



Trust Behaviour for Learning Policy V.2.3

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Revision History

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1.0 INTRODUCTION

The core values of the Education Leadership Trust schools embrace a culture of respect, fairness, social and moral responsibility, diversity and inclusion. For effective teaching and learning to take place, good behaviour in all aspects of school life is necessary. We seek to create a caring and learning environment in the school.

2.0 PURPOSE OF THE POLICY

OBJECTIVES

- To emphasise the importance of good behaviour and its relationship to learning.
- To encourage every member of Education Leadership Trust schools to demonstrate our Cooperative and British Values and show care, courtesy and consideration to other members of the school and to the wider community
- To help students learn that their behaviour has consequences.
- To develop personal responsibility for acceptable behaviour
- To support, praise and as appropriate reward students' good behaviour.
- To promote positive behaviour through active development of students' social, emotional and behavioural skills.
- To provide a framework for the consistent management of all behaviour-related issues.
- To emphasise the value of partnership between parents/carers, students and the school in the achievement of high standards of behaviour within the whole school community.
- To keep parents informed of their child's behaviour using appropriate methods of engaging them and, where necessary, support them in meeting their parental responsibilities.
- To ensure the school Behaviour Policy does not discriminate against any student on, for example, grounds of race, gender, disability or sexual orientation, and that it promotes good relations between different communities.
- To apply sanctions fairly, consistently, proportionately and reasonably – taking account of SEN, disability and the needs of vulnerable children and offering support as appropriate.
- To take all reasonable measures to protect the safety and wellbeing of staff and students including preventing all forms of bullying and dealing effectively with reports and complaints about bullying.
- To ensure staff are clear about the extent of their disciplinary authority and receive necessary professional development on behaviour strategies.
- To ensure staff model good behaviour and never denigrate students or colleagues.

3.0 EQUALITY IMPACT STATEMENT

The Local Governing Body will ensure that this policy does not discriminate, directly or indirectly. It will do this through regular monitoring and evaluation of our policies. On review it

will assess and consult relevant stakeholders on the likely impact of the policies on the promotion of equality on grounds of race, gender, disability, sexual orientation, pregnancies or maternity and community cohesion using an appropriate Equality Impact Assessment. The policy may be amended as a result of this assessment.

4.0 TRAINING

The Trust Board will ensure that appropriate high quality training on all aspects of behaviour management is provided to support the implementation of the policy.

5.0 MONITORING, EVALUATION AND REVIEW

The Education and Leadership Trust schools will review this policy annually and assess its implementation and effectiveness.

6.0 INTERRELATIONSHIP WITH OTHER SCHOOL POLICIES

In order for the Behaviour for Learning Policy to be effective a clear relationship with other school and Trust policies has been established, namely:

- The Special Educational Needs Policy
- The Anti-Bullying Policy
- The Student Attendance and Punctuality Policy
- E-Safety Policy
- The School Uniform Policy
- The Equalities Policy
- Staff Professional Conduct Policy
- Managing allegations of abuse made against other children

7.0 RIGHTS AND RESPONSIBILITIES

7.1 RIGHTS AND RESPONSIBILITIES – SCHOOL

RIGHTS – SCHOOL

- To make clear the school's statutory power to discipline students and that students and parents/carers need to respect this.
- To enforce the school Behaviour for Learning policy – including rules and disciplinary measures.
- To expect students to respect the rights of other students and adults in the school.
- To protect students and adults from individuals who threaten to disrupt the safety and calm of the school.
- Not to tolerate violence, threatening behaviour or abuse by students and parents. If a parent/carer does not conduct herself/himself appropriately, the school will ban them from the school premises and, if the parent continues to cause nuisance or disturbance, they may be prosecuted.
- To take firm action against students who harass or denigrate teachers or other school staff, on or off the premises by engaging external support services.
- To contribute to the development of the school Behaviour for Learning Policy, with

students involved in the consultative process.

- To be taught in environments that are safe, conducive to learning, free from disruption with engaging teaching.
- To expect that other students will not bring inappropriate and unlawful items into school.
- To expect appropriate action from the school to tackle any incidents of violence, threatening behaviour, abuse, discrimination or harassment.

