



SUSI EARNSHAW

School of Academics & Performing Arts

Behaviour and Discipline Policy

Reviewed by: Headteacher

Frequency Date: Annually

Date Reviewed: March 2020

Next Review Due: July 2021

Policy aims

The aims of this Policy are:

- to enable the headteacher to carry out her responsibilities of maintaining order and good discipline in the School;
- to promote good behaviour;
- to ensure, so far as possible, that every pupil in this School is able to benefit from and make his / her full contribution to the life of the School, consistent always with the needs of the school community;
- to cover all areas of school activity;
- to authorise the School Rules and any procedures necessary for implementing them.

School rules and Expectations

The School Rules shall set out the principles of the School in relation to conduct and behaviour;

- self-respect and respect for others;
- respect for property and the environment.

Parents will be expected to read the School Rules with their children from time to time. Its principles will be reinforced at assemblies and at other times.

The School Rules are set by the proprietor and agreed by the headteacher. The School Rules are necessary for:

- for the safety and well-being of everyone at the School;
- for the reputation of the School community as a whole;
- for the protection of school property and the wider environment.

The School Rules apply to all age groups and at all times when the pupil is:

- at School, representing the School or wearing school uniform;
- travelling to and from the School;
- associated with the School at any time.

The Proprietor and the headteacher intend that the School Rules, in appropriate circumstances, be capable of regulating the conduct of pupils when they are away from school premises and outside the jurisdiction of the School, for example during half term or in the holidays. This will normally be where the conduct in question could have repercussions for the orderly running of the School, affects the welfare of a member or members of the School community or a member of the public or which brings the School into disrepute.

Pupils are expected to know and understand the School Rules and to read them through with their parents. The School Rules will be amended from time to time and reinforced at assemblies and on other appropriate occasions. The School Rules can be obtained from the School and also, from the School website.

Recognising good behaviour

The School understands that rewards can be more effective than punishment in motivating pupils. The School is committed to promoting and rewarding good behaviour, and may do so in some of the following ways:

- praise by staff;
- personalised letters to parents;
- certificates which recognise contributions to the School Community;
- celebration assemblies;
- special privileges;
- prizes / commendations / merits.
- Peer recognition.

For more information please see our Rewards System, which can also be found on our website.

The School recognises that where challenging behaviour is related to a pupil's disability, use of positive discipline and reward methods may enable the School to manage the pupil's behaviour more effectively and improve their educational outcomes.

Breaches of school discipline

The headteacher may prescribe and authorise the use of such other sanctions as comply with good education practice and tend to promote compliance with the School Rules.

For example, a child might have been responsible for leaving litter in a classroom, and is given the task of tidying another area, proportionate with the initial transgression. Minor breaches of discipline are generally dealt with by the subject/form teacher in a caring, supportive and fair manner, with some flexibility regarding age of the child, as far as sanctions are concerned.

Each case is treated individually. Generally, children are made aware that they are responsible for their own actions and that breaking rules will lead to punishments.

Normal sanctions include a verbal reprimand and reminder of expected behaviour, loss of free time such as playtimes, removing privileges, during morning break, moving to sit alone, withdrawing from groups, activities, special events, etc., sending work home, loss of responsibility and undertaking extra written work such as letters of apology/compositions on expected behaviour and loss of responsibility.

More serious sanctions include:

Internal Suspension or Detention

A pupil may be placed in internal suspension or detention where, in the opinion of the headteacher, either sanction is a reasonable response to a breach of school discipline. These sanctions will form part of the pupil's permanent disciplinary record.

Suspension

A pupil may be placed under suspension while a complaint is investigated or as a sanction in its own right. This sanction may also be referred to as internal or external exclusion.

Serious breaches of discipline

For serious breaches of discipline, the pupil may be asked to leave the School permanently:

Required Removal to leave

For a serious breach of school discipline falling short of one for which expulsion is necessary, but such that the pupil cannot expect to remain a member of the School, the pupil may be required to leave permanently.

