

# ST BERNARD'S HIGH SCHOOL



## **BEHAVIOUR POLICY (including guidance on restraint, screening, searching and confiscation)**

***First Adopted: Tuesday 5 December 2006***

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                  September 2023*

Agreed by the Committee: September 2023

Date of next review: January 2025

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**Chair of Governors**

## **Mission Statement**

St Bernard's is a school community that aims to live by Jesus' commandment, "Love one another as I have loved you."

We are a Catholic learning community committed to the on-going development of the entire potential of every person, achieved through a broad, balanced and relevant curriculum. We care for each other as individuals of equal worth, regardless of status, sex, race or religion and thus actively seek to promote safeguarding, justice and fairness.

We provide an atmosphere in which all can grow in our Faith, and encourage this faith by a lively relevant liturgy. We work with parent/carers, parishes, local communities and industry to prepare our students for the opportunities of adulthood.

The aims of our Mission Statement should permeate all aspects of our school life. The spiritual, moral, cultural, social and intellectual development of our students is the responsibility of all members of staff and is powerfully influenced by the ethos of the school. A Christian learning community should provide a positive and secure environment in which development can occur. Therefore it is important that our Behaviour Policy is underpinned by a system of rewards and sanctions which is based on the underlying principles of forgiveness and respect for the uniqueness of each individual.

St Bernard's High School believes that, in order to fulfil the school aims, all members of its community must be involved in the development and implementation of policies relating to keeping a disciplined, ordered, secure and happy learning environment. Ensuring high standards of behaviour is how we enable students to meet the school expectations which, in turn, enables the school aims to be fulfilled.

The school believes that in order to enable highly effective teaching and learning to take place, exemplary behaviour in all aspects of school life is necessary. We seek to do this by:

- promoting self-esteem, self-discipline, proper regard for authority and positive relationships based on mutual respect;
- ensuring equality and fairness of treatment for all;
- encouraging consistency of response to both positive and negative behaviour;
- promoting early therapeutic intervention;
- providing a safe environment; free from disruption, violence, bullying and any form of harassment;
- encouraging a positive relationship with parent/carer(s)/carer(s) and carers to develop a shared approach which involves them in the implementation of the school's policy and associated procedures;
- promoting a culture of praise and encouragement in which all students can achieve.

## **Roles and Responsibilities**

The **Governing Body** will establish, in consultation with the Head Teacher, staff and parent/carer(s)/carer(s), a policy for the promotion of exemplary behaviour and keep it under review. It will ensure that this is communicated to students and parent/carer(s)/carer(s), is non-discriminatory and that expectations are clear. Governors

will receive information about the number and nature of suspensions. Governors will observe behaviour as part of link and other visits.

The **Head Teacher** will be responsible for the implementation and day-to-day management of the policy and procedures.

The **Deputy Head Teacher (Pastoral Care)** is responsible for leading the team of staff who provide therapeutic support for individual students and their families.

**Staff**, including teachers, support staff and volunteers, will be responsible for ensuring that the policy and procedures are followed, and **consistently** and **fairly** applied.

Mutual support amongst **all staff** in the implementation of the policy is essential. Staff have a key role in advising the Head Teacher on the effectiveness of the policy and procedures. They also have responsibility, with the support of the Head Teacher, for creating a high quality learning environment, teaching positive behaviour for learning and implementing the agreed policy and procedures consistently.

**Parent/carers and Carers** will be expected, encouraged and supported to take responsibility for the behaviour of the child both inside and outside the school. The School will encourage parent/carer(s)/carer(s) to work in partnership with the school to assist it in maintaining high standards of behaviour and will be actively encouraged to raise with the school any issues arising from the operation of the policy.

#### **'Home School Agreement'** (Appendix 1)

All parent/carer(s)/carer(s) sign a 'Home School Agreement' before their daughter joins Year 7. The agreement is signed for the school by the Head Teacher.

The School will provide information for parent/carers on the School's Behaviour Policy, including any changes, once a year. This will include re-issuing the School's Code of Conduct.

**Students** are expected to take **responsibility for their own behaviour** and will be made fully aware of the school policy, procedure and expectations.

**Students** will also be encouraged to **take responsibility for their social and learning environment** making it both safe and enjoyable by reporting all undesirable behaviour.

#### **Expectations of the School**

The school works hard to ensure the expectations are communicated consistently at all times. Our expectations of students are clearly explained in the school's rules and procedures which can be found in the Student Planner. This policy applies to the conduct of students outside the school boundaries and outside of the school day; it will be applied to misbehaviour on school trips, travelling to or from school,

in other situations where the school uniform is worn, and in any other circumstance where the pupil is identifiable as a student at the school.

