



Statement of Behaviour Principles

This set of principles should be read in conjunction with:

- *DfE guidelines for screening and searching pupils*
- *JCS Promoting Positive Behaviour Policy*
- *JCS Positive Handling Policy*
- *Behaviour in schools Advice for Headteachers and school staff September 2022*
- *Keeping Children Safe in Education 2022*
- Behaviour and discipline in schools Guidance for governing bodies 2017
- Use of Reasonable Force Guidance 2013

Introduction

At John Chilton School we recognise that some of our pupils have difficulty with self-regulation due to their conditions and syndromes, previous experiences, age and stage of learning; as such they may exhibit challenging behaviour. Our policy is to acknowledge that all behaviour is a communication and that approaches to developing improved behaviour are individualised to the pupil. We want our pupils to feel safe and emotionally healthy and we will employ de-escalation strategies as a preventative measure. Understanding trauma, attachment and nurture underpin our behavioural approach. Our positive behaviour approach is overseen by SEMH (Social, Emotional, Mental Health) Team.

We are a special school for pupils with severe or moderate learning difficulties, with or without a dual diagnosis of a physical or medical need; as such many of the points listed below would be extremely rare in being applied. In the interest of transparency, it is useful to have a statement of the delegation of powers with regard to disciplinary matters.

Listed below are points of law with regard to enforce discipline in schools.

The Law- Discipline in schools- teachers' powers

Key points

- Teachers have statutory authority to discipline pupils whose behaviour is unacceptable, who break the school rules or 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 Headteacher says otherwise) with responsibility for pupils, such as teaching assistants
- Teachers can discipline pupils at any time the pupil is in school or elsewhere under the charge of a teacher, including on school visits
- Teachers can also discipline pupils in certain circumstances when a pupil's misbehaviour occurs outside of school
- Teachers have a power to impose detention outside school hours
- Teachers can confiscate pupils' property

The most recent Behaviour in schools Advice for Headteachers and school staff September 2022, states:

Key points

The Headteacher of a maintained school must determine measures which aim to:

- encourage good behaviour and respect for others
- secure an acceptable standard of behaviour of pupils
 - promote, among pupils, self-discipline and proper regard for authority
 - all staff should be aware of the school's child protection policy, the staff behaviour policy/code of conduct, the safeguarding response to children who go missing from education and the role and identity of the designated safeguarding lead and any deputies.
- prevent all forms of bullying (including cyberbullying, prejudice-based and discriminatory bullying)

- ensure that pupils complete any tasks reasonably assigned to them in connection with their education
 - otherwise regulate the conduct of pupils

Power to use reasonable force

School refers and complies to the most recent DfE guidance: “Use of Reasonable Force”.

Members of staff have the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, damaging property, and to maintain good order and discipline in the classroom.

Headteachers and authorised school staff may also use such force as is reasonable given the circumstances when conducting a search without consent for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that could be used to commit an offence or cause harm. Force cannot be used to search for these items. Staff are trained in Positive Handling and any incident that results in this is logged.

Screening, searching and confiscation

“Searching can play a critical role in ensuring that schools are safe environments for all pupils and staff. It is a vital measure to safeguard and promote staff and pupil welfare, and to maintain high standards of behaviour through which pupils can learn and thrive.”

School refers and complies to the most recent DfE guidance: “**Searching, screening and confiscation: advice for schools 2022 (use from 1 September 2022)**”.

If there are reasonable grounds for suspecting a pupil may have a prohibited item, any member of staff may search for the item **with** consent. The consent need not be in writing, by handing over the item the pupil is deemed to cooperate, and parental consent is not necessary.

If the pupil refuses the request, then appropriate disciplinary action will be taken. The school recognises reasons for a pupil refusing a search and support should be given to assist the pupil to comply. A pupil may refuse to be searched if they:

- Are in possession of a prohibited item;
- Do not understand the instruction;
- Are unaware of what a search may involve; or
- Have had a previous distressing experience of being searched.

Only a Headteacher or member of staff authorised by them can conduct a search **without** a pupil’s consent. The person conducting the search must be the same sex as the pupil being searched, and another staff member must be present.

