



CARDINAL  
NEWMAN  
CATHOLIC SCHOOL

# **BEHAVIOUR FOR LEARNING POLICY**

# Cardinal Newman-Behaviour for Learning Policy

## Introduction

Effective teaching and learning can only take place in a well-ordered environment. Promoting positive behaviour requires the commitment of all members of our school community, students, parents, governors and staff; it requires a consistency of practice across the school to ensure that students know the standard of behaviour that is expected of them.

## **‘Knowledge through the light of faith’**

In the light of our school mission statement, our Behaviour for Learning Policy is based on our gospel values where everyone, irrespective of ability, disability, colour, gender, faith or nationality are treated with mutual respect. We invite all members of the school community to actively participate in enabling all young people to strive to exceed their potential.

The Behaviour for Learning Policy assists Cardinal Newman Catholic School in offering all students an education of the highest quality as an essential preparation for life and to enable each student to develop their talents to the full in order to fulfill their unique role in creation both as an individual, and as a member of the wider community.

If all members of the school community are to develop and achieve their best then they must be free to learn and teach in an environment that is both caring and respectful; an environment permeated with love and freedom, and in an atmosphere that is open and welcoming, culturally affirming and equitable within the context of a community of faith, hope and love.

## BEHAVIOUR FOR LEARNING POLICY

At Cardinal Newman Catholic School, our policy for behaviour involves all staff, students, parents and governors. If students are to achieve their best then they must be free to learn in a stimulating, encouraging, supportive, friendly and rewarding atmosphere.

Our policy is based on the premise that:

- It is not acceptable for students to disrupt the learning of others;
- Each student has the right to learn;
- Each student should do their best and strive to be the best person they can be.

## RESPONSIBILITIES

Good behaviour does not happen by accident. It is the responsibility of those concerned with the school - parents, staff, Governors and students - to ensure good behaviour.

Students’ responsibilities have an essential part to play in relation to the new policy. Students are to show respect for and co-operate with all members of the school community, who work amongst them.

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## **Students' Responsibilities are to:**

- ✓ Abide by the Home School Agreement
- ✓ Work to the best of their ability and allow others to do the same
- ✓ Treat others with respect
- ✓ Obey the instructions of school staff
- ✓ Take care of property and the school environment
- ✓ Co-operate with other children and adults
- ✓ Complete work, homework and any coursework to the best of my ability
- ✓ Wear Cardinal Newman Catholic School uniform correctly at all times during the school day.  
Students should arrive and depart correctly dressed
- ✓ Attend school and to arrive on time

Parents', Guardians' and Carers' have responsibilities as role models for our young people and they have an essential part to play in relation to the Behaviour for Learning Policy. The policy cannot be seen in isolation from the parent's task as being primarily and principally responsible for their child's education.

Under the policy, parents are expected to co-operate with Cardinal Newman School and work with teachers and other members of staff to help their child develop to their full human potential.

