

# BEHAVIOUR MANAGEMENT POLICY



Colston Bassett School positively seeks to establish a safe, secure and happy environment which stimulates the learning of every pupil with the encouragement of staff and the support of parents. Good behaviour is a necessary condition for effective teaching and learning to take place, and an important outcome of education which society rightly expects. All citizens in schools or in the wider community need to understand and accept boundaries of acceptable behaviour and the associated patterns of rewards and sanctions.

## THE BEHAVIOUR MANAGEMENT POLICY HAS TWO AIMS:

- The positive encouragement of good behaviour;
- The management and minimisation of unproductive or disruptive behaviour which may undermine the school's ethos.

Staff will actively enforce 'Our School Rules' in their day to day interactions with pupils and will be supported by the Head Teacher. The School Rules are displayed in each classroom. There will be, therefore, always a consistent response to any attempt to deviate from or undermine the system.

In the classroom, the teacher will create a sense of purpose, which is focused on the curriculum content and its delivery. Our overall aim is to maintain good order within the school, so that the staff and pupils feel comfortable and secure and are able to carry out their teaching and learning activities to the best of their abilities. The key to achieving this is in the quality of relationships within the school – both professional relationships between teachers and the ways in which pupils and teachers treat each other. Where teachers treat pupils courteously, respect their ideas, value their individuality, and listen carefully to what they have to say, pupils learn by example and are much more likely to respect teachers and to behave sensibly and considerately themselves.

At the beginning of each academic year this policy will be explained to all the children. 'Our School Rules' will be endorsed in PSHCE lessons and assemblies.

## Our School Rules

- Be polite.
- Be tidy.
- Be helpful.
- Take care of things.
- Be well organised.
- Running in school is not allowed.
- Move around quietly.
- Be safe.
- Respect everyone.

# Positive Behaviour

Promoting good behaviour is particularly important with very young children; applying rules consistently and respecting individual children's levels of understanding are vital parts of behaviour management. Young children learn much by the example set by adults around them; the behaviour of everyone who works with children must be such as to promote trust in their relationship with children and to provide a positive role model.

Positive reinforcement of behaviour should be specific and immediate; straightforward praise, giving positive instructions, distraction and redirection may all contribute to this.

## School Behaviour Expectations and Routines

### CLASSROOM CODE

We expect a student to:

- Listen and follow instructions.
- Be the best version of themselves.
- Respect and look after property.
- Take responsibility.
- Take pride in their appearance, abilities and achievements.
- Treat others how they would like to be treated themselves.

### WE EXPECT THAT ALL STUDENTS:

- Wear the school uniform with pride both in school and on the journey to and from school.
- Move around the school in an orderly manner.
- Speak calmly and politely to all members of the school community.

Mobile phones and smart watches are not permitted during the school day and if needed outside of school, should be stored in the school office for the duration of the day.

## Removal From The Classroom

Removal of a pupil from the classroom is a formal sanction imposed for serious disciplinary reasons, which allows for the continuation of the pupil's education in a supervised setting. The education provided may differ from that provided in the mainstream classroom but will still be meaningful for the pupil.

Removal from the classroom will only be used for the following reasons:

- To maintain the safety of all pupils and to restore stability following an unreasonably high level of disruption;
- To enable disruptive pupils to be taken to a place where education can be continued in a managed environment;
- To allow the pupil to regain calm in a safe space.

- A member of staff must record the reason for the removal on the online HUBmis site.
- The member of senior staff will assess the reason for the removal and follow the consequence system.
- The Head Teacher will analyse the reason for the removal and act accordingly following the consequence system as necessary.
- It will be the responsibility of the Head Teacher to maintain overall strategic oversight of the school's arrangements for any removals.
- The school will collect, monitor and analyse the data on the removal of pupils from the classroom in order to interrogate its use and effectiveness.
- When dealing with the removal of a pupil from the classroom each case will be dealt with on its own individual facts and circumstances. The Head Teacher and class teachers will consider whether any assessment of underlying factors of disruptive behaviour is needed.
- School will inform parents of the removal from the classroom on the same day.
- Facilitate reflection by the pupil on the behaviour that led to their removal from the classroom and what they can do to improve and avoid such behaviour in the future.
- If a pupil has a social worker, including if they have a Child in Need plan, a Child Protection plan or are looked-after, notify their social worker. If the pupil is looked-after, ensure their Personal Education Plan is appropriately reviewed and amended.

