



BEHAVIOUR AND ATTENDANCE POLICY

Last reviewed: September 2018

Review Date: Annually thereafter

Statement

This policy has been reviewed and updated in consultation with legislation (The Education & Inspection Act 2006), staff and Governors. Due regard will be given to the Every Child Matters and Safeguarding agendas.

This policy should be read in conjunction with the Department for Education document **Use of Reasonable Force**. (See Appendix 1)

Aims and Objectives of the Behaviour Policy

This policy aims to address the ten key aspects of school practice that have been identified by the DfE as contributing to improve the quality of student behaviour.

- Provide a consistent approach to behaviour management
- Show strong school leadership
- Establish good classroom management
- Outline rewards and sanctions
- Establish behaviour strategies and the teaching of good behaviour
- Promote staff development and support
- Outline student support systems
- Explain liaison with parents and other agencies
- Manage student transition
- Establish organisation and facilities

The policy is also based upon the following legal framework regarding teachers' powers:

- Teachers have statutory authority to discipline students whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction (Section 91 of the Education and Inspections Act 2006).
- The power also applies to all paid staff (unless the Head Teacher says otherwise) with responsibility for students, such as teaching assistants
- Teachers can discipline students at any time the student is in school or elsewhere under the charge of a teacher, including on school visits
- Teachers can also discipline students for misbehaviour outside school
- Teachers have a specific legal power to impose detention outside school hours
- Teachers can confiscate students' property

This policy will outline the responsibilities of all members of the School community in developing, enforcing and maintaining the excellent standards of behaviour for which the School is renowned.

The Role of the Head Teacher

It is the duty of the Head Teacher to determine and make known measures to be taken to:

- Create a culture of respect by supporting their staff's authority to discipline students and ensuring this happens consistently across the School;
- Decide the standard of behaviour expected of students at the School and how that standard will be achieved;
- Establish the School rules and any disciplinary penalties for breaking the rules and rewards for good behaviour;
- Have measures to encourage good behaviour amongst all students and to prevent all forms of bullying;
- Act as role-model for staff in their conduct and expectations in dealing with students and parents;
- Have the ability to ensure that students behave when they are not on School premises or under the lawful control of School staff
- Identify members of staff who will impose each level of sanction
- Decide whether to exclude a student for a fixed period or to permanently exclude them, taking into account all circumstances, the evidence available and the need to balance the interests of the student against those of the whole School community;
- Provide suitable full time education for an excluded students from the sixth School day of any fixed period of exclusion of more than five consecutive days;
- Ensure the provision of pastoral care for staff following allegations of abuse ;
- Have the power to search students or their possessions, without consent, where they suspect the student has weapons, alcohol, illegal drugs and stolen items;
- Ensure that named staff are appropriately trained in the physical restraint of students
- Will work with the Governing body to deal with allegations against teachers and other School staff quickly, fairly and consistently in a way that protects the students and at the same time supports the person who is subject of the allegation;
- Ensure that suspension is not used as an automatic response when an allegation has been reported'
- Take action against students who are found to have made malicious accusations against School staff;
- Ask parents to sign a parenting contact if they do not ensure that their child attends punctually and regularly;
- Publicise this behaviour policy, in writing, to all members of the School community at least once a year.

In carrying out these responsibilities the Head Teacher will consult with and, where appropriate, involve staff, governors, students and parents in the consideration of specific aspects of the Behaviour Policy. The Head Teacher should publicise the school's Behaviour Policy to parents, staff and students annually.

The role of Staff

Responsibilities of Senior Leadership Team:

- Proactively demonstrate the responsibilities of Teachers;
- Have the power to search students or their possessions, without consent, where they suspect the student has weapons, alcohol, illegal drugs and stolen items;
- Follow the direction of the Head Teacher in all behaviour matters

Responsibilities of Progress Leaders:

- Unexplained absence or suspected truancy is followed up by contacting home and that unauthorised absence is recorded correctly.

- Liaison takes place with pastoral support staff to help parents meet their statutory obligations on school attendance.
- Patterns of attendance are monitored across year groups
- Support is sought from appropriate agencies where attendance falls below expectations.
- Address behaviour concerns effectively and in good time.

Responsibilities of Teaching Staff:

- Be proactive at managing and improving students behaviour;
- Act as a role model for students in their conduct and expectations;
- Have the power to discipline students whose behaviour is unacceptable, who break the School rules or who fail to follow reasonable instruction;
- Have the authority, in line with the Head Teacher's guidance, to search students with their consent for any item which is banned by the School rules;
- Have the power, in line with the Head Teacher's guidance to use reasonable force to prevent students committing an offence, injuring themselves, or damaging property and to maintain good order and discipline in the classroom.
- Ensure that registers are accurate at all times.
- Unexplained non-attendance in lessons by students deemed at risk or vulnerable is reported immediately to Student Services.

Responsibilities of Support Staff:

- (with responsibility for students) have the power to discipline students whose behaviour is unacceptable, who break the School rules or who fail to follow reasonable instruction;
- Have the authority, in line with the Head Teacher's guidance, to search students with their consent for any item which is banned by the School rule;
- Have the power, in line with the Head Teacher's guidance, to use reasonable force to prevent students committing an offence, injuring themselves or damaging property and to maintain good order and discipline in the classroom.