It applies when there may be repercussions for the running of the school, where a pupil poses a threat to any other person, or where the reputation of the school could be adversely affected.

## **Expectations** (Appendix 2)

Our expectations of students in lessons, around the school and travelling to and from school have been outlined in the School Code of Conduct. All students and parent/carer(s)/carer(s) are supplied with this on entry to the school through the School Planner and all students are expected to abide by it. All staff, through the induction programme are given a copy of the School's Code of Conduct.

## **Rewarding when expectations are met or exceeded**

The school believes all students have to be given responsibility and trusted to respond in a positive way. St. Bernard's students are exceptional in the way they respond to being given responsibility. The school is often congratulated on student behaviour, especially on trips and educational visits. Where student behaviour needs to be modified the school believes that sanctions alone will not always be successful. Some students need to realise that there are advantages to behaving well until it becomes part of their normal behaviour as they mature. The school has several reward systems, some of which are used to recognise students that have met or exceeded our expectations.

In the daily life of the school staff seek to recognise achievement in the following ways:-

- Regular use of words of encouragement and praise
- Encouragement via prompt and positive marking of work
- Achievement Points for work, behaviour etc for all year groups.
- Acknowledgement of Achievement in the School Newsletter

## **Year Assemblies**

- Reward Certificates,
- Commendations
- Certificates for Special occasions - eg. Support of school events, Personal Achievements

## **Whole School Assemblies**

- Presentation of Head Student Team
- Prefects, peer mentors etc.

## **Achievement Awards**

There are many reasons for giving out achievement points and below is a list to help as a guide:

- Excellent piece of work
- Achieving a good standard in a test
- Answering questions in class
- Participating in class discussions
- Competitions within the lesson
- Extra effort in class
- Exceptional behaviour
- Being helpful within the class
- 5 good pieces of work
- Exceeding lesson objectives

These are recorded on SIMS

### **Jack Petchey Award**

The award is issued every month. Staff and students are invited to nominate students for the Jack Petchey award which is issued each month. Nominations are placed in the box provided in the library. Nominations can be made for a variety of reasons including academic achievement and effort within a subject or where a student has had a positive impact on the school community through their actions. Winners receive a Jack Petchey badge and certificate and get to decide how a sum of money is to be spent within the school. Certificates are presented in Year assemblies so the students peer group can help celebrate their success and acknowledge their contribution to the life of the school community.

### **Celebration Assembly**

At the end of each term each year group will have a celebration assembly. This will be organised in the last week of term.

Prizes for:

- 100% attendance certificates and the best form attendance
- Outstanding Contribution to the Community reaching a certain amount of points
- Excellent work in class

### **Celebration Day**

Whole School Celebration at the end of the school year.

### **Procedures**

The procedures arising from this policy will be developed by the Head Teacher in consultation with the staff. The procedures will make clear to the students how acceptable standards of behaviour can be achieved and will have a clear rationale which is made explicit to staff, students and parent/carer(s)/carer(s).

### **School Procedures when expectations are not met**

When expectations are not met we use the term 'inappropriate behaviour' to describe such situations. The school works hard to ensure that its response to inappropriate behaviour is consistent and in proportion to the level of seriousness. Sanctions will be applied when inappropriate behaviour is observed according to the school behavioural ladder.

**All Students will have a conduct card which they are to put in their planners. Any inappropriate behaviour will result in a conduct point being given. 3 conduct points will result in a Head of Year detention being issued.**

#### **Stage 1**

Minor sanctions may be applied by the class teacher if a student:

- does not produce an acceptable standard of work
- forgets to bring essential equipment
- occasionally exhibits low level inappropriate behaviour

The main sanctions for these infringements are a verbal reprimand or a detention at break or lunchtime. This will be recorded in the Planner. Parent/carer(s)/carer(s) are expected to acknowledge the detention by signing the planner. (Appendix 3 - Guidance for staff in Setting Detentions)

## Stage 2

More severe sanctions will be applied if a student persists in producing:

- unacceptable work,
- forgetting essential equipment,
- exhibiting inappropriate behaviour.

Please note a Senior Leadership detention can be set at Stage 2 .

The most common of these sanctions is the after school detention. The details will be written in the Planner, or a letter will be emailed to parents' / carers' and recorded on SIMS. The student should bring this to parent/carer(s)/carer(s) attention so they can sign, acknowledging they have seen it. It is the student's responsibility to bring this to their parent/carer(s)/carer(s) attention. If there is a special problem the parent/carer(s)/carer(s) will need to contact the teacher concerned. **No exceptions are made, even if the child travels by Contract bus.** Parent/carer(s)/carer(s) will need to make alternative travel arrangements on that day. We understand that this may cause inconvenience but such sanctions are effective in modifying students' attitude and behaviour.

