care of the Environment

- No food or drink should be consumed in form rooms, the corridors, Sports Hall balcony or changing rooms at Break and Lunchtime.
- Pupils in Years 7-11 who bring a packed lunch must eat it in the canteen, outside or in any designated rooms.
- All pupils must ensure that their tutor bases are litter-free at the end of break and lunchtimes.

### 3.12 Movement around the School

#### 3.12.1 Corridors

- In no circumstances should pupils walk around eating or drinking.
- The main entrance is out of bounds to pupils unless they are visiting an office or it is the end of the school day.
- Pupils should not linger in areas where their presence inconveniences others.
- To ease congestion, pupils should keep to the left in corridors.

#### 3.12.2 Classrooms

- Pupils should not sit on the heaters or on the tables.
- Windows and blinds/curtains must only be opened with the permission of a member of staff.
- Each tutor group is responsible for the condition of its tutor base.
- The procedure to follow in case of loss of an item of property is displayed on form notice boards.
- During lunchtimes pupils must abide by rules displayed in the classrooms. They should not write on the board or interfere with displays.

### 3.13 School Buses

Pupils are expected to observe the same high standards of behaviour on their journey to and from school and to obey proper instructions from the bus driver and bus prefects. The Headteacher reserves the right to punish those pupils who behave badly or dangerously.

## **Section 4 – The Rewards System**

### 4.1 Rationale

At the heart of Thomas Mills High School lies the value placed on pupil success. The virtues of a success culture are as follows :

- raises individual self-esteem and self-confidence;
- motivates pupils to achieve even more;
- provides positive feedback for parents;
- reinforces the values we stand for;
- develops a stronger corporate loyalty towards the school;
- provides a means of countering an anti-achievement culture;
- improves standards of behaviour;
- sustains an ethos of optimism, buoyancy and confidence.

### 4.2 We aim to create a success culture in a number of ways :

- Displays of pupils' work in classrooms and corridors;
- Awards Evening;
- House Merits and Achievement Certificates;
- Marking Policies;
- The Reporting System;
- Displays of plaques and shields;
- "Outlook" and frequent appearances in the local press;
- Headteacher and Head of Year Assemblies;
- Display of Outstanding Achievement.

### 4.3 The House Merit System

#### 4.3.1 Criteria for Awarding House Merits

- (i) Equal access for all regardless of ability. For the scheme to be effective, all pupils must have an equal opportunity to obtain these merits.
- (ii) They should be awarded for effort beyond that normally expected from an individual pupil. It is impossible to be more precise and it is up to each teacher to decide what the normal expectations are for a particular pupil. However, it is important that every subject area and every teacher applies these criteria in roughly equal measure.

- (iii) House Merits are to be awarded solely for achievement in a curriculum subject. They are not to be awarded on the basis of certain commendable social virtues, i.e. being polite, picking up litter, cleaning staff cars, etc! They should also not be used as bribes in order to elicit good behaviour from the potentially disruptive nor work from the idle or feckless. We expect all our pupils to behave and all of them to work; that is the baseline against which to judge any extra effort.

#### 4.3.2 Applying the House Merit System

Each Head of Department is issued with house merit stickers. Subject teachers award these for achievement in the subject. Pages of the Log Book are squared off for the pupils to attach the sticker.

##### Years 7 - 9

In Years 7-9 each sticker continues to be noted and cancelled by the House Prefect on a weekly basis. Totals are entered in a "House Merits" book in the Year Office.

- (i) 10 House Merits in five different subjects (not over a set period) earn a Thomas Mills High School Bronze Award Achievement certificate which is issued by the Head of Year.
- (ii) House Merits in five different subjects (not over a set period) earn an award and Thomas Mills High School Silver Award Achievement Certificate which is issued by the Deputy Head or Assistant Headteacher.
- (iii) 30 House Merits in five different subjects (not over a set period) earn an award and a Gold Achievement Certificate which is issued by the Headteacher.

It is the Form Tutor's responsibility to validate candidates who have met criteria.

#### 4.4 Service Award

There are community stickers which can only be awarded by Head of Year and the Senior Management Team. Nomination can be made by any member of staff to the Head of Year. The value of these is as of any other subject House Merit and counts towards the tier of rewards. Heads of Year and SMT are able to award a Community Sticker to any pupils who in their opinion warrant this.

