

Behaviour, Discipline & Exclusion Policy



We are children of God: we achieve, believe and care.

Ratified on: 12 March 2021

Chair: _____

Headteacher: _____

To be Reviewed: 2 Years

St Joseph's is a happy and caring Catholic school where everyone aspires to reach their true potential with Christ at the heart of all we do.

Aims and expectations

It is a primary aim of our school that every member of the school community feels valued and respected, and that each person is treated fairly and well. We are a caring community, whose values are built on mutual trust and respect for all. The school's behaviour policy is therefore designed to support the way in which all members of the school can live and work together in a supportive way. It aims to promote an environment where everyone feels happy, safe and secure.

The school has a number of rules (see Appendix A), but our behaviour policy is not primarily concerned with rule enforcement. It is a means of promoting good relationships, so that people can work together with the common purpose of helping everyone to learn. This policy supports the school community in aiming to allow everyone to work together in an effective and considerate way.

We treat all children fairly and apply this behaviour policy in a consistent way.

This policy aims to help children grow in a safe and secure environment, and to become positive, responsible and increasingly independent members of the school community.

The school rewards good behaviour, as it believes that this will develop an ethos of kindness and cooperation. This policy is designed to promote good behaviour, rather than merely deter anti-social behaviour.

The class teacher discusses the school rules with each class. In addition to the school rules, each class also has its own classroom code, which is agreed by the children and displayed on the wall of the classroom. In this way, every child in the school knows the standard of behaviour that we expect in our school. If there are incidents of anti-social behaviour, the class teacher discusses these with the whole class during circle time.

Rewards and sanctions

At St Joseph's there is no place for violence, bullying, harassment (racial or sexual), vandalism, rudeness to adults or bad language. (Including, but not limited to, peer on peer abuse as outlined in Appendix I and sexual violence and harassment in schools as outlined in Appendix J of St Joseph's Child Protection and Safeguarding Policy) Behaviours such as these are considered "Unacceptable Behaviour".

Any occurrence of "Unacceptable Behaviour" must be dealt with immediately and appropriate school sanctions applied.

It is very important that we recognise and appreciate children's good behaviour. However, we do not reward everyday good behaviour, (such as saying "please" and "thank you", and abiding by the agreed School Rules (Appendix A) and Class Code of Conduct), as this is the norm which we expect from all children. Our school ethos emphasises promoting and developing good members of the community. By consistently expecting good behaviour and deterring antisocial behaviour, we believe an ethos of kindness and cooperation will become established and flourish.

Rewards

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

- a) Staff and volunteers praise children verbally.
- b) Adults will reward children for sustained effort in any aspect of their school work. This may take the form of stickers/stamps, written comments, free activities, or by being awarded with house points or Golden Time.
- c) Achievements in sporting or music activities for example, are recognised with the award of certificates during assembly.
- d) The House Cup will be awarded to the House with the most House Points each half term.
- e) Teachers acknowledge children who have demonstrated particular achievement or effort in their classwork and nominated them for a "star of the week" award.
- f) Children are awarded a 'Pebble in the jar,' for good whole class work or behaviour.
- g) EYFS and KS1 teachers acknowledge children as good role models by awarding them the "Star of the Day" award.
- h) Exceptional work, effort or acts of kindness will be brought to the attention of the Head Teacher, who will give additional housepoints as appropriate.
- i) Achievements both in and out of school are brought to the attention of the whole school at our weekly Achievements Assembly
- j) Good attendance will be commended with rewards appropriate to the individual, including an attendance certificate for 100% attendance, to be awarded at the end of each term.

Sanctions

The school employs a number of sanctions to enforce the school rules (Appendix A), and to ensure a safe and positive learning environment. We employ each sanction appropriately to each individual situation.

- a) A verbal apology for actions which go against the School Rules (Appendix A) or Class Code of Conduct should always be sought.
- b) The child will be reminded that choosing to behave in an inappropriate manner instigates a consequence.
- c) The child will be asked to identify which rule has been contravened, bearing in mind that the code or rules have been compiled by school/class consensus.
- d) All sanctions should be used consistently throughout the school and this should be evident amongst all teachers and support staff.

A minority of children will be supported in accordance with their individual needs, and thus sanctions may be dis-applied or applied in a different way for these children.