## Rewards

Examples of the rewards and sanctions the school ordinarily uses are set out in the paragraphs below. These are not, however, exhaustive lists, and other rewards and sanctions may be used insofar as they comply with good education practice and promote good behaviour and compliance with the School's Policies on behaviour.

Where particular types of good behaviour or misbehaviour are expressly referred to in this policy, these are not to be taken as an exhaustive list of all types of good behaviour or misbehaviour for which rewards can be given, and sanctions imposed.

Where a particular reward or sanction is identified as the usual response to a specific type of good behaviour or misbehaviour, this will not prevent a different reward being given, or a different sanction imposed, where it is appropriate to do so.

The Rewards System should be used by all staff to motivate and praise individual students in all year groups. Rewards are a very powerful tool for teachers to use. The general practice of classroom management involves many rewards being given on a daily basis. These may include:

- Verbal praise.
- Positive comments written in books.
- House-point system.
- Sending students to the Subject Leader or Head Teacher for praise.
- Displays of students' work around the school.
- Praise in achievement assemblies.

- Awards (Merit/Star/Eco/Kindness/Handwriting/Head Teacher's)
- Badges for roles of responsibility.
- Positive phone calls home/letters home.
- Reports and Progress Evenings which are also seen as a vehicle for constructive criticism and praise.

The rewards system is cumulative and designed to run through a student's school life. House Points are given for:

- Work Awards.
- Attendance Awards.
- Attitude and good manners.
- School uniform.

Staff should not award more than one House point at a time.

#### ATTENDANCE REWARDS

Regular attendance and punctuality are expected of all students. Individual students will be rewarded for good attendance. Students with 100% attendance will receive a certificate. House teams with the best attendance figures will also be identified and rewarded.

#### ATTITUDE AND GOOD MANNERS

Following reports, students from each class/house will be selected for special mention at the Christmas Carol Concert and the Leavers' Service in the summer.

#### SCHOOL UNIFORM

Staff will be asked to nominate those students who wear correct uniform, bring the correct kit and take care of their own items. These students will be awarded a Head Teacher's Award.

All badges should be worn on a student's blazer to recognise their achievement.

#### SANCTIONS

Sanctions follow the consequence system. Taking disciplinary action and providing appropriate support are not mutually exclusive actions. They can and should at the same time if necessary.

## Sanctions

<b>The Consequence System</b> Category	<b>Behaviour</b>	<b>Action</b>
<b>Level 1.</b>	An initial warning that a student should modify their behaviour.	Verbal reprimand. No further action. Information is not recorded on the computer.
<b>Level 2.</b>	A second warning. This warning tells the student that their behaviour is unacceptable and is affecting learning and therefore needs to be changed.	The teacher will tell the student that they are now on 2nd warning.

	<p>2nd warnings will be issued for low level disruptive behaviour such as:</p> <p>Repeatedly not listening.</p> <p>Off task behaviour.</p> <p>Calling out or talking out of turn.</p> <p>Poor effort.</p>	<p>If no further problems arise, no further action will be taken.</p> <p>Information is not recorded on the computer.</p>
<b>Level 3.</b>	<p>The student continues to exhibit disruptive behaviour and is continuing to affect the learning taking place in the classroom.</p> <p>3rd warnings will be issued for a repeat of 2nd warning behaviour.</p>	<p>The teacher will tell the student that they are now on 3rd warning and they will serve a 10-minute lunch detention. This will be scheduled on the same day or day after if the lesson takes place during period 4 or 5. Any student who has already been issued with a lunch detention by another member of staff will sit the detention the following day.</p> <p>The incident is recorded on the computer and parents/carers are informed of the detention by email.</p> <p>A student who fails to attend a lunch detention will be expected to attend the following day.</p>
<b>Level 4.</b>	<p>Students who disrupt learning persistently during the lesson and after a 3rd warning has been given, will be issued with a L4 warning and will be removed from the classroom to the Crabtree room by a member of staff.</p>	<p>The student will be issued with a 20 minute lunchtime detention and parents will be notified by the school office. Any student issued with a L4 for persistently disrupting learning in the classroom will not return to any lessons and will work in the support room for the rest of the day. This will include break and lunch.</p> <p>The student will be placed on report for 1 week and expected to achieve 'good' in every lesson and break times.</p>

