



# Ormskirk School

Opportunity. Resilience. Respect.

## **Behaviour, Rewards and Exclusions Policy**

**Date: May 2021**

**Review date: May 2022**

*Please note:*

- *the use of the term 'Headteacher' in this document can refer to the Executive Headteacher, their appointed representative or the Head of School.*
- *references to 'pupils' or 'students' in this policy means pupils of compulsory school age and students in sixth form*

## **1 Our Behaviour Rewards and Exclusions Policy Aims**

The purpose of the Behaviour, Rewards and Exclusions Policy is to:

- Reward and recognise pupils who demonstrate the expected behavioural standards
- Promote self-discipline and a proper regard for authority amongst students
- Encourage good behaviour and respect for others and to prevent all forms of bullying between students
- Secure that the standard of behaviour is acceptable

In addition, the Behaviour, Rewards and Exclusions Policy seeks to:

- Ensure that the standards are consistently and fairly applied
- Define the standards of behaviour the school expects
- Ensure that sanctions are proportionate to the offence and enable students to make reparation where possible.
- Ensure that pupils develop a sense of self-discipline through understanding the consequences of their own actions.
- Ensure that pupils are actively supported in developing the appropriate social skills and strategies in order to be more able to deal with difficulties and conflict.

In pursuit of the above aims we expect students to take responsibility for their own learning and behaviour. For this to take place, staff and students should work to an agreed set of standards. We want to create an ethos that celebrates and reinforces achievement of those standards and which identifies the consequences of a failure to work towards them.

This policy will therefore attempt to balance rewards and sanctions and create the conditions in school in which effective teaching and learning can take place in an atmosphere of mutual respect.

There are regular assemblies, Tutor periods and opportunities in PSHCE for raising pupil awareness of our school policies and procedures. In addition, pupils and their parents/guardians can access our suite of school policies on our school website.

To ensure the success of this policy, the school seeks to build a partnership with pupils and parents. The school will seek to inform parents of rewards and sanctions and will seek to involve parents in a more active way in managing the behaviour of their children.

As part of this commitment the School undertakes to involve parents and governors in the review and evaluation of this Behaviour Policy periodically. Staff will also be included in the review and evaluation of this policy as will the Student Council.

The measures contained within this policy include measures to regulate and address the conduct of students when they are not on the premises and are not under the control or charge of a member of the school staff. This includes behaviour to and from school, on work experience, on placements for

alternative provision, on college placements, on school trips and any other occasion when students are not on the school premises but are under the reasonable charge of the school or can be connected to the school, for example whilst wearing the school uniform or broadcasting membership of the school on social media. It is important that pupils understand the responsibility of being a part of the School and one of its schools. Their actions can impact negatively on the school and their peers.

Please note that this policy refers to SIMS/Classcharts which is the school's information management systems which contain all pupil related information. The use of SIMS/Classcharts are governed by the school's policies for Data Protection and Freedom of Information.

## **2 Compliance**

This behaviour and exclusion policy has been prepared with regard to the following statutory provisions and guidance:-

- Education (Independent School Standards) Regulations 2014
- Education and Inspection Act 2006
- Equality Act 2010
- School Information (England) Regulations 2008
- The Schools Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012
- Department for Education's advice "Behaviour and Discipline in Schools" January 2016
- Department for Education's statutory guidance "Exclusion from maintained schools, academies and pupil referral units in England" September 2017
- Department for Education's advice "Searching, screening and confiscation" January 2018

## **3 About this policy**

- At the school, positive behaviour is actively promoted. The school recognises that this is essential to creating an effective teaching and learning environment in which all pupils are able to progress.
- The school believes that equally it is important to academic learning and pupils should be taught to take responsibility for their own actions and have a sense of understanding and respect for others - both in the school and the world outside - so that they may contribute responsibly and constructively to society.
- The school also recognises that sometimes negative behaviours can be displayed as a result of a Special Educational Needs (SEND). In such cases, the SEND policy will be applied and reasonable adjustments made to this policy.
- This policy will be published on the school's website and can be made available in hard copy upon request.

## **4 Ensuring Good Behaviour in Schools – The National Context**

The Government gives 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 students 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 students
- Headteachers to help to create a culture of respect by supporting their staff's authority to discipline students and ensuring that this happens consistently across the School
- Board of Governors and Headteachers to deal with allegations against teachers and other school staff quickly, fairly and consistently in a way that protects the student and at the same time supports the person who is the subject of the allegation
- That every teacher will be good at managing and improving a child's behaviour.

