

# **Rack House Behaviour Management Policy**

## **Introduction**

We believe that Rack House Primary School is a place where every child can learn in a well-ordered environment where they feel safe. High quality teaching and learning experiences will ensure the majority of children are motivated and behave well. Additional support and opportunities will be available for others.

We aim to maintain our school as a place where children can learn and teachers can teach without disturbance. Children learn better when praised and rewarded and through this we foster a positive attitude towards school and education. The positive example of adults within school helps to support children's development.

The children and the whole school community should know about, understand and accept our code of conduct. Parental involvement and support is a vital part of our policy. Everyone in school is expected to be sensitive to issues of race, gender and the individual needs of children experiencing difficulties.

At Rack House we have a restorative approach to dealing with incidents of anti-social behaviour or conflict situations. We use this approach because it is very effective in changing the behaviour of those who have harmed others. Punishment on its own is not an effective way of getting people to understand the effects of their behaviour on other people. The basic Ethos of the Restorative Approach is to:

- ❖ Ensure that people have the chance to understand the harm that they done to others.
- ❖ Give people who have caused harm reflection time.
- ❖ Give the people who have caused harm the right to put things right.

We ensure parental support and involvement through our Home/School Contract (see appendix) and our guide to good behaviour for parents.

We also have standard letters which are sent to parents as required (see appendix).

## **Our Aims**

- To develop citizens of the future who are caring and think about others, respecting and valuing the feelings, opinions, beliefs, property and differences of others.
- To develop high esteem.
- To work in partnership with parents to develop our children personally, academically, morally and spiritually in preparation for a positive role as future adults.
- To provide a clear vision for all in the school community about behavioural expectations at Rack House.
- To provide guidance for all staff, children and parents about how behaviour is managed and supported at Rack House.
- To develop in our children a sense of responsibility for their actions where they realise that they are making choices about their behaviours.

As adults we have a vital part to play as role models.

We do this through:

- Demonstrating good manners
- Practising good behaviour to each other as well as to the children
- Teaching appropriate behaviour and giving feedback when pupils are behaving well
- Showing respect for every child as an individual
- Making every child feel valued
- Not accepting bullying, anti-social behaviour in school, on any level, at any time
- Being aware of vulnerable children
- Being seen to be fair and consistent
- Responding quietly, calmly, consistently and positively
- Criticising the behaviour not the child, "you are better than this"
- Avoid labelling
- Listen with empathy and tact
- Handling confidential information with sensitivity
- Having regular liaison and update meetings internally and with relevant outside agencies to make our policy effective
- An awareness of our appearance and the messages it gives.

## **Positive Behaviour Management Strategies**

### ***The Whole School Approach to Positive Behaviour Management***

#### **Rewards**

House points – children can earn points for good behaviour in class, around school, during assembly and at playtimes. Points are also given for good work in school, homework and extra curricular activities. These points are given in the form of smiley faces. These smiley faces can be given to any child by any member of staff, teaching and non-teaching. Each class collects team points and competes with other classes for a weekly 'treat'.

Celebration assembly is every Friday to reward good work and effort. One child from each class shows their work and receives an award.

Termly attendance assemblies take place and attendance certificates are given out to all children informing them of their attendance with prizes being given to those children who have achieved 100% attendance or made a significant improvement in attendance or punctuality.

In-class Displays – each class will display House Points; this display should also include any in-class rewards that are particular to the class and include the class rules and consequences.

### **Individual and Class Based Positive Behaviour Strategies**

Children with special educational needs are included within the whole of the behaviour policy. They may, however, need extra motivators or incentives. These are set up by the class teacher and included in the child's IEP. External agencies such as speech and language therapists or educational psychologists can advise on appropriate strategies.

These children may also be given a report card which is a weekly chart breaking down each day into the four teaching sessions. At the end of each session the teacher with whom the child has been working either puts a tick or cross in the corresponding box according to the child's behaviour. On Friday the child discusses their week with a senior manager and together with them sets a target for the number of ticks they aim to get by the end of the following week. If the target is met a prize is given.

Many of the children with Special Educational Needs, with regard to their behaviour, find it hard to cope with less structured times in the day like lunchtimes. For these children a range of lunchtime clubs are offered each day. The clubs provide a range of activities and are supervised by learning mentors and TA's.

Some children have Individual Behaviour Plans (IBP's) to support their behaviour in response to specialist advice. Some children may also have 'Pen Portraits' to further explain their individual needs and personalised strategies to support their behaviour.,

Teachers may feel that their class needs to work towards particular targets and, therefore, set up additional class based incentives.

### **Consequences**

A vital element of our consequences for poor behaviour is a range of restorative approaches. This is a whole school approach to encourage children to learn from aspects of anti-social behaviour.

Restorative Approaches have three key elements:

1. Ask about what happened
2. Ask about who has been affected and make sure that the perpetrator understands how the victim feels.
3. Enable those who have done harm to put things right and make amends.

Together this gives us the LEAF process of Restorative Practice; **L** (Listen to what happened), **E** (Effect on others), **A** (Amends), **F**(Follow up). Restorative approaches encourage the philosophy of turning over a new leaf.

Every year parents and children receive a letter informing them or reminding them of the schools code of conduct and the consequences for not choosing to follow the code of conduct. Parents are required to respond to this letter by signing a tear-off slip and returning it to school. The parents agreement slip is then kept by the class teacher, as is home/school agreement. The presence or absence of these can then be used if necessary during the year if the parents are required to come into school to discuss their child's behaviour.

The school code of conduct: See attached

The class rules are:

The code of conduct is displayed in every classroom and around school. Each class also has a list of classroom rules displayed on the wall. These class rules are generated by discussion between the children and the teacher.

