



# Beacon Academy Trust

A COMPELLING VISION FOR SUCCESS

## Student Engagement Policy

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## 1. Purpose & Scope

- 1.1 The policy aims to provide clear guidance based on key principles to enable everyone in Beacon Multi-Academy Trust (BMAT) Academies to promote a positive climate for learning. This includes a positive Behaviour for Learning approach, good attendance, creating a strong partnership between Home and Academy, clear rules on the acceptable use of Academy facilities and dress codes.
- 1.2 This policy relates to all BMAT Academies. Some procedures will vary across the Academies depending on context and stage of development but over time we will work to share good practice and develop common protocols.
- 1.3 This policy has been written in accordance with the following legislation;
- Academy Standards and Framework Act 1998;
  - Education Act 2002;
  - Education and Inspections Act 2006;
  - Independent School Standard Regulations 2010
  - The Equality Act 2010
  - The Education Act 2011
- 1.4 And in the light of the following DfE guidance;
- **Behaviour and Discipline in Schools – Departmental Advice** for headteachers and school staff – 3 February 2014
  - **Ensuring Good Behaviour in Schools** – Advice for headteachers, governing bodies, teachers, parents and students – 4 September 2012
  - **Screening, searching and confiscation** – Advice on schools’ powers – 14<sup>th</sup> February 2014
  - **Use of Reasonable Force** – non-statutory advice to clarify the use of force in schools for governing bodies, headteachers and school staff – 17<sup>th</sup> July 2013
  - **Exclusion from maintained schools, academies and pupil referral units in England** – 2012
  - **School Attendance** – Departmental advice for maintained schools, academies, independent schools and local authorities
  - **Preventing and Tackling Bullying - Advice for Headteachers, staff and governing bodies** - March 2014
- 1.5 The policy works alongside the following policies on specific areas relating to Behaviour for Learning;
- Teaching and Learning policy
  - Code of Conduct - students
  - Inclusion policy
- 1.6 This policy incorporates the following policies;
- Anti-bullying policy
  - Policy for restraining students
  - Searching, Screening and Confiscation

## 2. Policy & Principles

- 2.1 Students achieve high levels of success when they, their parents/carers and the Academy staff respect each other and aim for the same goals. This is underpinned by the encouragement of good behaviour through high expectations, clear policy and an ethos which fosters discipline and mutual respect between students, and between staff and students. BMAT Academies are committed to working in a partnership of students, staff and parents/carers to promote the achievement of all students through consistent approaches to behaviour and attendance and a shared sense of responsibility.
- 2.2 We firmly believe that students must be encouraged to take responsibility for their own learning and behaviour in order for them to achieve more than they ever thought possible. We recognise that everyone is different and that some students will need more support than others in achieving their goals.
- 2.3. It is the policy of the Academies that the primary way of achieving good behaviour is to provide support for students and to develop a culture where they are praised and rewarded as they make progress with their learning and for their development as independent, autonomous learners. At the heart of this is the development of more personalised programmes where students set themselves challenging goals.

## 3. Key Principles

- 3.1 We believe that:
- A truly personalised curriculum and a stimulating and challenging learning environment is essential to promoting a positive "Behaviour for Learning" culture
  - Creating and nurturing positive relationships within the academy is everyone's responsibility
  - A key part of the role for the tutor/mentor is to monitor and support students who exhibit poor behaviour in order that they can improve and achieve their personal goals
  - All staff within the Academies have the responsibility to model good behaviour and self-discipline as well as to teach good behaviour and to encourage self-discipline at all times
  - We cannot legislate for every incident or occurrence but a clear set of shared values and guidelines should ensure a consistency of approach. Consistency is very important in creating a positive learning culture within the Academies so that all students understand the expectations and consequences of their actions and behaviour
  - It is essential that we work in partnership with parents/carers to encourage good behaviour and high levels of attendance
  - Wherever possible restorative approaches towards unacceptable behaviour will be used. It is important to recognise that poor behaviour is often the result of individual circumstances and requires a holistic response
  - It is essential that everyone within the Academies is treated with respect. Where this is not evident it is important to separate the individual from the poor behaviour. Personal criticism and shouting is never acceptable.
  - The Academies will maintain a system of discipline which is consistent and appropriate for all students being sensitive to differences of race, colour, nationality, ethnic origin, gender, disability, religious belief, sexual orientation, learning difficulty, social background and or appearance. Rewards and sanctions will be implemented to ensure that students are treated fairly.

## 4. Effective strategies

### 4.1 Attendance

The Academies will actively pursue the goal of regular attendance and good punctuality both in relation to individual students and for the academy as a whole, including recognising and rewarding good attendance/punctuality;

- The Academy has a responsibility to provide a positive daily learning experience for every student to encourage excellent attendance and punctuality.
- Parents/carers are legally required to ensure the regular, punctual attendance of their child at the Academy each day.
- We will work with parents/carers to recognise the value of good attendance and punctuality, not only in taking full advantage of the opportunities offered at the academy but also in preparation for working life to follow.
- We will employ a range of interventions in order to secure good attendance. This could include the prosecution where parents/carers fail to ensure that their children attend Academy and on time.
- Students should attend every day (unless there is a valid reason for not doing so) and that they should arrive punctually, wearing the Academy dress code and with all the equipment they need for the day
- BMAT recognises the right of students to take time off for religious/cultural observance and action is taken to minimise any disruption to the education of students who are absent for religious/cultural observance.
- BMAT recognises that there may on occasion be a need to grant extended leave of absence for students to maintain contact with their family overseas and will have clear procedures for this
- BMAT recognises that the special position of Traveller families is recognised by section 444(6) of the Education Act 1996 and will have clear procedures for this.

