



# St Peter's CEVC Primary School Behaviour Policy

Updated by Governors April 2017  
To be reviewed by April 2019

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## Our Ethos

We believe the way we work with children and the manner we adopt will affect the developing attitudes and values of our children.

We aim to develop in children a sense of self discipline and a code of behaviour that is respectful and sensitive to the needs of others. To help achieve this we have identified the notion of Courtesy, Consideration, Common Sense and Compassion (the four C's) as the touchstone for harmony in our school community. We regularly refer to this in our teaching. We have clear procedures in place to cater for children who from time to time may fail to observe this code. We also involve parents as and when necessary.

The following poem by Dorothy Law Notte summarises our approach:

### ***Children as They Live***

*If a child lives with criticism*

*He learns to condemn*

*If a child lives with hostility*

*He learns to fight*

*If a child lives with ridicule*

*He learns to be shy*

*If a child lives with shame*

*He learns to feel guilty*

*If a child lives with tolerance*

*He learns to be patient*

*If a child lives with encouragement*

*He learns confidence*

*If a child lives with fairness*

*He learns justice*

*If a child lives with security*

*He learns to have faith*

*If a child lives with approval*

*He learns to like himself*

*If a child lives with acceptance and friendship*

*He learns to give love in the world*

## Aims

The following statement outlines the aims and general philosophy of St Peter's Bratton. The list is not intended to imply a particular sequence or order of priority.

- Create a **happy and stimulating environment** in which all children develop a positive and independent attitude to learning.
- Maintain the **highest standards** by successfully meeting individual children's needs and by investing in the professional development of all adults.
- Create a **sense of belonging** to the school and the wider community with a respect for the environment and nurturing a sense of trust and care.
- Promote **courtesy, consideration, common sense and compassion**, as the touchstone of harmony within our school.
- Teach children about **Christian traditions** and incorporate Christian values into their lives whilst developing an understanding and respect for other major world religions and ways of life.
- Promote **effective relationships** between everyone, including staff, pupils, governors, parents and the wider community so that we can encourage each other, enjoying and excelling together in all aspects of school life.
- Ensure pupils' **personal development** is catered for which will help them to be safe and to go on and lead safe, secure and healthy lifestyles in a rapidly developing world.
- Encourage staff and pupils to become **creative thinkers** with enquiring minds that will help them face new challenges and situations with increased confidence.
- Offer the **highest quality teaching and learning** opportunities within an innovative and stimulating environment.
- **Nurture, develop and inspire** the whole child and enable them to experiment, take risks, face challenges and make informed choices whilst at school and in their later life.
- Prepare children for the **challenges** as a 21st Century citizen in Modern Britain.

To promote the school's aims, this policy document considers how best to develop in children the key concepts of **self esteem, respect, responsibility and relationships**.

## **Self Esteem**

Self-esteem is the picture that each individual has of themselves, their strengths and limitations. This personal image influences all the important choices that are made in life.

It is vitally important to help children develop a reasoned set of attitudes, values and beliefs. We help children to realise they are unique and have special qualities, and can make a contribution to society.

Children at St Peter's have the opportunity to develop their self-esteem in a variety of ways:

- ◆ Celebration of their work takes place through displays, year group assemblies, class meetings and whole-school sharing assemblies.
- ◆ Genuine praise and encouragement is given, with intrinsic rewards stressed in preference to any 'gold star' system.
- ◆ Opportunities are offered through, for example, discussion, reflection and circle time for children to recognise their own strengths and areas for development.
- ◆ We listen, value children's comments and encourage involvement in decision making in school.
- ◆ Opportunities are planned through drama/role play to help children develop strategies to cope with conflict, failure and change.

## **Respect**

Respect is accepting that all individuals have equal rights to opportunity, opinions, beliefs and cultural lifestyles. We recognise physical and intellectual differences and value diversity. No reference is made here to explicit issues concerned with gender/race/special needs. In the light of our statement of values this is perceived as unnecessary, but statements are made elsewhere in our generic policies.

We have high expectations of children and staff. Mutual respect, kindness and care are encouraged. All the adults in school are important role models and we take care with the way in which we address pupils and each other. We also demonstrate that we put effort into our work. Children are also encouraged to show respect for the natural world, school environment and property.

## **Responsibility**

We encourage children to take responsibility for themselves, helping them to become independent learners, setting goals, evaluating their own work and their behaviour. Teachers provide the framework to help children develop the necessary skills and attitudes. These are a few examples:

- ◆ Children self-register in the mornings.
- ◆ They are involved in the organisation of classroom layout and resources.
- ◆ They are encouraged to develop leadership and helping and supporting their peers in work and at play.