If a child does not follow the rules contained within our code of conduct and the individual class rules then the consequences are implemented. The consequences consist of a stage procedure which is progressive throughout the day. At the end of each day if the child has completed the consequences then they begin the next day afresh. If, however, the child has not completed their consequences by the end of the day then they are carried over until completed. Once completed the child starts afresh again.

There are opportunities for children with crosses next to their name to have their time out at playtime (supervised by staff).

### **Consequences**

Name on board/sad face	Verbal warning.
1 Amber	Time out in class.
2 Warning	Lose 5 minutes of playtime. (Carried over to the next day if necessary)
3 Red	As above and go to another class for 30 minutes. Complete a reflection form.

Severe Clause

½ day in another class. Miss all playtimes including lunchtime. Report form filled in by class teacher. Child then sent to head with report. Letter/phone call from Deputy or Headteacher.

**Note:** On completion of a sanction, the child's cross/crosses are circled on the board.

### **Severe Clause**

This is the only stage which a child can go straight to for the following reasons:

- Physical or verbal abuse towards child/adult that is directly witnessed or heard by a member of staff and is deemed to be very severe.
- Racist comments made to staff or children/
- Leaving the school premises without permission.
- Bullying.

The child will spend half a day in another classroom, miss all their playtimes including lunchtime. The teacher will complete a report form which the child then brings to the Headteacher. The Headteacher or DHT will contact the parents.

### **Report Books**

If a child persists in breaking the rules, and their behaviour becomes extreme, they can be put on 'report' by their class teacher. This allows the child's behaviour to be closely monitored over a number of weeks. An initial meeting is set up with the parent after which a report book. Each day the class teacher sets a target linked to the child's behaviour. At the end of a day a brief summary of the child's behaviour is recorded in the book, highlighting the positive and negative aspects. This is then sent home with the child in order that parents can remain fully informed of the child's behaviour during that day and make any comments in the book. In Key Stage One a child can be put on report for two weeks, while in Key Stage Two progress will be reviewed at fortnightly intervals. The maximum period of time on report, without a break, is six weeks for junior children.

### **Lunchtimes**

The Lunchtime Organisers have completed a number of sessions including sports training in recent years. The purpose of these training sessions has been to develop a range of playground activities for the children to get involved with at lunchtimes, to improve channels of communication and to provide some lunchtime guidelines that make all rules, positive rewards and consequences for poor behaviour more consistent throughout the school.

We hope to provide a caring, happy and friendly environment in which children can feel secure at lunchtimes. The lunchtime should be stress free for staff and children. By concentrating on positive behaviour and by being pro-active in our work it is possible to reduce the time spent in dealing with poor behaviour.

The vast majority of children at Rack House are able to operate well within the behavioural expectations of children in a mainstream school. There are however a number of children who have emotional and behavioural special needs and require a modified or different approach. Some examples in dealing with their behaviour is to:

- Closely communicate with the SLO's who in turn liaises with Mrs Stevenson
- Always deal very calmly and assertively with them, do not shout.
- Do not deal with them in front of other children. This can be humiliating for yourselves and for the children.
- Report their behaviour calmly and it can be dealt with when they have calmed down. The children WILL have to carry out their consequences.
- Walk away from the situation if you feel that you are losing control and remember that it can be reported and dealt with later.
- Find some positive behaviour that you can praise possibly in front of the child who is misbehaving.
- Remember that Special Needs children will often be dealt with later on when they have calmed down.

### **Positive Rewards for Good Behaviour**

It is extremely important, in the effort to achieve good behaviour, that positive behaviour by the children is **recognised, praised and rewarded**. Without doing this we cannot move forward.

The Lunchtime Organisers have decided that by concentrating on acceptable and good behaviour, that this is the way forward for developing a happy, stress free and ultimately well behaved lunchtime period. **We should NOT spend more time concentrating on poor behaviour than on good behaviour.**

The resources needed for a successful reward system will be provided by school. Is the responsibility of the LO's to inform class teacher reward resources needed.

### **Consequences for Poor Behaviour**

It is important that all children, are treated fairly, consistently and appropriately when they break a lunchtime rule. With this in mind the lunchtime organisers will follow the school code of conduct.

The consequences for poor behaviour can found in the appendix.

## **Equipment for a Successful Lunchtime**

The play equipment will be provided by the school in line with an annual budget allowance for LO's. both indoor and outdoor play will be provided. This equipment needs to be provided regularly so that outdated, lost and worn out equipment can be replaced. The Headteacher will constantly be looking at ways of financing outdoor play equipment including fixed and larger outdoor equipment.

**It is the responsibility of the LO's to play games with the children and to ensure that they are using play equipment appropriately.** Play times will be more fun if the children are actively occupied. The sports training which the LO's have received has helped them to do this more effectively. The LO's each week provide a range of games which the children can get involved in. Football is also made available to Key Stage Two children.

It is the responsibility of the LO's to inform the SLO of equipment needed and of equipment lost and damaged, so that the SLO can begin a list of equipment needed. It is the responsibility of the SLO to provide the Headteacher with such a list annually in March.

## **Behaviour Management**

The systems for dealing with both positive and negative behaviour from the children are now in place. This should improve consistency and help children to understand the boundaries of what is and what is not acceptable.

However, the systems are not the complete answer to all the issues faced by lunchtime organisers when it comes to behaviour management. Dealing with children's behaviour is a complex issue, because we are dealing with personalities, emotions and feelings, not just of the children but of ourselves.

Some very important things to remember are:

- Treat all children fairly and with respect, in the knowledge that this is how you want them to treat you. Modelling this form of treatment will result in the children doing the same.
- Treat all children in the same way that would expect your own children to be treated.
- Try and listen to all children when they are explaining reasons for their behaviour and do not be judgemental about situations.
- Avoid confrontation at all times. Be assertive in your dealings with the children and do not shout or lose your temper.
  
