

# Halfway Nursery Infant School



## Behaviour and Discipline Policy

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Date Policy accepted:	
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Signed (Headteacher)	
Signed (Chair of Governors)	
Minute Number	

## 1. INTRODUCTION

The Behaviour and Discipline policy operates in conjunction with the following policies:

- Anti-bullying policy
- Exclusion Policy
- Special Educational Needs & Disabilities (SEND)
- Equal Opportunities policy (Equality Scheme)
- Attendance Policy
- Safeguarding and Child protection policy

At Halfway Nursery Infant School we are committed to enabling all children to access education successfully. This is an “inclusive” process; part of this commitment is concerned with establishing a high standard of behaviour throughout the school. The way in which pupils and adults behave has a profound effect on all the work that is undertaken. Therefore, a well thought out approach to this aspect contributes directly to both the social and learning aspects of our school.

AIMS:

To create an atmosphere where children are able to develop a moral awareness and are sensitive to the needs of others and one in which they will show respect and consideration for other people and property.

To praise and reward positive attitudes to behaviour and work and to maintain fairness and consistency, whilst encouraging self-discipline.

We recognise that high standards are best promoted when **everyone** (staff, parents and children) **has a shared understanding of what is acceptable and unacceptable behaviour, with consistently high expectations of all children at all times of the school day.** By promoting positive behaviour, we can build individual and collective esteem and encourage good personal relationships.

- Ensuring a safe, caring and happy school
- Promoting good citizenship, good self-esteem, self-discipline and emotional intelligence
- Preventing and address any bullying concerns

The Governing Body has a duty under S175 Education Act 2002 that requires them to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children.

## 2. Halfway Nursery Infant School PRINCIPLES of Behaviour

- Every child has the right to learn
- Everyone has a right to be listened to, to be valued, to feel and be safe. Everyone must be protected from disruption or abuse.
- The fundamental approach is a positive one, drawing attention to, rewarding good behaviour and mutual respect
- Whole school approach to discipline with a clearly defined code of conduct
- It is expected that all adults (staff and volunteers) will set excellent examples to the children in all their work
- We will seek to give every child a sense of personal responsibility for his/her own actions

- Where there are significant concerns over a pupil's behaviour, we will share the strategies we use with parents; working on an active partnership to promote good behaviour
- Personalised strategies may also be appropriate where a child has specific behavioural needs, and we will seek advice and support from appropriate outside agencies as appropriate
- When negative behaviour is addressed, we ensure that the child is clear that it is their behaviour that was negative/unacceptable, not the child themselves

### **3. IMPLEMENTATION**

It is recognised that the quality of learning experiences in the classroom will have an impact on behaviour. High expectations from staff delivering a curriculum matched to children's varying needs will help to motivate pupils promoting self-esteem and confidence, leading to order and self-discipline.

It is also recognised that external influences on children must be taken into account and related to the expectations of the school. The development of good relationships with parents/carers assists in the encouragement of support and understanding.

Finally, it is important to reward those who behave well and make positive behaviour choices. Most children respond well to praise, however it is important that children accept responsibility for their own actions through a clearly defined code of conduct understood by all (**Our Golden Rules**).

### **4. THE ROLE OF THE HEADTEACHER**

It is the role of the Headteacher, under the School Standards and Framework Act 1998, to implement the school Behaviour Policy consistently throughout the school, and to report to Governors, when requested, on the effectiveness of the policy. It is also the responsibility of the Headteacher to ensure the health, safety and welfare of all the children in the school.

The Headteacher supports the staff by implementing the policy, by setting the standards of behaviour, and by supporting staff in the implementation of the policy.

The Headteacher has access to records of all reported incidents of unacceptable or concerning behaviour through the use of the CPOMs system.

The Headteacher has the responsibility for giving fixed-term exclusions to individual children for serious acts of unacceptable behaviour. For repeated or very serious acts of anti-social behaviour, the Headteacher may permanently exclude a child. Both these actions are only taken after the School Governors have been notified, and decisions are made in accordance with Local Authority guidelines.

The Headteacher must publicise the school behaviour policy, in writing, to staff, parents and pupils at least once a year – this is available throughout the year on our school website.