- ◆ Pupils work independently in areas outside the classroom base, showing they can be trusted.
- ◆ They show visitors around school.
- ◆ They volunteer to organise such things as lunchtime sports clubs.
- ◆ Older children also help at lunchtimes in the hall and outside, modelling and encouraging appropriate behaviour and assisting the adult supervisors.
- ◆ School council

Children are encouraged to accept responsibility for their own actions and understand how their actions affect others, recognising the moral dimension to situations. A clear understanding of right and wrong is promoted.

We value:

- ◆ Telling the truth;
- ◆ Keeping promises;
- ◆ Respecting the rights and property of others;
- ◆ Acting considerately towards others;
- ◆ Helping others less fortunate
- ◆ Taking personal responsibility for actions;
- ◆ Self discipline.

We reject:

- ◆ Bullying;
- ◆ Cheating;
- ◆ Deceit;
- ◆ Cruelty;
- ◆ Irresponsibility;
- ◆ Dishonesty.

Aspects of this section are dealt with in further detail in the **Behaviour and Discipline** section below.

## **Relationships**

We feel relationships should be based on respect, empathy and genuineness. We hope to nurture mutual trust and create a courteous, friendly environment. Pupils are given the opportunity to develop skills of collaboration and co-operation in work and play, through flexible groupings of children. They also explore emotions and relationships through discussion, drama and role play.

We value strong links with pupils' homes and the community and children have the opportunity to contribute to fostering good relationships and interdependence, for instance with senior citizens, pre-schools, police, councillors, dental nurse, etc.

Our pastoral system encourages children to discuss problems, ask for help to resolve disagreements and consider ways in which their behaviour can be modified.

## Behaviour and Discipline

We consider that the learning environment at St Peter's has an important influence on pupil behaviour. The following points all contribute to creating the right learning environment.

- ◆ An effective curriculum, appropriately differentiated to stimulate and engage pupils, with acknowledgement and praise of success, are key factors in motivating and maintaining an orderly learning environment.
- ◆ There is a school code of **courtesy, consideration, common sense and compassion** which children and staff discuss regularly and within PSHE, Religious Education and assemblies.
- ◆ We try to lead, support and encourage pupils in developing good behaviour and in learning to play a responsible role both within the school and in the wider world. As a staff, we are able to respond to issues as they arise, discussing them together and taking the issue to the classrooms if appropriate.

We feel that good behaviour is best promoted by a short set of simple rules that make it clear what we think is important, what will be valued and what will not be tolerated. Expectations of good behaviour are high, clear and consistent.

As outlined above, we **value** telling the truth, keeping promises, respecting the rights of others, acting considerately towards others, helping others, taking personal responsibility for actions and self discipline.

We value people who:

- are honest
- respect other people's views
- are trustworthy
- share things
- are kind and think about others
- try to do their best
- take care
- listen well
- get on with it
- understand
- help others
- are polite

We **reject** cheating, verbal or physical abuse, deceit, cruelty, irresponsibility, dishonesty and bullying. We have an School Anti-Bullying Policy.

Standards of behaviour should reflect our values and there are clearly understood boundaries of acceptable behaviour. Adults respond promptly and firmly to pupils who exceed those boundaries.

As a staff we acknowledge ourselves as important role models in the way we speak and act.

We encourage mutual respect and trust. Pupils know that they will be listened to and taken seriously and that action will be taken if appropriate. We acknowledge that there may be times when a member of staff is taken into confidence but will need to pass the information on to the Headteacher. The child would have been made aware of this necessity and helped to understand that there are some secrets that need to be shared in order to resolve the issues. Please refer to our Safeguarding Policy for more details on this.

There is a shared responsibility amongst staff **and** pupils to reinforce rules.

### **Expectations of pupils**

We expect all pupils in our school to;

- follow their own class agreed rules;
- have high expectations of behaviour;
- be involved in their own learning;
- learn to understand that they are responsible for their own actions;
- develop an increasingly sound understanding of right and wrong;
- co-operate and work together;
- learn to sort out disagreements and frustrations sensibly and constructively;
- be reliable, trustworthy and responsible;
- behave in a safe manner at all times;
- respect the school's environment and belongings;
- take care of their belongings and those of other children;
- show respect to each other;
- act with equal respect to all staff.

