

Birmingham Independent College

BEHAVIOUR POLICY

Including Rewards, Sanctions and Code of Conduct

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1. Availability of the Behaviour Policy

1.1 This policy is available on request to students, the parents of students and prospective students of the Birmingham Independent College. Copies are available from;

Vivienne Lambert-Blackwood
Birmingham Independent College
Albert Hall
Witton Road
Aston
Birmingham
B6 5NU

Email: info@biccollege.org Tel: 0121 507 0904

1.2 A copy of our Behaviour Policy is also available from the College's main office and on its website – www.biccollege.org.

2. Foreword

The DfE has provided recent guidance to schools in relation to developing the school behaviour policy and the powers that members of staff have to discipline pupil. This document is called, 'Behaviour and Discipline in Schools - Advice for headteachers and school staff' January 2016.

3. Further guidance and advice

3.1 The government has also published further pieces guidance and advice, each of which covers different issues related to pupil behaviour.

- Use of Reasonable Force - Advice for headteachers, staff and governing bodies July 2013
- Searching, Screening and Confiscation - Advice for headteachers, school staff and governing bodies January 2018.
- Exclusion from maintained schools, Academies and pupil referral units in England - A guide for those with legal responsibilities in relation to exclusion September 2017.

3.2 However, in addition to this guidance, *Use of Reasonable Force* addresses allegations in a use of force context. *Use of Reasonable Force* states that if a student complains about force used by a member of staff, the burden of proof rests with the complainant to show that the staff member acted unreasonably.

3.3 The guidance warns that schools should not automatically suspend teachers accused of using force. These points reflect the government's drive to support teachers in enforcing discipline. Staff at BIC will therefore no longer be suspended on a pupil's word.

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

3.5 Certain staff, including Headteachers, have an existing statutory power to search students without consent if they suspect students of having 'prohibited items'. These currently include knives and alcohol. This now also includes mobile phones and cigarettes as 'prohibited items'.

3.6 Appendices 1 and 2 contain the DfE guidance on behaviour and discipline from 2013 and 2014. This policy reflects the guidance.

4. Introduction

4.1 At the Birmingham Independent College (BIC) we expect all learners to behave appropriately and to the best of their ability. There will be a rigorous approach to behaviour with expectations set even before the learners arrive at the College. Our home/college behaviour contract clearly sets out our expectations with regards to student behaviour and any young person who wishes to attend BIC will have to agree this and sign it. Parents will also be expected to sign.

4.2 Every effort will be made to help learners behave appropriately. Staff will be expected to lead by example and will model courteous and considerate behaviour. Learners will be treated with respect and good manners used towards them. In return staff and visitors will expect to be treated politely and respectfully by the learners.

4.3 We understand some learners are working to improve their behaviour. We intend to use a stepped approach to behaviour improvement with short term goals negotiated and agreed. There will be clear explanation of expectations in terms of reduced instances of inappropriate behaviour and each learner who is working on behaviour targets will have an Individual Behaviour Plan. All staff will be made aware of the targets on the behaviour plan and will use the strategies outlined as being most successful for supporting the student.

4.4 BIC seeks to create an environment which encourages, reinforces and supports positive, acceptable behaviour. It is also recognised that wider society expects acceptable behaviour as an important outcome of the education process. As such, learners should promote and display positive, appropriate behaviour and become role models for their peers.

4.5 BIC as a learning community is committed to ensure success for all. This means that in all work with young people we will aim to ensure that they:

- Achieve their potential and enjoy their learning
- Stay healthy and safe
- Make a positive contribution to the school, the community and the wider world

4.6 BIC will promote standards of behaviour based on the basic principles of honesty, respect, consideration and responsibility for self and others.

5. Our Behaviour Expectations

5.1 We aim to foster an environment which encourages, reinforces and supports appropriate behaviour and promotes care and respect for the BIC environment.

5.2 To these ends, we will outline clearly what are acceptable standards of behaviour and ensure a consistent approach in responding to positive and negative behaviour.

