



# The Castle School

ACHIEVE | BELONG | PARTICIPATE

## Behaviour for Learning Policy

**Date: November 2024**

CEO: Lorraine Heath

Headteacher: James Lamb

Due for review: Autumn Term 2025

**This policy should be operated in conjunction with the Suspension and Permanent Exclusion Policy, Restrictive Physical Intervention Policy and the SEND Policy.**

## 1. Key Principles

The Castle School is committed to fostering a happy, safe, respectful and motivated environment where exemplary behaviour is at the heart of productive learning. All members of The Castle School community have the right to a safe and challenging learning environment where they can achieve their full potential.

Our ethos lies at the heart of this policy: ***"Every Child Achieves. Every Child Belongs. Every Child Participates."*** We deliver this by being relentless in our high expectations and consistent standards of behaviour throughout the school day, when travelling to and from school, whilst out in the community representing the school, and whilst participating on trips, visits and enrichment activities. We support this by establishing clear routines, clear consequences for poor or unacceptable behaviour, and by offering exceptional pastoral care and support.

Respectful behaviour is fundamental to our school life and is based on positive and valued relationships between staff and students. This is achieved through a nurturing and inclusive environment where we teach students how to conduct themselves socially to the highest standards, succeed academically and develop into responsible, motivated, and resilient citizens with the knowledge to make sense of the world and make a real difference. We take great pride in celebrating each other's achievements and cultures, demanding a zero-tolerance approach to all forms of bullying including cyber-bullying, prejudice-based and discriminatory bullying, harassment, violence, or abuse.

We believe in the key principle of 'sanction the behaviour, support the child' when managing situations of unacceptable behaviour and use a variety of opportunities to resolve this conflict in a meaningful way, such as restorative approaches to enable resolution and to support our students to 'Regulate; Reflect; Repair'. We firmly believe in prevention over intervention and in fully supporting our young people to manage their individual needs at the earliest possible opportunity.

We are committed to ensuring that all students feel a strong sense of belonging, and actively participate in all aspects of school life as a community, and team. We expect all students to participate in a range of additional activities to enrich their overall school experience and enhance their development as young people.

The school complies with the Department for Education's statutory guidance, 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' (August 2024). The school also adheres to its responsibilities under the Equality Act 2010. The school has also followed the advice document, 'Behaviour in Schools' (February 2024 Behaviour in Schools - Advice for headteachers and school staff Feb 2024) when writing the Behaviour for Learning Policy.

## 2. The Castle School Expectations of Behaviour for Learning

### Our expectations of behaviour for learning in classrooms:

- students are in full attendance and on time
- students are engaged in the work, are motivated to do well and try their best
- students take ownership of their learning
- students are supporting each other in their learning
- students take responsibility for their behaviour
- students ensure they have the appropriate equipment with them

### Our expectations of behaviour for learning in the wider environment:

- students have regard for their own safety and that of others
- students wear the correct uniform with pride

- students are courteous, treat each other with respect and use respectful language
- students are aware of their behaviour and how it reflects on the school and others
- students treat the school and community environment with respect
- students follow school routines and rules
- students participate in enrichment activities
- students use technology appropriately and only when permission given

*There is an appropriate system of rules in the school, most of which are based on Health and Safety needs or ease of running the school.*

### **3. Purpose**

This policy aims to:

- build upon the good practice that exists within the school;
- create an environment which supports effective learning and achievement for all and reduces low level disruption;
- support a sense of belonging, pride in the school and personal achievement;
- promote consistently good behaviour and discipline;
- develop self-esteem, self-discipline and positive relationships based on mutual respect and unconditional regard;
- ensure fairness and consistency in response to both positive and negative behaviours and help members of the school community to distinguish between acceptable and unacceptable behaviour;
- work effectively with parents/carers and other agencies in ensuring good behaviour and discipline;
- ensure there are consistently high expectations of all students and staff
- contribute to promoting mutual respect and tolerance in our multi-cultural and multi faith school community.