<p><b>Level 5.</b></p>	<p>L5 will be issued by a member of staff for serious incidents, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Defiance.</li> <li>• Harassment or bullying (including cyber-bullying).</li> <li>• Threatening behaviour.</li> <li>• Verbal abuse towards a student.</li> <li>• Vandalism, damage to property or theft.</li> <li>• Dangerous behaviour.</li> </ul>	<p>Social or Internal exclusion.</p>
<p><b>Level 6.</b></p>	<p>L6 will be issued by a member of staff for very serious incidents including but not limited to:</p> <ul style="list-style-type: none"> <li>• Sustained bullying.</li> <li>• Racial or sexual harassment.</li> <li>• Violence.</li> <li>• Organised acts of theft</li> <li>• Verbal or physical abuse towards a member of staff.</li> <li>• Carrying an offensive weapon.</li> <li>• Serious actual or threatened violence against another student or a member of staff.</li> <li>• Bringing the school into disrepute.</li> <li>• Persistent breaches of the Behaviour Policy</li> </ul>	<p>A meeting will be held with the Head Teacher who will consider the full range of sanctions available including suspension and permanent exclusion.</p> <p>See <b>Appendix 2 – ‘Exclusions Policy’</b>.</p>

**PERSISTENT WARNINGS**

The Class teacher discusses behaviour and work ethic with the student. Student (if not already) will be assessed for additional or missed needs.

**PERSISTENT WARNINGS AND L4**

Parents and student attend a meeting with the class teacher. The student is issued with lunchtime detention.

#### **CLASS TEACHER**

The Class teacher identifies 3 targets for improvement which is shared with all staff who teach the student. This will be reviewed after 4 weeks.

If no improvements, the student is placed on a report card for 1 week. Failure to achieve a 'good' on the report for either behaviour or work will result in a lunch detention. This will be checked by the Head Teacher and class teacher each morning.

The student will remain on report until they have successfully achieved a 'good' in each lesson for 1 week.

#### **INDIVIDUAL NEEDS**

Alternative arrangements for sanctions can be considered on a case-by-case basis for any pupil where the school believes an alternative arrangement would be more effective for that particular pupil, based on their knowledge of that pupil's personal circumstances.

The school will have regard to the impact on consistency and perceived fairness overall when considering alternative arrangements. In considering whether a sanction is reasonable in all circumstances, the school will consider whether it is proportionate in the circumstances of the case. It will also consider any special circumstances relevant to its imposition including the pupil's age;

- Any special educational needs or disability they may have; and
- Any religious requirements affecting them

Only the Head Teacher has the power to impose a suspension from school. An 'Acting Head' who has been formally appointed to this position while the Head Teacher is on leave, or the post is vacant, will also have this power.

Suspension from school will take the form of a fixed term (including lunch time suspensions, which each count as half a day); or half day suspension for full day suspension.

Permanent exclusion from school will only be imposed for a serious breach or breaches and / or persistent breaches of this policy; and where allowing the pupil to remain in school would seriously harm the education and/or welfare of the pupil and/or others (such as staff or pupils) in the school.

The Head Teacher may cancel (i.e. withdraw) any suspension which has not yet been formally reviewed by the Directors at a meeting, including where additional information has been received from the parents,

#### **INVESTIGATIONS OF INCIDENTS AND ALTERNATIVE ACTION**

The Head Teacher may investigate incidents which potentially give rise to a breach of the school's policies on behaviour, or they may appoint a member of staff to carry out the investigation. The investigation and any interviews or meetings which take place with pupils will be conducted fairly, in a way which is appropriate in a school environment, and without being formal or legalistic in nature.