5.3 We will promote care, courtesy and respect for others together with self-discipline, honesty and positive relationships.

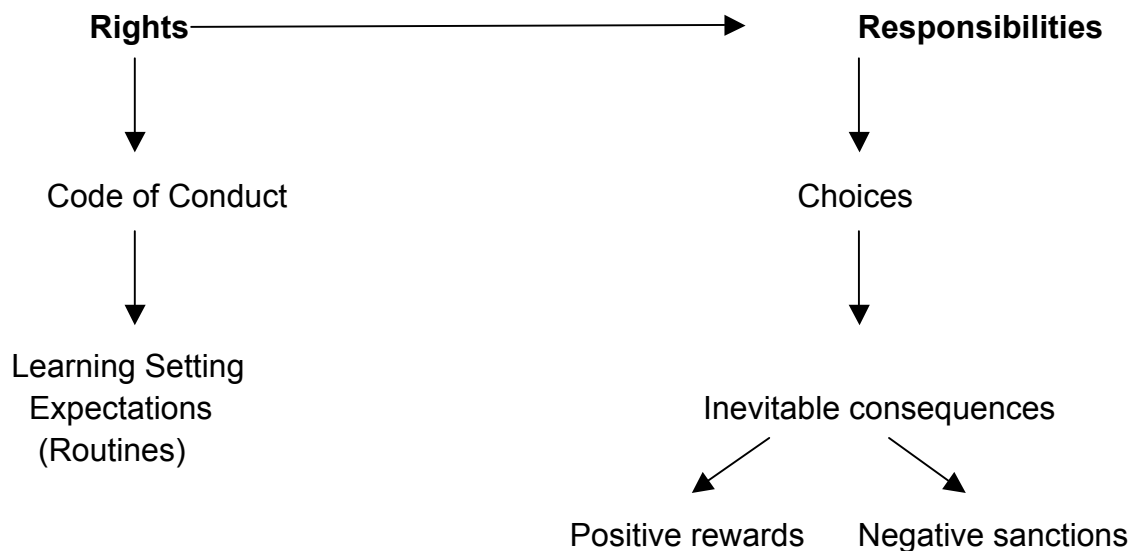
5.4 We will ensure that the College's expectations of behaviour are clear and understood by governors, all staff, learners and parents/guardians.

5.5 BIC will encourage a whole college and home involvement in the implementation of this policy and ensure that there is fair treatment for all regardless of age, gender, race, ability and disability.

6. Choices and Consequences

6.1 To enable a clear and consistent agreed approach towards correct behaviour all learners have the responsibility to ensure that they understand the rules, behave appropriately and fully understand the consequences and rewards resulting from the decisions and actions they take.

6.2 Learners will be allowed to make choices so they can take responsibility for their own behaviour (see below):



6.3 It will be made clear to learners at all times that choosing a particular behaviour will also be choosing a consequence. (See page 11)

6.4 We believe all learners have responsibility for their own actions.

7. Behaviour for Learning

7.1 At BIC we believe in creating a positive 'can do' environment to help students understand the behaviour skills they need, what the teacher wants them to do and why this will help them to learn (rather than focusing on unwanted behaviours). We believe putting a value on positive behaviours, enables and maximises learning.

7.2 The way in which the teacher establishes a positive climate for learning is crucial in increasing opportunities for behaviour for learning. It begins with a recognition that this is one of the main elements which is directly under their influence. The teacher, therefore, will select approaches which are more likely to increase learning behaviour. Evidence strongly suggests that these will be ones which are characterised by the promotion of positive relationships and the development of an appropriate emotional climate in the classroom.

7.3 The staff approach will therefore be;

- Positive – with the teacher emphasising expectations, not negative behaviour
- Centred on effective relationships between students, and student and teacher
- To value and reward behaviour which maximizes student learning
- To set attainable targets for behaviour, based on individual students' circumstances
- Relevant and applied to all students at all stages.

8. Supporting consistency in behaviour management

8.1 At BIC we believe a consistent approach to behaviour management goes hand in hand with excellent teaching and learning.