In the case of after school detentions students will be given 24 hours' notice. This will ensure that:-

- parent/carer(s)/carer(s) are not anxious if their child is late
- any necessary transport arrangements can be made
- a change of date can be made if there are good domestic reasons for so doing

A Head of Year detention of 45 minutes after school will be set for any students who are found to be chewing gum.

Although schools have legal backing to detain students after a school session on disciplinary grounds.

In addition to after school detention students may be put on:

- Departmental Report
- Tutor/Head of Year Report
- Senior Staff Report

Students may be asked to carry out a form of community service. Parent/carer(s)/carer(s) will be informed.

Students will show parent/carer(s)/carer(s)/carer the Head of School Report for comment and signature. (Appendix 4 – Head of School Report)

## Stage 3

Major Sanctions will be applied if a student refuses to follow instructions or failure to accept sanctions for Stages 1 and 2. Students found smoking on or offsite in uniform will also be dealt with under this section of the policy.

Major Sanctions include:

- Internal Exclusion
- -
- Senior Leadership Detention
- Suspension
- Pastoral Support Plan
- Permanent Exclusion

Senior Leadership Detention is set at the discretion of a member of the Senior Leadership Team – and supervised by a member of the Senior Leadership Team. The Senior Leadership detention can be issued for either Stage 2 or Stage 3 depending on the incident that took place. **Failure to attend without sound medical reason will result in a an internal isolation.** (Appendix 5 – Whole school Detentions)

Physical aggression and obscene language will not be tolerated for any reason and **suspensions will be used.**

**Possession of weapons or the use or supply of illegal and other unauthorised drugs.**

The Head Teacher has a duty in law to inform the Police of any offence under the Misuse of Drugs Act.

St. Bernard's has a zero tolerance policy towards the possession, use or supply of illegal and other unauthorised drugs and the possession of weapons.

Permanent Exclusion may result from:

- The buying, selling, offering, supplying, using or possession of drugs in School, on the way to or from School, or at any function, trip, visit or holiday organised by the School, including Work Experience and training placement.
- A conviction for dealing in drugs outside the School at any time.
- Carrying an offensive weapon or dangerous implement, such as knives, pointed scissors or any implement that can cause harm.

Sometimes unexpected incidents occur which warrant the immediate use of major sanctions. Parent/carer(s)/carer(s)s will always be contacted and be asked to visit the school to discuss the situation.

### **Suspension**

A Head Teacher may suspend a student (suspension) for up to 45 school days (9 school weeks) in a school year. For the first 5 days of any suspension it is the parent/carer(s)/carer(s) responsibility to provide care and supervision for their child.

The School has procedures in place to ensure that parent/carer(s)/carers(s) are kept fully informed throughout this process and that any vulnerable child remains safe.

Permanent exclusion is a last resort for all schools following a thorough investigation and consideration of alternatives and all steps are taken to avoid this. Nevertheless, for a serious one off breach of the School's Behaviour policy or if a student persistently disrupts the learning and welfare of pupils and staff in the school then the school may have no alternative but to permanently exclude the pupil. Any act which would be a criminal offence may result in a permanent exclusion. Further details on permanent exclusions can be found in the DfE Guidance ([Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement September 2023](#)).

Each case is considered carefully and investigated thoroughly before a decision to apply a major sanction is made.

### **The use of force to control or restrain a student**

Rarely do teachers have to intervene physically to reinstate control or restrain a student. Parent/carer(s)/carer(s) need to be aware that the law allows adults authorised by the Head teacher to have control of students to use such force as is reasonable to prevent a student:

- committing a criminal offence
- injuring themselves or others
- causing damage to property
- engaging in any behaviour prejudicial to maintaining good order and discipline

The law regarding the use of force by teachers and others was clarified in the Education Act 1997 and came into force on 1 September 1998. More detailed guidance is provided in Appendix 6.

### **Uniform**

There is an automatic break time detention with the Head of Year for any make up, uniform or jewellery infringements.

### **Use of the internet**

See Planner for specific details and refer to Code of Conduct for ICT and Internet Use: and Cyber Bullying policy.



### **Allegations Against Staff**

Any allegation made by a student with regard to the conduct of a member of staff will be dealt with under the relevant policy. However, where such allegations are proved to be malicious, the Head Teacher will apply the most appropriate sanction, taking into account the circumstances and gravity of the allegation.

### **Training**

The Governing Body will ensure that appropriate high quality training on all aspects of behaviour management is provided to support the implementation of the policy. (Appendix - 7 Creating a climate for Teaching and Learning – guidance for staff)

### **Involvement of outside agencies**

The school works positively with external agencies. It seeks appropriate support from them to ensure that the needs of all students are met by utilising the range of external support available.

