21 – Behaviour Policy – Part B

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The following assessments have been completed in relation to this policy

Workload impact ✓ Equality impact ✓ Trust virtues ✓

Behaviour Policy

Part B: MITRE approaches to managing behaviour in schools

1 Prohibited items

- The following items are prohibited by law and their possession constitutes serious misbehaviour. These are:
  - Knives or weapons
  - Alcohol
  - Illegal drugs
  - Stolen items
  - Tobacco and cigarette papers
  - Fireworks
  - Pornographic images
  - Any article a staff member reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the pupil)

2 Searching, Screening and Confiscation

Where there is a need for searching, screening and confiscation, they are conducted in line with the DfE's latest guidance on searching, screening and confiscation.

2.1 Confiscation

Any prohibited items (listed in section B.1) found in a pupil's possession as a result of a search will be confiscated. These items will not be returned to the pupil.

We will also confiscate any item that is harmful or detrimental to school discipline. These items will be returned to pupils after discussion with senior leaders and parents, if appropriate.

2.2 Searching a pupil

Searches must only be carried out by a member of staff who has been authorised to do so by the Head Teacher, or by the Head Teacher themselves.

Subject to the exception below, the authorised member of staff carrying out the search will be of the same sex as the pupil, and there will be another member of staff present as a witness to the search.

An authorised member of staff of a different sex to the pupil can carry out a search without another member of staff as a witness if:

- The authorised member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; **and**
- In the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is the same sex as the pupil; **or**
- It is not reasonably practicable for the search to be carried out in the presence of another member of staff

When an authorised member of staff conducts a search without a witness, they should immediately report this to another member of staff and ensure a written record of the search is kept.

If the authorised member of staff considers a search to be necessary, but is not required urgently, they will seek the advice of the Head Teacher, designated safeguarding lead (or deputy) or pastoral

member of staff who may have more information about the pupil. During this time the pupil will be supervised and kept away from other pupils.

A search can be carried out if the authorised member of staff has reasonable grounds for suspecting that the pupil is in possession of a prohibited item or any item identified in the school rules for which a search can be made, or if the pupil has agreed.

An appropriate location for the search will be found. Where possible, this will be away from other pupils. The search will only take place on the school premises or where the member of staff has lawful control or charge of the pupil, for example on a school trip.

Before carrying out a search the authorised member of staff will:

- Assess whether there is an urgent need for a search
- Assess whether not doing the search would put other pupils or staff at risk
- Consider whether the search would pose a safeguarding risk to the pupil
- Explain to the pupil why they are being searched
- Explain to the pupil what a search entails – e.g. I will ask you to turn out your pockets and remove your scarf
- Explain how and where the search will be carried out
- Give the pupil the opportunity to ask questions
- Seek the pupil's co-operation

If the pupil refuses to agree to a search, the member of staff can give an appropriate behaviour sanction.

If they still refuse to co-operate, the member of staff will contact the Executive Head Teacher or Deputy Head Teacher, to try and determine why the pupil is refusing to comply.

The authorised member of staff will then decide whether to use reasonable force to search the pupil. This decision will be made on a case-by-case basis, taking into consideration whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder.

The authorised member of staff can use reasonable force to search for any prohibited items identified in section B.1. Reasonable force **must not be used** to search for items that are only identified in the school rules (i.e. items banned by the school but not prohibited by law).

The authorised member of staff may use a metal detector to assist with the search.

An authorised member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers.

Outer clothing includes:

- Any item of clothing that is not worn immediately over a garment that is being worn wholly next to the skin or being worn as underwear (e.g. a jumper or jacket being worn over a t-shirt)
- Hats, scarves, gloves, shoes, boots

Searching pupils' possessions

Possessions means any items that the pupil has or appears to have control of, including:

- Desks
- Lockers
- Bags

A pupil's possessions can be searched for any item if the pupil agrees to the search. If the pupil does not agree to the search, staff can still carry out a search for prohibited items (listed in section A) and items identified in the school rules.

An authorised member of staff can search a pupil's possessions when the pupil and another member of staff are present.

If there is a serious risk of harm if the search is not conducted immediately, or it is not reasonably practicable to summon another member of staff, the search can be carried out by a single authorised member of staff.

Informing the designated safeguarding lead (DSL)

The staff member who carried out the search should inform the DSL without delay:

- Of any incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item as listed in section B.1
- If they believe that a search has revealed a safeguarding risk

All searches for prohibited items (listed in section B.1), including incidents where no items were found, will be recorded in the school's safeguarding system.