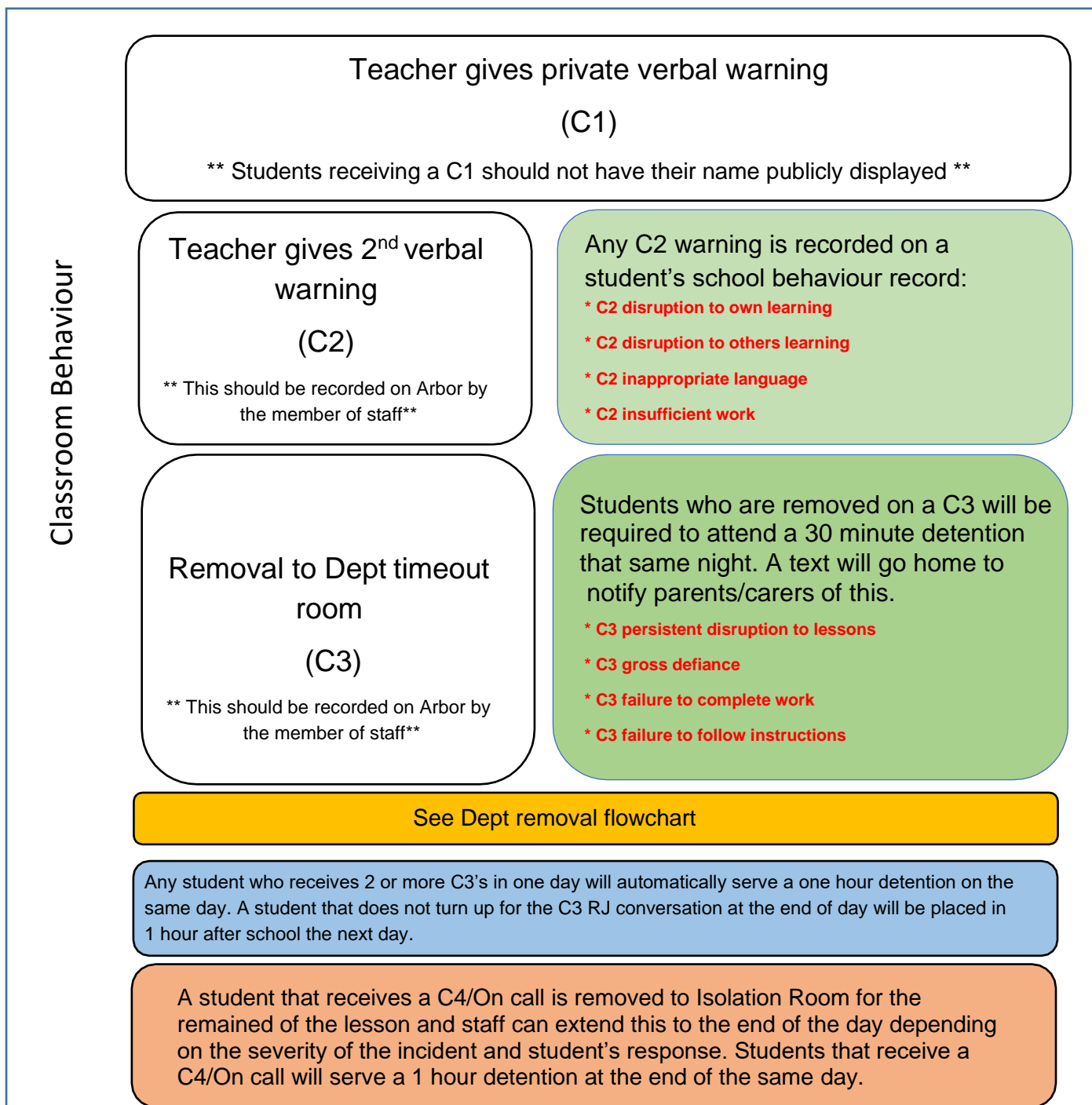
## **Parents' responsibilities are to:**

- ✓ Abide by the Home/School Agreement
- ✓ Support Cardinal Newman Schools Behaviour for Learning Policy
- ✓ Share concerns about their child's education, welfare and behaviour with the school
- ✓ Take an interest in their child's work and achievements
- ✓ Help their child with their work
- ✓ Attend Parents' Evenings and support school functions
- ✓ Support the school in achieving a minimum 96% attendance rate for their child
- ✓ Inform the school of any absence
- ✓ Ensure their child arrives at school on time
- ✓ Ensure their child is in full school uniform and wears that uniform correctly
- ✓ Ensure their child completes homework and coursework to the best of his or her ability

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## Behaviour for Learning within the classroom

It is expected that all students respect the right of others to learn within the classroom. With this in mind it is important that students regulate their behaviour to enable this to happen. Cardinal Newman operate the following policy:



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## Behaviour for Learning outside of the classroom - Standards

**Students who choose not to follow the high expectations and systems in place outside of the classroom will have specific sanctions imposed by the HOY or Leadership teams.**

### **Punctuality**

#### Late to school:

x1 late (before 8.45am) = loss of 10 minutes at Breaktime (L1) standards detention

X1 late (after 8.45am) = loss of 30 minutes at lunchtime (L2) standards detention

#### Late to lessons:

A late to a lesson is considered to be arriving after 2 minutes late for periods 1, 2 and 4. If this happens, students will be placed in a standards detention, that will take place the same day at lunchtime. Late to lesson reports will be run daily to see who is late for lessons. If a student fails their detention they will be placed in an after school detention that day. After break time and lunchtime if a student is not in lesson by the second bell staff members can issue a SLT Late to Lesson Slip that will result in a 30 minute after school detention.