### **5. THE ROLE OF GOVERNORS**

Under Section 88(1) of the Education and Inspections Act 2006 (EIA), governing bodies must ensure that policies designed to promote good behaviour and discipline on the part of its pupils are pursued at the school.

Section 88(2) of the EIA requires the governing body to:

- Make, and from time to time review, a written statement of general principles to guide the Headteacher in determining measures to promote good behaviour and discipline amongst pupils; and

- Notify the Headteacher and give him or her related guidance if the governing body wants the school's behaviour policy to include particular measures or address particular issues.

Before making their statement of principles, the governing body must consult (in whatever manner they think appropriate) the Headteacher, school staff, parents/carers and pupils.

The governing body must provide clear advice and guidance to the Headteacher on which he/she can base the school behaviour policy.

The governing body will notify the Headteacher that the following should be covered in the school behaviour policy:

- Screening and searching pupils (including identifying in the school rules items which are banned and which may be searched for);
- The power to use reasonable force or make other physical contact;
- The power to discipline beyond the school gate;
- Pastoral care for school staff accused of misconduct;
- When a multi-agency assessment should be considered for pupils who display continuous disruptive behaviour.
- In providing guidance to the Headteacher, the governing body must not seek to hinder teachers' powers by including 'no searching' or 'no contact' policies, nor to restrict their power to discipline pupils for misbehaviour outside of school.
- Governing bodies will also wish to consider their duty under section 175 of the Education Act 2002 requiring them to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children and their general duty to eliminate discrimination under section 149 of the Equality Act 2010.

The governing body will in consultation with the Headteacher consider what the school's response will be to:

- any negative behaviour when the child is:
  - taking part in any school-organised or school-related activity or
  - travelling to or from school or
  - wearing school uniform or
  - in some other way identifiable as a pupil at the school.
- or, misbehaviour at any time, whether or not the conditions above apply, that:
  - could have repercussions for the orderly running of the school or
  - poses a threat to another pupil or member of the public or
  - could adversely affect the reputation of the school.

## **6. THE ROLE OF THE CLASS TEACHER**

It is the responsibility of the class teacher to ensure that the school rules (Golden Rules) are enforced in their class, and that their class behaves in a responsible manner during lesson time.

The class teachers in our school have high expectations of the children in terms of behaviour, and they strive to ensure that all children work to the best of their ability.

The class teacher treats each child fairly and enforces the Golden Rules consistently. The teacher treats all children in their class with respect and understanding.

It is the responsibility of the class teacher to record significant incidents of inappropriate behaviour in the 'Behaviour Record' on the CPOMS system.

Teachers have **statutory authority** to discipline pupils whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction (*Section 91 of the Education and Inspections Act 2006*).

The power also applies to **all paid staff** (unless the Headteacher says otherwise) with responsibility for pupils, such as teaching assistants.

Teachers can discipline pupils at any time the pupil is **in school or elsewhere** under the charge of a teacher, including on **school visits**.

Teachers can also discipline pupils for **misbehaviour outside school**.

Teachers have a specific **legal power to impose detention** outside school hours.

Teachers can **confiscate** pupils' property.

The class teacher liaises with external agencies, as necessary, to support and guide the progress of each child.

The class teacher reports to parents about the progress of each child in their class, in line with the whole-school policy.

## **7. THE ROLE OF SUPPORT STAFF**

It is the responsibility of all staff to ensure that the school rules (Golden Rules) are enforced around school at all times. Teaching Assistants will also support the classteacher to ensure that the children in their class/group behave in a responsible manner during lesson time.

The staff at Halfway Nursery Infant School have high expectations of the children in terms of behaviour, and they strive to ensure that all children work to the best of their ability as all children have the right to learn and be safe at our school.

All staff will treat each child fairly, enforce the Golden Rules consistently and treat all children in their group with respect and understanding. I

Support staff should report any significant incidents back to the class teacher and record these on the CPOMs system.

## **8. PARENT/CARER INVOLVEMENT**

Staff welcome early contact if parents/carers have a concern about their child's behaviour or fear that they are being upset by others. If home and school work together, we believe that the discipline and behaviour of pupils will be maintained and respected by all.

