



Behaviour, Rewards & Consequences Policy

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Context

Walsall Studio School is a harmonious community in which all students strive to fulfil their potential. We pride ourselves on having a specialist curriculum that develops young professionals who possess the knowledge, skills and behaviours required to be successful, well-educated and rounded individuals, ready to take their place in the world.

Expectations of a Walsall Studio School student

Professional mind-set and behaviours

'A transformational journey from school student to young creative professional'

Our *Student Charter* in conjunction with the *Behaviour Policy* clearly outlines the high expectations set by staff at Walsall Studio School. Both documents outline the expectation for young people to explore and express their character and build the skills they need to become resilient, empathetic and employable.

The Studio School has always maintained a professional environment in which expectations are set prior to students starting their educational journey with us. Form Tutors and Pastoral Leaders play a pivotal role in this process, ensuring that all stakeholders, including parents are fully informed of the school's expectations and policies. This level of transparency ensures a cohesive relation between parents, students and staff.

Our staff are committed to excellence, aiming to achieve a spirit of trust and cooperation, therefore we expect the highest values and standards of behaviour inside and outside the classroom. We expect students to treat staff and each other with respect, consideration and good manners as well as to respond positively to the opportunities and demands of school life.

Relationships Matter

'A focus on positive and professional relationships'

There is an intrinsic expectation that all students maintain professional relationships with staff, their peers and the wider community. A student's emotional intelligence and personal development is a strong feature throughout this school. Every child has access to a member of the pastoral team and has regular meetings in order to ensure students have the necessary tools to cope with the rigours and challenges of adolescence as well as maintaining a healthy frame of mind. We also endeavour to ensure that students' behaviour with their peers are always professional and this includes ensuring elements of peer on peer abuse are discussed both in Tutor time and PSHE lesson. Please refer to the *RSE policy* for further details.

Behaviours We Value

'It's a kind of MAGIC!'

Staff at Walsall Studio School put a positive focus on teaching (and rewarding) learning behaviours to reduce the need to manage poor behaviour.

We have chosen the following characteristics as they encourage students to attain the ability to remain motivated by long-term goals, to see a link between effort in the present and payoff

in the longer-term, overcoming and persevering through, and learning from, setbacks when encountered.

- ✓ **Motivation** – we encourage our students to strive and be ambitious in all areas of their school life, therefore fulfilling their potential and becoming positive role models for other students
- ✓ **Aspiration**- we encourage students to have a strong sense of self-belief in order to set themselves achievable goals that make them productive members of society
- ✓ **Grit**- we expect students to show resilience and determination, demonstrating independence and self-challenge in all areas of their lives
- ✓ **Independence**- we encourage students to self-regulate and show a sense of independence both in the classroom and within our school community
- ✓ **Collaboration**- we encourage the development of professional relationships between students, other schools and the wider community

Students are actively encouraged to collaborate across subjects and key stages, to work with both industry experts, as well as returning students, this approach keeps students motivated, inspired and maintains the school's ethos of collaboration.

Developing the right learning behaviours is an ongoing focus for all teachers at Walsall Studio School, this regularly involves teachers; reflecting on their own approach, trying a new approach, and reviewing impact of approaches over time.

Studio School Culture

There will be times when students will choose not to follow the standards and expectations set by our community. As a result, Walsall Studio School employs a “3 strikes” and a five – stage sanctions system in order to ensure behaviour is dealt with coherently and consistently across the school. Students are encouraged to reflect on their behaviours and the impact this has on their peers and the wider community. We believe that every behaviour is a communication and both staff and students are able to work together to find common ground in order to achieve positive learning behaviours and conduct.

We have established a culture of reward and celebration to encourage strong self-belief and high motivation. We do not reward expected behaviours but rather the students that are consistently good and make a concerted effort in all that they do. We encourage students to understand that learning is a reward in itself and this will hold them in good stead in all spheres of life.