The following sanctions generally follow on from each other. However, it may be necessary to move rapidly down the list, omitting some sanctions, if poor behaviour persists or is deemed severely inappropriate. Sanctions will be applied as follows by the adult dealing with inappropriate behaviour:

- a) The individual will be reprimanded verbally by the class teacher, a member of support staff or lunchtime assistant.
- b) Children are expected to listen carefully to instructions in school. We expect children to try their best in all activities. If they do not do so we may ask them to move nearer the adult or sit on their own, or to redo/complete the task.
- c) All classes use a traffic light system which allows children a visual reminder and unacceptable behaviour will lead to moving into amber, before red.
- d) If a child moves to red, then 'time-out' is given in another class, the PPA Room or Headteacher's office.
- e) 'Time Out' – short period of time, commensurate with the child's stage of development, away from the main class to reflect upon their actions. This may involve going to an adult in another part of the school. 'Time Out' from the playground may involve the child going to the patio or a central part of the school during a break or lunchtime, as above.
- f) Removal, by the teacher, of privileges, such as Golden Time or Buddy Time.
- g) The Head Teacher may remove playtime and lunchtime privileges.
- h) A child may be sent to explain their actions to the Head Teacher or Senior Teacher.
- i) There may be informal discussions between class teacher or Head Teacher and parents for example via a telephone conversation.
- j) Should the behaviour not improve or a misdemeanour reoccurs, a letter is sent from the Head Teacher to the parent about the misdemeanour and the consequence incurred.
- k) Some children may need to go "On Report" whereby the parent is kept informed through a Behaviour Report Card which is sent home each day.

- l) The need may arise for formal discussions between the parent and Head Teacher.
- m) Removal of significant privileges such as attending school trips may be necessary.
- n) In extreme circumstances internal exclusions lunchtime exclusions or fixed term exclusions by the Head Teacher (or his/her representatives) may be the outcome. (See Exclusion Policy Appendix B)

Records of behavioural incidents are recorded on CPOMS so that individual behaviour logs can be monitored and patterns of behaviour addressed quickly. The Chair of Governors monitors CPOMS regularly is aware of circumstances pertaining to particular pupils. In cases of serious behavioural issues, a Behaviour Improvement Plan may be implemented, with the pupil and parents fully involved in the target setting and the criteria for success. The Chair of Governors will be made aware of this plan.

Bullying

The school does not tolerate bullying of any kind. If we discover that an act of bullying or intimidation has taken place, we act immediately to stop any further occurrences of such behaviour. While it is very difficult to eradicate bullying, we do everything in our power to ensure that all children attend school free from fear.

Records of incidents are kept over time so that patterns of bullying can be identified and dealt with immediately. Parents will be notified of any bullying issues concerning their child. Likewise, if a parent feels their child is being bullied we ask that they contact school immediately.

The Use of Force

All members of staff are aware of the regulations regarding the use of force by teachers, as set out in DfES Circular 10/98, relating to section 550A of the Education Act 1996: *The Use of Force to Control or Restrain Pupils*. (Appendix E) Teachers in our school do not hit, push or slap children. Staff only intervene physically to restrain children or to prevent injury to a child, or if a child is in danger of hurting him/herself. The actions that we take are in line with government guidelines on positive handling of children.

Use of reasonable force

This section of the school behaviour policy should be read in conjunction with the following guidance:

DFE Use of Reasonable Force. A summary for Head Teachers, staff and governing bodies (Appendix E)

At St Joseph's School reasonable force can be used 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 class, school event or a school 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.

Force cannot and will not be used as a punishment. It is always unlawful to use force as a punishment.

Should staff need to use reasonable force the guidance on appropriate restraint techniques in the DFE guidance (Appendix E) will be followed at all times.

A number of staff will be appropriately trained in TeamTeach and all staff will strictly adhere to the school's positive handling policy.

Parents will be informed by letter should reasonable force be used on their child.

- It is good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to schools to decide whether it is appropriate to report the use of force to parents.
- In deciding what is a serious incident, teachers should use their professional judgement and consider the:
 - Pupil's behaviour and level of risk presented at the time of the incident
 - Degree of force used
 - Effect on the pupil or member of staff and
 - The child's age.
- All incidents involving 'Positive Handling' will be recorded under the 'Positive Handling' tab on CPOMS.

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

Refer to page 7/8 DFE Guidance (Appendix E)

Other physical contact with pupils

All staff should follow safeguarding guidance in the Safer Working Practices document and refer also to Section 9 of the DFE Guidance (Appendix E)

In addition to the general power to use reasonable force Head Teachers and authorised staff can use such force as is reasonable to conduct a search and to confiscate, retain or dispose of a pupil's property. (Refer to DFE Guidance Appendix E page 8) See also the associated link for the power to search without consent for weapons, knives, alcohol, drugs or stolen items.)

At St Joseph's School, Senior Leaders are the authorised staff who can conduct a search.

Should any weapons or knives be found they must always be handed over to the Police.

Senior Leaders will decide if and when to return other confiscated items.

