

Gloucestershire Learning Alliance

BEHAVIOUR POLICY

Original Implementation: **March 2014**

Last Reviewed: **March 2017**

Next Review: **March 2020**

Status

Statutory Recommended Good Practice

Purpose

The management of the Gloucestershire Learning Alliance (GLA) is responsible for maintaining and setting standards of behaviour of pupils and for ensuring that appropriate rules and procedures are in place in each Academy. This policy applies to all staff employed by the GLA and covers the regulation of pupils' behaviour

This document sets out the Behaviour Principles of the GLA and sets the overall framework applying to all constituent Academies. Each academy is required to have its own specific Behaviour Policy governing behaviour on its premises.

This Policy and Guidance takes into consideration DfE guidance - Behaviour and Discipline in Schools, updated April 2013), DfE guidance - Use of Reasonable Force - Advice for Headteachers, staff and governing bodies July 2013, the Education Act 1996, School Standards and Framework Act 1998, Education Act 2002, Education and Inspections Act 2006 School Information (England) Regulations 2008, Equality Act 2010, Education (Independent School Standards) (England) Regulations 2010, Education Act 2011, Schools (Specification and Disposal of Articles) Regulations 2012, Education (Independent School Standards) (England) Regulations 2012, The School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012

Consultation

Staff, governors and parents as appropriate

Links with other policies

Safeguarding Policy

Complaints Policy

Disciplinary Policy

Anti Bullying Policy (pupils)

Whistleblowing Policy

DSEN Policy

Equalities Policy

Monitoring and Evaluation

Annually Every 3 years Other _____

Headteacher Chair of MAT Board Committee Chair Other _____

1. STATEMENT OF BEHAVIOUR PRINCIPLES

The purpose of the Statement is to provide guidance for the Chief Executive Officer and the constituent Academy Headteachers in drawing up the individual Academy's Behaviour Policy so that it reflects the shared aspirations and beliefs of the MAT Board, the Governing Body of the Academy, staff, parents and pupils.

It is intended to help all GLA staff to be aware of and understand the extent of their powers in respect of discipline and sanctions and how to use them. Staff should be confident that they have the Governors' support when following this guidance.

This is a statement of principles, not practice. It is the responsibility of the Chief Executive Officer to ensure that the Headteacher of each Academy creates their local behaviour policy. They must take account of these principles when formulating this and to take account of the guidance in DfE publication Behaviour and Discipline in Schools: a guide for Headteachers and school staff (updated April 2013). Each Academy is required to make available the Behaviour Policy to staff and families every September and ensure that it is also available on the school website.

2. PRINCIPLES

The MAT Board believe strongly that high standards of behaviour lie at the heart of a successful school that enables all the pupils to make the best possible progress in all aspects of their school life and work and all staff to be able to teach and promote good learning without undue interruption or harassment.

- All pupils and staff have the right to feel safe at all times in school. There should be mutual respect between staff and pupils and between pupils. All visitors to the school should feel safe and free from the effects of poor behaviour at all times and in all parts of the school.
- It is important that each Academy promotes inclusion and a strong sense of community. All members of the Academy community should be free from discrimination of any sort. GLA has a clear and comprehensive Anti-bullying Policy that is known and understood by all, consistently applied and monitored for its effectiveness. Measures to protect pupils from bullying and discrimination as a result of gender, race, ability, sexual orientation or background is clearly set out and regularly monitored for their effective implementation.
- The school's legal duties under the Equality Act, 2010 in respect of safeguarding, pupils with Special Educational Needs and/or Disabilities, and all vulnerable pupils, are set out in the Behaviour Policy, the Safeguarding Policy, the Equalities Policy, the DSEN Policy and must be known to all staff.
- Parents should be encouraged and helped to support their children's education, just as the pupils are helped to understand their responsibilities during their time at school, in the local community and in preparation for their life after school. The responsibilities of pupils, parents and school staff with respect to pupils' behaviour are outlined in the 'Home School Agreement' (or Parents Charter) which pupils and parents are asked to sign when a pupil joins the school.
- Each Academy is required to publish its particular Behaviour Policy. These policies should set out expected standards of behavior with relevant sections displayed in all classrooms and other, relevant parts of the school and shared with and explained to all pupils.
- The MAT Board and the local Governing Body expect the Behaviour Policies to be consistently applied by all staff and regularly monitored for their effectiveness by the Headteacher.
- Sanctions for unacceptable/poor behaviour should be known and understood by all staff and pupils

and consistently applied. The full range of sanctions should be clearly described in the Behaviour Policy so that pupils, staff and parents can understand how and when these are applied. The MAT Board strongly feel that exclusions, particularly those that are permanent, must be used only as a last resort.

- 'Unofficial' exclusions are illegal and are avoided. Each Academy Headteacher may inform the police, as appropriate, if there is evidence of a criminal act or if s/he fears that one may take place e.g. if illegal drugs are discovered during a search; cyber-bullying; criminal harassment. Sanctions should be monitored for their proper use and effective impact.

The Chief Executive Officer is responsible for ensuring each Academy has an appropriate policy that conforms to the principles above.

3. ACADEMY BEHAVIOUR POLICIES

The Headteacher must set out measures in the behaviour policy which aim to:

- Promote good behaviour, self-discipline and respect
- Prevent bullying
- Ensure that pupils complete assigned work
- Regulate the conduct of pupils.