### **Standards- Uniform & Equipment**

If a student has incorrect uniform or equipment, they can borrow any item from the uniform & equipment office before 8.40am without any sanction. Uniform and equipment breaches that take place at any other time of day will be logged on Arbor and there will be a same day Lunchtime detention. Uniform/equipment breaches that take place during period 5 will be rolled over to the following days lunchtime. A further uniform breach that week will result in an after school detention of 30 minutes. This can be escalated to an hour detention after school and complete loss of social time for further breaches. Students may be removed from lessons if they cannot or refuse to amend uniform breaches.

### **Anti - Bullying**

The school takes a tough stance against bullying to protect students and maintain high standards. Despite the school's desire to resolve conflict through a restorative justice approach, the whole range of school sanctions may be used in incidents of bullying behaviour, including loss of social time, after school detentions and in the most serious cases, Internal Exclusion, suspension or even permanent exclusion.

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**Students who do choose not to follow the system and willfully avoid the restorative justice conversation at the end of the day will have further sanctions imposed by the HOD and/or the HOY. Department detentions are issued to address poor behavior swiftly and restore relationships between teacher & student. During the sanction the teacher will encourage the student to reflect on their behaviour using the following questions:**

## Restorative questions

- ✓ What has happened?
- ✓ What were you thinking at the time?
- ✓ Who has been affected by the actions?
- ✓ How have they been affected?
- ✓ What needs to be done now to make things right?

Students will prepare for their Restorative Justice Meeting by completing a reflection sheet with the above questions.

## ON CALL (OC)

A student will be removed from class by middle leaders/senior staff via an On Call to the Student Reception desk if they have committed any of the following:

- ✓ Causing a risk to the H&S (eg fighting),
- ✓ Swearing at a member of staff
- ✓ Refusing to go to the time out room.

If these behaviours are demonstrated, a member of the behaviour support team together with the Head of Year, will issue an appropriate sanction and communicate this to all relevant parties. Most often this will include a same night sanction lasting 1 hour, however this may be escalated if deemed appropriate by the Head of Year.

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## School Based Sanctions and Interventions: (See also Appendix 5)

These sanctions exist to help modify or correct student behaviours demonstrated throughout the school day. Young people will make mistakes and we are responsible for ensuring that when mistakes are made they are put right as soon as possible. The school based sanctions we have at Cardinal Newman are an escalated approach which is proportionate to the poor behaviour choice made by the student. The values we place on sanctions are one of respect and reconciliation. All after school sanctions will be in one centralised location and this will be communicated to the students.

### Social Time Sanction:

These are issued to students who chose to defy our school rules at social time (break time and lunch times). These will be served with members of the leadership team or pastoral team.

### After School: 30 minutes (C3):

This sanction is issued for students who are removed from lessons after having 3 warnings to modify their behaviour. The student will be expected to attend an afterschool 30 minutes detention and the member of staff will come and collect the student to hold the Restorative Justice conversation. All students are expected to remain for the full duration of the sanction. Failure to turn up for this will result in social time and 1 hour sanction after school the following day.

### Break and Lunchtime: 10 minutes/30 minutes (late to school)

This sanction is issued to students who are late to school before the register closes. Students should report to the centralized room where they will complete work about the importance of not being late for school.

### After school: 1 hour (Whole School Sanction)

This sanction is reserved for students who persistently breach rules and sanctions. Students placed into this sanction will have often had several opportunities resolve their previous misdemeanors and behaviours. Students who fail to turn up for this sanction will be passed onto the Head of Year who will decide on the next appropriate action to take, which will include an escalation of sanctions.

### After School: 2 hours (Leadership Sanction)

Students who persistently avoid school sanctions or engage in serious breaches of the behaviour policy will be placed into this detention. This will be served with members of the Leadership Team and will last until 5pm each Friday. Only members of the leadership can refer students to this sanction and will always result in a phone call with the HOY to discuss the reasons. If students accumulate a significant number of this sanction during the course of one term, further sanctions maybe applied at the discretion of the Head teacher. Students who misbehave or choose not to attend this sanction will then be placed into Internal Exclusion for one day and will require a meeting with parents before being allowed back into lesson.

### Internal Exclusion

Students may be excluded from lessons and social time for behaviour which is deemed serious. On such occasions, the student will be sent on call and taken to the isolation room. If a student is placed in Internal Exclusion, their day will be extended until 4:00pm (3:30pm on Tuesday) and a parental meeting will need to take place with the Head of Year or member of leadership at a mutually convenient time.

