

**Plymouth
School of
Creative Arts**

make
discover
perform

Behaviour & Attendance Policy

Date created: 01/11/2012	Created by: M. Sweeney	Review period: Annual
Reviewed: 18/09/17	By: P & SW Governor	Next review: Sept 2018

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Foreword

The education white paper The Importance of Teaching, published in 2010, set out the government's plans for the future of education and included many proposals for managing behaviour. It follows that easily accessible guidance for schools must be available to reflect changes to existing legislation and best practice.

What does the guidance cover?

The government published separate five separate pieces of guidance, each of which covered different issues related to student behaviour. This guidance informed our school's initial policy on Behaviour (created 01/11/2012):

Ensuring good behaviour in schools - Advice for headteachers, governing bodies, teachers, parents and students on good behaviour in schools (29th July 2011)

Screening, searching and confiscation - Advice on schools' powers to screen and search students (31st August 2011)

Guide for heads and school staff on behaviour and discipline - A guide for headteachers and school staff on developing a school behaviour policy and the powers members of staff have to discipline students (23rd August 2011)

Guidance for Governing bodies on behaviour and discipline - This statutory guidance explains why maintained schools must have a behaviour policy, what it must cover and the role of the governing body and headteachers in shaping their school's behaviour policy (23rd August 2011)

Use of reasonable force - This is non-statutory advice to clarify the use of force in schools for governing bodies, headteachers and school staff (23rd August 2011). Within PSCA we understand the use of reasonable force in terms of 'positive handling'. Protocols and reporting processes for the use of positive handling are attached in **Appendix 4**.

However, in addition to this guidance, *Use of Reasonable Force* addresses allegations in a use of force context. *Use of Reasonable Force* states that if a student complains about force used by a member of staff, the burden of proof rests with the complainant to show that the staff member acted unreasonably. Staff should therefore no longer be suspended on a student's word. The guidance warns that schools should not automatically suspend teachers accused of using force. These points reflect the government's drive to support teachers in enforcing discipline.

The behaviour guidance also prescribes elsewhere that school behaviour policies should set out the disciplinary action that will be taken against students who have made malicious allegations against staff.

Certain staff members, including headteachers, have an existing statutory power to search students without consent if they suspect students of having 'prohibited items'. These currently include knives and alcohol, but ministers intend to bring into force regulations that include mobile phones and

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cigarettes as 'prohibited items'. **Appendices 1 and 2** contain the main points of the proposed changes to behaviour guidance.

The following guidance has been considered in the review and revision of this policy on 18/09/2017:

Behaviour & discipline in schools (16 July 2013)

Preventing & tackling bullying (22 August 2013)

Use of reasonable force in schools (17 July 2013)

Parental responsibility measures for school attendance & behaviour (13 November 2013)

School attendance (25 November 2013)

Availability of the Behaviour Policy

This policy is available on request to students, the parents of students and prospective students of the school. While students may, themselves, raise concerns and complaints under this policy and procedure, the school will involve parents should this occur. Copies are available from the following;

The Headteacher

Plymouth School of Creative Arts

22 Millbay Road

Millbay

Plymouth PL1 3EG

Tel.: 01752 221927

A copy of the school policy is available on the school website

1 Introduction

1.1 The link between school attendance, effective teaching and learning, standards and student safety and wellbeing cannot be over-estimated and whilst the learning experience must be enjoyable these policies underpin an ethos of fairness for all and high standards of achievement.

1.2 We will develop processes to provide students with a voice in their learning experience. Students need to develop a clear understanding of positive behaviour for learning. In consultation with the headteacher, staff, students and parents will have involvement in the Policy for the promotion of good behaviour and attendance and keep it under review. We will ensure that it is communicated to students and parents, is non-discriminatory and the expectations are clear.

1.3 The headteacher will be responsible for the implementation and day-to-day management of the policy. Staff, including teachers, support staff and student teachers, will be responsible for ensuring that the policy and procedures are followed, and consistently and fairly applied.

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1.4 From day one students will be expected to take responsibility for their own behaviour and will be made fully aware of the school policy, procedures and expectations. Students will also have a responsibility to ensure that any incidents of disruption, bullying and any form of harassment are reported.

1.5 PSCA will also ensure that the concerns of students are listened to and appropriately addressed.

1.6 Parents and carers will take responsibility for the behaviour of their child both inside and outside the school and they will be encouraged to work in partnership in maintaining high standards of behaviour. Parents will have the opportunity to raise any issues arising from the operation of the policy.

1.7 The Governing Body will ensure that appropriate high quality training on all aspects of behaviour is provided to support the implementation of the policy.

1.8 Challenging behaviour will be viewed as a communication of unmet need, and as such it is essential to read the behaviour rather than merely manage it. This 'behaviour leadership' approach allows for a proactive approach for meeting the needs of each student. At PSCA we will ensure that all students know what good looks like and how to achieve it; integral to this process is the use of 'learning maps', visual representations that describe the process for positive behaviours for learning in our school, make clear the consequences of poor choices and are individually developed and added to where appropriate to make individual need

2 PSCA Behaviour & Attendance Policy Overview, Principles and Procedures

2.1 At PSCA the over-arching principles are based on our belief that in order to enable effective teaching and learning to take place, good behaviour in all aspects of school life is necessary. Governors and the school seek to create a caring and rewarding learning environment. From the outset of attending the school the studios and classrooms will be created as a happy, stimulating and successful place and this will feed into the whole ethos of the behaviour & attendance policy. The learning experience and environment created in the school will be one of where students are motivated, value themselves and each other, and are valued by peers, adults and their community.