Parents can help in the following ways:

- By ensuring that pupils arrive punctually for the start of the school day.
- By ensuring that pupils have appropriate dress for school and PE so as to take a full part in all school activities.
- By supporting the school in our policy that all pupils are expected to behave in a responsible manner, both towards themselves and others, showing consideration, courtesy and respect for other people at all times.
- By ensuring that pupils show a proper regard for other people's property, buildings and the environment.
- By ensuring regular attendance at school and avoiding unnecessary pupil absence.

- By adhering to the Home-School Agreement, which details the agreed responsibilities of parents, pupils and teachers.

We value our partnership with parents/carers and encourage involvement in all aspects of school life including discipline and behaviour.

We aim to:

- Welcome parents/carers into school and make them feel valued.
- Clearly define the role of parents in school, matching interests and skills to activities.
- Develop good communication between parents and school.

Parents are under a legal duty to ensure that their child (aged 5-16) receives a suitable full time education either at school or by making other suitable arrangements.

Where a child is not a registered pupil 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 **pupils** or those attending Pupil Referral Units (PRUs), **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 penalty sanction of £50 (rising to £100). 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 **pupil** himself/herself.

**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 penalty sanction of £50 (rising to £100).

Parents must also ensure that their child attends the suitable full time education provided by the school governing body or the local authority from the sixth day of exclusion.

**Parents** are expected to attend a reintegration interview following any fixed period exclusion from primary school and any fixed period exclusion of more than five days from secondary school. Failure to attend may make it more likely that the court will impose a parenting order if the **school** or **local authority** applies for one.

## 9. HALFWAY NURSERY INFANT SCHOOL BEHAVIOUR POLICY

**At Halfway Nursery Infant School we aim to make our school a place where we all feel happy, safe and secure.**

**In order to do this we encourage -**

- Self-respect
- Respect for others
- Respect for the environment

**To achieve this it is essential to promote positive behaviour, which involves clear, consistent teaching about appropriate behaviour, constant encouragement and reinforcement, and ensures high expectations at all times.**

**Our named practitioners for Behaviour Management are:**

Debbie Shepherd (Exec Headteacher/ DSL) Jo Lomas (Inclusion Leader/DDSL) Rebecca Hughes (Deputy Head/DDSL)
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### **Our Policy explains**

- what we mean by good behaviour
- how we encourage good behaviour (rewards)
- what we mean by unacceptable behaviour
- how we discourage bad behaviour (sanctions)

### **POSITIVE BEHAVIOUR AT HALFWAY NURSERY INFANT SCHOOL**

**Good behaviour in our school is characterised by our Golden Rules -**

- We look after property
- We are honest
- We stay safe
- We are kind and helpful
- We always try our best
- We are polite

**Golden Rules exemplification can be found as an appendix to this policy along with Golden Rules posters which are displayed in all classrooms/areas of school.**

### **HOW WE ENCOURAGE GOOD BEHAVIOUR - REWARDS**

- Verbal praise
- We supervise children to and from classrooms, into cloakrooms and to and from playgrounds etc. to ensure high expectations at all times of the school day
- Remind children, as they leave classes, of expected behaviour when moving around school
- Use a common reward system throughout school with stickers on sticker badges awarded for academic and non-academic achievement and effort
- Golden tickets from the golden box (special 'money can't buy' rewards e.g. 5 minutes extra playtime!)
- Ensure that resources are clearly labelled, easily accessible and that children have some responsibility for their care
- Actively support parental involvement in school and remind parents that they have a valuable role to play
- Ensure copies of the Golden Rules are included in parental information booklets and displayed in all classrooms
- Additional, age appropriate privileges and responsibilities
- Promoting good examples
- Celebrating efforts e.g. praise from a senior member of the team, certificates for good behaviour and Star of the Week
- Class rewards where specific activities are targeted
- Report good behaviour to parents on a daily basis
- Circle time
- Involve outside agencies where necessary through consultation with the Inclusion Leader

### **WHAT WE MEAN BY UNACCEPTABLE BEHAVIOUR**

**The following behaviour is considered to be unacceptable:**

- Bullying - individual or group; verbal or physical abuse; taunting; mimicking – this includes Cyberbullying
- Aggression towards pupils and adults
- Swearing
- Rudeness
- Stealing
- Not showing respect towards others/their beliefs