Expulsion

A pupil is liable to expulsion for a grave breach of School discipline, for example, a serious criminal offence or some wilful act calculated to cause serious damage to the School or any of its members. Formal expulsion implies that the pupil's name will be removed from the roll

of the School and reference to the facts and circumstances will be made in response to every request for a reference. All outstanding fees up to and including the term of expulsion shall be payable and any deposit shall be retained by the School.

The headteacher is required to act fairly and in accordance with the principles of natural justice. Please see the School's separate. The headteacher will make a decision on a case-by-case basis, will expel a pupil from the School only as a last resort and will not expel a pupil other than in grave circumstances.

The School seeks to work in partnership with parents over matters of obligations to the School to support the School Rules. Parents will be informed of an after-school detention with at least 24 hours notice and usually more. Parents will be contacted to discuss a disciplinary matter which may result in a detention, suspension or where Removal or Expulsion is being considered. A pupil's Form teacher (or their line manager if appropriate) will notify the parents of any other disciplinary sanction and may discuss the matter with them if considered appropriate to do so.

Suspension:

A pupil may be placed under suspension while a complaint is investigated or as a sanction in its own right.

Other sanctions

The headteacher may prescribe and authorise the use of such other sanctions as comply with good education practice and tend to promote compliance with the School Rules.

Behaviour related to a disability

The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where Expulsion needs to be considered, the School will ensure that a disabled pupil is able to present their case fully where their disability or special educational need might hinder this. Any religious requirements will also be considered.

Malicious allegations against staff

Where a pupil makes an accusation against a member of staff and there is reasonable suspicion that the accusation has been deliberately invented or malicious, the headteacher will consider whether to take disciplinary action in accordance with this policy.

Where a parent has made a deliberately invented or malicious allegation the headteacher will consider whether to require that parent to remove their child or children from the School on the basis that they have treated the School or a member of staff unreasonably and compromised the requirement for mutual trust and confidence.

In accordance with the DfE's guidance *Dealing with allegations of abuse against teachers and other staff* (October 2012), the School will consider a malicious allegation to be one

where there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.

Use of reasonable force or restraint

Any use of restraint force by staff will be reasonable, proportionate and lawful. Reasonable force will be used in accordance with the DfE guidance *Use of reasonable force* (July 2013) and as set out in Appendix 1.

Corporal punishment is not used at Susi Earnshaw and force is never used as a form of punishment.

Restraint will be used only when immediately necessary and for the minimum time necessary to prevent a pupil from doing or continuing to do any of the following:

- committing a criminal offence;
- injuring themselves or others;
- causing damage to property, including their own;
- engaging in any behaviour prejudicial to good order and discipline at the School or among any of its pupils, whether that behaviour occurs in a classroom or elsewhere.

Where restraint is used by staff, this is recorded in writing on the specific incident form and logged in the incident file.

Records

Administration of major punishments (internal suspension or above) are recorded in the Disciplinary Records file with the name of the pupil concerned, the reason for the punishment, and the name of the person administering the punishment. Also in the same file is kept a copy of any incident form where physical restraint is used.

Appeals

A pupil or his / her parents may request a Proprietors Review of the headteachers decision to Expel or Require the Removal of a pupil from the School to leave, or where a decision has been made to suspend a pupil for eleven school days or more, or where suspension would prevent the pupil from taking a public examination. The form of application for a Review and the Review Procedures will be supplied to parents on request at the time of the original decision.

There will be no right to a Proprietor' Review of other sanctions but a pupil who feels aggrieved may ask the headteacher to take up his / her concerns with the member of staff who imposed the sanction.

Use of reasonable force

Reasonable force may be used to prevent a pupil from doing or continuing to do any of the following:

- Committing a criminal offence;
- Injuring themselves or others;
- Causing damage to property, including their own;
- Engaging in any behaviour prejudicial to good order and discipline at the School or among any of its pupils, whether that behaviour occurs in a classroom or elsewhere.