All students belong to a house that is dependent on their vocational specialism. Trinity, Aston and Salford represent three of our main specialisms in Performing Arts, Business and Media. The house system complements our community where students are expected to lead and to serve.

Working in Partnership

Walsall Studio School takes a 'right help, right time' approach to ensure proactive and preventative strategies to managing behaviour. We ensure a constant dialogue between parents/ carers and other agencies to gain a fuller understanding of a student's context and effective strategies to support. This process is initiated prior to the student starting at the Studio School as it is our belief that parental engagement forms a cornerstone to every child's learning journey.

It is our view that the school and parents have a shared priority to deliver the best outcomes for their children. Student behaviour has multiple influences, some of which teachers can manage directly but others are a result of factors outside of the direct influence of the school. It is the intention of the school to include these causal factors if sanctions must be applied.

Whilst consistency and coherence at a whole-school level is key to the effective management of behaviour, Walsall Studio School recognises the need to co-ordinate targeted alternative approaches to meet the needs of individuals within the school. As a result, we have several agencies/organisations that are linked to the school, who provide a bespoke in-house service. Services that are regularly used by Walsall Studio School include:

The Gap: Head Space programme

An organisation that works with students who may have challenges with their mental health and wellbeing. Each student will meet with a head space worker for 6-12 weeks on a range of challenges that young people may face, empowering them to improve their own mental health with strategies established during the sessions.

WPH Counselling Walsall

WPH is a charitable organisation funded primarily by Walsall NHS Clinical Commissioning Group. It is a free service to all students within the Walsall area. They are a general counselling service and educational service. They offer 1:1 counselling and family counselling with sessions lasting as long as required for the individual thereby providing a personalised service.

CAMHS

A multi-agency and multi-disciplinary service specialising in the assessment and treatment of moderate to severe mental health difficulties that children and young people experience.

School Support Advisor

This person is allocated to the school as a point of contact. They are the link to several external agencies who can provide free specialist support and programmes to our students. Their input is key to ensure that we access the right support at the right time.

Base25 Programme: Clued Up

This is a structured group work programme that can be delivered to single sex groups. The sessions are underpinned by the theory of needs and wants and the need for belonging. A typical programme could include:

1. The need for belonging
2. Grooming and exploitation

3. Positive relationships
4. Gangs and exploitation
5. Protective behaviours
6. Raising aspirations.

Royal Navy programme:

The programme is tailored to the needs of the group and size with the aim to:

1. Work with the Royal Navy outreach team
2. Overcome personal barriers
3. Develop leadership skills
4. Explore different methods of problem solving and apply the skills learnt
5. Learn about self-discipline
6. Any other topics requested by the school.

Sexual Health Nurse and External Agencies:

The Sexual Health Nurse delivers part of our Relationship and Sex Education Programme including how to keep themselves safe. We engage with a number of external agencies in order to deliver the peer on peer abuse element of our *RSE Policy*. This ensures that experts deliver these important lessons and this occurs throughout the year. This is further consolidated in Tutor time and PSHE lessons by the Studio School staff.

Rewards

Reinforcing positive behaviours with praise, encouragement, rewards and celebrations is central to developing Studio School student's self-esteem, motivation, social skills and enjoyment of learning.

Sharing the task of selecting, rewarding and celebrating student achievements is an all staff Studio School approach, demonstrating a united and shared approach to developing healthy and positive student/ staff relations.

Walsall Studio School encourages, rewards and celebrates student success in accordance with the **three A's**:

- Attendance
- Attitude to learning
- Achievement

The relationship/ reward system given overleaf supports positive connections between staff and students.