### 4.2 Assertive Discipline Plan (ADP)

4.2.1 In order to enable the academy to maximise learning, achievement and support for all students all teachers and supporting members of staff are required to ensure that behaviour management is:

- **Positive:** behaviour management is designed to encourage young people to take responsibility for their actions. Choosing to behave well earns positive reward. Choosing to break rules, within the framework of the ADP, results in sanction.
- **Consistent:** behaviour management strategies must be fair; rewards and sanctions must be appropriate and consistent; a long term purposeful learning environment will be hampered by inconsistency across classrooms and between students.
- **Certain:** for this policy and the ADP to operate effectively, it is necessary that students understand the rules which form part of a contract between the Academy and each individual student. For this purpose, the first lesson of every Academy year is designated as the ADP lesson, where all teachers – working collaboratively with students in their class – introduce or reinforce the certain and consistent rules which govern our positive learning environment.

4.2.2 New staff, NQTs and trainee teachers are provided with full training to enable them to properly implement the ADP consistently and certainly. Twilight sessions are also offered to assist those who wish to refresh their technique, share ideas for good behaviour management or ask for additional support/advice. All staff who encounter a difficulty with a

student should follow their departmental procedures or, during the lesson, the ADP. Headteacher/Principals of Department are expected to ensure their colleagues feel supported and able to teach.

#### 4.3 Teaching and learning

- Behaviour for Learning forms part of the commitment to outstanding learning in every classroom;
- Well-supported learning opportunities are essential;

4.4 The very purpose of this policy is to facilitate and enable effective learning. Teachers are professional practitioners; it is recognised that their methods and approach will vary. The Academies embrace personalised and inspirational teaching and learning. The Academies, however, place great emphasis on the importance of consistency across the academy. This is one of the Academies guiding 'learning principles' and it follows that consistency of approach in implementing this Behaviour for Learning policy is essential in order to ensure progression for all our students.

#### 4.5 Dress Code

4.5.1 The dress code for students in BMAT Academies is developed in consultation with students, staff and parents/carers. We are committed to smart, functional and affordable clothing in order to present the Academy as a professional and exciting learning environment.

4.5.2 It is our policy that all students follow the dress code when attending the Academy or participating in Academy-organised events outside normal hours.

4.5.3 Clothing in the Academy should at all times be smart and in a good state of repair, in keeping with a modern Academy. We are, however, sensitive to the need to adapt clothing to meet the requirements of religious observance. Our dress code policy is designed to ensure that no student is excluded whatever their background and BMAT will support parents/carers having genuine difficulty providing items of Academy clothing in confidence.

### 5. High Expectations

- All staff will have high expectations of students in terms of their work and attitude. We know that nagging and scolding do not encourage positive behaviour. In order to effect change students must understand how poor behaviour impacts on themselves and others;
- The tutoring and or mentoring programmes are very important in terms of creating a positive ethos and building relationships. We always need to approach students in a positive way;
- Involving parents/carers at all stages is very important and Academy staff should send good news home about individual students regularly. Where there are problems we need to contact parents/carers and ask for their opinion and knowledge of their child to help us guide them to take responsibility. We need to avoid being judgemental;

- A Home Academy Agreement will be shared with parents/carers and students articulating each stakeholder's responsibility. The standard of behaviour expected of all students will be included in the Academy's home-Academy agreement which parents/carers must be asked to sign following their child's admission to an academy;
- We will train staff to develop students' social skills and emotional literacy;
- Our rewards procedures should assist staff in encouraging students to take responsibility for themselves and their actions. We must take every opportunity to emphasise that actions have consequences;
- Students will be involved in drawing up a "Code of Conduct";
- Where there are students who do not respond positively to the Academy values we will provide additional support which will be carefully structured to meet individual need. These students will be supported by a multi-agency team and may be asked to work for a period outside the academy structure, always with the aim of trying to integrate back into the academy;
- In some extreme cases it may be necessary to physically restrain a student. A "Good Practice Guide" will explain when this is appropriate and how it is to be done.

## **6. Beyond the Classroom**

6.1 The purpose of this policy and the T&L policy is that students feel safe in their Academy and are able and ready to learn in a calm and positive environment. The 'staff duty system', has been designed to ensure that teachers and support staff are on hand to maintain good order amongst students. Key members of a staff are visibly positioned around the Academy campus.

## **7. Electronic Devices**

7.1 The use of mobile telephones and electronic music or gaming devices is not permitted in the Academy other than where a teacher deems it appropriate to enhance the learning experience.