### **4. The Behaviour for Learning Policy should be read in conjunction with the following policies:**

- BEP Suspension and Permanent Exclusion Policy
- Child Protection and Safeguarding Policy
- Child on child abuse
- SEND
- Restrictive Physical Intervention Policy
- Teaching and Learning
- Anti-Bullying
- Uniform

### **5. Legal framework for this Behaviour Policy**

- Education Act 1996
- School Standards and Framework Act 1998
- Education Act 2002
- Education and Inspections Act 2006
- Equality Act 2010
- Education Act 2011
- Keeping Children Safe in Education 2024
- Suspension and Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' August 2024

The school has also followed the advice document, 'Behaviour in Schools' (February 2024) when writing the Behaviour for Learning Policy.

**There is an appropriate system of rules in the school, most of which are based on Health and Safety needs or ease of running the school.**

## 6. Responsibilities

All members of The Castle School community play a vital role in promoting good behaviour and supporting the consistent implementation of the Behaviour for Learning Policy.

Board of Directors	To provide accountability for all school leaders in a way that challenges and supports. To review the policy annually. To provide a panel of Governors to hear disciplinary issues when required.
Headteacher	To ensure the policy is adhered to and to ensure strategies are effective.
SLT	To ensure the policy is adhered to and ensure strategies are effective. To provide support and direction to staff and students as appropriate. To ensure that student behaviour positively contributes to learning. To liaise with parents/carers and other external agencies and groups to secure positive student behaviour.
Pastoral Staff/Heads of House	To promote positive ethos among students through participation, role modelling and support. To reward and celebrate success in a way that encompasses as many students as possible. To monitor behaviour through liaison with tutors, support staff, line management and teaching staff. Where issues concerning a student arise across several subjects, to co-ordinate appropriate interventions to remove barriers to learning. To support tutors to implement the Behaviour for Learning (BfL) policy.
Tutors	To be consistent in the use of the BfL policy. To mentor students in acknowledging achievements, celebrating success and challenging concerns. To liaise with Heads of House and parents.
Curriculum Staff/Heads of Department and Faculty	To ensure class teachers are aware of the BfL policy and use appropriate rewards and sanctions. To encourage the use of rewards To support class teachers with day to day routines.
Class Teachers	To be responsible for celebrating student successes within their classrooms. To ensure all children behave in a way that supports the learning of all. To be consistent in their use of the BfL policy.
Support Staff	To follow the BfL policy and seek clarification if unsure.
Parents/carers	To ensure their children adhere to the school rules, code of conduct and Home-School agreement. To liaise with the school when appropriate, ie to keep pastoral staff informed of situations out of school which may impact on behaviour in order that staff may support appropriately.

	To liaise with the school to celebrate achievements of students outside the school.
All Staff	Embedding a diverse, anti-racist, safe culture in our school is everyone's responsibility.
Students	To take full responsibility for their own behaviour and in adhering to the school rules and code of conduct.

All staff are expected to manage behaviour well through a 'warm, strict' relational approach, high expectations and standards. At The Castle School, students are taught, modelled and rewarded for good behaviour and participation in school life. Staff follow the Guided Principles, in which there is implementation of consistent lesson and classroom routines, behaviour expectations and good teaching and learning.

Clear routines create a calm and purposeful school and classroom environment, where all students are supported to learn effectively and with focus. Our 'Strong Start' process includes a warm meet and greet at the classroom door prior to the start of a lesson, a task for students to be engaged in the maximum learning time, clear instructions of silence or independent learning, and appropriate seating plans.

The school operates a system of standard operating and recording procedures which aims to maintain good order and discipline to enable effective learning to take place. These are communicated through formal staff training and development.

**Behaviour is monitored in lessons by:**

- Analysis of recorded behaviour related incidents through ClassCharts
- Lesson visits, including drop-ins
- Duty staff patrolling the school
- Student surveys and student voice

**7. Rewards**

Positive attitudes to learning are a vital element of student achievement. Rewards are a crucial part of motivating students, encouraging achievement, a sense of belonging and a reason for participation. Central to the ethos of The Castle School is the acknowledgement of achievement, across all areas of school life.

