



Student Conduct Policy

February 2020

Main Aims of Policy:

1. To require that the School's policies should reflect the highest moral standards, and in particular will not tolerate any type of bullying or other anti-social behaviour
2. To charge the Headteacher devising and reviewing periodically a positive and constructive approach to behaviour that will:
 - Promote self-discipline and proper regard for authority among students;
 - Encourage good behaviour and respect for others, and prevent all forms of bullying among students including the use of social media;
 - Ensure students standards of behaviour is acceptable; and
 - Regulate students' conduct.

Main points of the Policy:

1. The School sets high standards of behaviour and endeavour to encourage good habits of work and behaviour from the moment a child enters the school.
2. All staff are expected to promote self-discipline amongst students and to deal appropriately with any unacceptable behaviour.
3. Wherever possible staff should use the reward systems, including House Points, to encourage good behaviour.
4. Punctual attendance at school and lessons is required.
5. All absence must be explained and unexplained absence will be followed up by Pastoral Support Officer (PSO) with administrative support.
6. The School has a number of programmes and techniques for supporting behaviour management.

Governing Body Statement of General Principles

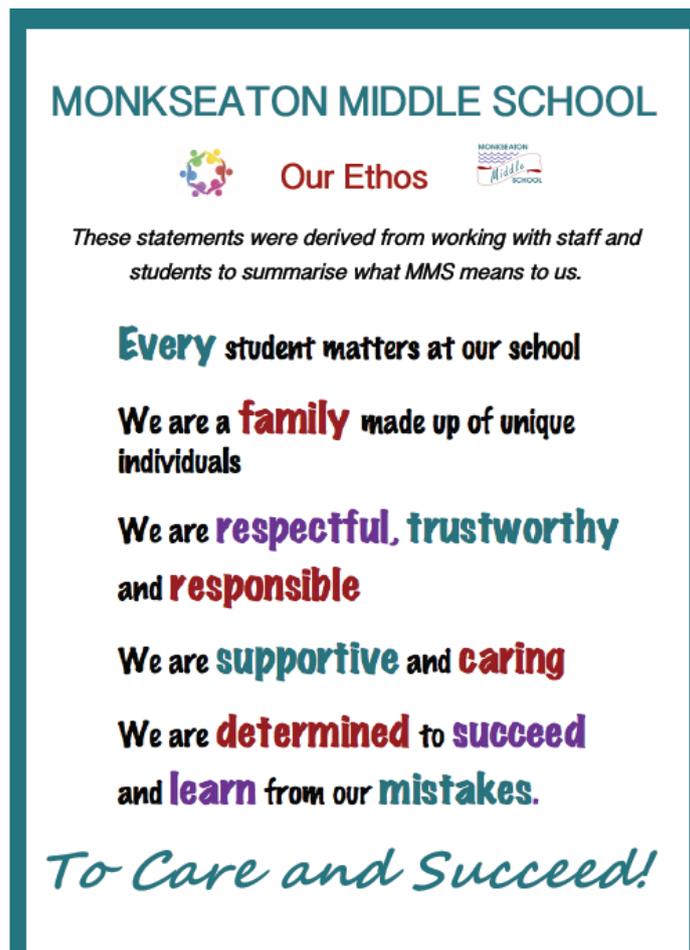
1. General

The Governing Body is charged with the duty to set the framework of the School's policy by providing a written statement of general principles relating to discipline, taking into account the needs of all students. Before any major changes are made to practice in this area, the Governing Body will consult the Headteacher and parents of students at the School. It will be reviewed once every three years, or earlier if necessary.

The Governors also expect the views of students to be taken into account when the Headteacher draws up and reviews the school expectations.