Students needing support from external agencies are identified through the Head of Inclusion and will be at 'K'. However, if necessary a student may move immediately to that stage to access support.

- Counselling is available through school
- EHA form forms help identify needs to support and access support from outside agencies.

### **Monitoring and Evaluation**

The procedures will be monitored by the Head Teacher via the Deputy Head Teacher (Pastoral Care) and Heads of Year to ensure they are consistently and fairly applied, and promote the idea of personal responsibility and that every member of the school has a responsibility towards the whole community.

This policy has been approved by the Governing Body of the school and will be reviewed every three years.

The Governors' Catholic Ethos Committee, which includes Parent/carer Governors with the Head Teacher will monitor and review the Behaviour Policy. They will report to the Governing Body on the policy, its effectiveness, fairness and consistency.

### **Related policies and links**

- Home School Agreement
- Teaching and Learning Policy
- Attendance Policy
- Cyber Bullying Policy
- ICT Code of Conduct
- Anti-Bullying Policy
- Exclusions Policy

## Appendix 1 – Statement of Partnership St Bernard’s High School



### STATEMENT OF PARTNERSHIP

**In the spirit of partnership, St. Bernard’s High School offers to**

#### **«Saluation» and «FORENAME» «SURNAME»**

- \* a Christian environment, committed to developing positive moral principles;
- \* a high quality of education, from well qualified staff, so that the best possible standards are achieved;
- \* a broad and balanced curriculum which endeavours to meet the needs of children of all abilities;
- \* a safe, caring, well-ordered environment, based upon mutual respect among all who make up the school community. Any bullying, racist, or anti-social behaviour dealt with firmly and promptly;
- \* a system of rewards and where necessary, sanctions that are designed to be firm, fair and just;
- \* a school in which each student is treated as an individual whose intellectual, social, emotional and spiritual needs are met and in which any problems or complaints are dealt with sensitively and promptly;
- \* a regular report on progress and teachers available for consultation if problems do occur;
- \* homework which will be set to an agreed pattern and will be marked promptly;\*
- \* work experience placements that are available to all Year 11 students;
- \* someone who will be available to receive phone calls between 8 am and 4:30 pm and who will alert you if «FORENAME» is absent from school;
- \* a regular communications electronic and written which will be sent home outlining some of the activities and new developments of the school;
- \* a community that values parent/carers involvement and dialogue with staff.

#### **We, the school, expect that you (Parent/Carer) and your child will:-**

- \* take a pride in your school, reinforcing our high reputation and affirming our ethos of high expectations;
- \* accept school standards and codes of behaviour for the benefit of the whole community;
- \* accept the school’s system of sanctions, including detentions;
- \* enter fully into the life of our school, taking full advantage of the facilities and activities offered by both the school;
- \* ensure that your child attends school regularly and punctually and that the school is notified of all absences. It is a legal requirement that they attend on every day for the whole school day unless there is a good reason for absence.

**We expect that you, your child will:-**

- \* give of your best at all times;
- \* undertake all work set and take responsibility for your own learning;
- \* attend school regularly and punctually;
- \* attend school in full school uniform;\*
- \* come properly equipped to cope with all the requirements of the school day;
- \* show concern and respect for all those you come into contact with within the school community;
- \* respect the physical environment of the school;
- \* behave on your journeys to and from school in a manner that reflects credit upon you and the school;
- \* give priority to any school event that you are involved in.
- \*

**We expect that you (Parent / Carer) will:-**

- \* attend the scheduled evening or any specially arranged appointments concerning the progress of your child;
- \* keep the school fully informed, as early as possible, of all matters likely to affect specifically or the school in general;
- \* sign the student planner weekly;
- \* plan holidays during the school holidays;
- \* supply a note to the Form Tutor immediately after all absences and notify the school by telephone call to the designated Absence line on the first day of absence.
- \* Work actively with the school and the education welfare service to solve any problems that might occur with «FORENAME»'s attendance at school.

**We would recommend that your child should have the following to facilitate her education:-**

- \* a suitable area for study at home to aid concentration and the development of good study habits;
- \* access to the local library and books at home;
- \* your interest in her school day and homework , providing help where appropriate;
- \* encouragement to take part in trips and other events organised by the school;
- \* all appointments, dentists etc, arranged outside school hours wherever possible.