RESPONSIBILITIES – SCHOOL

- To ensure the school community is consulted about the principles of the Behaviour for Learning Policy.
- To establish and clearly communicate measures to ensure good behaviour, respect and discipline.
- To ensure that the school's Behaviour for Learning policy does not discriminate against any student on the grounds of Special Educational Need, race, disability or sexual orientation and that it promotes good relationships between different communities.
- To ensure that staff are clear about the extent of their disciplinary authority and receive necessary professional development on behaviour strategies
- To support, praise and reward students' good behaviour and apply sanctions fairly, consistently, appropriately and reasonably – taking account of Special Educational Need, disability and the needs of vulnerable students.
- To make alternative provision from day six of a fixed period exclusion (at home or off site provision) and where appropriate arrange a reintegration interview for parents at the end of a fixed period exclusion.
- To take all reasonable measures to protect the safety and wellbeing of staff and students, including preventing all forms of bullying and dealing effectively with reports and complaints about bullying.
- To promote positive behaviour through active development of student's social, emotional and behavioural skills
- To keep parents/carers informed of their child's behaviour, using appropriate methods of engaging them and where necessary, support them in meeting their parental responsibilities.
- To follow reasonable instructions by school staff, obey school rules and accept sanctions in an appropriate manner.
- To act as positive ambassadors for the school when off school premises.
- Not to bring inappropriate and unlawful items into school.
- To show respect to school staff, fellow students, school property and the environment.
- Never to denigrate, harm or bully other students or staff.
- To cooperate with and abide by any arrangements put in place to support student behaviour such as an appropriate school report, Pastoral Support Programme (PSP), Parenting Contract.

7.2 RIGHTS AND RESPONSIBILITIES – PARENTS/CARERS

RIGHTS – PARENTS/CARERS

- To contribute to the development of the school Behaviour for Learning Policy.
- To be kept informed about their child's progress, including issues relating to their behaviour.

- To have any complaint they make about their child being bullied taken seriously and investigated/ resolved as necessary.
- To appeal to the Academy Headteacher, Executive Headteacher, Local Governing Body and the Trust Board, Governors (and beyond that to the Secretary of State) if they believe the school has exercised its disciplinary authority unreasonably.
- To appeal against a decision to exclude their child, first to the Local Governing Body and then - in the case of a permanent exclusion - to an independent appeal panel

RESPONSIBILITIES – PARENTS/CARERS

- To respect and openly support the school's Behaviour for Learning policy and the disciplinary authority of school staff.
- To ensure that their child follows reasonable instructions by school staff and adheres to school rules.
- To send their child to school each day, punctually, in full school uniform, fed, rested, fully equipped and ready to learn.
- To ensure school staff are informed of any Special Educational Need related or other personal factors which may result in their child displaying behaviour outside the norm.
- To be prepared to work with the school to support their child's positive behaviour.
- To attend a meeting with the Academy Headteacher and other staff, if requested, to discuss their child's behaviour.
- To adhere to the terms of any Parenting Contract relating to their child's behaviour.
- To ensure, if their child is excluded from school, that she is not found in a public place during school hours in the first five days of a fixed period exclusion, and if invited, to attend a reintegration interview with the school at the end of a fixed period exclusion.

7.3 RIGHTS AND RESPONSIBILITIES – GOVERNORS

RIGHTS – GOVERNORS

- The Trust Board will review the Behaviour for Learning policy as part of the policy review cycle.
- The Local Governing Body will consult with the Academy Headteacher, staff, parents/carers and students on changes to the BFL Policy at the formative stage. The consultation will be arranged in such a manner as appears appropriate to the Governing Body and will consider their responses when decisions on any changes are made.
- The Local Governing Body will ensure that the school complies with equality legislation and promotes the wellbeing of students.
- The Local Governing Body will decide an appropriate timescale for reviewing the principles and updating the Behaviour for Learning policy.
- The Local Governing Body will nominate members to form a panel to work with SLT to deal with students whose behaviour is causing concern.
- The Trust Board and Local Governing Body will fully support the school in implementing its disciplinary powers.

