



Northern Lights
LEARNING TRUST

DISCIPLINE and USE OF REASONABLE FORCE POLICY

Review Date:

Spring 2018

Next Review Due:

Spring 2019

Person in Charge:

CEO

Governance:

Chair of Board

Pastoral Care/Spiritual Development

The quality of relationships between all members of school, staff and pupils, and the relationship with parents and carers is the area that is most commonly associated with the ethos of a church school. It is expressed in the terms of sharing and caring. Jesus was clear in his instructions to the disciples on this matter.

‘Love your neighbour as yourself’ – Matthew 22:39.

‘This is my commandment: love each other’ - John 15:17.

Everyone associated with the school is made in the image of God and is to be loved. This is the commandment from which Northern Lights Learning Trust derives its policy for pastoral care.

We have a series of overlapping networks of relationships, which includes governors, staff, children, parents, church members, and members of the community which the school seeks to serve. Our pastoral work will strive to meet the significant challenge to create and maintain such networks in ways which reflect the Gospel. Those who are in leadership roles, which includes all who have a particular responsibility, ensure that by their personal example they set the highest standards expected.

It is from this premise that Christian love will pervade all aspects of life at Benedict Biscop C.E. Academy. It will influence how we reward and teach discipline. It will affect how we value work and the achievements of pupils and staff. It will be seen in the way in which the school environment is created and cared for, in the way in which the needs of pupils, parents, and community are met, and in the way in which teaching and nonteaching staff work together effectively as a team. Pastoral care pervades all aspects of school life and therefore will be reflected in the way the school is organised and the policies are written and implemented.

The Academy’s Behaviour Policy/Pupil Discipline including reasonable force policy are part of the school’s pastoral system and safeguarding arrangements.

Behaviour and discipline - inclusive of use of reasonable force Policy

This policy should be read in conjunction with the school’s Positive Behaviour Management Policy

1. This policy is based on guidance from the Department for Education, which provides advice to head teachers and school staff on developing the school behaviour policy and explains the powers that members of staff have to discipline pupils.

2. The purpose of this policy is to provide an overview of the powers and duties for school staff. At Northern Lights Learning Trust we have developed our own effective practice for managing behaviour in our school.
3. The school's behaviour policies set out the disciplinary action that will be taken against pupils who are found to have made malicious accusations against school staff. This will include a risk assessment and from the risk assessment appropriate sanctions will be applied up to and including permanent exclusion.
4. The behaviour policy acknowledges the school's legal duties under the Equality Act 2010, in respect of safeguarding and in respect of pupils with special educational needs (SEN). Any measures and sanctions applied will take into account individual needs of pupils and staff.

Key Principles

- **Information relating to all paid staff refers to appointed staff and/or the whole workforce.**
- Teachers have statutory authority to discipline pupils for misbehaviour which occurs in school and, in some circumstances, outside of school.
- The power to discipline also applies to all staff at a level agreed by the headteacher and governing body with responsibility for pupils as contained in the relevant school policies. (The Academy will ensure clear induction process for all students/supply and workforce).
- The governing body have a strong positive behaviour management policy and behaviour and discipline, including the use of reasonable force policy, to support staff in managing behaviour, including the use of rewards and sanctions.
- The governing body have a duty under section 175 of the Education Act 2002, requiring them to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children.
- Section 11 of the Children Act 2004 requires Local Authority and named statutory partners to make arrangements to ensure their functions are discharged with a view to safeguard and promote the welfare of children, which supports the governing body in maintaining a safe environment for the pupils and staff within the Academy.

Ethos

The school believes in:

- 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.

Rationale

The school behaviour policy will:

- promote good behaviour, self discipline and respect;
- prevent bullying;
- ensure that pupils complete assigned work;
- regulate the conduct of pupils.
- be reviewed and shared on an annual basis
- set the standard of behaviour expected of all pupils in the schools signed home school agreement.

Key Points

- All Staff have statutory authority to discipline pupils whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction (Section 91 of the Education and Inspections Act 2006). Section 89 (1) (a to e) of the Education and Inspections Act 2006.
- The power also applies to all paid staff at a level agreed by head teacher and governing body with responsibility for pupils, such as teaching assistants. (see positive behaviour management policy)
- Teachers can discipline pupils at any time the pupil is in school or elsewhere under the charge of a teacher, including on school visits.
- Teachers can also discipline pupils for misbehaviour outside school when and if appropriate.
- Teachers have a specific legal power to impose detentions in/ outside school hours if age appropriate

- The school will have a designated person (ie this is the Headteacher/or their representative at our school] who can confiscate pupils' property with the agreement of the pupil [age appropriate]. If consent is not

given then parents shall be contacted and further action will be taken which may include other agencies if necessary.

- The school staff member will ask the person to handover the item themselves or have another person present whilst the item is confiscated, to ensure all involved are safeguarded.
- The Headteacher and staff authorised by them, have a statutory power to search pupils or their possessions without consent, where they have reasonable grounds to suspect the pupil may have a prohibited items. Prohibited items may include;
- Knives and weapons (these must always be handed over to the police and stored securely until the police arrive)
- Alcohol (this must always be handed over to the police)
- Illegal drugs (these must always be handed over to the police)
- Stolen items (these must always be handed over to the police)
- Tobacco and cigarette papers
- Fireworks (these will be disposed of safely)
- Pornographic images in any form of media
- Mobile phones
- Any article that the member of staff reasonable suspects has been, or is likely to be, used:
 - To commit an offence
 - To cause personal injury to, or damage to the property of any person (including the pupil)

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

All staff are expected to deal promptly with racist, religious, homophobic, transphobic and disability hate incidents which must be recorded using the Local Authority Arch system and consideration as to whether further support for the victim and community is required whilst the incident is being investigated. There is a need to monitor hate incidents in school to get a full picture of the frequency and nature of hate incidents and measure the effectiveness of the methods used by schools in responding to all hate incidents.