### **Promoting Good Behaviour**

Good behaviour is helped when everyone remembers to do what is expected of him/herself. We encourage good patterns of behaviour by;

- as a school communicating clearly to pupils what is expected of them;
- praising children when we see good behaviour (this can be done using non-verbal signals, positive verbal comments or positive written comments);
- focussing on the positive behaviour taking place;
- giving pupils responsibility e.g playground pals;
- referring to and consistently applying school and classroom rules;
- matching expectations and activities to individual children's age, needs and development;
- encouraging pupils to think about others through whole school assemblies;

We recognise and praise good behaviour, sometimes informally, sometimes more visibly, in class circle time, assemblies or in messages home. We enlist pupil support to reinforce good behaviour. Praising and encouraging the behaviour we value is a powerful technique for eliciting more of the same.

We try to be pro-active, believing that positive intervention can avoid the need for sanctions. For example, a child who finds it difficult to settle to tasks in the morning, or finds it difficult to accept responsibility, might be given responsibility to do a special task each day.



We believe that children trust and respect the calm consistent and caring presence of an assertive teacher.

We invite outside agencies such as the police into school to discuss with children issues such as being assertive or 'being able to say NO'.

If children show unacceptable behaviour they are warned and reminded of the likely consequences. Interventions are carefully judged by staff using their knowledge of individual pupils. Distinctions are made between serious and minor incidents. There are no hard and fast rules to determine punishments. However, they should be in proportion to the incident and should not be humiliating or degrading.

### **Graduated Response**

There are times when the teacher will not respond to the behaviour if they consider the pupil to be attention seeking. In other circumstances, though, teachers act quickly and pupils are left in no doubt why they are being punished and how they can avoid a recurrence. For instance, the teacher may, after unsuccessful non-verbal reprimands decide to:

1. Have a discreet word with the pupil, giving a warning and reminding them of more acceptable behaviour.
2. Move to another table.
3. Isolate the pupil within the classroom (non-teaching staff at this point would enlist the support of the class teacher).
4. Moved to another classroom with work for a fixed period of time.
5. Remove the pupil from the situation.
6. Reduce pupil's break or lunchtime.
7. Teacher to speak to Parents informally.
8. Arrange for the pupil to repair or make a contribution to the repair of damaged property.
9. Withhold privileges such as peer partner lunches, jumping jaxx helper.
10. Reflection room (Appendix E) (A removal of a child's personal time i.e. breaktime or lunchtime).
11. Referral to a senior teacher.
12. Senior Leadership Team to contact Parents.
13. If appropriate a behaviour home/school book may be used, which involves the parents/carers in supporting school to modify their child's behaviour.
14. Use of specific, achievable behaviour targets may be appropriate.

If further support is needed a **behaviour plan** will be drawn up to support the pupil to improve their behaviour. The child's parents/carers may be asked to contribute active support to the plan. This plan will be reviewed at agreed times.

Additional interventions will be considered including:

- Extra adult support
- Completing a Common Assessment Form
- Advice from the Behaviour Support team or other external agencies (e.g. LSAT or Educational Psychologist)

Formal meetings, with parents/carers and other agencies when appropriate will be arranged by the Head teacher to consider the best ways forward.

Consideration of a request for a statutory assessment on the basis of social and emotional support. Referral to Fair Access Panel for advice and support this may lead to;

- Modified timetable with the support from outside agencies
- Managed move

- Referral to Pupil Referral Unit

### **Exclusion**

A fixed or permanent exclusion is the last resort after a range of measures have been tried to improve a pupil's behaviour. A decision to exclude a pupil for a fixed period may be taken in response to breaches of the school's Behaviour Policy, including persistent disruptive behaviour. If this occurs parents/carers will be asked to remove their child for a specific, short term period while intervention strategies are put in place to help the child improve. Exclusions whether fixed term or permanent can only be imposed by the Headteacher or the Deputy Head teacher.

Where exclusion is used the school conforms to the Local Authority and DfE Guidance. If a child is excluded for a period of less than 5 days the school will provide work – it is the parent's/carers responsibility to ensure the pupil completes the work and returns it to the school for marking (NB parents/carers can be fined if their child is found in a public place during an exclusion). From Day 6 of exclusion, temporary alternative arrangements for schooling will be made for the child. In the event of a permanent exclusion the Local Authority will contact parents/carers with details of the Day 6 provision.