All rewards carry points which go towards the annual House Trophy. The school will monitor the use of rewards to ensure that they operate with due regard to equal opportunities and anti-discrimination.

Positive behaviour at The Castle School is rewarded for the following actions based on six levels. The Castle School uses the ClassCharts Rewards Store so that students can use their earned House Points to 'purchase' other rewards.

**The Castle School - Exemplary Behaviour – House Points**

Level	Action	Reward
<p><b>Level 1</b> Teacher/Tutor</p>	<ul style="list-style-type: none"> <li>• Good attitudes to learning</li> <li>• Good question and answer</li> <li>• Helping others to learn</li> <li>• Completing extension tasks</li> <li>• Homework above expectation</li> <li>• Respect and courtesy</li> <li>• Very good response to feedback/green penning</li> <li>• Playing in a House match</li> </ul>	<ul style="list-style-type: none"> <li>• Verbal praise</li> <li>• Written praise – including stamps, stickers</li> </ul> <p>The Castle School House point categories:</p> <ul style="list-style-type: none"> <li>• Achievement and Progress</li> <li>• Belonging (general behaviour)</li> <li>• Participation</li> <li>• Attitude to learning (Homework/Organisation)</li> </ul> <p>Tutor weekly House Points awarded for: 100% attendance, 100% uniform, 100% equipment</p>
<p><b>Level 2</b> Teacher/Tutor (Repeated)</p>	<ul style="list-style-type: none"> <li>• Repeated Level 1 consistently</li> <li>• Independent learning</li> <li>• Leadership</li> <li>• Work used as exemplar</li> <li>• Supporting others</li> <li>• Significant progress</li> <li>• Commitment to the House/Participation</li> <li>• Given a 'Reward' on the IA or report</li> </ul>	<ul style="list-style-type: none"> <li>• Phone call home</li> <li>• Letter sent home</li> </ul> <p>The Castle School House point categories:</p> <ul style="list-style-type: none"> <li>• Achievement and Progress</li> <li>• Belonging (general behaviour)</li> <li>• Participation</li> </ul> <p>Attitude to learning (Homework/Organisation)</p>

**Level 3**  
HOH/HOF

- Going above and beyond for a department, faculty or House e.g. helping at Open Evening/Options Evening/Parents' Evenings
- All As or majority As and Bs for Attitude to Learning from IA/Report
- Service in position of responsibility
- Attend revision sessions

The Castle School House points:

- 100 House Points - Bronze
- Exemplary attendance
- Courtesy/Respect to others

The Castle School House points:

- 200 House Points - Silver

**Level 4**  
HOH/HOF

- Department certificates/awards
- Badges – House/Sports Captains/Senior Students
- Praise Postcards home
- ATLs – 5 points for the individual student
- NB Points used to calculate form average that are then awarded to each House:
  - Every ATL of A received 5 points
  - Every ATL of B received 4 points
  - Every Attainment grade above Milestone received 3 points
  - Every Attainment grade equalling Milestone received 2 points

The Castle School HOH Award:

The Castle School House points:

- 100 House Points - Bronze

- 97%+ - Bronze/Silver/Gold Certificate
- 100% Attendance – 100% (200%, 300%, 400%, 500% badges for subsequent years)
- Half colours (Year 9)
- Awards Evening nomination certificates in a subject
- Recognition in Achievement Assemblies by the Head Teacher
- House Commendation/Postcard home

The Castle School HOH Award

The Castle School House points:

- 200 House Points - Silver

<p><b>Level 5</b> HOH/HOF/SLT</p>	<ul style="list-style-type: none"> <li>Continued commitment to enrichment activities</li> </ul> <p>Reaching the milestone of:</p> <ul style="list-style-type: none"> <li>400 House Points – Platinum</li> <li>300 House Points - Gold</li> <li>Year 11 Prom points – The Magic 100. There after students entered into the draw for Prom tickets/hoodies/Year books</li> <li>Celebration assemblies</li> <li>Progress and Achievement subject awards</li> <li>Winner of awards at the Awards Evening</li> <li>IAs/Reports average ATL and Attainment points score</li> </ul>	<ul style="list-style-type: none"> <li>House Trophy and reward for the House with the highest number of House points – rewards event at the end of the school year</li> <li>Full Colours – PE/the Arts (Year 10) – Weeks/Ruff/Dominic Smythe Awards</li> <li>Letter of recognition</li> <li>Badges</li> <li>Photos up in school/Celebrated in school</li> <li>Awards Evening</li> </ul> <p>The Castle School SLT Awards:</p> <ul style="list-style-type: none"> <li>400 House Points – Platinum</li> <li>300 House Points - Gold</li> </ul> <p>Students to collect certificates from SLT</p> <ul style="list-style-type: none"> <li>Year 11 Prom Point Assemblies/Auctions – Recognition throughout the build up to exams</li> <li>House Point Auctions for each year group – Prizes available – e.g. skip the lunch queue, TCS pen</li> <li>NB Points used to calculate form average that are then award to each House: <ul style="list-style-type: none"> <li>Every ATL of A received 5 points</li> <li>Every ATL of B received 4 points</li> <li>Every Attainment grade above Milestone received 3 points</li> <li>Every Attainment grade equalling Milestone received 2 points</li> </ul> </li> </ul>
<p><b>Level 6</b> HT/Governors</p>	<ul style="list-style-type: none"> <li>A specific achievement e.g. representing your country</li> <li>Exceptional performance in a subject</li> </ul> <p>Accumulation of The Castle School House points in the school year:</p> <ul style="list-style-type: none"> <li>500 House Points - Diamond</li> </ul> <p>Senior student</p>	<ul style="list-style-type: none"> <li>Letter from the Chair of Governors</li> </ul> <p>The Castle School Headteacher Awards certificate to be collected from Headteacher:</p> <ul style="list-style-type: none"> <li>500 House Points - Diamond</li> </ul> <p><b>The Castle School House points - An additional +20 for this category</b></p> <p>Senior Student badges</p>



## 8. Early Intervention

The school recognises the importance of early intervention and preventative work in its positive reinforcement and relational approach to behaviour management. Every student has a designated session with their house form tutor each school morning. The tutor's role is to mentor students in acknowledging achievements, celebrate success, challenge and support concerns, and work closely with parents/carers/teachers/HoH to support the child at the earliest stage.

### The school will:

- Take steps to encourage young people to take responsibility for their own behaviour and help them to recognise the consequences of inappropriate behaviour.
- Provide training for staff in order to promote positive and consistent behaviour standards within the school.
- Contact Parents and Carers promptly to notify them of any serious incidents of misbehaviour in which their child has been involved.
- Take steps to identify students who may benefit from early intervention through the effective management of transition points at all Key Stages, through the daily monitoring of behaviour, and through timely communication and collaborative working.

## 9. Behaviour Support and Interventions

The school regularly reviews the support available to those individual students identified as being at risk of disaffection, suspensions or exclusion through student focus meetings and a graduated response.

## 10. The Castle School Sanctions for Unacceptable Behaviour

### Guidance on Levels and Actions

Level	Student's Inappropriate Behaviour	Consequence - All to be recorded on ClassCharts
Uniform/Technology	<p>Mobile phones or earphones/airpods if inappropriately used outside of designated areas and times.</p> <p>Designated times are during break and lunchtime, and in the lunch halls, on playgrounds or pitches. Mobile phones and earphones are not permitted in corridors and in toilets at any time.</p> <p>Wearing of hoodies, coats, scarves, hats, jewellery, piercings inside the school.</p>	<p>Confiscation and Level 1 sanction. Returned at end of school from front office.</p> <p>Repeated confiscation: Returned only to parents.</p>
WARNING	Any form of low-level disruption	<p>Name on board or recorded (not recorded on ClassCharts)</p> <p>Teacher informs the student a warning has been given and the reason why.</p>
L1 in class	<ul style="list-style-type: none"> <li>• After warning (name on board) student has still not settled, is disruptive or distracting.</li> <li>• Incomplete homework or homework not done</li> </ul>	<p>CLASS TEACHER DETENTION</p> <p>Break time with class teacher</p> <p>Student has to turn up in the first 5 minutes.</p>