In these circumstances, force will be used for two main purposes: to control pupils or to restrain them. Reasonable force may be used, for example, to restrain a pupil at risk of harming themselves or another individual or to prevent a pupil leaving a classroom where allowing him / her to do so would risk his / her safety or lead to behaviour that disrupts the behaviour of others.

In addition, reasonable force may be used to conduct a search for "prohibited item" (see below).

In deciding whether reasonable force is required, the needs of individual pupils will be considered and reasonable adjustments will be made for pupils with special educational needs or disabilities.

Where reasonable force is used by a member of staff, the headteacher must be informed of the incident and it will be recorded in writing. The pupil's parents will be informed about serious incidents involving the use of force.

All schools have a general power to impose reasonable and proportionate disciplinary measures on pupils (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so. For more information please see the Child Discipline Policy which is in line with the guidance published by the Department for Education (DfE), *Screening, searching and confiscation* (July 2013).

Prohibited items

The following are "prohibited items" under Section 550ZA(3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulations 2012:

- knives or weapons, alcohol, illegal drugs and stolen items
- tobacco and cigarette papers, electronic-cigarettes (e-cigarettes and other vaping equipment), fireworks and pornographic images
- any article that a member of staff reasonably suspects has been, or is likely to be used:
- to commit an offence or to cause personal injury to, or damage to the property of, any person (including the pupil) and any item banned by the School rules that are identified as being items which may be searched for.

The School has banned items that are reasonably believed to be likely to cause harm or disruption. Pupils must not have these items in their possession on School premises or at any time when they are in the lawful charge and control of the School (for example on a School trip).

As provided in the School rules, at Susi Earnshaw the following items are banned items that may be searched for if there are reasonable grounds for suspecting that a pupil has the item in their possession:

Sonic alarms, stink bombs, other items consistent with practical jokes.

Searching with consent

Before any search is undertaken the pupil will usually be asked to consent. In seeking consent, the age and maturity of the pupil will be taken into account together with any special needs the pupil may have. Written consent will not usually be required.

If a member of staff suspects that a pupil has an item that is banned by the School they can instruct the pupil to turn out his or her pockets or bag. If the pupil refuses, disciplinary action may be taken in accordance with the School's Behaviour and Discipline Policy.

Searching for prohibited items

Where the headteacher or an authorised member of staff have reasonable grounds to suspect that a pupil may have a prohibited item, consent is not required and the search will be carried out, using reasonable force where appropriate.

Searches will be carried out only on School premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on a School trip or in training settings.

When pupils travel outside England on a School trip, they will be required as a condition of participating in the trip to confirm their consent in writing to any search that may be considered necessary by an authorised member of staff during the period in which pupils are outside England.

If it is believed that a pupil has a prohibited item, it may be appropriate for a member of staff to carry out:

- a search of outer clothing and / or
- a search of School property (e.g. pupils' lockers) and / or
- a search of personal property (e.g. bag or pencil case).

Searches will be conducted in such a manner as to minimise embarrassment or distress. Any search of a pupil or their possessions will be carried out in the presence of the pupil and

another member of staff. Where a pupil is searched, the searcher and the second member of staff present will be the same gender as the pupil.

Where it is reasonably believed that serious harm may be caused if the search is not carried out immediately and it is not practicable to summon another member of staff, a member of staff may carry out a search of a pupil of the opposite sex and / or in the absence of a witness.

Where the headteacher, or staff authorised by the headteacher, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item in accordance with this policy.

Confiscation

Under the School's general power to discipline, a member of staff may confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.

Confiscation of an item may take place following a lawful search, as set out above, or however the item is found if the member of staff considers it to be harmful or detrimental to school discipline.

