



## Behaviour Policy

This policy should be referenced alongside the following school policies:

- Anti-bullying
- E-safety
- Attendance
- Use of reasonable force
- Equal opportunities
- Safeguarding
- SEN

This policy applies, as appropriate, to all children at Orchard Head, including children of a non-statutory school age.

The behaviour policy acknowledges the school's legal duties under the Equality Act 2010 and in respect of children with SEN. Under section 91 of the Education and Inspections Act 2006 punishment must be proportionate in the circumstances and account must be taken of pupil's age and special educational needs or disability they may have and any religious requirements affecting them. It is based upon the document '*Behaviour & Discipline in Schools – advice for Headteachers, Staff & Governing Bodies Feb 2014*'.

### 1. A consistent approach to behaviour management

This document sets out our approach to improving the **engagement** of children and their **progression** to ensure improved Learning and Teaching, leading to the raising of standards.

Learning and Teaching, Behaviour for Learning and Assessment for Learning are all encompassed under this framework.

This policy will continually be reviewed and evaluated to ensure it remains effective in ensuring improved learning and teaching.

The essential prerequisite for the success of this policy is a **consistent commitment** from **all staff** to operate within the agreed framework.

**Consistency** is the key to the behaviour strategies being successful and this will be monitored on a regular basis by the Senior Management Team.

**The 2012 Teaching Standards set out the following expectations which will be monitored regularly:**

A teacher **must:**

**Set high expectations which inspire, motivate and challenge pupils;**

- Establish a safe and stimulating environment for pupils, rooted in mutual respect;
- Set goals that stretch and challenge pupils of all backgrounds, abilities and dispositions;
- Demonstrate consistently the positive attitudes, values and behaviour which are expected of pupils.

**Manage behaviour effectively to ensure a good and safe learning environment;**

- Have clear rules and routines for behaviour in classrooms, and take responsibility for promoting good and courteous behaviour both in classrooms and around the school, in accordance with the school's behaviour policy;
- Have high expectations of behaviour, and establish a framework for discipline with a range of strategies, using praise, sanctions and rewards consistently and fairly;
- Manage classes effectively, using approaches which are appropriate to pupils' needs in order to involve and motivate them;
- Maintain good relationships with pupils, exercise appropriate authority, and act decisively when necessary.

## **2. School leadership**

At Orchard Head School we want a school where **Learning** is at the heart of everything we do.

**A place where:**

- children can work hard and achieve;
- there is a consistent approach involving all children, parents and staff working as a team to support each other;
- there are equal opportunities for all children irrespective of ability, age, race and gender and they are praised, recognised and rewarded;
- all staff look out for, acknowledge and reinforce positive behaviour;
- there are stimulating, exciting & rewarding learning experiences which enable all children can succeed;
- there is a calm and orderly environment.

At Orchard Head School we want a school where everyone is **Respected**. This includes children, parents, staff and those in the local and wider community.

### **A place where everyone:**

- is proud of the school and its achievements;
- has respect for themselves, other people, property and the environment
- shows caring and understanding of others.

At Orchard Head School we want a school where everyone feels **safe** and is safe.

### **A place where everyone:**

- feels safe, secure and happy;
- takes responsibility for their own actions;
- is alert to signs of bullying and harassment and to be helped to deal sensitively and firmly with it, giving support to the victim and perpetrator.

### **3. The principles of our behaviour policy**

- We believe that most children can and do behave.
- Children who do not behave sometimes choose not to, or may not have yet learnt the skills needed to behave at school.
- At school, we can provide an environment where most children can develop appropriate learning behaviour through the development of their social and emotional skills.
- Social and emotional skills enable learners to make informed choices about their behaviour by enhancing self-awareness and developing empathy.
- Children need to know and understand the boundaries of acceptable behaviour.
- Individual pupil needs will be taken into account.
- We recognise that as per WDSCB's guidance challenging behaviour may be due to abuse. (also see Safeguarding paragraph in Anti-Bullying Policy).