## **DISCOURAGING AND ADDRESSING UNACCEPTABLE BEHAVIOUR - SANCTIONS**

**Wherever possible, strategies will be used to de-escalate any behaviour concerns, such as –**

- Use of positive behaviour management (see next chapter in policy)
- Redirecting and distraction techniques
- Removal from situation and/or audience
- Physical cues for children e.g. stop signal, counting down from 5 etc.
- Identifying results of inappropriate behaviour on others and self
- Explaining rights and responsibilities, explaining why behaviour is inappropriate and reminding of agreed behaviour
- Please note – some children need a personalised approach to behaviour management and may need alternative arrangements and/or individual programmes where appropriate e.g. Friendly Stars

### **Red and Yellow cards**

- Low level disruptions will receive an initial verbal warning (refer to strategies above to support)
- If the negative behaviour continues, the child will receive a yellow warning and may be asked to move away from the situation to help them make the right choice
- A final 'red' warning will be given where the behaviour is persistent or is physical/abusive and the child will be given reflection time (this may be time-out for younger children, or over playtime/lunchtime if appropriate for children in KS1). This will be recorded on the CPOMs system and parents will be informed by the child's class teacher in the first instance. If a child receives two red cards in a term, parents/carers will be invited into meet with the class teacher.
- If the behaviour concerns continue and the child receives a third red card, or the concerns are more serious, parents/carers will be contacted by the Headteacher or another member of the SLT and invited into school to discuss the concerns and any additional support needed to address.
- Teachers to keep a record of individual's persistent misbehaviour - to be used in more formal discussions with parents/carers, or where a fixed term or permanent exclusion may be needed.

## **10. CLASSROOM MANAGEMENT AND PROCEDURES**

To promote good discipline within the classroom staff should aim to:

- Establish defined classroom areas
- Label resources clearly and make them easily accessible
- Design classroom layout to facilitate ease of movement
- Organise and adhere to consistent classroom routines e.g. lining up, carpet/group sessions etc.
- Place emphasis on independent learning
- Avoid queues/situations which may trigger inappropriate behaviour
- Be well prepared and organised
- Allow children preparation time where appropriate e.g. before transition, adequate time to tidy etc.
- Make expectations clear to children and parents, when applicable
- Share responsibilities between all children
- Avoid shouting - instead use eye contact, positive reinforcement, gesture, etc.
- Maintain a calm, purposeful learning atmosphere
- Be ready in the classroom to greet children before the start of each lesson
- Involve children in the organisation of systems wherever possible
- Be positive e.g. use of 'Please walk', rather than 'Do not run'

**The use of Golden Rules is in place in all classes in the school. This is based on the principle that everyone has a right to learn and a responsibility to allow others that right.**

## **11. POSITIVE BEHAVIOUR MANAGEMENT**

### **Behaviours which may signify emotional and behavioural difficulties**

There are a number of behaviours which may signal the need for special provision. More obviously, these include bullying, disruptive behaviour and issues managing feelings and behaviour. Less obviously, these include poor motivation, poor organisational skills and poor concentration.

### **An important cause of some behavioural difficulties – Limited Self-Esteem**

An important cause of behavioural difficulties in children can be their limited self-esteem. Children often have life experiences which make them feel that they are not loved, cared for, valued or seen as special by others. This can inform their behaviour patterns, which may have a negative influence on the way people react to them, which ultimately reinforces their low self-esteem. A vicious circle is established, which many pupils lack the insight or the power to break.

Pupils with low self-esteem may display their insecurities by

- Becoming either boastful or over self-critical
- Becoming aggressive or withdrawn
- Looking for ways to avoid new academic or social challenges
- Finding it hard to relate appropriately to others and appearing uncomfortable in unfamiliar company or situations
- Experience difficulties in making friends.

### **Dealing with emotional and behavioural difficulties in school**

Behavioural difficulties in school may, sometimes, need to be dealt with by the use of sanctions. In the short term, sanctions can stop inappropriate behaviour. However, they must be used sensitively, and the emphasis should be on supporting and rewarding pupils.

Pupils with low self-esteem can be very demanding and many of their behaviours can alienate those who are trying hardest to support them. However, the need to adopt positive behaviour management strategies is central to helping them acquire more appropriate patterns of behaviour.