- Do not put yourself in a position where a child can make an allegation that you have physically assaulted him/her.
- In a case of child on child physical violence, remember to remove the victim for that child's safety, and not try to restrain the perpetrator.

- Speak to the children in a friendly, but assertive, direct and calm manner, even in situations of stress. When giving instructions be very clear and assertive and make sure that every child has heard you.

## **Finally**

The guidelines are to support you in your work. They are flexible and should be adapted and built on as new and more effective systems are devised. Please use them for your reference and support.

Your job is a complex one, requiring you to develop a wide range of skills and strategies and very often you are not regarded with the status you deserve.

## **Exclusion**

In rare cases it may be necessary to exclude a child for example if there has been a physical attack on another person. This is only ever considered after all other avenues have been explored. At all times, the LA's procedures are followed. Any child returning to school following an exclusion is helped to behave appropriately. Only the Headteacher or in his absence the Deputy Headteacher can exclude a child.

## **Physical Restraint**

Having to physically restrain a child at Rack House Primary School is extremely rare. Adults working at Rack House should always avoid and diffuse physical confrontation. Where there is a need for physical intervention only staff trained in safe restraint techniques should carry out such interventions. A risk assessment will be carried out by the leadership team for specific children if appropriate or required. Staff must not physically intervene if they are not fully trained in 'Team Teach' strategies. The Headteacher or HLTA, or in their absence a member of the leadership team, must be called to attend any situation, if possible, before physical intervention is required.

Physical restraint will be necessary in very few situations. All staff are fully trained in de-escalating techniques and will only physically restrain a child if they are in danger or are a danger to others.

Those trained in safe physical intervention will need to use their professional judgement as to whether physical intervention is legitimate. Response to serious damage to property or other unruly but not immediately threatening behaviour needs to be carefully balanced against the risk to members of staff and the psychological damage to young people involved. What constitutes serious damage and risk will be a matter of professional judgement as it is clearly not possible to legislate for every situation.

Manchester City Council's 'Physical Intervention in Schools' guidance must be followed. (See Appendix).

Restorative approaches to dealing with conflict can be followed. The appropriate procedure will be decided upon by the appropriate teacher or member of the leadership team. Judgements will need to be made about the nature and severity of the incident.

### **Procedures for responding to bullying:**

- **Appropriate sanctions**

Proven cases of bullying will be dealt through the sanctions outlined in the Policy. This can include in extreme cases fixed term and permanent exclusion. It is important that Parents of both the victim and the perpetrator are informed of any sanctions taken.

### **The following procedures follow a sequential process to reflect the severity of the incident.**

All procedures follow L.E.A.F. ethos –

**L.** Listen - Ask in turn what has happened to you?

**E.** Effects – How has everyone been affected?

**A.** Amends – What do we need to do and say to make things better?

**F.** Follow Up – Are things still better?

- **Restorative Discussion.**

This is an informal, quick, on the spot discussion, following the above LEAF structure. This can be used for lower level/one off incidents.

- **Mini-conference**

This is a discussion/meeting held in an appropriate space away from the rest of the children's peers. It will involve children and a member of staff only. This will give both parties a chance to discuss an incident and how they were made to feel as a consequence of the other person's actions.

1. Present actions.
2. Together the 'committee' will devise a plan to improve the situation for the victim.
3. This plan will be reviewed with the 'committee' a week later.
4. Complete 'Anti Bullying Review' Sheet.

1. The Mediator checks that A feels satisfied that B understands their feelings.
2. Repeat the above in reverse.
3. A and B work out together what they can do to make things better. An agreement is made and written.
4. A and B sign. A review date is set.
5. The Mediator makes regular checks on both A and B.
6. Review takes place. If necessary further action is initiated.

## **Monitoring and Evaluation**

This Behaviour Management policy will be monitored by the whole school community. It's success will be evaluated termly through year meetings, it will be reviewed annually.

## **Appendix**

**Appendix 1 - Report Book**

**Appendix 2 – Provision for meeting children's needs**

**Appendix 3 – Severe Clause Behaviour in School**

**Appendix 4 – Severe Clause Report Form**

**Appendix 5 – Lunchtime Rules**

**Appendix 6 – Physical Intervention in Schools**

**Appendix 7 – Home School Contract**

**Appendix 8 – School Code of Conduct.**

**Appendix 9 – DFE Use of Reasonable Force (Jul 13)**

**Appendix 10 – Incident Log**

**Appendix 12 – What the Law says**

**Appendix 13 – Rack House Guide to Good Behaviour**

**Appendix 14 Home School Agreement**

# Report Book

Name.....

Year.....Teacher.....

Date begun.....

Date finished.....

