



**Tollbar MAT**  
Family of Academies

## **BEHAVIOUR POLICY**

**June 2018**

## **1 Introduction**

1.1 This policy addresses the promotion of positive behaviour, in accordance with Tollbar MAT's general aims and ethos, in relation to children and young people's personal, social and moral development, and also our general policy on rewards and sanctions with regard to pupils' behaviour. This policy is related to the Exclusions Policy and informed by the latest version of the DfE Guidance 'Behaviour & Discipline in Schools'.

1.2 We regard it to be a highly important aspect of young people's education and development that they learn to behave well towards others and towards the community in which they live. Good behaviour underpins effective learning, and children and young people need good personal and social skills in order to live fulfilling and rewarding lives as adults.

1.3 Behaviour which, in any way, disrupts learning, is unacceptable in our academies, and, through the constant promotion of positive behaviour, we seek to minimise, if not eliminate any such behaviour. However, we endeavour to meet the needs of all children, including those with social, emotional and mental health difficulties.

1.4 This policy informs the specific procedures adopted in each constituent academy.

## **2 Aims and Objectives**

2.1 It is our primary aim that every member of each academy community feels valued and respected, and that each person is treated fairly and well. We are a caring community, the values of which are built on mutual trust and respect for all. Tollbar MAT's Behaviour Policy is therefore intended to support all members of our academies' community in living and working together in a mutually beneficial way. It aims to promote an environment in which everyone feels safe, secure and able to achieve.

2.2 Each constituent academy has a number of rules which are clearly published on each academy website. But our Behaviour Policy is not primarily concerned with rule enforcement: it is a means of promoting good relationships, so that people can work together with the common purpose of helping everyone to learn.

2.3 Tollbar MAT expects every member of each academy community to behave in a considerate way towards others.

2.4 We aim to treat all children fairly and to apply this Behaviour Policy consistently.

2.5 This policy aims to help young people grow in safe and secure environments, and to become positive, responsible and increasingly independent members of their academy and the wider community.

2.6 Each academy aims to promote and reward good behaviour, as this will develop an ethos of kindness and cooperation. This policy is designed to promote good behaviour, rather than merely deter anti-social behaviour.

### **3 Rewards and Sanctions**

3.1 We praise and reward children and young people for good behaviour in a variety of ways:

- Teachers praise children and young people for considerate, positive behaviour in such a way as to underline its value to the academy.
- We award merits to children and young people, either for consistent good work or good behaviour, or to acknowledge outstanding effort or acts of kindness.

3.2 Each academy acknowledges all the efforts and achievements of young people, both within and beyond the academy.

3.3 Each academy uses a number of sanctions to enforce academy rules, and to ensure a safe and positive learning environment. Appropriate sanctions are imposed if pupils:

- Are insolent
- Are inattentive in lessons
- Fail to do their best
- Are not wearing the correct uniform
- Disrupt learning
- Endanger the safety of themselves or others
- Indulge in threatening or bullying behaviour.

3.4 The class teacher discusses the rules with each class. In addition to the academy rules, each class also may have its own classroom code, which is agreed by the children and young people and displayed on the wall of the classroom. In this way, every young person in the academy knows the standard of behaviour that we expect. If there are incidents of anti-social behaviour, the class teacher discusses these with the whole class.

3.5 All members of staff are aware of the regulations regarding the use of force by teachers, as set out in the document *The Use of Reasonable Force in Schools (DfE July 2013)*. Teachers in our academies do not apply any kind of physical force as punishment. They will intervene physically only to restrain young people in order to prevent injury to another, or if a young person is in danger of hurting him/herself. The restraining actions that we take are in line with government guidelines on the restraint of children and young people.

### **4 The role of the class teacher**

4.1 It is the responsibility of class teachers to ensure that the academy rules are enforced, and that their classes behave in a responsible manner during lesson time.

4.2 The class teachers have high expectations of learners with regard to behaviour, and they strive to ensure that all young people achieve to the best of their ability.

4.3 The class teacher treats each young person fairly, and enforces the classroom code consistently. Teachers treat all young people in their classes with respect and understanding.

4.4 If a young person misbehaves repeatedly in class, the class teacher keeps a record of all such incidents. In the first instance, the class teacher deals with incidents him/herself. However, if misbehaviour continues, the class teacher seeks help and advice from senior staff as appropriate.

4.5 Where external support agencies are involved in meeting the needs of a particular young person, the class teacher liaises and works co-operatively with those agencies, as necessary, to support and guide the progress of the child. The class teacher may, for example, in consultation with the academy's Special Educational Needs Co-ordinator (SENCO) discuss the needs of a young person with the Educational Psychologist or any other appropriate external agency.