7.2 It is appreciated that students may choose to bring such devices to school. These devices are not covered by any Academy insurance and the Academy would not be liable if they were lost or damaged. Any loss would be the students' responsibility. However, whilst at the Academy, they must be both turned off and kept out of sight. Staff will confiscate mobile telephones if they are seen around the Academy campus and hand them into the Academy office. Students can then collect them at the end of the week.

## **8. Bullying**

8.1 All members of the Academy community have the right to feel safe. Any form of bullying is treated seriously and followed up as a matter of priority. Bullying is defined as "any physical, verbal or indirect abuse which is deliberately hurtful and causes distress, or which an individual perceives to be bullying in nature". This includes cyber bullying. Bullying includes any racial or sexual comments, even if they are only perceived as such by the person to whom they are directed. A log of all such incidents is maintained and the Headteacher/Principal reports incidents to the governors on a termly basis.

## **ANTI-BULLYING POLICY**

### **COMBATING BULLYING AND NEGATIVE OR DEVALUING BEHAVIOUR**

#### **Definition**

We aim to work towards combating any negative or devaluing behaviour towards another person this includes bullying.

The Trustees, Governors, teachers, staff, parents/carers and students of BMAT believe that bullying is behaviour by an individual or group, repeated over time, that intentionally hurts another individual or group either physically or emotionally. Bullying can take many forms (for instance, cyber-bullying via text messages or the internet), and is often motivated by prejudice against particular groups, for example on grounds of race, religion, gender, sexual orientation, or because a child is adopted or has caring responsibilities. Stopping violence and ensuring immediate physical safety is obviously a school's first priority but emotional bullying can be more damaging than physical; teachers and schools have to make their own judgements about each specific case.

The rapid development of, and widespread access to, technology has provided a new medium for "virtual" bullying, which can occur in or outside school. Cyber-bullying is a different form of bullying and can happen at all times of the day, with a potentially bigger audience and more accessories as people forward on content at a click.

The wider search powers included in the Education Act 2011 give teachers stronger powers to tackle cyber-bullying by providing a specific power to search for and, if necessary, delete inappropriate images (or files) on electronic devices, including mobile phones.

More specifically, it might include:

- name calling or swearing;
- texting or emailing;
- photographing without consent;
- spitting;
- hitting, pushing and shoving;
- threatening;
- demanding money or possessions;
- isolating another person.

We believe that students who observe negative and devaluing behaviour and take no action are colluding and therefore partly responsible.

#### **Key Principles**

The BMAT Academies believe that all our students have the right to learn and develop in a secure, caring and friendly environment. Bullying can spoil lessons and stop learning. Everyone should be able to contribute to lessons and the life of the academy community without intimidation. Everyone is capable of bullying and negative devaluing behaviour, adults as well as students. We must all work towards treating others with respect.

We will not tolerate negative devaluing behaviour when we encounter it. Students also have a responsibility.

All incidents will be treated seriously and may ultimately lead to exclusion.

## Prevention

The Academies aim is to prevent bullying and create an atmosphere where all students and others feel safe. A positive ethos will be built through the curriculum, extra-curricular activities, assemblies, INSET, Parents/carers' Evenings and staff meetings. Negative or devaluing behaviour will not be tolerated and will be dealt with appropriately.

### Positive steps towards prevention

- Teachers can be trusted;
- Positive behaviour should be encouraged;
- The reward system should be used when students help prevent bullying;
- Boxes should be created where students can, anonymously, post notes regarding bullying issues;
- Posters around the Academy to inform the Academy community about bullying;
- Regular patrolling of areas where bullying occurs at specific times, i.e. playground, corridors, classrooms, toilets and dining hall;
- Designated area to comfort students;
- Designated person for students to go to regarding bullying issues;
- Designated person to coordinate the academy approach to bullying.

### Developing a common Academy approach

- All staff have a responsibility to play a part in preventing an eliminating bullying within the Academy.
- The referral process should be through the pastoral system.
- One teacher should be in overall control of every incident; this person may vary from situation to situation.
- The safety of the victim is vital; they must feel safe and know they are in a safe place where they can easily contact an adult. Their safety must be monitored after the incident.
- Every incident is serious to the victim and as such their anxiety must not be belittled.
- Before any action is taken, it will be discussed with the victim.
- The bully must be dealt with too and it should be done sensitively.
- Teachers are role models and should not bully.
- Ensure everyone is aware of the consequences and that it is probable parents/carers will be contacted.

### Guidelines for members of staff

The academy will not tolerate negative or devaluing behaviour. If a student informs/indicates that they have been bullied;

- deal with the bullying situation as a matter of priority;
- ensure the victim is safe at all times;
- record details of bullying from the victim;
- ask if there are any witnesses;
- record all information on;
- agree with victim on a 'Lead Person' for the incident;
- inform Headteacher/Principal of Year;
- inform parents/carers;
- talk to the person accused of bullying:
- advise that the incident has been reported;
- allow the student to give their version of events;
- withhold punishment until investigation is complete;
- remove from class if necessary.



## All students

Students must be aware that negative and devaluing behaviour will not be tolerated. Students must:

- report all incidents of bullying (whether they are bullied or they know of a bullying situation);
- treat all people as you would like to be treated;
- be confident that the academy will support you;
- put all incidents of negative and devaluing behaviour in writing – provide witnesses if possible.