Three A's - Relationship & Reward Structure

Reward	Criteria	Frequency	Staff Team	Points	Reward
Attendance	100% Attendance	Weekly	Tutors	10	Positive Praise and lunch reward
	100% Attendance	Half-Termly	Pastoral Year Leaders	50	Attendance Certificate Gift Vouchers for 100% attenders
	100% - 97% Attendance	Academic Year	Pastoral Year Leaders	100	Attendance Certificate: <ul style="list-style-type: none"> ■ 100% Platinum ■ 99% Gold ■ 98% Silver ■ 97% Bronze Prize Draw
	Most Improved Attendance compared to previous half term	Half-Termly	Pastoral Year Leaders	25	Most improved certificates for all showing a 15% improvement Gift Vouchers for 25% increase
	Most Improved Attendance compared to previous academic school year e.g. Y9 > Y10 or Y10>Y11	Academic Year	Pastoral Year Leaders	50	Most Improved Attendance Certificate: <ul style="list-style-type: none"> ■ 25% + Platinum ■ 20 – 24% Gold ■ 15 – 19% Silver ■ 10% - 14% Bronze Prize Draw
	Highest Attending Tutor Group	Termly	Pastoral Year Leader/ Tutor	25– All Students	End of term tutor trip or reward lunch
Attitude to learning	Optimum Effort Award (Academic)	Weekly	Principal/ Core Subject Teachers	10	Praise Postcard SMS to parent Entry to half-term prize draw
	Vocational MAGIC Award (Exceptional attitudes linked to MAGIC)	Weekly	Director of Vocational Studies/ Vocational Teachers	10	Praise Postcard SMS to parent Entry to half-term prize draw
	Praise Postcards (linked to MAGIC)	Daily	Subject Teachers/ Personal Coaches	5	Praise Postcard Positive text or call home

	Department Award (Behaviours linked specific to the specific needs of the curriculum)	Sustained/ exceptional effort or attitude towards learning	Teacher/ Subject Lead	10	TBA in departments
	Good Citizen Award	Acts of kindness/ service/ charity/ citizenship	Nominating member of staff/ Principal	25	Praise Postcard Positive Call Home Acknowledgement in assembly (as appropriate)
	Young Creative Professional Award (linked to MAGIC)	Termly/ Exceptional Students/ Across All Subjects	Subject Leaders/ Senior Leaders	25	Certificate Praise Assembly Pin Badge
	Professional Transformation Award	Termly/ Most Improved Students	Subject Leaders/ Personal Coaches/ Senior Leaders	25	Certificate Praise Assembly
	Student Ambassador Award by House	Termly	Students	25	Certificate Praise Assembly
Achievement	Praise Postcard <i>Exceptional Class Work</i> <i>Exceptional Homework</i> <i>Subject Progress</i>	Daily	Subject Teachers/ Personal Coaches	5	Praise Postcard Positive text or call home
	Principals Commendation	Exceptional Achievements	Nominating member of staff/ Principal	25	Praise Postcard Positive Call Home Acknowledgement in assembly (as appropriate)
	Vocational Achievement Award (by subject)	Termly	Subject Leaders/ Personal Coaches/ Senior Leaders	25	Certificate Praise Assembly
	Academic Achievement Award (by subject)	Termly	Subject Leaders/ Personal Coaches/ Senior Leaders	25	Certificate Praise Assembly
	Outstanding Performance Award (All Subject Areas)	Termly	All Staff	50	Certificate Praise Assembly

	Exceptional Extracurricular Achievement Award	Exceptional Achievements	Nominating member of staff/ Principal/ Visiting Professional	50	Praise Postcard Positive Call Home Acknowledgement in assembly (as appropriate)
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Sanctions

Walsall Studio Schools behaviour sanctions will escalate in accordance with our 'Five Stage Sanctions and Consequence Ladder' detailed overleaf:

Sanctions & Consequence Ladder

Stage	Action	Responsible Staff	Escalation Management	Typical Behaviours
Stage 5	Permanent Exclusion	Principal/ Local Governing Body	<ol style="list-style-type: none"> 1. Consultation with Local Governing Body and Mercian Executive to review chronology of behaviour/ severity of incident 2. Notification of permanent exclusion to Local Authority to secure sixth day provision 3. Notification of review meeting with Local Governing Body 4. Right to appeal details shared with parents/ carers 	<p>Cumulative number of incidents/ disruption to learning/ fixed term exclusions</p> <p>Single serious incident that is a significant health and safety risk to others or breaks the law</p> <p>Physical assault/ aggression towards an adult</p> <p>Physical assault/ aggression towards a student</p>
	Reintegration Meeting (following Fixed Term Exclusion)	Principal	<ol style="list-style-type: none"> 1. Recorded school, student and parent meeting – signed declaration of expected behaviour 2. De-escalation to Stage 4 – Red Report for two weeks 3. Target setting and confirmation of ongoing support 	<p>Verbal abuse/ threatening behaviour against an adult</p>
	Fixed Term Exclusion Letter	Principal	<ol style="list-style-type: none"> 1. Issuing of Fixed Term Exclusion Letter 2. Permanent exclusion risk made explicit 3. Record and attach letter on SIMS 4. Confirmation of re-integration meeting date and time 	<p>Verbal abuse/ threatening behaviour against a student</p>

	Fixed Term Exclusion	Principal	<ol style="list-style-type: none"> 1. Decision on duration of FTE (3 day, 5 day, 5+ days) 2. Parent consultation and issuing of FTE Letter 3. Organisation of student work 4. Organisation of sixth day provision 5. LA Notification (if exceeding 5 days) 6. Information sharing with multi-agency services/ WCSB 	<p>Possession of illegal substances/ weapons</p> <p>Possession of prohibited items</p> <p>Inappropriate behaviour in alternative setting</p> <p>Sexual misconduct (peer on peer included)</p> <p>Racist abuse</p>
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Stage 4	Single serious incident- Review of student behaviour chronology/ severity of incident	Principal/ Assistant Principal/ Governor	<ol style="list-style-type: none"> 1. Decision to exclude, escalate or de-escalate Consideration of: <ul style="list-style-type: none"> ○ First exclusion offence ○ Isolation (onsite) ○ Isolation (offsite) ○ Wellbeing centre ○ Alternative provision ○ Sixth day provision ○ Managed move ○ Team Around the Family (TAF) ○ De-escalation to stage 3 behaviour report 	<p>Cumulative number of incidents/ disruption to learning</p> <p>Verbal abuse of an adult</p> <p>Verbal abuse of a student</p> <p>Inappropriate behaviour in alternative setting</p> <p>Bringing the school into disrepute</p> <p>Damage to property</p> <p>Physical aggression towards peers (including peer on peer abuse)</p>
	Ongoing monitoring	Assistant Principal	<ol style="list-style-type: none"> 1. Decision to escalate or de-escalate to Amber report made 2. Paper based copy of reports kept in student file 3. Telephone call update made to parent at the end of the final week 4. All calls logged on SIMS 	

	Issue Behaviour Escalation Letter 2	Assistant Principal	<ul style="list-style-type: none"> 5. Formal letter (Letter 2) detailing expectations and escalation 6. Fixed term exclusion risk clearly indicated 7. Record and attach letter on SIMS 	Physical assault/ aggression towards a student (Including Peer on Peer Abuse)
	Parent and student meeting Stage 3 behaviour report (Red)	Assistant Principal	<ul style="list-style-type: none"> 1. Meeting chaired by Assistant Principal and facilitated by Pastoral Year Lead 2. Chronological review of incidents and interventions 3. Final warning with targets set 4. Daily monitoring by DofB 5. Negative report sanctions 'X' = 10 minutes detention 6. Minutes of parent meeting recorded on SIMS 	