8.2 The Head of College will ensure that there is a consistent approach to the management and organisation of learning and teaching and the awarding of rewards and sanctions.

8.3 All staff will be expected to use appropriate behaviour management strategies including, wherever necessary, the teaching of appropriate behaviour.

8.4 There is an ongoing programme of staff development and support that will ensure everyone is clear on the strategies and methods staff must use that will ensure there is a consistent approach to behaviour management. All staff will receive regular training with regards to behaviour monitoring, management and the promotion/development of appropriate behaviour in individual learners and groups of learners.

8.5 In addition we will have very effective pastoral and student support systems including pastoral staff who will ensure learners have every opportunity to be guided and helped to behave appropriately.

8.6 Liaison with parents is key in the promotion of excellent behaviour and we also have parent/guardian support systems that help them to develop strategies that will help their child both at home and in the College.

8.7 Where there is a more complex family need, we will liaise with other agencies as appropriate.

8.8 We recognise that specialist behaviour intervention is required for some situations and learners who continue to exhibit inappropriate behaviour despite our efforts to help them will be referred initially to the SENCO for further investigation. In some cases the advice of an Educational Psychologist will be sought.

8.9 The leadership team will also ensure that there is consistency in the organisation of spaces and facilities across the building and outside spaces so that all aspects of the BIC environment help to promote good behaviour.

9. The Head of College's responsibilities

9.1 The Head of College has certain legal responsibilities in developing the behaviour policy and will ensure that the measures aim to;

- Promote appropriate behaviour and respect

- Prevent bullying and minimise risk to students
- Ensure that learners comply with staff requests with regards to conduct
- Regulate the conduct of all learners.

10. Behaviour guidelines

10.1 The following guidelines will help to promote a positive attitude to behaviour.

10.2 BIC believes all tutors have the right to teach, all learners have the right to learn and everyone has the right to be treated with respect and dignity.

10.3 Learners, with the support of parents/guardians, will attend the College on time.

10.4 Learners are required to attend all timetabled learning sessions unless written permission is obtained from the appropriate member of staff.

10.5 Any uniform or protective clothing learners are required to wear will be correctly worn and learners will maintain a good standard of personal presentation.

10.6 Learners will ensure they have the required equipment to carry out their learning tasks and will complete assignments on time.

10.7 Mobile phones are to be switched off during the College day (except if directed to use them by a member of staff)

10.8 No personal jewellery is to be worn other than a wristwatch and plain stud earrings, however religious symbols may be worn underneath clothes.

10.9 Medic alert bracelets and necklaces may be worn and need to be visible

10.10 Extremes of hair fashions and make-up are not allowed.

10.11 All BIC buildings and equipment will be used properly and with respect and with the intention of minimising risk to students and staff. We expect learners to keep any books or ICT equipment issued to them in good order and not damage them.

10.12 BIC staff and learners will aim to maintain the highest standard of appropriate behaviour at all times.

11. Rewards and Sanctions

11.1 Although rewards are important in encouraging appropriate behaviour there is also a need for sanctions to be applied in cases of unacceptable behaviour. BIC not only relies on rules, it functions more effectively if it promotes respect for all. We will use a variety of rewards and sanctions to supports its Behaviour Policy. (See Page 11)

11.2 BIC staff will be clear about why sanctions are being applied and use a process of verbal and written warnings.

11.3 Staff will also clearly state what changes the learner will have to make to comply with the Behaviour Policy.

11.4 Where necessary, staff will use a method of withdrawal, to restrict the learner's opportunity to continue with inappropriate or unacceptable behaviours.

11.5 Staff will encourage the learner to apologise for their unacceptable behaviour verbally and/or in writing as is deemed appropriate.

10.6 If deemed appropriate parents/guardians will be invited to attend discussions relating to the learner's behaviour.

11.7 For serious misdemeanours/cause for concern or if there is a developing pattern or inappropriate behaviour, a written referral will be logged. This will ensure that the incident(s) will be logged and any subsequent action is recorded.

11.8 In exceptional circumstances BIC may wish to involve and use specialist external support and the use of specialist teachers.