#### 4.5 Extra-Curricular Achievements

Appropriate recognition will be available for pupils who represent the school in an extra-curricular guise. Such activities include sport, music, drama, Young Enterprise. It is for the staff who are kind enough to run other activities to discuss with the Headteacher the kind of recognition which they feel appropriate and the basis for any award. Any award in this category will be solely for those who represent the school in an activity over a prolonged period of time. It is a means by which the school acknowledges their contribution to the reputation of the school. The awards will be made by the Headteacher at the end of a season/production etc. In addition, an Outstanding achievement by individual pupils will be identified in an appropriate display board at the foot of the stairs to the Headteacher's office. Colours are also awarded for Sport.

#### 4.6 Awards Evening

School Prizes are presented at the Annual Awards Evening. Prizes are awarded to pupils according to their commitment to learning, noted by their teachers' throughout the year. Subject specific awards and other prizes are also presented on the evening.

## Section 5 – Pupils Discipline and Sanctions

### 5.1 Key Points with Reference to Pupil Discipline

- 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 91 of the EIA 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 for misbehaviour outside school.
- Teachers have a specific legal power to impose detention outside school hours.
- Teachers can confiscate pupils' property.

### 5.2 Pupils' Conduct outside the School Gate.

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

### 5.3 A teacher may discipline a pupil for:

- any misbehaviour when the child is:
- taking part in any school-organised or school-related activity or
- travelling to or from school or
- wearing school uniform or
- is 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.

### 5.4 Searching and confiscation of inappropriate items.

- School staff can search a pupil for any item banned under the school rules, if the pupil agrees.
- The Headteacher and staff authorised by him (members of SMT and Heads of Year) have a statutory power to:

search pupils or their possessions, without consent, where they suspect the pupil has certain prohibited items. The items that can be searched for under this power are knives or weapons, alcohol, illegal drugs and stolen items.

- School staff can seize any banned or prohibited item found as a result of a search or which they consider harmful or detrimental to school discipline.

#### 5.4.1 Searching with consent

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

#### 5.4.2 Searching without consent

- Prohibited items that may be searched for include knives or weapons, alcohol, illegal drugs and stolen items.
- A search without consent may be conducted by the Headteacher, members of SMT and Heads of Year. The member of staff conducting the search must be the same sex as the pupil and there must be a witness to the search (also a staff member). The witness should also be the same sex as the pupil.
- A search may be conducted when the member of staff has reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item.
- The search should be restricted to a request that the pupil empties his or her pockets and removal of coats or shoes, hats, scarves. Bags and lockers may also be searched in the presence of the pupil and a witness.
- Weapons and knives must always be handed over to the police. Controlled drugs must also be handed over to the police. If stolen goods that are of significant value (e.g. media devices) are discovered the police may be informed. Items such as alcohol may be disposed of appropriately.

#### 5.5 Punishing Poor Behaviour

- 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.

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

1. The decision to punish a pupil will 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 will be made on the school premises or while the pupil is under the charge of the member of staff
3. It must not breach any other legislation (for example in respect of disability, Special Educational Needs, race and other equalities and human rights) and it must be reasonable in all the circumstances.

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

### 5.5.1 Rationale

In order to ensure our expectations are met, it may be necessary to apply one of a range of sanctions. Before applying a sanction, the following criteria will be considered.

### 5.5.2 Criteria

It is difficult to be too prescriptive about when a particular sanction should be applied because individual circumstances can vary so much. However, the following principles will guide the decision-making process :

1. The sanction should be proportionate to the offence. For example, exclusion will only be used for serious cases of misbehaviour.
2. The age of the pupil.
3. In serious matters, the previous history of the offender should always be taken into account.
4. The impact of the offence on the rest of a class or the school community as a whole.
5. The pupils should always be given the opportunity to make reparation where appropriate.

The following range of sanctions may be applied.

