



NORTH NORFOLK ACADEMY TRUST

Behaviour and Inclusion Policy

FOR

SHERINGHAM AND STALHAM HIGH SCHOOLS

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1. Principles and aims of NNAT Schools

North Norfolk Academy Trust schools aim to manage the resources available and to offer the highest possible quality of education to all its students.

The principle which underpins the Trust's aims, objectives, policies and practices is a belief in the worth and potential of each individual student, regardless of that student's age, abilities, social and ethnic background, religion, sexual orientation or gender. Each student is entitled to equal regard which will be manifest in the same quality of teaching, resources and care as is accorded to any other student in the school.

NNAT directors see the following Mission Statement and Aims as central to the life and purpose of the High Schools within the Trust:

MISSION STATEMENT

To create an atmosphere of mutual respect and academic challenge in which individuals are encouraged to achieve their full potential within a secure and caring environment.

AIMS

To:

- ensure that all students are accorded equal regard and equality of opportunity;
- encourage a positive attitude to learning including increasing students' responsibility for their own learning;
- help all students to acquire respect for religious and moral values, and an unprejudiced view of all ethnic groups, religions and ways of life;
- encourage the personal, social and moral development of every student including the nurturing of self-discipline, self-respect, a respect for others and the human and natural environment;
- help all students to develop lively, enquiring minds and the ability to question and argue rationally, and to foster habits of responsibility and self-discipline;
- create a caring community, exercising concern and respect for the safety and welfare of others;
- provide a broad, balanced and relevant curriculum for all students;
- promote student and staff well-being;
- enable all students to fulfil their educational potential and to pursue excellence in preparation for work and leisure;
- help all students to acquire the skills and knowledge relevant to adult life and employment in a fast-changing world;
- foster the notion of education as a continuous lifetime process;
- position the school at the heart of the community.

Every individual who is part of the school, from the Headteacher/Head of School to the youngest student, is encouraged to behave, at all times and in all circumstances, with care, courtesy and consideration.

Behaviour and discipline in Schools (*DfE Advice January 2016*) – see Appendix 1 - makes it clear that:

- 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 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.

2. Ethos and Behaviour

The emphasis in Trust schools is on creating a positive, supportive climate for the students, not a punitive, threatening system. Good behaviour within the school is achieved by making reasonable expectations clear to students and being vigilant.

We seek to preserve an environment within the school where students may work purposefully and feel secure, happy and confident, and where relationships between staff and students, and between the students themselves, are based on mutual respect and tolerance.

Students at the school are regarded as sensible and responsible people and are treated as such. At lunchtime, students use their Form Rooms, the Canteens as well as designated outside areas. Restricted areas, for reasons of Health and Safety, include laboratories and workshops.

All students are expected to behave in a way which is respectful of other people within the school environment and in the wider community. Care, courtesy and consideration are emphasised as part of the School's ethos. However, if students do not behave sensibly, they will be held to account. Parents will usually be contacted and corrective measures used. Students may be required to do extra work, either in a detention at school or at home, or to do something that is useful during lunch breaks. Students whose behaviour or attitude to work during lessons causes concern may be required to have a report card signed by the teacher at the end of each lesson. If behaviour does not improve, they may well be isolated for a fixed period of time from their peers in the Learning Support Unit or required to work with a senior member of staff.

Consequences to poor behaviour are communicated clearly to students via the Code of Conduct, in their planner. Consequences to poor behaviour are also clearly displayed in every teaching room. Teachers and students may refer to this during lessons in order that low-level disruption may be dealt with effectively and be prevented from escalating.

