



Behaviour and Discipline Policy

Stoke Park Primary School

May 2021

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1 Aims

- 1.1 This is the Behaviour and Discipline Policy of Stoke Park Primary School (**Academy**).
- 1.2 The aims of this policy are as follows:
 - 1.2.1 to promote good behaviour amongst pupils;
 - 1.2.2 to actively promote and safeguard the welfare of pupils at the Academy and to protect all who come into contact with the Academy from harm;
 - 1.2.3 to ensure, so far as possible, that every pupil in the Academy is able to benefit from and make their full contribution to the life of the Academy, consistent always with the needs of the Academy's community;
 - 1.2.4 to set out a clear and fair process for the proper investigations of allegations of poor behaviour and / or breaches of discipline;
 - 1.2.5 to encourage pupils to accept responsibility for their behaviour;
 - 1.2.6 to set out the sanctions adopted by the Academy in the event of pupil misbehaviour; and
 - 1.2.7 to help create a culture of safety, equality and protection.

2 Scope and application

- 2.1 This policy applies to the whole Academy including the Early Years Foundation Stage (**EYFS**).
- 2.2 This policy (together with the Statement of Behaviour Principles¹ and all other Academy policies on behaviour and discipline) applies to all pupils at the Academy and at all times when a pupil is:
 - 2.2.1 in or at Academy;
 - 2.2.2 representing the Academy or wearing school uniform;
 - 2.2.3 travelling to or from the Academy;
 - 2.2.4 on Academy-organised trips;
 - 2.2.5 associated with the Academy at any time.
- 2.3 This policy shall also apply to pupils at all times and places in circumstances where failing to apply this policy may:
 - 2.3.1 affect the health, safety or well-being of a member of the Academy's community or a member of the public;
 - 2.3.2 have repercussions for the orderly running of the Academy; or

¹ Drafting note - this requirement is mandatory for maintained schools. Although this requirement is not mandatory for academies, the DfE strongly advise academies consider one. This is a written statement of general principles to which the Principal / Head is to have regard in determining any measures under the behaviour policy. Academies should note that they may only exclude a pupil for behaviours set out in this policy and follow the DfE Exclusion guidance in all cases.

2.3.3 bring the Academy into disrepute.

3 Regulatory framework

3.1 This policy has been prepared to meet the Academy's responsibilities under:

3.1.1 Education Act 2002, as amended by the Education Act 2011;

3.1.2 The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;

3.1.3 The Education and Inspections Act 2006;

3.1.4 The Education Act 1996;

3.1.5 The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014;

3.1.6 Education (Independent School Standards) Regulations 2014;

3.1.7 Statutory framework for the Early Years Foundation Stage (DfE, March 2014);

3.1.8 Education and Skills Act 2008;

3.1.9 Children Act 1989;

3.1.10 Childcare Act 2006;

3.1.11 Data Protection Act 2018 and General Data Protection Regulation (GDPR); and

3.1.12 Equality Act 2010.

3.2 This policy has regard to the following guidance and advice:

3.2.1 Keeping children safe in education (DfE, September 2020) (**KCSIE**);

3.2.2 Working together to safeguard children 2008 (DfE, February 2019);

3.2.3 Information sharing advice for safeguarding practitioners (DfE, July 2018);

3.2.4 Behaviour and discipline in Schools (DfE, January 2016);

3.2.5 Exclusions from maintained schools, academies and pupil referral units in England (DfE, September 2017) (**Exclusion Guidance**);

3.2.6 Use of reasonable force (DfE, July 2013);

3.2.7 Searching, screening and confiscation (DfE, January 2018);

3.2.8 Alternative provision (DfE, January 2013) (**AP Guidance**);

3.2.9 Sexual violence and sexual harassment between children in schools and colleges (DfE, May 2018);

3.2.10 Mental health and behaviour in schools (DfE, November 2018);

- 3.2.11 Relationships education, relationships and sex education and health education (DfE, June 2019);
- 3.2.12 The designated teacher for looked-after and previously looked-after children (DfE, February 2018).
- 3.3 The following Academy policies, procedures and resource materials are relevant to this policy and, where applicable, breach of them will constitute a breach of this Behaviour and Discipline Policy:
 - 3.3.1 CST Anti-Bullying Policy;
 - 3.3.2 CST Policy on Smoking, Alcohol and the Misuse of Drugs and Substances;
 - 3.3.3 School Uniform guidelines
 - 3.3.4 Statement of Behaviour principles
 - 3.3.5 Acceptable Use Policy for Pupils
 - 3.3.6 Online Safety Policy
 - 3.3.7 CST Safeguarding and Child Protection Policy and procedures;
 - 3.3.8 Risk Assessment Policy for Pupil Welfare
 - 3.3.9 CST Special Educational Needs and Learning Difficulties Policy;
 - 3.3.10 Disability policy
 - 3.3.11 CST Staff code of conduct;]
 - 3.3.12 Use of Reasonable Force and Physical Restraint Policy
 - 3.3.13 Relationships education and/or Relationships and Sex Education policy

4 Publication and availability

- 4.1 This policy is published on the Academy's website.
- 4.2 This policy is available in hard copy on request.
- 4.3 A copy of the policy is available the school shared drive and on the website and Parents will be reminded of this on an annual basis.
- 4.4 This policy can be made available in large print or other accessible format if required.

