

Ratified by Oasis Community
Learning Executive:
3rd June 2009

Behaviour for Learning Policy

Implementation: June 2009
Review: June 2011



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1 Introduction

- 1.1 At Oasis Academy [*Name*] we believe that a safe environment of mutual respect and co-operation results in the most effective climate for learning and teaching.
- 1.2 The fundamental principle underpinning our behaviour policy is unconditional respect. This combined with rights, responsibilities and routines will produce good behaviour conducive to good learning.
- 1.3 Inclusion features strongly in this policy as it goes to the heart of Oasis Community Learning as an organisation. We will strive to achieve a balance between avoiding exclusion for gross disobedience at the same time as acknowledging the fact that poor behaviour can in itself exclude students from learning and feeling safe.

2 Aims

The aims of this policy are to:

- emphasise Oasis Community Learning's commitment to encouraging and rewarding good behaviour;
- explain the law and guidance on 'disciplinary penalties' (sanctions); and
- set out the various responsibilities.

3 Responsibilities

The Oasis Community Learning Board

The Board will make and amend the central policy and communicate this to the Academy Councils.

3.1 The Academy Council

The Academy Council is charged with the duty to have policies designed to promote good behaviour and discipline based on this Oasis Community Learning policy.

3.2 The Principal

The Principal's role is to implement the Academy Council's policy and to establish and maintain a behaviour policy that promotes learning, self-discipline, respect for others and proper regard for authority. Oasis Community Learning expects the emphasis to be on encouraging and rewarding good behaviour.

The Principal must determine measures to be taken, with a view to:

- promoting self discipline and proper regard for authority among students;
- encouraging good behaviour and respect for others, and preventing all forms of bullying among students;
- securing that the standard of behaviour is acceptable; and
- otherwise regulating the conduct of students.

The Principal is required to follow the Academy Council's statement of principles and have regard to any guidance given by the Academy Councillors in accordance with Oasis Community Learning's policies.

The Principal must also determine the standard of behaviour regarded as acceptable, in so far as the Councillors have not determined it.

The measures can, to such an extent as is reasonable, include measures to regulate the

conduct of students when they are not on the premises, and are not under the control or charge of a member of the Academy staff. This includes rules governing behaviour to and from the Academy and on work experience.

The Principal is required to set out the behaviour for learning policy in a written document and publicise it by making it generally known to staff, students and parents. It must be brought to their attention at least once a year.

The Principal's policy should:

- define the standards of behaviour the Academy wants;
- seek the widest possible agreement;
- ensure that the standards are consistently and fairly applied; and
- ensure that any sanctions are reasonable and proportionate to the offence, and enable students to make reparation where possible.

In determining the detailed behaviour management strategy to be adopted the Academy will take into account The National Strategy for School Improvement: Behaviour and Attendance Strand Toolkit (www.standards.dcsf.gov.uk/secondary/keystage3)

4 The Academy Council's Policy on Rights and Responsibilities

4.1 The Academy has the right:

- To expect students and parents to cooperate with the Academy in maintaining an orderly climate for learning;
- To expect students to respect the rights of other students and adults in the Academy;
- To enforce the behaviour for learning policy, including rules and disciplinary measures;
- Not to tolerate violence, threatening behaviour or abuse by students or parents;
- In extreme circumstances, to take firm action against students who harass or denigrate teachers or other school staff on or off premises; and
- To engage external support services as appropriate

4.2 The Academy recognises its responsibility

- To support, praise and, as appropriate, reward students' good behaviour;
- To ensure staff model good behaviour and never denigrate students or colleagues;
- To promote positive behaviour through active development of students' social, emotional and behavioural skills;
- To ensure the whole Academy community is consulted about the principles of the Academy behaviour policy and the Academy's code of conduct;
- To establish, and communicate clearly, measures to ensure good order, respect and discipline;
- To ensure the Academy's behaviour policy does not discriminate against any student on, e.g. grounds of race, gender, disability or sexual orientation, and that it promotes good relations between different communities;
- To ensure teachers' roles in Academy discipline matters are consistent with the National Agreement for Raising Standards and Tackling Workload, and workforce-remodelling

agenda, so that there is due recognition of the enhanced roles of support staff, so that not all responsibilities are focused on teachers;

- To ensure staff are clear about the extent of their disciplinary authority and receive necessary professional development on behaviour strategies;
- To apply sanctions fairly, consistently, proportionately and reasonably – taking account of SEN, disability and the needs of vulnerable children, and offering support as appropriate;
- To take all reasonable measures to protect the safety and well-being of staff and students, including preventing all forms of bullying and dealing effectively with reports and complaints about bullying;
- To keep parents informed of their child's behaviour, good as well as bad, use appropriate methods of engaging them and, where necessary, support them in meeting their parental responsibilities;
- To work with other agencies to promote community cohesion and safety.