2. School Ethos

The Governors support the school ethos, which was written by children and staff and summarises our approach:



3. The School's Moral Code

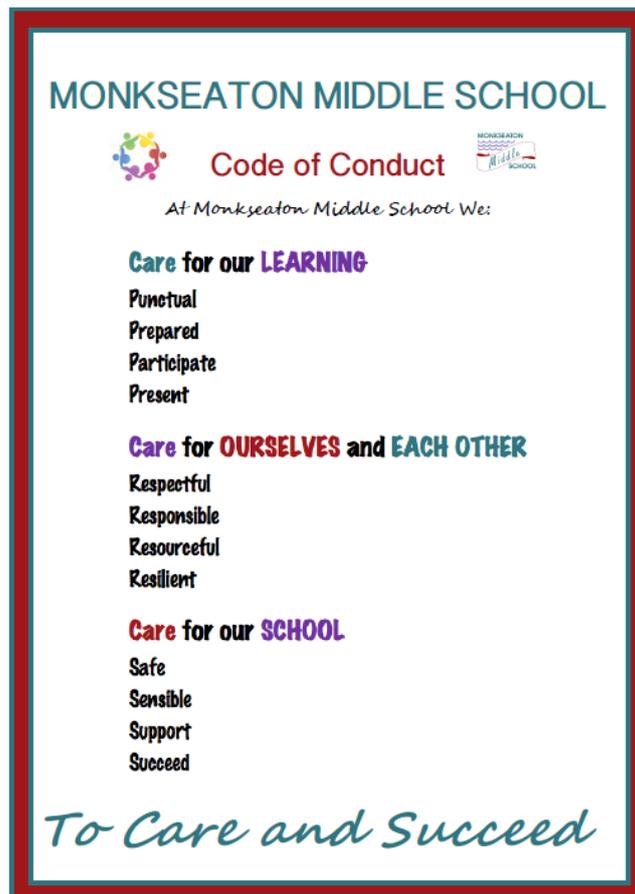
The Governors' require that the School's policies should reflect the highest moral standards, and in particular they will not tolerate bullying or other anti-social behaviour. The Governors expect the School's procedures to acknowledge that problems are likely to have underlying causes which the School should take account of, and do its best to counter.

4. Rules of Conduct

The Headteacher, SLT and Pastoral Guidance Lead will review periodically a positive and constructive set of School procedures that will:

- promote self-discipline and proper regard for authority among students;
- encourage good behaviour and respect for others, and prevent all forms of bullying among students;
- ensure students standards of behaviour is acceptable; and
- regulate students' conduct.

The summary of our school expectations can be found in our Code of Conduct, which was written by staff and students and is supported by Governors.



5. Rewards and Sanctions

The school places significant emphasis on Rewards and uses House Points (prominently displayed in classrooms) and Golden Postcards to recognise achievements in children. House Points are collected and used to 'purchase' reward items from the House Point Shop. The management of the HP system is the responsibility for Form Tutors and helps to support a positive focus in school, where the correct learner behaviours, attitudes and behaviours for learning are rewarded, along with recognition of children who work within the school Ethors and/or Code of Conduct.

None of the School's sanctions must be degrading or humiliating.

The Governors expect all rewards and sanctions to be applied fairly and consistently. The Governing Body has formally agreed that the following sanctions may be used in the School in appropriate cases:

- (a) completion of work at home or extra work (in School or at home);
- (b) carrying out useful tasks to help the School;
- (c) detention (in School hours or outside School hours, bearing in mind the legislative restrictions on detention.)
- (d) removal from the group/class or particular lesson;
- (e) Revocation of access to ICT equipment and/or use of the internet;
- (f) withdrawal of break or lunchtime privileges;
- (g) withholding participation in educational visits or sports events which are not essential to the curriculum; and
- (h) fixed-term and permanent exclusion.

Staff have delegated responsibility for imposing the sanctions (a) to (g) within the agreed protocol/policy. Decisions regarding exclusion lie with the Headteacher and Senior Leadership.

All paid members of staff are authorised to give sanctions (disciplinary penalties). The Headteacher has the discretion to determine whether to withdraw the authorisation from individual or classes of staff in accordance with the provisions of the EIA2006.

The Headteacher has the responsibility for authorising unpaid staff to give sanctions to students.

7. Disability

Where the misbehaviour of children is related to a mental or physical disability, the Governors expect that the Headteacher will make reasonable adjustments to enable those children to be included within the school community.