A witness to a bullying situation who does not report it is condoning the behaviour and supporting the bully.

## All parents/carers

If parents/carers are worried about their son/daughter being bullied, they should contact his/her Form Tutor in the first instance.

If they know of any incident of bullying, they should also contact their child's Form Tutor in the first instance.

Potential signs of bullying:

- Has their behaviour changed recently?
- Is their relationship with brothers/sisters any different?
- Are they quieter/more boisterous than normal?
- Do they avoid going to Academy?
- Are they often late in the morning?

## Penalties

Bullying (negative and devaluing behaviour) is a very serious matter and as such will incur serious penalties. Depending on the circumstances, penalties may range from detentions to internal/temporary exclusions through to permanent exclusion.

## 9. Serious Offences

9.1 To ensure an ordered and safe environment for all who work at the academy there are some rules to which all must adhere and, if broken, will be treated as very serious matters.

This includes the following:

- Behaviour which places the student or others in danger
- Setting off the fire alarm other than in an emergency
- Any form of physical or verbal abuse, including gathering in large group intending to intimidate others.

- Bringing onto the academy premises any type of weapon, including any type of knife/penknife or any type of gun, including toy guns and replicas. This also applies to travel to and from academy.
  - Direct refusal to follow a reasonable instruction.
- 9.2 Unforeseen situations may also be included in this category. This means any act not listed above which is perceived to be against the common good of the Academy.
- 9.3 The Academies has a serious incident procedure designed to ensure that safety of students and staff is maintained, that communication is effective and appropriate adults – including parents/carers - are involved.

## **1. Searching, Screening and Confiscation**

### **1.1 Searching**

1.1.1 Academy staff can search a student for any item if the student agrees.

1.1.2 The Headteacher/Principal and staff authorised by them have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student 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 to commit an offence, or
- to cause personal injury to, or damage to the property of, any person (including the student).

1.1.3 The Headteacher/Principal and authorised staff can also search for any item banned by the academy rules which has been identified in the rules as an item which may be searched for.

### **1.2 Confiscation**

1.2.1 Academy staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to academy discipline.

1.2.2 Obligations under the European Convention on Human Rights (ECHR)

1.2.3 Under article 8 of the European Convention on Human Rights students have a right to respect for their private life. In the context of these particular powers, this means that students have the right to expect a reasonable level of personal privacy.

### 1.3 Screening

#### 1.3.1 What the law allows:

Academies can require students to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the student.

#### 1.3.2 Any member of Academy staff can screen students.

#### 1.3.3 If a student refuses to be screened, the Academy may refuse to have the student on the premises. Health and safety legislation requires an Academy to be managed in a way which does not expose students or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance. If a student fails to comply, and the Academy does not let the student in, the Academy has not excluded the student and the student's absence should be treated as unauthorised. The student should comply with the rules and attend.

#### 1.3.4 This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

### 1.4 Searching with consent

#### 1.4.1 Academy staff can search student with their consent for any item. Academies are not required to have formal written consent from the student for this sort of search – it is enough for the teacher to ask the student to turn out his or her pockets or if the teacher can look in the student's bag or locker and for the student to agree. If a member of staff suspects a student has a banned item in his/her possession, they can instruct the student to turn out his or her pockets or bag and if the student refuses, the teacher can apply an appropriate punishment as set out in the Academy's behaviour policy.

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

### 1.5 Searching without consent

#### 1.5.1 The following can be searched for;

- Knives or weapons, alcohol, illegal drugs and stolen items;
- Tobacco and cigarette papers, fireworks and pornographic images;
- 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;
- Any item banned by the Academy rules which has been identified in the rules as an item which may be searched for.

#### 1.6 Staff undertaking a search must be the same sex as the student being searched; and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the student being searched.

- 1.7 There is a limited exception to this rule. A search of a student of the opposite sex can be carried out and without a witness present, where it is reasonably believed that 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.
- 1.8 The requirement that the searcher is the same sex as the student and that a witness is present will continue to apply in nearly all searches. Where it is practicable to summon a staff member of the same sex as the student and a witness then the teachers wishing to conduct a search must do so.
- 1.9 Establishing grounds for a search
  - 1.9.1 Teachers and support staff can only undertake a search without consent if they have reasonable grounds for suspecting that a student 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 student talking about the item or they might notice a student behaving in a way that causes them to be suspicious.
  - 1.10 In the exceptional circumstances when it is necessary to conduct a search of a student of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a student's expectation of privacy increases as they get older.
  - 1.11 The powers allow Academy staff to search regardless of whether the student is found after the search to have that item. This includes circumstances where staff suspect a student of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.
  - 1.12 Academy staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.
  - 1.13 Searches without consent can only be carried out on the Academy premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on Educational Visits in England or in training settings.
  - 1.14 The person conducting the search may not require the student to remove any clothing other than outer clothing. 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.
  - 1.15 'Possessions' means any goods over which the student has or appears to have control – this includes desks, lockers and bags. A student's possessions can only be searched in the presence of the student 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.

## 1.16 Use of force

1.16.1 Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the Academy rules.

1.16.2 Separate advice is available on teachers' power to use force – see below.

## 1.17 After the search

1.17.1 Academy's 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 student's property as a disciplinary penalty, where reasonable to do so.