The pupils involved will be interviewed as part of the investigation and given the opportunity to state their version of events.

Pupils who are clearly only witnesses and not at risk of disciplinary action may also be interviewed.

Parents do not need to be notified in advance that interviews are taking place, and their consent is not required (although they may be invited to attend an interview in the case of potentially serious breaches, where the School deems it appropriate to do so).

#### REMOVAL FROM THE CLASSROOM/SUSPENSION PENDING FURTHER INVESTIGATION/ENQUIRIES

Where the incident is serious and / or complex and it has not been possible to complete the full investigation and/or conduct all enquiries on the day that the incident occurred or was brought to the attention of the school, the pupil may be removed from the classroom while the investigation continues and/or enquiries are made (for example, consideration of a managed move). The period of removal from the classroom should be taken into account by the Head Teacher when determining the final sanction.

Once the investigation/enquiries are complete, the Head Teacher will be in a position to make a final decision. This may include imposing a further suspension to run consecutively (i.e. back-to-back, without a break in between) with the original suspension pending further investigation/enquiries.

Once the investigation has concluded, all of the information gathered will be considered and a decision will be made as to what facts have been established to be true, to the civil standard of proof (i.e. on a balance of probabilities, or more likely than not).

Pupils' behaviour and discipline records will be taken into account, together with the pupils' background, and any special educational needs and/or disabilities they may have. The school will follow its **Special Educational Needs and Disability Policy** and the **Equal Opportunities Policy**, where these are relevant.

All disciplinary sanctions imposed will be a fair, reasonable and proportionate response to the misbehaviour involved, taking into account the pupil's own account, aggravating features, mitigation, background, and special educational needs and/or disabilities.

#### DISCIPLINARY SANCTIONS WILL BE RECORDED IN THE PUPIL'S BEHAVIOUR AND DISCIPLINE RECORD

The school will usually notify the parents of disciplinary sanctions imposed and the reasons for them (parents must always be notified of removals from the classroom and suspensions).

#### MANAGED MOVES

A 'managed move' is used to initiate a process which leads to the permanent transfer of a pupil to another mainstream or independent school following a trial period. It is designed to give pupils who are at risk a fresh start in another school.

A planned managed move will only happen when it is in the pupil's best interests.

#### USE OF REASONABLE FORCE

See **Appendix 1 – DfE 'Use of Reasonable Force'**

Any use of reasonable force will be in accordance with the DfE guidance Use of reasonable force (DfE, July 2013). Reasonable force may be used to prevent a pupil from doing or continuing to do any of the following:

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

In these circumstances, force will be used for two main purposes: to control pupils or to restrain them. Reasonable force may be used, for example, to restrain a pupil at risk of harming themselves or another individual or to prevent a pupil leaving a classroom where allowing them to do so would risk their safety or lead to behaviour that disrupts the behaviour of others. Force is never used as a form of punishment.

In these circumstances, 'reasonable' means using no more force than is needed. In deciding whether reasonable force is required, the needs and particular vulnerabilities of individual pupils will be considered and reasonable adjustments will be made for pupils with special educational needs or disabilities. The school will establish proactive and positive behaviour support strategies for pupils with particular needs, in consultation with their parents, to reduce the occurrence of challenging behaviour and the need to use reasonable force.

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

#### **SEARCHING, SCREENING AND CONFISCATION**

All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.

The school's policy on searching and confiscation has regard to the DfE guidance Searching, screening and confiscation: advice for schools (DfE, July 2022).

#### **PROHIBITED ITEMS**

The following are 'prohibited items' by law under Section 550ZA(3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulations (SI 2012 / 951):

- Knives or weapons, alcohol, illegal drugs and stolen items;
- Tobacco and cigarette papers, fireworks and pornographic images;
- Any article that a member of staff reasonably suspects has been, or is likely to be used: to commit an offence; or
- To cause personal injury to, or damage to the property of, any person (including the pupil); and
- Pupils must not have these items in their possession, or use them in a way which is restricted, on the school's premises, or at any time when they are in the lawful charge and control of school staff (e.g. on educational visits).
- Pupils may be searched for any item which is prohibited or its use restricted by the school (as set out above) with their agreement (note that the school will never use force to search for these items).