4.6 The class teacher reports to parents and carers on the personal and social development of each young person in their class, in line with the MAT policy and academy procedures. Through a member of the senior leadership team, the class teacher may contact a parent if there are concerns about the behaviour or welfare of a young person.

## **5 The role of the Principal**

5.1 It is the responsibility of the Principal, under the 'School Standards and Framework Act 1998', to implement the MAT's behaviour policy consistently throughout the academy and to report to Governors, when requested, on the effectiveness of the policy. It is also the responsibility of the Principal to ensure the health, safety and welfare of all young people in the academy.

## **6 The Role of Parents and Carers**

6.1 Each academy expects parents and carers to enter into our Home-Academy Agreement, agreeing to work in partnership with the academy to promote good behaviour, to take steps to discourage poor behaviour, to reinforce the academy rules and to support the academy when sanctions need to be used with a young person.

6.2 Each academy collaborates actively with parents and carers, so that young people receive consistent messages about how to behave at home and at school.

6.3 We explain the academy rules in the academy handbook, and we expect parents and carers to understand and support them.

6.4 We endeavour to build a supportive dialogue between the home and the academy and we inform parents and carers immediately if we have concerns about their child's welfare or behaviour.

6.5 If the academy applies sanctions to punish a young person, we expect parents and carers to support the actions of the academy. If parents and carers have any concerns about the way that their child has been treated, they should initially contact the academy. If parents or carers wish to pursue the complaint, they should contact the academy in accordance with Tollbar MAT's Complaints Policy.

## **7 The Role of Directors/Governors**

7.1 The Board has the responsibility for keeping this policy under review.

7.2 The Local Governing Body has the responsibility for adopting this policy and of agreeing a set of procedures for their academy in line with the principles of the policy.

7.3 The Principal has the day-to-day authority to implement the MAT's policy and academies' consequent procedures on behaviour and discipline.

## **8 Monitoring and Review**

8.1 The Principals monitor the effectiveness of this policy and related procedures on a regular basis. S/he also reports to the Local Governing Body on the effectiveness of the policy who, if necessary, makes recommendations for further improvements to the Board.

## BEHAVIOUR PROCEDURES

These procedures have been drawn up after extensive consultation with parents and is supported by the response from the annual questionnaire and includes the latest guidance from the DfE.

### Rationale

The purpose of these procedures is to ensure that the aims of each academy, outlined in their MISSION STATEMENT, are achievable. In particular it ensures that:

**“We will create opportunities for every individual in the Academy Community to develop her/his maximum potential”**

### Procedure Structure

Nine individual but interlinked elements constitute the Behaviour Policy. These are:

- ◆ The Academy’s Code of Conduct (attached)
- ◆ The Regulations for Students (attached)
- ◆ The Academy Dress Policy
- ◆ The Positive Reward System (attached)
- ◆ The Disciplinary Procedures (attached)
- ◆ The Anti-Bullying Policy
- ◆ The Drugs Education Policy
- ◆ The Care, Control and Restraint Policy
- ◆ DfE Guidance ‘Behaviour & Discipline in Schools’.

### The Code of Conduct

We are proud of the academies and the **high standards** we set. All our students are expected to share in the **responsibility** for making each academy successful by observing the Code of Conduct for students.

Students at each Academy are always:

- ◆ Polite and Courteous.
- ◆ Smartly dressed in our uniform.
- ◆ Respectful of others.
- ◆ Hardworking in all they do.
- ◆ Careful to look after their own and others’ property.
- ◆ Well behaved in and out of lessons.
- ◆ Supportive of the Academy’s high standards and reputation.
- ◆ Supportive of the Academy’s Behaviour Policy.
- ◆ Good ambassadors for the Academy.

# Regulations for Students

These regulations cover seven main areas:

1. Classroom expectations.
2. Where to go before lessons, at break and at lunchtime.
3. What to do if you are ill/late/have been absent/need to leave for a medical appointment during the day.
4. Looking after your property.
5. Looking after Academy property.
6. Items which should not be brought into the Academy.
7. Homework diaries/planners.

## 1. Classroom Expectations

Classrooms (including laboratories, workshops and gyms) are your places of work. Just as in any factory or office, there needs to be clearly understood rules and expectations to allow everyone to work successfully, safely and enjoyably.