### 5.5.3 Detention

- The school must act reasonably when imposing a detention as with any disciplinary penalty
- This will normally take place at break or lunchtime. With lunchtime detentions, teachers should allow reasonable time for the pupil to eat, drink and use the toilet.
- Only in exceptional circumstances would a detention take place after school. The rural nature of our catchment area means that transport difficulties would impose an unreasonable burden on parents whose child was kept after school. If it is necessary to detain a child at the end of a school day, then wherever possible parents will be notified at least 24 hours in advance that their son or daughter is to be placed in detention and the reasons for it. Parental consent is not required for detentions.

### 5.5.4 Removal from Lessons

This will normally be applied in three situations :

1. For a brief cooling off period
2. Where the continued presence of a disruptive pupil is undermining the learning opportunities of the rest of a class. Such decisions will normally be made by the Head of Department who will make temporary alternative arrangements.
3. Where a serious offence has occurred and the Headteacher or member of the Senior Management Team decides that the pupil should work on his or her own for a whole school session or more. Whenever possible parents will be informed that such action has been taken.

### 5.5.5 Setting Additional Work or Other Impositions

Additional work should be set when poor behaviour has prevented a pupil from completing the work due to be covered in a lesson. A written imposition or a community service task such as litter-picking will be given for minor offences committed outside lessons.

### 5.5.6 Referral and Recording System

All teachers are asked to observe the following procedure in order to ensure that disciplinary incidents are dealt with in an efficient manner and at an appropriate level.

It is obviously preferable that every member of staff should exercise his or her own discipline both in class and around the school whenever possible. However, there will be occasions when colleagues wish to refer a disciplinary matter to more senior staff for advice and support. Except in the case of very severe misdemeanour (which should be referred immediately to a senior member of staff), the following procedure should be observed :

- In the case of bad behaviour during lessons, the pupil concerned should be referred, in the first instance, to the appropriate Head of Department who will deal with the situation; in the case of persistent offences, refer it on to the Head of Year.

- In the case of bad behaviour in the tutorial group or around the school, the first point of reference would be the tutor and then the appropriate Head of Year who will decide what further action should be taken.
- NB: In all cases, it would normally be the Head of Year who would make contact with parents where this seemed desirable. The tutor should be kept informed of any problems in his/her group by subject staff or senior members of staff.
- The Head of Year and, in some cases, the Head of Department, may decide that serious behaviour should be referred to a senior member of staff or, in extreme cases, to the Headteacher who alone has the power to exclude pupils from school where no other alternative seems viable. In all such cases, parents would be automatically involved and staff concerned with the incident might well be requested to provide a written account of the incident concerned. An incident form should be completed for future reference, when reporting misdemeanours to the Head of Year or other Senior Staff.

Teachers are asked at all times to support the general philosophy of the school which aims to avoid confrontation and to encourage a genuine sense of responsibility and self-control on the part of all pupils. However, it is recognised that even in the best ordered school there are still occasions when children misbehave and the accent then must be on providing adequate support and help to members of staff who feel that their position is threatened. In no circumstances should a colleague feel that, in referring a disciplinary matter which has proved difficult to solve, to senior members of staff, that his or her professionalism is thereby called into question. We want the school to be a supportive community for staff as well as pupils and in this respect colleagues are invited to discuss any disciplinary situation that worries them with Heads of Department and Heads of Year and other staff before the crisis point is reached.

Pupils should not be required to stand outside the main Staff Room door as a punishment at break or lunch times as they then become a focus of interest for fellow pupils.

It is possible to negotiate the use of a laboratory (not N6) for detaining pupils out of the public gaze. They should be supervised by a teacher, of course. The detention of whole classes is not to occur except in very exceptional circumstances which should be notified to a Senior Member Staff.

A Lunchtime Detention is operated by Senior Staff and Heads of Year - (it takes place in N6 from 1.30 - 2.00 and is mainly for misbehaviour at break or lunchtimes). A record book is kept in the Main Office. Only the team who supervise this detention, or lunchtime supervisors in consultation with the members of Staff on duty, may place pupils in this detention.

#### 5.5.7 Isolation

On occasions, it may be appropriate for a pupil to undertake work away from other pupils under the supervision or guidance of a Head of Year or Senior Member of Staff.