The role of teaching staff

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

Teaching staff in our school have high expectations of the children with regard to behaviour, and they strive to ensure that all children work to the best of their ability.

Teaching staff treat each child fairly, and enforces the classroom code consistently. All adults treat all children in school with respect and understanding.

If a child misbehaves repeatedly in class, the class teacher keeps a record of all such incidents. In the first instance, the class teacher deals with incidents him/herself in the normal manner. However, if misbehaviour continues, the class teacher seeks help and advice from the inclusion manager and the Head Teacher.

The class teacher liaises with the inclusion manager who in turn liaises with external agencies, as necessary, to support and guide the progress of each child. The class teacher and inclusion manager may, for example, discuss the needs of a child with the education social worker or LEA behaviour support service.

The class teacher reports to parents about the progress of each child in their class, in line with the whole-school policy. The class teacher will contact a parent if there are concerns about the behaviour or welfare of a child.

The role of Lunchtime Assistants

The lunchtime assistants in our school have high expectations of the children with regard to behaviour and they strive to ensure all children follow the school rules to the best of their ability.

It is the responsibility of the lunchtime assistants to ensure that the school rules are enforced at lunchtime.

All occurrences of "Inappropriate Behaviour" must be reported to the Senior Lunchtime Supervisor.

Lunchtime Assistants will report significant incidents to the class teacher during hand-over time.

The Senior Lunchtime Supervisor will record the incident in the Lunchtime Behaviour Book and report to the Head Teacher.

The role of the Head Teacher

It is the responsibility of the Head Teacher, under the School Standards and Framework Act 1998, to implement the school behaviour policy consistently throughout the school, and to report to governors, when requested, on the effectiveness of the policy. It is also the responsibility of the Head Teacher to ensure the health, safety and welfare of all children in the school.

The Head Teacher supports the staff by implementing the policy, by setting the standards of behaviour, and by supporting staff in their implementation of the policy.

The Head Teacher keeps records of all reported serious incidents of misbehaviour on CPOMS (Child Protection On-line Monitoring System)

The Head Teacher has the responsibility for giving fixed-term suspensions to individual children for serious acts of misbehaviour. For repeated or very serious acts of anti-social behaviour, the Head Teacher may permanently exclude a child. These actions are taken only after the school governors have been notified.

The role of parents

The school collaborates actively with parents, so that children receive consistent messages about how to behave at home and at school.

We explain the school rules on the school website, and we expect parents to read them and support them.

We expect parents to support their child's learning, and to cooperate with the school. We try to build a supportive dialogue between the home and the school, and we inform parents immediately if we have concerns about their child's welfare or behaviour.

If the school has to use reasonable sanctions to punish a child, we expect parents to support the actions of the school. If parents have any concerns about the way that their child has been treated, they should initially contact the class teacher. If the concern remains, an appointment with the Head Teacher should be made to try to resolve the matter. If the concern remains, they should contact the school governors. If these discussions cannot resolve the problem, a formal grievance or appeal process can be implemented.

The role of governors

The governing body has the responsibility of setting down these general guidelines on standards of discipline and behaviour, and of reviewing their effectiveness. The governors support the Head Teacher in adhering to these guidelines.

The Head Teacher has the day-to-day authority to implement the school's policy on behaviour and discipline, but governors may give advice to the Head Teacher about particular disciplinary issues. The Head Teacher must take this into account when making decisions about matters of behaviour.

Fixed-term and permanent exclusions

Please refer to Exclusion Policy (Appendix B).

The governing body has a discipline committee which is made up of between three and five members. This committee considers any exclusion appeals on behalf of the governors. (See a summary of the Governing Body's duties to review the Head Teacher's exclusion decision Appendix D).

When an appeals panel meets to consider an exclusion, they consider the circumstances in which the child was excluded, consider any representation by parents and the LEA, and consider whether the child should be reinstated.

If the governors' appeals panel decides that a child should be reinstated, the Head Teacher must comply with this ruling.

Drug and alcohol-related incidents

It is the policy of this school that no child should bring any drug, legal or illegal, to school. If a child will need medication during the school day the parent or guardian should notify the school and ask permission for the medication to be brought. This should be taken directly to the Green Room for safekeeping. Any medication needed by a child while in school must be taken under the supervision of a teacher or other adult worker.

The school will take very seriously misuse of any substances such as glue, other solvents, or alcohol. The parents or guardians of any child involved will always be notified. Any child who deliberately brings substances into school for the purpose of misuse will be punished by a fixed-term exclusion. If the offence is repeated, the child will be permanently excluded, and the police and social services will be informed.

If any child is found to be suffering from the effects of alcohol or other substances, arrangements will be made for that child to be taken home.