2.2 All students will be expected to show respect and courtesy towards teachers and other staff and towards each other by encouraging and acknowledging good behaviour and discipline.

2.3 The school provides a safe environment free from disruption, violence, bullying and any form of harassment. We:

- Promote self- esteem by encouraging students to value and respect themselves and others
- Ensure equality and fairness of treatment for all
- Encourage consistency of response to both positive and negative behaviour
- Promote early intervention
- Expect parents to encourage their children to show respect and support the school's authority to discipline its students, if applicable

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2.4 The governing body and headteacher will deal with allegations against teachers and other school staff quickly, fairly and consistently in a way that protects the student and at the same time supports the person who is the subject of the allegation.

2.5 The headteacher in consultation with staff and students will develop the detailed procedures from this policy. The procedures will make clear to students how acceptable standards of behaviour can be achieved and will have a clear rationale, which is made explicit to staff, students and parents. The procedures will be consistently and fairly applied and promote the idea of personal responsibility and treat every member of the school community equally.

3 Code of Conduct

3.1 At PSCA we have set out the following as an initial basis of the Code, which will be continually developed and refined over time. The school recognises for younger students that some of these areas are more likely to be parental responsibilities and will work closely with parents to ensure continuity in development.

3.2 Students will;

- Make sure that they arrive at school on time
- Bring the equipment needed and are prepared for learning
- Conduct themselves in an orderly manner and move sensibly about the school
- Speak politely to everyone
- Show respect for their own learning and that of others and being silent when requested
- Always complete work on time and to an excellent standard
- Make sure that they catch up with their learning if they have been away or have fallen behind for other reasons
- Help a teammate if they are finding the learning difficult
- Do whatever it takes to help create a safe school and local community which respects the rights of others by:
 - Listening to members of staff and following instructions politely and calmly
 - Walking in single file, not running or shouting, and maintaining silence in corridors
 - Going straight to lessons and holding doors open for others when the corridors are busy
 - Showing high standards of personal presentation and hygiene, including the wearing of the school uniform
 - Helping to keep the school clean and tidy so that it's a welcoming place that we can be proud of
 - Never damaging school property, defacing the building, dropping litter or spitting
 - Never insulting, undermining or swearing at anyone

3.3 Breaches of the Code of Conduct could involve the following;

- Committing any act of violence, or threatening to do so
- Committing any unlawful act such as stealing
- Insolence to, or defiance of, members of staff or verbal abuse
- Fighting, bullying, or behaving dangerously on school premises
- Smoking or gambling
- Bad behaviour whilst travelling to or from school

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- Unsanitary behaviour, e.g. spitting
- Persistently not conforming to health and safety protocols

3.4 All staff will have a key role in the maintenance of good order within the school and in looking after the school environment. On no account must any student be removed, unsupervised, from a lesson.

3.5 The School staff will deliver agreed consequences depending upon the nature of the issue. The following disciplinary steps can be taken:

- Reminder of required behaviour
- Moved within the class
- Loss a proportion of playtime
- Loss of privileges
- Removed from class
- Lunchtime coaching
- After school detention – depending on age
- Internal seclusion
- Fixed-term exclusion
- Permanent exclusion

4. Choices and Consequences

4.1 At PSCA we set out to promote a school ethos of encouragement; this is central to the promotion of desirable behaviour. We focus upon the development of an intrinsic motivation to learn, and the development of an intrinsic responsibility to develop myself as a learner. Acknowledgement of effort and public celebration are integral means of achieving this. They have a motivational role in helping students to recognise that desirable behaviour, self-awareness and responsibility to self and others is valued, and will be clearly defined in the procedures. Integral to this system is an emphasis on the positive recognition of both informal and formal effort to individuals and groups. Alongside this is an aim to work alongside parents, in regular partnership, to promote and develop effective behaviours for positive learning and development.

4.2 Behaviour that is not acceptable will be clearly identified to staff and students through the Code of Conduct (Section 3 above), agreed annually by staff, students and parents. All students will be expected to remember that the school's reputation is affected by the way they conduct themselves inside and out of school.

4.3 Consequences are needed to respond to inappropriate behaviour and PSCA will impose consistent, clear and unavoidable consequences for unacceptable behaviour. ***The importance of consequences is to restore an emotionally healthy situation to improve a student's behaviour.*** Their use will be characterised by clarity of why the consequence is being applied and what change in behaviour is required. The procedures will make a clear distinction between the consequences applied for minor and major offences.

4.4 In the first instance, Studio teachers have a responsibility to deal with unhelpful behaviours as part of lessons and will have at their disposal a number of appropriate strategies. Consequences

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should always be reasonable and proportionate and may include being made to perform useful school tasks. Whatever course of action is taken, a note should always be made.

5. Attendance overview

5.1 PSCA has has a legal duty to publish its absence figures to parents and to promote attendance. Equally, parents have a duty to make sure that their children attend.

5.2 All school staff will be committed to working with parents and students as the best way to ensure as high a level of attendance as possible and that every child's welfare and life opportunities are promoted. Students will be expected to attend daily and on a regular basis without prior agreement or extenuating circumstance. Any students not attending school without notification or reason will be carefully monitored by the leadership team, and discussion with home will be requested.