Searching electronic devices

An electronic device such as a mobile phone or a tablet computer may be confiscated in appropriate circumstances in accordance with this policy. If there is good reason to suspect that the device has been, or could be used to cause harm (including cyberbullying), to disrupt teaching or break School rules, the child's parents will be contacted in the first instance. With their permission, and as appropriate, in their presence, any data or files on the device may be searched and, where appropriate, data or files may be erased before the device is returned to its owner. Any data or files will only be erased if there is good reason to suspect that the data or files have been, or could be used to cause harm, to disrupt teaching or break School rules.

If inappropriate material is found on an electronic device, the member of staff must report the matter to the DSL, who will then discuss the matter further with their headteacher. Decisions as to the investigation of the material, its retention as evidence of a breach of School discipline or criminal offence or its referral over to the police if the material is of such seriousness that police involvement is required.

Disposal of confiscated items

Alcohol:

Alcohol which has been confiscated will be destroyed.

Controlled drugs:

Controlled drugs will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion of the headteacher or authorised member of staff, the drugs may be destroyed without the involvement of the police if there is good reason to do so. All relevant circumstances will be taken into account and staff will use professional judgement to determine whether the items can be safely disposed of. They will not be returned to the pupil.

Other substances:

Substances which are not believed to be illegal drugs but which are harmful or detrimental to good order and discipline (for example "legal highs") may be confiscated and destroyed. Where it is not clear whether or not the substance seized is an illegal drug, it will be treated as though it is illegal and disposed of as above.

Stolen items: stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of the headteacher or authorised member of staff, there is good reason to do so, stolen items may be returned to the owner without the involvement of the police. This is likely to apply to items of low value, such as pencil cases.

Tobacco or cigarette papers:

Tobacco or cigarette papers will be destroyed.

Fireworks:

Fireworks will not be returned to the pupil. They will be disposed of safely at the discretion of the headteacher or other authorised member of staff.

Pornographic images:

Pornographic images involving children or images that constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008 will be handed to the police as soon as practicable. As possession of such images may indicate that the pupil has been abused, the School's DSL will also be notified and will decide whether to make a referral to the appropriate external agency.

Other pornographic images will also be discussed with the School's Designated Person for Child Protection. The images may then be passed to the appropriate external agency for consideration of any further action. If no action is to be taken by the local authority the images will be erased after a note has been made for disciplinary purposes, confirming the nature of the material.

Article used to commit an offence or to cause personal injury or damage to property:

Such articles may, at the discretion of the headteacher or authorised member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained or disposed of.

Weapons or items which are evidence of an offence: such items will be passed to the police as soon as possible.

An item banned under School Rules:

Such items may, at the discretion of the headteacher, taking all the circumstances into account, be returned to its owner, retained or disposed of. Where staff confiscate a mobile phone that has been used in breach of School Rules to disrupt teaching, the phone will be kept safely until the end of the School day when it can be claimed by its owner. If a pupil persists in using a mobile phone in breach of School Rules, the phone will be confiscated and must be collected by a parent.

Electronic devices:

If it is found that a mobile phone, laptop or tablet computer or any other electronic device has been used to cause harm, disrupt teaching or break School Rules, including carrying out cyberbullying, the device will be confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded the device must be collected by a parent or carer and the pupil may be prohibited from bringing such a device onto School premises or on School trips. In serious cases, the device may be handed to the police for investigation.

Communication with parents

There is no legal requirement for the School to inform parents before a search for banned or prohibited items takes place or to seek their consent to search their child and it will not generally be practicable to do so. However, we will inform parents of any search that takes place and provide details of any items that have been found. In appropriate cases we will consult parents on how the School should dispose of certain items.

We will keep a record of searches carried out which can be inspected by the parents of the pupil(s) involved subject to any restrictions under the Data Protection Act 1998. The record will include details of the disposal of items confiscated.

Complaints about searching or confiscation will be dealt with through the School's Complaints Procedure. A copy of the procedure is posted on the School website and hard copies are available from the School Office on request.

The School will take reasonable care of any items confiscated from pupils. However, unless negligent or guilty of some other wrongdoing causing injury, loss or damage, the School does not accept responsibility for loss or damage to property.