It is forbidden for anyone, adult or child, to bring onto the school premises illegal drugs. Any child who is found to have brought to school any type of illegal substance will be punished by a temporary exclusion. The child will not be readmitted to the school until a parent or guardian of the child has visited the school and discussed the seriousness of the incident with the Head Teacher.

If the offence is repeated the child will be permanently excluded.

If a child is found to have deliberately brought illegal substances into school, and is found to be distributing these to other pupils for money, the child will be permanently excluded from the school. The police and social services will also be informed.

Monitoring and review

The Head Teacher monitors the effectiveness of this policy on a regular basis. She also reports to the governing body on the effectiveness of the policy and, if necessary, makes recommendations for further improvements.

The school keeps a variety of records concerning incidents of misbehaviour. We also keep a record of any incidents that occur at break or lunchtimes: lunchtime assistants give written details of any incident in an incident book held by the lunchtime supervisor.

The Head Teacher keeps a record of any child who is suspended for a fixed-term, or who is permanently excluded.

It is the responsibility of the governing body to monitor the rate of suspensions and exclusions, and to ensure that the school policy is administered fairly and consistently. The governing body will pay particular attention to matters of racial equality; it will seek to ensure that the school abides by the non-statutory guidance *The Duty to Promote Race Equality: A Guide For Schools*, and that no child is treated unfairly because of race or ethnic background.

The governing body reviews this policy every year. The governors may, however, review the policy earlier than this if the government introduces new regulations, or if the governing body receives recommendations on how the policy might be improved.

APPENDIX A

School Rules

Be a good person who uses kind hands, kind feet and kind words.

Love to learn and try your best in all that you do.

Act with courtesy and consideration and show respect at all times.

Do not tolerate bullying.

Walk sensibly and quietly around school.

APPENDIX B

Exclusions Policy



We are children of God: we achieve, believe and care.

St Joseph's is a happy and caring Catholic school where everyone aspires to reach their true potential with Christ at the heart of all we do.

Background

This policy deals with the policy and practice which informs the School's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

1. The first is to ensure the safety and well-being of all members of the school community, and to maintain an appropriate education environment in which all can learn and succeed;
2. The second is to realise the aim of reducing the need to use exclusion as a sanction.

Introduction

The decision to exclude a pupil will be taken in the following circumstances:

- (a) In response to a serious breach of the school's Behaviour Policy
- (b) If allowing the pupil to remain in school would seriously harm the education or welfare of other persons or the pupil him/herself in the school.

Exclusion is an extreme sanction and is only administered by the Headteacher. Exclusion, whether for a fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the school's Behaviour Policy:

- Verbal abuse to staff and others
- Verbal abuse to pupils
- Physical abuse to/attack on staff
- Physical abuse to/attack on pupils
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Peer on Peer abuse
- Sexual violence and harassment
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that exclusion is an appropriate sanction.

At times the Headteacher will decide not to use the extreme sanction of an exclusion but will decide that a Behaviour Support Plan should be drawn up to try avoid the sanction of an exclusion in the future. This might be accompanied by an internal exclusion.

Exclusion procedure

Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).

The DfE regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding a total of 45 school days in any one school year.

The Governors have established arrangements to review promptly all permanent exclusions from the school and all fixed term exclusions that would lead to a pupil being excluded for more than 15 days in a school term or missing a public examination.

The Governors have established arrangements to review fixed term exclusions which would lead to a pupil being excluded for more than five days but not more than 15 days in a school term where a parent has expressed a wish to make representations.

Following exclusion parents are contacted immediately where possible. A letter will be sent giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body and the Local Authority as directed in the letter.

A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Management Team and other staff where appropriate. During this meeting a Behaviour Support Plan will be drawn up, which will include a review date.

During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility as parents/guardians. Records relating to exclusions will be stored confidentially.

Permanent Exclusion

The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered:

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This

would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) repeated possession and/or use of an illegal drug on school premises or repeated physical assaults within school.

2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one off' offence. These might include:
 - Serious actual or threatened violence against another pupil or a member of staff
 - Sexual abuse or assault
 - Supplying an illegal drug
 - Carrying an Offensive Weapon (Offensive weapons are defined in the Prevention of Crime Act 1993 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him").
 - Arson
 - Behaviour which poses a significant risk to the child's own safety.

The school will involve the police for any relevant offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the school.

General factors the school considers before making a decision to exclude

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period the Headteacher will:

- Ensure appropriate investigations have been carried out, which includes allowing the pupil to give her/his version of events.
- Explore the wider context, taking into consideration how much the incident may have been provoked (for example by bullying or by racial or sexual harassment).
- Consider all the evidence available to support the allegations taking into account the Behaviour Policy, Equal Opportunity and Race Equality Policies
- Explore the possibility of a managed move to another Washington school. If a managed move cannot be agreed between schools.