These will include:

- Ensuring that staff have had training in the nature of disabilities, and how they should treat children with disabilities;
- Ensuring that staff are aware of any children with such disabilities;
- Ensuring that help is sought from appropriate external support to enable the School to make reasonable adjustments;
- Ensuring that School resources are committed to assist in making reasonable adjustments; and
- Making reasonable adjustments to School organisation or of the timetable for particular children.

8. Responsibilities of the Headteacher

The Headteacher's role is to determine the detail of the standard of behaviour acceptable to the School, to the extent that this has not been determined by the Governing Body. The Headteacher has the day-to-day responsibility for maintaining discipline in the School, which will include making rules and provision for enforcing them.

Student Conduct Policy

1. General

This policy puts into effect the Governing Body statement above.

2. Responsibilities

The Headteacher

The Headteacher's role is to determine the detail of the standard of behaviour acceptable to the School, to the extent that this has not been determined by the Governing Body. The Headteacher, Senior Leadership Team and staff have day-to-day responsibility for maintaining discipline in the School.

The Headteacher has to:

- Promote self discipline and proper regard for authority among students;
- Encourage good behaviour and respect for others, and to prevent all forms of bullying among students including online bullying;
- Secure that the standard of behaviour is acceptable; and
- Otherwise regulate the conduct of students.

The Senior Leadership Team will lead all staff to promote good behaviour. All staff are expected to encourage good behaviour and respect for others in students, and to apply all rewards and

sanctions fairly and consistently. Well-planned, interesting and demanding lessons make a major contribution to good discipline. Subject Leaders are charged with using their best endeavours to ensure that programmes of study and the methodology used in the school are well thought out and of a consistently high standard.

3. Standards of Behaviour

The School will set high standards of behaviour and endeavour to encourage good habits of work and behaviour from the moment a child enters the School. All members of staff are expected to promote self-discipline amongst students and to deal appropriately with any unacceptable behaviour.

Punctual attendance at School and at all lessons is required. All absence must be explained and unexplained absence will be followed up by the relevant staff.

It is understood that there will be variations in staff acceptance and tolerance of students' behaviour in class depending on the nature of the class and content of the lesson, but behaviour which does not allow constructive teaching and learning is totally unacceptable and all staff must ensure that such behaviour is not tolerated.

Through regular discussions with staff and students we shall endeavour to ensure that staff apply all standards consistently and fairly.

4. Searching Students

See Appendix A for Guidance on Searching, screening and confiscation (based on DFE advice) and Appendix B for guidance on Drugs, Alcohol & Research Chemicals.

5. Rewards

Staff should use the reward systems, including the use of House Points and Golden Postcards, to encourage good individual and class behaviour. Rewards provide a range of opportunities for students to excel and demonstrate good behaviour for learning.

6. Support Systems

The School has a number of programmes and techniques for supporting behaviour management. This will be subject to periodic review.

7. Sanctions

All paid members of staff have a statutory authority to give sanctions (disciplinary penalties). The Headteacher has the discretion to determine whether to withdraw the authorisation from individual or classes of staff in exceptional cases.

The Headteacher has the responsibility for authorising unpaid staff to give sanctions to students.

It is the School's policy that sanctions should be applied when rewards have failed, or where it is necessary in the circumstances to show appropriate disapproval. All staff must seek to ensure that punishments are proportionate to the offence, and should enable students to make reparation where possible. As far as possible, the sanction applied should be as constructive as possible.

The sanctions allowed by the Governing Body are:

- Completion of work at home or extra work (in School or at home)
- Carrying out useful tasks to help the School
- Detention (in School hours or outside School hours, bearing in mind the legislative restrictions on detention)

- Removal from the group/class or particular lesson
- Withdrawal of break or lunchtime privilege
- Withholding participation in educational visits or sports events which are not essential to the curriculum
- Removal of privileges to use the internet and/or ICT equipment
- Fixed-term and permanent exclusion

8. Involvement of Parents / carers

Parents / carers will be involved in discipline cases as appropriate. The school will work in partnership with families to set high expectations for all students. Individual staff should not involve parents without discussing the issue with the Pastoral Guidance Lead and SENDCo. Parents / carers are also encouraged to support good behaviour and positive habits in their children through the School Planner, the website and at parent meetings.