4.3 The Academy respects the rights of the students:

- To contribute to the development of the Academy behaviour policy, with every student becoming involved in the consultation process;
- To be taught in environments that are safe, conducive to learning and free from disruption.
- To expect appropriate action from the Academy to tackle any incidents of violence, threatening behaviour, abuse, discrimination or harassment.
- To be able to appeal to the Principal and Academy Council, and beyond that to the Secretary of State, if they believe the Academy has exercised its disciplinary authority unreasonably.

4.4 The Academy expects students:

- To follow reasonable instructions by Academy staff, to abide by Academy rules and accept sanctions in an appropriate way;
- To act as positive ambassadors for the Academy when off the Academy premises;
- Not to bring inappropriate or unlawful items to the Academy;
- To show respect to Academy staff, fellow students, Academy property and the Academy environment;
- Never to denigrate, harm or bully other students or staff;
- To co-operate with, and abide by, any arrangements put in place to support their behaviour, such as Pastoral Support Programmes or Parenting Contracts.

4.5 The Academy recognises the rights of parents:

- To contribute to the development of the Academy's behaviour policy;
- To be kept informed about their child's progress, including issues relating to their behaviour;
- To expect their children to be safe, secure and respected in the Academy;

- To have any complaint they make about their child being bullied taken seriously by the Academy and investigated/resolved as necessary;
- To be able to appeal to the Principal and Academy Council, and beyond that to the Secretary of State, if they believe the Academy has exercised its disciplinary authority unreasonably;
- To be able to appeal against a decision to exclude their child, first to the Academy Council and then, in cases of permanent exclusion, to an independent appeal panel.

4.6 **The Academy expects parents:**

- To respect the Academy's behaviour policy and the disciplinary authority of Academy staff;
- To help ensure that their child follows reasonable instructions by Academy staff and adheres to Academy rules;
- To send their child to the Academy each day punctually, suitably clothed, fed, rested, and equipped and ready to learn;
- To ensure Academy staff are aware of any SEN-related or other personal factors which may result in their child displaying behaviours outside the norm;
- To be prepared to work with the Academy to support their child's positive behaviour;
- To attend meetings with the Principal or other Academy staff, if requested, to discuss their child's behaviour;
- To adhere to the terms of any Parenting Contract or Order relating to their child's behaviour;
- If their child is excluded from the Academy, to ensure the child is not found in a public place during school hours in the first five days of exclusion and, if invited, to attend a reintegration interview with the Academy at the end of a fixed period exclusion.

5 **Disciplinary Sanctions (Disciplinary Penalties)**

5.1 *The Education and Inspections Act* gives all schools and Academies the power to impose 'disciplinary penalties', where a student's behaviour falls below the standard which could be reasonably expected of him/her, whether because he/she fails to follow an Academy rule, or an instruction by a member of staff.

The power extends to other schools which a student may be attending for a particular course, and to situations where the student is not on the premises and is not under the lawful control of a member of staff, but only to the extent that it is 'reasonable' for the school to impose the penalty. It also covers penalties for a failure by the student to comply with a penalty previously imposed on him/her.

5.2 The Act also makes it lawful for any school (or Academy) to impose a penalty (other than exclusion):

- if it is not in breach of any statutory requirement or prohibition;
- if it is reasonable;
- if it is made by a paid member of staff (including supply staff, support staff, administrative staff), unless the Principal has decided they may not impose it;
- if it is made by an unpaid member of staff (e.g. a parent volunteer) who has been authorised by the Principal, and it was reasonable for the Principal to do so; and

- the penalty and the action taken were on the school (Academy) premises or elsewhere when the student was under the lawful control of a member of staff.

In determining whether a disciplinary penalty is 'reasonable' the following must be taken into account:

- whether the penalty was a proportionate punishment in the circumstances; and
- any special circumstances which are known to the person imposing the penalty, including:
 - the student's age;
 - any special educational needs;
 - any disability; and
 - any religious requirement affecting him/her.