If the Headteacher is satisfied that on the balance of probabilities the pupil did what he/she is alleged to have done, then exclusion will be the outcome.

APPENDIX C



Department
for Education

Use of reasonable force

Advice for headteachers, staff and
governing bodies

July 2013

Contents

| | |
|---|----|
| Summary | 18 |
| About this departmental advice | 18 |
| Expiry or review date | 18 |
| Who is this advice for? | 18 |
| Key points | 18 |
| Who can use reasonable force? | 19 |
| When can reasonable force be used? | 19 |
| Schools can use reasonable force to: | 20 |
| Schools cannot: | 20 |
| Power to search pupils without consent | 20 |
| Communicating the school's approach to the use of force | 21 |
| Using force | 21 |
| Staff training | 22 |
| Telling parents when force has been used on their child | 22 |
| What happens if a pupil complains when force is used on them? | 22 |
| What about other physical contact with pupils? | 23 |
| Frequently Asked Questions | 24 |
| Further sources of information | 25 |

Summary

About this departmental advice

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

Expiry or review date

This advice will be kept under review and updated as necessary.

Who is this advice for?

- School leaders and school staff in **all schools**¹ in England.

Key points

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

¹ "All schools" include Academies, Free Schools, independent schools and all types of maintained schools

What is reasonable force?

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

Who can use reasonable force?

- All members of school staff have a legal power to use reasonable force².
- This power applies to any member of staff at the school. It can also apply to people whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

When can reasonable force be used?

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupils or to restrain them.

² Section 93, Education and Inspections Act 2006

- 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 a school trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

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

Power to search pupils without consent

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

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

³ Section 550ZB(5) of the Education Act 1996

Force **cannot** be used to search for items banned under the school rules. Separate guidance is available on the power to search without consent – see the 'Further sources of information' section for a link to this document.

Communicating the school's approach to the use of force

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

Using force

- A panel of experts⁴ identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are:
- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the 'double basket-hold' which involves holding a person's arms across their chest; and

⁴ Physical Control in Care Medical Panel - 2008

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

Staff training

- Schools need to take their own decisions about staff training. The headteacher should consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so.
- Some local authorities provide advice and guidance to help schools to develop an appropriate training programme.

Telling parents when force has been used on their child

- It is good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to schools to decide whether it is appropriate to report the use of force to parents⁵.
- In deciding what is a serious incident, teachers should use their professional judgement and consider the:
 - pupil's behaviour and level of risk presented at the time of the incident;
 - degree of force used;
 - effect on the pupil or member of staff; and
 - the child's age.

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

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.

⁵ References to parent or parents are to fathers as well as mothers, unless otherwise stated.

- Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance (see the ‘Further sources of information’ section below) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

What about other physical contact with pupils?

- It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.
- Examples of where touching a pupil might be proper or necessary:
 - Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
 - When comforting a distressed pupil;
 - When a pupil is being congratulated or praised;
 - To demonstrate how to use a musical instrument;
 - To demonstrate exercises or techniques during PE lessons or sports coaching; and
 - To give first aid.

Frequently Asked Questions

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

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

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

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

Q: What about school trips?

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

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

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

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

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

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

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

Further sources of information

Other departmental advice and guidance you may be interested in

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

Associated resources (external links)