### **4. Our code of conduct**

- *We will walk quietly, sensibly and safely around school.*
- *We will use good manners and be polite to everyone at all times.*
- *We will take care of our school and school equipment.*
- *We will do our best, even when it is difficult.*

### ***Value, Respect and Appreciate Everyone***

This will be displayed in all classrooms and communal areas around school.

## 5. Responsibilities and Expectations of the School Community

### Staff and Governors

- To lead by example.
- To be consistent in dealing with pupils, parents and adults in general.
- To encourage the aims and values of the school, and local community, among the pupils.
- To have high expectations of the pupils.
- To meet the educational, social and behavioural needs of the pupils through an appropriate curriculum and individual support.
- To encourage regular communication between home and school.
- To safeguard and promote welfare of pupils the Governing Body will ensure that this policy is working in practice.
- The Governing Body will support the Head of School and all staff in implementing this policy.

### Children

- To respect, support and care for each other, both in school and the wider community.
- To listen to others and respect their opinions.
- To attend school regularly, on time, ready to learn and take part in school activities.
- To take responsibility for their own actions and behaviour.
- To do as instructed by all members of staff throughout the school day.
- To be tolerant of others, irrespective of race, gender, religion and age.

## 6. Rights, Responsibilities of Parents/Carers and School's Expectations of them

### Parents'/Carers' Rights

- To contribute to the development of the school Behaviour Policy.
- To expect their child/ren to be safe, secure and respected in school.
- To appeal to the Governing Body regarding a decision to exclude their child from school (in the case of a permanent exclusion, an appeal should be made to an independent appeal panel).

### Parents'/Carers' Responsibilities

- To respect the school's Behaviour Policy and the disciplinary authority of school staff.
- To help ensure that their child follows reasonable instructions given by school staff and adheres to the school rules.
- To send their child/ren punctually to school each day, ensuring that they are fed, rested, suitably clothed, equipped and ready to learn.
- To refrain from posting on social media, photos taken in school (e.g. at concerts,) that contain images of other pupils.
- To refrain from posting content on social media, comments about the school or its staff that could be interpreted by others as defamatory, inflammatory or libellous.

### **School's Expectations of Parents/Carers**

- Parents/carers will encourage independence and self-discipline in their child/ren.
- They will show an interest in everything that their child does in school.
- They will foster good relationships with school.
- They will support the school in the implementation of this policy.
- They will be aware of the school rules and expectations.
- They will treat school staff, other parents and families with respect.
- They will support the school by acting upon advice to help their child/ren, both academically and socially.
- They will follow the school's complaints procedure if they believe that the school has exercised its disciplinary authority unreasonably.

## **7. Classroom management**

Teachers and support assistants will manage the behaviour in their class by positive reinforcement of appropriate behaviour, modelling expectations with calm and respectful interactions with children and through following the school traffic light system.

### **Curriculum**

- All staff will deliver at least one **SEAL** lesson a week. In these lessons children are taught how to develop their social and emotional skills.
- Thorough planning for the needs of individual pupils, the active involvement of pupils in their own learning and structured feedback, help to keep the children interested and on task which help to avoid the disaffection which can lie at the root of poor behaviour.
- All lessons should have clear objectives, which are understood by the pupils, and should be differentiated to meet the needs of a range of abilities.
- Marking and record keeping is to be used both as a supportive activity, providing feedback to the pupils on their progress and achievements and as a signal that the pupil's efforts are valued and that progress matters.

## **8. Rewards**

### **School systems**

We have a house reward system in school. Every child in school is allocated a house. The four houses are:

**EARTH, FIRE, AIR, WATER**

**There are two Year 6 house captains for each house (a girl and a boy)**

Children in each house choose a reward they would like if they are the winning house at the end of the half term.

During the half term children can earn house points for, amongst other things, the following:

- being polite;
- exemplary behavior;
- good listening;
- being honest;
- looking after our own and school property;
- good manners;
- thoughtful behaviour;
- effort and perseverance;
- punctuality;
- tidy cloakroom;
- positive attitude;
- making the right choices;
- being a good friend;
- being a good role model;
- keeping going when things get tough;
- sticking to our school rules;
- overcoming difficulty;
- showing self-control.

House points are collected and displayed in each classroom. At the end of each week the points in each class for each house are collated by the house captains and transferred to a house display in the hall. This occurs as part of Friday's Celebration Assembly.