5 Definitions

- 5.1 Where the following words or phrases are used in this policy:
 - 5.1.1 References to the **Proprietor** are references to the Board of Trustees of Cathedral Schools Trust
 - 5.1.2 References to **Parent** or **Parents** means the natural or adoptive Parents of the pupil (irrespective of whether they are or have ever been married, with whom the pupil

lives, or whether they have contact with the pupil) as well as any person who is not the natural or adoptive Parent of the pupil, but who has care of, or Parental responsibility for, the pupil (e.g. foster carer / legal guardian).

5.1.3 References to **school days** mean Monday to Friday, when the Academy is open to pupils during term time. The dates of terms are published on the Academy's website.

6 Responsibility statement and allocation of tasks

6.1 The Proprietor has overall responsibility for all matters which are the subject of this policy.

6.2 The Proprietor is aware of its duties under the Equality Act 2010 and the requirement to meet the Public Sector Equality Duty. This means in carrying out its functions, the Proprietor is required to have due regard to the need to:

6.2.1 eliminate discrimination and other conduct that is prohibited by the Act;

6.2.2 advance equality of opportunity between people who share a protected characteristic and people who do not share it; and

6.2.3 foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

6.3 Any sanction imposed on a pupil will be legal and proportionate. The sanction will be reasonable in all the circumstances and account will be taken of the pupil's age, any special educational needs or disability they may have, and any religious requirements affecting them.

6.4 To ensure the efficient discharge of its responsibilities under this policy, the Proprietor has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	Operations Manager	As a minimum annually, ideally termly, and as required
Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness	Executive Principal	As a minimum annually, ideally termly, and as required
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR	Headteacher	As required, and at least termly
Seeking input from interested groups (such as pupils, staff, Parents) to consider	Headteacher	As a minimum annually, ideally termly, and as required

improvements to the Academy's processes under the policy		
Formal annual review	Proprietor	As a minimum annually, and as required
Overall responsibility for content and implementation	Proprietor	As a minimum annually.

7 Promoting good behaviour

- 7.1 Pupils are educated about good behaviour through the operation of the Academy's curriculum, PSHE, relationships and sex education programme, assemblies and the Academy's pastoral support systems. Pupils are encouraged to act responsibly and, through the operation of this policy, to accept responsibility for their behaviour.
- 7.2 The Academy understands that rewards can be more effective than sanction in motivating pupils. The ways in which the Academy may reward good behaviour are set out in Appendix 1.
- 7.3 The Academy recognises that where challenging behaviour is related to a pupil's disability, use of positive discipline and reward methods may enable the Academy to manage the pupil's behaviour more effectively and improve their educational outcomes.

8 Minor breaches of discipline / this policy²

- 8.1 The Academy has pastoral support systems in place to assist pupils in managing their behaviour. A range of sanctions are available for those who breach the Academy's policies on behaviour and discipline.
- 8.2 Allegations, complaints or rumours of minor breaches of discipline are dealt with by staff as they occur. Staff may carry out informal investigations and / or interviews with the pupils involved. Low level sanctions may be given following such processes (see Appendix 1 for details of possible sanctions).
- 8.3 When considering the appropriate sanction, the risks posed to pupil welfare by an individual's behaviour will be assessed. This may include consideration of how any action taken, sanctions applied or inaction may affect that individual's welfare and, where appropriate, how it may affect other pupils' welfare and / or the Academy's community as a whole.

9 Serious and / or persistent breaches of discipline / this policy

- 9.1 Allegations, complaints or rumours of serious and / or persistent breaches of discipline should be referred to the Headteacher.
- 9.2 The main categories of misconduct which are likely to be considered to be serious breaches of discipline include, but are not limited to:

² Drafting note: minor / serious breaches of discipline may be defined in separate documentation. If relevant academies may cross refer to these here.

- 9.2.1 Supply which means providing or sharing (whether or not for money or other consideration) or facilitation of supply e.g. sale, exchange or sharing (which includes promotion / advertisement or facilitating supply) / possession / use of drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco as prohibited by the school policy on smoking, drugs and substances;
 - 9.2.2 Actual or attempted theft, blackmail, physical violence, intimidation, racism or prejudice based bullying or other potentially criminal offences including being an accessory or conspirator;
 - 9.2.3 Physical or emotional abuse or harassment;
 - 9.2.4 Harmful / inappropriate sexual behaviour, including sexual violence, sexual harassment and upskirting;
 - 9.2.5 Behaviour in contravention of the Academy's policies on the acceptable use of technologies or online safety;
 - 9.2.6 Supply or possession of pornography;
 - 9.2.7 Behaviour which may constitute a criminal offence, such as:
 - (a) possession or use of firearms, knives or other weapons;
 - (b) vandalism, defacement and / or destruction of school property
 - 9.2.8 Persistent attitudes or behaviour which are inconsistent with the Academy's ethos;
 - 9.2.9 Other misconduct which affects the welfare of a member or members of the Academy's community or which brings the Academy into disrepute (single or repeated episodes) on or off the Academy's premises;
 - 9.2.10 Other misconduct specifically provided for in the Academy's various policies on behaviour and discipline.
- 9.3 The Academy aims to operate within the principles of fairness and natural justice. A decision to exclude a pupil permanently will only be taken:
- 9.3.1 in response to a serious breach and / or persistent breaches of the school's Behaviour and Discipline Policy; and
 - 9.3.2 where allowing the pupil to remain in school would seriously harm the education and / or welfare of the pupil and / or others in the school.
- 9.4 An allegation, complaint or rumour of a serious breach of discipline will be investigated in accordance with the procedures set out in Appendix 2.
- 9.5 If the findings of the investigation support the allegation, complaint or rumour of a serious breach of discipline, a disciplinary meeting may be held in accordance with the procedures set out in Appendix 2.
- 9.6 Appendix 1 sets out a non-exhaustive list of possible sanctions which may be imposed for serious and / or persistent breaches of discipline / this policy.