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Whilst in Internal exclusion, the student will have the opportunity to put the incident right with the support from his/her Head of Year and the Behaviour Support Team. Should a student's behaviour be not what is expected then the sanction maybe increased accordingly in line with the school behaviour policy.

## The Headteacher's Power to Exclude

- ✓ Only the Headteacher of a school can exclude a pupil and this must be on disciplinary grounds. A pupil 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 suspension does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a suspension may be extended or converted to a permanent exclusion.
- ✓ Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the Headteacher's duty to notify parents, still apply.
- ✓ The behaviour of pupils outside school can be considered as grounds for exclusion.
- ✓ The Headteacher may withdraw an exclusion that has not been reviewed by the governing body.
- ✓ When establishing the facts in relation to an exclusion decision the Headteacher 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'.
- ✓ Headteachers and governing bodies must take account of their statutory duties in relation to Special Educational Needs (SEN) when administering the exclusion process. This includes having regard to the SEN Code of Practice.

## **Statutory guidance on factors that a Headteacher should take into account before taking the decision to exclude**

- ✓ A decision to exclude a pupil permanently should only be taken:
  - In response to serious or persistent breaches of the school's behaviour policy, and
  - Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school
- ✓ The decision on whether to exclude is for a Headteacher to take. However, where practical, Headteachers should give pupils an opportunity to present their case before taking the decision to exclude.
- ✓ Whilst an exclusion may still be an appropriate sanction, Headteachers should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.

## Permanent Exclusion

The decision to permanently exclude is never taken lightly and incidents at Cardinal Newman Catholic School are rare. However, this decision is sometimes necessary and while the list of behaviours that lead to permanent exclusion are non-exhaustive the school does take a zero tolerance approach to possession of any illegal substance or bladed article. In such cases permanent exclusion is almost certainly inevitable.



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## How this affects students at Cardinal Newman:

- ✓ All suspensions will be notified via a phone call and a letter outlining the reasons for this exclusion.
- ✓ It is the expectation that whilst students are not in school, they are suitably supervised and are not out in public spaces.
- ✓ All exclusions require a 'return to school meeting' which is an opportunity address the issue that resulted in the suspensions and create an action plan to avoid any reoccurrence of the behaviours.
- ✓ Permanent Exclusions will be referred to the Local Authority and the Governing Body. A hearing with the Governing Body will always take place within 15 working days of the first day of permanent exclusion to consider the decision and all stakeholders make representation before a final decision is confirmed.

## 6 Week Placements

These are 6 week placements at another school arranged internally by Cardinal Newman Catholic School. These are put in place as a supportive measure and prelude to a supported transfer. If the placement is successful, the student will return to Cardinal Newman Catholic School after this 6 week period and be reintegrated into their regular timetable. If the placement breaks down, they may be referred to another school or referred to the local authority for supported transfer.

## Supported Transfers

These are 12 week placements at another school (parents have a degree of choice of which school). These are put in place as an alternative to permanent exclusion. If the placement is successful, the new school will take the student on roll and avoid permanent exclusion. Student's placed on a supported transfer will not return to their original home school even if the placement breaks down. If the placement breaks down, they will be referred to another school by the Local Authority. If this also fails, the student will be referred to the Local Authority Extended Learning Centre.

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## Searching, screening and confiscation

### Searching

- School staff can search a pupil for any item if the pupil agrees.
- Headteachers and staff authorised by them have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. Prohibited items are:
  - knives or weapons
  - alcohol
  - illegal drugs
  - 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 pupil).
- Headteachers and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

### Confiscation

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

### Schools' obligations under the European Convention on Human Rights (ECHR)

- Under article 8 of the European Convention on Human Rights pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils 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

#### What the law allows:

- Schools can require pupils 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 pupils.
- Schools' statutory power to make rules on pupil behaviour<sup>2</sup> and their duty as an employer to manage the safety of staff, pupils and visitors<sup>3</sup> enables them to impose a requirement that pupils undergo screening.
- Any member of school staff can screen pupils.

<sup>2</sup> Section 89 of the Education and Inspections Act 2006 for all maintained schools, PRUs and NMSS and the Education (Independent School Standards) (England) Regulations 2010 for academy schools and alternative provision academies

<sup>3</sup> Section 3 of the Health and Safety at Work etc. Act 1974

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## **Also note:**

- If a pupil refuses to be screened, the school may refuse to have the pupil on the premises. Health and safety legislation requires a school to be managed in a way which does not expose pupils or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.
- If a pupil fails to comply, and the school does not let the pupil in, the school has not excluded the pupil and the pupil's absence should be treated as unauthorised. The pupil should comply with the rules and attend.
- This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

## **Searching with consent**

### **Schools' common law powers to search:**

- School staff can search pupils with their consent for any item.