Informing parents

Parents will always be informed of any search for a prohibited item (listed in section B.1). A member of staff will tell the parents as soon as is reasonably practicable:

- What happened
- What was found, if anything
- What has been confiscated, if anything
- What action the school has taken, including any sanctions that have been applied to their child

Support after a search

Irrespective of whether any items are found as the result of any search, the school will consider whether the pupil may be suffering or likely to suffer harm and whether any specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search).

If this is the case, staff will follow the school's safeguarding policy and speak to the designated safeguarding lead (DSL). The DSL will consider if pastoral support, early help intervention or a referral to children's social care is appropriate. \

2.3 Strip searches.

The authorised member of staff's power to search outlined above does not enable them to conduct a strip search (removing more than the outer clothing) and strip searches on school premises shall only be carried out by police officers in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C.

Before calling the police into school, staff will assess and balance the risk of a potential strip search on the pupil's mental and physical wellbeing and the risk of not recovering the suspected item.

Staff will consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and will always ensure that other appropriate, less invasive approaches have been exhausted first.

Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them. The school will advocate for the safety and wellbeing of the pupil(s) involved. Staff retain a duty of care to the pupil involved and should advocate for pupil wellbeing at all times.

Communication and record-keeping

Where reasonably possible and unless there is an immediate risk of harm, staff will contact at least 1 of the pupil's parents to inform them that the police are going to strip search the pupil before strip search

takes place and ask them if they would like to come into school to act as the pupil's appropriate adult. If the school can't get in touch with the parents, or they aren't able to come into school to act as the appropriate adult, a member of staff can act as the appropriate adult (see below for the role of the appropriate adult).

The pupil's parents will always be informed by a staff member once a strip search has taken place. The school will keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

Who will be present

For any strip search that involves exposure of intimate body parts, there will be at least 2 people present other than the pupil, except in urgent cases where there is risk of serious harm to the pupil or others.

One of these must be the appropriate adult, except if:

- The pupil explicitly states in the presence of an appropriate adult that they do not want an appropriate adult to be present during the search, **and**
- The appropriate adult agrees

If this is the case, a record will be made of the pupil's decision, and it will be signed by the appropriate adult.

No more than 2 people other than the pupil and appropriate adult will be present, except in the most exceptional circumstances.

The appropriate adult will:

- Act to safeguard the rights, entitlement and welfare of the pupil
- Not be a police officer or otherwise associated with the police
- Not be the Head Teacher
- Be of the same sex as the pupil, unless the pupil specifically requests an adult who is not of the same sex

Except for an appropriate adult of a different sex if the pupil specifically requests it, no one of a different sex will be permitted to be present and the search will not be carried out anywhere where the pupil could be seen by anyone else.

Care after a strip search

After any strip search, the pupil will be given appropriate support, irrespective of whether any suspected item is found. The pupil will also be given the opportunity to express their views about the strip search and the events surrounding it.

As with other searches, the school will consider whether the pupil may be suffering or likely to suffer harm and whether any further specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search).

Staff will follow the school's safeguarding policy and speak to the designated safeguarding lead (DSL). The DSL will consider if, in addition to pastoral support, an early help intervention or a referral to children's social care is appropriate.

Any pupil(s) who have been strip searched more than once and/or groups of pupils who may be more likely to be subject to strip searching will be given particular consideration, and staff will consider any preventative approaches that can be taken.

2.4 Screening

Kingsway Primary School does not screen pupils.

3 Child on child abuse, sexual harassment and sexual violence

The school will ensure that all incidents of sexual harassment and/or violence are met with a suitable response, and never ignored.

Pupils are encouraged to report anything that makes them uncomfortable, no matter how 'small' they feel it might be.

The school's response will be:

- Proportionate
- Considered
- Supportive
- Decided on a case-by-case basis

The school has procedures in place to respond to any allegations or concerns regarding a child's safety or wellbeing. These include clear processes for:

- Responding to a report
- Carrying out risk assessments, where appropriate, to help determine whether to:
    - Manage the incident internally
    - Refer to early help
    - Refer to children's social care
    - Report to the police

Please refer to section 7.7-7.10 of our Child Protection and Safeguarding Policy, and the Child on Child Abuse Policy, for more information.

4 Malicious allegations

Where a pupil makes an allegation against a member of staff and that allegation is shown to have been deliberately invented or malicious, the school will consider whether to discipline the pupil in accordance with this policy.

Where a pupil makes an allegation of sexual violence or sexual harassment against another pupil and that allegation is shown to have been deliberately invented or malicious, the school will consider whether to discipline the pupil in accordance with this policy.

In all cases where an allegation is determined to be unsubstantiated, unfounded, false or malicious, the school (in collaboration with the local authority designated officer (LADO), where relevant) will consider whether the pupil who made the allegation is in need of help, or the allegation may have been a cry for help. If so, a referral to children's social care may be appropriate.