11.9 In the case of unfounded malicious allegations against a member of staff, the learner who has made these allegations will be either internally or externally excluded. The terms of the exclusion will depend on the nature and seriousness of the allegation. Some learners may also need to be referred to an Educational Psychologist for assessment.

11.10 For some learners their behaviour difficulties may be so severe and complex that they may require a statement of special educational needs. This will be determined by the Special Education Needs Co-ordinator and through Educational Psychologist advice.

12. Codes of Conduct

12.1 To ensure every member of the learning community is clear about expected behaviour in the College environment and in different learning spaces and settings

there will be clear Codes of Conduct developed and displayed. These should be accessible to all learners and staff and explained in terms that they understand.

12.2 Where learners experience behavioural difficulties or have communication difficulties it is recognised that acceptable behaviours may have to be explicitly modelled and taught.

12.3 Some learners with recognised behaviour difficulties may need support to achieve acceptable behaviour and it is recognised that some behaviours may not be achievable for all learners. In all cases every student should be made clear about what is appropriate behaviour for them.

12.4 BIC recognises that management of learning spaces and teaching methods play an important role in influencing student behaviour. The learning environment will offer a clear and visible message as to how learners' efforts are valued.

12.5 The relationship between the tutor and the learner, strategies for encouraging appropriate behaviour, arrangements of furniture, access to resources and display will all have a bearing on how learners behave.

12.6 The Code of Conduct for Learning Spaces is detailed below.

- Treat others and their work with respect
- Everyone should work in a way that allows learning to take place
- Always arrive to learn well prepared and on time
- All work and task deadlines will be clearly stated, kept to by staff and completed on time by learners
- Take care of all learning spaces, the general environment and the surrounding local community.

12.7 Specifically this means;

- It is inappropriate to eat or chew in learning spaces
- Learners should listen to each other and take turns to talk
- Learners should work where directed by the tutor
- Learners should remove outdoor clothing in indoor learning spaces
- Learners should wear any protective clothing provided

- Learners in work experience placements will still act within the Code of Conduct.

12.8 In addition to the specific Code of Conduct for Learning Spaces (above) there are general rules for the whole BIC buildings and site.

- Everyone who is part of the learning community should give and receive respect
- Learners must have permission to be out of learning sessions
- It is strictly forbidden to smoke on BIC premises
- Learners are to wear uniform or protective clothing as directed
- Everyone must respect the safety and well-being of other people.

13. Making the right choice

13.1 Rewards will be used to encourage and reward appropriate behaviour and sanctions will be applied in cases of unacceptable or inappropriate behaviour.

13.2 If there are instances of inappropriate behaviour learners will always be warned about the consequences of their choices to either continue or take an alternative course of action (which may need to be clearly explained). This will allow learners to make an informed choice.

13.3 BIC operates the following hierarchy of rewards and sanctions to support positive behaviour. (see below)

Rewards	Sanctions
Staff awarding merit points	Withdrawal from the situation
Reward postcards sent home	Detentions
Corridor Displays/Plasma screen displays showing student outputs	Phone call/letter home
Congratulatory meeting with the Principal	Individual Behaviour Plan monitoring
Termly Awards/Achievement Assembly where certificates and prizes are distributed	Internal Exclusion

(Also see Appendix 2 for further DfE described sanctions available.)

13.4 BIC aims to use the above in an open and fair manner and there will be a high level of individual support, tutoring and mentoring so all learners are encouraged to achieve.

13.5 However, we do reserve the right to utilise the full range of sanctions available to us, including fixed term exclusions and in the case of the most serious incidents, the involvement of the Police.

14. Student behaviour off the BIC Site

14.1 Our behaviour policy also sets high expectations for positive, appropriate behaviour off the BIC site. This includes behaviour on activities arranged by BIC, such as;

- Work-experience placements, educational visits and sporting events
- Behaviour on the way to and from the above
- Behaviour when accessing other learning settings

14.2 The College will act reasonably both in relation to expectations of student behaviour, and in relation to any measures determined for regulating student behaviour when they are off the BIC site and not under the lawful control or charge of a staff member.