## **5 Managing Behaviour**

Every School must have a behaviour policy. The Governing body is responsible for setting general principles that inform these policies. The Governing body will consult the Headteacher, school staff, parents and students when developing these principles.

Headteachers are responsible for developing the behaviour policy in the context of this framework. They must decide the standard of behaviour expected of students 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. This behaviour policy includes measures to prevent all forms of bullying among students. Headteachers must publicise the behaviour policy, in writing, to staff, parents and students on an annual basis.

## **6 Powers to Discipline**

The 'Power to Discipline' essentially means having the authority to apply the behaviour policy. School staff (including teachers, support staff, supply/cover teachers, teaching assistants, trainee teachers and other paid staff in the school community) have the power to discipline students whose behaviour falls short of the standards expected, who break the school rules or who fail to follow a reasonable instruction.

The power to discipline applies to student behaviour in school and outside school. The measures contained within this policy can therefore include measures to regulate the conduct of students when they are not on the premises and are not under the control or charge of a member of school staff. This includes behaviour that is deemed to bring the school into disrepute away from the school site or outside school hours when students are identifiable as school students, as detailed earlier in this policy.

## **7 Power to Impose 'Disciplinary Penalties'**

All students within the school have the right to learn in an environment that has positive behaviour and the right to come to school to focus on their studies, free from disruption and fear of bullying. (The Importance of Teaching 2010).

The Education and Inspections Act 2006 ('the Act') provides all schools with the power to impose 'disciplinary penalties' where students' behaviour falls below the standards which could be reasonably expected of him/her whether because he/she fails to follow a school rule or an instruction by a member of staff. The definition of a member of staff includes all people who are on the payroll of the school, supply staff, trainee teachers or anyone that the Headteacher has authorised.

The power to impose 'disciplinary penalties' extends to other schools / trips / college / work placements / alternative provision / vocational centres a student may be attending for a particular

course and to situations where the student is not on the premises and is not under the lawful control of a member of staff. It also covers penalties for a failure by the student to comply with a penalty previously imposed on him/her.

The Act also makes it lawful for any school to impose a penalty as long as it is not in breach of any statutory requirement or prohibition and it is reasonable.

In determining whether a disciplinary penalty was 'reasonable' it is the schools' responsibility to take the following into account:

- Whether the penalty is a proportionate sanction in the circumstances.
- Any special circumstances which are known to the person imposing the penalty including the students' age, any special educational needs, any disability and any religious requirement affecting him/her.

A progressive approach to sanctions should be considered in establishing an ethos of individual student responsibility for their own actions within the consequences described below, depending upon the seriousness of the incident

The policy will not simply be limited to the actions/consequences set out below.

There may be occasions when a student's behaviour and actions require a specific response, which may not appear within this policy.

It is the Headteacher's responsibility and at the Headteacher's discretion, on such occasions, to respond with appropriate sanctions given the nature of the student's behaviour.

"Disciplinary penalties" must not be degrading and must respect Article 3 of the European Convention of Human Rights contained within the Human Rights Act 1998. i.e. "No one shall be subjected to torture or to inhuman or degrading treatment or sanction."

## **8 Sanctions**

School staff can impose any reasonable disciplinary penalty in response to poor behaviour. Reasonable penalties can include:

- Confiscation, retention or disposal of a student's property;
- Detention or loss of unstructured time;
- Internal exclusion (isolation from mainstream interaction within school);
- Temporary placement at another school;
- Externally exclude a student for a fixed period (to suspend);
- Longer term managed move to another school;
- Permanent exclusion

## **9 Searching Students**

The School has the power to search as outlined in the Education Act 1996 and the DfE guidance 'Searching, screening and confiscation at school'.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/674416/Searching\\_screening\\_and\\_confiscation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf)

The school may consider utilising CCTV footage in order to make an informed decision as to whether a search for an item needs to be conducted. This will not be routinely shared with parents if the footage includes other students.

### **9.1 Searching with Consent**

School staff can search for any item when the student's consent has been given. Formal written consent is not required, verbal consent is sufficient. Students who refuse to be searched can be dealt with as if suspected items are in the possession of the student, when other evidence indicates this might be the case and the student is unwilling to prove otherwise, by consenting to a thorough search.