On a regular basis, house captains will liaise with their houses to choose four 'house' rewards for the house with the largest number of points at the end of the half term.

### **Other rewards**

Other whole school rewards given to individuals include:

- verbal praise and recognition;
- work displayed in class or around school;
- work displayed in Head of School's Office
- Golden Assembly Certificates – for academic achievement & progress;
- The Golden Book.

### **Golden assembly**

Every Friday, we hold an Achievement assembly.

## **Lunchtime supervisor awards**

Children can also earn house points from lunchtime supervisors for demonstrating things in the house points list.

## **9. Sanctions**

Whilst we aim to always reward positive behaviour, we acknowledge that there are times when children may behave in an unacceptable manner and it may be necessary to employ a number of sanctions to ensure a safe and positive learning environment.

The school operates a traffic light system to manage behaviour in the classroom. A child will be given three verbal warnings if they are displaying inappropriate behaviour. Usually these will be delivered in a calm manner using the following structure.

1. State the inappropriate behaviour: 'Sebastian, you're talking'.
2. State the inappropriate behaviour and the desired behaviour: 'Sebastian, you're still talking. What I would like you to do is to stop talking and focus on the lesson'.
3. State the inappropriate behaviour, the desired behaviour and the consequence of not exhibiting the desired behaviour: 'Sebastian, you're still talking. What I would like you to do is stop talking and focus on the lesson. If you do not do this you will be placed on Amber 1'.

If inappropriate behaviour continues, the child will move their picture from the green circle on to the bottom half of the Amber circle. This acts as their final warning.

From here further inappropriate behaviour will see the picture moved to Amber 2 and Red respectively. The first denotes the loss of 15 minutes of the child's next available lunch time while the latter denotes the loss of all the child's next available lunch time.

If a child loses lunchtime, the teacher must ensure the Senior Lunchtime Supervisor is informed. The child will then sit on a chair in the hall for the appropriate time.

When an incident occurs on the playground, depending on its severity, the lunchtime supervisors may deal with it, or it may be referred on to a learning mentor or member of the SMT. Again consequences will be given, which may include loss of lunchtime in the dining hall. Where possible however these consequences will result in the perpetrator performing a positive task for the school, such as supporting younger children in Upper Foundation Stage or in Nursery.

When appropriate, incidents of negative behaviour are recorded on the school CPOMS system which notifies SLT and Learning mentors. In this way negative behaviour can be monitored and dealt with promptly.

## **Learning Mentors**

Obviously there may be times when due to safety concerns, or the disruption of the class's learning, where it is not appropriate to work through the steps above. When this is the case, the teacher may ask the child to leave the class under the supervision of a support assistant, until they are ready to return to their learning.

The teacher may also, if appropriate, send for a Learning Mentor or member of the senior management team to support them with the child's behaviour. Where possible, the child will remain in class. If the learning mentor or member of the SMT is called, they will decide the consequences of the child's behaviour. Where possible, they will remain in the class to support learning rather than removing a child.

Learning Mentors also have a proactive role to play in supporting children with behaviour difficulties to remain in class and avoid difficulties at lunch & break-times. The Learning Mentor with responsibility for behaviour will, with the support of the Senior Learning Mentor, create and regularly update behaviour plans for those children who require them.

For pupils who are having persistent behaviour difficulties the school will provide targeted pastoral support or mentoring by Learning Mentors or peers, such as ELSA (Emotional Literacy Support Assistance), drawing and talking therapy, circle of friends, playground pals, etc.

All staff working with pupils with behaviour contracts will be informed of this in order to give a consistent approach throughout the school day.

Learning Mentors will, when required, manage groups of children with purposeful activities at lunch and break times, to reduce the instances of negative behaviour.

It is the ultimate goal of all the Learning Mentors to support the inclusion of children within lessons.

### **Upper Foundation Stage**

In addition to the above the UFS also use a 'thinking chair' as a stage prior to the traffic light system. As the name suggests, the children are given the opportunity to sit out and think about their behaviour.