5.3 The minimum level of attendance for the school is 96% attendance and we will keep parents updated regularly about progress to this level and how a child's attendance compares. Our target is to achieve better than this however because we know that good attendance is the key to successful schooling.

6. Attendance importance and procedures

6.1 Regular attendance is vital in the following regards;

- **Learning** - Any absence (or persistent lateness) affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any student's absence disrupts teaching routines so may affect the learning of others in the same class. Ensuring a child's regular attendance at school is the legal responsibility of a parent or carer and permitting absence from school without a good reason creates an offence in law and may result in prosecution.
- **Safeguarding** - A child may be at risk of harm if they do not attend school regularly. Safeguarding the interests of each child is everyone's responsibility and within the context of this school, promoting the welfare and life opportunities for a child encompasses attendance, behaviour management, health and safety, access to the curriculum and anti-bullying. Failing to attend this school on a regular basis will be considered as a safeguarding matter.

6.2 Our procedures and practices include;

Promoting Regular Attendance - Helping to create a pattern of regular attendance is the responsibility of parents, students and all members of school staff. To help us all to focus on this the School we will:

- Give details on attendance in our regular Home – School Bulletin
- Report at least termly on how a child is performing in school, what their attendance and punctuality rate is and how this relates to their attainments
- Communicate and work with parents, students and staff on ways to work together on raising

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attendance levels across the school

Understanding types of absence - Every half-day absence from school will be classified by the school (not by the parents), as either **AUTHORISED or UNAUTHORISED**. This is why information about the cause of any absence is always required, preferably in writing. Our definition includes;

- **Authorised absences** - These are mornings or afternoons away from school for a good reason such as illness, medical/dental appointments which unavoidably fall in school time, emergencies or other unavoidable cause
- **Unauthorised absences** - These are those which the school does not consider reasonable and for which no "leave" has been given. This type of absence can lead to consequences and/or legal proceedings. Unauthorised absences include:
 - Parents/carers keeping children off school unnecessarily
 - Truancy before or during the school day
 - Absences which have never been properly explained
 - Children who arrive at school too late to get a mark
 - Shopping, looking after other children or birthdays
 - Day trips and holidays in term time which have not been agreed (*please note: time away from school during term time can only be granted when there are exceptional, extenuating circumstances*)

6.3 Whilst any child may be off school because they are ill, sometimes they can be reluctant to attend school. Any problems with regular attendance are best sorted out between the school, the parents and the child. If a child is reluctant to attend, it is never helpful to cover up their absence or to give in to pressure to excuse them from attending. This gives the impression that attendance does not matter and usually make things worse.

6.4 **Persistent Absenteeism** – At PSCA a student becomes a 'persistent absentee' (PA) when they miss 20% or more schooling across the school year for whatever reason. Absence at this level is doing considerable damage to any child's educational prospects and therefore life chances. We need parent's fullest support and co-operation to tackle this. The school will monitor all absence thoroughly. Any case that is seen to have reached the PA mark or is at risk of moving towards that mark is given priority and the parent or carer will be informed of this immediately. PA students will be tracked and monitored carefully through the school's pastoral system and will be combined with academic mentoring where absence affects attainment. All PA students and their parents will be subject to individual focus and attention to help improve attendance. This may include:

- Meetings between the student, family and relevant staff
- Involvement of the school's designated Attendance Officer

6.5 **Lateness** - Poor punctuality is not acceptable. If a child misses the start of the day they can miss work and do not spend time with their Studio teacher receiving vital information and news for the day. Late arriving students also disrupt lessons, can cause embarrassment to the child and can also encourage absence.

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6.6 Holidays In Term Time - Taking holidays in term time will affect a child's schooling as much as any other absence and we expect parents to help us by not taking children away in school time. Any savings that parents think they may make by taking a holiday in school time are usually offset by the cost to their child's education. There is no automatic entitlement in law to time off in school time to go on holiday. All applications for leave must be made in advance and are made at the discretion of the school. In making a decision the school will consider the circumstances of each application individually, including previous attendance and absence records. Please note that any leave during term time can only be approved in exceptional, extenuating circumstances.

Circumstances where leave is highly unlikely to be granted include;

- When a student is just starting the school. This is very important as any child needs to settle into their new environment as quickly as possible
- Immediately before and during assessment periods or any other public examinations
- When a student's attendance record already includes any level of unauthorised absence
- Where a student's attendance rate is already below (90%) or will fall to or below that level as a result of taking holiday leave

6.7 Any period of leave taken without the agreement of the school, or in excess of that agreed, will be classed as unauthorised and may attract consequences such as a Penalty Notice from the Local Authority.

7. Anti-Bullying

N. B. For more detail regarding Anti-Bullying at PSCA please see our 'Anti-Bullying' Policy and use information below in conjunction with this complementary policy.

7.1 At PSCA our aim is to prevent or deter bullying or harassment from starting and to deal with it if it does occur and to minimise the opportunity for recurrence. Wherever possible and appropriate, every effort should be made to resolve a situation on an informal basis. The procedure will also encourage students to report incidents of bullying.

7.2 Students who are being bullied may show changes in behaviour, such as becoming shy and nervous, feigning illness, taking unusual absences or clinging to adults. There may be evidence of changes in work patterns, lacking concentration or truanting from the school. These behaviours, however, do not in and of themselves mean that bullying is taking place. Likewise, bullying may occur without these behaviours appearing.