### **9.2 Searching Without Consent**

Staff authorised by the Headteacher can search for the following items without consent: knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks and pornographic images. They can also search for any item that is likely to be used to commit an offence, damage or harm, or any item that has been banned by school rules.

All members of staff are able to use their power to search without consent for any of the items mentioned above through authorisation given to them under this policy by the Headteacher.

Searches will be conducted by a same-sex member of staff, with another member of staff as a witness, unless there is a risk that serious harm will be caused to any person(s) if the search is not done immediately, and it is not practicable to summon another member of staff.

When conducting a search 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, staff can use such force as is reasonable given the circumstances. Such force cannot be used to search for items banned under the School rules.

Staff members may instruct a student to remove outer clothing, including hats, scarves, boots and coats. A student's possessions will only be searched in the presence of the student and another member of staff, unless there is a risk that serious harm will be caused to any person(s) if the search is not done immediately, and it is not practicable to summon another member of staff.

A staff member carrying out a search can confiscate anything upon which they have reasonable grounds to suspect is a prohibited item. The School is not liable for any damage to, or loss of, any confiscated item.

The police will be contacted if any weapons, knives, illegal substances and extreme or child pornography are discovered by a member of staff.

For all other items, it is at the discretion of the member of staff to decide if, and when, an item will be returned to a student.

Parents/carers will be informed of any confiscated item and may be required to collect the item (unless the item relates to alcohol, illegal drugs or tobacco), from the School Reception.

The Headteacher will always be notified when any item is confiscated following a search.

## 10 Informing Parents of Searches and Dealing with Complaints

- Parental consent is not required for searches and parents do not need to be notified.
- The School is not legally required to keep a record of searches.
- Complaints should be dealt with through the normal complaints procedure for the school.

## 11 Student's Phones

- There is no need to have parental consent to search through a student's phone if it has been seized in a lawful search, is prohibited by the school rules or is reasonably suspected of having been, or likely to be used to commit an offence or cause personal injury or damage to property.
- Data or files may also be deleted from the device by the appointed staff if there is a good reason to do so, unless the device is to be given to the police.
- In determining a 'good reason', staff should reasonably suspect that the data or file on the device has been, or could be used to cause harm, disrupt teaching, cause a data breach or break school rules.
- If a member of staff has reasonable grounds to suspect the device contains evidence in relation to an offence, the device must be given to the police and the evidence should not be deleted prior to handing it to the police.
- If a staff member does not find anything on the device they suspect is evidence in relation to an offence, and the device won't be given to the police, they can decide whether it is appropriate to delete any files or data and to determine when the device should be returned.

## 12 Use of Reasonable Force

All school staff have the power to use reasonable force to prevent students committing an offence, injuring themselves or others, or damaging property and to maintain good order and discipline in the classroom. What is reasonable depends on the facts of each case and shall be proportionate in addressing the risk as presented at the time.

## 13 Exclusions

An **internal exclusion** will usually take place in the Internal Exclusion Room. The timing of the day will be at the discretion of the School and will normally vary from normal school times. During that time the student will be isolated from their mainstream peers. It gives them an opportunity to understand that their behaviour was unacceptable whilst remaining in the school community with focused time to think. At lunchtime students will be escorted to and from the dining hall if they need to purchase a lunch at the end of lunchtime. They are not allowed out at breaks. They will be provided with escorted comfort breaks. Mobile phones are not allowed in bags or on the person while on internal exclusion.

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports Headteachers in using exclusion as a sanction where it is warranted. However, external exclusion will only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour and exclusion policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

*Taken from "Exclusion from maintained schools, academies and pupil referral units in England - Statutory guidance for those with legal responsibilities in relation to exclusion - September 2017"*

#### **14 External Exclusion**

The Headteacher decides whether to exclude a student, for a fixed term or permanently, taking into account all the circumstances, the evidence available and the need to balance the interests of the student against those of the whole school community.

The Headteacher will work with the SENCo to address any behaviour linked to SEND. However, there may be occasions that exclusion as a sanction is a proportionate means of achieving a legitimate aim and warranted in the circumstances.

14.1 If the decision is taken by the Headteacher to exclude a pupil, the decision will be communicated to the pupil's parents/guardians as soon as possible. The decision will be confirmed in writing and will also explain why the pupil has been excluded. Parents should be made aware that during the first 5 **school** days that a child is excluded they must be kept out of public places during normal **school** hours unless there is a good reason.