### **Restorative Practice**

Orchard Head School is a Restorative School. Restorative approaches provide our school with a range of practices which promote mutually respectful relationships and manage behaviour and conflict, address bullying and absences and build community cohesion. Restorative approaches are not new, but offer a framework upon which to build on existing good practice. There is a wealth of evidence that shows how the use of restorative approaches alongside Social and Emotional Aspects of Learning (SEAL), helps to develop more resilient and self-regulating learners, thus creating healthy learning environments. All staff are trained in the use of Restorative Practices and these will be used throughout school to resolve issues/incidents as appropriate.

### **Fixed Term and Permanent Exclusions**

Orchard Head J, I and N School complies with current DFE exclusion guidance (2017). A decision to exclude a pupil should only be taken in response to a serious breach or persistent breaches of the school's behaviour policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils and adults in the school.

- If an incident is deemed serious enough to involve fixed term exclusion, the Head of School will endeavour to contact the parents on the day of the incident.
- A letter will be sent home within 24 hours outlining the reasons for the exclusion and the measures parents can take in relation to them.
- Parents must meet with the Head of School or Assistant Headteacher on the day that the child returns to school to ensure such events don't reoccur.

#### Fixed term ('temporary') exclusions:

This involves the child being asked to remain at home for a defined period. During this period, responsibility for the child passes to the parents. The Head of School informs the Governing Body about any fixed-term exclusions beyond five days in any one term.

#### Permanent exclusions:

The decision to exclude a child permanently is a serious one and governors should be kept fully informed as the process goes on. Permanent exclusion is not normally considered unless there have been a number of fixed term exclusions first, but in extreme cases, a permanent exclusion may be appropriate. Permanent exclusions should only be used as a last resort, in response to a serious breach or persistent breaches, of the school's behaviour policy, where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The Head of School informs the Governing Body of permanent exclusions and the Governing Body has a duty to consider parents' representations about an exclusion. The requirement of a governing body to consider an exclusion depends upon a number of factors - (see DFE exclusion guidance 2017)

### **Staff development and support**

All members of staff have access to copies of this policy in order that behaviour management is consistent throughout the school. Staff having difficulties with an individual, class or group should speak to the Senior Learning Mentor or any member of the SMT. Staff needing support in behaviour management will be given appropriate CPD.

### **10. Liaison with parents/carers and other agencies**

Parents will be contacted when behaviours are causing concern and will be involved as and when behaviour plans are in place.

For pupils who display continuous disruptive behaviour and for whom the school systems do not appear to be effective, support will be sought from outside agencies with a multi-disciplinary assessment carried out if necessary.

## **11. Support systems for parents/carers**

Our school has an open door policy where parents and carers are encouraged to visit and discuss any relevant issues.

We will make appointments to see parents as soon as possible and at a time to suite both parties.

## **12. Managing pupil transition**

Prior to moving class, staff meet to discuss individual children and strategies used to de-escalate behaviours and re-engage children.

## **13. Pupils' conduct out of school**

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 for 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.

The school will investigate any reported incidents of bullying, including cyber bullying that involve our pupils, including those that occur out of school.

Depending on the outcome, school behaviour systems will be put in place where appropriate including discussion with the parents. These will be put on to CPOMS, which records outcomes and actions.

Members of staff are not expected to deal with incidents outside of school that might put themselves in danger. Staff will have to use their judgement about whether or not to involve themselves in incidents outside of school. It may be more appropriate to call outside agencies such as the police.

## **14. Positive Handling**

This part of our policy is based upon and uses extracts from the document *'The Use of Reasonable Force – advice for Headteachers, Staff & Governing Bodies July 2013'*

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
- This power applies to any member of staff at the school. It can also apply to people whom the Head of School has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.
- While all staff and volunteers have this power, where possible it will only be applied by members of staff who have been team teach trained. If other members of staff or volunteers need to intervene in an emergency with positive handling they will be replaced as soon as possible by team teach trained staff.

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. 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 trip/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.

### **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;
- To give first aid.

### ***Recording***

Any instances of positive handling will be recorded on the school incident sheets with the 'PH' box ticked. Parents will be notified by phone when their child has been positively handled. Instances of restraint will be entered in the 'Bound and Numbered' book. This is kept in the Mentors Office.