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



Department
for Education

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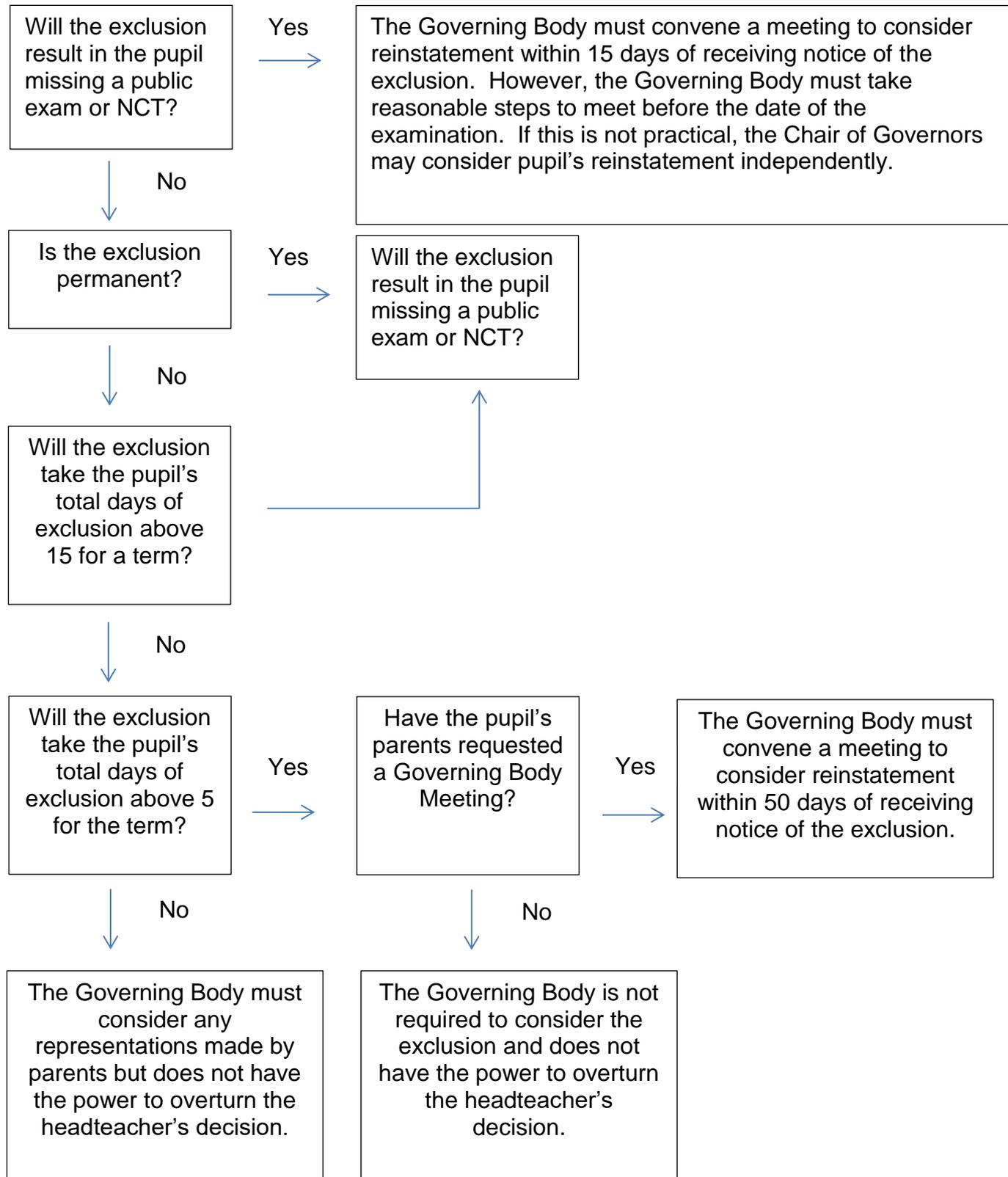
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APPENDIX D

A SUMMARY OF THE Governing Body's duties to review the Headteacher's exclusion decision



The Governing Body may delegate its functions to consider an exclusion to a designated sub-committee. References to days mean 'school days'.

APPENDIX E

DFEE Circular Number IO/98

Section 550A of the Education Act 1996: The Use of force to Control or Restrain Pupils July 1998

Summary of contents:

A new provision comes into force on 1 September 1998 (Section 550A of the Education Act 1996). This clarifies the powers of teachers, and other staff who have lawful control or charge of pupils, to use reasonable force to prevent pupils committing a crime; causing injury or damage; or causing disruption. Such powers already existed under common law but they have often been misunderstood.

Neither the Act, nor this Circular, authorise the use of corporal punishment in any circumstances. Nor are they intended to encourage the use of inappropriate force.

The Circular:

- gives examples of circumstances in which physical intervention might be appropriate, and factors that teachers should bear in mind when deciding whether to intervene;
- discusses the meaning of 'reasonable force';
- advises that schools should have a policy about the use of reasonable force, and should tell parents about it; and,
- advises that schools should record incidents in which force is used to control or restrain a pupil, and tell parents of any such incidents involving their child.

This Circular is guidance. It should not be treated as a complete and authoritative statement of the law.

Section 550A of the Education Act 1996 10/98

July 1998

Introduction

1 The Education Act 1997 (Section 4) clarified the position about the use of physical force by teachers, and others authorised by the Head teacher of a school, to control or restrain pupils. The clarification was made by adding a section (Section 550A) to the Education Act 1996. This new section comes into force on 1 September 1998, and applies to all schools. It restates principles derived from common law and statute which have, in the past, been misunderstood. For example there is a common misconception that, since the Children Act 1989, any physical contact with a child is in some way unlawful. That is not true. Where necessary reasonable force can be used to control or restrain pupils. Physical contact with pupils may also be appropriate or necessary in other circumstances (see paragraphs 24 and 25 below).