	<ul style="list-style-type: none"> <li>• Lateness to lesson (less than five minutes)</li> </ul>	Homework must still be completed whether in the detention or not.
L1 out of class	<ul style="list-style-type: none"> <li>• Any breaking of school rules (uniform, lateness to school, out of bounds but on school site etc)</li> <li>• Unkindness towards a peer</li> </ul>	<b>BREAK DETENTION</b> Student to turn up and report to Duty staff at breaktime in Naylor for 10 minutes.
L2a	<ul style="list-style-type: none"> <li>• Student misses L1 detention</li> </ul>	<b>LUNCH DETENTION</b> Placed into one thirty-minute lunch detention in the Naylor building.
L2 in class	<ul style="list-style-type: none"> <li>• After class teacher has issued detention, the student still has not settled, is disruptive or distracting.</li> <li>• Or the student behaves in such a distracting or disruptive manner that parking needs to take place immediately, without going through previous steps.</li> </ul>	<b>STUDENT PARKING &amp; 3 LUNCH DETENTIONS</b> Student is parked to remove them from the situation and to allow other children to get on with learning.  Phone call home from class teacher.
L2 Out of class	<ul style="list-style-type: none"> <li>• Defiance or refusal to do as staff ask (for example staff on duty, or around the school make reasonable request of student who then refuses. This does not mean a reasonable conversation where a child clearly needs help.)</li> <li>•</li> </ul>	<b>LUNCH DETENTION</b> Placed into one thirty-minute lunch detention in Naylor.  A phone call home from member of staff.
<p>Once a child has reached Level 3, triage of SEMH/SEND begins through Student Focus meeting:</p> <ul style="list-style-type: none"> <li>• Graduated response considered if at least one L3 behaviour is logged and/or if a student has a repeated pattern of L2 behaviours</li> <li>• Consideration of SEND and SEMH</li> <li>• Parents to be involved</li> <li>• Consideration of external agencies if necessary</li> </ul> <p>Additional sanctions at Level 3 may be in addition to an original sanction. For example, if a child refuses to attend School Detention, they will get a Suspension, but the original School Detention still has to be served.</p>		
L3	<p>Serious refusal or breaches of school rules, for example:</p> <ul style="list-style-type: none"> <li>• REFUSAL to follow an instruction by staff such as an instruction to leave the classroom to be parked, resulting in an SLT call out, or to follow a</li> </ul>	<b>AFTER SCHOOL DETENTION FROM 3.20-5pm WITH THE SCHOOL LEADERSHIP TEAM (HOH/Core HOF/SLT).</b>  Parents/carers must be informed.