### **15. Searching Procedure**

This part of our policy is based upon and uses extracts from the document '*Searching Screening & Confiscation – advice for Headteachers, Staff & Governing Bodies July 2011*'

Headteachers and staff authorised by the Headteacher have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.

Prohibited items are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be used:
  - a. to commit an offence,;
  - b. to cause personal injury to, or damage to the property of, any person (including the pupil)

### ***Searching with consent***

#### **Schools' common law powers to search:**

School staff can search pupils with their consent for any item.

1) Schools are not required to have formal written consent from the pupil for this sort of search – it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree.

2) Schools should make clear in their school behaviour policy and in communications to parents and pupils what items are banned.

3) If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.

4) A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate disciplinary penalty.

### ***Searching without consent***

#### **What the law says:**

What can be searched for?

1) Knives or weapons, alcohol, illegal drugs and stolen items; and

2) Tobacco and cigarette papers, fireworks and pornographic images;

- 3) Any article that the member of staff reasonably suspects has been, or is likely to be used to commit an offence, or to cause personal injury to, or damage to, property;
- 4) Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Banned items in our school are:

- mobile phones;
- toys; (except for special stipulated days)
- money – except that bought in for school related expenses. This should be sent to the office.
- drugs – except medicine which should be taken by parents directly to the office with a signed note consenting for its administration;
- Alcohol;
- any other item not related directly to the children's learning.

### ***Can I search?***

Yes, if you are a Head of School or a member of school staff and authorised by the Head of School. However:

- a. you must be the same sex as the pupil being searched;
- b. there must be a witness (also a staff member) and if at all possible, they should be the same gender as the pupil being searched. For example, it is possible for a female teacher to witness a search of a male pupil where there is only one male member of staff in a school or taking part in a school trip.

### ***When can I search?***

If you have reasonable grounds for suspecting that a pupil is in possession of a prohibited item. The law says what must be done with prohibited items seized following a search.

### **Authorising members of staff**

At Orchard Head School the Head of School authorises all staff members to undertake searches for all prohibited items.

Staff, other than security staff, can refuse to undertake a search. The law states that head teachers may not require anyone other than a member of the school security staff to undertake a search.

### **Training for school staff**

There is no legal requirement for a head teacher or authorised member of staff to be trained before undertaking a 'without consent' search. As the necessity of this is currently practically non-existent, training will not occur. However if these circumstances change training may be offered.

## **Establishing grounds for a search**

Teachers can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The teacher must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.

The powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where a member of staff suspects a pupil of having items such as illegal drugs or stolen property, which are later found not to be illegal or stolen.

School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.

## **Location of a search**

Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on school trips in England or in training settings.

The powers only apply in England.

## ***During the search***

## **Extent of the search – clothes, possessions, desks and lockers**

### **What the law says:**

- The person conducting the search may not require the pupil to remove any clothing other than outer clothing;
- ‘Outer clothing’ means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but ‘outer clothing’ includes hats; shoes; boots; gloves and scarves;
- ‘Possessions’ means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags;
- A pupil’s possessions can only be searched in the presence of the pupil and another member of staff.

The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

## **Lockers and desks**

Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not the pupil is present.

If a pupil does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the “prohibited items” listed previously.

## **Use of force**

Reasonable force may be used by the person conducting the search. See ‘Positive Handling’ Policy.

## ***After the search***

### **The power to seize and confiscate items – general**

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

Schools’ general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil’s property as a disciplinary penalty, where reasonable to do so.

The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a ‘with consent’ search so long as it is reasonable in the circumstances. Where any article is thought to be a weapon it must be passed to the police. Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

### ***Items found as a result of a ‘without consent’ search***

#### **What the law says:**

A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item (that is a weapon/knife; alcohol; illegal drugs or stolen items) or is evidence in relation to an offence.

Where a person conducting a search finds **alcohol**, they may retain or dispose of it.

Where they find **controlled drugs**, these must be delivered to the police as soon as possible unless there is a good reason not to do so – in which case the drugs must be disposed of.

Where they find **other substances** which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called ‘legal highs’. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.

