



MAT- wide Policy for the Promotion of Good Behaviour

Produced: February 2018

Amended: November 2018

Review Date: November 2019



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1. INTRODUCTION

“Behaviour in academy is inseparable from academic achievement, safety, welfare and wellbeing, and all other aspects of learning. It is the key to all other aims, and therefore crucial. Its correct direction is equally crucial, and should be viewed as an issue of the highest strategic importance. Behaviour does not manage itself, except haphazardly.” *‘Creating a culture: how academy leaders can optimise behaviour’, DfE, 2017*

The purpose of this policy is:

- a) to set out very clearly, the expectations of children in relation to behaviour during their educational journey within Five Rivers Multi-Academy Trust (FRMAT);
- b) to outline the FRMAT’s practice for managing behaviour in each academy;
- c) to provide an overview of the powers which members of staff have in order to discipline children.

The policy has been written in accordance with the documents:

‘Creating a Culture: How academy leaders can optimise behaviour’, DfE, (2017)

‘Use of Reasonable Force – Advice for headteachers, staff and governing bodies’ (2013), and

‘Screening, Searching and Confiscation – Advice for headteachers, staff and governing bodies’ (published 2014, updated 2016).

2. OUR PRINCIPLES AND ETHOS

The FRMAT Trust Board have agreed a statement of behaviour principles which underpins the ethos of the Trust.

Each academy in the Trust benefits from the fact that it is part of a wider community, representing a range of racial and cultural backgrounds. We see this as an enriching element and value it.

2.1. Overall aims

1. To develop self-discipline in children.
2. To create the conditions for an orderly community in which effective learning can take place.
3. To foster mutual respect between all members of the academy and wider community, regardless of race, religion, gender, ability, disability and gender.
4. To combat bullying of any kind (e.g. physical, emotional, cyber) – please refer to FRMAT Policy on Anti-bullying.

These aims will be achieved most effectively within the framework of a relaxed, pleasant atmosphere, in which children are required, and are able to give, their best and are encouraged and stimulated to their full potential.

Like any other complex social organisation, an academy requires generally accepted codes of conduct, rules and procedures by which the community abides.

2.2. Overall Code of Conduct

- All staff and children within FRMAT, will develop and maintain good relationships which are based on mutual respect, a sense of community, and a recognition that the rights and needs of everyone matter.
- The example set by adults within an academy, is crucial to the way children respond to each other, as well as to the adults themselves.
- Teachers will have high expectations of the children, ensuring that they behave with fairness, consideration and tolerance towards others at all times.
- Each academy will provide opportunities for children to succeed in developing self-confidence and self-esteem, with teachers providing work that is well matched to children's abilities and is stimulating and challenging.
- Each academy will encourage self-discipline, allowing children to become self-reliant.

2.3. Pastoral Care

Teachers are responsible for the pastoral care of the children in their class but share with all staff, a corporate responsibility for the welfare of all children in the academy. Class teachers should aim to form good relationships with the children in their care, so that children know that there is someone who will listen to them.

At lunchtimes, supervisory assistants have a role to play in maintaining an orderly environment. Having followed the hierarchy of sanctions¹, children who continue to misbehave persistently, should be taken to the Principal/Head of School, or to a senior member of staff. This could lead to a child being excluded from the lunchtime period and having to go home for lunch each day. Any formal arrangement for a child to be barred from school for the lunchtime period is automatically regarded as a half day exclusion. However, if a parent requests to take their child for home dinners they have the right to do so without this being regarded as an exclusion.

2.4. The role of parents

We strongly believe that education is a partnership and place parental involvement very high in our academy's priorities. We encourage parents to become involved in all aspects of academy life for as long as their child is a member of the academy and local community.

On children entry to the academy, all parents are made aware of the academy's approaches to discipline.

The relationship between the home and the academy is of vital importance, and particularly so, when there is a concern over a child's welfare, progress or behaviour. When concerns arise, the co-operation of parents is critical and should be sought at the earliest stage.

When parents are invited into the academy to discuss their child's progress, and/or behaviour, the academy's position and expectations should be reiterated, and the

¹ See Section 6.2 and the individual Behaviour Policy for the academy

support of the parents enlisted, in devising an agreed plan of action. This may also include the support of other agencies.