Staff appreciate the open support of other staff in discussing how best to deal with behavioural issues. The SENCOs (Special Educations Needs Co-ordinators Miss C McCunnin and Mrs N Lewis) can also be sought for advice.

### **Lunchtimes and playtimes**

The school's Behaviour Policy is based on positive behaviour management and it is important that our pupils perceive the management of rules, rewards and sanctions to be fair and consistent. Lunchtime Supervisors and Teaching Assistants play an important part in managing pupils' behaviour and can make a big difference to a pupil's day. The same expectations of behaviour should be maintained at lunchtime and break time.

Pupils are expected to abide by the school agreed Playground Rules (see appendix G). Lunchtime Supervisors and Teaching Assistants are responsible for dealing with any negative playground behaviour in a fair and consistent manner. If the unacceptable behaviour is occurring during the lunchtime, midday supervisors must refer the incident to the senior supervisor to record on CPOMS (Child Protection Online Management System) and to advise on next steps. It is very important that any serious incident at lunchtime or breaktime is referred to the class teacher. At breaktime, the teacher on duty will record any incident on CPOMS.

At break time and lunchtime, it is imperative that the staff on duty maintain vigilance and all areas of the outside space are monitored.

We acknowledge the importance of home and school working in partnership and we expect the support of parents. When a pupil starts at St Peter's, a Home-School Agreement (Appendix B) is signed by parents, which demonstrates their commitment to supporting their child and the school. Parents are kept informed when things go well, but they may be invited into school to discuss unacceptable behavioural incidents if appropriate. Together with the pupil, they may be involved in the drawing up and signing of a plan of action to change behaviour, which will be reviewed.

### **Reasonable use of force**

Pupils are often involved in determining their own punishments and we try to make them feel positive about the sanctions. They may be asked to write an account of the incident and make suggestions about ways of resolving it. If the situation is explosive the child is isolated and if necessary a second adult can

be called. The child is given time to calm down and then encouraged to talk through the incident. In extreme but rare cases a teacher might have to restrain a pupil to prevent him or her causing injury to themselves, another pupil or a member of staff. Staff follow the 'Reasonable use of force'. (Appendix C) and will be MAPA trained (Management of Actual and Potential Aggression).

We have established and maintain good attendance through effective monitoring. Poor punctuality and unauthorised absence are investigated. There are standard letters to parents in the case of frequent lateness or unexplained absence.

Staff are alert to signs of **bullying**. We act promptly and firmly to deal with all forms of bullying and help the victim develop strategies for dealing with instances of bullying. The School has a separate Anti-bullying Policy.

### **The power to discipline beyond the school gate**

Disciplining beyond the school gate covers the school response to all non-criminal bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the school. The governing body must be satisfied that the measures proposed by the head teacher are lawful. (See Appendix A)

### **Searching and confiscation**

The Headteacher, Deputy Headteacher and two senior members of staff 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 is considered to be harmful or detrimental to school discipline. (Appendix D)

### **Equal opportunities**

Equal opportunities is about ensuring that every member of the school community is regarded as being of equal worth and importance, irrespective of culture, race, gender, sexual orientation, learning abilities, sensory or physical impairment, social class or lifestyle; it is about recognising differences, meeting individual needs and taking positive action, so that everyone has equal access to the educational opportunities offered by the school; it is also about regularly monitoring that each child has the opportunity to achieve.

### **Assessment and reporting**

Following any incident where a pupil is aggressive, violent towards another child or a member of staff, a violent/aggressive behaviour incident form (see appendix F) will be completed and passed to the Headteacher or Deputy Headteacher.

## **Appendix A**

### **The power to discipline beyond the school gate**

Disciplining beyond the school gate covers the school's response to all non-criminal bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the school. The governing body must be satisfied that the measures proposed by the head teacher are lawful.

Any bad behaviour 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
- 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.

As a result of any of these behaviours, the Headteacher will collect witness statements from both adults and children who have witnessed the event. The parents of the child involved will be contacted and invited into school to discuss the matter. Sanctions for the bad behaviour will follow those issued by the school for bad behaviour during the school day. Parental support will be sought for sanctions which they are able to administer outside the school day.

Following any incident, the Headteacher will consider whether it is appropriate to notify the police or Community Support Officers in Wellington of the actions taken against a pupil. If the behaviour is criminal or poses a serious threat to a member of the public, the police will always be informed. If there is any concern that the behaviour may be linked to the child suffering, or being likely to suffer, significant harm, Safeguarding procedures would be followed.