Concentrating on pupils' failings is likely to damage their self-esteem and have a negative effect on their development. Reinforcing good behaviour or celebrating achievements by giving pupils your time, approval and attention is likely to have a positive influence on their development within and beyond their school years.

### **TEN SIMPLE GUIDELINES FOR POSITIVE BEHAVIOUR MANAGEMENT**

- 1.** Establish a friendly, positive, supportive relationship with the pupils in your care.
- 2.** Make sure, wherever possible, that pupils are doing purposeful activities that they enjoy, with the right level of challenge.
- 3.** As soon as it occurs, reward positive behaviour with attention and praise - 'Catch them being good'.
- 4.** Where possible, identify when behaviour problems are likely to arise and try to divert to modify the pupils' behaviour before discipline is needed.
- 5.** Know the school rules and the reasons for them. Be clear, firm and polite about the behaviour boundaries.
- 6.** Know what sanctions you can use, but adopt other approaches using e.g. a quiet word with the individual or reminder, distraction, positive praise to others showing the right behaviour choices etc.
- 7.** Always remain calm when you speak to pupils. This will help you maintain your authority and confidence and keep your relationships with them positive.
- 8.** Praise in public, but address any concerns of negative behaviour on an individual level and, wherever possible, away from an audience.
- 9.** Avoid the use of sanctions when support strategies will suffice.
- 10.** Use the school's monitoring, report and behaviour systems so that you support each other in addressing the individual pupil's needs and those of the whole school.

## 12. SANCTIONS FOR NEGATIVE BEHAVIOUR

Teachers can discipline pupils whose conduct falls below the standard which could reasonably be expected of them. This means that if a pupil misbehaves, breaks a school rule or fails to follow a reasonable instruction, the teacher can impose a sanction for that pupil.

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

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

A punishment must be reasonable. In determining whether a punishment is reasonable, *Section 91* of the *Education and Inspections Act 2006* says the penalty must be proportionate in the circumstances and that account must be taken of the pupil's age, any special educational needs or disability they may have, and any religious requirements affecting them.

The Headteacher 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. Please see 'HOW WE DISCOURAGE UNACCEPTABLE BEHAVIOUR (SANCTIONS)' section for the sanctions used in school.

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. They should also consider whether continuing disruptive behaviour might be the result of unmet educational or other needs. At this point, the school should consider whether a multi-agency assessment is necessary.

## 13. MALICIOUS ALLEGATIONS

Allegations of abuse will be taken seriously, and our school will 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 will be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated. Suspension will not be used as an automatic response when an allegation has been reported. Please see school's policy on 'Allegations of abuse against staff'.

## 14. PUPILS' CONDUCT OUTSIDE THE SCHOOL GATES - TEACHERS' POWERS

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

Subject to the school's behaviour policy, the teacher may discipline a pupil for -

Any misbehaviour when the child is:

- taking part in any school-organised or school-related activity or
- travelling to or from school or
- wearing school uniform or
- in some other way identifiable as a pupil at the school.

Or, misbehaviour at any time, whether or not the conditions above apply, that:

- could have repercussions for the orderly running of the school or
- poses a threat to another pupil or member of the public or
- could adversely affect the reputation of the school.

## 15. DETENTION

Teachers have a legal power to put pupils (**aged under 18**) in detention.

Halfway Nursery Infant School does not use detention outside of school hours as a sanction, but may ask children to miss minutes of playtime if appropriate.

## 16. CONFISCATION OF INAPPROPRIATE ITEMS

There are two sets of legal provisions, which enable school staff to confiscate items from pupils:

The **general power to discipline** enables a member of staff to confiscate, retain or dispose of a pupil's property as a punishment and protects them from liability for damage to, or loss of, any confiscated items.

**Power to search without consent** for "prohibited items" including:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property
- any item banned by the school rules which has been identified in the rules as an item which may be searched for.

## 17. USE OF REASONABLE FORCE (the following guidance is from 'Use of reasonable force Advice for Headteachers, staff and governing bodies - July 2013)

The legal provisions on school discipline also provide members of staff with the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others or damaging property, and to maintain good order and discipline in the classroom.