Where they find **stolen items**, these must be delivered to the police unless there is a good reason not to do so – in which case the stolen item should be returned to the owner. These stolen items may be retained or disposed of if returning them to their owner is not practicable.

In determining what is a “good reason” for not delivering **controlled drugs or stolen items** to the police the member of staff must have regard to guidance issued by the Secretary of State (see paragraphs 1 to 4 below).

Any **weapons or items which are evidence of an offence** must be passed to the police as soon as possible.

It is up to teachers to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police.

**In determining what is a ‘good reason’, the member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.**

Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such.

With regard to stolen items, it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases. However, school staff may judge it appropriate to contact the police if the items are valuable (iPods/laptops) or illegal (alcohol/fireworks).

Schools can dispose of alcohol as they think appropriate but this does not include returning it to the pupil.

### ***Telling parents and dealing with complaints***

Schools are not required to inform parents before a search takes place or to seek their consent to search their child. There is no legal requirement to make or keep a record of a search. However at Orchard Head any search will be recorded on an incident sheet.

We will inform the individual pupil’s parents or guardians of any search we undertake including where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.

Complaints about screening or searching should be dealt with through the normal school complaints procedure.

### ***Frequently Asked Questions***

#### **I’m a teacher; can I refuse to search a pupil without their consent?**

Yes. A head teacher cannot require a member of staff to conduct a search. In order to conduct a search without consent, a member of staff must be authorised to do so. Staff can choose whether they want to be authorised, or not.

## **What sort of training should teachers or other school staff undergo before being authorised to search a pupil?**

School staff are not legally required to undergo any training prior to being authorised by the head teacher to search pupils. As with all issues of staff training, these are decisions best made by the head teacher taking account of all the relevant circumstances.

## **Is there a risk that I could face legal challenge if I search a pupil without consent?**

Head teachers and authorised school staff have a specific statutory power to search pupils without consent for specific items – knives/weapons, alcohol, illegal drugs and stolen items. As long as the member of staff acts within the limits of this specific power they will have a robust defence against a legal challenge.

## **16. Allegations of misconduct**

If an allegation of misconduct is made against a teacher, the school will investigate the allegation immediately to come to a speedy resolution for the benefit of all concerned. Individuals will be made aware of the allegations and given an explanation of the likely course of action. They will be advised to contact their trade union or a colleague for support and will be offered welfare counselling or medical advice through the staff insurance/ LA support.

A member of staff will only be suspended if there is no reasonable alternative. Consideration should be made about whether there is a risk to children should the person continue to work in regular or close contact with them. The school will make every effort to keep the allegation confidential whilst the investigation is being carried out.

If the allegation is found to be false, the pupil making the allegation will have breached the school behaviour policies and be subject to sanctions, which could include temporary or permanent exclusion.

## **17. Issuing of Fixed Penalty Notices**

The Governing Body have agreed to impose Penalty Notices in cases of persistent unauthorised absence and persistent lateness to Registration.

Penalty Notices may be requested by the school when a child has been absent for 10 sessions or more, in accordance with Wakefield Council's Penalty Notice Code of Conduct.

Currently, any Penalty Notice issued in relation to school attendance is £60 per child, per parent, if paid within 21 days, rising to £120 if paid within 28 days. An unpaid Penalty Notice will be withdrawn by the EWS and a parental prosecution brought in its place, before the Magistrates Court under S444 of the 1996 Education Act.

If a child is late to school after the close of registration, an 'unauthorised absence' mark will be recorded in the child's attendance register.

The Education Welfare Service is responsible for the administration and issue of penalty notices in Wakefield.

## **18. Monitoring and review**

This policy document was produced in consultation with school staff and Governors. This Behaviour Policy will be reviewed on an annual basis and behaviour issues will be monitored by the headteacher through the traffic light system and incident sheet summary.

This document is freely available to the school community and will be posted on the school website with a hard copy available at Reception.