#### **SEARCHING PUPILS**

Under common law, school staff have the power to search for any item if a pupil agrees. The member of staff undertaking the search should ensure the pupil understands the reason for the search and how it will be conducted so their agreement is informed.

When exercising these powers the school must consider the age and needs to pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability.

The decision to use reasonable force should be made on a case-by-case basis. Consideration will be given as to whether conducting the search will prevent the pupil harming themselves or others, damaging property or causing disorder. Where a pupil is not willing to co-operate with a search and is not deemed to have sufficient maturity or understanding of the situation, then a parent's co-operation will be sought. If a pupil refuses to co-operate with a search for items that are not items prohibited by law as listed above, disciplinary action may be taken in accordance with this policy.

Where a search is considered necessary, but does not need to be carried out urgently, the advice of the Head Teacher/DSL and/or pastoral member staff will be sought. During this time the pupil should be supervised and kept away from other pupils. Searches will be carried out on the school's premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on an educational visit or in training settings.

Where the Head Teacher, or staff authorised by the Head, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item in accordance with this policy. The staff member should also alert the designated safeguarding lead (DSL) or deputy and the pupil will be sanctioned in line with the school's behaviour policy to ensure consistency of approach.

An electronic device such as a mobile phone or a tablet computer will be confiscated in accordance with this policy. If there is good reason to suspect that the device has been, or could be used to cause harm, to disrupt teaching or breach the school's policies on ICT or behaviour, any data or files on the device may be searched and, where appropriate, data or files may be erased before the device is returned to its owner. Any search of an electronic device should be conducted in the presence of another member of staff.

Any data or files will only be erased, if there is good reason to suspect that the data or files have been, or could be used to cause harm, to disrupt teaching or breach the school's policies on ICT and behaviour.

Staff should consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect will put a person at risk.

#### **STOLEN ITEMS**

Stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of the Head Teacher or authorised member of staff, there is good reason to do so, stolen items may be returned to the owner without the involvement of the police. In taking into account the relevant circumstances, the member of staff should consider: the value of the item; whether the item is banned by the school; whether retraining or returning the item may place any person at risk of harm; and whether the item can be disposed of safely.

#### **PORNOGRAPHIC IMAGES**

Pornographic images involving children or images that constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008 will be handed to the police as soon as practicable. As possession of such images may:

- Indicate that the pupil has been abused, the Designated Safeguarding Lead will also be notified and will decide whether to make a referral to children's social care.
- Other pornographic images will also be discussed with the Designated Safeguarding Lead. The images may then be passed to children's social care for consideration of any further action. If no action is to be taken by the local authority the images will be erased after a note has been made for disciplinary purposes, confirming the nature of the material.

Such articles may, at the discretion of the Head Teacher or authorised member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained or disposed of. In taking into account all relevant circumstances the member of staff should consider whether it is safe to dispose of the item; and when it is safe to return the item.

## Bullying

We acknowledge that bullying could occur at Colston Bassett School. This would be totally unacceptable and taken very seriously. The school has a detailed **Anti-Bullying and Harassment Policy** which outlines our approach to dealing with potential cases of bullying.

## Physical Restraint

The school maintains the right to physically restrain a pupil if the child is deemed a threat to their own or others' safety (in accordance with official guidance – see **Appendix 1 – DfE 'Use of Reasonable Force'** for further information).

## Monitoring

Pupil behaviour will be discussed regularly; if this policy is effective, there should be no deterioration in the general behaviour of the pupils. Changing patterns in behaviour will be monitored in this way and consideration given to any necessary modifications of this policy.

The Head Teacher, Mrs Maria Beck, is the Behaviour Management Co-ordinator for Colston Bassett School.