## **St Peter's CE (C) Primary School Home-School Agreement**

### **Name of child:**

At St Peter's, we recognise each child as an individual, and aim to give all children every opportunity to realise their full potential. We believe that a close partnership between the school, parents and the child is essential if we are to achieve this aim. We therefore ask all parents and children to sign up to our Home-School Agreement.

### **The Responsibilities of the School**

At St Peter's we will:

- Provide a secure, happy and stimulating learning environment that is underpinned by three core Christian values : Courtesy, Consideration, Common Sense and Compassion
- Provide a broad and balanced curriculum which challenges your child to reach their potential and fulfils the requirements of the National Curriculum.
- Encourage your child to show friendship and respect for others and to abide by the school behaviour policy, ensuring a safe, caring environment for all.
- Keep you informed about your child's progress and behaviour, as well as their termly curriculum.
- Set regular and appropriate homework for your child.
- Make you feel welcome whenever you visit the school and respond to your questions or concerns as quickly as possible.
- Allow children safe and secure use of the Internet through a combination of site filtering, supervision and by fostering a responsible attitude in all pupils, in partnership with parents.

Signed: ..... (On behalf of St Peter's C of E Primary School)

Date: .....

### **The Responsibilities of the Parents/Carers**

All parents/carers will:

- Having chosen St Peter's School for your child, accept the school's Aims and Christian values, positively supporting the school.
- Ensure that your child attends school punctually every day during term time, unless there is a good reason for absence (e.g. illness).
- Notify the school by letter or telephone in the event of absence.
- Support the school's policies and guidelines on learning, behaviour and uniform, both in School and at home.
- Attend parent/teacher meetings to discuss your child's progress.
- Support your child with homework that is set, including reading.

- Keep us informed of where to contact you in case of emergency.
- Promptly inform the school of any concerns or problems that may affect your child's learning, behaviour or happiness at school.
- Support school in the teaching of safe and secure Internet use at home.

Signed: ..... (Parent/carer)

Date .....

**The Responsibility of the Child**

I will try my best to :

- Do all classwork and homework as well as I can, asking questions when I don't understand.
- Be respectful towards others and behave in a safe and responsible way.
- Be kind, helpful and forgiving.
- Be honest.
- Use the Internet safely as I have been taught in class.

Signed in class by the child, when in each year as follows:

- .....Reception
- .....Y1
- .....Y2
- .....Y3
- .....Y4
- .....Y5
- .....Y6

## Appendix C.

### 1. What is reasonable force?

- 1) The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
- 2) Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
- 3) 'Reasonable in the circumstances' means using no more force than is needed.
- 4) As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
- 5) Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
- 6) School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

### 2 Who can use reasonable force?

- 1) All members of school staff have a legal power to use reasonable force.
- 2) This power applies to any member of staff at the school. It can also apply to people whom the head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

### 3 When can reasonable force be used?

- 1) Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder.
- 2) In a school, force is used for two main purposes – to control pupils or to restrain them.
- 3) 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.
- 4) The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;  
Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground;  
and
- restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

- use force as a punishment – **it is always unlawful to use force as a punishment.**

### 4. Power to search pupils without consent

- 1) In addition to the general power to use reasonable force described above, head teachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following "prohibited items"<sup>3</sup>:
  - knives and weapons

- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force **cannot** be used to search for items banned under the school rules. Separate guidance is available on the power to search without consent – see the Associated Resources section for a link to this document.

### **Using force**

A panel of experts identified that certain restraint techniques presented an **unacceptable risk** when used on children and young people. The techniques in question are:

- the ‘seated double embrace’ which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the ‘double basket-hold’ which involves holding a person’s arms across their chest; and
- the ‘nose distraction technique’ which involves a sharp upward jab under the nose.

### **Staff training**

Training is provided for senior staff so that they are able to support staff across the school. A senior member of staff will always support other staff across the school. Whenever possible, should a child need restraining it should be carried out by a member of the staff who have received MAPA training.

### **Telling parents/carers when force has been used on their child**

All incidents of reasonable force are recorded in order to support the child and staff involved (see sheet below).

### **What about other physical contact with pupils?**

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary. Examples of where touching a pupil might be proper or necessary:

- a) Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- b) When comforting a distressed pupil;
- c) When a pupil is being congratulated or praised;
- d) To demonstrate how to use a musical instrument;
- e) To demonstrate exercises or techniques during PE lessons or sports coaching; and
- f) To give first aid.