	<p>member of staff to attend School Detention.</p> <ul style="list-style-type: none"> <li>Defiance to staff (including defying staff over school rules, eg misbehaving in a school detention)</li> </ul> <p>Other behaviours:</p> <ul style="list-style-type: none"> <li>Truancy – more than five minutes late compared to peers - safeguarding risk</li> <li>Theft</li> <li>Use of inappropriate sexual language</li> <li>Repeated or serious Level 2 incidents</li> <li>Serious abuse/damage to property or of people (as judged by HoH/SLT)</li> <li>Refusal to complete or attend detention</li> </ul>	<p>Serious and/or repeated L3 behaviour may result in a period of internal exclusion from 1-5pm with a member of the leadership team.</p>
L4	<p>Serious refusal or breaches of school rules, for example:</p> <ul style="list-style-type: none"> <li>Fighting- both parties</li> <li>Any kind of discriminatory language or prejudicial reference</li> <li>Bullying</li> <li>Persistent or serious disruption to other students' learning</li> <li>Swearing at staff</li> <li>Any repeated refusal to do as staff reasonably ask</li> <li>Leaving or refusal to complete after school detention</li> </ul>	<p><b>L4 EXTERNAL SUSPENSION AT A NEIGHBOURING SCHOOL</b> (where appropriate and feasible).</p>
L5	<p>Serious refusal or breaches of school rules, for example:</p> <ul style="list-style-type: none"> <li>Repeated refusal such as SLT on call twice in one day, will result in an immediate suspension</li> <li>Repeated or serious Level 4 behaviour</li> <li>Refusal to serve External Suspension</li> <li>Serious and continued abuse of people or property for example,</li> <li>Physical violence or threatening behaviour</li> <li>Any kind of discriminatory language or prejudicial reference</li> <li>Serious breach of health and safety</li> <li>Swearing at staff</li> <li>Sexual abuse or harassment towards students/staff (this</li> </ul>	<p><b>L5 FIXED TERM SUSPENSION*</b> agreed by Headteacher/Deputy</p> <p>Any of these, if serious enough, could result in Permanent Exclusion.</p> <p>Following a suspension, a reintegration meeting will be held with the students, parents/carers</p>

	<p>could result in Permanent Exclusion)</p> <ul style="list-style-type: none"> <li>• Use/possession of substances (including tobacco, alcohol, legal highs)</li> <li>• Malicious use of electronic equipment</li> </ul>	
L6	<p>Very serious behaviour that threatens the safety/wellbeing of others or the smooth operation of the school or a serious risk to self and /or others. For example:</p> <ul style="list-style-type: none"> <li>• Serious abuse of people or property</li> <li>• Repeated Level 5 incidents</li> <li>• Possession/use of a weapon</li> <li>• Use/possession/supply of illegal drugs</li> <li>• Violence towards staff</li> <li>• Sexual violence towards students/staff</li> </ul>	<p><b>L6 PERMANENT EXCLUSION*</b></p> <p>The school will also consider police involvement for any of the listed offences.</p> <p>These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the school and potentially the safety of students and staff.</p>
<p>All Sanctions are used on a +1 or -1 basis</p> <p><i>This is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that suspension or permanent exclusion are appropriate sanctions.</i></p>		

#### 11. \* The Decision to Suspend or Permanently Exclude

As per the Blackdown Education Partnership’s Suspension and Permanent Exclusion Policy and following the latest DfE statutory guidance regarding suspensions and permanent exclusions, The Castle School’s approach to suspensions and exclusions ensure students are treated fairly and not discriminated against.

Suspensions and exclusions are sanctions used by our school and the decision to suspend or exclude a student will be taken when a student has breached the school’s Behaviour for Learning policy to the extent that a suspension or permanent exclusion is warranted.

Suspensions and permanent exclusions are only authorised by the Headteacher (or in the absence of the Headteacher, a named Deputy who is acting in that role). If none are available, then the decision to suspend/permanent exclude will be taken by the CEO or deferred until the opportunity for authorisation is available.

The BEP Trust and The Castle School seeks to reduce the number of incidents leading to suspensions and permanent exclusions by promoting a positive atmosphere of mutual respect and discipline. Students may be permanent excluded or suspended for one or more periods up to a maximum of 45 days in one academic year.

It may sometimes, in exceptional circumstances, be appropriate to issue a further suspension following an initial period of suspension or to issue a permanent exclusion. These will be treated as fresh decisions and are subject to the same decision-making and notification requirements as the original decision.

**Prior to any decision on whether to suspend or permanent exclude, the Headteacher will:**

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension/permanent exclusion were provoked
- Allow students an opportunity to present their case which will, where possible, be recorded in writing before taking the decision to suspend/permanent exclude
- Whilst suspension/permanent exclusion may still be an appropriate sanction, the Headteacher will take into account any contributing factors, such as when a student has SEND or SEMH, suffered bereavement, or has been subject to bullying.