**We understand and support this statement of partnership.**

**For the School**\_\_\_\_\_ **this**\_\_\_\_\_ **day of** \_\_\_\_\_

**For the Parent/carer(s)/carer(s)**\_\_\_\_\_ **this**\_\_\_\_\_ **day of** \_\_\_\_\_  
**(Guardians)**

**The Student**\_\_\_\_\_ **this**\_\_\_\_\_ **day of** \_\_\_\_\_

## Appendix 2 – Expectations

### Expectations

*There is one principle that guides our relationship with others.*

**Everyone acts with courtesy and consideration to others at all times.**

These are the standards which we expect:

#### **Classroom Behaviour**

- Support each other's learning.
- Arrive punctually, prepared for the lesson and with the correct equipment.
- Listen attentively to the teacher and other students.
- Behave courteously and sensibly.
- Follow instructions.
- Work hard.
- Know your targets and work to achieve them.

#### **Movement around the School**

- Move safely and quietly around the school.
- Where practical, please keep to the left in corridors.

#### **Remember**

- There are times when absolute silence is needed.
- The school must be kept clean and tidy.
- Uniform must be worn correctly.
- Help should be offered when it is needed, e.g. helping people to carry books and opening doors.

We expect that these standards will be maintained in and out of school.

## Appendix 3 – Guidance for Staff in administering Detentions

### ST BERNARD'S HIGH SCHOOL



### STAFF GUIDANCE FOR DETENTION

- Detentions should only be set in line with the School Behaviour Policy.
- Detentions should be recorded on SIMS.

#### Conducting a Detention

#### Safeguarding

- The teacher conducting the detention **must** be satisfied that, for after school detentions, there is parent/carer knowledge of the detention. This will be a signature in the planner. If you have concerns over the validity of the signature, the parent/carer(s)/carer(s) should be contacted to ensure they are aware the student is being detained and are able to make their way home safely.
- Members of staff should follow the safeguarding guidance and ensure that detentions are held in an appropriate room with other adults in the vicinity. (It may be necessary to move rooms to a more public area.) This will ensure that other adults are in the vicinity and that no member of staff is alone with a student in an isolated area.

#### Conduct in Room

- Silence throughout the detention.
- Students must sit at individual desks, facing forwards at all times.
- The atmosphere should remain formal throughout the detention.
- Students must be supervised at all times.

### Appendix 4 Head of Year Report

<b>HEAD OF YEAR REPORT</b>
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<b>Name of Student:</b>			<b>Form:</b>			<b>Date:</b>				
<b>Targets</b>										
This sheet is to be handed to your Subject Tutor at the beginning of each lesson. It must be signed at the end of each day by.....and your parent/carer.										
	<b>1</b>		<b>2</b>		<b>3</b>		<b>4</b>		<b>5</b>	<b>Other comments</b>
<b>M O N D A Y</b>										
	<b>Parent/carer Signature:</b>					<b>Staff:</b>				
<b>T U E S D A Y</b>										
	<b>Parent/carer Signature:</b>					<b>Staff:</b>				
<b>W E D N E S D A Y</b>										
	<b>Parent/carer Signature:</b>					<b>Staff:</b>				
<b>T H U R S D A Y</b>										
	<b>Parent/carer Signature:</b>					<b>Staff:</b>				
<b>F R I D A Y</b>										
	<b>Parent/carer Signature:</b>					<b>Staff:</b>				

**Appendix 5 – Whole School Detentions**  
**ST BERNARD'S HIGH SCHOOL**



**GUIDELINES FOR SLT DETENTION**

**Conduct in Room**

- Silence throughout the detention.
- Students must sit at individual desks, facing forwards at all times.
- No homework is to be completed.
- A reflection task is to be set that is appropriate to detention.
- Explain that the reflection is to have correct spelling, punctuation and grammar or it will need to be re-written.
- When the reflection has been completed, students should continue with silent reading. (If students do not have a reading book with them, then they should read the information sections of their planners.)
- Check the reflection work and, if it does not meet expectations, it should be returned to the students.
- Collect the reflection work at the end of the session.
- The atmosphere in the room should remain formal throughout.
- Students must be supervised at all times.
- The formal dismissal should be carried out in silence.

## **Appendix 6 – Guidance on the use of restraint, confiscation, screening and searching at St Bernard’s High School**

### **The Legal Provisions for restraint**

*These provisions are contained in the Education Act 1997 which came into force on 1st April 1998 to clarify the position regarding the legitimate use of physical force by inserting a new section 550A in the Education Act 1996*

The wording of this provision states:

1) A member of the staff of a school may use, in relation to any student at the school **such force as is reasonable in the circumstances** for the purpose of preventing the student from doing (or continuing to do) any of the following, namely:

- committing any offence
- causing personal injury to, or damage to the property of, any person (including the student himself); or
- engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its students, whether behaviour occurs during a teaching session or otherwise.