Procedures have been devised for dealing with any incident where bullying is suspected. Serious offences, such as the possession or use of drugs or alcohol, or violent or aggressive behaviour, will be treated very seriously and may lead to exclusion. (See Sanctions below)

3. Students' rights and responsibilities

Students are expected to:

- behave with consideration for all other people;
- reject bullying, verbal, physical, written or photographic and any other form of intimidation;

- behave in lessons in a way which does not hinder anyone's progress;
- accept fair judgements in cases of dispute. This will involve restorative justice being used to resolve such incidents as appropriate;
- communicate in a polite and appropriate manner;
- remain on the school premises throughout the day, unless they have permission to leave;
- obey school rules and behave in a way which does not threaten their safety and the safety of others;
- respect the School's buildings and accept responsibility for any damage they may cause;
- take care of their own property and never steal or damage anybody else's possessions;
- work as hard as they can and make the best of their abilities;
- ensure that they have the necessary books, equipment and kit for all their lessons;
- take care of all their books, equipment and materials which are given to them by the School and return these in good condition when courses have been completed;
- seek to improve the standard of their work;
- carry out all work (including homework) which is set by their teachers, meet deadlines and keep their School Planner up-to-date;
- attend school each day, except when they are ill or when the school has agreed to their absence through a request from parents;
- arrive at registration and lessons punctually;
- agree not to smoke tobacco, use other stimulants or take drugs or alcohol;
- behave sensibly and sensitively in their personal relationships;
- listen to notices and take reports and letters home to parents/carers;
- take all other paper communications home to their parents/carers;
- use e-mail and the Internet responsibly and adhere to the agreed protocols set out in the Home School Agreement and the Acceptable User Policy;
- wear the agreed school uniform throughout the school day and bring PE kit to all PE lessons;
- behave appropriately on school and public transport and within the community, by being courteous and showing respect to those around them.

4. Creating a positive ethos

In support of our principles, we aim to make explicit our expectations and to make provision for students as appropriate. A range of strategies exists to create a positive ethos. In Sheringham High School a standard 'Referral Slip' is used to communicate concerns amongst teachers in a manner that enables rapid response and, if necessary, intervention. Student Managers are employed to work with students, teachers and parents. In Stalham behaviour concerns are raised via G4Schools. The Student Manager/managers manage a system where they can be called for and intervene to prevent incidents of low-level disruption escalating. They work closely with the LSU Manager/Inclusion Manager and often act as the liaison between School and home. Their role is crucial and the watchful eye they keep on vulnerable students is vital to maintaining the positive ethos between students, parents and teaching staff.

SEND arrangements (described in our SEND Policy) include identification of students with emotional and behavioural difficulties. Pastoral Support Plans are drawn up, if necessary. Such students are monitored and, if appropriate, make use of our Learning Support Unit if the LSU Manager/Inclusion Manager and SLT deem that it is a behaviour issue rather than a SEND issue. Closely supervised learning is possible there for finite periods of time for any student whose behaviour is deemed inappropriate. Additionally, we call upon a variety of people to help us to support young people

whose behaviour gives us cause for concern. We are fortunate to be able to make use of other adults and organisations such as; Mentors, our Personal Adviser, outside agencies including our PCSO and local SNT officer, school counsellors and the Short Stay School for Norfolk and ACE. (Action Community Enterprises)

Appropriate differentiated courses in both Key Stages are available which makes diversification increasingly possible. The school has recognised the need to personalise learning for a minority of students with behavioural issues at the earliest possible opportunity in consultation with parents in order to prevent disaffection amongst his group.

Guidance takes several forms. All students have regular feedback on progress from their teachers. Students record their individual target grades in their planners and the steps they need to improve to the next level or grade. Academic targets as well as their attendance targets are recorded on their reports. Students and parents are encouraged to attend Parents' Evenings. The intention is to enable each student to understand the necessary steps in order to make further progress in each subject. The 'core' Philosophy & Ethics course, that includes RE and Citizenship education, also provides structured guidance on personal, social and health issues as well as careers education as do carefully planned activities on SMSC days.

The Schools have a vertical tutoring structure to complement the already established House System. This model adds to the positive ethos by ensuring that students from all ages interact with one another. This provides a variety of opportunities for students to act as role models for one another and to support each other thus adding to the mutual respect promoted throughout the School. Vertical tutoring has enhanced the already very effective transition process between Key Stages 2 and 3. Year 7 students are welcomed and supported by the older students in the Induction period.

Beyond this, a positive ethos is created by the use of rewards such as merits to support the celebration of success, in Assemblies, Awards Evenings, through The Newsletter and through Press Releases.

Rewards are given across a wide range of areas and designed to reach students of all abilities and ages. Students may be rewarded for achieving a 100% attendance record or for academic success etc.