*For communication between all adults and the child.*

**Date.....**

**Teacher's review of today:**

**Parents' Comments (to be completed)**

**Child's Comments**

**Targets**

**Date.....**

**Teacher's review of today:**

**Parents' Comments (to be completed)**

**Child's Comments**

**Targets**

**RACK HOUSE PRIMARY SCHOOL**

**PROVISION FOR MEETING CHILDRENS EMOTIONAL NEEDS**

Level of Provision	Target group	Recording
<p>Wave 1 Universal Provision for ALL children</p> <ul style="list-style-type: none"> <li>- High quality teaching</li> <li>- Positive consistent behaviour management system that is affirmative and instructive. Used across school by all adults</li> </ul> <p>Every incident viewed as a learning opportunity/experience            Children taking responsibility for own behaviour-non punitive            High profile reward system – celebration of achievement.            Curriculum – PSHE – Strong emphasis on developing emotional literacy from entry to school, one a session a week all classes            Multiple intelligence and big picture planning – planning for different learning styles, techniques for kinaesthetic learners.</p>	<p>All children</p>	<p>End of year reports            Parents met regularly recorded on pastoral record where applicable.</p>
<p>Wave 2 Provision for some children</p> <p>Class based            Target set for behaviour and programme set up with learning mentor.            Communication with LO, SLO            Regular structure of conversation with parents – telephone, home, school books, letter etc.            1-1 pairs small group – withdrawn – ‘in your face’</p> <p><b>Group Work</b>            FS – additional Targeted work with TA based initiatives breaking down personal and social objectives in areas of learning            KS1 – Intensive 6 week intervention with 4-6 children using additional curriculum with TA –20 minute sessions            KS2 – Intensive 6 week intervention with 4-6 children using additional curriculum or intensive Emotional Literacy programme</p>	<p>Policy not impacting on behaviour.            Behaviour hindering learning.</p> <p>Informal contact with parents – if no impact meetings formalised-date sets, reviews</p>	<p>Daily/Weekly record sheet            Lunchtime record sticker book Home school diary Pastoral record sheet.</p>

with KS – 30-minute sessions. 1. Achievement File -		
Wave 3a – Provision for fewer children Learning Mentor -intervention for group or individual -Lunch time LM club referral Small group circle time PsPs Report Book -Pastoral support person in school identified. Programme set up involving wider group.	Behaviour not improving significantly with intervention-hindering learning  In school programmes not impacting on behaviour-hindering learning	IEP reviewed 3 times yearly or earlier if appropriate. New IEP written if necessary IBP evaluated half termly.
Wave 3b  Paired younger work EP referral CAHMS referral PSP		Referral, new IEP written IBP written, evaluated half termly

**Appendix 3**

**SEVERE CLAUSE  
BEHAVIOUR IN SCHOOL**

Dear .....

I regret to inform you that your child  
.....has been involved in a  
very serious behavioural incident today, resulting in him/her being placed on  
SEVERE CLAUSE sanctions programme.

SEVERE CLAUSE incidents are: PHYSICAL VIOLENCE  
VERBAL ABUSE TO A TEACHER  
RACIST COMMENTS  
LEAVING SCHOOL OR CLASS WITHOUT  
CONSENT  
DEFIANCE TO A STAFF MEMBER

In particular your child has

.....  
.....  
.....  
.....  
.....  
.....

- The consequence for your child has been dealt with in school.
- Please make an appointment to see me in school as soon as possible.  
Please bring this letter with you to the meeting.

It is very important that you speak to your child about this incident and take appropriate action.

Yours Sincerely

Darren Amesbury  
Headteacher

**BEHAVIOUR IN SCHOOL**

Dear Parent/Carer,

I am writing to inform you that ..... has misbehaved on a number of occasions today in class.

In particular he/she has:

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.....  
.....  
.....  
.....

It is essential that your child behaves well in school so that all the children can learn in a well disciplined and safe environment.

Please can you have a word with your child about this matter and please stress how important it is that this sort of thing does not happen again.

Thank you for your support.

Yours Sincerely

Class Teacher

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I HAVE READ YOUR LETTER AND I HAVE:

.....  
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.....  
.....  
.....

CHILDS NAME.....

PARENTS SIGNATURE.....

**RACK HOUSE PRIMARY SCHOOL**

**SEVERE CLAUSE REPORT FORM**

NAME.....TEACHER.....  
.....

INCIDENT.....  
.....  
.....  
.....  
.....  
.....

SENT TO CLASS.....LETTER HOME:  
YES/NO

**RACK HOUSE PRIMARY SCHOOL**

**SEVERE CLAUSE REPORT FORM**

NAME.....TEACHER.....  
.....

INCIDENT.....  
.....  
.....  
.....  
.....  
.....

SENT TO CLASS.....LETTER HOME:  
YES/NO

**Lunchtime Rules**

- Always walk in school
- Keep your hands, feet and objects to yourself
- Line up when asked
- Always be polite and well mannered
- Be in the right place at the right time

**Canteen Rules**

- Stay in your seat
- Speak quietly only to the people on your table
- Keep your hands, feet and objects to yourself
- Always be polite and well mannered
- Always walk in the canteen

**Lunchtime Rewards**

- Praise / Smiles
- Happy Faces given out

**Lunchtime Consequences**

- Verbal Warning
- Sent to SLO. Name in Playground book/Consequence book (as appropriate).
- Consequence book will be monitored. Children who are appearing regularly will be brought to the attention of the Headteacher
- Persistent inappropriate behaviour at lunchtime will result in a period of exclusion from lunchtimes
- Severe Clause – swearing at LO's , physical abuse, heard racism

**Physical Intervention in Schools**  
**Guidance for Manchester Schools - March 2002**  
**Behaviour and Discipline in Schools – February 2014**

**Key Principles**

In any school there is a risk of young people or adults behaving in dangerous fashions, putting themselves, other people or valuable equipment at risk. For some young people such behaviour will be part of their predictable responses to situations. Schools should anticipate this possibility and should have in place policies which should guide practice when such situations arise. Such policies will need to: identify potential risks and plan to avoid confrontations, from which many dangerous incidents develop; describe options for responding to these challenges including techniques for de-escalating conflicts which do arise; and advise staff how to respond when behaviour becomes dangerous.

Physical intervention should not be considered in isolation, but in the overall context of agreed management policies, in particular those relating to behaviour, bullying, harassment and racism, Child Protection and violence to staff.

Wherever possible managers should not require staff to work in isolated situations with young people whose behaviour is such that the likelihood of confrontation is increased.