RESPONSIBILITIES – GOVERNORS

- The Trust Board has a legal duty and responsibility as regards establishing the principles underlying the school Behaviour for Learning policy.
- The Trust Board must make the final decisions about the statement of principles in determining measures to promote good behaviour.
- The Trust Board and Local Governing Body must have regard to the health and welfare of staff, and the duty of care which they have for this.
- The Local Governing Body will consider the results of the consultation exercise at a meeting of the full Governing Body and the feedback will duly be recorded.
- The Trust Board and Local Governing Body will receive and monitor data on the school's disciplinary penalties imposed.

8.0 STANDARDS AND EXPECTATIONS

Schools in the Education and Leadership Trust have high expectations and set high standards in terms of learning outcomes and standards of behaviour. These are:

- To arrive to school promptly every day.
- To be fully equipped for all lessons at all times.
- To wear full school uniform at all times as specified by the Local Governing Body.
- To show respect for self, other students, all staff, visitors and any other adults associated with the school.
- To respond positively and politely to instructions from any member of staff.
- To work to the best of ability at all times.
- To respect the property of the school and others at all times.
- To refrain from bringing into school any illegal substance, offensive weapon or bladed article.
- To uphold these expectations when in the local and wider community.

Non-compliance with these expectations will bring disciplinary sanctions

9.0 THE SCHOOL'S POWER TO DISCIPLINE

- The school has a statutory power to discipline students for breaches of school rules, failure to follow instructions or other unacceptable conduct.
- All teachers and other staff in charge of students have the power to discipline.
- The Academy Headteacher may limit the power to apply particular sanctions to certain staff and/or extend the power to discipline to adult volunteers.
- The school can hold detentions out of the school's normal hours, weekends (with some exceptions) and non-teaching days without parental consent.
- The school can confiscate items (including retention/disposal) where reasonable and appropriate.
- The school has a statutory power to discipline students for misbehaviour outside of school premises.
- Separate legal provision inserted into the Education Act 1996 makes it lawful for named school staff to search suspected students for knives or other weapons without consent.
- School staff have a statutory power to impose sanctions.
- Sanctions must be reasonable and proportionate to the circumstances.

- Sanctions will take account of the student's age, and special educational needs, disability and religious requirements affecting the student.

10.0 USE OF DISCIPLINARY SANCTIONS

Disciplinary sanctions have three main purposes, namely to:

- Impress on the student that what they have done is unacceptable.
- Deter the student from repeating that behaviour.
- Signal to other students that the behaviour is unacceptable and deter them from doing this.

Sanctions will be imposed for:

- Failure to follow a school rule.
- Failure to follow an instruction given by a member of staff (or other adult given authority to discipline students by the Academy Headteacher when in charge of a group of students).

Any reason that causes the student's behaviour to fall below the standard which could reasonably be expected of him/her.

11.0 KEY ASPECTS OF SCHOOL PRACTICE WHICH WILL SUPPORT THE BEHAVIOUR POLICY

- A consistent approach to behaviour management, rewards and sanctions.
- High quality learning and teaching
- Behaviour strategies and the teaching of good behaviour
- Form time input with Learning Coaches/Form Tutors
- Strong and effective school leadership.
- Staff development and support.
- Student support systems.
- Liaison with parents/carers and other agencies.
- Managing student transition.
- Organisation and facilities.

12.0 BEHAVIOUR FOR LEARNING (BFL)

12.1 Behaviour for Learning is our Trust system to establish a positive attitude towards learning in our classrooms, a respectful attitude to each other and all those who work in the schools and a reduction in disruption in classrooms and social spaces. Our Behaviour for Learning system helps to create a safe and happy environment for all students, staff and any other person associated with the schools.

- All members of the school community have a right to feel safe.
- Teachers have a right to teach.
- Students have a right to learn.

Objectives of BFL

- To reward students for good behaviour
- To support the quality of learning and reduce behaviour that has a negative effect on learning.
- To help students learn that their behaviour has consequences.
- To develop personal responsibility for acceptable behaviour
- To ensure a consistent approach to discipline throughout the school which is clearly understood by staff, students and parents
- To teach students how to behave appropriately, both in and outside school

13.0 GUIDANCE ON THE IMPLEMENTATION OF THE BEHAVIOUR FOR LEARNING SYSTEM

How can we make BFL work?

