



## ACADEMIC YEARS 2015-17

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# BEHAVIOUR POLICY INCLUDING SEARCH AND REASONABLE FORCE

## POLICY

Staff have statutory authority to discipline students whose behaviour is unacceptable, who break school rules or who fail to follow a reasonable instruction (section 91 of the Education and Inspections Act 2006). Staff also have such authority with incidents outside college (Section 89(5) Education & Inspections Act 2006). These powers apply to all paid staff with the responsibility for students.

The Commitment to Learning policy aims to promote outstanding relationships which will enhance good behaviour, self-discipline and respect; as well as minimising bullying. We wish to enable every student complete work to the very best of their ability such that they are able to achieve their 'Personal Best', in a positive environment that supports students through their journey into adulthood.

## PROCEDURE

There is a clear set of expectations for the classroom, around school and when representing Shelley College outside of school that have been devised by students, staff and parents. When students achieve above the expectations they are visibly recognised and rewarded using our positive consequences system this includes; weekly celebrations with form tutors, half termly house rewards, termly reward assemblies and for outstanding performance we have the Principal's award. There is also a clear set of negative consequences for students who fall below with these expectations. This is all documented in the Commitment to Learning overview document.

In the event of any discrepancy in terms of interpretation of our policies, the college reserves the right to implement policies in a way deemed as reasonable by the Principal or his designate.

### **Detentions**

Teachers have a legal power to put students (aged under 18) in detention. All detentions take place after school and although parental consent is not required; in the vast majority of cases parents/carers will receive at least 24 hour's notice.

### **Confiscations and searches**

#### **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. A school exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8. This advice will assist schools in deciding how to exercise the searching powers in a lawful way.

The Department for Education Searching, screening and confiscation advice (February 2014) makes it clear that the 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 or an item that has been banned from school. 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).

### **Searching with consent**

Schools have common law powers to search, so Shelley College staff can search students with their consent for any item.

If a member of staff suspects a student has a banned item in his/her possession, they can ask the student to turn out his or her pockets or bag and if the student refuses, the teacher will follow the Commitment to Learning Policy and Procedure and the student will receive a negative consequence in line with the policy.

### **Procedure for conducting a search with or without consent:**

1. You must have reasonable grounds for suspecting that a student is in possession of (an item that may affect the learning or safety of the student or others for a search with consent) or a prohibited or school banned item for a search without consent.
2. You must be an authorised member of staff (this is all members of staff, however SLT and the Pastoral team would typically deal with the banned items).
3. You must be the same gender as the student being searched (unless in exceptional circumstances)
4. You must have a witness (also a member of staff) and, if at all possible, they should be the same gender as the student.
5. Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on school trips.
6. A member of staff can search; clothes, possessions, desks and lockers.

The person conducting the search may not require the student to remove any clothing other than outer clothing.  
'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.

'Possessions' means any goods over which the 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.

#### **Also note:**

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

#### **Lockers and desks**

Shelley College provides lockers for students and as a condition of having a locker students are made aware that they have provided consent to have their locker searched for any item whether or not they are present.

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

## **Confiscation**

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

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.

- Where a person conducting a search finds fireworks, alcohol, cigarettes, tobacco, cigarette papers and other substances (e.g. legal highs) they should dispose of it in the presence of a witness (a member of staff)
- Where they find controlled drugs, stolen items or weapons these must be reported and guidance taken with regards to the next steps from the police. This will ensure stolen items can be returned to their owner.
- Where they find other substances which are not believed to be controlled drugs these can be confiscated where a member of staff 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.
- 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 reported 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.
- 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.
- Where a member of staff finds an item which is banned under the school rules they should contact the student’s parent/ carer(s) to discuss the matter and / or arrange a further meeting.

## **The use of Mobile Phones and other electronic devices at Shelley College**

Whilst we encourage the use of mobile phones for educational purposes this must be under the direction of a member of staff within a classroom. Whilst students are on the corridors and around school it is expected that mobile phones and other electronic devices are unseen and unheard. When students are in Year 11 or the Sixth Form, the Student Manager may permit the use of mobile phones solely in the year group’s social area as a privilege. If this privilege is abused the Student Manager will remove the privilege or exclude particular students from the social area for a period of time.