Responsibilities of Governors:

- Set the general principles that inform this behaviour policy;
- Work with the Head Teacher to deal with allegations against teachers and other School staff quickly, fairly and consistently in a way that protects the student and at the same time supports the person who is subject of the allegation
- Review this behaviour policy annually

The role of students and parents

Responsibilities of students:

- Show respect and courtesy towards teachers and other staff and towards each other
- Sign the Home School Agreement when required
- Ensure regular and punctual attendance

Responsibilities of parents:

- Encourage their children to show respect and support the School's authority to discipline students;
- Fulfil their legal duty to ensure their child (aged 11-16) receives a suitable full time education either at a school or by making other suitable arrangements;
- Sign the Home School Agreement when required;
- Ensure their child attends punctually and regularly;
- Have a clear role in making sure their child is well behaved at School;
- In most cases, have the right to make representations to the Governing Body in the event of an exclusion;
- In all cases of permanent exclusion, have the additional right to appeal to an independent appeal panel;

- Take responsibility for their child, if excluded, and ensure that they are not in a public place without good reason during School hours within the first five School days of any exclusion;
- Ensure that their child attends the suitable full time education provided by the Local Authority from the sixth day of exclusion;
- Attend a reintegration meeting following any fixed period exclusion.

Monitoring and Evaluation

The guidelines associated with this policy will be subject to continued monitoring by senior staff and, when appropriate, Governors to ensure their effective implementation. The outcomes of this monitoring will inform future review and development of the policy and guidelines. Student behaviour is monitored by senior staff through regular monitoring activities and by Student Progress Leaders through the Pastoral System.

Support Advice and Training

In order to ensure that the School continues to promote good behaviour, staff have access to advice from Children's and Young Peoples Service and other outside consultants or trainers. This will allow the acquisition of new skills and the development of expertise as the school works to meet its objectives. All staff have access to behaviour management and other related training through school training day activities, as well as being part of induction for all new staff and a key aspect of training for NQT / Trainees specific support via coaching.

Dissemination of the Policy

This policy and its associated guidelines for staff has been agreed by the Governors of The Ferrers School. All staff will be issued with copies of the policy and guidelines which are included in the electronic Staff Handbook. Staff will be notified of changes to procedures as they occur and Staff Handbooks will be updated on an annual basis. Parents will receive specific information about aspects of the Behaviour Policy in the Parents' Information Book sent out annually which is available on the website.

Aims and Objectives of School Attendance Policy

The importance of regular attendance at The Ferrers School is made clear in the School charter. Without regular attendance the best efforts of teachers and the School are undermined and the students concerned are placed at an educational disadvantage.

Parents have the prime responsibility for ensuring that students attend School on time and stay at School. However, The Ferrers School is committed to working in partnership with parents and local agencies to promote good attendance and punctuality.

Attendance Legislation Under section 7 of the Education Act 1996

The parent is responsible for making sure that their child of compulsory school age receives sufficient full time education that is suitable to the child's age, ability and aptitude and to any special educational needs that the child may have. This can be regular attendance at school or by education otherwise. If a child of compulsory school age who is registered at a school fails to attend regularly, then the parent is guilty of an offence under Section 444(1) of the Education Act 1996 and can be served with a penalty notice by an authorised officer.

Term time absence:

April 2013 the Department for Education (DfE) amended the legislation surrounding absence in term time and applied the legislation with effect from 1st September 2013 for all students of statutory school age. The law gives NO entitlement to parents to take their child on holiday during term time. Any application for leave must only be in exceptional circumstances and the Head Teacher must be satisfied that the circumstances are exceptional and warrant the granting of leave. Any unauthorised holidays

taken during the term time for five days or more will result in a referral being made to the Local Authority by The School.

Missing school due to illness (not medical or dental appointments).

Parents are encouraged to make appointments out of school hours. Where this is not possible, the student should only be out of school for the minimum amount of time necessary for the appointment only.

Reporting to Parents

Parents will receive a % figure on attendance in school reports and Progress Reviews and a statement on attendance will be included in the School Prospectus.

A text will be sent to the primary contact on the first day of absence by Student Services and attendance will be reviewed weekly by Progress Leaders and members of the Senior Leadership Team. Students who fall below 95% attendance will receive a letter notifying them of the concern and if attendance does not improve, parents will be invited to a Parent Contract Meeting where support will be offered to improve attendance.

Dissemination of the Policy

This policy has been agreed by the Governors of The Ferrers School. All staff will receive copies of the policy. Copies are available to parents on request from the school office or via the web site.

Procedures for Policy Maintaining and Evaluation

The Governing body will review the implementation of the policy as part of its annual cycle of meetings and will receive termly updates on attendance issues.

Signed:

Date:

Policy Review

The Full Governing Body will on an annual basis, review the policy and receive reports on its implementation.

Reviewed: September 2018

Signed:

Date:



Department
for Education

Use of reasonable force

**Advice for head teachers, staff
and governing bodies**

July 2013

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Summary

About this departmental advice

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

Expiry or review date

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

Who is this advice for?

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

Key points

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

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

What is reasonable force?

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

Who can use reasonable force?

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

When can reasonable force be used?

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

² Section 93, Education and Inspections Act 2006

- The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

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

Schools cannot:

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

Power to search pupils without consent

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

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

Force **cannot** be used to search for items banned under the school rules.

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

Separate guidance is available on the power to search without consent – see the ‘Further sources of information’ section for a link to this document.

Communicating the school’s approach to the use of force

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

Using force

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

⁴ Physical Control in Care Medical Panel - 2008

Staff training

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

Telling parents when force has been used on their child

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

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

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.
- Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance (see the ‘Further sources of information’ section below) where an allegation of using excessive

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

force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.

- Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

What about other physical contact with pupils?

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

Frequently Asked Questions

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

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

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

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

Q: What about school trips?

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

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

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

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

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

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

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

Further sources of information

Other departmental advice and guidance you may be interested in

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

Associated resources (external links)

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



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