Stage 3	Telephone call update made to parent at the end of each week/ day (as appropriate) (Amber)	Pastoral Year Leader	<ul style="list-style-type: none"> 1. Decision to escalate to Red Report or deescalate to Green Report made 2. Paper based Paper based copy of reports kept in student file 3. All calls logged on SIMS 4. Referall to Local Authority Services – Early intervention exclusions team 	Cumulative number of incidents/ disruption to learning Bullying Threat of physical aggression Verbal aggression towards peers
	Issue Behaviour Escalation Letter 1	Assistant Principal	<ul style="list-style-type: none"> 1. Formal letter (Letter 1) detailing expectations and personal support plan, including parent expectations 2. Fixed term exclusion risk clearly indicated 3. Record and attach letter on SIMS 	Compromising online safety Failure to attend or inappropriate behaviour during detentions Safeguarding/ Peer on peer concerns

	Parent and student meeting Stage 2 behaviour report (Amber)	Assistant Principal	<ol style="list-style-type: none"> 1. Meeting chaired by Assistant Principal and facilitated by Pastoral Year Lead 2. Creation of 'behaviour support plan' and review and setting of behaviour related SMART targets and support strategies 3. Amber report issued for two weeks 4. Targets and support strategies communicated directly to tutor and teaching staff 5. Daily monitoring by DofB 6. Negative report sanctions 'X' = 15 minutes detention 7. Minutes of parent meeting recorded on SIMS 	
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Stage 2	Ongoing monitoring by Pastoral Year Leader	Pastoral Year Leader	<ol style="list-style-type: none"> 1. Decision to escalate to Amber Report 2. Paper based copy of reports kept in student file 3. All calls logged on SIMS 4. Telephone call update made to parent at the end of each week/ day (as appropriate) (Green) 	Cumulative number of incidents/ disruption to learning Persistent disruption to learning/ behaviour incidents
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	<p>Parent and student consultation</p> <p>Stage 1 behaviour report (Green)</p>	Pastoral Year Leader	<ul style="list-style-type: none"> ■ Meeting chaired by Pastoral Year Leader and facilitated by key staff ■ Green report issued for three weeks ■ Review of presenting behaviours and additional supports needs - three behaviour related SMART targets plus clear identification of support strategies ■ Targets and support strategies communicated directly to student, parents, tutor and teaching staff ■ Daily monitoring by PYL ■ Negative report sanctions 'X' = 15 minutes detention ■ Minutes of parent meeting recorded on SIMS 	<p>Verbal aggression</p> <p>Failure to attend or inappropriate behaviour during detentions</p> <p>Smoking</p> <p>Truancy</p>
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Stage 1	Disruption of learning (Removal from classroom)	Teacher/ Duty Mananger	<ol style="list-style-type: none"> 1. Removal from classroom 2. Phone call home from sanctioning teacher Issue 3. one hour detention/ student repeats unsatisfactory/ incomplete work 	<p>Breach of classroom rules</p> <p>Low level disruption</p> <p>Refusal to remove non-uniform</p> <p>Inappropriate language</p> <p>Refusal to engage in learning</p>
	Disruption of learning (Second and final warning)	Teacher	<ol style="list-style-type: none"> 1. Final warning 2. Escalation/ sanctions for repeat behaviour explained 	
	Disruption of learning (First warning)	Teacher	<ol style="list-style-type: none"> 1. Reinforcement of classroom expectations given directly to student 	

Statutory Compliance and School Powers

Guidance for behaviour management is provided in the 'School Discipline and Student Behaviour Policies – Guidance for schools', which focuses particularly on provisions in the Education and Inspections Act 2006, which came into force on 1 April 2007. In addition, the Department for Education has provided more recent guidance in the documents:

- Behaviour and discipline in schools - advice for Headteachers - February 2014
- Use of reasonable force - advice for Headteachers, staff and governing bodies - July 2013
- Screening, Searching and Confiscation – advice for Headteachers, staff and governing bodies - February 2014
- Exclusion from maintained schools, academies and student referral units in England –

September 2017 **What the law says:**

Teachers and any paid staff have statutory authority to discipline students whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction (Section 90 and 91 of the Education and Inspections Act 2006).