14.3 The College will decide what to take into account in deciding whether a rule or sanction in a particular case is reasonable. The following factors will be taken into account (which may not all apply to every incident):

- The severity of the inappropriate behaviour
- The extent to which the reputation of BIC has been affected
- Whether the behaviour in question was on the way to or from BIC, outside the entrance, or otherwise in close proximity to BIC.

14.4 in addition the extent to which the behaviour in question would have repercussions for the orderly running of the College and/or might pose a threat to another student or member of staff (e.g. bullying another student or insulting a member of staff) will be considered.

14.5 It will also be taken into account whether the behaviour was while the student was on work experience, taking part in a themed enterprise or community project, or participating in a sports event with another school (i.e. when the student might be expected to act as an ambassador for BIC), which might affect the chance of opportunities being offered to other learners in the future.

14.6 Many learning activities will take place away from the BIC premises. Behaviour during such activities will be dealt with in the same way as for any other on-site activity.

14.7 We will deal with behaviour during off-site extended activities which are not supervised by BIC staff in the same way as behaviour during college or work experience placements.

15. Objectives for regulating offsite behaviour

15.1 To maintain good order on transport, educational visits or other placements such as work experience or college placements.

15.2 To secure behaviour that does not threaten the health or safety of learners, staff or members of the public.

15.3 To provide reassurance to members of the public about care and control over learners and thus protect the reputation of BIC.

15.4 To provide protection to individual staff from harmful conduct by learners when not on the site. The term 'staff' refers to anyone employed by BIC to deliver a learning experience or activity.

16. Communicating the rules for behaviour out of the College

16.1 BIC will work with any transport providers to agree how behaviour on public or contract transport should be addressed. We will make clear statements about rewards and consequences (including loss of access to transport) to improve behaviour. Expectations will be made clear through a 'safe travel' lesson as part of the student curriculum.

16.2 BIC may discuss policies relating to offsite behaviour with local groups such as Neighbourhood Watch, retail staff, street wardens and police to establish clear communication routes and operational strategies. This is often an effective way to manage complaints by individuals in the community.

16.3 BIC will, through standard communication routes, set out how parents can;

- Report inappropriate offsite behaviour of specific learners
- Be assured that close liaison as necessary with neighbourhood police teams or other agencies, such as transport providers, can deal with the issues.

16.4 A standard procedure for applications for educational visits will include clear statements to parents and learners about behaviour standards and processes. (See Off-Site Activities Policy)

16.5 The staff handbook will include clarity about expectations and procedures related to transport, educational visits, work experience and college placements. It will also make clear to staff the procedures related to in appropriate conduct by learners when off-site.

17. Monitoring, Evaluation and Review

17.1 The Governing Body will review this policy at least every two years and whenever there is a change in legislation or guidance and assess its implementation and effectiveness.

17.2 The policy will be promoted and implemented throughout BIC.

APPENDIX 1 – BEHAVIOUR AND DISCIPLINE IN SCHOOLS 2013 - DfE GUIDANCE (Also see Appendix 2 for 2016 guidance)

Introduction

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

The Government expects:

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

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

The behaviour policy

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

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

Powers to discipline

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

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

Punishment

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

Searching pupils

School staff can search **pupils** with their consent for any item.

Head teachers and staff authorised by the head teacher have the power to search pupils or their possessions, without consent, where they suspect the pupil has a "prohibited item". Prohibited items are:

- 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

Use of reasonable force

All **school staff** have 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.

Head teachers and staff authorised by the head teacher can use such force as is reasonable when searching a pupil without consent for prohibited items except where the search is for an item banned by the school rules.

Allegations of abuse against staff

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

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

Exclusion

The **head teacher** decides whether to exclude a pupil, for a fixed term or permanently, in line with the school's behaviour policy, taking into account all the circumstances, the evidence available and the need to balance the interests of the pupil against those of the whole school community.