2) This applies where a member of the staff of a school is:

- on the premises of the school; or
- elsewhere at a time when as a member of its staff, he has lawful control or charge of the student concerned.

### **Definitions**

**"Member of staff"**: in relation to a school, means any teacher who works at the school and any other person who, with the authority of the Head Teacher, has lawful control or charge of students at the school.

**"Offence"**: includes anything which would be an offence but for "the operation of any presumption that a person under a particular age is incapable of committing an offence".

**DfE guidance**: to date has tended to concentrate on the use of force in an emergency only, for example: where students place themselves at risk of physical injury and where damage to property can be limited by the use of restraint, without endangering the physical safety of students or staff. The new provisions make it clear that teachers and other authorised members of staff are entitled to intervene in other, less extreme situations. Additional guidance was provided to schools by the DfE in 2013.

**"Reasonable force"**: there is no definition in the Act of "reasonable force", only a description of the circumstances where it might be used in schools by teachers and authorised staff. It should be noted that **the use of any degree of force is unlawful if the particular circumstances do not warrant it**. The degree of force should be in proportion to the circumstances and seriousness of the behaviour or consequences it is intended to prevent. The level and duration of the force used should be **the minimum necessary to achieve the desired result**, such as to restore safety.



It is impossible to describe definitively when it is reasonable to use force and how much may be used, beyond stating that this will depend on the circumstances of the case. Relevant considerations as to whether it might be reasonable to use force and the degree of force to be used could include for example the age and sex of the child and whether the child is disabled or has SEN. In some circumstances it will, of course, be inadvisable for a teacher to intervene without help, such as where a number of students are involved; where the student is older and physically mature, and where the teacher might be at risk of injury.

In all circumstances, if a teacher intervenes to restrain a child, **it is better to find a second responsible adult to assist or to witness**. However, a teacher could be held to be negligent if (s)he did not intervene to stop an injury, because there was no adult help nearby.

### **The duty to act**

Although the Act does not address the point, it is also relevant that failure to take action in circumstances which merit it can be as serious as over-reacting. In many circumstances **it is not a safer option for a teacher to do nothing** or to take very limited action when to take action could restore safety. So far as a teacher's duty of care is concerned, an omission can be significant if there were to be a subsequent claim for negligence. Again, the circumstances of the case are the deciding factor and a teacher would **not** be expected to intervene to restore safety, at all costs, or with risk to his or her personal safety.

Violent behaviour is a criminal act and the police can be called where children are out of control and need restraining physically, or where a child is not obeying a lawful instruction (such as to leave the premises when suspended).

Incidents of restraint should be logged in a record book provided for this purpose and monitored by a senior member of staff.

The School policy cannot indicate that a teacher will never restrain a child: this would weaken the teacher's position if restraint has to be used.

### **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 a student is being congratulated or praised – hand shake
- to demonstrate how to use a musical instrument
- to demonstrate exercises or techniques during PE lessons or sports coaching
- to give first aid.

## Screening and Searching

Searching with consent – School staff can search students **with their consent** for any item which is banned by the school rules. See DFE Guidance [https://assets.publishing.service.gov.uk/media/62d1643e8fa8f50bfbe55c/Searching\\_Screening\\_and\\_Confiscation\\_guidance\\_July\\_2022.pdf](https://assets.publishing.service.gov.uk/media/62d1643e8fa8f50bfbe55c/Searching_Screening_and_Confiscation_guidance_July_2022.pdf)

Searching without consent – What the law says:

*What can be searched for?*

The list of prohibited items is:

- knives and weapons;
- alcohol;
- illegal drugs;
- stolen items;
- any article that the member of staff reasonably suspects has been, or is likely to be used:
  - to commit an offence, or
  - to cause personal injury to, or damage to property of; any person(including the pupil).
- an article specified in regulations:<sup>3</sup>
  - tobacco and cigarette papers;<sup>4</sup>
  - fireworks; and
  - pornographic images.

*Can I search?*

Yes, if you are a Head Teacher or a member of school staff and authorised by the Head Teacher. But:

- You must be the same sex as the student being searched; and
- There must be a witness (also a staff member) and, if at all possible, they should be the same gender as the student being searched. For example, it is possible for a female teacher to witness a search of a male student where there is only one male member of staff in a school or taking part in a school trip.

*When can I search?*

- If you have reasonable grounds for suspecting that a student is in possession of a prohibited item.

The law also says what must be done with prohibited items which are seized following a search.

Items found as a result of a 'without consent' search – what the law says:

- A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item (that is a weapon/knife; alcohol; illegal drugs or stolen items) or is evidence in relation to an offence.
- Where a person conducting a search finds **alcohol**, they may retain or dispose of it.
- Where they find **controlled drugs**, these must be delivered to the police as soon

as possible unless there is a good reason not to do so – in which case the drugs must be disposed of.