5.3 The Principal will take account of the following principles in determining and implementing the Behaviour for Learning policy:

- None of the Academy's punishments must be degrading or humiliating.
- All rewards and sanctions must be applied fairly and consistently.
- All paid staff at the Academy have a statutory authority to impose sanctions (called 'disciplinary penalties' in the Education and Inspections Act 2006).
- The Principal has the power to withdraw the authority from individual staff or classes of paid staff.
- The Principal has the power to authorise any unpaid staff to impose disciplinary penalties.

5.4 **Specific Sanctions (Disciplinary Penalties)**

The Academy Council has agreed that the following 'disciplinary penalties' may be used in the Academy:

- removal from the group/class or particular lesson;
- withdrawal of break or lunchtime privileges;
- detention;
- withholding participation in educational visits or sports events which are not essential to the curriculum;
- completion of work or extra work;
- carrying out a useful task in the school;
- fixed term exclusion; and
- permanent exclusion

5.5 **For details of the Academy's specific disciplinary procedures see appendix 1.**

6 **Detention**

6.1 Members of staff who have the right to hand out detentions include:

- teachers who work at the Academy; and in addition
- any other person who works at the Academy, who with the authority of the Principal, has lawful control or charge of the students for whom education is being provided at the Academy.
- detention may only be given to students under 18 if the Principal has determined and made known within the Academy and to parents that detention of students outside Academy sessions is one of the sanctions that can be applied with a view to regulating student behaviour. It must also be on a 'permitted day of detention'. The parent of the student must be given at least 24 hours' notice.

6.2 *The EIA2006* defines what the 'permitted day of detention' means:

- an Academy day, other than one on which the student has authorised leave of absence;
- a Saturday or Sunday during an Academy term, which is not a Saturday or Sunday during or at a weekend immediately preceding or following, a half term break;
- a day (whether or not during an Academy term) which is set aside for the performance of duties by the staff other than teaching, except where such a day has been excluded by the Secretary of State in England.

6.3 In determining whether a detention outside Academy hours is 'reasonable' the Principal must also take into account whether suitable travel arrangements can be reasonably made by the student's parents.

6.4 The Academy can give parents the required 24 hours' notice 'by any effective method'. (This does not apply to detention in normal Academy hours i.e. lunchtimes.)

6.5 **Powers of members of staff to detain students by use of force**

The Education and Inspections Act 2006 confirms the right of staff to use 'such force as is reasonable' for the purpose of preventing a student from:

- committing an offence;
- causing personal injury to, or damage to the property of, any person (including themselves); and
- prejudicing the maintenance of good order and discipline.

The explanatory notes give an example of 'reasonable force' - leading a student by the arm to enforce an instruction to leave the class.

However, nothing in the law concerning the use of reasonable force legitimises corporal punishment.

7 **The Right to Search Students**

7.1 *The Violent Crime Reduction Act 2006* gives the Principal, and any member of the Academy staff authorised by the Principal, who has reasonable grounds for believing that a student may have with him/her or in his/her possession a knife or offensive weapon, the right to search that student.

7.2 The Principal must ensure that the person carrying out the search is of the same sex as the student and the search must be carried out in the presence of another adult also the same sex as the student. The student cannot be required to remove any clothing other than outer clothing and if the student's possessions are searched this must also be done in the presence of another adult. The person carrying out the search is able to use such force as is reasonable in the circumstances for exercising that power.

7.3 The Principal cannot 'require' most of the Academy staff to conduct the searches, only 'authorise' them to do so. But they may 'require' security staff to carry out searches.

7.4 If a search reveals any 'offensive weapons' or knives, or 'evidence in relation to an offence' the Academy **MUST** call the police in. The Academy has no discretion in this, not even if the Principal wishes to resort solely to internal discipline procedures.

8 **Exclusions**

8.1 The Academy will use exclusion (fixed term or permanent) only as a last resort.

- 8.2 In discharging their duties the Principal and Academy Council will have regard to the Secretary of State's guidance on exclusions (currently DCSF September 2008 guidance, but this may change) as if the Academy were a maintained school, except that:
- references to the maintaining LEA in paragraph 26(c) of the guidance should be construed as a reference to the LEA in which an excluded child is resident;
 - the Academy, and not the LEA, is responsible for making arrangements for independent appeal panels to hear appeals against permanent exclusions where the Councillors do not direct reinstatement (see paragraph 35 and part 5 of the guidance, and below);
 - the Councillors are not expected to seek the advice of an LEA officer when considering an exclusion (paragraph 107 of the guidance), although an LEA officer may attend any meeting to consider an exclusion at the request of a parent or if invited by the Academy ; and
 - part 7 of the guidance (arrangements for money to follow students who have been permanently excluded from school) does not apply.