The Headteacher must decide the standard of behaviour expected of pupils at the school. S/he must also determine the school rules and any disciplinary penalties for breaking the rules.

The Headteacher must publicise the school behaviour policy, in writing, to staff, parents and pupils at least once a year. The school's behaviour policy must be published on its website and the address and details of the website made known to parents.

4. USE OF REASONABLE FORCE

From time to time, in exceptional circumstances, it may be necessary for a member of staff to physically intervene to prevent harm to or by a pupil or to restore good order and discipline. All members of school staff have a legal power to use reasonable force (under Section 93, Education and Inspections Act 2006) but GLA believes that this power must be demonstrably used as a tactic of last resort when all other options have been exhausted.

This power applies to any member of staff authorised by the Headteacher. It can also apply to people whom the Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

The decision on whether or not to physically intervene is down to the professional judgment of the staff member concerned and should always depend on the individual circumstances. Staff must take into account their legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN) in the exercise of their judgment.

In all instances where a member of staff has used this power a record of the incident will be made in the incident log and will be reported to the Governing Body of the Academy and to the MAT Board.

5. CIRCUMSTANCES UNDER WHICH STAFF MAY USE FORCE

The following list is not exhaustive but provides some examples of situations where reasonable force can

be used. Staff may use 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.

It is always unlawful to use force as a punishment.

6. DETENTION

Members of staff authorised to do so by the Headteacher have a power to issue detention to pupils. Each Academy must make clear to pupils and parents that they use detention (including detention outside of school hours) as a sanction. The Headteacher can decide which members of staff can put pupils in detention. For example, they can limit the power to senior teachers; heads of department only or they can decide that all members of staff, including support staff, can impose detentions.

Parental consent is not required for detentions.

7. SEARCHING PUPILS WITHOUT CONSENT

In addition to the general power to use reasonable force described above, Headteachers and staff authorised by the Headteacher can use such force as is reasonable given the circumstances to conduct a search for the following "prohibited items" (Section 550ZB(5) of the Education Act 1996):

- Any item banned by the school rules which has been identified in the rules as an item which may be searched for
- Any article that has been or is likely to be used to cause personal injury or damage to property or commit an offence
- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images.

Weapons and knives and extreme or child pornography must always be handed over to the police, otherwise it is for the teacher to decide if and when to return a confiscated item. Force cannot be used to search for items banned under the school rules.

8. CONFISCATION OF INAPPROPRIATE ITEMS

Members of staff are permitted to confiscate, retain or dispose of a pupil's property as a punishment, so long as it is reasonable in the circumstances. The law protects them from liability for damage to, or loss of,

any confiscated items provided they have acted lawfully. The individual Academy behaviour policy will set this out.

9. SECLUSION/ISOLATION ROOM/S OR AREAS

Each Academy may adopt a policy that allows disruptive pupils to be placed in an area away from other pupils for a limited period, in a room designated for that purpose. The guidance setting out how such rooms will be used will be made clear in their behaviour policy. The Academy must also ensure the health and safety of pupils and any requirements in relation to safeguarding and pupil welfare.

It is for each Academy to decide how long a pupil should be kept in seclusion or isolation, and for the staff member in charge to determine what pupils may and may not do during the time they are there. Schools should ensure that pupils are kept in seclusion or isolation no longer than is necessary and that their time spent there is used as constructively as possible.

10. PUPILS' CONDUCT OUTSIDE THE SCHOOL GATES

Members of staff have the power to discipline pupils for misbehaving outside of the school premises "to such an extent as is reasonable". The Academies' behaviour policies should set out what the school will do in response to non-criminal bad behaviour and bullying which occurs off the school premises and which is witnessed by a staff member or reported to the school.

In all cases of misbehaviour the teacher can only discipline the pupil on school premises or elsewhere when the pupil is under the lawful control of the staff member.

11. COMMUNICATING WITH PARENTS

Schools do not require parental consent to use force on a pupil or to search them but in the event that a pupil has been subject to the use of force or been searched the Headteacher or his/her nominated deputy will make every effort to contact the parent of the child as soon as possible to inform them of the circumstances of the incident and arrange a meeting between the Academy and the parent to discuss the circumstances and agree a strategy for avoiding any repetition of the behaviour that led up to the use of force.

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
- Effect on other pupils or staff present and
- The child's age
- Whether there are any disabilities or special educational needs.

12. COMPLAINTS

All complaints about the use of force will be thoroughly, speedily and appropriately investigated using the Complaints Procedure. Where a member of staff has acted within the law and in accordance with this policy – 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.

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.

Suspension will *not* be an automatic response when a member of staff has been accused of using excessive force. The Headteacher of the Academy in consultation with the Chief Executive Officer 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. It may also be appropriate to seek advice from GLA's HR provider. 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.

The relevant Governing Body 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. As an employer, GLA has a duty of care towards its employees. It is important that steps are taken to ensure that the Academy Headteacher makes provision for appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

13. STAFF TRAINING

The Headteacher of each Academy should consider whether members of staff require any additional training in the use of reasonable force to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so.

14. OTHER PHYSICAL CONTACT WITH PUPILS

None of the Academies in GLA has a 'no contact' policy. There is a 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. 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 and GLA staff are encouraged to behave in a warm, supportive and encouraging manner towards pupils.

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

Staff should take all steps necessary to ensure physical contact cannot be misconstrued. Staff should not be on their own with a child in this situation. Staff should be aware that touching a child on some parts of the body are unacceptable or inappropriate and may have cultural significance.