The power also applies to all paid staff (unless the Principal says otherwise) with responsibility for students, such as teaching assistants.

Teachers can discipline students at any time the student is in school or elsewhere under the charge of a teacher, including on school visits.

Teachers can also discipline students when a student's misbehaviour occurs outside of school for misbehaviour when the student is:

- Taking part in any school-organised or school-related activity, travelling to or from school, wearing school uniform or in some other way identifiable as a student at the school.
- Misbehaviour at any time, whether the conditions above apply.
- Misbehaviour that could have repercussions for the orderly running of the school.
- If a student poses a threat to another student or member of the public.
- A behaviour that has the potential to bring the school into disrepute.

Teachers have the power to impose detention at break, lunchtime, after school, on an INSET day or on a weekend other than one preceding a half term break. Parental consent is not required for detentions.

Teachers have the power to search without consent for "prohibited items" and can confiscate students' property. These will include:

- weapons, e.g. knives
- alcohol
- illegal drugs
- stolen goods
- tobacco products, e.g. cigarettes, vapes etc
- pornographic images (of any kind, e.g. tabloid topless pictures and 'lads' mags' as well as extreme adult material)

- fireworks
- anything that has been, or is likely to be, used to cause injury or commit an offence
- anything banned in the school rules.

Searching, screening and confiscation – DfE guidance

On 18 January 2018, the DfE updated the searching, screening and confiscation guidance for Headteachers, school staff and governing bodies.

The guidance sets out the power schools have when searching students, both with or without consent, and their right to confiscate items found during the searches.

Searching

With consent – school staff can search a student for any item if the student agrees to this. If a student refuses to co-operate, the school can apply an appropriate punishment as set out in the school's behaviour policy.

Without consent – only headteachers and school staff (with authorisation from the headteacher) can search a student without consent, where there is 'reasonable grounds' to believe the student has a prohibited or banned item, such as a knife. The staff member searching must be of the same sex as the student and the search must take place in the presence of a witness (the only exception being where there is a risk that serious harm will be caused if a search is not conducted immediately).

Screening

Schools' powers to screen students are more flexible. A school may require all students to undergo screening, such as a walk-through metal detector, regardless of any suspicion of a student carrying anything banned or harmful. Screening that requires no physical contact is subject to different conditions than those applicable to searching students without consent. If it is part of the school's behavioural policy to screen students, a refusal from a student would give the school the power to prevent that student from entering the premises.

Confiscation

Following a consensual search, school staff can use their discretion to confiscate, retain and/or destroy any item found, if this is reasonable in the circumstances.

Where a search is conducted without consent and an item is found, staff can seize anything they have reasonable grounds for suspecting is a prohibited item.

Informing parents

Schools do not have to notify parents before a search takes place. There is also no legal requirement to record any searches that have taken place. However, where alcohol, illegal drugs or potentially harmful substances are found, it is good practice to inform the individual's parents or guardians, even though there is no legal duty to do so.

Restraint of Students

Teachers have the power to use reasonable force to prevent students committing an offence, injuring themselves or others and damaging property.

Schools can place disruptive students in isolation away from other students for a limited period.

Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a student from doing, or continuing to do, any of the following:

- committing any offence (or, for a student under the age of criminal responsibility, what would be an offence for an older student);
- causing personal injury to, or damage to the property of, any person (including the student himself)
- prejudicing the maintenance of good order and discipline at the school, among any students receiving education at the school, whether during a teaching session or otherwise.

The staff to which this power applies are defined in section 95 of the Act. They are:

any teacher who works at the school, and any other person whom the Head has authorised to have control or charge of students.

This includes support staff whose job normally includes supervising students and can also include people to whom the Head has given temporary authorisation to supervision rights of students.

The power may be used where the student (including a student from another school) is on school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by section 548 of the Education Act 1986.

Exclusions

The school applies sanctions both in the form of internal and external exclusions.