3. TEACHING AND LEARNING AND THE QUALITY OF THE CURRICULUM

The quality of the curriculum offered has a significant effect on children's behaviour.

- Lessons will be well planned, purposeful, and with high teacher expectations conveyed to the children. This includes an expectation that all assigned work is completed to a high standard.
- Work will be well matched to children's abilities and learning needs.
- Children's language, knowledge and understanding will be extended and developed by the use of skilful teacher questioning in order to engage children purposefully.
- A variety of teaching styles will be employed, and learning activities will be offered which are appropriate to the planned learning objectives.

To provide a quality learning experience, teachers will consider their classroom practice in terms of:

- effective planning and preparation;
- engaging lesson delivery;
- excellent classroom organisation and management, including time management;
- effective thoughtful discipline;
- accurate assessment of children's progress;
- thoughtful reflection and evaluation on practice.

All adults in each academy will promote and encourage children to have positive learning behaviours in all that they do. Children will have opportunities to develop positive engagement in lessons, concentration, motivation and perseverance throughout the learning experience. These behaviours will be rewarded – see Section 6.

4. ENVIRONMENT

The physical environment of the academy has a considerable effect on children behaviour. All staff will regard the maintenance of a high quality environment as an important element in establishing the children's sense of pride in their community and environment and will regularly draw their attention to it.

Resources will be readily available to children in order to support them in their learning. Teachers will check and maintain the condition of books and equipment regularly. The provision of a high quality teaching and learning environment and appropriate quality resources will be a feature of academy budgeting.

5. CODE OF CONDUCT

Each academy has a Code of Conduct, derived from consultation between teachers and children, that reflects the qualities and values expected by the academy, the community that it serves, and society at large – honesty, tolerance and care for the individual, the community and the environment.

The children will be taught how to behave appropriately in the academy and in the wider community. They will be encouraged to resolve conflicts and differences without aggression. This will be done through positive reinforcement of good behaviour, and the raising of children's self-esteem through praise and rewards.

Each class also has its own code of conduct that promotes an effective and efficient teaching and learning environment. Staff will talk regularly with their class about our rules. They will discuss the reasons we have rules and issues of right and wrong. These themes will be developed in work on citizenship, through personal and social development, and through role- play, etc.

Members of the academy community are encouraged to:

- show care, consideration and courtesy to each other, to all members of staff, to parents and to visitors to the academy;
- respect the academy building, academy property and the property of others;
- speak and behave in an acceptable manner within the academy and in the playground;
- speak and behave in such a way that everyone can be happy and can get on with their work in the classroom and in the academy and can enjoy playtimes both indoors and outside.

6. INDIVIDUAL ACADEMY'S APPROACH TO BEHAVIOUR

A clear academy behaviour policy will be in place which underpins the effective education in the academy – see the individual academy websites. This policy will be consistently and fairly applied.

The individual academy Behaviour Policy will specify a range of options and rewards used to reinforce and praise good behaviour, as well as clear sanctions for those who do not comply with the policy. The system of rewards and sanctions used in an individual academy must be clear and simple to apply in all areas of the academy's work. The children must consider the system to be reasonable and fairly and consistently applied.

6.1. Rewards

In order to recognise the achievements of children in all aspects of academy life, and, in particular, to reinforce the positive climate we are striving to achieve, all staff within the academy should make appropriate use of rewards. In order to raise a child's self-esteem, praise must be genuine and perceived as merited by those who receive it.

6.2. Sanctions

Sanctions are necessary to register disapproval of unacceptable behaviour and, on occasion, to protect the authority of staff and the safety of others.

When sanctions are used, it is essential that staff assure the children that it is the behaviour rather than the child that is unacceptable. Children should be brought to understand what it is they have done wrong, and how they can avoid this type of behaviour in the future. Punishment of a whole class is discouraged.

Sanctions can appear to be more effective than they actually are. They may have the effect of stopping the behaviour immediately, but may not stop it from recurring. Consequently, sanctions are effective only when used within a positive environment in which strategies that promote positive behaviour are used as a first resort.