10 Parent involvement

- 10.1 The Academy seeks to work in partnership with Parents over matters of discipline, and it is part of the Parents' obligations to the Academy to support the Academy's policies on behaviour and discipline.
- 10.2 Parents will be informed as soon as reasonably practicable of any suspicion that their child has been involved in serious misconduct, but may be prevented from doing so immediately e.g. by the police if they are involved.
- 10.3 Parents will be notified of any pending disciplinary hearing in accordance with paragraph 9.3
- 10.4 Parents will also be notified of disciplinary sanctions :
- 10.4.1 imposed for significant minor breaches of discipline (persistent minor breaches such as demerits / detention); and
- 10.4.2 those imposed for serious breaches of discipline and any rights of review as required and / or within school reports.
- 10.5 Parents will be consulted about the child's conduct and the application of this policy to their child where the Academy considers, in its professional judgement, that these give rise to a significant concern about pupil welfare.
- 10.6 Whenever the Headteacher excludes a pupil they must, without delay, notify parents of the period of the exclusion and the reason(s) for it, in accordance with 51A Education Act 2002 and the statutory guidance on Exclusion from maintained schools, academies and pupil referral units in England 2017.

11 Additional needs

- 11.1 Where the Academy has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an EHC plan or a looked after child, it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an EHC plan, the Academy should consider requesting an early annual review or interim/emergency review.
- 11.2 The Headteacher and proprietor must comply with their statutory duties in relation to SEND when administering the exclusion process. This includes having regard to the SEND Code of Practice.
- 11.3 Whilst an exclusion may still be an appropriate sanction, the Headteacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that the pupil has suffered bereavement, has mental health issues or has been subject to bullying.
- 11.4 The Academy will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Staff should seek advice from the Headteacher if they are unsure about how to manage a pupil's behaviour where this is related to a disability.
- 11.5 If there is a concern that a pupil's behaviour is as a result of unmet educational or other needs, advice should be sought from the Headteacher / SENCO and further action in

accordance with CST's Special Educational Needs and Learning Difficulties Policy will be considered.

- 11.6 Where a fixed term or permanent exclusion is being considered, the Academy will ensure that a pupil with a disability or special educational needs is able to present their case fully where their disability or special educational needs might hinder this.

12 Safeguarding

- 12.1 Some behaviour by a pupil towards another may be of such a nature that safeguarding concerns are raised. Safeguarding issues can manifest themselves via peer on peer abuse. This includes, but is not limited to:

12.1.1 Bullying (including cyber-bullying and prejudice-based bullying);

12.1.2 Physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;

12.1.3 Sexual violence and sexual harassment;

12.1.4 Upskirting and / or attempts to commit upskirting;

12.1.5 Sexting (also known as youth produced sexual imagery); and

12.1.6 Initiation / hazing type violence and rituals.

- 12.2 The Academy's policy and procedures with regard to peer on peer abuse are set out in CST's Safeguarding and Child Protection Policy and procedures. If behaviour and discipline matters give rise to a safeguarding concern, either in relation to the alleged victim(s) or perpetrator(s) or, more widely, in relation to ensuring the safety and welfare of pupils and / or staff, the procedures in CST's Safeguarding and Child Protection Policy and procedures will take priority.

13 Malicious allegations against staff

- 13.1 Where a pupil makes an accusation against a member of staff and there is reasonable suspicion that the accusation has been deliberately invented or malicious, the Headteacher will consider whether to take disciplinary action in accordance with this policy.

- 13.2 Where such an allegation is made, appropriate support will be provided to the member(s) of staff affected.

- 13.3 The Academy will consider a malicious allegation to be one where there is sufficient evidence on the balance of probabilities to disprove the allegation and that, by the same test there is sufficient evidence that there has been a deliberate act to deceive.

14 Use of reasonable force

- 14.1 Corporal sanction is not used at the Academy and force is never used as a form of sanction.

- 14.2 Any use of force by staff will be reasonable, proportionate and lawful. Reasonable force will be used as set out in Appendix 3. More detailed guidance about the use of reasonable force is provided to staff in the Staff code of conduct.

15 Searching pupils

- 15.1 **Informed consent:** Academy staff may search a pupil or their possessions [or accommodation] with their consent for any item. Appropriate consideration will be given to factors that may influence the pupil's ability to give consent³.
- 15.2 If a member of staff suspects that a pupil has a prohibited item in their possession, they can instruct the pupil to turn out their pockets or bag. If the pupil refuses, sanctions will be applied in accordance with this policy.
- 15.3 **Searches without consent:** in relation to prohibited items, the Headteacher, and staff authorised by the Headteacher, may search a pupil or a pupil's possessions, without their consent, where they have reasonable grounds for suspecting that a pupil has a prohibited item in their possession. Please see Appendix 4 for the Academy's policy on searching and confiscation and definition of prohibited items.

16 Staff Training

- 16.1 The Academy ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.
- 16.2 The level and frequency of training depends on the role of the individual member of staff.
- 16.3 The Academy maintains written records of all staff training.