7.3 A student who believes that they have been subject to harassment should, in the first instance, state that the behaviour is unwelcome, unwanted, unacceptable and/or offensive and ask the individual(s) concerned to stop.

7.4 This policy and procedure provides the guidance and the process to follow in the instance of a harassment or bullying situation experienced by a student. Bullying is defined as deliberately hurtful behaviour, repeated over a period of time, where it is difficult for those being bullied to defend themselves. Bullying can be emotional, physical, sexual, racist, homophobic, verbal and cyber and we treat all occurrences seriously at PSCA and there is no tolerance of any form of bullying in our school.

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7.5 Responsibilities include – It is the duty of every member of the school to take responsibility for their behaviour and modify it if necessary, as harassment or bullying is not acceptable under any circumstances. In the event of a failure to do so, disciplinary action may be a consequence. All members of the school community must take appropriate action to ensure that harassment and bullying does not occur in their environment. In some cases, until it has been brought to their attention, the bully/harasser(s) may be unaware, or claim to be unaware, that their behaviour is perceived as inappropriate or offensive. It may occasionally happen that words or actions have been genuinely misconstrued.

7.6 The following steps may be taken when dealing with incidents:

- If bullying is suspected or reported, the incident will be dealt with promptly by the member of staff who has been approached
- A clear account of the incident will be recorded (this may include reporting through a Behaviour Concern Form or Safeguarding Concern Form)
- The teacher will interview all concerned and will record the incident
- The headteacher will be kept informed and if it persists he/she will advise the appropriate subject teachers
- Parents will be kept informed
- Appropriate sanctions and protective measures will be used as relevant and in consultation will all parties concerned

7.7 Students who have been bullied will be supported by offering a prompt opportunity to discuss the experience with a member of staff. The main focus will be reassuring the student and parents and offering continuous support.

7.8 Within the curriculum the school will raise the awareness of the nature of bullying through inclusion in PSHE, registration time, assemblies and subject areas, as appropriate; there will be on-going work to create a learning environment that is free from any form of inappropriate behaviour or harassment.

7.9 At PSCA we will also involve students and parents as much as we can including;

We will:

- Regularly canvas children and young people’s views on the extent and nature of bullying
- Ensure students know how to express worries and anxieties about bullying
- Ensure all students are aware of the range of consequences which may be applied against those engaging in bullying
- Involve students in anti-bullying campaigns in schools
- Publicise the details of helplines and websites
- Offer support to students who have been bullied
- Work with students who have been bullying in order to address the problems they have
- Ensure that parents / carers know whom to contact if they are worried about bullying
- Ensure parents know about our complaints procedure and how to use it effectively
- Ensure parents / carers know where to access independent advice about bullying

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- Work with parents and the local community to address issues beyond the school gates that give rise to bullying

7.10 Action which cannot be resolved on an informal basis, which is serious, or which continues following a request to stop, will be subject to investigation. A formal investigation will also be conducted where a complaint or observation is made by a person or persons other than the individual being bullied or harassed.

8. Safeguarding

N. B. Please use information below conjunction with our 'Safeguarding and Promoting Student Welfare' Policy

8.1 The Governors and headteacher have a duty to give this policy to all employees and other adults in regular contact with children, young people, and vulnerable adults in PSCA.

8.2 Plymouth School of Creative Arts believes that it is unacceptable for anyone to experience abuse of any kind and recognises its responsibility to safeguard the welfare of all students.

The school is committed to:

- Providing a safe learning environment for all
- Identifying children and young people who are suffering or likely to suffer significant harm, and taking appropriate action
- Raising the awareness of all academic, technical and support staff of their safeguarding responsibilities and following the processes and procedures for identifying and reporting possible cases of concern
- Ensuring that PSCA adheres to the safe recruitment of staff

8.3 In pursuit of these aims, PSCA will approve and annually review policies and procedures. The headteacher and all staff working with children will receive training adequate to familiarise them with Safeguarding issues and the associated responsibilities

8.4 The school recognises the following as definitions of abuse.

Significant Harm

There are no actual criteria on which to rely when judging what constitutes significant harm. Consideration of the severity of ill-treatment may include the degree and extent of physical harm, the duration and frequency of abuse and neglect, the extent of premeditation, the presence of degree of threat, coercion, sadism and bizarre or unusual elements. More often, significant harm is a compilation of significant events, both acute and long-standing, which interrupt, change or damage physical and psychological development.

Physical Harm

Physical abuse causes harm to a person. It may involve hitting, shaking, throwing, poisoning, burning, scalding, drowning or suffocating. It may be done deliberately or recklessly, or be the result of a failure to prevent injury occurring. It can also occur when a parent or carer fabricates the symptoms of or deliberately causes ill health to a child whom they are looking after.

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Neglect

Neglect is the persistent or severe failure to meet a young person's basic physical and/or psychological needs, likely to result in serious impairment of health or development. It may involve a failure to provide adequate food clothing or shelter, failing to protect a child from physical harm or danger, or failure to ensure access to appropriate medical care or treatment. It may also involve neglect of, or inadequate response to, basic emotional needs.

Sexual Abuse

Sexual abuse involves a young person being allowed, forced or coerced into participating in or watching sexual activity. It is not necessary for the young person to be aware that the activity is sexual and the apparent consent of the child is irrelevant.

