



**BROADWAY JUNIOR SCHOOL**

**BEHAVIOUR DISCIPLINE POLICY  
(Incorporating the Use of Reasonable Force)**

**SEPTEMBER 2019**

<b>MRS C JOHNSON</b>	<b>-</b>	<b>SEPTEMBER 2019</b>
<b>REVIEW DATE</b>	<b>-</b>	<b>SEPTEMBER 2020</b>



## Behaviour Discipline Policy (incorporating the use of reasonable force)

Author's Name	C Johnson
Date Written	September 2019
Review Date	September 2020

Date Ratified by Governing Body	
------------------------------------	--

### SIGNATURES:

Head Teacher	
Chair of Governors	

# Broadway Junior School

## Behaviour and Discipline Policy (incorporating the use of reasonable force)

### Aims/Expectations:

It is our primary aim that every member of our school community feels valued and respected and that each person is treated fairly and well. We aim to be a caring community, wherein values are founded upon mutual trust and respect. Our behaviour/discipline policy is therefore designed to uphold the manner in which all members of the school community can live and work together, free from harm and in a safe and caring environment. Our policy is not primarily concerned with rule enforcement, but is seen as a means of promoting good relationships with the common purpose of being of benefit to everyone. Our school expects all members of its community, to show consideration for others and to treat each other in a fair and consistent manner. Our policy aims to help our children to live, learn and grow in a safe and secure environment and to become positive, responsible independent and caring members of not only our school but also their wider community.

Our school strives to acknowledge, promote and reward all aspects of good behaviour, believing that this will develop an ethos of kindness, empathy, consideration and an intolerance of bullying, anti-social and racist behaviour

## **Role of Headteacher:**

It is the responsibility of the head teacher, under the School Standards and Framework Act (1998), Education Act (2002), Education and Inspections Act (2006) and Behaviour and Discipline Act in Schools/Use of Reasonable Force Guides (2011) to promote and implement the school behaviour policy consistently throughout the school and to regularly report to governors on its effectiveness. It is the responsibility of the head teacher to ensure the health and safety and welfare of all children and all members of the school community.

The head teacher should support the staff by promoting and implementing the policy, setting high standards with regard to behaviour and by supporting all members of staff with regard to their understanding and implementation of the policy. The head teacher has the responsibility for fixed-term exclusions for children who behave in an appropriate serious manner, particularly when their actions compromise the health/well-being and safety of others. For repeated or extreme acts of anti-social/unacceptable behaviour, the head teacher may seek permanent exclusion and will consult with school governors/other professionals regarding this action.

## **Discipline in Schools - Teachers' Powers**

### **Key Points**

- Teachers have statutory authority to discipline pupils whose behaviour is unacceptable, who break the rules of who fail to follow a reasonable instruction (Section 91 of the Education and Inspections Act 2006)
- The power also applies to all paid staff (unless the head teacher says otherwise) with responsibility for pupils, such as teaching assistants
- Teachers can discipline pupils at any time the pupil is in school or elsewhere under the charge of a teacher, including on school visits
- Teachers can also discipline pupils for misbehaviour outside school
- Teachers have a specific legal power to impose detention outside school hours
- Teachers can confiscate pupils' property

## **Punishing Poor Behaviour**

### **What the law allows:**

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.

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

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

The head teacher may limit the power to apply particular punishments to certain staff and/or extend the power to discipline to adult volunteers, for examples to parents who have volunteered to help on a school trip.

Corporal punishment is illegal in all circumstances.

Staff 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 and if so, consideration should be given to a multi-agency assessment.

Our school aims to acknowledge and celebrate all the efforts and achievements of all children, both within and outside of school. However, we employ a number of sanctions in order to enforce our school rules, behaviour and discipline policy and in doing so aim to ensure that a safe and positive environment exists for everyone to access. Each sanction is appropriately deployed in relation to individual situations and circumstances.

We expect all children to listen carefully to and follow instructions in lessons and activities both inside and outside of school (visits, residential etc) and if they fail to do so, they may be moved nearer to the teacher, may be asked to sit on their own, may be afforded additional adult support, or removed from the task, activity or situation.

We expect all children to try their best in all tasks and activities and if they fail to do so, they may be asked to repeat the task.

If a child is disruptive in class, the teacher will reprimand them according to the agreed rules and sanctions (e.g. loss of pebble points, free time etc). If a child misbehaves repeatedly, then it may be necessary to isolate them from the rest of the class until he/she calms down and is prepared to behave and work sensibly again and is not disrupting the learning and compromising the well-being of others (the child may be removed/supervised by either the head teacher or another member of staff).