How these contributing factors have been considered will be recorded as part of the suspension/permanent exclusion report held on the student's file.

Where a school has concerns about the behaviour, or risk of suspension, of a child with additional needs, a pupil with an EHC plan or a looked after child, it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an EHC plan, schools should consider requesting an early annual review or interim/emergency review.

***Where a student has received multiple suspensions or is approaching the legal limit of 45 school days in one academic year, the Headteacher must consider whether suspension is providing an effective sanction.***

### **1. The Use of Reasonable Force**

Section 93 of the Education and Inspections Act 2006 allows for teachers and other persons authorised by the Headteacher to use Restrictive Physical Intervention to prevent a student from doing or continuing to do any of the following: -

- committing a criminal offence
- injuring themselves or others
- causing damage to property
- engaging in any behaviour which is prejudicial to maintain the good order and discipline at the school.

“Restrictive Physical Intervention” is the term used by the DfE to include interventions where bodily contact using force is used. It refers to any instance in which a teacher or other adult authorised by the Headteacher has to, in specific circumstances, use “reasonable force” to control or restrain students. There is no legal definition of “reasonable force”, however, the term covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with students.

Force is usually used either to control or restrain. This can range from guiding a student 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.

‘Reasonable in the circumstances’ means using no more force than is needed.

Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention.

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 student.

***(Use of reasonable force: Advice for Headteachers, staff and governing bodies; DfE July 2013).***

The definition of physical force also includes the use of mechanical devices, forcible seclusion or use of locked doors. It is important for staff to note that, although no physical contact may be made in the latter situations, this is still regarded as a Restrictive Physical Intervention.

Restrictive Physical Interventions will be used when all other strategies have failed, and therefore only as a last resort. However, there are other situations when physical handling may be necessary, for example in a situation of clear danger or extreme urgency. Certain students may become distressed, agitated, and out of control, and need calming with a brief Restrictive Physical Intervention that is un-resisted after a few seconds.

The safety and well-being of all staff and students is important considerations. Under certain conditions this duty must be an over-riding factor. Schools do not require parental consent to use force on a student.

**Examples of such situations include:**

- preventing a student from attacking a member of staff or another student, or to stop a fight in the playground; and
- restraining a student at risk of harming themselves through physical outbursts

If physical intervention/restraint is used in any manner, it must clearly be written and recorded on a referral form for negative behaviour and processed/followed up in the normal way with the addition that the Designated Safeguarding Lead must be notified. The student, restraint is used on, must also be given the opportunity to be examined, should they wish, by the School's Medical Staff and/or Designated Safeguarding Officer or Safeguarding and Welfare Officer.

**2. The Right to Search Students**

***Reference should also be made to the DfE document: 'Searching, screening and confiscation – Advice for schools – July 2022***

Schools' obligations under the European Convention on Human Rights (ECHR).

- 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.
- The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school (or any public body) must be justified and proportionate. The powers to search in the Education Act 1996 are compatible with Article 8.

The Headteacher and staff authorised by them (Deputy Headteacher/Assistant Headteacher/Safeguarding and Welfare Officer) 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, vapes and Shisha pens
- fireworks
- pornographic images including contents of ipads and phones
- 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, or damage to property;
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Should any other members of staff suspect a student of carrying such items, the student's agreement should be sought discussed with a student in advance, explaining what is happening. If this is refused, staff will consider possible reasons for this. This will then lead to a sanction in line with the Behaviour for Learning Policy.

If the student refuses to cooperate and there is **an urgent need** to search the student because there is an **immediate risk that serious harm will be caused to a person if the search is not conducted immediately**, it may be completed using reasonable force. This will always be considered on a case-by-case basis.

The member of staff conducting the search must be of the same sex as the pupil being searched, with another member of staff present as a witness. In exceptional circumstances, this may not be feasible if there is an urgency to complete a search.