Emotional Harm

Emotional Harm occurs where there is persistent emotional ill treatment or rejection such as to cause severe and adverse effects on the young person's behaviour and emotional development, resulting in low self-worth. It may involve conveying to young people that they are worthless or unloved, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed. It may involve causing young people frequently to feel frightened or in danger, or the exploitation or corruption of young people. Some level of emotional harm is present in all forms of abuse.

Financial Abuse

This is when a child, young person or vulnerable adult is exploited for financial gain. Often valuables go missing in the home or there may be a change in the financial circumstances of the adult which cannot be explained.

Domestic Violence and Bullying

Domestic Violence and Bullying are recognised as additional types of abuse as they can cause immense emotional harm. However, they are not currently included in the official definitions of abuse.

8.5 Designated Staff with Responsibility for Safeguarding - The headteacher has the overall responsibility for Safeguarding children and young people. The School will have a key team of Designated Persons within the Building Learning Capacity team as part of that team's role to promote and develop safe and effective behaviours to support positive learning.

The Designated Persons will be responsible for:

- Ensuring they assess the information disclosed promptly and take appropriate action
- The promotion of positive Safeguarding procedures and practice within the School
- Ensuring that staff receive training in Safeguarding in-line with the Policy Statement including volunteers and co-ordinate the training
- Keeping staff informed of good practice and new legislation and guidance
- Liaising with primary and secondary schools which send students to PSCA to ensure that appropriate arrangements are made
- Knowing how to contact and establish links with the Local Authority and Local Safeguarding Children's Boards and the relevant people within the children's, adult services or Police

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- Ensuring safe recruitment practices are in operation
- Monitoring and maintaining confidential records of any Safeguarding/Child Protection concerns, referrals, or complaints (even where that concern does not lead to a referral) and feedback to the School on the quality of their Safeguarding work
- Providing advice and support to other staff on issues relating to Safeguarding
- Overseeing the referral of cases of suspected abuse or allegations to the relevant investigating agencies as agreed with LSCB
- Reviewing the school's Safeguarding policies and procedures
- Ensuring the Safeguarding is promoted to all students and staff through inductions and education

8.6 Allegations Against Staff - All staff should take care not to place themselves in a vulnerable position with students of any age. It is always advisable for work with individual students to be conducted in view of other adults.

8.7 Safeguarding Procedure: Dealing with Disclosure of Abuse and Procedure for Reporting Concerns - All those whose work brings them into contact with young people and their families should be aware of the procedures they must follow. If staff are concerned that a child, young person or vulnerable adult has been mistreated, either physically, emotionally, sexually, financially or by neglect, or if a child, young person or tells a member of staff about possible abuse, all staff must listen carefully and stay calm and follow the guidelines in the staff handbook.

9. Monitoring, evaluation and review

9.1 The governing body will review this policy at least every two years and whenever there is a change in legislation or guidance, and assess its implementation and effectiveness. The school will review the policy on a yearly basis in the first three years of operating.

9.2 The policy will be promoted and implemented throughout the school.

9.3 The Headteacher will report to the governing body on a termly basis about behaviour.

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Appendix 1

ENSURING GOOD BEHAVIOUR IN SCHOOLS

A DfE summary for headteachers, governing bodies, teachers, parents and students

Introduction

The role of the government is to give schools the powers they need to provide a safe and structured environment in which teachers can teach and children can learn.

The government expects the following

- All students to show respect and courtesy towards teachers and other staff, and towards each other
- Parents to encourage their children to show that respect, and to support the school's authority to discipline its students
- Head teachers to help to create that culture of respect by supporting their staff's authority to discipline students and ensuring that this happens consistently across the school
- Governing bodies and head teachers to deal with allegations against teachers and other school staff quickly, fairly and consistently in a way that protects the student and at the same time supports the person who is the subject of the allegation
- That every teacher will be good at managing and improving children's behaviour

This document summarises the legal powers and duties that govern behaviour and attendance in school and explains how they apply to teachers, governing bodies, students and parents.

The behaviour policy

Every school must have a behaviour policy. The **governing body** is responsible for setting general principles that inform the behaviour policy. The **governing body** must consult the **head teacher, school staff, parents** and students when developing these principles.

Head teachers are responsible for developing the behaviour policy in the context of this framework. They must decide the standard of behaviour expected of **students** at the school and how that standard will be achieved, the school rules, any disciplinary penalties for breaking the rules and rewards for good behaviour. The behaviour policy must include measures to prevent all forms of bullying among **students**. **Head teachers** must publicise the school behaviour policy, in writing, to **staff, parents** and **students** at least once a year.

Powers to discipline

Teachers, teaching assistants and **other paid staff** with responsibility for students have the power to discipline **students** whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction.

Their power to discipline applies to student behaviour in school and outside school, in certain circumstances.

Punishment

Teachers, teaching assistants and **other paid staff** with responsibility for students can impose any reasonable disciplinary penalty in response to poor behaviour. Reasonable penalties can include: confiscation, retention or disposal of a student's property; and detention. **Head teachers** can also decide to **suspend or permanently** exclude a student.

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Searching students

School staff can search **students** with their consent for any item that is banned by the school rules. **Head teachers** and **staff authorised by the head teacher** have the power to search students or their possessions, without consent, where they suspect the student has weapons, alcohol, illegal drugs or stolen items.

Use of reasonable force

All **school staff members** have the power to use reasonable force to prevent **students** committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom.