There is a limited exception to the above rules. Any member of staff can carry out a search if he or she reasonably believes there is a risk that serious harm will be caused to a person if the search is not conducted immediately and another member of staff cannot be summoned.

Authorised staff members can search for certain items without a pupil's consent, including:

- Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to property
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for

Searches without consent can only be carried out on the school premises or where the member of staff has lawful control or charge of a pupil, for example on school trips.

School staff can confiscate any prohibited item found as a result of a search. They can also seize any item they consider harmful or detrimental to school discipline. Parents will be informed of any confiscated items and other authorities as deemed appropriate such as the police, social services.

The school can require pupils to undergo screening by a walk-through or hand-held metal detector, even if it does not suspect the pupils of having weapons. The school does not need pupils' consent and any member of staff can screen pupils.

The extent of the search

A member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers. The person conducting the search must not require the pupil to remove any clothing other than outer clothing. 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear, as well as hats, shoes, boots or scarves.

A pupil's possessions can only be searched in the presence of the pupil 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.

The member of staff's power to search outlined above does not enable them to conduct a strip search.

Strip searching

A strip search is a search involving the removal of more than outer clothing . Strip searches on school premises can only be carried out by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C.

While the decision to undertake the strip search itself and its conduct are police matters, JCS staff retain a duty of care to the pupil(s) involved and will advocate for pupil wellbeing at all times. Before calling police into school, we 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 members should be sensitive to whether such outer clothing is worn for religious reasons when conducting a search.

Searches may entail different levels of invasiveness and exposure. A search under PACE Code A that involves removing more than outer clothing but does not expose intimate parts of the body would not require the presence of an appropriate adult. However, from a pupil wellbeing perspective, JCS would involve an appropriate adult as a matter of course during all searches conducted by police and ensure that other appropriate, less invasive approaches have been exhausted.

Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them, and the role of the school is to advocate for the safety and wellbeing of the pupil(s) involved. Unless there is an immediate risk of harm and where reasonably possible, the school will inform a parent of the pupil suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult. Parents should always be informed by a staff member once a strip search has taken place. Schools should keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

The process the police must follow during a strip search

Except in cases of urgency where there is risk of serious harm to the pupil or others, whenever a strip search involves exposure of intimate body parts there must be at least two people present other than the pupil, one of which must be the appropriate adult. If the pupil's parent would like to be the appropriate adult, the school should facilitate this where possible. Police officers carrying out the search must be of the same sex as the pupil being searched. An appropriate adult not of the same sex as the pupil being searched may be present if specifically requested by the pupil. Otherwise, no-one of a different sex to the pupil being searched is permitted to be present, and the search must not be carried out in a location where the pupil could be seen by anyone else.

The role of the appropriate adult is to safeguard the rights, entitlements and welfare of children and vulnerable adults in police custody. This adult must not be a police officer or otherwise associated with the police. Examples of an appropriate adult include, but are not limited to, a parent, relative, social worker, teacher or, if the person is in the care of a local authority or voluntary organisation, a person representing that authority or organisation.

Except in urgent cases as above, a search of a pupil may take place without an appropriate adult only 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. A record should be made of the pupil's decision and signed by the appropriate adult. The presence of more than two people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances.

Strip searching can be highly distressing for the pupil involved, as well as for staff and other pupils affected, especially if undertaken on school premises. PACE Code C states that a strip search may take place only if it is considered necessary to remove an item related to a criminal offence, and the officer reasonably considers the pupil might have concealed such an item. The mental capacity of the young people at JCS will always be considered before allowing a strip search.

After-care following a strip search

Pupils will be given appropriate support, irrespective of whether the suspected item is found. If an item is found, this may be a police matter, but should always be accompanied by a safeguarding process handled by the school which gives attention to the pupil's wellbeing and involves relevant staff, such as the designated safeguarding lead (or deputy).

Safeguarding will also be at the centre of support following a strip search in which the item is not found, both in the sense of supporting the pupil to deal with the experience of being searched, and regarding wider issues that may have informed the decision to conduct a strip search in the first place.

Recording searches:

Any searches undertaken will be clearly recorded on the safeguarding system with details of:

- the date, time and location of the search;
- which pupil was searched;
- who conducted the search and any other adults or pupils present;
- what was being searched for;
- the reason for searching;
- what items, if any, were found; and
- what follow-up action was taken as a consequence of the search.