Internal Exclusion (Isolation)

This is withdrawal from lessons and from break and lunchtime for either part or whole days. This may take place on the school site in the or off-site at another school. Students are supervised and alternative arrangements for students to take refreshments are made. Work will be set which students are expected to complete to the best of their ability and in silence. Internal exclusion (isolation) is a serious sanction and is applied in circumstances when previous sanctions have failed, or the nature of a single incident is sufficiently serious and/or threatens to undermine the good order of the school.

Fixed term Exclusion

External exclusions are extremely serious sanctions which are not applied lightly.

Summary of the law

The following summary is taken from Section 3 of Exclusion from maintained schools, academies and student referral units in England – September 2017.

- Only the Head teacher of a school can exclude a student, and this must be on disciplinary grounds. A student may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed-term exclusion does not have to be for a continuous period.
- A fixed-term exclusion can also be for parts of the school day. For example, if a student's behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period. The legal requirements relating to exclusion, such as the Head teacher's duty to notify parents, apply in all cases. Lunchtime exclusions are counted as half a school day for statistical purposes.
- The law does not allow for extending a fixed-term exclusion or 'converting' a fixed-term exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-term exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.
- The behaviour of a student outside school can be considered grounds for an exclusion.
- The head teacher may withdraw an exclusion that has not been reviewed by the governing board.
- Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate.
- The Head teacher must take account of their legal duty of care when sending a student home following an exclusion.
- When establishing the facts in relation to an exclusion decision the Head teacher must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the Head teacher should accept that something happened if it is more likely that it happened than that it did not happen.
- Under the Equality Act 2010 (the Equality Act), schools must not discriminate against, harass or victimise students because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices and the provision of auxiliary aids.
- In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:
 - eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
 - advance equality of opportunity between people who share a protected characteristic and people who do not; and
 - foster good relations between people who share a protected characteristic and people who do not share it.
- These duties need to be complied with when deciding whether to exclude a student. Schools must also ensure that their policies and practices do not discriminate against

students by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow schools to take positive action to deal with disadvantages, needs, or low participation affecting one group, where this can be shown to be a proportionate way of dealing with such issues.

- The head teacher and governing board must comply with their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEND Code of Practice.
- It is unlawful to exclude for a non-disciplinary reason. For example, it would be unlawful to exclude a student simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a student's parents; or the failure of a student to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. However, a student who repeatedly disobeys their teachers' academic instructions could, be subject to exclusion.
 - 'Informal' or 'unofficial' exclusions, such as sending a student home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a student, even for short periods of time, must be formally recorded.
- Maintained schools have the power to direct a student off-site for education to improve their behaviour. A student at any type of school can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents and the admission authority of the school. However, the threat of exclusion must never be used to influence parents to remove their child from the school.

Knives/Other Weapons in Schools

When a young person decides to take a knife or other offensive weapon into a school, it is a serious one with potentially fatal consequences.

A police officer MUST attend the school and investigate every case of weapons possession by a student.

Schools cannot be left to deal with possession of a weapon themselves. It is critical that the reasons for possession by students are fully understood to enable proportionate early intervention to take place to reduce the likelihood of repeat possession.

This document has been created for guidance, support and to advance the knowledge of school leaders around the powers and law when dealing with offensive weapons.

Core Principles

As young people develop into maturity they naturally experiment with their behaviour and test boundaries. The younger they are the less capacity they will have for restraining themselves, resisting temptation or resisting peer pressure. None of this excuses poor or criminal behaviour. It increases the need to intervene as early as possible, to show that actions have consequences, and that harm is being caused. Police and partner intervention should assist in one or more of the following ways:

- Confront young people with the consequences of offending
- Help young people to develop a sense of personal responsibility
- Manage risk to young people within the community
- Reinforce the serious nature of weapon-related crime
- Strengthen factors that reduce the risk of re-offending

- Encourage reparation
- Encourage the restoration of relationships of trust
- Define, agree and reinforce the responsibilities of parents.