17 Risk assessment

- 17.1 Where a concern about a pupil's welfare is identified, the risks to that pupil's welfare will be assessed and appropriate action will be taken to reduce the risks identified.
- 17.2 The format of risk assessment may vary and may be included as part of the Academy's overall response to a welfare issue, including the use of individual pupil welfare plans (such as Education, Health and Care Plans, behaviour plans, as appropriate). Regardless of the form used, the Academy's approach to promoting pupil welfare will be systematic and pupil focused.
- 17.3 The Headteacher has overall responsibility for ensuring that matters which affect pupil welfare are adequately risk assessed and for ensuring that the relevant findings are implemented, monitored and evaluated as required.
- 17.4 Day to day responsibility to carry out risk assessments under this policy will be delegated to Assistant Headteachers who have / has been properly trained in, and tasked with, carrying out the particular assessment *[Refer to Risk Assessment for Pupil Welfare]*

18 Record keeping

³ Drafting note - academies will need to bear in mind the need to consider whether the pupil has sufficient age and understanding to give informed consent - it may be difficult to establish this if younger than 10 and parental consent is suggested.

- 18.1 All records created in accordance with this policy are managed in accordance with Academy policies that apply to the retention and destruction of records.
- 18.2 The Academy will keep a separate record of sanctions imposed for serious misbehaviour. The record includes:
- 18.2.1 the name and year group of the pupil concerned;
 - 18.2.2 the nature and date of the offence;
 - 18.2.3 the sanction imposed and reason for it; and
 - 18.2.4 the name of the person imposing the sanction
- 18.3 This record is reviewed regularly by the Assistant Headteacher so that patterns in behaviour can be identified and managed appropriately.
- 18.4 The records created in accordance with this policy may contain personal data. The Academy has a number of privacy notices which explain how the Academy will use personal data about pupils and Parents. The privacy notices are published on the Academy's website. In addition, staff must ensure that they follow the Academy's data protection policies and procedures when handling personal data created in connection with this policy. This includes CST's Data Protection Policy and Information Security Policy.

19 Version control

Date of adoption of this policy	17 May 2021
Date of last review of this policy	
Date for next review of this policy	

Appendix 1 Rewards and sanctions

1 Introduction

- 1.1 Examples of the rewards and sanctions the Academy ordinarily uses are set out in the paragraphs below. These are not, however, exhaustive lists, and other rewards and sanctions may be used insofar as they comply with good education practice, and promote good behaviour and compliance with the Academy's Policies on behaviour and discipline.
- 1.2 Where particular types of good behaviour or misbehaviour are expressly referred to in this policy, these are not to be taken as an exhaustive list of all types of good behaviour or misbehaviour for which rewards can be given, and sanctions imposed.
- 1.3 Where a particular reward or sanction is identified as the usual response to a specific type of good behaviour or misbehaviour, this will not prevent a different reward being given, or a different sanction imposed, where it is appropriate to do so.

2 Rewards

2.1 Praise

Staff should constantly seek to recognise and praise good learning behaviour. This praise should be specific, directed at the individual and shared with the class.

2.2 House points

Each pupil will be assigned a house group each year. House points can be awarded by any member of staff to any pupil who exemplify our vision of: 'be kind, be proud, strive for success'. House points should be given out regularly by all staff.

At the end of each week, house points will be collected and displayed and communicated to the school community.

2.3 SLT recognition

Pupils who have displayed outstanding behaviour or learning can be sent to SLT for recognition. SLT members will celebrate the work or behaviours and send a celebratory letter home to parents along with the piece of work.

2.4 Act of kindness award

Any member of the school community can nominate another member of the school community for an act of kindness. These will be recorded on a slip and each class will have a box where these can be posted. At each celebration assembly, each child who has received an act of kindness slip will be recognised and parents notified.

2.5 Learning Behaviour award

Any staff member can nominate a pupil for demonstrating positive learning behaviour and they will receive a LB ticket. Each class will have a box where these can be posted. At each celebration assembly, an LB ticket will be randomly selected and celebrated and the pupil will receive an award.

2.6 Afternoon tea with the head

Each term 2 members from each class will be selected for demonstrating our school values and always going 'above and beyond'. They will be invited for afternoon tea with the head teacher.

3 Sanctions

3.1

Type of behaviour	Consequence – Staged approach
Low level disruption – Talking when they shouldn't be, interrupting, shouting out, wandering about, ignoring instructions	<ol style="list-style-type: none"> 1. Non-verbal communication – A look 2. Verbal reminder of expectation – not directed at pupil 3. Verbal reminder of expectation– directed at pupil
<p>Continued disruption</p> <p>Work refusal</p> <p>Raising voice to others</p>	<ol style="list-style-type: none"> 1. Verbal reminder of expectation directed at the pupil 2. Time on thinking table within the classroom 3. Request time out with member of non-teaching staff – no more than 5 minutes
Aggressive or intimidating behaviour in the classroom, including the use of discriminatory language	<ol style="list-style-type: none"> 1. Verbal reminder of expectation – directed at pupil 2. Complete work outside the classroom with the PLM for the remainder of that lesson 3. Parents informed by Class Teacher or PLM

<p>Aggressive or intimidating behaviour on the playground, including the use of discriminatory language</p>	<ol style="list-style-type: none"> 1. Immediate removal from the playground and loss of the rest of break/lunchtime 2. Followed up/restorative conversation with PLM 3. Removal from classroom following break/lunch if deemed appropriate following input from PLM 4. Parents informed by Class Teacher or PLM
<p>Serious disruption to learning or the smooth running of the school – Leaving the classroom without permission, attempting to leave the school site, tipping tables, throwing objects, anything preventing the class teacher from teaching</p> <p>Fighting with other pupils</p>	<p>Internal exclusion</p> <p>Followed up/restorative conversation with PLM</p> <p>Meeting with parents</p> <p>Next steps discussion which may involve outside agencies</p>
<p>Continued serious disruption of learning</p> <p>Severe violence or abuse to an adult or other pupil</p> <p>Behaving in a way that puts the pupil or others at risk of harm</p>	<p>Fixed Term Exclusion</p> <p>Meeting with parents</p> <p>Next steps discussion</p> <p>Restorative discussion with key adult</p>

4 Exclusion from school

- 4.1 Only the Headteacher has the power to impose fixed term or permanent exclusion from school.