- Students need to be aware that they make a choice when deciding how to behave; positive behaviour will lead to rewards, negative behaviour will lead to sanctions.
- Students must be aware that actions bring consequences.
- We want to celebrate and reward positive behaviour. We want to create a positive atmosphere where the emphasis is on rewards, but where students, staff and parents/carers are clear about the consequences of any behaviour that disrupts learning or our positive school environment.
- Expectations regarding behaviour will be clearly displayed throughout the schools.

14.0 REWARDS: GOLD AWARDS, MERITS, ACHIEVEMENT POINTS

- 14.1 All staff should realise the importance of using the reward system properly in order to encourage excellent attendance, consistent hard work in subjects, good citizenship, participation in extra-curricular activities and good behaviour.
- 14.2 Staff can issue single gold awards, merits and achievement points for a range of achievements including positive behaviour, engagement and effort in the classroom, at social times and in extra-curricular activities, displaying our school and co-operative values,
- 14.3 Staff can input rewards on the SIMS system. Staff should aim to issue **5 rewards per lesson**.

Recording and Spending Gold Awards, Merits, Achievement Points

The SIMS system will total the number of rewards and parents will receive text messages as certain numbers are achieved. Students can spend gold awards in the Reward Gift Shop. Prizes will be awarded for students achieving the highest number of rewards throughout the year.

15.0 CONSEQUENCE SYSTEM

15.1 Students determine the consequence by their choice of action'

- If students are misbehaving in or out of class a formal warning will be given.

- If the wrong choice is made, after that students will be told they have the opportunity to make the right choice, a C1 (Choice 1 warning) will be given.
- If wrong choices continue to be made, students will be told they have further opportunity to make the right choice, a C2 (Choice 2 warning) will be given.
- If a further wrong choice is made, a C3 will be given, resulting in an after school detention.
- If a serious wrong choice is made, a C4 (internal or alternative site exclusion) fixed term or permanent exclusion will result.

15.2 **KS3 Consequence system – The East Manchester Academy**

- If students are misbehaving in class a warning will be given
- If the wrong choice is made, a C1 will be given.
- If a further wrong choice is made, a C2 will be given.
- If a student is given a C2, they will be removed from lesson and placed in a withdrawal room and issued with an after school detention for 1 hour which will take place on the same day.
- Parents will be contacted and the student will remain in the withdrawal room for 5 periods or until parents have had a meeting (if sooner)
- If a serious wrong choice is made, a C4 (internal or alternative site exclusion) fixed term or permanent exclusion will result.

15.3 **Punctuality detention**

- If a student arrives late (after 8.25am) twice in one week they will receive a 1 hour after school detention the following Monday.
- Non attendance will result in a C4 isolation being issued
- Un-cooperative behaviour during the detention will result in a further sanction being issued.

16.0 **GUIDANCE ON DETENTIONS, CONFISCATION AND MISBEHAVIOUR OUTSIDE SCHOOL**

16.1 **DETENTIONS**

The Trust schools deploy whole school detention after normal school hours in line with the Behaviour for Learning (BFL) system.

Key Points

School staff have a statutory power to put students, aged under 18, in detention during the day, after normal school sessions and on some weekends and non- teaching days without parental permission.

The school will give parents/carers 24 hours' notice of detentions outside normal school sessions. With the exception of detentions for late arrivals to school which will occur on the same day.

16.2 EVENING WHOLE SCHOOL DETENTION SYSTEM

- If students reach a C3, an automatic detention will be given to take place 2 days later.
- Students will receive a letter to take home informing parents/carers of the detention.
- Parents/carers will be sent a text/email message informing them of the C3 detention.
- School detention is a serious punishment.
- Non-attendance or late arrival will not be tolerated and will lead to a further sanction.
- Un-co-operative behaviour during detention will incur further sanction.
- C3 detentions will run daily Monday to Friday.
- Detentions will be in the main hall from 3.05pm for 30 minutes.
- Any student failing to turn up to a detention will be given a double detention the following day.
- If students are absent on the day of the detention they will complete it on the first day of their return to school.
- All students will work in silence during the detention.
- Repeated failure to attend will result in a C4 referral – internal or alternative offsite exclusion.
- Parents/carers can access information about their child's behaviour on the electronic parent platform.