1.17.2 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.

## 1.18 Items found as a result of a 'without consent' search

1.18.1 A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

1.18.2 Where a person conducting a search finds alcohol, they may retain or dispose of it. This means that the Academy can dispose of alcohol as they think appropriate but this should not include returning it to the student.

1.18.3 Where they find controlled drugs, these must be delivered to the police as soon as possible but may be disposed of if the person thinks there is a good reason to do so.

1.18.4 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.

1.18.5 Where they find stolen items, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so.

1.18.6 Where a member of staff finds tobacco or cigarette papers they may retain or dispose of them. As with alcohol, this means that the Academy can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the student.

1.18.7 Fireworks found as a result of a search may be retained or disposed of but should not be returned to the student.

- 1.18.8 If a member of staff finds a pornographic image, they may dispose of the image unless its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police.
- 1.18.9 Where an article that has been (or could be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of.
- 1.18.10  
Where a member of staff finds an item which is banned under the Academy rules they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.
- 1.18.11  
Any weapons or items which are evidence of an offence must be passed to the police as soon as possible.
- 1.19 Statutory guidance for dealing with electronic devices
- 1.19.1 Where the person conducting the search finds an electronic device they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.
- 1.19.2 The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a “good reason” for examining or erasing the contents of an electronic device:
- In determining a ‘good reason’ to examine or erase the data or files the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the Academy rules.
  - If inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of Academy discipline) or whether the material is of such seriousness that it requires the involvement of the police.
- 1.20 Telling parents/carers and dealing with complaints
- 1.20.1 Academies are not required to inform parents/carers before a search takes place or to seek their consent to search their child.
- 1.20.2 Academies should inform the individual student’s parents/carers or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- 1.20.3 Complaints about screening or searching should be dealt with through the normal Academy complaints procedure.

## POLICY FOR RESTRAINING STUDENTS

This policy reflects the procedures and practice for using force/restraining student and the circumstances in which force/restraint may be deemed necessary in the professional judgement of paid staff at the Academy. This policy reflects the current legal requirements as at October 2013.

This policy accords to the current legislative provisions for physical intervention as it applies to all Academies. This policy should not, however, be treated as a complete and authoritative statement of the law. Interpreting the law is always a matter for the courts.

### Objectives

While Section 93 of the Education and Inspections Act 2006 enables Academy staff to use such force as is *reasonable* in specific contexts, the key objective must always **be the maintenance of the safety of students and staff**. Staff may use such force as is reasonable in the circumstances to prevent a student from doing, or continuing to do, any of the following:

- i. causing personal injury to any person, including themselves;
- ii. causing serious breaches of Academy discipline;
- iii. causing serious damage to property; and
- iv. committing any criminal offence.

Force should only be used when the risks involved in doing so are outweighed by the risks involved in not using force.

Our role in creating a calm, orderly and supportive Academy climate will minimise the risk and threat of violence. Developing effective relationships between students and staff is central to good order.

It may be necessary to make an individual risk assessment when it is known that force is more likely to be necessary to restrain a particular student (for example, a student whose SEN and/or disability is associated with extreme behaviour or a student with epilepsy).

### Staff authorised to use force

The staff to which this power applies are defined in section 95 of the Act. They are:

- any teacher who works at the academy;
- any other person whom the Headteacher/Principal has authorised to have control or charge of students. These include support staff whose job normally includes supervising students such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors people to whom the Headteacher/Principal has given temporary authorisation to have control or charge of students such as paid members of staff whose job does not normally involve supervising students (for example catering or premises-related staff) and unpaid volunteers (for example parents/carers accompanying students on Academy-organised visits).

### Deciding whether to use force

Staff must exercise their judgement as to whether force is absolutely necessary and, where this is the case, what force to use. This judgement should always depend on the circumstances of each case and – crucially in the case of students with SEN and or disabilities – information about the individual concerned.

Members of staff should make an 'On Call' request as soon as practicable. It is recognised, however, that staff are unlikely to be able to wait for assistance before restraining a student in some circumstances. Accordingly, the guidance set out within this policy should assist staffs who are compelled to make a call of judgement in a limited period of time.

For force to be used to restrain a student, decisions on whether the precise circumstances of an incident justify the use of significant force must be *reasonable*. Notwithstanding the inevitable lack of time in which to assess a situation staff need to make the clearest possible judgements about:

- the **seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used**. The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified;
- the **chances of achieving the desired result by other means**. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified;
- the **relative risks associated with physical intervention compared with using other strategies**. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force may be justified.

#### Examples of situations

Examples of situations that particularly call for judgements of this kind include:

- Where a student attacks or attempts to attack a member of staff, or another student;
- Where students are fighting, causing risk of injury to themselves or others; or
- Where a student is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects.

Where a student begins to, or threatens that they intend to, leave a teacher's classroom without permission, staff should not block the student or physically restrain them from doing so under any circumstances, unless the circumstances in paragraph 3 above render it necessary in the professional opinion of the teacher (i.e. to prevent the student from injuring themselves or another). This requirement equally applies to situations where students simply walk off from a teacher (perhaps in the corridor). In these circumstances, the incident should be reported to the HoD or HoY and, where necessary, to a Senior Teacher via the 'On Call' system so that the student can be dealt with swiftly.