- 4.2 Exclusion from school can take the form of:
 - 4.2.1 fixed term exclusions (including internal lunch time exclusions, which each count as half a day); or
 - 4.2.2 permanent exclusions.
- 4.3 Permanent exclusion from school will only be imposed for:
 - 4.3.1 a serious breach or breaches and / or persistent breaches of discipline / this policy occurring on the Academy's premises, or off the Academy's premises as set out in clause 9.2.7 above; and
 - 4.3.2 where allowing the pupil to remain in school would seriously harm the education and / or welfare of the pupil and / or others in school.
- 4.4 The Academy will follow the Exclusion Guidance in all cases. Further details of the statutory procedure can be found in Appendix 2

Appendix 2 Investigations of incidents and disciplinary decisions

1 Investigation

- 1.1 The Headteacher may investigate incidents which potentially give rise to a breach of the Academy's policies on behaviour and discipline, or they may appoint a member of staff (usually a member of the Senior Leadership Team) to carry out the investigation.
- 1.2 The investigation and any interviews or meetings which take place with pupils will be conducted fairly, in a way which is appropriate in a school environment, and without being formal or legalistic in nature.
- 1.3 The pupils involved will be interviewed as part of the investigation and given the opportunity to state their version of events. Where pupils are at risk of disciplinary action, they will usually be accompanied by a member of staff not involved in the incident or the investigation while they are interviewed.
- 1.4 Pupils who are clearly only witnesses and not at risk of disciplinary action may be interviewed without an additional member of staff being present.
- 1.5 Parents do *not* need to be notified in advance that interviews are taking place, and their consent is not required (although they may be invited to attend an interview in the case of potentially serious breaches, where the Academy deems it appropriate to do so).
- 1.6 The pupil will be asked to make a statement, and / or a written record of the interview will be made by the interviewing member of staff. Pupils will be asked to sign and date their statement or the written record of the interview, confirming it to be true and accurate.
- 1.7 CCTV footage may be viewed and pupils' desks, lockers and / or personal belongings may be searched during the course of an investigation. See Appendix 4 of this policy for the Academy's policy on searching and confiscation.
- 1.8 It may sometimes be necessary to delay or suspend an investigation where external agencies such as the police or social services are involved and have recommended this. A decision to delay or suspend an investigation will take into account advice from appropriate external agencies, and will be subject to periodic review. In relation to alleged sexual violence or sexual harassment, the Academy will have regard to the DfE guidance Sexual violence and sexual harassment between children in schools and colleges (May 2018) and the Academy's designated safeguarding lead (or a deputy) will take a leading role on decisions.
- 1.9 Where the Headteacher has appointed a senior member of staff to investigate an incident which may result in formal exclusion from the Academy, the investigating member of staff will fully report the outcome of their investigation to the Headteacher to enable an informed decision to be made.

2 Isolation / fixed term exclusion pending further investigation / enquiries

- 2.1 Where the incident is serious and / or complex and it has not been possible to complete the full investigation and / or conduct all enquiries on the day that the

incident occurred or was brought to the attention of the Academy, the pupil may be placed in isolation while the investigation continues and / or enquiries are made (for example, consideration of a managed move). During this time the pupil is entitled to receive the equivalent of full-time education provision. The isolation period should be taken into account by the Headteacher when determining the final sanction.

- 2.2 Alternatively, where it is not appropriate for the pupil to remain on the Academy's premises while the investigation continues / enquiries are made, the pupil may be formally excluded from the Academy for a fixed term pending further investigation / enquiries. The length of the fixed term exclusion will be kept to the minimum required to complete the further investigation / enquiries.
- 2.3 Before a fixed term exclusion pending further investigation / enquiries is imposed, the Headteacher must be satisfied that a prima facie case has already been established in relation to the pupil's involvement in the incident to an extent that merits a fixed term exclusion of at least that length.
- 2.4 A fixed term exclusion pending further investigation / enquiries is still an exclusion, and the statutory procedure set out in the Exclusion Guidance will be followed (including sending an exclusion notification letter to the Parents containing all mandatory information).
- 2.5 Once the investigation / enquiries are complete, the Headteacher will be in a position to make a final decision. This may include imposing a further exclusion (either fixed term or permanent) to run consecutively (i.e. back to back, without a break in between) with the original fixed term exclusion pending further investigation / enquiries. A second exclusion notification letter containing all mandatory information will be sent to the Parents confirming the further exclusion.

3 Decision

- 3.1 Once the investigation has concluded, all of the information gathered will be considered and a decision will be made as to what facts have been established to be true, to the civil standard of proof (i.e. on a balance of probabilities, or more likely than not).
- 3.2 Pupils' behaviour and discipline records will be taken into account, together with the pupils' background, and any special educational needs and / or disabilities they may have. The Academy will follow the CST's Special Educational Needs and Learning Difficulties Policy and CST's Equal Opportunities Policy, where these are relevant.
- 3.3 All disciplinary sanctions imposed will be a fair, reasonable and proportionate response to the misbehaviour involved, taking into account the pupil's own account, aggravating features, mitigation, background, and special educational needs and / or disabilities.
- 3.4 Disciplinary sanctions will be recorded in the pupil's behaviour and discipline record.
- 3.5 The Academy will usually notify the Parents of disciplinary sanctions imposed and the reasons for them.