# APPENDIX 1



Department  
for Education

## **Use of reasonable force**

**Advice for headteachers, staff and  
governing bodies**

**July 2013**

## Summary

### About this departmental advice

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 headteachers and governing bodies in respect of this power.

### Expiry or review date

This advice will be kept under review and updated as necessary.

### Who is this advice for?

- School leaders and school staff in **all schools**<sup>1</sup> in England.

### Key points

- School staff have a 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.

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<sup>1</sup> "All schools" include Academies, Free Schools, independent schools and all types of maintained schools

## What is reasonable force?

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 pupils.
2. 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.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. 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.
5. 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.
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 pupil.

## Who can use reasonable force?

- All members of school staff have a legal power to use reasonable force<sup>2</sup>.
- 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.

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<sup>2</sup> Section 93, Education and Inspections Act 2006

- 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”<sup>3</sup>:

- 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.

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<sup>3</sup> Section 550ZB(5) of the Education Act 1996

Separate guidance is available on the power to search without consent – see the ‘Further sources of information’ section for a link to this document.

## 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<sup>4</sup> 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.

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<sup>4</sup> Physical Control in Care Medical Panel - 2008

## 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<sup>5</sup>.
- 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

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<sup>5</sup> References to parent or parents are to fathers as well as mothers, unless otherwise stated.

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.

## Frequently Asked Questions

**Q: I'm worried that if I use force a pupil or parent could make a complaint against me. Am I protected?**

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

**Q: How do I know whether using a physical intervention is 'reasonable'?**

**A:** 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.

**Q: What about school trips?**

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

**Q: Can force be used on pupils with SEN or disabilities?**

**A:** 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 pupil concerned.

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

**A:** 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 pupils and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

**Q: Are there any circumstances in which a teacher can use physical force to punish a pupil?**

**A:** 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.

## Further sources of information

### Other departmental advice and guidance you may be interested in

- [Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders \(2002\)](#)
- [Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties \(2003\)](#)
- [Screening, searching and confiscation – advice for headteachers, staff and governing bodies.](#)
- [Dealing with allegations of abuse against teachers and other staff – guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools](#)

### Associated resources (external links)

- [Police and Criminal Evidence Act 1984 \(PACE\) Code G: Revised Code of Practice for the Statutory Power of Arrest by Police Officers](#)

# APPENDIX 2

## Exclusions Policy

### Introduction

This policy applies to all pupils at Colston Bassett School.

In conjunction with the school's **Behaviour Management Policy**, a pupil may be excluded from school after repeated misbehaviour.

Action will be taken following a single offence where that offence is deemed to be sufficiently grave. In most cases, temporary exclusion will be the result of a first offence, although the Head Teacher may at her discretion permanently exclude any pupil for a first offence which is considered to warrant such a step. In other instances, permanent exclusion may be the result of a series of less serious offences, where repetition of these offences indicates the pupil's unwillingness to conform to an acceptable pattern of behaviour. In such cases parents will have been consulted before such a stage is reached in an attempt to correct the behaviour.

A pupil may also be required to leave if, after all appropriate consultation, the Head Teacher is satisfied that it is not in the best interests of the pupil, or of the school, that he/she remains at Colston Bassett School.

### Aims

The aim of this policy is:

- To ensure procedural fairness and natural justice.
- To promote co-operation between Colston Bassett School and parents when it is necessary for a pupil to leave earlier than expected.

Colston Bassett School seeks to implement this policy through adherence to the procedures set out in the rest of this document and in conjunction with the school's **Behaviour Management** and **Anti-Bullying and Anti-Harrassment** policies and procedures.

The policy applies to all pupils at Colston Bassett School and is available to parents and prospective parents on request from the school office.

### Policy Procedure

The **Behaviour Management Policy** explains the school's expectations for behaviour and the procedures for encouraging such standards of behaviour. This policy explains what is deemed as bad behaviour and the consequences of that behaviour.