Corporal Punishment

2 Section 550A does not in any way authorise the use of corporal punishment with pupils in maintained schools or publicly-funded pupils in independent schools. For those pupils the law forbids a teacher to use any degree of physical contact which is deliberately intended to punish a pupil, or which is primarily intended to cause pain or injury or humiliation (sections 548 to 550 of the 1996 Act). That ban applies in all circumstances, and has applied since 1987. The School Standards and Framework Bill currently before Parliament includes provisions to outlaw corporal punishment for all pupils in maintained and independent schools, and for children receiving nursery education. We expect these provisions to come into force on 1 September 1999.

Further Guidance

3 The Department will consult in the autumn on new guidance about pupil behaviour and discipline to replace the guidance in DfEE Circular 8/94 which meanwhile still applies. That should be read with the Department's letter of 8 May about the provisions of the Education Act 1997, particularly on school discipline policies and detention. T

4 The Department also intends to issue guidance to help staff choose strategies for restraining pupils presenting challenging behaviour with a focus on SEN settings. We aim to issue a draft for consultation in Spring 1999.

A School Policy

5 It is important that schools have a policy about the use of force to control or restrain pupils. All members of staff who may have to intervene physically with pupils must clearly understand the options and strategies open to them. They must know what is acceptable and what is not. The Governing Body, parents, and pupils, also need to know that.

6 The Head teacher should draw up a policy setting out guidelines about the use of force to control or restrain pupils, and discuss these with the staff who may have to apply them, and with the Governing Body of the school. When drawing up such a policy Head teachers of LEA maintained schools should refer to any model policy about touching, holding, or restraining pupils that the LEA has developed.

Head teachers of other schools may also find it helpful to refer to any such policy and/or seek advice from their professional association. In all cases Head teachers should take account of the Department's guidance on pupil behaviour and discipline policies (see paragraph 3).

7 A statement of the school's policy on this issue should be included with the information the school gives parents about the school's policy on discipline and standards of behaviour.

Planning for incidents

8 If a school is aware that a pupil is likely to behave in a way that may require physical control or restraint, it will be sensible to plan how to respond if the situation arises. Such planning needs to address:

- managing the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used);
- involving the parents to ensure that they are clear about what specific action the school might need to take;
- briefing staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance);
- ensuring that additional support can be summoned if appropriate;
- in some cases, particularly in SEN settings, the school may also need to take medical advice about the safest way to hold pupils with specific health needs.

9 The section allows teachers, and other persons who are authorised by the Head teacher to have control or charge of pupils (see paragraph 11 below), to use

such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);
- injuring themselves or others;
- causing damage to property (including the pupil's own property);
- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

10 The provision applies when a teacher, or other authorised person, is on the school premises, and when he or she has lawful control or charge of the pupil concerned elsewhere e.g. on a field trip or other authorised out of school activity.

Authorised Staff

11 The Act allows all teachers at a school to use reasonable force to control or restrain pupils. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the Head teacher to have control or charge of pupils. Those might include classroom assistants, care workers, midday supervisors, specialist support assistants, education welfare officers, escorts, caretakers, or voluntary helpers including people accompanying pupils on visits, exchanges or holidays organised by the school.

12 Head teachers should identify people, other than teachers, whom they wish to authorise to have control or charge of pupils and therefore be able to use force if necessary. Authorisation may be on a permanent or long term basis because of the nature of the person's job, or short term for a specific event such as a school trip. The Head should explicitly inform the people concerned, and ensure that they are aware of and properly understand what the authorisation entails. To ensure that, Heads may find it helpful to arrange for a senior member of the teaching staff to provide training or guidance.

They should keep an up-to-date list of authorised people and ensure the teachers know who they are.

Action in self-defence or in an emergency

13 Section 550A does not cover all the situations in which it might be reasonable for someone to use a degree of force. For example, everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene. The purpose of Section 550A is to make it clear that

teachers, and other authorised staff, are also entitled to intervene in other, less extreme, situations.

Types of Incidents

14 There are a wide variety of situations in which reasonable force might be appropriate, or necessary, to control or restrain a pupil. They will fall into three broad categories:

- a. where action is necessary in self-defence or because there is an imminent risk of injury;
- b. where there is a developing risk of injury, or significant damage to property;
- c. where a pupil is behaving in a way that is compromising good order and discipline.

15 Examples of situations that fall within one of the first two categories are:

- a pupil attacks a member of staff, or another pupil;
- pupils are fighting;
- a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- a pupil is running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure him or herself or others;
- a pupil absconds from a class or tries to leave school (N.B. this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations that fall into the third category are:

- a pupil persistently refuses to obey an order to leave a classroom;
- a pupil is behaving in a way that is seriously disrupting a lesson.