If a child threatens, hurts, verbally/physically abuses or bullies another child /member of the school community, the teacher dealing with the incident records it, informs the head teacher and an appropriate punishment is sanctioned (this may be fixed term exclusion in some cases). If a child repeatedly acts in a manner which disrupts or harms others, the school (head teacher) will contact parents/carers either by telephone or letter, and seek an appointment to meet in order to discuss the current situation and plan an agreed course of action to address the matter and modify the child's unacceptable behaviour (in some instances, support/advice may be sought from other professional agencies such as Behaviour Team, CAF, Educational Psychologist).

Teacher should remind the children in their care of the school rules and expected standards of behaviour and expected standards of behaviour and self-discipline, each class should determine their own "classroom code

of practice" which is formulated and agreed by the children and their teacher and which is displayed for all to adhere to. In this way every child is aware of the high standards of behaviour and self-discipline that we expect from everyone within our school.

Our school will not tolerate bullying of any kind and will take immediate action to protect anyone who has suffered in any way and also punish perpetrators. In an age of ever-increasing incidents of cyber-bullying, it is critical that school promotes a clear message of its intolerance of bullying as well as a culture wherein children are not afraid to "speak out" or seek advice and help. In all cases of bullying, parents/carers are informed at all stages and their help and co-operation sought.

**Teacher's powers relating to the conduct of pupil's outside of the school gates.**

**What the law allows:**

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

Subject to the schools behaviour policy, the teacher may discipline a pupil for:

- Any misbehaviour when the child is:
  - Taking part in any school-organised or school-related activity of
  - Travelling to or from school or
  - Wearing school uniform or
  - In some 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 pupil or member of the public or
  - Could adversely affect the reputation of the school

## **The Role of Parents/Carers**

Our school strives to actively collaborate with parents and carers with regard to behaviour and discipline, in order that children receive consistent messages about what is considered to be acceptable standards of behaviour and our code of conduct.

At our formal meetings with parents/carers we explain our school rules, which are designed to ensure the safety and well-being of all members of our school community and also outline these clearly in our school prospectus. We also hope that parents and carers will work in partnership with us to support not only their child's learning and academic progress, but also all aspects of their personal and social development.

We aim to build a dialogue between home and school that is based upon mutual trust and respect and this is reinforced by our home-school agreement. We will inform parents and carers immediately if we have concerns about their child's welfare or behaviour or if they are involved in incidents which we perceive to be inappropriate or which threatens others.

Should the school have to implement sanctions/discipline to punish a child, we hope that parents and carers will support the designated actions. However, should parents or carers have any concerns about the manner in which their child has been treated; they should contact the class teacher. If concerns remain, then they should contact either the head teacher or deputy head teacher (in their absence) and in extreme cases the school governors. If discussions fail to resolve the problem, then a formal grievance or appeal process can be followed.

## **The Role of Governors**

The governing body has the responsibility of setting down these general guidelines on standards of discipline and behaviour, and of reviewing their effectiveness. The governors support the head teacher in adhering to these guidelines.

The head teacher has the day to day authority to implement the school's policy on behaviour and discipline, but governors may give advice to the head teacher about particular disciplinary issues. The head teacher must take this into account when making decisions about matters of behaviour.



### **Confiscation of Inappropriate Items:**

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

1. The general power to discipline enables a member of staff to confiscate, retain or dispose of a pupil's property as a punishment and protects them from liability for damage to, or loss of, any confiscated items. Confiscated items should be handed to the head teacher for safekeeping and in the majority of cases, parents/carers will be informed of the action taken and requested to make arrangements for their collection.
2. Power to search without consent for weapons, knives, alcohol, illegal drugs and stolen items. Any of the above items must be handed to the head teacher. In the case of the above items, the police and the child's parents/carers will be informed.

## **Power to Use Reasonable Force**

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

The term "reasonable force" covers the broad range of actions which may be used by teachers/support staff, which involve a degree of physical contact with pupils. For example, force may be used to guide a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a child may need restraint to prevent violence or injury.

"Reasonable in the circumstances" means using no more force than is needed. "Control" means either passive physical contact, such as standing between pupils or blocking their path, or active physical contact such as leading a pupil by the arm out of the classroom.

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

It is imperative that all staff should avoid acting in a way that may cause pupil injury but in extreme cases, this may obviously unavoidable.

Schools cannot use force as a punishment - it is always unlawful to use force as a punishment.