Sanctions should normally follow the hierarchical pattern set out in the academy's individual Behaviour Policy, however, some actions may require a much stronger sanction to be employed, e.g. in the event of serious physical or verbal harm to another individual, theft, or deliberate disruption. In these cases, the Principal/Head of School should refer to the FRMAT Exclusion and Restraint Policy.

Staff should always give consideration to individual circumstances. Confrontation with children is to be avoided, as it may serve to escalate and inflame minor situations.

When a sanction is used, children's individual needs and circumstances should be taken into consideration. Children with SEND, in particular, Autism, may need to follow an individual behaviour plan to support their specific needs.

The only sanctions to be used are those listed in the individual academy's Behaviour Policy. They can be initiated only by a paid member of academy staff or a member of staff authorised by the Principal/Head of School. Other sanctions that staff wish to use must have the prior consent of the Principal/Head of School.

All forms of corporal punishment are illegal under the Education Act, 1986.

6.3. Exclusions

Exclusions will be used only in rare and exceptional circumstances. Acts of extreme physical abuse, which result in significant harm to another child or adult, will not be tolerated. Verbal abuse, which can be equally damaging, will also not be tolerated. Refer to the FRMAT Exclusion and Restraint Policy. An outline is given below.

When the decision has been made to exclude a child, the child will be isolated from other children and the parents contacted as soon as possible to collect their child. The reasons for the exclusion will be conveyed to the parents in writing.

If the conduct of a child at lunchtime gives cause for concern, then both the child and the parents will be made aware of the child's possible debarment from the lunchtime period once all other strategies have been explored. Parents will be informed in writing of the Principal's/Head of School's decision and the length of time that the debarment will be in operation. Parents will be invited into the academy to discuss the child's behaviour before the child is readmitted to the lunchtime period.

Only the Principal/Head of School has the power to exclude a child from the academy. Exclusion may be either:

1. Fixed period. A child may be excluded for up to 45 days in any academic year.
2. Permanent.

The MAT Trust Board will be informed of all exclusions.

Internal exclusions can also be used at the discretion of the Principal/Head of School.

7. TEACHERS' POWERS

Teachers have statutory authority to discipline children whose behaviour is unacceptable, who break the 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 with responsibility for children, such as teaching assistants, unless the Principal/Head of School says otherwise.

Teachers can discipline a child at any time that the child is in the academy or, elsewhere under the charge of a teacher, including on academy visits.

Teachers can also discipline children in certain circumstances when a child's misbehaviour occurs outside of the academy.

Teachers have the power to impose detention outside academy hours and they can confiscate children's property.

8. CHILDREN'S CONDUCT OUTSIDE THE SCHOOL GATES

The law allows teachers the power to discipline children for misbehaving outside of the academy premises 'to such an extent as is reasonable'.

Such misbehaviour might take place:

- on an academy-organised or academy-related activity;
- whilst travelling to or from the academy;
- out of academy hours but when the child is wearing the academy uniform;
- out of academy hours when the child is not wearing the academy uniform but where the child is identifiable as a child at the academy.

Alternatively, teachers may discipline children at any time (in or out of academy hours), whether or not the above conditions apply, if the behaviour:

- could have repercussions for the orderly running of the academy;
- poses a threat to another child or member of the public;
- could adversely affect the reputation of the academy.

In all cases of misbehaviour, the teacher will discipline a child on the academy premises or elsewhere, only when the child is under the lawful control of the staff member.

9. CONFISCATION OF INAPPROPRIATE ITEMS/SEARCHING CHILDREN

There are two sets of legal provisions which enable academy staff to confiscate items from children.

1. The general power to discipline enables a member of staff to confiscate, retain or dispose of a child'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.

In the event that a child's property is confiscated, the academy will, in most circumstances, return the property to the child's parent(s).

2. Members of academy staff have the power to search children without consent for 'prohibited items' including:
 - knives and weapons*
 - alcohol
 - illegal drugs
 - stolen items
 - tobacco and cigarette papers
 - fireworks
 - pornographic images*
 - any article that has been or, is likely to be, used to commit an offence, cause personal injury or damage property.

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

The academy adheres to the 'Screening, Searching and Confiscation advice for head teachers, staff and governing bodies' (February 2014).

Where a member of staff carries out a search on a child with or without consent, they should be the same sex as the child being searched. There should also be a witness present who should also be of the same sex as the child being searched.