Allegations of abuse against staff

Allegations of abuse must be taken seriously, but schools should ensure they deal with allegations quickly in a fair and consistent way that provides effective protection for the child and supports the person who is the subject of the allegation. Every effort must be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated. Suspension must not be used as an automatic response when an allegation has been reported.

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

Exclusion

- The **head teacher** decides whether to exclude a student, for a fixed term or permanently, taking into account all the circumstances, the evidence available and the need to balance the interests of the student against those of the whole school community.
- Depending on the type of exclusion, in most cases **parents** have the right to make representations to the **governing body** (or discipline committee). In all cases of permanent exclusion, **parents** have the additional right to appeal to an independent appeal panel.
- **Schools** are under a duty to provide suitable full-time education for the excluded **student** from the sixth school day of any fixed period exclusion of more than five consecutive school days. **Local authorities** are under a duty to provide suitable full-time education from the sixth school day of a permanent exclusion.

Parents

- **Schools** are required to have, and to ask parents to sign, a Home School Agreement that outlines the responsibilities of the **parent** and the **school**, including those around behaviour and attendance.
- **Parents** are under a legal duty to ensure that their child (aged 5-16) receives a suitable full-time education, either at a school or by making other suitable arrangements.
- Where a child is not a registered student and other suitable arrangements are not made, the **parent** may receive a school attendance order from the **local authority** requiring them to register their child at a school.
- For school registered **students**, **parents** must ensure that their child attends punctually and regularly. If they do not, the **school** or **local authority** may ask them to sign a parenting contract or may issue a financial penalty. The **local authority** may also prosecute a parent who fails to ensure their child's regular school attendance or apply to the courts for an education supervision order in respect of the **student** them self.

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- **Parents** have a clear role in making sure their child is well-behaved at school. If they do not, the **school** or **local authority** may ask them to sign a parenting contract or may apply for a court imposed parenting order.
- **Parents** must take responsibility for their child, if excluded, and ensure that they are not in a public place without good reason during school hours within the first five school days of any exclusion. If they do not, the **school** or **local authority** may issue a financial penalty.
- Parents must also ensure that their child attends the suitable full-time education provided by the local authority from the sixth day of exclusion.

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Appendix 2

BEHAVIOUR AND DISCIPLINE IN SCHOOLS

Guidance for head teachers and school staff (consultation document 2011)

About this guidance

- This guidance is from the Department for Education. It provides advice for head teachers and school staff on developing the school behaviour policy and explains the powers members of staff have to discipline students.
- We use the term 'must' when the person in question is legally required to do something and 'should' when advice is being offered.
- The purpose of the document is to provide an overview of the powers and duties for school staff so that they can develop their own best practice for managing behaviour in their school.
- This guidance replaces the 'School discipline and student behaviour policies – guidance for schools'.

The school behaviour policy

The law says the following;

The head teacher must set out measures in the behaviour policy which aim to do the following;

- Promote good behaviour, self-discipline and respect
- Prevent bullying
- Ensure that students complete assigned work
- Regulate the conduct of students¹
- When deciding what these measures should be, the Head Teacher must take account of the governing body's statement of behaviour principles. The Head Teacher must also take account of any guidance or notification provided by the governing body, including in relation to screening and searching students, the power to use reasonable force, the power to discipline beyond the school gate and pastoral care for school staff
- The Head Teacher must decide the standard of behaviour expected of students at the school. They must also determine the school rules and any disciplinary penalties for breaking the rules
- Teachers' powers to discipline include the power to discipline students even when they are not at school or in the charge of a member of staff
- The Head Teacher must publicise the school behaviour policy, in writing, to staff, parents and students at least once a year
- The standard of behaviour expected of all students must be included in the school's home-school agreement,² which parents must be asked to sign following their child's admission to a school. Further advice on home-school agreements is available

Developing the behaviour policy

- It is vital that the behaviour policy is clear, that it is well understood by staff, parents and students, and that it is consistently applied. In developing the behaviour policies, the Head

¹ Section 89(1) (a-e) of the Education and Inspections Act 2006

² Sections 110 and 111 of the School Standards and Framework Act 1998

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Teacher should reflect on the following ten key aspects of school practice that, when effective, contribute to improving the quality of student behaviour³

- a consistent approach to behaviour management
 - strong school leadership
 - classroom management
 - rewards and consequences
 - behaviour strategies and the teaching of good behaviour
 - staff development and support
 - student support systems
 - liaison with parents and other agencies
 - managing student transition
 - organisation and facilities.
- The school's behaviour policy should set out the disciplinary action that will be taken against students who are found to have made malicious accusations against school staff

Discipline in schools: Teachers' powers

Key points

- Teachers have statutory authority to discipline students whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction (Section 91 of the Education and Inspections Act 2006).
- The power also applies to all paid staff (unless the Head Teacher says otherwise) with responsibility for students, such as teaching assistants.
- Teachers can discipline students at any time the student is in school or elsewhere under the charge of a teacher, including on school visits.
- Teachers can also discipline students for misbehaviour outside school.
- Teachers have a specific legal power to impose detention outside school hours.
- Teachers can confiscate students' property.