Headteachers and authorised school staff may also use such force as is reasonable given the circumstances when conducting a search without consent for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Force **cannot** be used to search for items banned under the school rules.

School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.

Suspension should not be an automatic response when a member of staff has been accused of using excessive force.

Senior school leaders should support their staff when they use this power.

*Please Note: Parental consent is not required to restrain a pupil.*

### What is reasonable force?

- The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.

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

#### **Who can use reasonable force?**

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

#### **When can reasonable force be used?**

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupils or to restrain them.
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.
- The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

#### **Schools can use reasonable force to:**

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

#### **Schools cannot:**

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

#### **Power to search pupils without consent**

In addition to the general power to use reasonable force described above, Headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following "prohibited items" -

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

Force **cannot** be used to search for items banned under the school rules.

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

- Every school is required to have a behaviour policy and to make this policy known to staff, parents and pupils. The governing body should notify the Headteacher that it expects the school behaviour policy to include the power to use reasonable force.
- There is no requirement to have a policy on the use of force but it is good practice to set out, in the behaviour policy, the circumstances in which force might be used. For example, it could say that teachers will physically separate pupils found fighting or that if a pupil refuses to leave a room when instructed to do so, they will be physically removed.
- Any policy on the use of reasonable force should acknowledge their legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).

- Schools do not require parental consent to use force on a student. • Schools should not have a ‘no contact’ policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm.
- By taking steps to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

### **Using force**

- A panel of experts identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are:
  - the ‘seated double embrace’ which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
  - the ‘double basket-hold’ which involves holding a person’s arms across their chest; and
  - the ‘nose distraction technique’ which involves a sharp upward jab under the nose.

### **Staff training**

- Schools need to take their own decisions about staff training. The Headteacher should consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so.
- Some local authorities provide advice and guidance to help schools to develop an appropriate training programme.

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

- It is good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to schools to decide whether it is appropriate to report the use of force to parents
- In deciding what is a ‘serious incident’, teachers should use their professional judgement and consider the:
  - pupil’s behaviour and level of risk presented at the time of the incident;
  - degree of force used;
  - effect on the pupil or member of staff; and
  - the child’s age.

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

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- 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 must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance (see the ‘Further sources of information’ section below) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- 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.
- Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher. • As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

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

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

## **18. Further Sanctions (including EXCLUSION)**

In addition the class teacher can seek the involvement of the Headteacher. The Headteacher can impose further sanctions.

- Ask parents/carers to escort children to and from the premises before and after school, on safety grounds
- In accordance with the DfE guidance on Exclusion from maintained schools, academies and pupil referral units in England (September 2017) the Headteacher can issue the following on disciplinary grounds:
  - Fixed exclusion
  - Permanent exclusion
- Exclusions will be carried out in accordance with LA policy and Governors directive and be used in only the most serious cases. It should provide a period of time for the consideration and solution of a problem. A short period of exclusion allows an opportunity for all interested parties to come together.

Prior to the exclusion of a child these steps must be taken:

- Full consultation with parents well before the stage of considering exclusion is reached unless in response to a serious incident
- Full consultation with all relevant staff about the child's behaviour
- Involvement of the child where appropriate including reasons for action taken
- Discussion with the Educational Psychologist and/or outside agencies
- An opportunity for parents/carers to present their case
- Pastoral support plan written etc.

## **19. REVIEW AND MONITORING**

This policy overlaps with other policies and should be reviewed in conjunction with those policies, in accordance with the school's review cycle.

# APPENDIX 1

## GUIDANCE FROM Department for Education (DfE) on the RESPONSE TO CORONAVIRUS OUTBREAK

### **Will pupils be punished if they deliberately disobey rules on protective measures?**

It is important for schools to be calm and disciplined environments, where everyone follows the rules. Before they re-open, schools should update their behaviour procedures to reflect the new protective measures and new rules and routines. It should also include appropriate consequences (such as sanctions and rewards), so that staff can ensure pupils understand them and can enforce them rigorously. The disciplinary powers that schools currently have, including exclusion, remain in place. Schools will be aware that the current circumstances can affect the mental health of pupils and their parents in a way that affects behaviour. DfE's guidance on mental health and behaviour in schools sets out how mental health issues can bring about changes in a young person's behaviour or emotional state and how this can be reflected within the approach to behaviour set out in *Creating a Culture*.