#### **Using force**

Before using force staff should, wherever practicable, tell the student to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not give the impression of acting out of anger or frustration, nor acting to punish a student. All staff should be clear on their professional and legal obligations to cease physical contact or restraint as soon as it is judged no longer necessary for the prevention of whatever act, as set out at paragraph 3 above, caused the contact or restraint to be used.

The type of force used may include:

- passive physical contact resulting from standing between students or blocking a student's path;



- active physical contact such as leading a student by the hand or arm, ushering a student away by placing a hand in the centre of the back,
- in more extreme circumstances, using appropriate restrictive holds, which may require specific expertise or training.

There is no legal definition of when it is reasonable to use force; that will always depend on the precise circumstances of the instant case. **To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result.**

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a student running from the pavement onto a busy road, or preventing a student from hitting someone with a dangerous object such as a glass bottle or hammer.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstance it may not always be possible to avoid injuring a student.

Staff should always avoid touching or restraining a student in a way that could be interpreted as sexually inappropriate conduct.

### **Reporting incidents**

For the maintenance of the safety of all students and staff, any incident where force has been used to control or restrain a student must be reported as soon as possible to the Headteacher/Principal, in accordance with section 246 of the Apprenticeships, Skills, Children and Learning Act 2009. The on-call procedure should be utilised as appropriate. Where contact or restraint has been made, the member of staff involved must complete an Incident Record (an attached proforma can be found at the end of this policy) which must then be countersigned by the Headteacher/Principal.

After any recordable incident, parents/carers/guardians must be informed. This is a legal requirement. However, where it appears to a member of staff that reporting the incident to a parent might cause significant harm to the student, the incident should be reported to the student's local authority (i.e. the borough in which he/she lives). This will be organised by the Child Protection Officer.

There will be occasions where an incident may call for a review of the guidance set out in this policy, where circumstances demand further staff consultation. Moreover, the guidelines and regulations for this area of behaviour management and health and safety may be updated by developing government policy. Accordingly, this policy will be reviewed every two years and, in the interim, where policy or circumstances require earlier consideration.

## **10. Inappropriate behaviour outside of the Academy**

- 10.1 A BMAT Academy has the power to sanction students for behaviours outside of the Academy wherever the student can be identified as being part of the Academy community, through wearing uniform or otherwise.

10.2 The academy will sanction any student who brings the academy into disrepute or puts another student in danger. If the student's behaviours or actions pose a threat to the wellbeing or learning of other students at academy, exclusion will be considered.

10.3 The power to discipline beyond the Academy gate

10.3.1 Disciplining beyond the academy gate covers the Academy's response to non-criminal bad behaviour bullying which occurs anywhere off the Academy premises and which is witnessed by a member of staff or reported to the Academy.

10.3.2 In all of these circumstances the Headteacher/Principal should also consider whether it is appropriate to notify the police or anti-social behaviour coordinator in their local authority of the actions taken against a student. If the behaviour is criminal or poses a serious threat to a member of the public, the police should always be informed. In addition, academy staff should consider whether the misbehaviour may be linked to the child suffering, or being likely to suffer, significant harm. In this case the academy staff should follow the safeguarding policy.

## 11. Sanctions

11.1 When behaviour does not meet expectations a range of strategies are employed to address the situation. These are noted below and are again not in any particular order. The Academies rationale for imposing a sanction is to correct behaviour and realign students' actions with the Academy ethos. The level of response will depend on the seriousness of the offence, whether or not it has happened before and the student's previous disciplinary record. Clearly, if a student has not corrected their behaviour, from a previously imposed sanction, this makes the matter more serious and a more significant sanction might apply than would otherwise have been the case. Sanctions include:

- Verbal reprimand
- Letter or phone call home
- Meeting with parents/carers
- Referral to a more senior member of staff
- Removal from lesson(s)
- Extra work or repeating unsatisfactory work until it meets the required standard.
- The setting of written tasks as punishments, such as writing lines or an essay.
- Loss of privileges
- Missing break time.
- Detention including during lunch-time, after Academy and at weekends.
- Academy based community service or imposition of a task – such as picking up litter or weeding Academy grounds; tidying a classroom; helping clear up the dining hall after meal times; or removing graffiti.
- Regular reporting including early morning reporting; scheduled uniform and other behaviour checks; or being placed "on report" for behaviour monitoring
- Extra physical activity such as running around a playing field
- In more extreme cases fixed term or permanent exclusion.

## **12. Discipline in Academies – teachers’ powers**

- 12.1 Teachers have statutory authority to discipline students whose behaviour is unacceptable, who break the Academy rules or who fail to follow a reasonable instruction (Section 90 and 91 of the Education and Inspections Act 2006).
- 12.2 The power also applies to all paid staff with responsibility for students, such as teaching assistants.
- 12.3 Teachers can discipline students at any time the student is in Academy or elsewhere under the charge of a teacher, including on Academy visits.
- 12.4 Teachers can also discipline students in certain circumstances when a student’s misbehaviour occurs outside of Academy.
- 12.5 Teachers have a power to impose detention outside Academy hours.
- 12.6 Teachers can confiscate students’ property.
- 12.7 There may be occasions where it may be perceived that inconsistency of approach is taken. The Academies would always acknowledge that equitable decisions are important, but also that every situation is different, history of behaviour is different and students’ response to previous sanctions is different. This may equate to a different Academy response from one student to another.