All member if the teaching and non teaching staff (teaching assistants) have undertaken the Team-Teach programme, in order that should a situation arise in school (or on a field visit or residential trip) wherein reasonable force has to be used, it is done in an n appropriate manner. In instances, wherein reasonable force is used, parents will be informed immediately of the action taken (by the head teacher). All incidents wherein reasonable force is used must be recorded on the appropriate proforma.

## Complaints Relating to the use of Reasonable Force

1. All complaints about the use of force should be thoroughly, speedily and appropriately investigated, by the head teacher.
2. 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.
3. 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.
4. Suspension must not be an automatic response when a member of staff has been accused of using excessive force (refer to the "Dealing with Allegations of Abuse against Teachers and Other Staff" guidance, see Associated Resource section below, where an allegation of using excessive force is made against a teacher). This guidance makes clear the a person must not be suspended automatically, or without careful thought.
5. The head teacher 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.
6. If a decision is taken to suspend a teacher,
7. The head teacher should ensure that the teacher has access to a named contact who can provide support.
8. The governing body 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.
9. As employers, schools and local authorities have a duty of care towards their employees. It is important that the school provides appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

## **Fixed-term and Permanent Exclusions**

At Broadway, whilst we do not wish to exclude any child from school, sometimes this may be necessary. The school has therefore adopted the standard national list of reasons for exclusion, and the standard guidance, *Improving Behaviour and Attendance Guidance on Exclusion from School and Child Referral Units (DFES January 2003)*.

Only the head teacher (or the acting head teacher) has the power to exclude a child from school. The head teacher may exclude a child for one or more fixed period, for up to 45 days in any one school year. In extreme and exceptional circumstances the head teacher may exclude permanently. It is also possible for the head teacher to convert a fixed-term exclusion into a permanent exclusion, if circumstances warrant this.

If the head teacher excludes a child, parents are informed immediately, giving reasons for the exclusion. At the same time, the head teacher makes it clear to the parents that they can, if they wish, appeal against the decision to the governing body. The school informs the parents how to make any such appeal.

The head teacher informs the LEA and the governing body about any permanent exclusion, and about any fixed-term exclusions beyond five days in any one term.

The governing body itself cannot either exclude a child or extend the exclusion period made by the head teacher.

The governing body has a discipline committee which is made up of between three and five members. This committee considers any exclusion appeals on behalf of the governors.

When an appeal panel meets to consider an exclusion, they consider the circumstances in which the child was excluded, consider any representation by parents and the LEA, and consider whether the child should be reinstated.

If the governors' appeals panel decides that a child should be reinstated, the head teacher must comply with this ruling.

## **Drug and Alcohol Related Incidents**

It is the policy of this school that no child should bring any drug, legal or illegal, to school. If a child will need medication during the school day the parent or carer should notify the school and ask permission for the medication to be brought and the appropriate documentation completed in order that it can be administered by a trained member of staff and all doses recorded accordingly.

The school will take very seriously, misuse of any substances such as glue, other solvents or alcohol. The parent or carers of any child involved, will always be notified. Any child who deliberately brings substances into school for the purpose of misuse will be punished by a fixed-term exclusion. If the offence is repeated the child will be permanently excluded and the police and social services will be informed.

If any child is found to be suffering from the effects of alcohol or other substances, arrangements will be made for that child to be taken home.

It is forbidden for anyone, adult or child, to bring onto the school premises, illegal drugs. Any child who is found to have brought to school any type of illegal substance will be punished by a temporary exclusion. The child will not be re-admitted to the school until a parent or carer of the child has visited the school and discussed the seriousness of the incident with the head teacher.

If the offence is repeated then child will be permanently excluded.

If a child is found to have deliberately brought illegal substances into school, and is found to be distributing these to other pupils for money, the child will be permanently excluded from the school. The police and social services will also be informed.

## **Monitoring and Review**

The head teacher monitors the effectiveness of this policy on a regular basis and also reports to the governing body on the effectiveness of the policy and, if necessary, make recommendations for further improvements.

The head teacher keeps a record of any child who is suspended for a fixed-term, or who is permanently excluded.

It is the responsibility of the governing body to monitor the rate of suspensions and exclusions, and to ensure that the school policy is administered fairly and consistently. The governing body will pay particular attention to matters of racial equality and ensure that no child is treated unfairly because of race or ethnic background.

The governing body reviews this policy annually. The governors may, however, review the policy earlier than this if the government introduces new regulations, or if the governing body received recommendations on how the policy might be improved.

**Signed:** \_\_\_\_\_  
**C Johnson**

**Date:** September 2019