If students have their mobile phone seen or heard in a classroom or within the school grounds, on the first occasion a mobile phone will be confiscated and returned to the student at the end of the following day. If the confiscation takes place on Friday the phone will be returned the following Monday. Any subsequent confiscations will be for longer.

Student Managers and SLT will decide the length of confiscation for repeat offenders and any incidents of extreme or inappropriate use of a mobile phone. Any such decision will be final and non-negotiable. Mobile phones will not be returned before the end of the period of confiscation, even if parents/carers

come to college to collect them. Parents will be informed if their son/daughter has had their phone confiscated.

### **Informing parents of searches and confiscations**

Schools are not required to inform parents before a search takes place or to seek their consent to search their child. There is also no legal requirement to make or keep a record of a search. The Department for Education advice suggests schools should inform the individual student's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.

At Shelley College we will try to ensure parent/carer(s) are kept fully informed of any confiscations as far as is reasonably practicable. When a search and or confiscation has taken place it is school policy to record this information either recording in the student file or by logging the information on SIMS (the school information management system).

### **Use of reasonable force**

School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.

### **What is reasonable force?**

1. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with students.
2. 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.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. 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.
5. 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.

### **Who can use reasonable force?**

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

### **When can reasonable force be used?**

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

- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

#### **Schools can use reasonable force to:**

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a student behaving in a way that disrupts a school event or a school trip or visit;
- prevent a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a student from attacking a member of staff or another student, or to stop a fight in the playground; and
- restrain a student at risk of harming themselves through physical outbursts.

#### **Schools cannot:**

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

#### **Staff training**

At Shelley College all members of teaching staff and some support staff are trained to use de-escalation techniques with students. We also have a specialist team that have attended specialist training on restraint.

#### **Procedures for when force has been used**

A member of staff that has used force must inform the Principal or his designate and the Designated Safeguarding Lead before the end of the school day in which the force was used.

At Shelley College if a student needed to be restrained we would contact the parent/carer(s) to explain the circumstances of the restraint and to organise a meeting to discuss how we will ensure the protection of other students, staff and your son/daughter.

#### **Examples of where touching a student might be proper or necessary:**

- When comforting a distressed student;
- When a student is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.

#### **Equality for all**

We always make reasonable adjustments for disabled children and children with special educational needs (SEND). To support equality, incidents of inappropriate behaviour are regularly monitored with an emphasis on specific cohorts and protected groups of students. If any issues or trends are identified appropriate action is taken.

#### **Concerns or complaints regarding the implementation of this policy**

In the first instance please make contact with your son/daughter's Student Manager to discuss your concerns. If you are not satisfied you are invited to follow the normal school complaints procedure, which can be found on the website.

### Linked Policies / documents

- 1 Commitment to Learning Overview
- 2 Safeguarding Policy
- 3 Special Educational Need Policy

### Appendices

- 1 Commitment to Learning Overview

#### Classroom Expectations

Be Respectful	<ul style="list-style-type: none"> <li>• Follow instructions without question</li> <li>• Have a positive attitude towards everyone</li> <li>• Listen carefully when a teacher or student is talking, raise your hand and wait to be asked to speak.</li> </ul>
Ready to Learn	<ul style="list-style-type: none"> <li>• Be in your lesson on time.</li> <li>• Follow the classroom routines/expectations.</li> <li>• Get all your required books, planner and equipment, including homework, out straight away.</li> <li>• Begin the starter activity immediately.</li> </ul>
Commit to your personal best	<ul style="list-style-type: none"> <li>• You always try your best, even when things get difficult and ask for help when you need it.</li> <li>• Complete all class and homework to the best of your ability within the set time limits.</li> </ul>
Uniform and Appearance	<ul style="list-style-type: none"> <li>• Shirt tucked in at all times</li> <li>• Natural hair colour and style.</li> <li>• Plain black shoes which are of a formal style to be worn at all times.</li> <li>• Headphones and mobile phones etc are unseen and unheard.</li> <li>• Make-up is not permitted.</li> <li>• No jewellery other than a watch and one pair of stud earring (less than 5mm in diameter) may be worn and one charity band.</li> </ul>

#### Homework

Students are expected to complete all homework set to the best of their ability and on time. If a student does not complete their homework, on the first occasion they must be given a L3 negative consequence and a time is to be agreed for the homework to be submitted. If a student fails to bring the homework or on does not complete a subsequent homework a L3 negative consequences and detention is given.