Reasonable Force

16 There is no legal definition of 'reasonable force'. So it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

17 There are two relevant considerations:

- the use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.
- the degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

18 Whether it is reasonable to use force, and the degree of force that could reasonably be employed might also depend on the age, understanding, and sex of the pupil.

Practical considerations

19 Before intervening physically a teacher should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if he or she does not. The teacher should continue attempting to communicate with the pupil throughout the incident, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

20 Sometimes a teacher should not intervene in an incident without help (unless it is an emergency).

For example, when dealing with an older pupil, or a physically large pupil, or more than one pupil,

or if the teacher believes he or she may be at risk of injury. In those circumstances the teacher should remove other pupils who might be at risk, and summon assistance from a colleague or colleagues,

or where necessary phone the Police. The teacher should inform the pupil(s) that he or she has sent for help. Until assistance arrives the teacher should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

Application of Force.

21 Physical intervention can take several forms. It might involve staff:

- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- pushing;
- pulling;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back; or,
- (in extreme circumstances) using more restrictive holds.

22 In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force': for example

to prevent a young pupil running off a pavement onto a busy road, or to prevent a pupil hitting someone, or throwing something.

23 In other circumstances staff should not act in a way that might reasonably be expected to cause injury, for example by:

- holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe;
- slapping, punching or kicking a pupil;
- twisting or forcing limbs against a joint;
- tripping up a pupil;
- holding or pulling a pupil by the hair or ear;
- holding a pupil face down on the ground.

24 Staff should always avoid touching or holding a pupil in a way that might be considered indecent.

25 Where the risk is not so urgent the teacher should consider carefully whether, and if so when, physical intervention is right. Teachers should always try to deal with a situation through other strategies before using force. All teachers need developed strategies and techniques for dealing with difficult pupils and situations which they should use to defuse and calm a situation. Advice about this will be included in the draft guidance on pupil behaviour and discipline policies referred to in paragraph 3.

In a non-urgent situation force should only be used when other methods have failed.

26 That consideration is particularly appropriate in situations where the aim is to maintain good order and discipline, and there is no direct risk to people or property. As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated.

27 The age and level of understanding of the pupil is also very relevant in those circumstances. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older pupils. It should never be used as a substitute for good behavioural management.

Recording Incidents

28 It is important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where force is used. It may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint.

29 Schools should keep an up-to-date record of all such incidents, preferably in an incident book.

Immediately following any such incident the member of staff concerned should tell the Head or a senior member of staff and provide a written report as soon as possible afterwards. That should include:

- the name(s) of the pupil(s) involved, and when and where the incident took place;
- the names of any other staff or pupils who witnessed the incident;
- the reason that force was necessary (e.g. to prevent injury to the pupil, another pupil or member of staff);

- how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;
- the pupil's response, and the outcome of the incident;
- details of any injury suffered by the pupil, another pupil, or a member of staff and of any damage to property.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

30 Incidents involving the use of force can cause the parents of the pupil involved great concern. It is always advisable to inform parents of an incident involving their child, and give them an opportunity to discuss it. The Head teacher, or member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the school day, and whether parents should be told orally or in writing.

Complaints

31 Involving parents when an incident occurs with their child, plus a clear policy about physical contact with pupils that staff adhere to, should help to avoid complaints from parents. It will not prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and social services department under child protection procedures. DfEE Circular 10/95: Protecting Children From Abuse gives guidance about the latter, and about procedures for dealing with allegations against teachers.

32 The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a pupil or parent, cannot be ruled out. In those circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in all the circumstances. In that event, however, the panel, or court, would have regard to the provisions of section 550A. It would also be likely to take account of the school's policy on restraint, whether that had been followed, and the need to prevent injury, damage, or disruption, in considering all the circumstances of the case.

Physical Contact With Pupils In Other Circumstances

33 There are occasions when physical contact with a pupil may be proper or necessary other than those covered by Section 550A of the 1996 Act. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, or CDT, or if a member of staff has to give first aid. Young children and children with special educational needs may need staff to

provide physical prompts or help. Touching may also be appropriate where a pupil is in distress and needs comforting. Teachers will use their own professional judgement when they feel a pupil needs this kind of support.

34 There may be some children for whom touching is particularly unwelcome. For example, some pupils may be particularly sensitive to physical contact because of their cultural background, or because they have been abused. It is important that all staff receive information on these children. In addition, the school will need to develop clear common practice towards particular groups of children and events. There should be a common approach where staff and pupils are of different sexes. Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.