### a) Start of Lessons

- ◆ Follow the instructions about specific rooms: eg, you should not go into a laboratory or workshop unless a member of staff is present.
- ◆ Enter rooms sensibly and go straight to your workplace.
- ◆ Take out books, pens and equipment.
- ◆ Put bags away (not on desks).
- ◆ Remain silent during the register (except when your name is called!).

### b) During Lessons

- ◆ When your teacher talks to the whole class, remain silent and concentrate.
- ◆ If the class is asked a question, put up your hand to answer: do not call out (unless you are asked for quick ideas).
- ◆ You must have the necessary equipment for the subject, homework diary and any books or folders needed.
- ◆ If you arrive late without justifiable cause you can expect to be detained for the amount of time you missed in order to make up the work. In any event, a brief apology should be offered.
- ◆ Homework must be recorded in your diary/planner.

### **c) End of Lessons**

- ◆ The bell is not a signal for you, it is for the information of your teacher.
- ◆ You should not begin to pack away until your teacher tells you to do so.
- ◆ Only when your teacher finally tells you to go, may you leave the room.

## **2. Where to go before lessons start, at break and lunchtime**

- ◆ Students must stay outdoors before the start of lessons, during break and in the lunch period, unless their Head of House has given them permission to be indoors. They should not normally be in the buildings before 8.50am, but if the weather is bad, Heads of House may allow them to come in earlier and use the designated areas.
- ◆ Students in Years 7 – 11 inclusive must not leave the Academy grounds during break or lunch time except with permission from their Heads of House. This permission must be obtained the day before by bringing in a note from parents.

## **3. If you are ill/late/have been absent/need to leave during the day**

- ◆ If you feel ill during the day you should inform a member of staff. During the lesson this would be your subject teacher; at break or lunch time you should find the member of staff on duty, or your Head of House. The member of staff may decide to send you to see the Health Assistant in the Medical Centre. If necessary, the Health Assistant will contact your parents and arrange for them to collect you. No-one should leave the Academy unless the Health Assistant has authorised it.
- ◆ If you are late you must enter your name in the book which is at the Student Office. You should enter your name, House Group, time of arrival and reason for lateness. If you do not sign in you will be marked absent.
- ◆ If you have been absent, you should bring a note for your House Tutor, signed by your parent, on your return. This note is needed even if someone in your family has phoned the Academy during your absence. If your illness lasts longer than three days, it is helpful if your parents contact the Academy to let your House Tutor or Head of House know how long you may be absent. Sometimes it is possible to send work home so that students do not fall behind with their work. Failure to provide a note explaining absence can result in detention for truancy. You must bring a note within 7 days of your return to Academy.
- ◆ If you have a medical or dental appointment during the day you should bring in your appointment card and a letter from your parent explaining why you need to go out. You should show this to your House Tutor at registration and to the member of staff whose class you are leaving. Before you leave the Academy, report to the Student Office and enter your name in the book and the time you left. If you return to the Academy after treatment, then sign the book again and record the time.

#### **4. Looking after your Property**

- ◆ All your property should be named.
- ◆ Outdoor coats must not be worn in the building; they should be carried or placed in your bag.
- ◆ If you do lose anything, report the loss to your House Tutor or Head of House who will try to help you find it.

#### **5. Looking after Academy Property**

- ◆ Equipment provided by the Academy must be used sensibly and carefully so that it is available later for use by other students.
- ◆ If you see that any Academy property has been damaged please report it immediately to a member of staff. If you accidentally cause any damage, please report it immediately to your House Tutor or Head of House.
- ◆ Look after Academy textbooks, files and exercise books; these should not be defaced in any way. If you ruin any book you will be liable to pay for its replacement.

#### **6. Items which should not be brought into the Academy**

- ◆ Clothing – only Academy uniform is allowed. No jewellery or make-up is allowed. (For exceptions see 'Academy Dress Policy'). Students wearing incorrect items of uniform may be placed in the Inclusion Room until the correct uniform is worn.
- ◆ Dangerous articles and substances are forbidden for all students, ie, matches, hair gel, aerosols, cigarettes, alcohol, fireworks, knives, drugs, or any other article or substance deemed dangerous by the Academy.
- ◆ The following are also not allowed in the Academy: chewing gum, bottles of liquid paper (forbidden also by the Examining Boards, and is a poison), inappropriate magazines, personal stereos, radios, mobile phones, pagers or any other similar electronic devices – these will be confiscated.

#### **7. Completion of Homework Diaries/Planners**

- ◆ You must complete your homework diary/planner on a daily basis.
- ◆ Parents must sign to say they have checked the diary/planner.
- ◆ The diary/planner should be available at all times for a teacher, usually House Tutor, to check.
- ◆ If the homework diary/planner is lost then a replacement must be bought.
- ◆ You are responsible for your diary/planner. Failure to enter homework can result in an Academy detention.