- Where they find **other substances** which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.
- Where they find **stolen items**, these must be delivered to the police unless there is a good reason not to do so – in which case the stolen item should be returned to the owner. These stolen items may be retained or disposed of if returning them to their owner is not practicable.
- In determining what is a "good reason" for not delivering **Controlled drugs or stolen items** to the police the member of staff must have regard to guidance issued by the Secretary of State.

- Any **weapons or items which are evidence of an offence** must be passed to the police as soon as possible.

It is up to the senior manager in charge of pastoral matters to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police.

### **The power to discipline beyond the school gate**

Disciplining beyond the school gate covers the school's response to all non-criminal bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the school. This would include behaviour which damages the reputation of the school. The Governing Body must be satisfied that the measures proposed by the Head Teacher are lawful.

### **Confiscation**

There are occasions when staff need to confiscate items. These items should be given to the Head of Year or a member of the SLT for safekeeping and return.

Whilst the Education Act 2006 gives the power to confiscate items as a disciplinary sanction, as with other sanctions, the law requires that it must be applied in a reasonable and proportionate way.

At St Bernard's, confiscation of mobile devices, such as 'phones, ipods, tablets, laptops and music players and items which are not school uniform (for example jewellery) takes place if the student fails to respond to a request to adhere to school rules. (Appendix 3 – Guidance on Confiscation)

## **Appendix 7 - Guidance for Staff on Confiscation of Student Property ST BERNARD'S HIGH SCHOOL**



### **GUIDANCE FOR STAFF ON CONFISCATION OF STUDENT PROPERTY**

Confiscation is a sanction applied as part of the whole school behaviour policy. It has a range of legal implications and staff will need to follow this guidance to ensure they are acting at all times within the law.

#### **Reasons supported by law for staff to confiscate student property**

- an item poses a threat to good order for learning: for example, a mobile device (eg mobile phone; ipod; tablet) is used in lesson time against the instructions of the adults directing learning
- an item is against school uniform rules: for example, a student refuses to take off a baseball cap on entering a classroom
- an item poses a health or safety threat: for example, a student wearing large ornate rings in PE may present a safety threat to other students

#### **School procedure**

- The student should be asked to remove any item which is against school uniform rules. The item may be confiscated at the first time of asking, if the member of staff believes this will avoid further breaches of school uniform rules. This avoids several different members of staff dealing with what they believe to be a first breach of rules, when actually there have been or could be multiple breaches, but all with different members of staff.
- If the student repeatedly wears an inappropriate item; confiscation is the sanction.
- If students do not comply with staff requests to hand over the item/s then refusal to follow instructions should be dealt with according to the behaviour policy.

#### **Mobile Phones / tablets / laptops / ipods and other music players**

- If any of these items are being used during the school day without the direction of a teacher (with the exception of music players in Year 11 at lunchtime only and in form rooms), confiscation is the sanction.
- They must be collected by a parent/carer(s)/carer(s)/carer in line with code of conduct. (Found in student planners and attached to this document.)

## **Mobile Devices (information is also in school planner)**

As part of our ongoing process in reviewing our policies and procedures, St Bernard's High School will be changing the mobile phone policy in light of parental comments. These changes will be made in all relevant school policies and the planner which your daughter/son will be issued with.

### **First time**

If your daughter/son is found to be using their mobile phone in school or the phone is not switched off (for Sixth Form this would be outside the common room), the mobile phone will be kept until the end of the school day and a Head of Year detention will be issued with a letter sent home.

Your daughter/son will be able to collect their mobile phone from Reception at the end of the school day.

### **Second time (within the same term)**

If your daughter/son is found to be using their mobile phone in school or the phone is not switched off for a second time within the same term (for Sixth Form this would be outside the Common Room), the mobile phone will be kept for two school days and a formal detention will be issued with a letter sent home.

Your daughter/son will be able to collect their mobile phone from Reception at the end of the second day.

For example, if their mobile phone was confiscated on the Monday, they will be able to collect their mobile phone on Wednesday at the end of the school day.

If their mobile phone was confiscated on the Friday, your daughter/son would not be able to collect their phone until Monday at the end of the school day.

### **More than two times (within the same term)**

If your daughter/son is found to be using their mobile phone in school or it is not switched off more than two times within the same term (for Sixth Form this would be outside the common room), the mobile phone will be kept for one week and a letter will be sent home.

The parent/carer will have to collect the mobile phone from reception a week from when it was confiscated.