## **Also note:**

- Schools are not required to have formal written consent from the pupil for this sort of search – it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree.
- Schools should make clear in their school behaviour policy and in communications to parents and pupils what items are banned.
- If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.
- A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil 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.

## **Searching without consent**

### **What the law says:**

#### **What can be searched for?**

- Knives or weapons, alcohol, illegal drugs and stolen items; and
- Tobacco and cigarette papers, fireworks and pornographic images; and
- 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, or damage to property; and
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

#### **1. Can I search?**

- Yes, if you are a head teacher or a member of school staff and authorised by the head teacher. (At CNCS this is members of Leadership, Safeguarding and Pastoral Teams)

#### **2. Under what circumstances?**

- You must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if possible, they should be the same sex as the pupil being searched.
- There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and / or 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.

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## 3. When can I search?

- If you have reasonable grounds for suspecting that a pupil is in possession of a prohibited item.

### Also note:

- The law also says what must be done with prohibited items which are seized following a search.
- The requirement that the searcher is the same sex as the pupil and that a witness is present will continue to apply in nearly all searches. Where it is practicable to summon a staff member of the same sex as the pupil and a witness then the teachers wishing to conduct a search must do so.

## 4. Authorising members of staff

- Headteachers should decide who to authorise to use these powers. There is no requirement to provide authorisation in writing.
- Staff, other than security staff, can refuse to undertake a search. The law states that headteachers may not require anyone other than a member of the school security staff to undertake a search.
- Staff can be authorised to search for some items but not others; for example, a member of staff could be authorised to search for stolen property, but not for weapons or knives.
- A headteacher can require a member of the school's security staff to undertake a search.
- If a security guard, who is not a member of the school staff, searches a pupil, the person witnessing the search should ideally be a permanent member of the school staff, as they are more likely to know the pupil.

## 5. Training for school staff

- When designating a member of staff to undertake searches under these powers, the headteacher should consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

## 6. Establishing grounds for a search

- Teachers can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil 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 pupils talking about the item or they might notice a pupil behaving in a way that causes them to suspect that the pupil is concealing a prohibited item.
- In the exceptional circumstances when it is necessary to conduct a search of a pupil of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a pupil's expectation of privacy increases, as they get older.
- The powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.
- School staff may wish to consider utilising CCTV footage in order to make a decision as to whether to conduct a search for an item.

## 7. Searches for items banned by the school rules

- An item banned by the school rules may only be searched for under these powers if it has been identified in the school rules as an item that can be searched for.
- The school rules must be determined and publicised by the headteacher in accordance with section 89 of the Education and Inspections Act 2006 in maintained schools. In the case of academy schools and alternative provision academies, the school rules must be determined in accordance with the School

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Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012. Separate advice on school rules is available in 'Behaviour and Discipline – advice for headteachers and school staff' via the link under Associated Resources.

- Under section 89 and the School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012 the headteacher must publicise the school behaviour policy, in writing, to staff, parents and pupils at least once a year.

## **8. Location of a search**

- 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 pupil, for example on school trips in England or in training settings.
- The powers only apply in England.

## **During the search**

### **9. Extent of the search – clothes, possessions, desks and lockers**

#### **What the law says:**

- The person conducting the search may not require the pupil 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.
- 'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags.
- 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.

#### **Also note:**

- The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

## **10. Lockers and desks**

- Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not the pupil is present.
- If a pupil does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the "prohibited items" listed above.

## **11. Use of force**

- Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal 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.
- Separate advice is available on teachers' power to use force – see Associated Resources section below for a link to this document

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## After the search

### 12. The power to seize and confiscate items – general

#### What the law allows:

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

#### Also note:

- 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 reasonably suspected to be an offensive weapon, it must be passed to the police.
- 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.

### 13. Items found as a result of a 'without consent' search

#### What the law says:

- 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 pupil.
- 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 pupil.
- **Fireworks** found as a result of a search may be retained or disposed of but should not be returned to the pupil.
- If a member of staff finds a **pornographic image**, they may dispose of the image unless they have reasonable grounds to suspect that 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.
- Where an article that has been (or is likely to 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.