The school will also consider the pastoral needs of staff and pupils accused of misconduct.

Please refer to our child protection and safeguarding policy for more information on responding to allegations of abuse against staff or other pupils.

5 Suspensions and Exclusions

5.1 Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

5.2 Aims

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

All MITRE schools will:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, trustees, staff, parents and pupils understand the exclusions process
- Ensure that pupils in school are safe and happy
- Ensure all suspensions and permanent exclusions are carried out lawfully
- Aim to prevent pupils from becoming NEET (not in education, employment or training)

5.3 A note on off-rolling

All MITRE schools are aware that off-rolling is unlawful. Ofsted defines off-rolling as:

> "The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school
- By pressuring parents to agree to a managed move that is not in the pupil's best interests (see Section 5.9)

5.4 Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement.

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
- The Equality Act 2010
- Children and Families Act 2014

5.5 Deciding whether to suspend or exclude

Only the Head Teacher, or acting Head Teacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Head Teacher must only use permanent exclusion as a last resort. Before making a decision to permanently exclude, the Head Teacher must consult with and seek agreement from the Chief Executive Officer (or their designated representative).

A decision to suspend or exclude a pupil must be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a pupil, the Head Teacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable - e.g. the pupil has a social worker, or is a looked-after child (see the Child Protection and Safeguarding Policy for definitions and procedures)
- Consider whether all alternative solutions have been explored, such as internal suspension, off-site direction or managed moves

The Head Teacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The Head Teacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

5.6 Conducting suspensions and exclusions

The processes used by each MITRE school and the trust as a whole in suspension or exclusion of a pupil will follow the statutory guidance from the DfE: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement.

The statutory guidance relates to:

- Informing parties about a suspension or exclusion
- Providing or arranging education
- Monitoring suspensions and exclusions
- Considering reinstatement
- Independent review
- Amending registers
- Reintegration following suspension

Schools must pay particular attention to the reintegration requirements following suspension (see section 5.10 of this policy).

Each school must ensure they follow the specific timescales, notification requirements, and procedural steps set out in the statutory guidance. Schools must maintain detailed records of all suspensions and exclusions.

5.7 Independent Review Panel (IRP)

If the Local Governing Body decides not to reinstate an excluded pupil during an exclusion hearing, parents or carers can apply for an IRP to consider whether the decision was lawful, reasonable and procedurally fair. To do so, the parent or carer must:

- Request an IRP hearing within 15 school days of them receiving written notification of the Local Governing Body's decision not to reinstate a permanently excluded pupil. The notification of the Local Governing Body's decision must include the date by which an application for review must be made
- Make the request formally in writing
- Provide the reasons for the application for an IRP, outlining the way(s) in which they believe the decision of the Local Governing Body was not lawful, reasonable and/or procedurally fair

Schools must make reasonable allowances for parents or carers for whom communication in writing would be a barrier, offering support where required.

5.8 Internal Suspensions

An internal suspension is when a pupil is removed from their usual classroom for a short period but remains in school to work in a separate, supervised space.

Internal suspensions may be used when a pupil's behaviour is disruptive or escalating but does not meet the threshold for an external suspension (sending the pupil home).

Internal suspensions do not replace external suspensions. The Head Teacher retains the authority to decide when a pupil needs to be suspended from school or permanently excluded.

5.9 Off-Site Direction and Managed Moves

Off-Site Direction

Off-site direction is when a pupil is required to attend another education setting temporarily to improve their behaviour. This is a time-limited placement. During off-site direction:

- The pupil must be dual registered (using code D). When a pupil is dual registered during off-site direction;
  - Both the main school and the alternative provision share responsibility for attendance
  - The main school must maintain oversight and follow up on any attendance concerns
  - If poor attendance persists, the school must refer the case to the LA for further action
- The placement must be kept under regular review by the governing board
- The pupil may attend alternative provision part-time with continued mainstream schooling, or full-time for a limited period
- An off-site direction could lead to a permanent managed move if that's in the pupil's best interests

Off-Site direction is authorised by the Executive Head Teacher and a record will be kept of consultation conducted and the decision-making process.

Managed Moves

A managed move is used to initiate a process leading to a permanent transfer of a pupil to another mainstream school, as part of a behaviour management process. Managed moves must be:

- Done strictly in the pupil's best interest
- Voluntary and agreed by all parties involved (both schools, the relevant admission authority, and the pupil's parents/carers)
- Offered as part of a planned intervention
- Preceded by information-sharing between schools and supported by an effective integration strategy

Parents/carers must not feel pressured into accepting a managed move. **Doing so is considered off-rolling and is unlawful.**

A managed move cannot 'fail' and the pupil cannot routinely return to the original school once the managed move process is complete. The law does not allow for 'trial admissions' or 'trial managed moves.' Once a pupil has been admitted to a school following a managed move, they may only be deleted from the admission register in limited circumstances.