4 Exclusion from school

- 4.1 Only the Headteacher has the power to impose fixed term or permanent exclusions (including fixed term exclusion pending further investigation / enquiries).
- 4.2 The principles, guidance and procedure set out in the Exclusion Guidance will be followed at all times.
- 4.3 Where the pupil is excluded from school for fixed term or permanently (including where they are excluded for a fixed term pending further investigation / enquiries), Parents will be notified in writing and will be provided with the mandatory information set out in the Exclusion Guidance.
- 4.4 The Academy will set work for the pupil to complete during the first 5 school days of a fixed term or permanent exclusion (including a fixed term exclusion pending further investigation / enquiries), which must be returned to the Academy for marking. From the sixth day of a fixed term exclusion, the Academy will arrange suitable alternative full-time education for the pupil. This duty also applies when consecutive fixed term exclusions accumulate to more than five days in the course of an academic year. In the case of permanent exclusion, the Local Authority is under a statutory duty to arrange suitable alternative full-time education from the sixth day.
- 4.5 Parents are under a legal duty to ensure that their child is not present in a public place (including on or outside the Academy's site) during normal school hours for the first five school days of any exclusion from school, unless there is reasonable justification for this. Failure to comply is a criminal offence for which Parents can receive a financial penalty or be prosecuted in the criminal courts.
- 4.6 Parents have a right to make representations about any type of exclusion imposed, regardless of its length or type.
- 4.7 Where a pupil has been excluded for a fixed term exclusion which results in them being excluded for more than 15 school days in total (i.e. cumulatively) in the current school term, or has been permanently excluded, or will miss a public examination or curriculum test as a result of an exclusion, the Governors' Discipline Committee are under a duty to convene a meeting to review the Headteacher's decision and decide whether to offer to reinstate the pupil, or decline to offer to reinstate the pupil, within 15 school days (or before the examination / text).
- 4.8 Where a pupil has been excluded for a fixed term exclusion which results in them being excluded for more than five school days but not more than 15 school days in total (i.e. cumulatively) in the current school term, *and the Parents make representations about the exclusion*, the Governors' Discipline Committee are under a duty to convene a meeting to review the Headteacher's decision and decide whether to offer to reinstate the pupil, or decline to offer to reinstate the pupil, within 50 school days.
- 4.9 Where a pupil has been excluded for a fixed term exclusion which results in them being excluded for not more than five school days in total (i.e. cumulatively) in the current school term, the Governors' Discipline Committee are *not* under a duty to convene a meeting and do *not* have the power to offer to reinstate the pupil, or decline to offer to reinstate the pupil, but they must nevertheless consider any

representations made the Parents and, where appropriate, ask for a note of their view to be placed on the pupil's educational record.

- 4.10 The Headteacher has a power to withdraw any exclusion before it has been formally reviewed by the Governors' Discipline Committee at a meeting, including after representations have been considered in a case where the Governors' Discipline Committee has no power to offer to reinstate the pupil.
- 4.11 Where a Governors' Discipline Meeting takes place, Parents have a right to attend the meeting to make representations, and to be accompanied by a friend or (at their own expense) a legal representative. The Clerk to the Governors' Discipline Committee will liaise with Parents to agree a mutually convenient meeting date.
- 4.12 The role of the Governors' Discipline Committee at the Governors' Discipline Meeting is to review the Headteacher's decision to exclude, taking into account all of the factors set out in the Exclusion Guidance, and to consider whether or not the pupil should be reinstated (see Annex 1 of the Exclusion Guidance).
- 4.13 The Governors' Discipline Committee will notify Parents in writing of their decision following a meeting. The letter will include the mandatory information set out in the Exclusion Guidance.
- 4.14 Where a pupil has been permanently excluded and the Governors' Discipline Committee declines to offer to reinstate the pupil to school following a Governors' Discipline Meeting, Parents have a right to request an Independent Review Panel Hearing. Full details of this right will be set out in the Governors' Discipline Committee's decision letter.

5 Alternative provision / off-site education

- 5.1 The Academy has the power to direct that a pupil be educated off-site to help improve their behaviour. This may be to a Pupil Referral Unit (PRU), an Alternative Provision Academy, or another academy / school (collectively referred to as an 'alternative provision placement' in this policy).
- 5.2 An alternative provision placement can be full-time, or part-time in combination with attendance at the Academy or another setting. The expectation is that the pupil will continue to receive full-time education.
- 5.3 A personalised plan for the alternative provision placement will be put in place, which sets out the objectives for the pupil's improvement and attainment, the timeframe involved, the arrangements for assessment and monitoring progress, and with a baseline of the pupil's current position against which to measure their progress.
- 5.4 The alternative provision placement will be regularly reviewed, and Parents will be involved in the review. The purpose of the review is to ensure that the alternative provision placement is achieving its objectives and that the pupil is benefitting from it.
- 5.5 Parental consent is not required for an 'alternative provision placement'.
- 5.6 The Academy will follow the Alternative Provision Guidance when exercising this

power.