## **13. Punishing poor behaviour**

- 13.1 What the law allows:  
Teachers can discipline students whose conduct falls below the standard which could reasonably be expected of them. This means that if a student misbehaves, breaks a Academy rule or fails to follow a reasonable instruction the teacher can impose a punishment on that student.
- 13.2 To be lawful, the punishment (including detentions) must satisfy the following three conditions:
- 13.3 The decision to punish a student must be made by a paid member of Academy staff or a member of staff authorised by the Headteacher/Principal;
- 13.4 The decision to punish the student and the punishment itself must be made on the Academy premises or while the student is under the charge of the member of staff.
- 13.5 It must not breach any other legislation (for example in respect of disability, special educational needs, race and other equalities and human rights) and it must be reasonable in all the circumstances.
- 13.6 A punishment must be proportionate. In determining whether a punishment is reasonable, section 91 of the Education and Inspections Act 2006 says the penalty must be reasonable in all the circumstances and that account must be taken of the student’s age, any special educational needs or disability they may have, and any religious requirements affecting them.

13.7 The Headteacher/Principal may limit the power to apply particular punishments to certain staff and/or extend the power to discipline to adult volunteers, for example to parents/carers who have volunteered to help on an Academy trip.

13.8 Corporal punishment is illegal in all circumstances.

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

#### 14. **Detentions**

14.1 Students may be detained during break or lunch times, or after Academy. With lunch-time detentions, staff should allow reasonable time for the student to eat, drink and use the toilet. Parents/carers will, in most cases, be given twenty-four hours' notice of any after-Academy detention. However, in some circumstances a student may be kept in on the same day and the Academy will discuss this with parents/carers if this is the case. In the interests of safety a student's circumstances (e.g. travelling arrangements) will be taken into consideration.

#### 15. **Exclusions**

15.1.1 BMAT believes that the best place to help a student to improve their learning and to manage their behaviour better is in the Academy. Exclusion from the Academy is a last resort to give space and time for a more effective sustainable solution to be found.

15.1.2 Exclusion from the Academy is usually reserved for serious offences or persistent misbehaviour. Exclusions are applied to emphasise the gravity of the offence and to recognise that a period of reflection is appropriate. They may be permanent, for a fixed time or an internal exclusion.

##### 15.2 Permanent Exclusion

15.2.1 Permanent exclusion is rare. There are, however, circumstances whereby a student's behaviour means that we are no longer meeting their educational needs, and those of other students, by continuing to educate them at the academy.

15.2.2 In these circumstances an academy will investigate whether the educational needs of the student can be met elsewhere:

- In another BMAT Academy;
- A 'managed move' to another local Academy or academy;
- An alternative provision.

15.2.3 Therefore permanent exclusion is extremely rare and will only be used:

- in response to serious breaches of the academy's behaviour policy; and
- if allowing the student to remain in Academy would seriously harm the education or welfare of the student or others in the Academy.

15.2.4 A decision to exclude a student permanently is a serious one and will only be taken where the basic facts have been clearly established on the balance of probabilities. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an acknowledgement by the Academy that it has exhausted all available strategies for dealing with the student and is therefore only to be used as a last resort.

15.2.5 There will, however, be exceptional circumstances where, in the Headteacher/Principal's judgement, it is appropriate to permanently exclude a child for a first or 'one off' offence. These might include:

- serious actual or threatened violence against another student or a member of staff;
- sexual abuse or assault;
- supplying an illegal drug; or
- carrying an offensive weapon

15.2.6 This policy contains guidance on what constitutes an offensive weapon and the power which the Academy has, and where necessary will use, to screen and search students for weapons.

### 15.3 Fixed Term External Exclusion

15.3.1 Where there are breaches of this policy (including persistent disruptive behaviour) which require a significant response but where these are not serious enough to warrant permanent exclusion, a "fixed term" external exclusion may be applied in which case the student does not attend the academy and works at home. This would usually be 'fixed term' i.e. a defined number of days. Individual fixed period exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day can make it more difficult for the student to reintegrate into the Academy. In all cases Headteacher/Principal must ensure that;

- They are meeting their legal duty of care towards students, and that parents/carers are formally notified of the exclusion;
- Child protection issues are taken into account e.g. bearing in mind the child's age and vulnerability, that a parent/carer is at home and the child is not placed at risk by, for example, being left to wander the streets; and
- That work is sent home or alternative provision is arranged.

### 15.4 Internal Fixed Term Exclusions

15.4.1 Where it is felt appropriate to consider a significant sanction but that an external exclusion is excessive, the academy may apply an internal exclusion, in which case the student will be withdrawn from timetabled lessons to work with a designated member of staff. During this time the student is detained at break, lunchtime and after Academy. The student concerned is then able to continue with their studies for the duration of their exclusion.