Parents have the right to make representations to the governing body (or discipline committee) about an exclusion and the **governing body** must review the exclusion decision in certain circumstances, which include all permanent exclusion parents have the right to appeal the decision to an independent appeal panel.

Schools are under a duty to provide suitable full-time education for an excluded **pupil** from the sixth school day of any fixed period exclusion of more than five consecutive school days. **Local authorities** are under a duty to provide suitable full-time education from the sixth school day of a permanent exclusion.

Parents

Schools are required to have, and to ask parents to sign, a Home School Agreement that outlines the responsibilities of the **parent** and the **school**; including those around behaviour and attendance.

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

Where a child is not a registered 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** apply for one.

APPENDIX 2 - BEHAVIOUR AND DISCIPLINE IN SCHOOLS DfE GUIDANCE

Guidance for Head teachers and school staff

January 2016

About this departmental advice

- This guide is from the Department for Education. It provides advice to headteachers and school staff on developing the school behaviour policy and explains the powers members of staff have to discipline pupils.
- The purpose of this document is to provide an overview of the powers and duties for school staff. It is for individual schools to develop their own best practice for managing behaviour in their school.

Expiry or review date

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

Who is this advice for?

This advice is for:

- School leaders and school staff in **all** schools in England.
- For the purposes of this advice references to “maintained school” means a community, foundation or voluntary school, community or foundation special school. It also means Pupil Referral Units and non-maintained special schools.
- For the purpose of this advice references to “Academy” means Academy schools (including mainstream free schools) and AP Academies (including AP Free Schools).
- Where particular provisions do not apply to a particular type of school we make this clear.

Key points

- Teachers have power to discipline pupils for misbehaviour which occurs in school and, in some circumstances, outside of school.
- The power to discipline also applies to all paid staff (unless the headteacher says otherwise) with responsibility for pupils, such as teaching assistants.
- Headteachers, proprietors and governing bodies must ensure they have a strong behaviour policy to support staff in managing behaviour, including the use of rewards and sanctions.
- Governing bodies of maintained schools have a 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. The proprietors of Academies have a similar duty under paragraph 7 of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010. They must ensure that arrangements are made to safeguard and promote the welfare of pupils.

The school behaviour policy

What the law says:

Maintained schools

1. The headteacher must set out measures in the behaviour policy which aim to:

- promote good behaviour, self-discipline and respect;
- prevent bullying;
- ensure that pupils complete assigned work;

and which

- regulate the conduct of pupils.

2. When deciding what these measures should be, the headteacher must take account of the governing body's statement of behaviour principles. The headteacher must have regard to any guidance or notification provided by the governing body which may include the following:

- screening and searching pupils;
- the power to use reasonable force and other physical contact;
- the power to discipline beyond the school gate;
- when to work with other local agencies to assess the needs of pupils who display continuous disruptive behaviour; and
- pastoral care for staff accused of misconduct.

3. Headteacher must decide the standard of behaviour expected of pupils at the school. He or she must also determine the school rules and any disciplinary penalties for breaking the rules.

4. Teachers' powers to discipline include the power to discipline pupils even when they are not at school or in the charge of a member of staff.

5. The headteacher must publicise the school behaviour policy, in writing, to staff, pupils at least once a year.

6. The school's behaviour policy must be published on its website (School Information (England) Regulations 2008). Where they do not have a website the governing body should make arrangements for the behaviour policy to be put on a website and to make the address and details (of the website) known to parents.

Academy

7. The proprietor of an Academy school is required to ensure that a written policy to promote good behaviour among pupils is drawn up. The policy must set out the

disciplinary sanctions to be adopted if a pupil misbehaves. The proprietor is also required to ensure that an effective anti-bullying strategy is drawn up and school's behaviour policy must be made available to parents on request.

8. While Academies are not required by law to publish their behaviour policy on their website, it is good practice to do so.

9. Parental engagement. After the Deregulation Act 2015, Schedule 16 paragraph 2 is commenced in January 2016 schools will no longer have a statutory obligation to have in place home school agreements. Home-school relations are important but schools can determine how best to foster these relationships. If schools choose they can have voluntary home school agreements.