Punishing poor behaviour

The law allows the following

- Teachers can discipline students whose conduct falls below the standard which could reasonably be expected of them. This means that if a student misbehaves, breaks a school rule or fails to follow a reasonable instruction the teacher can impose a punishment on that student
- To be lawful, the punishment (including detentions) must satisfy the following three conditions
 - the decision to punish a student must be made by a paid member of school staff or a member of staff authorised by the head teacher

³ *Learning Behavior – the Report of the Practitioners' Group on School Behaviour and Discipline (2005)*

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- the decision to punish the student and the punishment itself must be made on the school premises or while the student is under the charge of the member of staff
 - 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 student's age, any special educational needs or disability they may have, and any religious requirements affecting them
- The head teacher may limit the power to apply particular punishments to certain staff and/or extend the power to discipline to adult volunteers, for example to parents who have volunteered to help on a school trip
- Corporal punishment is illegal in all circumstances
- Schools should consider whether the behaviour under review gives cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case, school staff should follow the schools' safeguarding policy

Students' conduct outside the school gates: Teachers' powers

The law allows the following

- Teachers have a statutory power to discipline students for misbehaving outside of the school premises. Section 89(5) of the Education and Inspections Act 2006 gives head teachers a specific statutory power to regulate students' behaviour in these circumstances 'to such extent as is reasonable'
- The school's behaviour policy should set out what the school will do in response to all non-criminal bad behaviour and bullying, which occurs anywhere off the school premises and which is witnessed by a staff member or reported to the school, including the punishments that will be imposed on students
- Subject to the school's behaviour policy, the teacher may discipline a student for the following
 - any misbehaviour when the child is doing any one of the following
 - taking part in any school organised or school related activity
 - travelling to or from school
 - wearing school uniform
 - in some other way identifiable as a student at the school
 - or misbehaviour at any time, whether or not the conditions above apply, that is as follows
 - could have repercussions for the orderly running of the school
 - poses a threat to another student or member of the public
 - could adversely affect the reputation of the school

Detention

The law allows the following

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- Teachers have a legal power to put students (aged under 18) in detention
- Schools must make clear to students and parents that they use detention (including detention outside of school hours) as a sanction. Where detention is outside school hours, they must give parents 24 hours of notice, in writing.⁴ They do not have to give 24 hours' notice for a lunchtime detention
- The times outside normal school hours when detention can be given (the 'permitted day of detention') include the following
 - any school day where the student does not have permission to be absent
 - weekends - except the weekend preceding or following the half-term break
 - non-teaching days – usually referred to as 'training days', 'INSET days' or 'non-contact days'
- The head teacher can decide which members of staff can put students in detention. For example, they can limit the power to heads of year or heads of department, only or they can decide that all members of staff, including support staff, can impose detentions

Matters schools should consider when imposing detentions

- Parental consent is not required for detentions.
- The school must act reasonably when imposing a detention, as with any disciplinary penalty. In addition, when deciding the timing, the teacher should consider whether suitable travel arrangements can be made by the parent for the student. It does not matter if making these arrangements is inconvenient.
- With lunchtime detentions, schools should allow reasonable time for the student to eat, drink and use the toilet.

Confiscation of inappropriate items

The law allows the following

- The following are the two sets of legal provisions that enable school staff to confiscate items from students
 - the general power to discipline (as described in the bullets above) enables a member of staff to confiscate, retain or dispose of a student's property as a punishment and protects them from liability for damage to, or loss of, any confiscated items. The legislation does not describe what must be done with the confiscated item and the school behaviour policy may set this out
 - power to search without consent for weapons, knives, alcohol, illegal drugs and stolen items ('prohibited items')⁵. The legislation sets out what must be done with prohibited items found as a result of a search and this is described in more detail in separate guidance in '*Screening, Searching*

⁴ A clause in the education bill currently before parliament proposes to remove the requirement in England to give parents 24 hours notice of a detention. If parliament approves the change, we will update this guidance accordingly

⁵ The government announced their intention to make regulations to add pornography, fireworks, cigarettes and other tobacco products to the list of prohibited items.

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and Confiscation – guidance for school leaders, staff and governing bodies’.

- Weapons and knives must always be handed over to the police; otherwise, it is for the teacher to decide when and if to return a confiscated item
- More detailed advice on confiscation is provided in ‘Screening, Searching and Confiscation – guidance for school leaders, staff and governing bodies’