16.3 SERIOUS MISBEHAVIOUR

- For serious misbehaviour staff may give no warnings before using a C3/C4.
- Truancy, being outside class during lesson time without a signed planner/teacher's note, will result in an automatic C3.

16.4 Internal Isolation – C4 Room

- If a student reaches a C4, a day in internal isolation will automatically occur which will be scheduled for a future date.
- Students will receive a letter to take home informing parents/carers of the day in internal isolation.
- Parents/carers will be sent a text message informing them of the C4 and the day in internal isolation.
- Internal isolation is a very serious punishment.
- Non-attendance, late arrival or leaving the C4 room without permission will not be tolerated and will lead to a further sanction.
- Uncooperative behaviour in the C4 Room will lead to exclusion (at home or off site provision).
- Internal isolation will take place in the C4 Room at the following times: 11.20am-4.00pm.
- If students are absent on the day of the internal isolation they will complete it on the first day of their return to school or as scheduled by the manager of the C4 Room.
- All students will work in silence following a programme of study.

16.5 Exclusion to alternative site (such as South Learning Centre/Other school)

- In some cases students may be excluded to an offsite provision. In all such cases, parents/carers will be contacted.
- Transport arrangements will be made in conjunction with parents.
- Students will be met at the premises by a member from the relevant organisation.
- Parents will attend a return from exclusions meeting with the Head of House or senior member of staff

16.6 MISBEHAVIOUR OUTSIDE SCHOOL PREMISES

The school has a statutory power to regulate the behaviour of students when off the school premises and not supervised by staff to such extent as is reasonable.

This includes behaviour on activities arranged by the school, including work experience placements, educational visits and sporting events, behaviour on the way to and from school and behaviour when wearing school uniform in a public place.

Objectives

- To maintain good order on transport.
- To secure behaviour which does not threaten the health or safety of students, staff or member of the public.
- To provide reassurance to members of the public about school care and control over students and thus protect the reputation of the school.
- To provide protection to individual staff from harmful conduct by students of the school when not on the school site.

16.7 CONFISCATION

(Including retention and disposal of inappropriate items)

Key Points

School staff will confiscate a student's property in order to maintain an environment conducive to learning, safeguarding the rights of others to be educated.

Confiscation, retention and disposal of property will be reasonable and appropriate to the particular incident.

Criteria for confiscation

- An item which poses a threat to others.
- An item which poses a threat to good order for learning.
- An item which is against school uniform regulations/rules.
- An item which poses a health or safety threat
- An item which is counter to the ethos of the school.
- An item which is illegal for a student to have.

N.B. A separate legal provision in the violent Crime Reduction Act 2006, inserted in the Education Act of 1996 make it lawful for named staff to search suspected students for knives or other weapons without consent.

17.0 BEHAVIOUR POLICY GUIDANCE ON THE USE OF REASONABLE FORCE

(Use of reasonable force: Advice for Headteachers, staff and governing bodies – July 2013 DFE)

17.1 About This Guidance

- This is non-statutory advice from the Department for Education. It is intended to provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of head teachers and governing bodies in respect of this power.
- This advice is aimed at governing bodies, head teachers and school staff in all schools.

17.2 Key Points

- 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.

17.3 What is Reasonable Force?

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

17.3.2 Force is usually used either to control or restrain. This can range from guiding a student 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.

17.3.3 'Reasonable in the circumstances' means using no more force than is needed.

17.3.4 As mentioned above, schools generally use force to control students and to restrain them. Control means either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom.

17.3.5 Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention.

17.3.6 School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the student.

17.4 Who Can Use Reasonable Force?

17.4.1 All members of school staff have a legal power to use reasonable force.

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

17.5 When Can Reasonable Force be Used?

17.5.1 Reasonable force can be used to prevent students from hurting themselves or others, from damaging property, or from causing disorder.

17.5.2 In a school, force is used for two main purposes – to control students or to restrain them.

17.5.3 The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

17.5.4 The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

17.6 Schools Can Use Reasonable Force To:

17.6.1 remove disruptive students from the classroom where they have refused to follow an instruction to do so;

17.6.2 prevent a student behaving in a way that disrupts a school event or a school trip or visit;

17.6.3 prevent a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;

17.6.4 prevent a student from attacking a member of staff or another student, or to stop a fight;

17.6.5 restrain a student at risk of harming themselves through physical outbursts.