Where a pupil has a sensory or physical disability or a learning difficulty particular care will be required to ensure that the pupil understands what is happening and to ensure that actions taken are not discriminatory.

Many incidents of violence arise through escalation of a relatively minor incident. Staff should, wherever possible, take steps to avoid the need to physically intervene by discussion and diversion.

Confrontation is rarely a productive approach to adopt when differences of opinion emerge: even when the incident appears to be resolved satisfactorily relationships may have been damaged and the 'model' of behaviour offered is not desirable.

Where confrontations arise and cannot be avoided; the emphasis should be on de-escalation. A determination to de-escalate is based on the belief that problems are unlikely to be solved by people whose emotional states are heightened. The objective, therefore, should be to allow opportunities for calm to return before attempting to deal with the issue.

De-escalation, at its simplest, might be simply recognising that actions might serve to escalate and asking, "Do I need to do anything?". A number of skills have been found to be helpful in defusing or de-escalating situations;

Confrontation can sometimes be unavoidable. Where it is necessary to intervene physically, the guidance in Section 6 should be followed.

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### **Power to use reasonable force**

Members of staff have the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom.

Head teachers and authorised school staff may also use such force as is reasonable given the circumstances when conducting a search without consent for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm.

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

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

Staff are expected to exercise good care and control. A young person may be physically restrained or a staff member or other person may protect themselves only to the extent of using the minimum degree of force that is needed in the circumstance to effect the restraint.

Assault and corporal punishment or any deliberate act to inflict physical pain as a means of punishment must not be used under any circumstances. It is prohibited by law.

It needs to be borne in mind that physical intervention may be dangerous, either from the young person's or from the adult's perspective, in physical and psychological terms.

A distinction should be made between the need to use physical intervention to respond to particular circumstances, or as part of an individual pupil's Education Plan or Personal Support Programme, and using it repeatedly as a regular feature of the regime, for instance as part of routine behaviour management approaches. The latter is not allowed.

Holding, for example taking a child by the hand to move them away from another child, constitutes a physical intervention

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### **Prevention**

Individual members of staff should make every effort to avoid confrontation, particularly where physical intervention is thought a possible outcome. Staff faced with a potentially violent situation should try to be calm, confident and objective; talking and listening or methods of non-physical communication should be the first line of approach. Staff should have full regard to the strategies of de-escalation and avoiding confrontation suggested below and found in Appendix D.

The use of force to manage disruptive behaviour or to force compliance with an instruction might increase the risk of violence and injury to the pupil or the member of staff and sets a bad example which the pupil may copy.

For some children where there is a recognised risk of escalation of incidents leading to physical intervention an agreed preventive strategy will be required. Such planned responses should form part of the Individual Education Plan or Pastoral Support Programme.

There may be considered to be two discrete stages to preventing the need for physical intervention: avoiding a confrontational situation developing in the first place and defusing an incident once it has started to develop. Many effective practices will apply in both phases but there are also specific differences which require the exercise of judgement.

In responding to pupils' behaviour staff should always try to present a calm exterior and model desirable skills of peaceful conflict resolution. Such activities can usefully be included in curricular activities for all pupils.

Confrontation can usually be avoided by a determined adult: choosing not to make an issue in public, remaining calm and allowing space, restating expectations and giving choices. Adults have many more skills than children or young people and should have the confidence to use them.

De-escalation, once an incident has begun, requires the deliberate reduction of tension. This may be achieved by de-personalising, breaking eye contact, sitting down or moving away. Schools may feel that it is worth designating a space for the de-escalation of conflicts; such spaces are often used as "time out" rooms, allowing all parties a non-threatening opportunity to gain self-control before attempting reconciliation. For some pupils access to such facilities can provide a vital "safety valve"; such a short or long term arrangement should be described within the pupil's Individual Education Plan or Pastoral Support Programme, as indicated above.

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## **6 Physical Intervention/Restraint in practice**

Staff considerations:

Staff should have good grounds for believing that immediate action is necessary to prevent a young person from significantly injuring themselves or others or causing serious damage to property.

Staff should consider whether physical intervention is likely to resolve the situation safely or is likely to result in more immediate damage or danger for the young person or other people. It is always important to consider other approaches and, where time and circumstances allow, to take other sensible measures.

Staff should also consider calling for assistance before intervening if they have reason to believe that they would be at risk of injury if intervening alone.

## **Pupil considerations**

Young people whose needs are such that they can be expected to require complex or repeated physical management should have an individually written care policy which has been discussed with staff, parents or carers and explained, where possible, to the young person. Staff working with them should be trained in the most appropriate and safest methods of restraint and given appropriate background information such as any history of previous abuse. Such a pupil should also have a planned programme intended to teach more desirable patterns of behaviour.

Where possible, when physical intervention is necessary, it should be used in such a way that care and concern for the child is demonstrated. Activities that are likely to diminish the child's self respect or are likely to humiliate them in their own eyes or in the eyes of others (e.g. holding on the ground in front of others), should be avoided.

In exceptional circumstances where a greater level of physical control is needed (e.g. where it is deemed necessary to bring a young person to the ground), staff should consider the young person's previous history. Such actions may have the opposite effect of subduing a young person who has been the victim of physical or sexual abuse. In such situations consideration should also be given, if possible, to issues of gender, culture, body weight and relative strength.

Caution and professional judgement need to be exercised in situations where clothes could be held: a young person's response, where clothing is ripped or damaged can sometimes trigger more extreme and violent behaviour or prolong the duration of an incident.

Physical intervention should be delayed, if possible, long enough to remove other pupils. The presence of an audience may lead to further escalation, requiring longer or greater physical force and may make it more difficult to rebuild positive relationships with the pupils concerned.