Students have the opportunity to be selected to participate in a number of groups, such as Peer Supporters, Here to Help / Prefects / Lead Students and School Council as relevant to each High School. These students are viewed as positive role models and play an important part in the organisation of a variety of activities.

Involvement in activities such as Study Support schemes, Academy Days, Cross-Curricular and Charities Week all promote a sense of positive participation in the life and work of schools across the Trust.

5. Monitoring inclusion

Our information management arrangements include provision for detailed monitoring of students 'at risk' of not being included in the educational opportunities that we offer. Arrangements include a 'Truancy Watch' scheme for identified students and a general 'first day of absence contact'.

In particular, we aim to track the progress of certain groups of students and to provide intervention as necessary. These include:

- students classified as SEND;
- students who are 'gifted and talented';
- students who are 'looked after';
- students from ethnic minorities;
- travellers;
- young carers;
- those students whose family circumstances maybe stressful;
- students subject to CIN /CP plans;
- pregnant students;
- students in transition from one phase of their education to the next;
- students who attend irregularly;
- FSM, FSM(6), PP.

Through routine monitoring, we address three key questions:

1. Do all students get a fair deal at the School? This relates to what they get out of school, their opportunity to learn effectively, the respect and individual help they have from school staff and the attention the School gives to their well-being.
2. How well does the School recognise and overcome barriers to learning? This is about the School's understanding of how different groups do in school, the steps taken to ensure that particular groups are not disadvantaged in school, the strategies for promoting good behaviour and what the School does to prevent and address racism, sexism and other forms of discrimination.
3. Do the School's values embrace inclusion and does its practice promote it? The clues are how the values of the School are reflected in its curriculum, resources, communications, procedures and conduct. They are also evident from the way people talk about and treat one another and what the School intends and tries to do for 'people like me'.

6. Sanctions

All staff at the Schools are expected to apply the expectations contained in the principles and aims of the School in a reasonable and consistent way and in keeping with our aims to be an inclusive School. Sanctions are applied accordingly.

Sanctions as outlined in the Education and Inspections Act 2006 must be proportionate and reasonable and may include removal from the group/class or particular lesson; withdrawal of break or lunchtime privileges; detention; withholding participation in educational visits or sports events which are not essential to the curriculum; completion of work or extra work; or carrying out a useful task in the School.

Normal classroom management includes giving reminders about expectations, reprimands, notes for parents in the Planner and making arrangement for work to be revisited at break or lunchtime.

Departments have arrangements in place for supporting students' work and for reinforcing basic expectations. Such arrangements include a student working away from his or her own class,

undertaking detention at break, lunchtime or after school within a department, and being 'on report' for all subjects or within a department.

Senior Staff and the LSU Manager/Inclusion Manager operate the "On Report" system which is usually monitored on a daily basis by the relevant Student Manager.

Students can be formally 'removed' from their class if, after an indication that they must desist, they continue to prevent others from learning. Involvement of one of the Student Management Team follows and, depending upon the nature of the incident, the relevant Head of Subject or member of the Leadership Team may be involved. Internal isolation is also normally initiated in the event of 'grave misconduct' or refusal to follow reasonable instructions. This includes endangering others (including sustained fighting or use of illegal drugs), abuse to staff, bullying, sexist, homophobic or racist behaviour.

Whole School detentions are used as a further sanction, where necessary. School detentions are supervised by a member of the Senior Leadership Team. They are intended to cause the student some inconvenience but also to provide an opportunity for the student to make some restoration to the School community. Community Service – assisting the Site Officer with tidying the grounds or clearing litter - features amongst the possible tasks set.

Notice is always given to parents of an after school detention as a matter of courtesy. This will be by phone, letter or via the Planner.

Formal fixed term exclusions are authorised by the Headteacher/Head of School. This sanction is applied reluctantly and normally only as a result of 'grave misconduct' or persistent defiance of School expectations.

Formal permanent exclusions are initiated as a last resort and after other possible sanctions and /or methods of support have been exhausted. The only exception to this is when a single act is regarded as so offensive to the School community that the student cannot reasonably remain at the School.