## Appendix 1

### **Orchard Head School Rules**

- Pupils are required to attend school by law and must arrive at school on time. They must not leave the site without formal permission and this includes lunchtime.
- Pupils must attend all classes and must not leave the classroom or activities without permission from a member of staff.
- Pupils must not go in areas designated 'out of bounds'. These are:
  - all the areas beyond the temporary fencing;
  - the pond area;
  - the garden area (unless there is an adult present);
  - the field (unless there is an adult present).
- Pupils must not bring items or possessions to school which are illegal, inappropriate or dangerous. These are:
  - weapons or potential weapons.(knives, scissors, etc.);
  - alcohol;
  - drugs and other illegal substances, or paraphernalia associated with these;
  - cigarettes or tobacco products;
  - inflammable items, including matches, lighters, fireworks and similar;
  - materials which are illegal for a child to have, for example racist or pornographic material;
  - mobile phones (unless agreed by SLT in which case they should be kept in the office);
  - toys and equipment from home (unless authorised by class teacher as part of display/show and tell).
- Pupils must show respect for others and not behave or act in a way which causes anyone in the school community to be hurt, alarmed, harassed or upset. They must not make or encourage others to do so.
- Pupils must respect the right to be and feel safe and must not use language which is threatening, upsetting, abusive or insulting. They must not make or encourage others to do so.
- The safety of people in our school community is very important. Pupils must follow direct instructions from staff regarding Health and Safety or Safeguarding matters.
- Pupils must show respect for the environment and not damage, steal or deface property. This includes defacing displays, writing or drawing graffiti and damaging the buildings or items on site.

## Appendix 2

### **Playground Guidelines**

- KS1 and KS2 have joint playtimes with separate areas of the playground. Two members of staff will be on duty in the playground each day.
- The teachers on duty will go out on time. Children will not be released on to the yard until the teachers are there.
- During playtimes both members of staff should move around the playground so that they are visible to the children and can see the entire playground.
- During morning breaks, all minor accidents will be dealt with inside school by a member of staff in the first aid area. Another child should bring the injured child into school for treatment.
- In the event of a major accident, duty staff should immediately send for help and stay with the child until it arrives. The Head of School must be notified (or a member of SMT in the Head's absence)
- When the bell goes just before the end of break time, all staff should leave the staffroom and collect their class from the playground to ensure that the children enter school in a safe and orderly manner.
- During wet playtimes, children will remain in their classrooms and be supervised by classroom staff.

## Appendix 3

### Consequences Scale

When behaviour prevents learning and teaching from taking place:

- **Say what you see** (Fred, *You are talking*) followed by what the child needs to be doing in order to return to a state in which they and others can learn;
- **Say what you need to see** (in a calm manner) "*You need to stop talking and get on with your work. Thank you*" (saying thank you suggests that you expect the behaviour)
- If behaviour continues. **Choice direction** – "*Fred. If you choose not to stop talking, you are choosing to disrupt the learning of yourself and other children and your name will appear on Amber 1. I know you will make the right choice!*"
- If behaviour continues. "*Fred, you have chosen not to stop talking and so please put your name on Amber 1*"

### Restorative Questions

Wrong doer:

- What happened? And then? Before?
- What were you thinking about at the time?
- What have been your thoughts since?
- Who has been affected by what you did?
- What do you think needs to happen next

Harmed Person:

- What happened? And then? Before?
- What have your thoughts been since?
- How this affected you & others?
- What has been the hardest thing for you?
- What do you need to happen next?