## **Safer practice in physical intervention**

Schools where physical intervention is likely to be required or where staff are working in isolated situations should develop mechanisms to alert another member of staff such as sending a reliable pupil with a 'help card', the use of pagers or telephones or some other acknowledged signal.

It is always desirable to have another adult witness to the incident, preferably ensuring the presence of a member of staff of the same sex as the young person before any physical intervention becomes necessary; once a physical intervention has become necessary there may be no opportunity for further delay or sending for assistance.

In instances where a young person is damaging property without endangering physical safety, attempts should be made to divert their attention in the first instance. However, professional judgement should be exercised i.e., if after initial verbal requests, serious damage continues and the young person's mood is advanced, then physical intervention may be required sooner rather than later.

Staff should consider the appropriateness of seeking medical assistance after any such incident since any restraint is potentially damaging to the young person and/or

staff, physically or psychologically, particularly for pupils who have experienced abuse where similar experiences may have occurred.

As outlined earlier, where possible staff should seek to remove the young person, or remove other young people from the incident, to reduce the spectator element.

Where a young person has not lost self-control but is simply directing aggression at an individual member of staff, as a challenge to their dignity or self-control, or at another young person, the member of staff should seek the intervention of other staff, wherever possible, and remove themselves, or the threatened young person, from the situation.

Sometimes successful physical intervention may be confined to the person threatened. If it is evident that a violent young person is about to strike somebody, the potential victim might be removed before the blow has actually been struck.

### **Physical intervention in practice**

If, in the view of the member of staff, physical intervention is necessary the following guidelines should be adhered to. It will always be the case, however, that the specific actions should be guided by the member of staff's judgement; there is no universal prescription regarding what is appropriate, safe or legally justifiable.

Staff should use the minimum force required to control aggression and should apply it in a manner which attempts to prevent rather than provoke further aggressive reaction.

Restraint must not be applied any longer than necessary and the adult should continue attempting to calm him/her down and making clear that restraint will cease when it appears safe to do so,  
e.g.: "If you stop kicking I will release my hold."

The following are examples of what would not be regarded as acceptable, other than in the most exceptional circumstances:

- striking, slapping or kicking a young person;
- pulling a young person's hair or ear;
- squeezing or holding a young person's neck;
- shaking a young person;
- lifting a young person off the ground to intimidate him/her;
- forcing a young person's arm up behind his/her back;
- holding a young person face down on the ground;
- any action leading to actual injury to the young person.

Faced alone with a potentially violent situation an individual member of staff should not attempt physical intervention before adequate assistance has been obtained unless it is obviously essential to intervene. The number of staff involved should be the minimum necessary to restrain the child while minimising injury to all parties; in formulating their policies, for individual pupils in particular, schools should consider the appropriate number of staff to be involved.

Staff should make every effort to safeguard the vulnerable areas of the body when restraining a child who is being violent, e.g. head, throat, chest and abdomen. If limbs have to be grasped, they should be held near to a major joint to reduce the danger of fracture or dislocation. Gripping the head, throat or fingers should be avoided. Generally holds which involve gripping the young person from the side are likely to be safer than holds which involve gripping the young person from in front or behind.

A member of staff who is physically attacked must use the most appropriate means available for self-defence; this will be a matter for personal judgement. If it is possible the member of staff should remove themselves from the immediate vicinity, or from the attacker, without putting at risk the other young persons or adults.

Staff should consider seeking medical assistance in dealing with incidents:

- where the physical health, prolonged hyper-activity or state of shock of any person involved suggests the need for medical examination, treatment or re-adjustment of existing medication;
- where breathing patterns change during, or immediately afterwards, particularly if the person concerned uses an inhaler;
- where there is evidence of physical injury.

Involvement of the Police in handling extreme incidents may be preferable to reliance on staff whose experience and training will not be as extensive and who are likely to be expected to work with the pupil after the incident.

---

### **Recording and follow-up**

Schools may wish to consider recording all incidents involving physical contact as part of their Behaviour Policy. Such a record would not need to be as detailed as that required for incidents of restraint.

Whenever an incident involving physical intervention occurs, all staff and young people involved should be offered an appropriate de-briefing from someone not involved in the incident. This de-briefing/support should be offered as soon as possible afterwards.

Further opportunities for support may be offered at a suitable time when the heightened emotions aroused during the incident have reduced. Schools will need to consider appropriate recovery times for those involved.

Where appropriate counselling should be offered.

After the event staff should discuss with their managers whether to involve the Police, where for example threats of later violence and/or damage to property have been made. However, care should be taken not to prolong or exacerbate difficulties by over-responding to threats issued at a time of heightened tension.

DfEE circular 10/98, para 29 states that schools should keep an up-to-date record of all incidents involving restraint it is therefore important for schools to establish a system of logging all incidents of restraint detailing:

- the day and time
- the description of the restraint
- who was involved
- the brief reasons as to why the young person needed to be restrained
- witness statement

A suggested format for logging incidents can be found in Appendix 10 and Restraint Log, Appendix 11. Such detailed recording could be linked to a simple incident log in a separate record book which should be hard-bound with numbered pages.

In every case the school should advise their support officer in Support to Schools at Overseas House by sending a copy of the relevant page(s) of the incident book to them without delay.

Where a member of staff suffers an injury or is assaulted, the guidance in Guidance Note 47 (revised 6/01), should be followed and the appropriate record forms 1, 2, 3 and 4 as necessary should be completed forwarded and directed.

Medical advice should immediately be sought from a General Practitioner or hospital if necessary. (Schools should have copies of Guidance Note 47 and the relevant forms, which are available from Health and Safety at Overseas House).