#### **15 Fixed Period Exclusion**

15.1 A fixed period exclusion is when a pupil is temporarily removed from the school. A pupil can only be removed from the School for up to 45 school days in one academic year.

15.2 The School will set and mark work for the pupil during the first 5 days of the exclusion. If a fixed period exclusion is for longer than 5 days, the School will arrange for full time education from the 6<sup>th</sup> school day.

15.3 A fixed term exclusion cannot be converted to a permanent exclusion. However, in the event that evidence has come to light which, at the end of the fixed term exclusion, warrants a more serious sanction to be imposed the Headteacher may issue a permanent exclusion.

#### **16 Permanent Exclusion**

16.1 If the Headteacher takes the decision to permanently exclude a pupil it means that the pupil no longer has a place at the school. The school will inform the Local Authority of the permanent exclusion. It will be for the pupil's Local Authority to arrange full time education at a new school by the 6<sup>th</sup> school day after the decision to permanently exclude the pupil.

16.2 The Headteacher will follow the test set out at paragraph 16 of the Department for Education's statutory guidance on exclusions which states:

A decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.



16.3 A serious breach will be a singular event which warrants permanent exclusion from the School. These may include, but are not limited to:

- 16.3.1 violence towards students, staff or visitors
- 16.3.2 drug use or possession
- 16.3.3 serious but false allegations against a student or staff
- 16.3.4 carrying an offensive weapon

16.4 Governors consider drug possession and use to be of particularly serious nature. Whilst permanent exclusion is not an automatic sanction in such circumstances, it will be considered a serious breach of this policy and the Headteacher will be entitled to exercise the power to permanently exclude should they believe it is warranted.

16.5 Persistent breaches will be evidenced through the student's behaviour record and may culminate in a final incident. The detrimental impact of such breaches has a cumulative effect on the school community and pupil. Where interventions and strategies have not worked to manage the behaviour the Headteacher may be warranted to permanently exclude a pupil in these circumstances.

16.6 The Headteacher must remove a pupil from the school's admissions register once 15 School days have passed since the school's governing board has decided to uphold the decision to permanently exclude, and in the absence of any application for an independent review panel ("IRP") or parents stating in writing that they will not apply for an IRP.

## **17 Exclusion Procedure**

The school must follow the Department for Education's statutory guidance, "*Exclusion from maintained Schools, Academies and pupil referral units in England*" when dealing with any exclusion. A copy of this guidance is available from the Department for Education's website. The guidance deals with how the Headteacher may exercise the power to exclude, the duty to inform parents/guardians about an exclusion and the role of the governing body in dealing with reviews of decisions to exclude, in addition to the procedure for arranging an Independent Review Panel.

## **18 Parents**

Parents have a clear role in making sure their child is well behaved at school. If they do not, the school may ask them to sign a parenting contract or may apply for a court-imposed order.

The School expects all parents to engage with school and school staff with dignity and respect in the management of their child's behaviour.

It is usual for parents to attend a reintegration interview following any fixed term exclusion. A meeting is at the discretion of the school. The school reserves the right to internally exclude until such time as a suitable reintegration meeting has been held or until agreement is reached about suitable arrangements going forward. Every effort will be made to arrange as soon as possible.

## **19 Detentions**

Detentions at the school will be imposed either after school or at lunchtimes. It is the responsibility of the parent to arrange transport home if an after-school detention is issued. The school will endeavour to give parents at least 24 hours' notice of an after-school detention or fixed term internal exclusion via email and therefore it is vital that parents update their contact details as soon as there are any changes. The notice will state:

- Why the detention is being given
- When it is to take place
- Where it is to take place
- For how long the student will be required to remain at school.

The notice can be communicated in a number of ways including a phone call, student post or any 'effective method'. (This does not apply to detention in normal school hours i.e. lunchtimes.)

On rare occasions the school may choose to detain a student without notice, in line with Government guidelines: "Schools don't have to give parents notice of after-school detentions or tell them why a detention has been given."

<https://www.gov.uk/school-discipline-exclusions>.

There is no legal necessity for the school to notify both parents of a detention.

The school has the legal right to detain and does not require parental permission for this.

## **20 Parental Objections: Parents may object to the detention**

The Headteacher, or another teacher authorised by the Headteacher, has the full authority to:

- continue with it
- withdraw the detention;
- defer it or reorganise to a different time

The school may negotiate with the parent about the provision of reasonable travel arrangements; this may include a taxi or bus.