All fixed term and permanent exclusions are regulated by The Education Act 2002, amended by the Education Act 2011 as well as The School Discipline (Student Exclusions and Reviews) (Academies) (England) Regulations 2012. Where appropriate, this includes approval by the Governing Body's Exclusions Committee.

Use of force is used only in accordance with DFE Circular July 2013 '*The Use of Reasonable Force*'. Essentially, reasonable force may be used by teachers and by others authorised by the Headteacher/Head of School to have control of students to prevent a criminal offence, injury to the student or to others, damage to property or behaviour prejudicial to maintaining good order and discipline at the school. This latter applies whether in or out of class. However, this does not require action and no one is obliged to face personal risk by intervening in a dangerous situation.

7. Bullying

Bullying – including cyber, sexist or homophobic behaviour – is regarded as a serious offence and in complete contradiction of the principles of the School. For this reason, we practice 'zero-tolerance' concerning bullying to the extent that students involved in allegations may be removed from lessons or from the School whilst investigations are completed.

Students are taught about bullying of all kinds through assemblies and the 'Core' course. We encourage students to speak to a member of staff whenever they suspect bullying has taken place.

The Single Equality Policy operates on similar lines and in practice – although reporting requirements are more elaborate – racism and discrimination of those with disabilities is treated as a form of bullying.

This policy acknowledges the School's legal duties under the Equality Act 2010, in respect of safeguarding and in respect of students with special educational needs (SEND).

Appendix: Behaviour and discipline in Schools (DfE January 2016, Advice for Headteachers and school staff)

Teachers' powers: Key Points

- 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 Headteacher/Head of School 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 of school and in the wider community.
- Teachers have a specific legal power to impose detention outside school hours.
- Teachers can confiscate students' property.

Punishing poor behaviour: What the law allows

Teachers can discipline students whose conduct falls below the standard which could reasonably be expected of them. This means that if a student misbehaves, breaks a School rule or fails to follow a reasonable instruction the teacher can impose a punishment on that student.

To be lawful, the punishment (including detentions) must satisfy the following three conditions:

- 1) the decision to punish a student must be made by a paid member of school staff or a member of staff authorised by the Headteacher/Head of School;
- 2) the decision to punish the student and the punishment itself must be made on the school premises or while the student is under the charge of the member of staff; and
- 3) it must not breach any other legislation (for example in respect of disability, special educational needs, race and other equalities and human rights) and it must be reasonable in all the circumstances.

A punishment must be proportionate. In determining whether a punishment is reasonable, section 91 of the Education and Inspections Act 2006 says the penalty must be reasonable in all the circumstances and that account must be taken of the student's age, any special educational needs or disability he/she may have, and any religious requirements affecting him/her.

The Headteacher/Head of School may limit the power to apply particular punishments to certain staff and/or extend the power to discipline to adult volunteers; for example to parents who have volunteered to help on a school trip.
Corporal punishment is illegal in all circumstances.

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

Students' conduct outside the school gates: teachers' powers.

What the law allows:

Teachers have a statutory power to discipline students for misbehaving outside of the school premises. Section (90) of the Education and Inspections Act 2006 gives Headteachers/Heads of Schools a specific statutory power to regulate students' behaviour in these circumstances, "to such extent as is reasonable."

The School's behaviour policy should set out what the School will do in response to all non-criminal bad behaviour and bullying which occurs anywhere off the School premises and which is witnessed by a staff member or reported to the School, including the punishments that will be imposed on students.

Subject to the School's Behaviour Policy, the teacher may discipline a student for

- any misbehaviour when the child is:
 - taking part in any School-organised or School-related activity or
 - travelling to or from the School or
 - wearing the School's uniform or
 - in some other way identifiable as a student at the School.

- or misbehaviour at any time, whether or not the conditions above apply, that:
 - could have repercussions for the orderly running of the School or
 - poses a threat to another student or member of the public or
 - could adversely affect the reputation of the School.

Detention: What the law allows

Teachers have a legal power to put students (aged under 18) in detention.

Schools must make clear to students and parents that they use detention (including detention outside of school hours) as a sanction.