17.7 Schools Cannot:

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

17.8 Power to search students 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.

Separate guidance is available on the power to search without consent

17.9 Communicating the School's Approach to the Use of Force

- Every school is required by law to have a Behaviour Policy and to make this policy known to staff, parents and students. The Local Governing Body should notify the Academy Headteacher that it expects the School Behaviour Policy to include the power to use reasonable force.
- There is no legal requirement to have a policy on the use of force but it is good practice to set out, in the Behaviour Policy, the circumstances in which force might be used. For example, it could say that teachers will physically separate students found fighting or that if a student 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 students and students with 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 student, or prevent them taking action needed to prevent a student causing harm.

- By taking steps to ensure that staff, students 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.

17.10 Using Force

A panel of experts identified that certain restraint techniques presented an **unacceptable risk** when used on students 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;
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

17.11 Staff training

- Schools need to take their own decisions about staff training. The Academy 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 students when doing so.
- Some local authorities provide advice and guidance to help schools to develop an appropriate training programme.

17.12 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.³

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

- The student's behaviour and level of risk presented at the time of the incident
- The degree of force used
- The effect on the student or member of staff
- The student's age

17.13 What Happens if a Student 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 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.

17.15. What About Other Physical Contact With Students?

- It is not illegal to touch a student. There are occasions when physical contact, other than reasonable force, with a student is proper and necessary.
- Examples of where touching a student might be proper or necessary:
 - a) holding the hand of the student at the front/back of the line when going to assembly or when walking together around the school;
 - b) when comforting a distressed student;
 - c) when a student is being congratulated or praised;
 - d) to demonstrate how to use a musical instrument;
 - e) to demonstrate exercises or techniques during PE lessons or sports coaching;
 - f) to give first aid.

17.16 FREQUENTLY ASKED QUESTIONS

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

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

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

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

What about school trips?

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

Can force be used on pupils with SEN or disabilities?

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

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

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

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

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

18.0 DEALING WITH ALLEGATIONS OF ABUSE AGAINST TEACHERS AND OTHER STAFF

Allegations of abuse against staff and other adults working in the school.

18.1 General

All children and adults have a fundamental right to be protected from harm. All allegations of abuse will be taken seriously. The Governors have a duty to safeguard and promote the welfare of children and create and maintain a safe learning environment (section 175 of the Education Act 2002). Our policy is to identify where there are child welfare concerns and take action to address them, in partnership with other organisations where appropriate, and in accordance with local inter- agency procedures.

- 18.1.1 School staff have a positive role to play in child protection, as their position often allows them to be able to observe outward signs of abuse and changes of behaviour in children. Because of their role however, they are also open to accusations of abuse. Such allegations may be true, but they may also be false, misplaced or malicious. In order to fulfil its commitment to the welfare of children, this School has a procedure for dealing with allegations of abuse against members of staff and volunteers.
- 18.1.2 The procedure aims to ensure that all allegations are dealt with fairly, consistently and quickly and in a way that provides protection for the child, whilst supporting the person who is the subject of the allegation.
- 18.1.3 The procedure complies with the framework for managing cases of allegations of abuse against people who work with children, as set out in relevant DfE statutory guidance.

18.2 Action in the Event of a Malicious Allegation

- 18.2.1 If an allegation is determined to be unfounded or malicious, the Local Authority Designated Officer (LADO) will be informed and will refer the matter to local authority children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. In the event that an allegation is shown to have been deliberately invented or malicious, the Academy Headteacher will consider whether any disciplinary action is appropriate against the pupil who made it, or the police will be asked to consider whether any action might be appropriate against the person responsible, including situations where the individual concerned was not a pupil. Such cases may be dealt with under the Protection from Harassment Act 1997.
- 18.2.2 The disciplinary action taken against a pupil might include: detention, fixed term or permanent exclusion (at home or off site provision). Whatever action is taken will be discussed with the parent/carer of the pupil concerned at an early stage.

STUDENTS ON REPORT

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