Level	Negative Consequences	Behaviour Points	Actions by teacher
L2 - No homework	Stamp the student diary with the 'no homework' stamper.	6	Agree the time and date for the work to be submitted.
L3 - Second failure to hand in homework	Detention	6	Agree the time and date for the wok to be submitted. Phone call / Parentmail home Consider a referral to homework club (Louise Williams)

**When the homework is submitted teachers are expected to tick and sign the missed homework stamper in the student planner.**

#### Around school Expectations

Respect Everyone	<ul style="list-style-type: none"> <li>• I follow instructions without question.</li> <li>• Have a positive attitude towards everyone.</li> <li>• I will be on time – all students walk directly to my next lesson.</li> <li>• We hold doors open for others (students give way to staff and visitors)</li> </ul>
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	<ul style="list-style-type: none"> <li>• There will be no shouting, swearing, bullying, intimidating or aggressive behaviour.</li> <li>• We queue quietly, in a single file line (where possible).</li> </ul>
Respect your School	<ul style="list-style-type: none"> <li>• I look after our social areas (litter in bins, keep it tidy).</li> <li>• I will respect all equipment and the building.</li> <li>• I put litter in the bins.</li> <li>• If I am on the corridor during a lesson, I will have a pass or my planner signed.</li> <li>• I walk calmly on the right of the corridors.</li> <li>• Chewing gum is a banned item for school.</li> <li>• In the dining room, I clean up by placing all rubbish in the bins and plates on the stand and return my tray.</li> <li>• I eat and drink in the dining room, outside or in the Year 11 social area.</li> <li>• I am to remain in the agreed safe areas of the school. This includes the appropriate social area before school, at break and lunch.</li> <li>• I will keep away from the 'out of bounds' areas outside the school building, for my own safety. (out of bounds are defined as behind the school apart from the route to the mobile classroom, both football pitches all grassed areas (until permission is given in the summer), behind the sports halls, the mound, the top pitches by MFL and outside of the school site)</li> <li>• Social areas and dining rooms are out of bounds between Periods 1 - 2 and 4 - 5.</li> <li>• I will move to lessons upon the sounding of the bell at 8.30am, 11.10am and 12.55pm, and arrive to the lesson on time.</li> <li>• I will only use my Lockers before 8:30am, during break time 10:55am - 11:10am, during lunch time 12:15 – 12:55pm and after 3pm.</li> <li>• In the vast majority of cases permission to go to the toilet during a lesson will not be given. (For a student to be given permission to go to the toilet during a lesson the student should have a toilet pass from the pastoral team or the member of staff deems the situation to be an emergency).</li> </ul>
Respect your Uniform and Appearance	<ul style="list-style-type: none"> <li>• <b>I wear the correct uniform with pride.</b></li> <li>• Outdoor clothing is not worn in school.</li> <li>• Shirt tucked in at all times, skirts to the knee and tailored trousers.</li> <li>• I will have a natural hair colour and style.</li> <li>• Plain black shoes which are of a formal style to be worn at all times.</li> <li>• Make-up is not permitted.</li> <li>• No jewellery other than a watch and one pair of small discreet stud earrings and one charity band may be worn.</li> <li>• Headphones, mobile phones and all other electronic devices are unseen and unheard around school.</li> <li>• Phones are allowed outside the building at social times with the exception of Year 11 who have the privilege of using their mobile phones in the Year 11 Social Area.</li> <li>• Mobile phones and earphones are unheard and not used around school.</li> </ul>

### RECOGNITION AND REWARD

The Commitment to Learning policy is based on the belief that the majority of students aim for their personal best. When students meet or exceed these expectations this will be recognised and rewarded. Through the consistent application of rewards via achievement points, positive behaviour and rapid progress in learning is reinforced and inappropriate behaviour is marginalised.

### ACHIEVEMENT POINTS

Achievement Points are awarded for an examples of students striving towards their personal best, this awarding of these points should be communicate to the student during the lesson. The benchmark for achievement points is that teachers award on average 1 to 2 achievement points per student per lesson .We encourage staff at Shelley College to share this with their pupils to encourage and reward positive behaviour. However, in circumstances when students have made no attempt to achieve their personal best then they would not be awarded an achievement point for that lesson.