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



Name of child:

(Male/Female) Class:

**Reasonable Force Record**

<b>Reason for the use of reasonable force</b>
<b>Names of staff using reasonable force</b>  1. 2.
<b>Other agencies involved – please list with name and title</b>
<b>Parents contacted</b>  <b>Date:</b>  <b>Time:</b>
<b>Sanctions/Next steps</b>
<b>Meeting with parent and child following the incident</b>
<b>Any further intervention or agency involvement required</b>

**Signed:**

**Date:**

**Designation:**

## Appendix D

### **Searching and confiscation**

The Headteacher, Deputy Headteacher and two senior members of staff 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 is considered to be harmful or detrimental to school discipline.

### **Searching with consent**

#### **Schools' common law powers to search:**

School staff can search pupils **with their consent** for any item which is banned by the school rules.

1. The school does not need 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 and for the pupil to agree.
2. Items which are banned in school include, mobile phones, electronic games or devices.
3. 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 school's behaviour policy.
4. 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, schools can apply an appropriate disciplinary penalty.

### **Searching without consent**

#### **What the law says:**

#### ***What can be searched for?***

1. Knives or weapons, alcohol, illegal drugs and stolen items (referred to in the legislation as 'prohibited items').

#### ***Can I search?***

2. Yes, if you are the Headteacher, Deputy headteacher or a senior member of staff. But:
  - a. you must be the same sex as the pupil being searched; and
  - b. there must be a witness (also a staff member) and, if at all possible, they should be the same gender as the pupil being searched.

As a result of Mr Davis and Mr Evans, being the only male members of staff, they would have the power to search a male pupil. This would be witnessed by a senior female member of staff.

#### ***When can I search?***

3. If you have reasonable grounds for suspecting that a pupil is in possession of a prohibited item.

### **Authorising members of staff**

The Headteacher, Deputy Headteacher and two Senior members of Staff are authorised to use these powers.

1. Teachers can only request a senior member of staff to undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The teacher must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.
2. The powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

### **Location of a search**

1. Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil.
2. The powers only apply in England.

### **During the search**

#### **Extent of the search – clothes, possessions and trays**

#### **What the law says:**

The person conducting the search may not require the pupil to remove any clothing other than outer clothing. **'Outer clothing'** means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.

**'Possessions'** means any goods over which the pupil has or appears to have control – this includes trays and bags. A pupil's possessions can only be searched in the presence of the pupil and another member of staff. The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets.

#### **Trays**

Under common law powers, schools are able to search trays for any item provided the pupil agrees. Pupils will have a tray on condition that they consent to have it searched for any item whether or not the pupil is present.

If a pupil does not consent to a search then it is possible to conduct a search without consent but only for the "prohibited items" listed above.

#### **Use of force**

Reasonable force may be used by the person conducting the search (see appendix 3).

### **After the search**

#### **The power to seize and confiscate items – general**

### **What the law allows:**

Schools' general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.

1. The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is thought to be a weapon it must be passed to the police.
2. Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

### **Items found as a result of a 'without consent' search**

#### **What the law says:**

- A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item (that is a weapon/knife; alcohol; illegal drugs or stolen items) or is evidence in relation to an offence.
- Where a person conducting a search finds **alcohol**, they must retain it for return to the parent.
- Where they find **controlled drugs**, these must be delivered to the police as soon as possible.
- Where they find **other substances** which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline.
- Where they find **stolen items**, these must be delivered to the police or returned to the owner, providing it is safe to do so.
- Any **weapons or items which are evidence of an offence** must be passed to the police as soon as possible.
- It is school policy to always deliver stolen items or controlled drugs to the police. If the owners of the items are known and do not pose a threat to the pupil, these will be returned to the owner.

### **Telling parents and dealing with complaints**

Schools are not required to inform parents before a search takes place or to seek their consent to search their child.

1. There is no legal requirement to make or keep a record of a search, however as good practice the sheet below will be completed whenever a search and/or confiscation has taken place.
2. The school will always inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found along with any other banned items which might be found.
3. Complaints about screening or searching will be dealt with through the normal school complaints procedure.

### **Communicating the school's approach to the use of force**

1) Every school is required by law to have a behaviour policy and to make this policy known to staff, parents and pupils. The governing body should notify the head teacher that it expects the school behaviour policy to include the power to use reasonable force.

2) There is no legal requirement to have a policy on the use of force but it is good practice to set out, in the behaviour policy, the circumstances in which force might be used. For example, it could say that teachers will physically separate pupils found fighting or that if a pupil refuses to leave a room when instructed to do so, they will be physically removed.