**Finally, but most importantly:**

Teachers are in the position of parents/carers while you are in the Academy. This means in particular that:

- ◆ There is no excuse for rudeness, disrespect or insolence towards teachers.
- ◆ Any reasonable request from a teacher should be carried out at once and without argument.
- ◆ Breaking either of these basic rules will be treated as a VERY serious matter.

## POSITIVE REWARD SYSTEM

Our academies are good academies because we insist on high standards of work and behaviour **at all times**.

We value our students and have a rewards policy in order to recognise their achievements. Teachers will praise you if you do well in class and give you high marks for good classwork or homework.

In addition in Years 7 and 8 you may receive **MERITS** for:

- ◆ exceptional work
- ◆ outstanding effort
- ◆ very good attendance
- ◆ involvement in extra curricular activities
- ◆ service to the Community.

8 merits	=	1 letter
16 merits	=	Bronze Certificate
32 merits	=	Silver Certificate
64 merits	=	Gold Certificate and gift voucher
100 merits	=	Platinum Certificate and gift voucher
200 merits	=	Diamond Certificate and gift voucher

These merits should be recorded in your planner.

In Years 9, 10 & 11 – you will work towards acquiring certificates and letters of commendation. These can be included in your National Record of Achievement.

These will include:

- KS4 Positive Award certificates which result in entry into termly prize draws.
- Sports/Music/Extra-Curricular Activities certificates.
- Community Involvement certificates.
- Presentation Evening nominations.
- Academy reports.
- Examination certificates.
- Lifestyle certificates.

## **DISCIPLINARY PROCEDURES**

Students who fail to meet the Academy's high standards should expect to be punished. This includes where behaviour outside the Academy premises affects the Academy or its staff or students. Punishments vary according to the offence but may include being given:

- ◆ a warning about future conduct
- ◆ a written task eg, a Code of Conduct
- ◆ a detention after 3:15pm
- ◆ a period of close supervision by means of the daily report procedure or a Pastoral Support Programme.
- ◆ a period of time not in normal lessons. This may be a lesson or a number of lessons spent either in the Inclusion Unit or in another classroom within the Curriculum Area.
- ◆ a period of exclusion to be served in the Inclusion Unit (your parents will be notified in writing of this punishment)
- ◆ a period of exclusion from the Academy (your parents will be notified in writing of this punishment)
- ◆ permanent exclusion.

### **Permanent Exclusion**

Any student engaging in severely inappropriate behaviour will be permanently excluded.

The following are examples of the types of behaviour which have led to permanent exclusion in the past;

- bringing the Academy into serious disrepute;
- possession of a dangerous weapon or use of an item as a weapon;
- behaviour that presents a danger to the welfare of others;
- possession or use of an illegal substance or alcohol;
- acts of violence/intimidation/bullying (including cyber bullying/harassment/sexual assault of students or staff);
- damage to property;
- theft;
- arson;
- persistent disruption to the learning of others;
- persistent refusal to comply with the discipline procedures of the Academy;
- deliberately setting off a fire alarm;
- malicious accusations against staff.

These are only examples and there may be serious incidents not covered above which may also lead to a permanent exclusion at the discretion of the Principal.

## DFE GUIDANCE – ‘BEHAVIOUR & DISCIPLINE IN SCHOOLS’

### THE SCHOOL BEHAVIOUR POLICY

#### What the law says:

##### Maintained schools

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

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

and which

- regulate the conduct of pupils.<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<sup>2</sup> 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.

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<sup>1</sup> Section 89(1) of the Education and Inspections Act 2006

<sup>2</sup> References to parent or parents are to fathers as well as mothers, unless otherwise stated

## Academy schools<sup>3</sup>

7 The proprietor of an Academy school is required to ensure that a written policy to promote good behaviour among pupils is drawn up and effectively implemented.<sup>4</sup> The policy must set out the disciplinary sanctions to be adopted if a pupil misbehaves. The proprietor is also required to ensure that an effective anti-bullying strategy is drawn up and implemented.<sup>5</sup> Information about the school's behaviour policy must be made available to parents on request.