Developing the behaviour policy

10. It is vital that the behaviour policy is clear, that it is well understood by staff, parents and pupils, and that it is consistently applied. In developing the behaviour policy, the headteacher should reflect on the following ten key aspects of school practice that, when effective, contribute to improving the quality of pupil behaviour.

- 1) A consistent approach to behaviour management;
- 2) Strong school leadership;
- 3) Classroom management;
- 4) Rewards and sanctions;
- 5) Behaviour strategies and the teaching of good behaviour;
- 6) Staff development and support;
- 7) Pupil support systems;
- 8) Liaison with parents and other agencies;
- 9) Managing pupil transition; and
- 10) Organisation and facilities.

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

12. The behaviour policy should acknowledge the school's legal duties under the Equality Act 2010, in respect of safeguarding and in respect of pupils with special special educational needs (SEN).

Discipline in schools – teachers' powers

Key Points

- 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 90 and 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 in certain circumstances when a pupil's misbehaviour occurs outside of school.

- Teachers have a power to impose detention outside school hours.
- Teachers can confiscate pupils' property.

Punishing poor behaviour

What the law allows:

13. 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 punishment on that pupil.

14. To be lawful, the punishment (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.

15. A punishment must be proportionate. In determining whether a punishment is reasonable, section 91 of the Education and Inspections Act 2006 says the penalty must be reasonable in all 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.

16. 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.

17. Corporal punishment is illegal in all circumstances.

18. 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.

Behaviour and sanctions

19. A clear school behaviour policy, consistently and fairly applied, underpins effective education. School staff, pupils and parents should all be clear of the high standards of behaviour expected of all pupils at all times. The behaviour policy should be supported and backed-up by senior staff and the head teacher.

20. Good schools encourage good behaviour through a mixture of high expectations, clear policy and an ethos which fosters discipline and mutual respect between pupils, and between staff and pupils.

21. Schools should have in place a range of options and rewards to reinforce and praise good behaviour, and clear sanctions for those who do not comply with the school's behaviour policy. These will be proportionate and fair responses that may vary according to the age of the pupils, and any other special circumstances that affect the pupil.

22. When poor behaviour is identified, sanctions should be implemented consistently and fairly in line with the behaviour policy. Good schools will have a range of disciplinary measures clearly communicated to school staff, pupils and parents. These can include:

- A verbal reprimand.
- Extra work or repeating unsatisfactory work until it meets the required standard.
- The setting of written tasks as punishments, such as writing lines or an essay.
- Loss of privileges – for instance the loss of a prized responsibility or not being able to participate in a non-uniform day (sometimes referred to as 'mufti' days).
- Missing break time.
- Detention including during lunch-time, after school and at weekends.
- School based community service or imposition of a task – such as picking up litter or weeding school grounds; tidying a classroom; helping clear up the dining hall after meal times; or removing graffiti.
- Regular reporting including early morning reporting; scheduled uniform and other behaviour checks; or being placed "on report" for behaviour monitoring.
- In more extreme cases schools may use temporary or permanent exclusion.

Pupils' conduct outside the school gates – teachers' powers

What the law allows:

23. Teachers have the power to discipline pupils for misbehaving outside of the premises "to such an extent as is reasonable" – see paragraph 21.

24. Maintained schools and Academies' behaviour policies should set out what the school will do in response to non-criminal bad behaviour and bullying which occurs off the school premises and which is witnessed by a staff member or reported to the school, including the punishments that will be imposed on pupils.

25. Subject to the behaviour policy, teachers may discipline pupils for:

- misbehaviour when the pupil 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.

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

Detention

What the law allows:

27. Teachers have a power to issue detention to pupils (aged under 18).
28. Schools must make clear to pupils and parents that they use detention (including detention outside of school hours) as a sanction.
29. The times outside normal school hours when detention can be given (the 'permitted day of detention') include:
- a) any school day where the pupil does not have permission to be absent;
 - b) weekends - except the weekend preceding or following the half term break; and
 - c) non-teaching days—usually referred to as 'training days', 'INSET days' or 'non-contact days'.
30. The headteacher can decide which members of staff can put pupils in detention. For example, they can limit the power to heads of year or heads of department only or they can decide that all members of staff, including support staff, can impose detentions.