### POSTCARDS/PHONE CALLS HOME

Each half term teachers will choose at least two students from each teaching group who they feel deserve the recognition.

### CERTIFICATES

The Commitment to Learning Certificates will be given out during reward assemblies. The certificates are based on performance points and start at Bronze for 100 performance points.



## AWARDS & CEREMONIES

Three awards assemblies will be held each academic year, one at Christmas, the second at Easter and the final one in July. Students will be nominated for subject (Christmas and July only), tutor, Student Manager as well being rewarded for 100% attendance and punctuality and performance point prizes.

## ACTIVITIES DAY

In July we will have the annual activities day as a reward for the students who continually strive for their personal best at Shelley College. Students with the highest performance points (Achievement points minus behaviour points) will be given the first choice on all activity places and the students will be given a range of activities that will be available on the day.

## PRINCIPAL'S AWARD

Every week two members of staff will be asked to nominate students for the Principal's award. All staff will be asked to nominate students at least once a year. This award will result in the student being awarded 10 achievement points, a certificate and a meeting with the Principal during Monday break time. This award is for students that have demonstrated personal best.

## Support for teachers applying the Commitment to Learning Negative Consequences

### Effective use of Commitment to Learning:-

- **Treat behaviour as a choice made.**
- **Hold students accountable for their choices.**
- **Create a positive culture that focuses on praise and what students do well.**
- **Redirect students towards success.**
- **Apply negative consequences if needed, then allow for a fresh start in the following lesson.**
- **Look to teach and role model social skills to lead to better choices.**

## Overview of student consequences as a result of failure to follow the classroom expectations

Level	Negative Consequences	Behaviour Points
L1	Level 1 – Expectation reminder	0
L2	Level 2 – Yellow Card	4
L3	Level 3 – Red Card – (this will result in a detention, if it happens twice in a subject within a half term).	6
L4 – On call L4 Damage to property. Deliberately disobeying a member of staff; Smoking; Truancy.	Detention	12
L5 – On call refusing to a senior member of staff L5 Provoked physical assault on a student; Bullying; Verbal abuse; Theft.	Detention and day in internal isolation  Internal Isolation	22  10 per day
L6 Direct foul and abusive language to a member of staff; Under the influence of drugs or alcohol (police will also be informed); Unprovoked physical assault on a student; Racial / Sexual / Homophobic abuse (police will also be informed); Drugs – possession (police will also be informed); Students bring in a Weapon (police will also be informed); Physical assault on a member of staff (police will also be informed).	Exclusion (Internal / External / Permanent)	16 per day
5 or more incidents in a subject per half term	Subject Intervention – e.g. Subject report	

5 Detentions per half term	Student Managers Report and Parental Meeting	
30 behaviour points in a half term across more than one subject.	Form Tutor report	
Form tutor report not improving the students' commitment to learning	Student Manager Report	
Student Manager report not improving the students' commitment to learning	SLT Report	
Return from fixed term exclusion	SLT Report	

#### Overview of mobile phone and electronic devices

Mobile phones must not be seen or heard INSIDE the college building at any time and may only be used OUTSIDE, during social times, the only exception to this is Year 11 who can use their mobile phones during social time in their social area.

The following negative consequences will be implemented if a student does not comply with these expectations

- If a mobile phone is **seen** around college eg social area, corridor etc the student told to put it away.
- If a mobile phone is **used** around college eg social area, corridor etc the phone will be **confiscated**.
- If a mobile phone is **heard or used** during a lesson it will be **confiscated**.

All confiscated mobile phones but be taken to the Year Office for safe keeping.

#### Negative Consequences for students not meeting expectations around school

At Shelley College we have the highest expectations of behaviour on the corridors and in social areas. We believe that in order to meet these expectations, it is the responsibility of every member of staff to actively challenge pupils who are not following the rules set out in the commitment to learning policy. Staff should be confident in challenging pupils and referring any incidents to the pastoral team, who will issue negative consequences in line with the commitment to learning policy when necessary. If all staff members are challenging pupils, there will be significant reductions in disruption between lessons and at break and lunch times. This in turn will lead to a calmer, safer, more comfortable learning environment for the students to thrive in and for staff to enjoy.