6 Managed moves

- 6.1 A 'managed move' is a transfer to another school / academy for a trial period with a view to the pupil being accepted there permanently. It is designed to give pupils who are **at risk of** permanent exclusion a fresh start in another school / academy without a permanent exclusion on their educational record.
- 6.2 During a 'managed move', the pupil will be dual registered, which means that they will be registered at both the Academy and the new school / academy. If the 'managed move' breaks down, the new school / academy will bring the 'managed move' to an end and off-roll the pupil, and the pupil will return to the Academy.
- 6.3 For this reason, a 'managed move' is not appropriate following a serious breach and / or persistent breaches of the Behaviour Policy for which permanent exclusion is deemed to be the only appropriate sanction, and the Academy would be unable to accept the pupil back if the 'managed move' broke down.
- 6.4 The Academy will endeavour to agree a fixed period of time for the 'managed move' at the outset, after which the new school / academy will be required to give permission for the pupil to be off-rolled by the Academy and become a regular pupil at the new school / academy.
- 6.5 Parental consent is required for a 'managed move' to take place.

Appendix 3 Use of reasonable force

- 1 Any use of reasonable force will be in accordance with the DfE guidance **Use of reasonable force (DfE, July 2013)**.
- 2 Reasonable force may be used to prevent a pupil from doing or continuing to do any of the following:
 - 2.1 committing a criminal offence;
 - 2.2 injuring themselves or others;
 - 2.3 causing damage to property, including their own; or
 - 2.4 engaging in any behaviour prejudicial to good order and discipline at the Academy or among any of its pupils, whether that behaviour occurs in a classroom or elsewhere
- 3 In these circumstances, force will be used for two main purposes: to control pupils or to restrain them. Reasonable force may be used, for example, to restrain a pupil at risk of harming themselves or another individual or to prevent a pupil leaving a classroom where allowing them to do so would risk their safety or lead to behaviour that disrupts the behaviour of others. Force is never used as a form of sanction.
- 4 In addition, reasonable force may be used to conduct a search for certain 'prohibited items' (see Appendix 4 below).
- 5 In these circumstances, 'reasonable' means using no more force than is needed.
- 6 In deciding whether reasonable force is required, the needs of individual pupils will be considered and reasonable adjustments will be made for pupils with special educational needs or disabilities. The Academy will establish proactive and positive behaviour support strategies for pupils with particular needs, in consultation with their Parents, to reduce the occurrence of challenging behaviour and the need to use reasonable force.
- 7 Where reasonable force is used by a member of staff, the Headteacher must be informed of the incident and it will be recorded in writing. The Parents will be informed about any incidents involving the use of force. The pupil's Parents will be informed about any use of force on the day of the incident or as soon as reasonably practicable. See also the Academy's separate Policy on the Use of Physical Restraint.

Appendix 4 Searching and confiscation

- 1 All Academies have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.
- 2 The Academy's policy on searching and confiscation has regard to the DfE guidance [Searching, screening and confiscation: advice for schools \(DfE, January 2018\)](#).
- 3 **Prohibited items**
 - 3.1 The following are 'prohibited items' under Section 550ZA(3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulations (SI 2012 / 951):
 - 3.1.1 Knives or weapons, alcohol, illegal drugs and stolen items;
 - 3.1.2 Tobacco and cigarette papers, fireworks and pornographic images;
 - 3.1.3 Any article that a member of staff reasonably suspects has been, or is likely to be used:
 - (a) to commit an offence; or
 - (b) to cause personal injury to, or damage to the property of, any person (including the pupil); and
 - 3.1.4 Items prohibited or their use restricted by the Academy in this policy that are identified as being items which may be searched for.
 - 3.2 The Academy has prohibited or restricted the use of the following items on the grounds that they are reasonably believed to be likely to cause harm or disruption:
 - 3.2.1 mobile phones - allowed only for those children in Upper Key Stage 2 who walk to and from school. Mobile phones must be given to the class teacher, who will store them securely, upon entry in the morning. Phones will be returned to the pupils at the end of the school day.
 - 3.2.2 laptops/tablets - children are not permitted to bring laptops or tablets in to school
 - 3.3 Pupils must not have these items in their possession or use them in a way which is restricted, on the Academy's premises, or at any time when they are in the lawful charge and control of Academy staff (e.g. on educational visits).
 - 3.4 Pupils may be searched for any item which is prohibited or its use restricted by the Academy (as set out above).

4 Searching with consent

- 4.1 Before any search is undertaken the pupil will usually be asked to consent. In seeking consent, the age and maturity of the pupil will be taken into account together with any special needs the pupil may have. Written consent will not usually be required. If items are "prohibited items" as listed in section 3 above, the Academy is not required to seek consent, but pupil will be asked in any event. Where a pupil is not deemed to have sufficient maturity or understanding or to be fit to give informed consent themselves, then consent will be sought from a parent.
- 4.2 The consent of the pupil must be obtained for searches for items that are not 'prohibited items' as listed in section 3 above. The consent of the pupil must be sought even if they are not at the Academy at the time.
- 4.3 If the pupil refuses to provide consent disciplinary action may be taken in accordance with the Academy's Behaviour and Discipline Policy.

5 Searching for prohibited items

- 5.1 Where the Headteacher or an authorised member of staff has reasonable grounds to suspect that a pupil may have a prohibited item, consent is not required and the search will be carried out, using reasonable force if necessary
- 5.2 Searches will be carried out on the Academy's premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on an educational visit or in training settings.
- 5.3 If it is believed that a pupil has a prohibited item, it may be appropriate for a member of staff to carry out:
 - 5.3.1 a search of outer clothing; and / or
 - 5.3.2 a search of the Academy's property (e.g. lockers or desks); and / or
 - 5.3.3 a search of personal property (e.g. bag or pencil case).
- 5.4 Searches will be conducted in such a manner as to minimise embarrassment or distress. Searches of a pupil or their possessions will generally be carried out in the presence of the pupil and another member of staff. Where a pupil is searched, the searcher and the second member of staff present will be the same gender as the pupil.
- 5.5 Where it is reasonably believed that serious harm may be caused if the search is not carried out immediately and it is not practicable to summon the pupil, or another member of staff, a member of staff may carry out a search of a pupil in any event.
- 5.6 Where the Headteacher, or staff authorised by the Headteacher, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item in accordance with this policy.