8.3 **Exclusions** may be for a fixed period or permanent.

8.4 **The Decision to Exclude:**

- a. Only the **Principal** can exclude a student, (or the person in charge on the day, if the Principal is absent from the Academy).
- b. Students should **only be excluded:**

in cases of a serious breach of the Academy's behaviour/discipline policy **and** if the continued presence of the excludee in the Academy would seriously damage the education or the welfare of other students or staff.

8.5 **Before deciding to exclude a student the Principal will:**

- ensure that an appropriate **investigation** has been conducted;
- ensure that all the **relevant evidence** has been considered;
- give the student an opportunity to be heard; and
- consult other relevant people if necessary.

Having considered these matters the Principal will make a decision based normally on the balance of probability, having regard to any current guidance from the DCSF.

8.6 **Inappropriate Exclusion**

Oasis Community Learning considers that any exclusion will normally be inappropriate in cases of:

- minor breaches of discipline;
- poor academic performance;
- truancy or lateness;
- pregnancy;
- non-compliance with uniform regulations, except where this amounts to a defiance of the Academy's authority; and
- in response to the unacceptable behaviour/attitude/conduct of a student's parents.

8.7 **Fixed Term Exclusion**

The Principal is permitted to exclude a student for one or more **fixed term periods not exceeding 45 school days in any one school year.**

The Academy will continue to provide education for an excluded student (whilst he/she remains on roll) and, particularly in the case of an exclusion of more than 15 days, the Principal in consultation with the relevant members of staff will consider the following:

- making alternative provision from day six for fixed-period excluded students;
- where appropriate, to arrange reintegration interviews with parents at the end of a fixed-period exclusion of six days or more; and
- how the student's education can otherwise continue.

8.8 **Permanent Exclusion**

A decision to exclude a student permanently, as befitting its gravity, will only be taken as a **last resort** when a wide range of strategies for dealing with disciplinary offences has been employed to no avail, or if an **exceptional 'one-off' offence has been committed**:

e.g.

- serious violence, actual or threatened, against a student or member of staff;
- sexual abuse or assault;
- supplying an illegal drug; and
- carrying an offensive weapon.

Or any other one-off offence considered by the Principal to be an exceptionally serious one.

8.9 The procedure for excluding a student is set out in Appendix 2.

9 **Equal Opportunities**

In making and implementing this policy account must be taken of the Academy's equal opportunity policies.

9.1 **Students with Disabilities**

The Academy aims to ensure that students with disabilities are not treated less favourably than other students and will endeavour to ensure that no exclusion of such a student has been caused directly or indirectly by the student's disability. Any exclusion of a student with a disability will be closely monitored both within the Academy and by the Academy Council Discipline Committee.

9.2 **Students with Special Educational Needs**

The Academy will pay due regard to the guidance in the *Special Educational Needs Code of Practice* and the *Education of Children and Young People with Behavioural, Social and Emotional Difficulties as a special educational need*.

The Academy will aim not to exclude students with special educational needs and will aim to find alternative strategies that keep students with special educational needs who have behaviour problems in the Academy.

10 **Amendments and Revision**

Before making any amendments or revision of this policy Oasis Community Learning will consult as appropriate. The Academy Council will consult Oasis Community Learning, and appropriate members of staff, representatives of students and parents before making any of its own amendments.

11 Monitoring and Review

- 11.1 The working of the policy will be monitored by the Principal and a report made to the Academy Disciplinary Committee each term. All exclusions will be reported to the Committee in the termly report.
- 11.2 Each Academy will report on the implementation of the policy to the Oasis Community Learning Board when requested. Exclusion statistics will be sent by each Academy to Oasis Community Learning termly.
- 11.3 This policy will be reviewed at least every two years by the Oasis Community Learning Board. Any proposed revisions will be reported to the Academy Council for inclusion in the Academy's own policy. Each Academy will review its own policy having received the biennial policy from Oasis Community Learning.

Signed: _____

Date: _____

Chair of Academy Council

Appendix 1

Behaviour for Learning – Disciplinary Procedures for Oasis Academy [NAME]

Here the Academy should state its own procedures for discipline which are in accordance with the above policy statement (this may include procedures for rewards as well as sanctions).

Appendix 2

Procedure for Excluding a Student

A1. Informing Parents about the Exclusion

The Principal will inform parents without delay (by telephone, with a follow-up letter within one school day) and will give the following information:

- in cases of fixed term exclusions, the **length of the exclusion**;
- in cases of permanent exclusion, that **it is a permanent exclusion**;
- the **reasons for the exclusion**;
- their **right to make representations** to the Academy's Discipline Committee;
- the **name of the person** to be contacted, if they wish to make representations.