15.4.2 A decision to exclude a student for a fixed period should be taken, on a balance of probabilities, only in response to breaches of the Academy's Student Code of Conduct, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention have been tried but have not proved successful.

- 15.4.3 Where it is clear that fixed period exclusions are not being effective in deterring poor behaviour, for example if they are being repeatedly imposed on a student in response to the same behaviour, Headteacher/Principal will consider alternative strategies for addressing that behaviour.
- 15.4.4 Only the Headteacher/Principal (or, in the absence of the Headteacher/Principal, the Associate Headteacher/Principal) can exclude a student.
- 15.4.5 If a Headteacher/Principal is satisfied that, on the balance of probabilities, a student has committed a disciplinary offence and needs to be removed from the Academy site for that reason, formal exclusion is the only legal method of removal.
- 15.4.6 In every instance where a student is sent home for disciplinary reasons, the Headteacher/Principal must formally record and specify the length of the exclusion and they should ensure that:
- 15.5 Appeals against Exclusion
- 15.5.1 The Board of Trustees has delegated responsibility for hearing appeals against exclusion to each Academy LGB. The LGB will form a Disciplinary Appeals Panel to hear representations from parents/carers and appeals. For Permanent Exclusions that are upheld by the LGB Disciplinary Appeals Panel, parents/carers may appeal to an Independent Appeals Panel.
- 15.6 Exclusion is a last resort in all cases but BMAT will be particularly mindful of the following:
- The BMAT Academies will avoid permanently excluding students with statements other than in the most exceptional circumstances and will make every effort to avoid excluding students who are being supported at Academy Action or Academy Action Plus.
  - The need to proactively support and co-operate with foster carers and the local authority in doing everything possible to avoid excluding a looked after child.
  - The need to ensure that disabled students are not discriminated against by excluding them from Academy because of behaviour related to their disability.
  - The need to ensure that exclusion does not discriminate against students on the basis of their ethnicity, country of origin, religion, gender or sexual orientation.
- 15.7 There are other circumstances in which a student may be asked to leave the Academy site but are not exclusions:
- Where for medical reasons a student's presence on the Academy site represents a serious risk to the health or safety of other students or Academy staff. In these circumstances the Principal may send the student home after consultation with the student's parents/carers. This would be an authorised absence.
  - Where the student is given permission to leave the Academy premises briefly to remedy breaches of the Academy's rules on appearance or dress code. This is an authorised absence.
  - Where a student refuses to be screened for possession of offensive weapons they can be refused entry to the Academy. This is an unauthorised absence.
  - Exceptional circumstances in which the Principal need to remove students from the Academy site when exclusion would be inappropriate. (e.g. where a student is accused of committing a serious criminal offence which took place outside the Principal's jurisdiction). This can be a leave of absence for a fixed period, or

arrangement for the student to be educated elsewhere. Where there is sufficient evidence for an exclusion it should be carried out.

## **16. Participation in the local Fair Access Protocol**

- 16.1 BMAT Academies will participate in the “Local Fair Access Protocol” which is managed the by the LA. In the case of both maintained Academy and Academies, the Authorities Fair Access Protocol will be used to make placements over the admission number if an academy is full, for children who are deemed to be “hard to place”.
- 16.2 Placements will ensure that access to education is secured quickly for children who have no place but for whom a place at a mainstream Academy or alternative provision is appropriate, and to ensure that all Academies in the area admit their fair share of children with challenging behaviour, including children excluded from other Academies.
- 16.3 BMAT will participate in Local Authority arrangements for transfer of funding for students who are permanently excluded.

## **17. Risk Management & Acceptable Use**

- 17.1 Some activities that take place at the Academy are potentially hazardous or can cause a major financial impact if students do not follow the rules laid down. Failure to follow the rules or the clear instructions of staff in these situations may result in the student being excluded from that activity. Acceptable Use rules will be published by each Academy covering all such activities.

## **18. Monitoring Outcomes & Review**

- 18.1 The Academy will report attendance to the Accounting Officer monthly and to the LGB at each meeting and to the Board of Trustees and DFE annually.
- 18.2 The BMAT Board will receive attendance data annually to check that statutory targets have been met. Interim monitoring will be undertaken by the Accounting Officer (monthly) and the LGB (termly).
- 18.3 The Headteacher/Principal will review overall patterns of exclusion within the Academy termly.
- 18.4 The following are indicators that this policy is being implemented successfully:
- Clear expectations among parents/carers and students about their relationship with the Academy and shared responsibilities
  - A calm positive atmosphere around the Academy
  - Good levels of attendance
  - On-going reduction in behaviour incidents
  - On-going reduction in exclusions
  - Positive feedback from student and parent surveys
  - Improving performance data
- 18.5 BMAT recognises that attendance and exclusion rates for particular minority ethnic groups can be unequal. Exclusion rates systems will be monitored for disparities across different groups.

## **Statutory Guidance**

### **Children Missing Education**

26 November 2013

### **Parental Responsibility Measure for Behaviour and Attendance**

13 November 2013

### **Alternative Provision**

10 January 2013

### **School Exclusion**

20 June 2013

### **Listening to and involving Children of Young People**

16 February 2014

### **Home-School Agreements**

29 July 2013