### **How can schools make reasonable adjustments when they devise and implement new rules?**

Some children will return to school having been exposed to a range of adversity including bereavement and long term anxiety. This may lead to an increase in social, emotional and mental health (SEMH) concerns. Additionally, where children have special educational needs and disabilities (SEND), their provision may have been disrupted during partial school closure and there may be an impact on their behaviour. Some children will need additional support and access to services such as Educational Psychologists, social workers, and counsellors. For children and young people with SEND, it will be especially important to teach new norms and routines around protective measures and personal hygiene clearly and accessibly.

### **Can head teachers exclude pupils?**

Head teachers retain the power to exclude pupils on disciplinary grounds. Any decision to exclude should be lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate. Permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches of the school's behaviour policy, and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

DfE expects schools who have permanently excluded a pupil to work with parents or carers and the local authority to arrange a place at an alternative educational setting as soon as possible so as to minimise any further breaks in education provision. Where the child in question is vulnerable, the school should notify the local authority/social worker immediately and should work with the local authority to ensure that the child is found a place in another educational setting quickly. During any gap in provision, education providers, social workers, local authorities and other professionals will need to work together to ensure adequate and appropriate arrangements are in place to keep in touch with vulnerable children and young people.

### **What is the effect of coronavirus on governing boards' duties to consider reinstatement of excluded pupils, and the process for independent review panels (IRPs)?**

The timeframes set out in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 remain in force. This applies to all exclusions, including those that were issued before 23 March.

The government appreciates that it may not be possible to meet the timeframes set out in regulations for review meetings and IRPs, due to the disruption caused by the coronavirus outbreak and the health risks of holding meetings. The Regulations themselves envisage that the timeframes may not always be met, which is why they specify that meetings and panel hearings must still go ahead even if the relevant deadline has been missed. It is for the governing board or arranging authority to assess the facts of the case and decide whether the statutory deadlines are achievable or whether, in the circumstances, the meeting has to be delayed. Governing boards and

arranging authorities should continue to take reasonable steps to ensure meetings are arranged for a time when all parties are able to attend.

## **APPENDIX 2**

### **Additional behavioural requirements on pupils in response to the coronavirus outbreak**

Children will be required to:

- follow altered routines for arrival and departure  
follow school instructions on hygiene, such as handwashing and sanitising
- follow instructions on who pupils can socialise with at school
- move around the school as per specific instructions (for example, one-way systems, out of bounds areas, queuing)
- follow instructions about sneezing, coughing, tissues and disposal ('catch it, bin it, kill it') and about avoiding touching mouth, nose and eyes with hands
- tell an adult if experiencing symptoms of coronavirus
- follow rules about sharing any equipment or other items including drinking bottles
- follow changes in routines for breaks or play times, including where children may or may not play
- follow instructions on use of toilets
- follow rules about coughing or spitting at or towards any other person

Reasonable adjustments to the above may need to be made for students with more challenging behaviour.

## APPENDIX 3

### Expectations on staff during coronavirus outbreak

Staff should follow the following behaviour principles:

- not come to work if they have coronavirus symptoms, or go home as soon as these develop (informing their manager), and access a virus test as soon as possible.
- Clean their hands more often than usual - with running water and soap, and dry them thoroughly or use alcohol hand rub or sanitiser ensuring that all parts of the hands are covered.
- Use the 'catch it, bin it, kill it' approach.
- Avoid touching mouth, nose and eyes.
- Clean frequently touched surfaces often using standard products.
- Think about ways to modify their teaching approach to keep a distance from children in their class as much as possible, particularly close face to face support (noting that it's understood that this is not possible at all times, which is why hygiene and hand cleaning is so important).
- Help their class to follow the rules on hand cleaning, not touching their faces, 'catch it, bin it, kill it' etc. including by updating your classrooms displays with posters.
- Prevent their class from sharing equipment and resources (like stationery).
- Keep classroom doors and windows open if possible for air flow.
- Control the flow of children using the toilet.
- Limit contact with other staff members
- Ensure they have read and understood the school's updated behaviour policy and know what role in it each staff member is being asked to take.