6 Confiscation

- 6.1 Under the Academy's general power to discipline, a member of staff may confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.

- 6.2 Confiscation of an item may take place following a lawful search, as set out above, or however the item is found if the member of staff considers it to be harmful or detrimental to Academy discipline.

7 Searching electronic devices

- 7.1 An electronic device such as a mobile phone or a tablet computer may be confiscated in appropriate circumstances in accordance with this policy. If there is good reason to suspect that the device has been, or could be used to cause harm, to disrupt teaching or breach the Academy's policies on behaviour and discipline, any data or files on the device may be searched and, where appropriate, data or files may be erased before the device is returned to its owner. Any search of an electronic device should be conducted in the presence of a member of the IT staff.
- 7.2 Any data or files will only be erased, if there is good reason to suspect that the data or files have been, or could be used to cause harm, to disrupt teaching or breach the Academy's policies on behaviour and discipline.
- 7.3 Subject to 7.4 below and the requirements set out in KCSIE 2020 If inappropriate material is found on an electronic device, the member of staff may delete the material, retain it as evidence of a breach of Academy discipline or criminal offence or hand it over to the police if the material is suspected to be evidence relevant to an offence.
- 7.4 Staff should not view or forward illegal images of a child. When viewing an image is unavoidable staff should consult the advice set out in the [Searching screening and confiscation advice \(for schools\)](#) and [UKCCIS sexting advice](#).

8 Disposal of confiscated items

- 8.1 **Alcohol:** Alcohol which has been confiscated will be destroyed.
- 8.2 **Controlled drugs:** Controlled drugs will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion of the Headteacher or authorised member of staff, the drugs may be destroyed without the involvement of the police if there is good reason to do so. All relevant circumstances will be taken into account and staff will use professional judgement to determine whether the items can be safely disposed of. They will not be returned to the pupil.
- 8.3 **Other substances:** Substances which are not believed to be illegal drugs but which are harmful or detrimental to good order and discipline (for example "legal highs") may be confiscated and destroyed. Where it is not clear whether or not the substance seized is an illegal drug, it will be treated as though it is illegal and disposed of as above.
- 8.4 **Stolen items:** Stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of the Headteacher or authorised member of staff, there is good reason to do so, stolen items may be returned to the owner without the involvement of the police. This is likely to apply to items of low value, such as pencil cases.
- 8.5 **Tobacco or cigarette papers:** Tobacco or cigarette papers will be destroyed.

- 8.6 **Fireworks:** Fireworks will not be returned to the pupil. They will be disposed of safely at the discretion of the Headteacher or other authorised member of staff.
- 8.7 **Pornographic images:** Pornographic images involving children or images that constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008 will be handed to the police as soon as practicable. As possession of such images may indicate that the pupil has been abused, the Designated Safeguarding Lead will also be notified and will decide whether to make a referral to children's social care.
- 8.8 Other pornographic images will also be discussed with the Designated Safeguarding Lead. The images may then be passed to children's social care for consideration of any further action. If no action is to be taken by the local authority the images will be erased after a note has been made for disciplinary purposes, confirming the nature of the material.
- 8.9 **Article used to commit an offence or to cause personal injury or damage to property:** Such articles may, at the discretion of the Headteacher or authorised member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained or disposed of.
- 8.10 **Weapons or items which are evidence of an offence:** Such items will be passed to the police as soon as possible.
- 8.11 **An item prohibited or its use restricted by the Academy:** Such items may, at the discretion of the Headteacher or authorised member of staff taking all the circumstances into account, be returned to its owner, retained or disposed of. Where staff confiscate a mobile phone that has been used to disrupt teaching, the phone will be kept safely until the end of the school day when it can be claimed by its owner, unless the Headteacher considers it necessary to retain the device for evidence in disciplinary proceedings in accordance with 8.12 below. If a pupil persists in using a mobile phone in breach of the restriction, the phone will be confiscated and must be collected by a Parent.
- 8.12 **Electronic devices:** If it is found that a mobile phone, laptop or tablet computer or any other electronic device has been used to cause harm, disrupt teaching or breach the Academy's policies on behaviour and discipline, including carrying out cyberbullying, the device will be confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded the device must be collected by a Parent and the pupil may be prohibited from bringing such a device onto Academy premises or on educational visits. In serious cases, the device may be handed to the police for investigation.

9 Communication with Parents

- 9.1 There is no legal requirement for the Academy to inform Parents before a search for prohibited items takes place or to seek their consent to search their child and it will not generally be practicable to do so. In appropriate cases, we will inform Parents on how the Academy will dispose of certain items.
- 9.2 We will keep a record of all searches carried out, whether the search is with or without the consent of the pupil, which can be inspected by the Parents of the

pupil(s) involved subject to any restrictions under the Data Protection Act 2018. The record will include details of any disposal of items confiscated.

- 9.3 Complaints about searching or confiscation will be dealt with through the Academy's published Complaints Policy and procedures.
- 9.4 The Academy will take reasonable care of any items confiscated from pupils. However, unless negligent or guilty of some other wrongdoing causing injury, loss or damage, the Academy does not accept responsibility for loss or damage to property.