Sanctions

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 sanction on that pupil.

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

- 1) The decision to punish a pupil must be made by an appointed member of school staff or a member of staff authorised by the head teacher;
- 2) The decision to punish the pupil and the sanction 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 sanction must be proportionate. In determining whether a sanction 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 head teacher may limit the power to apply particular sanctions 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.

Sanctions should be appropriate to meet the needs of the pupils and the school and this subsequently may require a referral to other agencies.

Pupils' conduct outside the school gates – teachers' powers

What the law allows:

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

The school will deal with all non-criminal bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a staff member or reported to the school. The school will decide which punishments will be imposed on pupils. This must be read in conjunction with our anti-bullying policy.

Subject to the school's positive behaviour management and behaviour policy, the teacher may discipline a pupil for any misbehaviour when the child is:

- taking part in any school organised or school related activity
- travelling to and from school

Detention

What the law allows:

- Teachers have a legal power to put pupils (on the roll of your school) in detention.
- The school will only use detention [including detention outside of school hours] with older pupils and any prior arrangement with the parents.
- The times permitted 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’.

The head teacher will decide when detention can be used. In our school the detentions will occur only in exceptional circumstances at the end of a school day. Parental consent is not required for detentions. However, given the age of our pupils - detention will never be used without prior notification and agreement of the parent. Where consent cannot be agreed by the parents the school will impose a detention having given the parents sufficient notification.

As with any sanction the Headteacher must act reasonably when imposing a detention. 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.

With lunchtime detentions, staff will decide if appropriate to impose this as a sanction. The staff member will allow reasonable time for the pupil to eat, drink and use the toilet. Parents may not necessarily be informed of detentions at lunchtime.

Detentions outside school hours (further information)

The headteacher or their representative will never issue a detention where they know that doing so would compromise a child and/or adults 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 or member of staff at risk.

- Whether the pupil has known caring responsibilities which mean that the detention is unreasonable.
- Who and how parents will be informed of the detention.
- 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.
- A full risk assessment of your site inclusive of insurance considerations.

- In considering sanctions safeguarding the pupil and member of staff must be paramount.

Power to use reasonable force

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

At Northern Lights Learning Trust, all teaching and non teaching staff have the power to use reasonable force but only in exceptional circumstances, ie where the pupil is at risk from self harm, where the pupil is at risk to another pupil or adult.

Any incident which involves any member of staff using reasonable force MUST be reported to the Headteacher.

Where pupils present an increased risk of staff having to use reasonable force, they will be subject to a defined plan with appropriate staff training undertaken to identify a suitable method of restraint.

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.

This is **non-statutory** advice and is intended to provide clarification on the use of force to help school staff feel more confident about using this power if the school policy dictates it is necessary.

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

What is Reasonable Force?

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 to themselves or others and damaging property.

Reasonable in the circumstances means using minimum force.

When can reasonable force be used?

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 and be in line with school policy and reasonableness (including children with disabilities and SEN). This policy on the use of reasonable force acknowledges the legal duty to make reasonable adjustments for children with disabilities and children with SEN.

Staff Training

Staff need to be trained in order to manage the use of reasonable force and carry out their responsibilities under the school policy and procedure, where a high risk is identified for a particular pupil.

Sunderland provides advice and guidance to help schools to develop an appropriate training programme, Team Teach, is the recommended de-escalation techniques and holds.

What legislation does this guide relate to?

Education Act 1996

School Standards and Framework Act 1998

Education Act 2002

Education and Inspections Act 2006

Education Act 2011

Children Act 1989 – revised 2004

Associated resources

Link to advice on Home School Agreements

<http://www.education.gov.uk/schools/pupilsupport/parents/involvement/hsa> Link to behaviour checklist

<http://www.education.gov.uk/schools/pupilsupport/behaviour/a00199342/getting-the-simple-things-right-charlietaylors-behaviour-checklists>

Link to Use of Reasonable Force – advice for head teachers, staff and governing bodies

<http://www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies/f0077153/use-of-reasonableforce-advice-for-school-leaders-staff-and-governing-bodies>

Link to Screening, Searching and Confiscation – advice for head teachers, staff and governing bodies

<http://www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies/f0076897/screening-searchingand-confiscation>

Link to Exclusions Guidance

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/a0076478/exclusion-guidance> Link to Safeguarding

<http://www.education.gov.uk/aboutdfe/advice/f0076882/ensuring-good-behaviour-in-schools/allegations-ofabuse-against-staff>

Link to SEN Code of Practice

<http://www.education.gov.uk/childrenandyoungpeople/sen/sen/guidance/a0013160/the-sen-code-of-practice> Link to Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)

<http://www.education.gov.uk/childrenandyoungpeople/sen/sen/types/cneeds/a0013105/guidance-on-the-use-ofrestrictive-physical-interventions>

Legislative links

Education and Inspections Act 2006 <http://www.legislation.gov.uk/ukpga/2006/40/contents>

School Standards and Framework Act 1998 <http://www.legislation.gov.uk/ukpga/1998/31/contents>

Education Act 2002

<http://www.legislation.gov.uk/ukpga/2002/32/contents> 8