An isolation issued by the Headteacher, or in his absence by the Deputy Headteacher, is usually considered as an alternative to exclusion and would be issued for serious breaches of, or persistently disruptive, behaviour. It should be made clear to pupils that this is a serious level of intervention. The aim is to change the behaviour and where appropriate, allow an outcome through resolution. It is not envisaged that this sanction becomes an alternative educational provision. Continuous use of this sanction is likely to be ineffective and, as with the frequent use of exclusions, could place a pupil at risk of permanent exclusion.

#### 5.6 Bullying

The school defines Bullying as :

- Behaviour which is intended to cause hurt or suffering on the part of the victim and a sense of power and influence on the part of the bully.

It is likely that the staff primarily concerned with a bullying incident will be Heads of Year and Form Tutors. The normal procedures regarding parental contact will be observed.

The basic guidelines for staff on the issue of Bullying are :

- never ignore
- be assertive yourself, not aggressive
- don't get tied up in "truth" debate (instead "here's a problem, we need to find a solution")
- give time for pupils to talk
- write it down
- involve parents early
- support victim (but don't take over response system for them – tell them to tell and to say that they didn't like being bullied)
- ensure that pupils who alert you to a problem know that something has been done

Incidents of racial or sexual harassment will never be tolerated or allowed to pass unremarked. Such matters will be treated as a form of bullying and appropriate sanctions will be used. A record of all incidents of racial harassment will be kept by the Deputy Head (Pupils) and a report on such incidents given to the Governing Body and the LA annually.

The Headteacher makes a point of informing parents at the New Intake Evening each year of the school's attitude towards this issue and this is actively reinforced as pupils go through the school.

The school condemns the use of mobile phones, or 'cyber-bullying' by other electronic means, to cause hurt or suffering. Parents are advised, however, that there is necessarily a limit to what the school is able to do about such incidents when they happen outside school.

General advice is to report (to provider) and block (sender).

## 5.7 Illegal Drugs and Substances

- Where there are reasonable grounds for believing that a pupil has an illegal drug or substance in his/her possession at school or in the course of any associated extra-curricular activity, he or she will be excluded from school by the Headteacher for a fixed period. The Headteacher will also inform the Police.
- Where a pupil is found to be taking drugs, supplying drugs to others or seeking to supply drugs to others in school or during an extra-curricular activity, he or she will be permanently excluded by the Headteacher who will inform the Police.

NB Staff should note that if, in dealing with the kind of incidents described above, they come into possession of any illegal substances, these must be handed immediately to the Headteacher who will pass them on to the Police, having recorded details of the finding.

## 5.8 Reasonable Force

### **Key points with reference to Use of Reasonable Force.**

- Teachers will only use force in extreme circumstances and will always try to use other means to resolve a situation. School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- The Headteacher will support staff when they use this power appropriately
- The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
- Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed.
- Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
- Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

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

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

This power applies to any member of staff at the school. It can also apply to people who have been temporarily put in charge of pupils such as unpaid volunteers or parents accompanying pupils on a school organised visit.

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

reasonable force may be used 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
- restrain a pupil at risk of harming themselves through physical outbursts.

Any incident involving the use of force should immediately be reported to the Headteacher or a Deputy Head, and a written account provided.

It is always **unlawful** to use force as a punishment

## 5.9 Exclusions of Pupils from School

Subject to the exceptions referred to below the Academy Trust shall act and shall ensure that the Headteacher and the Governing Body act in accordance with the law on exclusions as if the Academy were a maintained school. The Academy Trust will follow the current statutory guidance from the Department for Education.

The Academy Trust shall ensure that Suffolk Local Authority and, where the pupil concerned resides in the area of a different Local Authority, the Local Authority in which the pupil is ordinarily resident is informed of an exclusion decision in the same circumstances and within the same timescale as a headteacher of a maintained school is required to inform the Local Authority (or Local Authorities) of an exclusion.

Subject to the exception below the Academy Trust shall ensure that the Headteacher and the Governing Body of the Academy have regard to the Secretary of State's guidance on exclusions when excluding or reviewing the exclusion of a pupil and in relation to any appeals or review process as if the Academy were a maintained school.