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

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

## DEVELOPING THE BEHAVIOUR POLICY

10 It is vital that the behaviour policy is clear, that it is well understood by staff, parents and pupils, and that it is consistently applied. In developing the behaviour policy, the headteacher should reflect on the following ten key aspects of school practice that, when effective, contribute to improving the quality of pupil behaviour.<sup>6</sup>

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

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

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<sup>3</sup> This section also applies to independent schools

<sup>4</sup> Education (Independent School Standards) (England) Regulations 2014

<sup>5</sup> Education (Independent School Standards) (England) Regulations 2014

<sup>6</sup> Learning behaviour – the Report of the Practitioners' Group on School Behaviour and Discipline (2005)

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

## **DISCIPLINE IN SCHOOLS – TEACHERS' POWERS**

### **Key Points**

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

## **PUNISHING POOR BEHAVIOUR**

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

13 Teachers can discipline pupils whose conduct falls below the standard which could reasonably be expected of them. This means that if a pupil misbehaves, breaks a school rule or fails to follow a reasonable instruction the teacher can impose a punishment on that pupil.

14 To be lawful, the punishment (including detentions) must satisfy the following three conditions:

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

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

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

17 Corporal punishment is illegal in all circumstances.

18 Schools should consider whether the behaviour under review gives cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case, school staff should follow the schools' safeguarding policy. They should also consider whether continuing disruptive behaviour might be the result of unmet educational or other needs. At this point, the school should consider whether a multi-agency assessment is necessary.

## **PUPILS' CONDUCT OUTSIDE THE SCHOOL GATES – TEACHERS' POWERS**

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

23 Teachers have the power to discipline pupils for misbehaving outside of the school premises "to such an extent as is reasonable"<sup>7</sup> – see paragraph 21.

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

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

- Misbehaviour when the pupil is:
  - Taking part in any school-organised or school-related activity or
  - Travelling to or from school or
  - Wearing school uniform or
  - In some other way identifiable as a pupil at the school.
- Or misbehaviour at any time, whether or not the conditions above apply, that:
  - Could have repercussions for the orderly running of the school or
  - Poses a threat to another pupil or member of the public or
  - Could adversely affect the reputation of the school.

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

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<sup>7</sup> Section 90 of the Education and Inspections Act 2006

## **DETENTION**

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

27 Teachers have a power to issue detention to pupils (aged under 18).

28 Schools must make clear to pupils and parents that they use detention (including detention outside of school hours) as a sanction.

29 The times outside normal school hours when detention can be given (the 'permitted day of detention') include:

- a) Any school day where the pupil does not have permission to be absent;
- b) Weekends – except the weekend preceding or following the half term break; and
- c) Non-teaching days – usually referred to as 'training days', 'INSET days' or 'non-contact days'.

30 The headteacher can decide which members of staff can put pupils in detention. For example, they can limit the power to heads of year or heads of department only or they can decide that all members of staff, including support staff, can impose detentions.

### **Matters schools should consider when imposing detentions**

31 Parental consent is not required for detentions.

32 As with any disciplinary penalty a member of staff must act reasonably given all the circumstances, as described in paragraph 15 above, when imposing a detention.

33 With lunchtime detentions, staff should allow reasonable time for the pupil to eat, drink and use the toilet.

### **Detentions outside school hours**

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

- Whether the detention is likely to put the pupil at risk.
- Whether the pupil has known caring responsibilities which mean that the detention is unreasonable.
- Whether the parents ought to be informed of the detention. In many cases it will be necessary to do so, but this will depend on the circumstances. For instance, notice may not be necessary for a short after school detention where the pupil can get home safely; and
- Whether suitable travel arrangements can be made by the parent for the pupil. It does not matter if making these arrangements is inconvenient for the parent.

## CONFISCATION OF INAPPROPRIATE ITEMS

### What the law allows:

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

- 1) The **general power to discipline** (as described in the bullets under the heading “Discipline in Schools – Teachers’ Powers” on pages 3 and 4) enables a member of staff to confiscate, retain or dispose of a pupil’s property as a punishment, so long as it is reasonable in the circumstances. The law protects them from liability for damage to, or loss of, any confiscated items provided they have acted lawfully.<sup>8</sup> The legislation does not describe what must be done with the confiscated item and the school behaviour policy may set this out; and
- 2) **Power to search without consent** for “prohibited items”<sup>9</sup> including:
  - knives and weapons
  - alcohol
  - illegal drugs
  - stolen items
  - tobacco and cigarette papers
  - fireworks
  - pornographic images
  - any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property; and
  - any item banned by the school rules which has been identified in the rules as an item which may be searched for.

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

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

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

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<sup>8</sup> Section 94 of the Education and Inspections Act 2006

<sup>9</sup> Section 550ZA (3) of the Education Act 1996

## **POWER TO USE REASONABLE FORCE**

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

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

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

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

## **SECLUSION / ISOLATION ROOMS**

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

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