The letter to parents will also state:

- the latest date by which the Discipline Committee must meet to consider the case;
- the **parent's right of access to the student's Academy record**;
- the **date and time when the student should return to the Academy** (with a fixed term exclusion) or the number of lunch-times for which the student is excluded (with lunch-time exclusions);
- with a permanent exclusion, its immediate effect and any relevant previous history;
- arrangements for the setting and marking of work (it is the **parent's responsibility to ensure that work sent home is completed and returned to school**);
- the name and telephone number of the person in the Academy who can be contacted for advice; and
- any other helpful contacts.

A2. Informing the Discipline Committee (of the Academy Council)

The Principal will inform the Chair of the Academy Council and the student's Local Authority Children's department **within one school day** of:

- a permanent exclusion;
- exclusions totalling **more than 5 school days or 10 lunch-times** per term;
- an exclusion necessitating a student missing a public examination.

The Principal will inform the Academy Council of fixed term exclusions amounting to **5 or fewer school days or 10 or fewer lunch-times (or half days) in total per term on a termly basis**.

The Principal must include the following in his/her exclusion report;

- the name of the student;
- the duration of the exclusion;
- the reason(s) for the exclusion;
- the student's age, gender and ethnicity;
- whether the student is statemented or is on School Action or School Action Plus; and
- whether he/she is in Local Authority care.

A3. The Responsibilities of the Discipline Committee

A3.1 The Discipline Committee

The Academy Council will appoint a Discipline Committee at the beginning of each academic year, and appoint a Chair and a clerk.

The Discipline Committee will review all exclusions and consider any representations from parents.

The Committee will consider whether **reinstatement is a practical option**;

- The Committee may consider more than one exclusion at any one meeting where appropriate
- in cases where a student will miss a public examination as a result of exclusion, the Discipline Committee should endeavour to meet before the date of the examination. **In extreme cases with fixed term exclusions, the Chair of the Committee may consider the exclusion on his/her own and may reinstate.**

A3.2 Discipline Committee Meetings re. Exclusions

a) On being informed of an exclusion by the Principal, the clerk or Chair **must**:

- with **fixed term exclusions totalling fewer than 6 school days in one term**, convene a meeting of the Discipline Committee to consider **representations from the parents** (if these have been made), but the student **cannot be reinstated**;
- in the case of **fixed term exclusions totalling more than 5, but not more than 15 school days**, in any one term, convene a meeting to review the exclusion if the parents have asked to make representations between the 6th and the 50th school day after being notified of the exclusion.
- **in cases of permanent exclusion or where one or more fixed term exclusions add up to more than 15 days** in any one term, arrange a meeting to review the exclusion between the 6th and the 15th school day after being notified of the exclusion;
- invite the parent, Principal (and, where appropriate a representative of the Local Authority Children's department) to attend at a mutually convenient time and place;

and **will**

- request written statements before the meeting; and
- circulate any such written statements (including any statements from witnesses) and a list of those due to attend in advance to all interested parties.

b) The parent may be accompanied by a friend or a legal representative. The excluded student will usually be allowed to attend and to speak if the parent requests this. **A student aged 18 or over is allowed to attend and to make representations in his/her own right.**

A3.3 The Committee will inform the parent of its decision as soon as possible but not later than one school day from the hearing, stating the reasons.

A3.4 The parent will be informed of the right to appeal to an Independent Appeal Panel, and where the letter is one where the Discipline Committee upholds the decision of the Principal to exclude the student, that letter will set out some sources of advice.

A4.0 Constitution and conduct of independent appeal panels

The Academy will be responsible for carrying out the functions assigned to the LA in part 5 of the guidance with regard to the management of the appeal procedure – this will usually be done by hiring an independent clerk or making use (where applicable) of an independent clerking service available through the Democratic Services (or similar) function of the local authority. Appeals panels must be impartial and constituted in accordance with the detailed provisions of paragraphs 123 - 126 of the guidance. The Academy will arrange suitable training for appeal panel members and clerks.

- A4.1** The appeal panel's decision is final and binding on the Academy. A parent may seek a judicial review of a panel's decision. A parent may not, however, appeal to the Commissioner for Local Administration (the Local Government Ombudsman) about maladministration because the Commissioner's remit is limited to considering the conduct of appeal panels constituted by LAs.