Staff may not request that students remove any clothing that is not outer clothing. Removing clothing that is against the skin, or covering underwear, is not outer clothing, so removal of this would be classed as a 'strip search'. A strip search may only be carried out by the Police. School staff retain a duty of care for the wellbeing of a student if the Police are called, and should always ensure that other less invasive approaches have been exhausted.

- School will endeavour to inform parents/carers ahead of any search taking place, but, depending on the circumstances, this may not always be possible.
- School will always inform parents of any search that has taken place for a prohibited item.
- School will record the detail of searches for prohibited items on MyConcern as part of the student's safeguarding chronology.
- School should inform the individuals parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- Complaints about screening or searching should be dealt with through the normal school's complaints procedure.

Force cannot be used to search for other items banned under the school rules, e.g chewing gum.

## Confiscation of Items

Headteachers and authorised 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 school discipline.

Following the finding of items:

- **alcohol, tobacco, vapes or cigarette papers** may be retained or disposed of them as the school thinks appropriate but this does not include returning them to the student.
- **controlled drugs** must be delivered to the police as soon as possible.
- **other substances** which are not believed to be controlled drugs for example, so called 'legal highs', can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline.
- **stolen items** 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 there is a good reason to do so.
- **fireworks** may be retained or disposed of but should not be returned to the student.
- **pornographic images** may be disposed of 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.
- 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.
- an **item which is banned under the school rules**: staff 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.
- Any **weapons or items which are evidence of an offence** must be passed to the police as soon as possible.
- **electronic devices**: data or files on the device may be examined if staff think there is a good reason to do so. Following an examination, if the member of staff 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. For good reason to exist, 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 school 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 school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

*Further information can be obtained from the DfE Advice document: Screening, Searching and Confiscation, July 2022.*



## 14. Sexual Violence and Sexual Harassment

### Context

Sexual violence and sexual harassment can occur between two children of **any** age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.

Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that **all** victims are taken seriously and offered appropriate support. Staff should be aware that some groups are potentially more at risk. Evidence shows girls, children with SEND and LGBT children are at greater risk.

Staff should be aware of the importance of:

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”; and
- challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.

### What is sexual violence and sexual harassment?

#### Sexual violence

It is important that school and college staff are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way. When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 (updated 2018) as described below:

**Rape:** A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

**Assault by Penetration:** A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

**Sexual Assault:** A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

#### What is consent?

Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice

## **Sexual harassment**

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual "jokes" or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
  - non-consensual sharing of sexual images and videos;
  - sexualised online bullying;
  - unwanted sexual comments and messages, including, on social media; and
  - sexual exploitation; coercion and threats

## **Violence against Women & Girls**

As a school we have adopted the definition from the United Nations Declaration (1993) on the Elimination of Violence Against Women, in which Article 1 defines Violence Against Women and Girls (VAWG) as: "Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life"

The term Violence Against Women and Girls can often cause concern about the exclusion of men and boys from services, and a lack of recognition that men and boys can also experience these forms of violence and abuse.

The UN Declaration is based on the concept of disproportionate impact. We understand the gendered nature of these types of abuse and crimes, and also that men and boys are sometimes victims of these types of abuse and crimes.

It is important that men and boys are included in all aspects of our work on all forms of violence against women and girls (particularly work on prevention and awareness raising). We are committed to ensuring that any victim will receive a sensitive and appropriate response, according to their needs.

## **The response to a report of sexual violence or sexual harassment**

The initial response to a report from a child is important. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

If staff have a concern about a child or a child makes a report to them, they should follow the school's referral. As is always the case, if staff are in any doubt as to what to do they should speak to the designated safeguarding lead (or a deputy).

## **Proactive Responses to VAWG & Sexual Harassment/Sexual Violence**

Across the school this is embedded within a 'whole-school approach' to preventing violence and harassment, focused on prevention, education and safeguarding. This is an approach that addresses the needs of pupils, staff and the wider community across the entire school environment, from the curriculum or learning environment to addressing the school's physical environment and what actions are taken to prevent violence or harassment, and ensure safety for both students and staff.