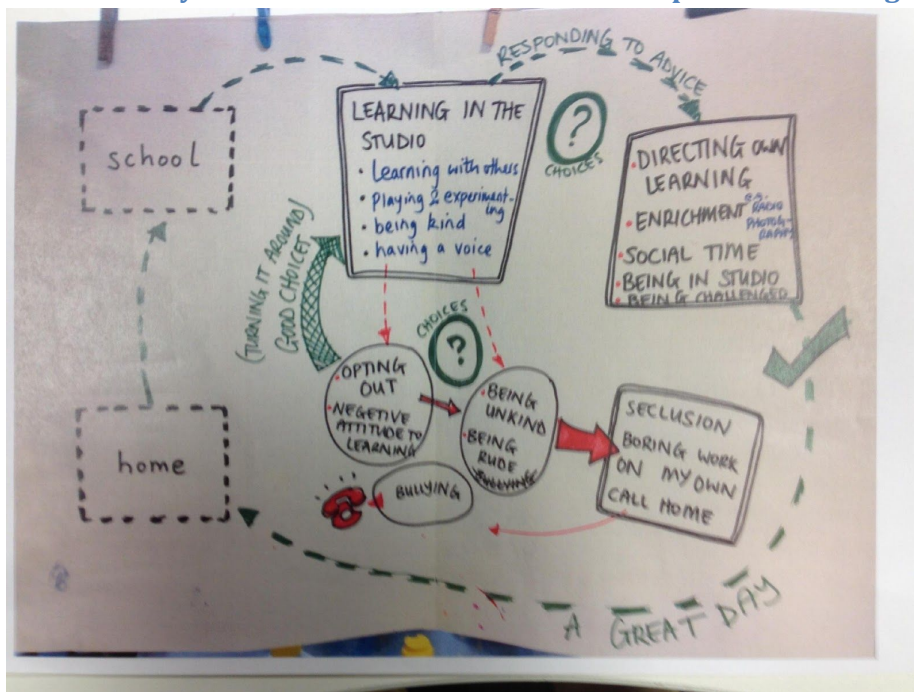
Power to use reasonable force

- The legal provisions on school discipline also provide members of staff with the power to use reasonable force to prevent students committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom. Separate advice is available in ‘Use of Reasonable Force – guidance for school leaders, staff and governing bodies’.

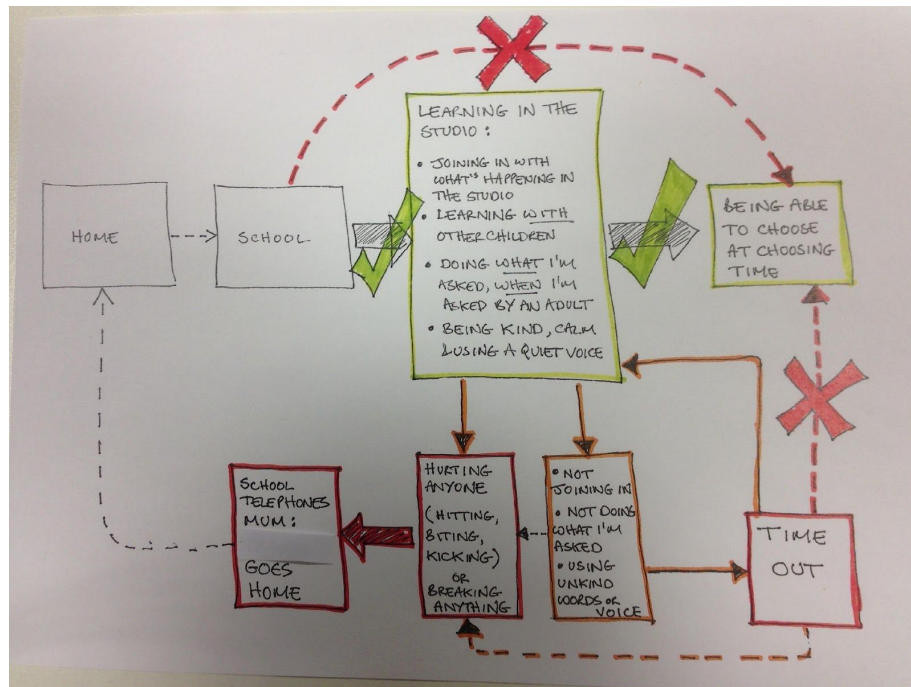
Appendix 3

EXAMPLES OF ‘LEARNING MAPS’

Individual examples of visual representations that aim to make visually clear the routes and processes necessary to achieve effective behaviours for positive learning



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Appendix 4

PROTOCOLS & REPORTING PROCESSES FOR POSITIVE HANDLING IN SCHOOL

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BEHAVIOUR IS PHYSICALLY UNSAFE FOR AN INDIVIDUAL AND/OR OTHERS



EXPLAIN what's not appropriate (and why);
MODEL the choices (and what's needed) to make the situation safe;
PRACTICE the skills and behaviours necessary for future success



More needed? Can someone else help?



SUCCESSFUL

Can the situation **around the child** be made safe (i.e. other children, adults and/or objects moved away)?



More needed? Can someone else help?



SUCCESSFUL

Can **the child be led and encouraged away** to a safer place (e.g. holding the child's hand, guiding them with a hand on their shoulder etc.)?



More needed? Can someone else help?



SUCCESSFUL

Can **the child be held safely** - gently and with as little force as necessary - **where they are**? ***RECORD***



More needed? Can someone else help?



SUCCESSFUL

Can **the child be moved safely** - gently and with as little force as necessary - **to somewhere else** where everyone is safer? ***RECORD***



More needed? Can someone else help?



SUCCESSFUL

Use the help & support of others in thinking about (and taking) 'next steps' ***RECORD***



SUCCESSFUL

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CREATING INDIVIDUALS,
MAKING FUTURES:
POSITIVE HANDLING

Positive Handling – Report Form

DATE:	TIME:	LOCATION:
Name(s) & date of birth(s) of child/children involved:		
Staff involved:		
Other adults & children present (<i>witnesses</i>):		
Actions taken <i>before</i> use of Positive Handling:		
Reasons for using Positive Handling:		
Details of how Positive Handling was carried out (<i>refer to flowchart</i>):		
Outcome of Positive Handling:		
Other action taken/comments, including notification to parents: (<i>include dates/times and any responses received</i>)		

Completed by:

(Name)

(Signed)

*This form must be completed in all situations indicated on the Positive Handling Flowchart (i.e. in **all** situations where physical intervention is used other than to support/guide the child in their voluntary actions/movements/choices). Once completed, the form must be submitted to the Headteacher.*

Noted by Headteacher (signature & date):

Creating Individuals, Making Futures

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