The Academy Trust shall make arrangements for enabling appeals against, or review of any decision of the Governing Body to permanently exclude a pupil. The Academy Trust shall ensure that appeal/review panels are impartial, and are constituted in accord with the Secretary of State's guidance. The Academy Trust shall comply with any decision of an appeals panel, or direction of a review panel.

The Governing Body has a duty to consider parents' representations about an exclusion. The Governing Board must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if the exclusion is permanent; it is a fixed-period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or it would result in a pupil missing a public examination or national curriculum test.

The exception to the duties referred to above is:

The Governing Body of the Academy Trust is not expected to seek the advice of a Local Authority officer when considering an exclusion although a Local Authority officer may attend any meeting to consider an exclusion (including an appeal hearing or review) at the request of the parent.

In accordance with paragraph 30 of the Funding Agreement with the Secretary of State the Academy Trust shall, if invited to do so by Suffolk Local Authority, enter into an agreement in respect of the Academy with Suffolk Local Authority which has the effect that where:

- a. The Academy Trust admits a pupil to the Academy who has been permanently excluded from a maintained school, the Academy itself or another Academy with whom the Local Authority has a similar agreement; or
- b. The Academy Trust permanently excludes a pupil from the Academy

payment will flow between the Academy Trust and the Local Authority in the same direction and for the same amount that it would, were the Academy a maintained school.

#### 5.9.1 The decision to exclude

- A decision to exclude a pupil **permanently** should only be taken:
  - a. in response to a serious breach, or persistent breaches, of the school's behaviour policy; and
  - b. where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- A decision to exclude a pupil for a **fixed period** should be taken, on a balance of probabilities, only in response to breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention are considered inappropriate.
- Only the Headteacher (or in the absence of the Headteacher, the Acting Headteacher) can exclude a pupil.
- A decision to exclude a pupil **permanently** should only be taken where the basic facts have been clearly established *on the balance of probabilities*. It will usually be the final step in a process for dealing with disciplinary offences following a range of other strategies which have been tried without success.
- There will, however, be exceptional circumstances where in the Headteacher's judgement, it is appropriate to permanently exclude a pupil for a first or "one off" offence. These might include:
  - a. serious actual or threatened violence against another pupil or a member of staff;
  - b. sexual abuse or assault
  - c. supplying an illegal drug. Illegal and other unauthorised drugs have no place at Thomas Mills High School; or
  - d. carrying an offensive weapon.

The above instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the school community.

#### 5.9.2 Factors to consider before making a decision to exclude

Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil, either permanently or for a fixed period the Headteacher should:

- (a) ensure that a thorough investigation has been carried out;
- (b) consider all the evidence available to support the allegations;
- (c) allow and encourage the pupil to give his or her version of events;
- (d) check whether the incident may have been provoked for example by bullying, or by racial or sexual harassment;

- (e) if necessary, consult others, but not anyone who may later have a role in reviewing the headteacher's/teacher in charge's decision, for example a member of the governing body;
- (f) keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the pupil concerned. Witness statements must be dated and should be signed, wherever possible.

### 5.9.3 Standard of Proof

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done, the Headteacher may exclude the pupil. This is not the same as requiring the criminal standard of "beyond reasonable doubt" to be applied. Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available may be very limited. However, it may still be possible for the Headteacher to make a judgement on the balance of probabilities on whether to exclude the pupil.

### 5.9.4 Length of fixed period exclusions

Regulations allow a pupil to be excluded for one or more fixed periods which, when aggregated, do not exceed a total of 45 school days in any one school year.

### 5.9.5 Lunchtime exclusion

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as one half of a school day. Lunchtime exclusions will not be counted towards the school's duty to provide full time education from day six of a fixed exclusion.

### 5.9.6 Procedures following a fixed period exclusion

- The school's obligation to provide education continues and must be met during a fixed period exclusion. Parents are expected to co-operate with the school in this regard.
- Where a pupil is given an exclusion of 6 school days or longer the parent will be responsible for transporting the pupil to and from school in order that the pupil can complete days in excess of five days, whilst working in isolation.
- During the first five days of a fixed period exclusion the school will set work for the pupil to complete and will make arrangements for this work to be marked.