The times outside normal school hours when detention can be given (the 'permitted day of detention') include:

- A. any school day where the student does not have permission to be absent;
- B. weekends – except the weekend preceding or following the half term break; and

- C. non-teaching days – usually referred to as ‘training days’, ‘INSET days’ or ‘non-contact days’.

The Headteacher/Head of School can decide which members of staff can put students in detention. For example, he/she can limit the power to Assistant Heads or Heads of Department only or can decide that all members of staff, including support staff, can impose detentions.

Matters schools should consider when imposing detentions.

Parental consent is not required for detentions.

As with any disciplinary penalty a member of staff must act reasonably, as described above, when imposing a detention.

With lunchtime detentions, staff should allow reasonable time for the student to eat, drink and use the toilet.

Detentions outside school hours.

School staff should not issue a detention where they know that doing so would compromise a child's safety. When ensuring that a detention outside school hours is reasonable, staff issuing the detention should consider the following points:

- whether the detention is likely to put the student at risk.
- whether the student has known caring responsibilities which mean that the detention is unreasonable.
- whether the parents ought to be informed of the detention. In many cases it will be necessary to do so, but this will depend on the circumstances. For instance, notice may not be necessary for a short after school detention where the student can get home safely.
- whether suitable travel arrangements can be made by the parent for the student. It does not matter if making these arrangements is inconvenient for the parent.

Confiscation of inappropriate items: What the law allows.

There are two sets of legal provisions which enable school staff to confiscate items from students:

(1) The general power to discipline (as described in the bullets under the heading “Discipline in Schools – Teachers’ Powers” on page 6 of “Behaviour and Discipline in schools January 2016) enables a member of staff to confiscate, retain or dispose of a student’s property as a punishment and protects them from liability for damage to, or loss of, any confiscated items. The legislation does not describe what must be done with the confiscated item and the School Behaviour Policy may set this out; and

(2) Power to search without consent for “prohibited items” including:

- 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;
- any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Weapons and knives and extreme or child pornography must always be handed over to the police otherwise it is for the teacher to decide if and when to return a confiscated item.

More detailed advice on confiscation and what must be done with prohibited items found as a result of a search is provided in 'Screening, Searching and Confiscation – advice for Headteachers, staff and governing bodies February 2014'.

Power to use reasonable force.

The legal provisions on school discipline also provide members of staff with the power to use reasonable force to prevent students committing an offence, injuring themselves or others or damaging property, and to maintain good order and discipline in the classroom.

Headteachers/Heads of Schools and authorised school staff may also use such force as is reasonable given the circumstances when conducting a search without consent for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Force cannot be used to search for items banned under the school rules. Separate advice is available in 'Use of Reasonable Force – advice for school leaders, staff and governing bodies'. (See attached Appendix 2 below.)

Reasonable Force Advice July 2013

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.

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. As mentioned above, schools generally use force to control students and to restrain them. Control means either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom.

5. 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.

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 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 Headteacher/Head of School 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.
- 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 students 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.

Power to search students without consent

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

- 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. 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 students. The governing body should notify the Headteacher/Head of School 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 students found fighting or that if a student 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 (SEND).
- 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 student, or prevent them taking action needed to prevent a student causing harm.
- By taking steps to ensure that staff, students 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

- Guidance in this field, 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.

Staff training

- Schools need to take their own decisions about staff training. The Headteacher/Head of School 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 students when doing so.

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 parents.
- In deciding what is a serious incident, teachers should use their professional judgement and consider the:
 - student’s behaviour and level of risk presented at the time of the incident;

- degree of force used;
- effect on the student or member of staff; and
- the child's age.

What happens if a student 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 “Keeping Children Safe In Education May 2016” guidance where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

What about other physical contact with students?

- It is not illegal to touch a student. There are occasions when physical contact, other than reasonable force, with a student is proper and necessary.
- 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.

DOCUMENTS CONSULTED

Behaviour and Discipline in Schools; advice for Headteachers and school staff. January 2016

Keeping Children Safe in Education; statutory guidance for schools and colleges. July 2015

‘Screening, Searching and Confiscation – advice for head teachers, staff and governing bodies February 2014’.

The School Discipline (Student Exclusions and Reviews) (Academies) (England) Regulations 2012.

D of E Circular July 2013 ‘*The Use of Reasonable Force*’