For example, if their mobile phone was confiscated on the Monday, the parent/carer will be able to collect their mobile phone the following Monday at the end of the school day from Reception.

If your daughter/son's mobile phone is to be kept for two days or the week, the school will send a message to you via school comms.

Form Tutors and Heads of Year will explain these changes to students, and I would be grateful if you could also share this information with your daughter/son and explain the importance of the rules being followed in school.

Thank you as always for your ongoing support.

## **Safeguarding**

Staff should take particular care when confiscating items of clothing or jewellery. In particular, they should have appropriate regard to whether the item in question has religious or cultural significance to the student and in order to safeguard themselves and the student they should avoid physical contact or interference with students' clothing of any kind.

In order to minimise risk, staff should ensure that if an item of clothing or jewellery is confiscated; this is done by a member of staff in the presence of another member of staff wherever possible.

Confiscation of any item that would leave the student only partly dressed must be avoided.

### **What to do with confiscated items**

By law students have a right to expect that confiscated items, especially those of monetary or emotional value, will be stored safely until they can be returned.

Confiscated items must be clearly labelled with the students name and the date of confiscation. They should be given to the staff at reception so that return at the end of the day or collection by parent/carer(s)/carer(s) can take place. Items of value can therefore be kept secure. If they are to be kept overnight the items will be stored in the school safe.

If a Head of Year wishes to return a confiscated item for disciplinary reasons the same procedures must be followed. Confiscated items must be labelled with the student's name and the date and a secure place for storage of the items must be arranged.

**There may be some more serious circumstances, although rare, when it is important to confiscate and refer the matter immediately.**

Other items for which confiscation is appropriate.

- an item which is counter to the ethos of the school: for example, material which might cause tension between one community and another
- an item which is illegal for a child to have: for example, racist or pornographic material
- an item poses a threat to others: for example, a laser pen is being used to distract and possibly harm other students or staff

**In all these cases the item should be confiscated and the matter referred to a member of SLT.**

**The member of SLT will decide which action is to be taken in accordance with the school's behaviour policy.**



## **Appendix 8 - Creating a Climate for good behaviour for Teaching and Learning – Guidance for Staff**

If guidance, structure and behaviour are consistent in lessons students will know their boundaries and so will you.

### **Classroom Expectations**

Ensure that your classroom is prepared by having the lesson objective and starter on the board. If this is what the students expect on arrival, the lesson should start smoothly.

Students arriving at different times will enter into calm, inviting working environment. There should be a seating plan in place for every teaching group.

Students will then prepare themselves to learn by taking out correct equipment

As students arrive greet them by name, taking every opportunity to recognise where an individual may need extra support. To ensure all students are focused and ready to learn staff may wish to consider focus orientation.

When appropriate, take the formal register – start the main body of your lesson by recapping on the previous lesson and then clearly explain the objectives, activities and outcomes that are expected of this lesson. Registers should be taken in every lesson.

Ensure that all students are catered for through differentiated tasks and that they understand these tasks clearly. Where students are successfully engaged, off task behavioural difficulties, inconsistencies should be dramatically reduced.

Encouragement, praise and empowering the student should be used whenever possible.

Assess and reward where appropriate making sure that all targets set are encouraging. Avoid the words “but” and “however” in summative comments. Use positive language always pointing out what they should be doing and not what they shouldn’t.

During the plenary use “Assessment for Learning” strategies when reviewing the objectives of the lesson.

When setting homework, support all students by making sure that they record it clearly in their Planners and that they understand the task.

In the unlikely event of a student having to leave your lesson make sure they have a note in their Planner.

Once students are packed away and standing behind chairs, finish your lesson with a positive comment.

Dismiss your students in the same manner as you greeted them by standing in the corridor, encourage them to keep to the right hand side (and one way system where applicable)

In exceptional circumstances, ensure that you send a student who may have been kept behind, with a note in their Planner to their following teacher. If a student does arrive late allow them to start work before dealing with the lateness.

Shouting is not supported as an effective method of student management.

Students displaying undesirable behaviour expect to be confronted. This often leads to more confrontation where a student may then feel that they have no way of backing down

and the situation can only escalate. Staff should model mutual respect and work on the principle that the student has made a mistake rather than they are a 'bad student'.

To counter this try:

- Doing the unexpected – stay calm and tactically ignore their behaviour. When the student is calm discuss and resolve the situation.
- Use non verbal messages
- Discreetly, at eye level, give the student choices as to where the situation can go. Always give them the opportunity to correct their behaviour.
- Offer positive alternatives to misbehaviour.

Remember:

Always tackle the behaviour and not the student

Provide opportunities for students to correct own behaviour

This guidance should be read in conjunction with the Teaching and Learning Policy.