### 5.9.7 Reintegration Interview

- Where appropriate the Headteacher will arrange a reintegration interview with parents and will always arrange a reintegration interview following the expiry of a fixed period exclusion of six or more school days.

- The purpose of the reintegration interview is to assist the reintegration of the pupil and promote the improvement of his or her behaviour.

#### 5.9.8 Procedures for review and appeal

- Within one day, the Headteacher must notify the governing body and LA of:
  - a. permanent exclusions;
  - b. exclusions which would result in the pupil being excluded for more than 5 school days in any one term; and
  - c. exclusions which would result in the pupil missing a public examination.
- The Governing Body Discipline Committee must review all permanent exclusions from the school and all fixed period exclusions that would result in a pupil being excluded for more than 15 school days in any one term. Every effort will be made to ensure that a pupil does not miss a public examination as a result of exclusion.
- In the light of its consideration, the Governing Body can either:
  - decline to reinstate the pupil; or
  - direct reinstatement of the pupil immediately or on a particular date.

#### 5.9.9 Procedures following permanent exclusion

- The pupil remains on roll until any independent review is determined; until the time limit for the parents to lodge an appeal has expired without an appeal having been brought; or the parent has informed the LA in writing that no appeal is to be brought.
- During the first 5 days of a permanent exclusion the school should send work home for the pupil to complete.

#### 5.9.10 Behaviour outside school

- The behaviour of pupils whilst on school business is subject to the same sanctions as if any incidents of misbehaviour had taken place on school premises. Examples are: school trips, sports fixtures, visits or work experience.
- For behaviour out of school but not on school business the Headteacher may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole.
- Pupils' behaviour in the immediate vicinity of the school, or on a journey to or from school can be grounds for exclusion.

#### 5.9.11 Disabled Pupils

When considering whether or not it is appropriate to exclude a pupil who may be disabled within the meaning of the Disability Discrimination Act 1995, the Headteacher should consider four questions:

*Is the pupil disabled?*

The Act covers pupils whose physical or mental impairment has a long term and adverse effect on their ability to carry out normal day to day activities

*Is the exclusion for a reason related to the child's disability?*

This means that if there is any connection between the behaviour resulting in the exclusion and the pupil's disability, this is considered less favourable treatment for a reason related to the pupil's disability.

*Would another pupil, to whom the reason did not apply, be excluded?*

A comparison has to be made between the disabled child, who has been excluded for a reason related to their disability, and other children to whom that reason for exclusion does not apply.

*Can the exclusion be justified?*

An exclusion of a disabled pupil can be justified if there is a material and substantial reason for it. Maintaining order and discipline in the school may well be a material and substantial reason if there was a specific incident that gave rise to the exclusion. If reasonable steps were taken to support the pupil but the incident still happened, then the school is likely to be able to justify the exclusion.

#### 5.9.12 The role of the Headteacher

- The Headteacher will follow carefully the procedures set out in law and in statutory guidance.
- In some cases, following a fixed term exclusion there will be further investigation which could result in a further sanction.
- A decision to exclude a pupil will be communicated to parents by telephone and followed up by a letter. Notices must be in writing and must state:
  - (a) for a fixed period of exclusion, the precise period of the exclusion;
  - (b) for a permanent exclusion, the fact that it is a permanent exclusion;
  - (c) the reasons for the exclusion;
  - (d) the parent's right to make representations about the exclusion to the governing body;
  - (e) the person whom the parent should contact if they wish to make such representations;
  - (f) the school days on which the parent is required to ensure that their child is not present in a public place during school hours without justification; and that the parent may be prosecuted or given a fixed penalty notice, if they do not do so;
  - (g) the arrangements made by the school for enabling the pupil to continue his or her education during the first five school days of an exclusion, including the setting and marking of work.
- Letters should also mention:
  - (a) the latest date by which the governing body must meet to consider the circumstances in which the pupil was excluded (except where the exclusion is for a total of not more than five school days in any one term, and would not result in the pupil missing a public examination);
  - (b) in the case of a **fixed period** exclusion the date and time when the pupil should return to school;
  - (c) if the exclusion is **permanent**, the date it takes effect and any relevant previous history;

- (d) the name and phone number of an officer of the LA who can provide advice; and
- (e) the telephone number for the Advisory Centre for Education (ACE) exclusions information line – 0 3000 115 142 on Monday to Wednesday from 10am to 1pm during term time.