9. Involvement of Staff

The working of the School's policies and procedures will be discussed as appropriate at staff meetings. Staff will also be involved in discussions with students in Form Group time.

Staff will also be called upon from time to time to identify problems that may be behind any behaviour that falls below the expected standard, and to suggest possible courses of action.

Training in behaviour management will be provided from time to time, SLT will assess staff training needs and build appropriate training into CPD plans; this may be bespoke or for whole groups of staff. Specific opportunities are provided regularly to discuss and learn about effective management of student behaviour.

10. Involvement of Students

Staff should be aware that Article 12 of the UN Convention on the Rights of the Child allows children who are capable of forming views the right to express those views. The government's Circular 10/99 also suggests that students can help to reinforce behaviour policies by contributing to them.

The students will be involved in reviewing the School's anti-bullying policies and procedures from time to time and in the School's programmes to reinforce self-discipline and positive work and behaviour patterns. Discussions in Form Group time and lessons will inform the deliberations of the School Council.

In particular the SENDCo and team will ensure that the needs of SEND students are properly taken into account, and their participation in the consultation process is assured. All pastoral and LSA staff will understand and be responsive to the particular groups within the school (eg LAC, students with SEND, Disadvantaged students, Young carers etc)

11. Consultation

The Headteacher will seek the widest possible agreement for this policy, and will report key outcomes regularly to the Governing Body.

12. Equal Opportunities

All rewards and sanctions must be applied fairly and consistently and in accordance with the School's equal opportunities and anti-discrimination policies.

13. Publication

The Headteacher will publicise the procedures through the school's contract and other information in the planner or other appropriate means at least once per year to students, parents and staff. It will also be made accessible to parents whose first language is not English as appropriate.

Guidance on Searching, Screening and Confiscation – based on DFE advice (issued Feb 2014)

Searching

School staff can search a student for any item if the student agrees. The ability to give consent may be influenced by the child's age or other factors. Headteachers and staff authorised by them have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student may have a prohibited item. Prohibited items include:

- knives or weapons
- alcohol
- drugs or similar substances
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or
- to cause personal injury to, or damage to the property of, any person (including the student).

Headteachers and authorised staff can also search for any item banned by the school rules which has been identified as an item which may be searched for.

Schools are not required to have formal written consent from the student for this sort of search – it is enough for the teacher to ask the student to turn out his or her pockets or if the teacher can look in the student's bag or locker and for the student to agree.

If a member of staff suspects a student has a banned item in his/her possession, they can instruct the student to turn out his or her pockets or bag and if the student refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy. This may include involving the Police if deemed necessary to ensure the safety of staff or students.

A student refusing to co-operate with such a search raises the same kind of issues as where a student refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate disciplinary penalty.

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 sex as the student being searched. There is a limited exception to this rule. You can carry out a search of a student of the opposite sex to you and without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

Teachers can only undertake a search without consent if they have reasonable grounds for suspecting that a student may have in his or her possession a prohibited item. The teacher must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other students talking about the item or they might notice a student behaving in a way that causes them to be suspicious.

The powers allow school staff to search regardless of whether the student is found after the search to have that item. This includes circumstances where staff suspect a student of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.

Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on school trips in England or in training settings.

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

A student's possessions can only be searched in the presence of the student and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, 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. Such force cannot be used to search for items banned under the school rules.

Under article 8 of the European Convention on Human Rights students have a right to respect for their private life. In the context of these particular powers, this means that students have the right to expect a reasonable level of personal privacy.

The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school (or any public body) must be justified and proportionate.

The powers to search in the Education Act 1996 are compatible with Article 8. A school exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8. This advice will assist schools in deciding how to exercise the searching powers in a lawful way.

Screening

Schools can require students to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the students.

If a student refuses to be screened, the school may refuse to have the student on the premises. If a student fails to comply, and the school does not let the student in, the school has not excluded the student and the student's absence should be treated as unauthorised. The student should comply with the rules and attend.