3) Any policy on the use of reasonable force should acknowledge their legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).

4) Schools do not require parental consent to use force on a student.

5) Schools should **not** have a 'no contact' policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm.

6) By taking steps to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

### **6 Using force**

A panel of experts identified that certain restraint techniques presented an **unacceptable risk** when used on children and young people. The techniques in question are:

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

### **7 Staff training**

1) Schools need to take their own decisions about staff training. The head teacher should consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so.

2) Some local authorities provide advice and guidance to help schools to develop an appropriate training programme.

### **8 Telling parents when force has been used on their child**

1) It is good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to schools to decide whether it is appropriate to report the use of force to parents<sup>5</sup>.

5 References to parent or parents are to fathers as well as mothers, unless otherwise stated.

2) In deciding what is a serious incident, teachers should use their professional judgement and consider the:

- pupil's behaviour and level of risk presented at the time of the incident;
- degree of force used;
- effect on the pupil or member of staff; and
- the child's age.

### **8 What happens if a pupil complains when force is used on them?**

1) All complaints about the use of force should be thoroughly, speedily and appropriately investigated.

2) Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.

- 3) When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is **not** for the member of staff to show that he/she has acted reasonably.
- 4) Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance (see Associated Resources section below) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- 5) Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- 6) If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- 7) Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- 8) As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

### **9 What about other physical contact with pupils?**

- 1) It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.
- 2) Examples of where touching a pupil might be proper or necessary:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.

### **Frequently Asked Questions**

#### **I’m worried that if I use force a pupil or parent could make a complaint against me. Am I protected?**

Yes, if you have acted lawfully. If the force used is reasonable all staff will have a robust defence against any accusations.

#### **How do I know whether using a physical intervention is ‘reasonable’?**

The decision on whether to physically intervene is down to the professional judgement of the teacher concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result. School staff should expect the full backing of their senior leadership team when they have used force.

#### **What about school trips?**

The power may be used where the member of staff is lawfully in charge of the pupils, and this includes while on school trips.

#### **Can force be used on pupils with SEN or disabilities?**

Yes, but the judgement on whether to use force should not only depend on the circumstances of the case but also on information and understanding of the needs of the pupil concerned.

**I'm a female teacher with a Year 10 class - there's no way I'd want to restrain or try to control my pupils. Am I expected to do so?**

There is a power, not a duty, to use force so members of staff have discretion whether or not to use it. However, teachers and other school staff have a duty of care towards their pupils and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

**Are there any circumstances in which a teacher can use physical force to punish a pupil?**

No. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.

<https://www.gov.uk/government/publications/searching-screening-and-confiscation>

Name of child:

(Male/Female) Class:

**Search and confiscation Record**

<b>Reason for the search</b>
<b>Names of staff carrying out the search and those staff acting as witness include title</b>  1. 2.
<b>Items found</b>
<b>Other agencies involved – please list with name and title</b>
<b>Parents contacted</b>  <b>Date:</b>  <b>Time:</b>
<b>Sanctions/Next steps</b>
<b>Meeting with parent and child following the incident</b>
<b>Any further intervention or agency involvement required</b>

**Signed:**

**Date:**

**Designation:**



## Appendix E

### Reflection Room

#### Purpose

The purpose of the Reflection Room is to link the withdrawal of time privilege with some attempt at helping the student to reflect on his or her behaviour.

The Reflection Room is a significant behaviour consequence. It should not be used for minor behaviour management issues such as incomplete homework (unless homework is repeatedly forgotten) or uniform issues. These issues can be addressed more thoughtfully by the class teacher following up the issue with the student in a supportive manner.

#### Process

After all the usual classroom procedures have been used, including warnings, class teacher withdrawing time privileges etc then the last stage would be use of the Reflection room.

The child must take work with them to the Reflection room that is appropriate to the work missed or must take a reflection activity to complete. (KS1 reflection activity or KS2 reflection activity- below) The reflection activity must be discussed with class teacher and child as a follow up. The reflection activity should be stored by the class teacher for a term.