Schools should ensure that a full account of the incident is provided to the young person's parents/carers at the earliest opportunity if possible before the young person leaves the school. In the first instance this might involve a telephone call but would preferably involve a personal meeting and should always be followed up by formal (written) notification of the incident and the subsequent actions taken and the information that school procedures were followed.

Parents/carers should always be offered the opportunity to meet the Headteacher to discuss the incident.

Given the complexity and sensitivity of the whole subject, the Governing Body may find the checklist in Appendix C helpful in introducing the policy to all staff and linking it to current behaviour management policies in schools.

Without adopting a critical approach to individuals' actions, each incident should result in a reflection on implications for future training, policy development and implementation.

Any incident which may involve racism should be recorded on a racist incident reporting form. Schools should ensure that monitoring procedures are in place to enable the governing body to review the operation of these procedures for pupils from different ethnic backgrounds.

## Consequences

Name on board/sad face	Verbal warning
1 Cross	Time out in class
2 Amber	Lose 5 minutes playtime (Carried over to the next day if necessary)
3 Red	As above and go to another class for 30 minutes. Complete a reflection form.
Severe Clause	½ day in another class. Miss all playtimes including lunchtime. Report form filled in by class teacher. Letter/phone call from Deputy or Headteacher.

**Headteacher: Darren Amesbury  
Deputy Head: Cathie McPherson**

**Yarmouth Drive, Noorthern Moor, Manchester,  
M23 0BT**

**Tel: 0161 998 2544**

**Fax: 0161 945 8735**

**Email: [admin@rackhouse.manchester.sch.uk](mailto:admin@rackhouse.manchester.sch.uk)**

Dear Parents & Carers,

Please find attached a letter and Parents Guide to Good Behaviour. This outlines the Behaviour Management Policy of the school.

We would be grateful for any feedback on the policy or the information you have received this helps us to evaluate policies in conjunction with parents.

If you would like to pass on any comments please complete and return the slip to school.

Yours Sincerely

Darren Amesbury  
Headteacher

-----✂-----

**FEEDBACK ON BEHAVIOUR POLICY AND ITS PRESENTATION**

I found the information

Very useful  
Quite informative  
Not informative

Any other comments

.....  
.....  
.....

Any suggestions/areas for development

Headteacher: Darren Amesbury  
Deputy Head: Cathie McPherson

.....

Yarmouth Drive, Northern Moor, Manchester M23  
0BT

Appendix 8

Tel: 0161 998 2544  
Fax: 0161 945 8735  
Email: [admin@rackhouse.manchester.sch.uk](mailto:admin@rackhouse.manchester.sch.uk)

**BEHAVIOUR IN SCHOOL**

Dear Parent/Carer,

Our school operates within a CODE OF CONDUCT which is a framework for positive and acceptable behaviour. Our children work very hard to earn rewards and positive behaviour is recognised and celebrated.

**SCHOOL CODE OF CONDUCT**

- Respect and Care for Everybody in our School.
- Look after our school and respect other people’s property
- Listen attentively to the teachers and follow instructions first time
- Walk around school quietly and sensibly
- Always play in a friendly way and walk away from trouble

Each class has its own set of rules:

**CLASS RULES FOR CLASS**

- Do not hurt anyone with anything you say
- Keep your hands, feet and other objects to yourself
- Listen while other people are speaking and take your turn

If a child cannot or refuses to follow our Code of Conduct and Class Rules then there will be consequences which are clearly documented in our parental leaflet The Rack House Primary School Guide to Good Behaviour.

Please help us by supporting our policy. Please return the slip below to you child’s teacher.

.....

I HAVE READ THIS LETTER AND WILL SUPPORT THE SCHOOL IN THEIR BEHAVIOUR MANAGEMENT POLICY.

SIGNED (Parent’s Signature) .....  
CHILD’S NAME.....CLASS .....



Department  
for Education

## **Use of reasonable force**

### **Advice for headteachers, staff and governing bodies July 2013**

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## Summary

About this departmental advice

This is non-statutory advice from the Department for Education. It is intended to provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of headteachers and governing bodies in respect of this power.

## Expiry or review date

This advice will next be reviewed in spring 2014

Who is this advice for?

This advice is for:

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

## Key points

- School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
- Senior school leaders should support their staff when they use this power.

1

“All schools” include Academies, Free Schools, independent schools and all types of maintained schools <sup>4</sup>

## **What is reasonable force?**

1. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
2. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
5. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
6. School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

## **Who can use reasonable force?**

- All members of school staff have a legal power to use reasonable force 2
- This power applies to any member of staff at the school. It can also apply to people whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

## **When can reasonable force be used?**

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupils or to restrain them.
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.
- The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

2

Section 93, Education and Inspections Act 2006 5

### **Schools can use reasonable force to:**

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

- use force as a punishment – it is always unlawful to use force as a punishment.

### **Power to search pupils without consent**

In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items” 3:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

- Force cannot be used to search for items banned under the school rules.

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

3

Section 550ZB(5) of the Education Act 1996 6

## **Communicating the school's approach to the use of force**

- Every school is required to have a behaviour policy and to make this policy known to staff, parents and pupils. The governing body should notify the headteacher that it expects the school behaviour policy to include the power to use reasonable force.
- There is no requirement to have a policy on the use of force but it is good practice to set out, in the behaviour policy, the circumstances in which force might be used. For example, it could say that teachers will physically separate pupils found fighting or that if a pupil refuses to leave a room when instructed to do so, they will be physically removed.
- Any policy on the use of reasonable force should acknowledge their legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).
- Schools do not require parental consent to use force on a student.
- Schools should not have a 'no contact' policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm.
- By taking steps to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

## **Using force**

- A panel of experts (4) identified that certain restraint techniques presented an unacceptable risk when used on children and young people.