Recordable offences for weapons carrying in schools are:

- Possession of an offensive weapon on school premises
- Possession of a bladed/sharply pointed article on school premises
- Threaten a person with an offensive weapon on school premises
- Threaten a person with a blade/sharply pointed article on school premises

The principal aim of the youth justice system is to prevent and reduce offending by children and young people. The more time and effort invested in dealing with offending behaviour at an early stage, will better serve the local community over the longer term.

Incident reporting:

Where an immediate police response to an incident at the school is required, dial 999. For example: a student has been detained in possession of a knife on school premises and poses, or is likely to pose, a risk of:

1. Danger to life.
2. Use or immediate threat of use, of violence.
3. Serious injury to a person.
4. Serious damage to property.

When there isn't such an immediate risk, schools should report incidents to the police nonemergency number by dialling 101.

For example, a student has been searched and found to be in possession of a knife/bladed instrument which has been seized, and the student does not pose any further risk as detailed above.

Due to the serious nature of weapons possession and potential consequences, contact should be prompt in order that future risk is managed, and behaviour confronted.

When reporting incidents of weapons possession to 101, schools should always request and record the incident log reference number. This will facilitate further contact in relation to the incident.

Schools are asked to retain the weapon in a safe place (e.g. school safe) until police attend and seize the weapon for evidential purposes or destruction. Once it is established that a weapon is unlawful, a crime record will be created, and a proportionate investigation will ensue.

Actions at the school by attending officers:

- Conduct a primary investigation.
- Manage any risk to the school students and staff.
- Consult with a senior member of staff at the school.

- In all cases of unlawful weapon possession, a crime report will be completed, and the weapon seized.
- The weapon will be assessed as to whether it is unlawful and on the intent of the person carrying it.

Once it is established that a weapon is unlawful, a crime record will be developed, and a proportionate investigation will ensue.

Acceptable Usage Agreement (ICT Usage)

When students participate in online live lessons, they are expected to adhere to the Acceptable Usage Agreement at all times. Should a student choose to participate in any form of low-level disruption then the student must be removed from the session and parents contacted. If the disruptive behaviour persists then please contact your line manager. Your line manager will escalate sanctions in accordance with the behaviour policy.

Peer on peer abuse

1. Context and Definition

Peer abuse is behaviour by an individual or group, intending to physically, sexually or emotionally hurt others.

All staff are aware that children are capable of abusing their peers. All staff are also aware of safeguarding issues from peer abuse including:

- bullying (including online bullying)
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or

otherwise causing physical harm

- sexual violence and sexual harassment
- sexting (also known as youth produced sexual imagery); and
- initiation/hazing type violence and rituals.

This abuse can:

- Be motivated by perceived differences e.g. on grounds of race, religion, gender, sexual orientation, disability or other differences
- Result in significant, long lasting and traumatic isolation, intimidation or violence to the victim; vulnerable adults are at particular risk of harm

Children or young people who harm others may have additional or complex needs e.g.:

- Significant disruption in their own lives
- Exposure to domestic abuse or witnessing or suffering abuse
- Educational under-achievement
- Involved in crime

Stopping violence and ensuring immediate physical safety is the first priority of any education setting, but emotional bullying can sometimes be more damaging than physical. School staff, alongside their Designated Safeguarding Lead and/or Deputy, have to make their own judgements about each specific case and should use this policy guidance to help.

More information can be found:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719902/Sexual_violence_and_sexual_harassment_between_children_in_schools_and_colleges.pdf

Staff Misconduct and Staff Pastoral Care

Our staff wellbeing policy and staff code of conduct will apply to incidences of staff misconduct and the pastoral care offered during the investigation. Please see the link below for more details.

<https://www.themerciantrust.org/about/our-policies/Code%20of%20Conduct%20-%20Approved%20January%202021.pdf>