Matters schools should consider when imposing detentions

31. Parental consent is not required for detentions.
32. As with any disciplinary penalty a member of staff must act reasonably given all the circumstances, as described in paragraph 15 above, when imposing a detention.
33. With lunchtime detentions, staff should allow reasonable time for the pupil to eat, drink and use the toilet.

Detentions outside school hours

34. School staff should not issue a detention where they know that doing so would compromise a child's safety. When ensuring that a detention outside school hours is reasonable, staff issuing the detention should consider the following points:

- Whether the detention is likely to put the pupil at risk.
- Whether the pupil has known caring responsibilities which mean that the detention is unreasonable.
- Whether the parents ought to be informed of the detention. In many cases it will be necessary to do so, but this will depend on the circumstances. For instance,

notice may not be necessary for a short after school detention where the pupil can get home safely; and

- Whether suitable travel arrangements can be made by the parent for the pupil. It does not matter if making these arrangements is inconvenient for the parent.

Confiscation of inappropriate items

What the law allows:

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

1) The **general power to discipline** (as described in the bullets under the heading “Discipline in Schools – Teachers’ Powers” on pages 3 and 4) enables a member of staff to confiscate, retain or dispose of a pupil’s property as a punishment, so long as it is reasonable in the circumstances. The law protects them from liability for damage to, legislation does not describe what must be done with the confiscated item and the school behaviour policy may set this out; and

2) **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; and
- any item banned by the school rules which has been identified in the rules as an item which may be searched for.

The legislation sets out what must be done with prohibited items found as a result of a search.

36. Weapons and knives and extreme or child pornography must always be handed over to the police, otherwise it is for the teacher to decide if and when to return a confiscated item.

37. More detailed advice on confiscation and what must be done with prohibited items found as a result of a search is provided in ‘Screening, Searching and Confiscation – advice for head teachers, staff and governing bodies’. See Associated Resources section below for a link to this document.

Power to use reasonable force

38. Members of staff have 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.

39. Head teachers 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.

40. Schools can also identify additional items in their school rules which may be searched for without consent. Force **cannot** be used to search for these items.

41. Separate advice is available in 'Use of Reasonable Force – advice for school leaders, staff and governing bodies'. See Associated Resources section below for a link to this document.

Seclusion / isolation rooms

42. Schools can adopt a policy which allows disruptive pupils to be placed in an area away from other pupils for a limited period, in what are often referred to as seclusion or isolation rooms. If a school uses seclusion or isolation rooms as a disciplinary penalty this should be made clear in their behaviour policy. As with all other disciplinary penalties, schools must act reasonably in all the circumstances when using such rooms (see paragraphs 14 and 15). Any use of isolation that prevents a child from leaving a room of their own free will should only be considered in exceptional circumstances. The school must also ensure the health and safety of pupils and any requirements in relation to safeguarding and pupil welfare.

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

Associated resources

1. <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>
2. <https://www.gov.uk/government/publications/searching-screening-and-confiscation>
3. <https://www.gov.uk/government/publications/school-exclusion>
4. <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
5. <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
6. The Government's former expert adviser on behaviour, Charlie Taylor, has produced a checklist on the basics of classroom management. Teachers can use it to develop between five and ten essential actions to encourage good behaviour in pupils. <https://www.gov.uk/government/publications/good-behaviour-in-schools-checklist-for-teachers>

Legislative links

Education Act 1996
School Standards and Framework Act 1998
Education Act 2002
Education and Inspections Act 2006
School Information (England) Regulations 2008
Equality Act 2010
The Education (Independent School Standards) (Amended) (England) Regulations
2014 Education Act 2011
Schools (Specification and Disposal of Articles) Regulations 2012

The School Behaviour (Determination and Publicising of Measures in Academies)
Regulations 2012