#### **BAD BEHAVIOUR**

A non-exhaustive list of the sorts of behaviour that could merit exclusion includes the following:

- Physical assault against pupils or adults;

- Verbal abuse/threatening behaviour against pupils or adults;
- Bullying;
- Racist abuse;
- Sexual misconduct;
- Drug and alcohol misuse;
- Damage to property;
- Theft;
- Persistent disruptive behaviour;
- Unreasonable parental behaviour.

The following procedures specifically deal only with major disciplinary issues.

## Suspension (temporary exclusion)

Only the Head Teacher, in conjunction with the School Directors, can suspend a child. Before deciding to suspend a child they will:

- Ensure that an appropriate investigation has been conducted;
- Ensure that all the relevant evidence has been considered;
- Give the child an opportunity to be heard;
- Consult other relevant people if necessary.

Work will generally be set for a child to do at home during the period when they are suspended. In addition, consideration will be given to any relevant problems of the suspended child and how they might be addressed in the interim, together with reintegration post-exclusion.

The Head Teacher/School Directors will inform parents without delay, in person (whenever possible) or by telephone. They will also write to confirm the exclusion, stating the length and the reasons.

Temporary exclusion constitutes a clear warning about continued membership of the school and this warning should be regarded as final. The Head Teacher is in all cases reluctant to exclude temporarily more than twice. No child who is excluded for a second occasion may return to the school without the Head Teacher/School Directors' approval.

## Removal at the request of the school (required withdrawal)

Parents may be required, during or at the end of a term, to remove the pupil, without refund of fees, temporarily or permanently from the school if, after consultation with a parent, the Head Teacher is of the opinion that the conduct or progress of the pupil has been unsatisfactory or if the pupil, in the judgement of the Head Teacher, is unwilling or unable to benefit from the educational opportunities offered (or a parent has treated the school or members of its staff unreasonably) and in any such case removal is considered to be warranted. The deposit will not be refunded in the event of removal from the school and fees in lieu of notice will be charged but all outstanding fees and extras will be payable in full.

Only the Head Teacher, in conjunction with the School Directors, can require parents to remove a pupil and before doing so they will follow the same procedure as for temporary exclusion. In making decisions about exclusion the Head Teacher will take into account any learning difficulties, disabilities, gender and cultural differences that may be relevant to the case, as well as an agreed list of issues relating to exclusion.

## Expulsion (permanent exclusion)

A pupil may be expelled at any time if the Head Teacher is reasonably satisfied that the pupil's conduct (whether on or off school premises or in or out of term time) has been prejudicial to good order or school discipline or to the reputation of the school. The School Directors and the Head Teacher will act fairly and in accordance with the procedures of natural justice and will not expel a pupil other than in grave circumstances. There will be no refund of fees following expulsion (and all unpaid fees must be paid). The deposit will not be returned/credited and fees in lieu of notice will be charged.

Some parents prefer, after due consideration, voluntarily to withdraw their child rather than the school imposing Permanent Exclusion. However, it must clearly be understood that the Head Teacher reserves the right to insist on Permanent Exclusion.

Only the School Directors can permanently exclude a child and before doing so they will follow the same procedure as for temporary exclusion. In making decisions about exclusion the Directors will take into account any special educational needs, disabilities, gender and cultural differences that may be relevant to the case, as well as an agreed list of issues relating to exclusion.

## Appeal

A decision to permanently exclude, or require removal, of a child is not taken lightly and before it is reached the Head Teacher/School Directors will have given careful consideration to any representations by the parents. If parents wish the school to review the case, they should set out the nature of their complaint in writing, detailing the nature of their grievance and the reasons they see for review. Further details can be found in the school's **Complaints Procedure**.

## Discretion

The decision to exclude, suspend, require removal or expel a pupil and the manner and form of any announcement shall be at the sole discretion of the school, acting on the recommendation of the Head Teacher. In no circumstances shall the school or its staff be required to divulge to parents or others any confidential information or the identities of pupils or others who have given information which has led to suspension, the requirement to remove or expulsion or which the Head Teacher has acquired during an investigation.

## Access

A pupil who has been withdrawn, suspended, removed or expelled from the school has no right to enter school premises, be on school grounds or attend school trips without the permission of the Head Teacher and the School Directors.