**RIGHTS AND RESPONSIBILITIES**

Rights	Responsibilities	Expectations
<p><b>School</b></p> <ul style="list-style-type: none"> <li>• To expect pupils to respect the rights of other pupils and adults in school.</li> <li>• Not to tolerate violence, threatening behaviour or abuse by pupils or parents.</li> </ul> <p>If a parent does not conduct themselves properly, a school may ban them from the school premises and if the parent continues to cause a nuisance or disturbance, they may be liable to prosecution.</p>	<ul style="list-style-type: none"> <li>• To support, praise and reward pupils' good behaviour.</li> <li>• To ensure staff model good behaviour, lead by example, treating pupils and colleagues with respect and never denigrating them.</li> <li>• To promote positive behaviour through active development of pupils' social, emotional and behavioural skills.</li> <li>• To apply sanctions fairly, consistently, proportionally and reasonably – taking account of SEN, disability and the needs of vulnerable children, offering support as appropriate.</li> <li>• To take all reasonable measures to protect the safety and well-being of staff and pupils, including preventing all forms of bullying and dealing effectively with reports and complaints about bullying.</li> <li>• To consistently reinforce the behaviour policy and golden rules. Not to do so, will be seen as condoning the inappropriate behaviour.</li> </ul>	<p><b>Staff will</b></p> <ul style="list-style-type: none"> <li>• Establish an acceptable standard of behaviour within their classroom which is echoed throughout the school.</li> <li>• Negotiate class rules at the beginning of the year and set up and use behaviour charts in class.</li> <li>• Recognise that each child is an individual, and to be aware of their needs.</li> <li>• Listen to children. Communicate that we have heard what they say.</li> <li>• Provide a challenging, interesting, differentiated and relevant curriculum which will motivate and enable all children to develop their full potential.</li> <li>• Raise children's confidence and self esteem through the development of a positive 'can do' ethos.</li> <li>• Praise good behaviour ("Catch them being good") and tell them what they are being praised for.</li> <li>• Create a safe, caring environment, physically and emotionally.</li> <li>• Follow school guidelines.</li> <li>• Give children opportunities to talk about their feelings; heart charts, worry boxes, circle time, 1-1 discussion.</li> <li>• Set up individual or group programmes to support such as 'social stories, socially speaking'.</li> <li>• Help children take responsibility for their own actions and behaviour.</li> <li>• Form a good relationship with parents so that all children can see that the key adults in their lives share a common aim.</li> </ul>

Rights	Responsibilities	Expectations
<b>Pupils</b>		
<ul style="list-style-type: none"> <li>• To be taught in environments that are safe, conducive to learning and free from disruption.</li> <li>• To expect appropriate action from the school to tackle any incidents of violence, threatening behaviour, abuse, discrimination or harassment.</li> </ul>	<ul style="list-style-type: none"> <li>• To follow instructions by school staff, obey school rules and accept sanctions in an appropriate way.</li> <li>• Not to bring inappropriate or unlawful items to school.</li> <li>• To show respect to school staff, other pupils, school property and the school environment.</li> <li>• Never to denigrate, harm or bully other pupils or staff.</li> </ul>	<b>Pupils will</b> <ul style="list-style-type: none"> <li>• Try hard to work to the best of their ability, and behave in a way that does not disturb the learning of others.</li> <li>• Follow the Golden Rules and treat everyone with care and respect.</li> <li>• Accept responsibility for the things they do.</li> <li>• Co-operate with other children and adults and ask for help when they need it.</li> <li>• Be polite by saying please, thank you, listening to others and not interrupting, saying excuse me and not pushing, waiting for others to pass.</li> <li>• Walk in school and respect that others might be working and that I need to be quiet.</li> <li>• Take care of property and the environment in and out of school.</li> </ul>
<b>Parents</b>		
<ul style="list-style-type: none"> <li>• to contribute to the development of the school behaviour policy</li> <li>• To expect their children to be safe, secure and respected in school.</li> </ul>	<ul style="list-style-type: none"> <li>• To respect the school's behaviour policy and the disciplinary authority of school staff.</li> <li>• To help ensure that their child follows reasonable instructions by school staff and adheres to school rules.</li> <li>• To send their child to school each day punctually, suitably clothed, fed, rested, equipped and ready to learn.</li> </ul>	<b>Parents will</b> <ul style="list-style-type: none"> <li>• Encourage independence and self-discipline in their child.</li> <li>• Show an interest in all that their child does in school.</li> <li>• Foster good relationships with school.</li> <li>• Support the school in the implementation of this policy.</li> <li>• Be aware of the school rules and expectations.</li> <li>• Treat school staff, other parents and families with respect.</li> <li>• Support the school in acting on advice to help their child, both academically and socially.</li> <li>• Follow the school's complaints procedure if they believe the school has exercised its disciplinary authority unreasonably.</li> <li>• Appeal a decision to exclude their child to the Governing Body (in cases of permanent exclusion to an independent appeal panel).</li> </ul>