The techniques in question are:

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the 'double basket-hold' which involves holding a person's arms across their chest;

and

- the 'nose distraction technique' which involves a sharp upward jab under the nose.

## **Staff training**

- Schools need to take their own decisions about staff training. The headteacher should consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so.

4

Physical Control in Care Medical Panel - 2008 7

Some local authorities provide advice and guidance to help schools to develop an appropriate training programme.

### **Telling parents when force has been used on their child**

It is good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to schools to decide whether it is appropriate to report the use of force to parents 5.

In deciding what is a serious incident, teachers should use their professional judgement and consider the:

pupil's behaviour and level of risk presented at the time of the incident;

degree of force used;

effect on the pupil or member of staff; and

the child's age.

### **What happens if a pupil complains when force is used on them?**

All complaints about the use of force should be thoroughly, speedily and appropriately investigated.

Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.

When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.

Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance (see the ‘Further sources of information’ section below) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.

Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.

5

References to parent or parents are to fathers as well as mothers, unless otherwise stated. 8

□ Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

□ As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

### **What about other physical contact with pupils?**

□ It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

□ Examples of where touching a pupil might be proper or necessary:

□ Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;

□ When comforting a distressed pupil;

□ When a pupil is being congratulated or praised;

□ To demonstrate how to use a musical instrument;

□ To demonstrate exercises or techniques during PE lessons or sports coaching; and

□ To give first aid. 9

### **Frequently Asked Questions**

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

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

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

**A:** The decision on whether to physically intervene is down to the professional judgement of the teacher concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result. School staff should expect the full backing of their senior leadership team when they have used force.

**Q:** What about school trips?

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

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

**A:** Yes, but the judgement on whether to use force should not only depend on the circumstances of the case but also on information and understanding of the needs of the pupil concerned.

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

**A:** There is a power, not a duty, to use force so members of staff have discretion whether or not to use it. However, teachers and other school staff have a duty of care towards their pupils and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

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

**A:** No. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal. 10

### **Further sources of information**

Other departmental advice and guidance you may be interested in

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

Associated resources (external links)

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

11

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## INCIDENT LOG

**Date:**

**Name:**

**Staff Member completing:**

<b>INCIDENT</b>	<b>Response</b>

Appendix 10  
Appendix 11

**Restraint Log**

## **DfE – Behaviour and Discipline in Schools (2014)**

What the law says:

### **Maintained schools**

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

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

and which

- regulate the conduct of pupils.<sup>1</sup>

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

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

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

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

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

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

### **Discipline in schools – teachers' powers**

#### **Key Points**

- Teachers have statutory authority to discipline pupils whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction (Section 90 and 91 of the Education and Inspections Act 2006). The power also applies to all paid staff (unless the headteacher says otherwise) with responsibility for pupils, such as teaching assistants.
- Teachers can discipline pupils at any time the pupil is in school or elsewhere under the charge of a teacher, including on school visits.

- Teachers can also discipline pupils in certain circumstances when a pupil's misbehaviour occurs outside of school.
- Teachers have a power to impose detention outside school hours.
- Teachers can confiscate pupils' property.

## **Punishing poor behaviour**

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

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

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

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

Corporal punishment is illegal in all circumstances.

Schools should consider whether the behaviour under review gives cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case, school staff should follow the schools' safeguarding policy.

They should also consider whether continuing disruptive behaviour might be the result of unmet educational or other needs. At this point, the school should consider whether a multi-agency assessment is necessary.

## **Pupils' conduct outside the school gates – teachers' powers**

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

Teachers have the power to discipline pupils for misbehaving outside of the school premises “to such an extent as is reasonable”<sup>7</sup> – see paragraph 25.

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

Subject to the behaviour policy, teachers may discipline pupils for: misbehaviour when the pupil is:

- taking part in any school-organised or school-related activity or
- travelling to or from school or
- wearing school uniform or
- in some other way identifiable as a pupil at the school.
- or misbehaviour at any time, whether or not the conditions above apply, that:
- could have repercussions for the orderly running of the school or
- poses a threat to another pupil or member of the public or could adversely affect the reputation of the school.

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

## **Confiscation of inappropriate items**

What the law allows:

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

The general power to discipline (as described in the bullets under the heading “Discipline in Schools – Teachers’ Powers” on pages 3 and 4) enables a member of staff to confiscate, retain or dispose of a pupil’s property as a punishment, so long as it is reasonable in the circumstances. The law protects them from liability for damage to, or loss of, any confiscated items provided they have acted lawfully

The legislation does not describe what must be done with the confiscated item and the school behaviour policy may set this out; and

### **Power to search without consent for “prohibited items”**

including:

- knives and weapons
- alcohol

- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence , cause personal injury or damage to property; and any item banned by the school rules which has been identified in the rules as an item which may be searched for.

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

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

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

### **Use of Isolation**

Schools can adopt a policy which allows disruptive pupils to be placed in isolation away from other pupils for a limited period.

If a school uses isolation rooms as a disciplinary penalty this should be made clear in their behaviour policy.

As with other disciplinary penalties, schools must act lawfully, reasonably and proportionately in all cases.

Any separate room should only be used when it is in the best interests of the child, and other pupils.

Any use of isolation that prevents a child from leaving a room of their own free will should only be considered in exceptional circumstances and if it reduces the risk presented by the child to themselves and others.

The school must also ensure the health and safety of pupils and any requirements in relation to safeguarding and pupil welfare.

It is for individual schools to decide how long a pupil should be kept in isolation and for the staff member in charge to determine what pupils may and may not do during the time they are there.

Schools should ensure that pupils are kept in isolation no longer than is necessary and that their time spent there is used as constructively as possible. Schools must allow pupils time to eat or use the toilet.

Policy Reviewed by Governing Body - June 2015