There is no right of appeal to the governing board regarding a detention, but parents can complain about the detention under the school's normal complaints procedure unless it is deemed vexatious. The governing board however, cannot overturn a decision to continue with the detention if they hear a complaint before the detention takes place.

## **21 Serious Incidents**

If a student commits a serious incident then the stages of the sanctions may be bypassed with the Headteacher recommending fixed term exclusion, a period of respite in a different school or education centre, a managed move or, in more serious cases, permanent exclusion. Examples of serious incidents are outlined below although this is not an exhaustive list:

- Fighting/assault of another student
- Threatening or intimidating behaviour
- Verbal abuse (the severity of the incident increases depending upon the nature of the abuse and the terminology/language used, with discriminatory/prejudicial terminology/language being particularly serious)
- Persistent and/or serious cases of bullying

- Being in possession of aerosols, a weapon, pornography, matches, drugs, drugs paraphernalia, alcohol
- Being under the influence of alcohol or drugs in school, on a related placement or on an event associated with school
- Vandalism, theft and/or anti-social behaviour in the local area or on social media when in the school uniform, representing the school or easily identifiable as a student of the school will result in the school supporting members of the community in prosecution of the offenders. This includes any poor behaviour in these circumstances, e.g. on school trips, to and from school and on public transport

## **22 Carrying Weapons**

Section 1 of the Prevention of Crime Act prohibits the possession, in any public place, of an offensive weapon without lawful authority or excuse.

'Offensive weapon' is defined as *any article made or adapted for use to causing injury to the person, or intended by the person having it with him for such use.*

The Violent Crime Reduction Act makes it an arrest able offence to carry an offensive weapon in public without lawful authority, or to carry in public any article with a blade or which is sharply pointed without good cause (other than a small pocket knife). It should be noted by parents and students that it is an offence to carry an offensive weapon or knife on school premises, on school trips and on work experience. The police have the power to enter school premises to search for an offensive weapon.

The School will deal with such an offence in the most serious of terms.

## **23 Confiscating Student's Property**

The Education and Inspections Act 2006 confirms the right of schools as a 'disciplinary penalty' to seize a student's possession, or to retain a possession of a student, or dispose of it.

The staff concerned will not be liable in any proceedings if he/she proves that the seizure, retention or disposal was lawful (see below). Nor will staff be liable for any damage or loss as a consequence if the seizure, retention or disposal is lawful. Parents and students should note that this includes mobile phones, other expensive digital items or jewellery.

The seizure, retention or disposal will be lawful if in breach of any statutory requirement, and therefore will be reasonable in the circumstances.

## **24 Safekeeping**

Staff are obliged to take reasonable care of confiscated property, in which case no liability will attach to the school for any loss or damage.

The school will make every reasonable effort to ensure that confiscated property will be locked away and a record taken of the owner, who confiscated it and when and how long the confiscation is to last. All confiscated items will be handed to the Reception in a sealed envelope with the student's name, form, date and time of confiscation together with the name of the member of staff who confiscated the item written clearly on the outside.

Staff may confiscate students' property where it is necessary for disciplinary reasons. This is at the discretion of the staff member.

Only if it can be proved that the member of staff has not followed correct procedures for the confiscation of an item will the school insure against the loss of confiscated property, or to stand the risk of it being lost.

## **25 Illegal or Controlled Drugs**

Drug misuse is defined as the non-medical use of drugs that are only intended for use in medical treatment, and the use of drugs that have no accepted medical purpose.

The Misuse of Drugs Act 1971 makes it an offence:

- To supply or offer to supply controlled drugs or drug paraphernalia;
- To be in possession of controlled drugs or to possess with an intent to supply to another;
- For the occupier or someone concerned in the management of premises, to knowingly allow the supply or consumption of a controlled drug.

Where the student is suspected of having illegal drugs on his/her person, every effort will be made to persuade the student to hand over the drugs e.g. by asking them to turn out their pockets. If the student refuses the police will be called.

If drugs are found they will be handed to the police as soon as reasonably possible. It should be noted that it is a defence against the offence of possession of an illegal drug that, knowing or suspecting a substance to be an illegal drug, a person took possession of it in order to prevent another from committing the offence, and that as soon as possible after taking possession the person took all reasonable steps to destroy the drug or hand it to the police.

### Separate documents needed at school level

Procedures and Strategies

Classroom Code of Conduct