#### 5.9.13 Responsibilities of the Governing Body

- The governing body must consider certain exclusions and must consider any representations about an exclusion made by the parents of the excluded pupil. The governing body can delegate some or all of its functions in respect of exclusions to a committee consisting of at least three governors and such a committee may be called the Discipline Committee. Where the governing body establishes a Discipline Committee it should appoint a clerk to the Committee. The quorum for a Discipline Committee meeting is three members. If any governor has a connection with the pupil, or knowledge of the incident that led to the exclusion, which could affect his or her ability to act impartially, he or she should step down. The Chair has the casting vote in all cases where an even number of governors are considering the case.
- The Headteacher will report short fixed term exclusions once a term to the governing body.
- The governing body must, in the case of a fixed period exclusion of 5 school days or fewer in one term, consider any representation made by the parent. If representations from the parent are received the governing body must consider them, but they cannot direct reinstatement, although they can place a copy of their findings on the pupil's school record.
- On receiving notice of an exclusion from the Headteacher, the governing body:
  - (a) must, in the case of a fixed period exclusion of more than 5, but not more than 15 school days in one term (which does not bring the pupil's total number of days of exclusion to more than 15 in one term), convene a meeting between the 6th and 50th school day after receiving notice of the exclusion, to consider the exclusion, **but only if the parent requests such a meeting**;
  - (b) must in the case of a permanent exclusion, or a fixed period exclusion or a fixed period exclusion of more than 15 school days in one term (or which brings the pupil's total number of days of exclusion to more than 15 in one term) convene a meeting between the 6th and 15th school day after the date of receipt of notice to consider the exclusion. If a pupil's total number of days of fixed period exclusion exceeds 15 school days in one term, any subsequent fixed period exclusion(s) of the same pupil in the same term would again trigger the governing body's duty to consider the circumstances of the exclusion;
  - (c) must invite the parent (or the pupil if aged 18 or over) and the Headteacher to the meeting at a time and a place convenient to all parties (but in compliance with the relevant statutory time limits);
  - (d) should ask for any written statements (including witness statements) in advance of the meeting; and
  - (e) should circulate, at least five days in advance of the governing body meeting, any written statements (including witness statements) and a list of those who will be present at the meeting to all parties.
- The governing body must comply with the statutory time limits but are not relieved of their obligation to carry out the relevant duty if they fail to comply. Accordingly, their decision will not be invalid simply on the grounds that it was made out of time.

- The governing body's role is to review exclusions imposed by the Headteacher, who alone has the power to exclude. It cannot increase the severity of an exclusion. The governing body can uphold an exclusion or direct the pupil's reinstatement either immediately or by a particular date. If the governing body cannot direct reinstatement because the period of exclusion has expired and the pupil has returned to school, they can place a copy of their findings on his or her school record.

#### 5.9.14 Procedure at the Governing Body meeting

- The meeting should be conducted along the lines of the principles laid out in paragraphs 135 and 136 and as appropriate paragraphs 138 – 143 in the DCSF document "Improving Behaviour and Attendance" September 2007.
- Where the allegation of misconduct is in dispute the governing body should apply the balance of probabilities standard of proof.
- An LA representative or supporter may be present if requested by the parent.
- The Headteacher should be present to clarify points and answer any questions.
- The governing body should make its decision alone and ask other parties to withdraw. The clerk may remain in order to assist with the wording of the decision letter.
- The governing body must inform the parent, the Headteacher and the LA in writing within one school day of the hearing, stating the reasons.
- Where the governing body decides to uphold a permanent exclusion its letter to the parent should also include the following information:
  - (a) the reason for the exclusion;
  - (b) their right to appeal to an Independent Review Panel, together with the name and address of the person to whom any notice of appeal should be sent;
  - (c) the date by which any notice of review should be lodged (15 school days after the day on which notice in writing was given of the governing body's decision);
  - (d) that any notice of appeal must set out the grounds on which the review is made; and
  - (e) that any claim on the grounds of disability discrimination should also be set out in the notice of appeal.