There is a limited exception to this rule. A member of staff can carry out a search of a child of the opposite sex and without a witness present, but only where they reasonably believe that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and, where it is not reasonably practicable to summon another adult.

Teachers can undertake a search without consent only if they have reasonable grounds for suspecting that a child 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 children talking about the item or they might notice a child behaving in a way that causes them to be suspicious.

Where appropriate, academy staff can view CCTV footage in order to make a decision whether or not to conduct a search for an item.

9.1. Conducting a search

The person conducting the search must not require the child 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 child has or, appears to have, control – this includes desks, lockers and bags.
- A child's possessions can be searched only in the presence of the child and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.
- The power to search without consent, enables a personal search, involving removal of outer clothing and the searching of pockets; but not an intimate search. Only a person with more extensive powers, e.g. a police officer, can go further than this.
- Under common law powers, academy staff are able to search lockers and desks for any item, provided the child agrees. The academy can make it a condition of having a locker or desk that the child consents to have these searched for any item whether or not the child is present.
- If a child 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 above.

The academy is not required to inform the child's 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.
- The academy should inform the individual child's parents/carers 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 academy complaints procedure.

10. REASONABLE FORCE

Some physical contact between staff and children is necessary to ensure the safety of everyone concerned. The MAT does not have a 'no contact' policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a child, or prevent them taking action needed to prevent a child causing harm.

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

Head teachers and authorised staff can use reasonable force to search for 'prohibited items' (knives, weapons, stolen items, fireworks etc.). However, force cannot be used to search for items banned under the academy rules. These items include laser pens/torches, e-cigarettes and mobile telephones/devices.

Whilst all staff members are empowered by law to use reasonable force where it is needed, key members of staff within each academy are also trained in the use of 'Team Teach Positive Handling Strategies'. Positive handling is the positive application of force with the intention of protecting the child from harming him/herself or others or seriously damaging property.

In the event that reasonable force is necessary, a trained member of staff will be called upon as quickly as possible with the intention of de-escalating and reducing the risks to the child, other persons and property.

10.1. What is reasonable force?

The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career which involve a degree of physical contact with children.

Force is usually used either to control or restrain. This can range from guiding a child to safety by the arm, through to more extreme circumstances such as breaking up a fight or, where a child needs to be restrained to prevent violence or injury. 'Reasonable in circumstances' means using no more force than is needed.

Reasonable force could include:

- blocking a child's path by standing in front of him/her;
- leading a child by the arm;
- physically removing a child from a classroom;
- restraining a child to prevent them from attacking a member of staff or another child.

Parental consent will not be sought before reasonable force is used on a child. However, the academy will make contact with parents after a significant event to notify them of the incident and the reason that reasonable force was applied. The individual using force in the academy will be required to record the details of the incident on the academy's risk register and on CPOMS (online child protection database).

In the use of reasonable force, the MAT and its staff acknowledge the legal duty to make reasonable adjustments for children with SEND needs. In this instance, the member of staff should make a judgement about whether to use force, depending on the needs of the children concerned.

10.2. Complaints arising from an incident where force was used

Any complaints, either from parents or children, arising from the use of force will be investigated by the Principal/Head of School speedily and thoroughly.

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

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

Suspension must not be an automatic response when a member of staff has been accused of using excessive force.

The relevant Principal/Head of School should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance (see the ‘Further sources of information’ section below) when an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.

The Principal/Head of School must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or, whether alternative arrangements are more appropriate.

If a decision is taken to suspend a teacher, the Principal/Head of School should ensure that the teacher has access to a named contact who can provide support.

The MAT CEO and Trustees should always consider whether a teacher has acted within the law when reaching a decision about whether or not to take disciplinary action against the teacher.

As employers, the MAT has a duty of care towards their employees. It is important that the academy provides appropriate pastoral care to any member of staff who is subject to a formal allegation, following a use of force incident.

10.3. Other Types of Physical Contact

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

Examples of where touching a child might be proper or necessary:

- holding the hand of the child at the front/back of a line when going to assembly or when walking together around the academy;
- when comforting a distressed child;
- when a child 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.

11. POLICY REVIEW

This policy will be reviewed annually. The next review will take place in November 2019.