We will inform the parents/guardians of the search and the results of the search as soon as practically possible.

The school will analyse the data of searches to consider whether the searches fall disproportionately on particular groups of pupils.

Pastoral care of staff accused of misconduct

All allegations of misconduct of staff are treated with confidentiality and professionalism. Advice is sought from the Human Resources department and the Local Authority Designated Officer. Where appropriate a named person is allocated to the member of staff to liaise with during proceedings. The school buys a pastoral support service Work Place Options for all staff to use confidentially.

Investigations and procedures will take place as swiftly as possible to alleviate any undue pressure and stress.

Pupils that exhibit continuous disruptive behaviours

Some of the pupils at JCS exhibit serious challenging behaviours due to their conditions or their backgrounds. In these cases, a multi-disciplinary assessment is undertaken and a personalised support package agreed. Team around the child meetings involve parents/carers wherever feasible and link to positive behaviour plans that analyse triggers, patterns, strategies in-line with pupils' needs and EHCPs.

Seclusion/Isolation rooms

Schools can adopt a policy which allows disruptive pupils to be placed in an area away from other pupils for a limited period, in what are often referred to as seclusion or isolation rooms. These rooms are not the policy of JCS to manage challenging behaviour. John Chilton School does not have such a room but we do use different spaces help calm a pupil in extreme situations that can keep them and others safe.

Pupils exhibiting harmful or potentially harmful behaviours are given an option (according to their positive behaviour support programme) to take time out from a situation and have an alternative activity, situation or person- for example: to go for a walk, to have time out in a safe space, to undertake a sensory circuit or exercises. On rare occasions when a pupil has made the classroom a dangerous setting, other pupils may be removed to a different area for their safety.

Exclusions

It is the policy of JCS not to exclude pupils for behaviours of concern, rather to work closely with staff teams, external advisors and parents to provide a wraparound and holistic plan of support. School might need to help find alternative provision and in some cases continue to offer a package of home learning while supporting pupils and families, until this is in place.

Out of school discipline

Due to the complex needs at JCS, pupils are generally brought to school by parents or Local Authority transport. Once on transport discipline becomes the duty of care of the transport providers and staff, although the school will support with behaviour programmes and strategies where needed.

Governing Body

- Governors must refer to Behaviour and discipline in schools Guidance for Governing Bodies 2017 for further guidance :

[Behaviour and discipline in schools guidance for governing bodies.pdf \(publishing.service.gov.uk\)](#)

Safeguarding

The school recognises the strong link between behaviour and safeguarding, following guidance in Keeping Children Safe in Education. A particular focus is us considering ways to embed strategy responses and measures across the school to minimise or eradicate child-on-child abuse. This includes review of curriculum, staff training.

Teams through the school consider whether any misbehaviour gives us cause to suspect that a pupil is suffering, or is likely to suffer, harm and we act accordingly.

Promoting Positive Behaviour Policy

The school has separate 'Promoting Positive Behaviour' policy that ensures that staff are proactive rather than reactive, use systems to track and analyse behaviours and their patterns and use this information to embed interventions that can prove impact.

John Chilton School School ensures that high standards and expectations of good behaviour pervade all aspects of school life including the culture, ethos, and values of the school, how pupils are taught and encouraged to behave. Our school response to misbehaviour and the relationships between staff, pupils and parents acknowledges that everyone is different and require different considerations. The school's approach to behaviour is easily apparent to anyone joining or visiting the school. John Chilton School ensure that everyone treats one another with dignity, kindness and respect.

Equality Act 2010 and schools guidance

John Chilton School staff carefully consider whether a pupil's SEND has contributed to the misbehaviour and if so, whether it is appropriate and lawful to sanction the pupil. In considering this, we refer to the **Equality Act 2010 and schools guidance**. We consider whether any reasonable adjustments need to be made to the sanction in response to any disability the pupil may have. We always seek to try and understand the underlying causes of behaviour and whether additional support is needed. In 2018 an Upper Tribunal judgment found that if a child in education has a recognised condition that is more likely to result in a tendency to physical abuse, that can be a disability. This, however, does not necessarily mean that a disabled child will be exempt from sanction.