- Fill in the Reflection proforma.
- Send the slip to the staff member on duty.
- When a child arrives in the Reflection room, the teacher ticks the Reflection proforma to say they have arrived.
- The proforma goes back in the plastic wallet.
- Reflection room time will be a morning breaktime in the guided reading room
- The class teacher who has sent the child to the reflection room will record the incident on CPOMS

#### Amount of time in the reflection room.

Breaktime (Time must be made available for a bathroom break)

#### Non Attendance.

Class teacher to ensure that child attends the reflection room

#### Repeat offenders.

When a child has been in the Reflection room more than three times in a half term, class will inform DH. DH and class teacher will contact parents for a parental meeting

KS2 Reflection Activity

<u>Name</u>	<u>Class</u>
<u>What happened...?</u>	
<u>What is your side of the story?</u>	
<u>What rule or right was affected by your behaviour?</u>	
<u>What can you do to make things better?</u>	
<u>What can your teacher do to help make things better?</u>	

KS1 Reflection Activity

Name

Class

Why are you here?

What can you do to make things better?

Name	Class
Reason for referral	
Action already taken by staff	
Date	Attended (Duty teacher to initial if child attended)

Name	Class
Reason for referral	
Action already taken by staff	
Date	Attended (Duty teacher to initial if child attended)

Name	Class
Reason for referral	
Action already taken by staff	
Date	Attended (Duty teacher to initial if child attended)

**VIOLENT INCIDENT REPORT FORM** (to report violence, abuse, threats or harassment)

TO BE COMPLETED BY EMPLOYEE OR ON BEHALF OF ASSAULTED/THREATENED PERSON				
<b>1. Who? (Personal details of assaulted/threatened person)</b>				
Surname (capitals please):				
Forename/s:				
Date of Birth:		Male:	Female:	
Address:				
Post Code:		Daytime Tel No:		
<b>Status (please tick one category)</b>				
Employee	Pupil/Trainee	Visitor	Public	
Client	Contractor	Other (please specify)		
<b>If the person is an employee, please give the following additional information:</b>				
Post title:		Payroll Number:		
Work location/Service Area/Service Delivery Area:				
Working Days lost (please enter dates):				
<b>2. When?</b>				
Date:		Time: (Please use 24 hr clock)		
Time finished work on day of accident:		Normal time of finishing:		
<b>3. Where?</b>				
Name of site and address:				
Precise location of incident:				
<b>4. How?</b>				
Briefly describe the circumstances of this incident, what was done and said. (attach sketch/plan if this would illustrate the sequence of events more clearly)				
Is the threat/harassment ongoing?				
<b>5. Who? Details of the assailant/perpetrator (if already known)</b>				
Name:	Date of birth	Male		Female
Description of assailant:				

Address of assailant :				
<i>If more than one assailant please list relevant details separately</i>				
<b>6. Details of Incident</b>				
<b>Physical Assault:</b> <i>Major injury must be reported by telephone to HSE other injuries to be reported following the accident reporting procedure.</i>				
Nature of injury / damage:				
Was any First Aid administered :				
<b>Was MAPA applied (tick box)</b>	Level 1 Low	Level 2 Medium	Level 3 High	Floor
<b>Other threatening behaviour:</b> <i>Tick box(es)</i>				
Verbal abuse	Verbal threat	Threatening situation	Threat with weapon	Damage to property
Threat/damage to family property		Threat/damage by third party/agent		Provocation
<b>7. Did the incident involve any of the following?</b>				
Drugs/Alcohol	Mental disorder	Other existing condition		
<b>Harassment related to:</b>				
Disability	Race	Age	Sex/gender	Sexual orientation
Gender reassignment	Pregnancy/maternity	Religion or belief	Marriage/civic partnership	Other (please describe)
<b>8. Witnesses: Give names and addresses of any witnesses</b>				
<i>(Obtain witnesses wherever possible, attach signed statement from each witness in serious cases)</i>				
<b>9. Preventative or Monitoring Action: Action proposed (to be completed by Line Manager) i.e. Briefing, Counselling, 1:1</b>				
<i>Include whether and when incident was reported to Police and if incident warrants inclusion of perpetrator on the Personal Safety Precautions register</i>				
Name of Line Manager/ Head teacher:			Date:	
<b>10. Complete the form as soon as possible and return to:</b>				
The Health & Safety Contact or PSE in putter for your Service Delivery Area				

## Playground Expectations

- Be kind and respectful to everyone.
- Always follow our four 'Cs'
- Share and take turns
- Use good manners
- Be respectful of other play areas
- Stay where an adult can see you
- Look after the playground equipment by using it
- appropriately and safely
- Keep our playground tidy by using the bins provided
- Stand still when the bell rings
- Line up quietly and sensibly