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## **14. Statutory guidance on the disposal of controlled drugs and stolen items**

- It is up to the teachers and staff authorised by them 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).

## **15. Statutory guidance for dealing with electronic devices**

- Where the person conducting the search finds an electronic device that is prohibited by the school rules or that they reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the police. This power applies to all schools and there is no need to have parental consent to search through a young person’s mobile phone if it has been seized in a lawful ‘without consent’ search and is prohibited by the school rules or is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.
- The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a “good reason” for examining or erasing the contents of an electronic device:
- In determining a ‘good reason’ to examine or erase the data or files the staff member should reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.
- If an electronic device that is prohibited by the school rules has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police.<sup>4</sup>
- If a staff member does not find any material that they suspect is evidence in relation to an offence, and decides not to give the device to the police, they can decide whether it is appropriate to delete any files or data from the device or to retain the device as evidence of a breach of school discipline.
- All school staff should be aware that behaviours linked to sexting put a child in danger. Governing bodies should ensure sexting and the school’s approach to it is reflected in the child protection policy. The UK Council for Child Internet Safety

### **Also note:**

- Teachers should also take account of any additional guidance and procedures on the retention and disposal of items that have been put in place by the school.

## **16. Telling parents and dealing with complaints**

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

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- There is no legal requirement to make or keep a record of a search.
- Schools should inform the individual pupil's parents or guardians where alcohol, illegal 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.

## Use of Reasonable Force

(The below is guidance set out by the Department for Education; Use of Reasonable Force (2014))

### What is reasonable force?

Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

**'Reasonable in the circumstances' means using no more force than is needed.**

As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.

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

Headteachers and staff authorised by the Headteacher can use such force as is reasonable when searching a pupil without consent for prohibited items except where the search is for an item banned by the school rules.

### When can reasonable force be used?

- ✓ Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- ✓ Staff will use force for two main purposes – to control pupils or to restrain them.
- ✓ The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.
- ✓ The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

### Schools can use reasonable force to:

- ✓ Remove disruptive students from the classroom where they have refused to follow an instruction to do so;
- ✓ prevent a student behaving in a way that disrupts a school event or a school trip or visit;
- ✓ prevent a student leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- ✓ prevent a student from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- ✓ Restrain a student at risk of harming themselves **or others** through physical outbursts.