#### 5.9.15 Police involvement and parallel criminal proceedings

The Headteacher need not postpone his or her decision to exclude a pupil simply because of the possibility that criminal proceedings may be brought in the same incident, but the critical factor in any such case will be the evidence that is available to the Headteacher. In such circumstances a judgement must be made on the basis of the evidence available. If having considered the evidence, on a balance of probabilities the Headteacher concludes that it is distinctly more likely that the pupil committed the alleged offence, then the Headteacher may proceed to take a decision on exclusion.

#### 5.9.16 Independent Review Panel

- In reviewing the decision, the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.
- Following its review, the panel can decide to:
  - uphold the Governing Board's decision;
  - recommend that the Governing Board reconsiders reinstatement;
  - quash the decision and direct that the Governing Board reconsiders reinstatement.
- The panel should apply tests on illegality, irrationality and procedural impropriety.
- An SEN expert will provide advice but it does not include making an assessment of the pupil's special educational needs.
- Where the panel directs or recommends that the Governing Board reconsider whether a pupil should be reinstated, the Governing Board must reconvene to do so within ten school days of being given notice of the panel's decision.

## **Section 6 – Dealing With Allegations of Abuse Against Teachers and Other Staff**

### **Key points when dealing with allegations of abuse against teachers and other staff.**

- If an allegation is made against a teacher the quick resolution of that allegation should be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated.
- In response to an allegation staff suspension will not be the default option. An individual will only be suspended if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification will be recorded by the school and the individual notified of the reasons.
- Allegations that are found to have been malicious will be removed from personnel records and any that are not substantiated, are unfounded or malicious will not be referred to in employer references.
- Pupils that are found to have made malicious allegations are likely to have breached school behaviour policies. The school will therefore consider whether to apply an appropriate sanction, which could include fixed term exclusions or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).
- Any allegations of abuse against a member of staff should be reported straight away, to the Headteacher. If the Headteacher is the subject of the allegation or concern the report should be made to the Chair of Governors. If appropriate the local authority designated officer (LADO) will be contacted in order to seek further advice.
- An allegation against a member of staff may occur when that member of staff has:
  - behaved in a way that has harmed a child, or may have harmed a child
  - possibly committed a criminal offence against or related to a child
  - behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.
- The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above at all, or may do so without warranting consideration of a police investigation or enquiries by local authority children's services. In these cases, local arrangements should be followed to resolve cases quickly and without delay.
- Some rare allegations will be so serious as to require immediate intervention by the local authority's social care services and/or police. The local authority designated officer (LADO) should be informed of all allegations that come to the school's attention and appear to meet the criteria so that he or she can consult police and local authority children's social care services as appropriate.
- In the first instance, the Headteacher or Chair of Governors, should immediately discuss the allegation with the LADO. The purpose of an initial discussion is for the LADO and the headteacher, to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask the senior manager to provide or obtain any additional information which may be relevant such as previous history, whether the child or their family have made similar allegations and the individual's current contact with children.
- This initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded by both the manager and the LADO, and agreement reached as to what information should be put in writing to the individual concerned and by whom.

The manager should then consider with the LADO what action should follow in respect of the individual and those who made the initial allegation.

- The Headteacher should inform the accused person about the allegation as soon as possible after consulting the LADO. He should provide them with as much information as possible at the time. However, where a strategy discussion is needed or police or local authority's social care services need to be involved, the Headteacher should not do that until those agencies have been consulted and have agreed what information can be disclosed to the person. The Academy Trust must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school until the allegation or concern is resolved.
- If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with paragraph 5.56 of *Working Together to Safeguard Children*. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour.
- Where it is clear that an investigation by the police or local authority children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the Headteacher or chair of governors. In those circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available, and will range from taking no further action to summary dismissal or a decision not to use the person's services in future. Suspension should not be the default position – an individual should only be suspended if there is no reasonable alternative.
- In some such cases further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the Headteacher and chair of governors how and by whom the investigation will be undertaken. In straightforward cases it should normally be undertaken by a senior member of the school's staff. However, in other circumstances the nature or complexity of the allegation will require an independent investigator