On the first day the move becomes permanent, the new school:

- Must add the pupil to the admission register (the school roll) and the attendance register
- Should check that the pupil has been removed from the school roll at the previous school

Both schools must inform their LA admissions team of the change.

Managed Moves are authorised by the Executive Head Teacher and a record will be kept of consultation conducted and the decision-making process.

5.10 Reintegration Following Suspension

Following a suspension, schools must support the pupil's successful reintegration back into school life. Schools must:

- Hold a reintegration meeting with the pupil (and their parents/carers where appropriate) following any suspension
- Use this meeting to:
  - Discuss what has been learned and how similar situations will be avoided in future
  - Identify any additional support the pupil may need
  - Set clear expectations for behaviour moving forward
  - Consider whether a behaviour plan or other support is needed

6 Mobile phones and Personal Electronic Devices

This section of the policy aligns with the DfE's non-statutory guidance on Mobile phones in schools.

Primary Schools

The school operates as a mobile phone-free environment. Mobile phones and other personal electronic devices are not required for learning in primary school settings and can present risks to pupils' wellbeing, behaviour and safeguarding.

Pupils are strongly discouraged from bringing mobile phones or smart devices onto the school site. Some older primary age pupils may have access to a mobile phone (for example, for safety when travelling to and from school independently), but the device must remain switched off and out of sight at all times during the school day. This includes during lessons, breaktimes, lunchtime, assemblies, school trips and extracurricular activities.

Any breach of this policy will be treated as a breach of the Behaviour Policy. Appropriate sanctions will be applied in line with the school's behaviour procedures, which may include confiscation of the device and communication with parents or carers.

The school will support pupils in understanding the reasons for being a mobile phone-free environment, including the benefits for learning, concentration, positive social interaction and safeguarding.

Mobile phones must not be used to contact parents or carers during the school day. In cases of illness or emergency, pupils must speak to a member of staff, who will ensure that contact with home is made where appropriate. If parents or carers need to communicate with their child during the school day they should contact the school office by email or telephone, and a message will be passed on to the pupil where appropriate.

Where parents or carers believe that there are exceptional circumstances that require their child to be able to access a mobile phone during the school day, such as for medical reasons or as a reasonable adjustment for a pupil with special educational needs, this should be agreed with the school. In such cases, exemptions may be agreed for use of a mobile phone for specific purposes, rather than for general use.

7 Monitoring and evaluating behaviour policy and practice

7.1 School monitoring of behaviour

The school will collect data on the following:

- Behavioural incidents, including removal from the classroom and internal suspensions
- Attendance, permanent exclusion and external suspension
- Use of pupil support units, off-site directions and managed moves
- Incidents of searching, screening and confiscation
- Anonymous surveys for staff, pupils, governors, trustees and other stakeholders on their perceptions and experiences of the school behaviour culture

Schools must analyse this data at least termly. The trust will review aggregated behaviour data from all schools annually. The data will be analysed every term by the Deputy Head Teacher.

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- At the level of individual members of staff
- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any trends or disparities between groups of pupils are identified by this analysis, the school will review its policies to tackle it.

7.2 Monitoring this policy

Section A of the Behaviour Policy will be reviewed by the Head Teacher and the Local Governing Body at least every two years, or more frequently, if needed, to address findings from the regular monitoring of the behaviour data (as per section 7.1).

Section B of the Behaviour Policy will be reviewed by the MITRE Standards and Effectiveness Committee every two years, or more frequently, if needed, to address findings from schools.

8 Legal Duties

Each MITRE school and the trust as a whole recognise their legal duties under the Equality Act 2010, and in terms of safeguarding and supporting pupils with special educational needs (SEN).

It therefore recognises that some pupils require a more sensitive and differentiated approach and that we must ensure that the behaviour policy does not unintentionally discriminate against certain groups.

The school will record and monitor behaviour incidents, looking for patterns, so that we can make sure particular groups are not more affected by the policy than other groups. The trust will review behaviour data across all schools annually to identify any trust-wide patterns or disparities. Where patterns are identified that suggest the policy may be having a disproportionate impact on pupils with protected characteristics, the trust will:

- Investigate the underlying causes
- Provide additional training and support to schools
- Review and amend Part B of this policy if necessary
- Share good practice across the trust

This policy complies with our funding agreement and articles of association.