# Cardinal Newman-Behaviour for Learning Policy

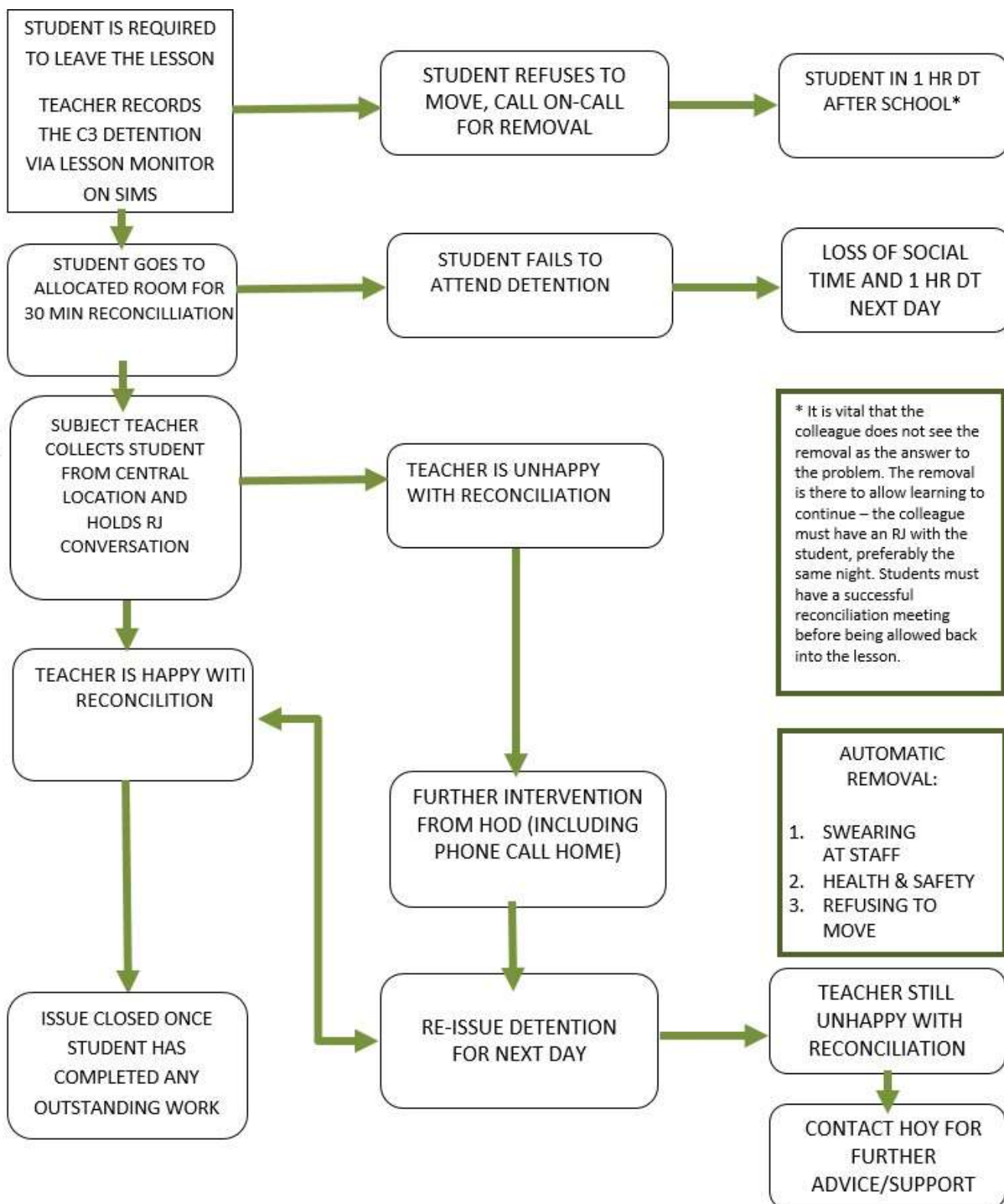
## Action in Self Defence or in an Emergency

Everyone has the right to defend themselves against attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else any authorised staff would be entitled to intervene.

Members of staff should not put themselves at risk. An individual would not be seen to be failing in their duty of care by not using force to prevent injury, if doing so threatened their own safety.

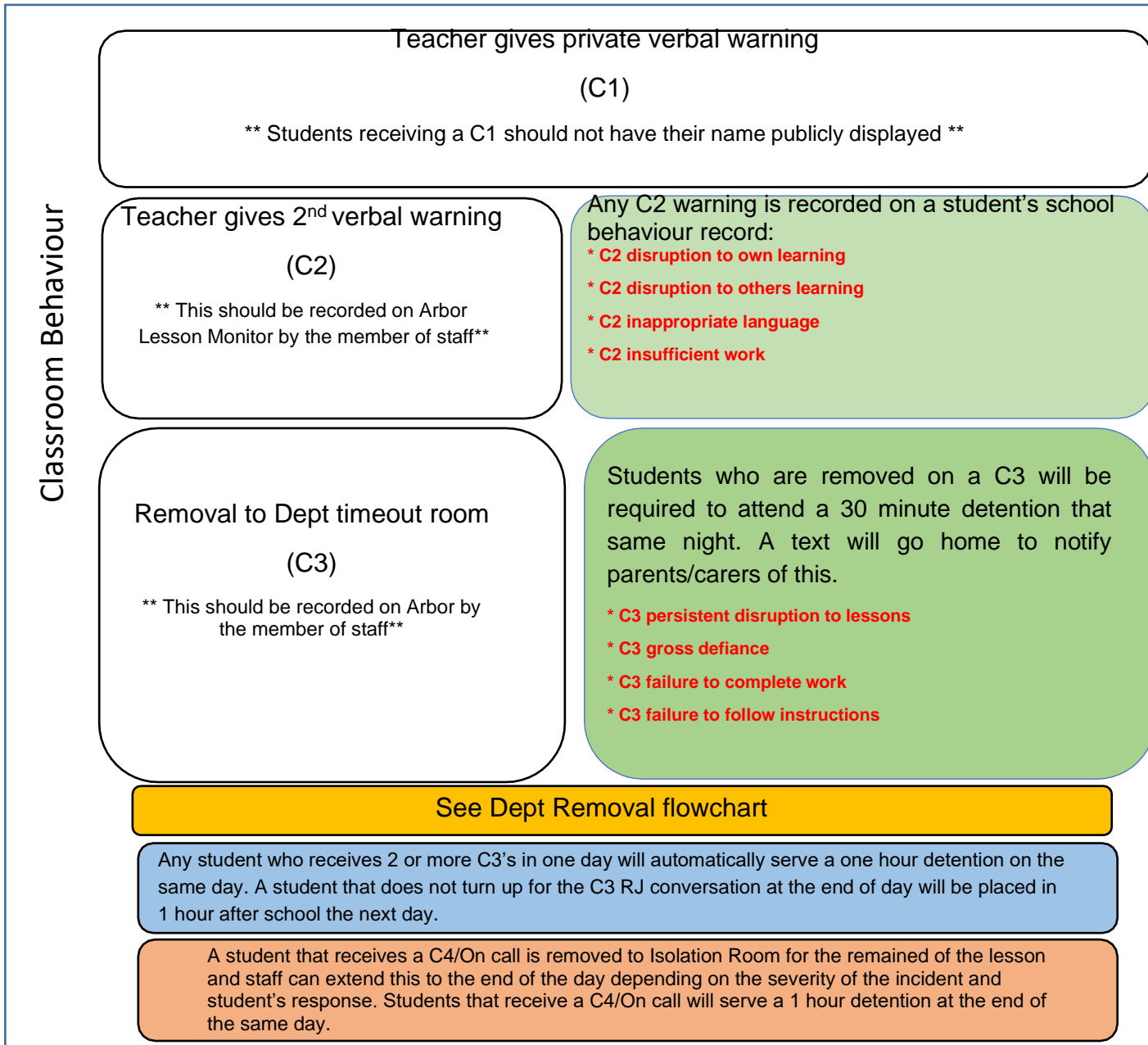
# Cardinal Newman-Behaviour for Learning Policy