Confiscation

School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.

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

The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is thought to be a weapon it must be passed to the police.

A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

Where a person conducting a search finds alcohol, they may retain or dispose of it. This means that schools can dispose of **alcohol** as they think appropriate but this should not include returning it to the student.

Where they find **controlled drugs**, these must be delivered to the police as soon as possible but may be disposed of if the person thinks there is a good reason to do so.

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 as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so.

Where a member of staff finds **tobacco or cigarette papers** they may retain or dispose of them. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the student.

Fireworks found as a result of a search may be retained or disposed of but should not be returned to the student.

If a member of staff finds a **pornographic image**, they may dispose of the image unless its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police.

Where an **article that has been (or could be) used to commit an offence or to cause personal injury or damage to property** is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of.

Where a member of staff finds **an item which is banned under the school rules** they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.

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

Statutory guidance on the disposal of controlled drugs and stolen items

It is up to teachers to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police. 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 the following guidance issued by the Secretary of State:

In determining what is a 'good reason' for not delivering controlled drugs or stolen items to the police, the member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.

Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such.

With regard to stolen items, it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases. However, school staff may judge it appropriate to contact the police if the items are valuable (iPods/laptops) or illegal (alcohol/fireworks).

Where the person conducting the search finds an electronic device they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

If inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

Telling parents and dealing with complaints

Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

Schools are not required to inform parents before a search takes place or to seek their consent to search their child.

There is no legal requirement to make or keep a record of a search, however, as a school, it is deemed good practise to do so and this would be recorded by the Pastoral Guidance Lead and SENDCo.

Schools should inform the individual student's parents or guardians where alcohol, drugs or potentially harmful substances are found, though there is no legal requirement to do so.

Complaints about screening or searching should be dealt with through the normal school complaints procedure.

Further sources of information

- Use of Reasonable Force – advice for Headteachers, staff and governing bodies Behaviour and Discipline in Schools
- Behaviour and Discipline in Schools – advice for Head teachers and school staff
- Information Commissioner for advice on the Data Protection Act
- The Education Act 1996
- Education and Inspections Act 2006
- Education (Independent School Standards) (England) Regulations 2010
- The Schools (Specification and Disposal of Articles) Regulations 2012
- School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012

- Health and Safety at Work etc Act 1974

Guidance on Drugs, Alcohol & Research Chemicals

Monkseaton Middle School is committed to the health and safety of its staff and students and will take action to safeguard their wellbeing. In this context, the misuse of tobacco, alcohol, solvents and drugs is unacceptable, as is the illegal supply of these substances. The below outlines how the school will tackle issues related to substance use and misuse. This should be read in conjunction with the school conduct policy.

Note that there is a procedure to follow where students, who have been prescribed drugs for medical purposes, have to take these while in school.

Statement of Policy regarding Substance Use and Misuse

- An assembly and PSHE programme is in place, designed to inform all students of the risks and potential consequences of the use and misuse of substances, including drugs, tobacco, alcohol, solvents and “legal highs” or research chemicals.
- Students must not bring, use, or be under the influence of drugs, alcohol or solvents, or have in their possession illegal drugs, tobacco, alcohol or solvents, at any time on the school premises.
- The use or possession of illegal substances is a criminal activity. The school will inform parents and the police on all occasions when it suspects any use, possession or exchange of illegal substances on school premises.
- Because of the criminality of the offence, the school will also inform parents and the police if it knows or suspects students of possession, selling or using illegal substances outside school premises.
- Teachers and support staff cannot offer any guarantee of confidentiality to students who reveal information related to illegal substances.
- The school will exercise the right to search bags, and to ask students to turn out their pockets, shoes etc. Two members of staff will usually be present in such a situation. No physical search of students will take place by school staff.
- If a student is found to be using illegal substances, then the school will seek to make available to parents, information about sources of advice and support. Continuance at school may be conditional on evidence that this support is being taken up.
- To enforce this policy, the Headteacher will employ a range of sanctions consistent with the student conduct policy, which could include exclusion from school.