## Appendix 1 – Department Removal Flow Chart



# Cardinal Newman-Behaviour for Learning Policy

## Appendix 2 – What happens next ...



Class teacher should record the name of the student privately and ensure student understands they have received this warning. Class teacher should then move away from the student and tactfully ignore any initial response from the student

Class teacher should ensure that the behaviour is logged via Arborschool syem

Class teacher should never jump from a C2 to a C3 in quick succession and should move through the stages cautiously.

Class teacher should refer to the 'Raising the Stakes' (appendix 3) document to try and diffuse the situation wherever possible

If a C3 is issued then the student should be sent to the department time out room. This should be clearly communicated with the student

Class teacher should collect student from central location at the end of the day to ensure the RJ conversation takes place. The class teacher is welcome to take the student to their classroom should they wish and keep the student for the full 30 minutes.

If a student does not turn up then they will receive a 1 hr after school detention the next day and will be available for the RJ conversation at the end of the day – this must happen before student is allowed back in the lesson

This document should be read alongside the faculty removal one.

# Cardinal Newman-Behaviour for Learning Policy

## Appendix 3 – Raising the Stakes

The following are graduated from the *least* intrusive to the *most* intrusive;

1. **Tactical Ignoring of Behaviour** Decide how long to ignore and what action you will take if it does not work. Never ignore rude or arrogant calling out, swearing, defiance or aggression.
2. **Non-verbal Messages;** eye contact for off-task students / facial messages – smile, stare, wink / confident, positive classroom movement / gesture – hand up, touching desk.
3. **Casual Statement or Question** e.g. ‘How’s it going?’ ‘Where are you up to?’
4. **Simple Directions (repeat if necessary)** Use of the person’s name may be enough, e.g. ‘Put the pen down thanks’, ‘Keep the noise down please
5. **Rule Restatement/Rule, Reminders** Don’t get caught in futile discussions. Instead, say, e.g. ‘You know our rule. If you want to ask questions, it’s hands up.’
6. **Questions and Feedback** e.g. ‘What are you doing?’ Then (if necessary) followed by, ‘What should you be doing?’ Followed by (if necessary), ‘You should be doing —.’
7. **Distractions and Diversions** Teachers can often anticipate a disruption or problem and distract or direct the students. They can do this by: inviting some assistance / asking a question / giving them a task / moving closer / inviting another student to work with him or her / asking the student to move.
8. **Defusing** Appropriate humour can sometimes take the heat out of a situation.
9. **Deflection** Acknowledge the student’s frustration/anxiety. Refer the student to appropriate behaviour.
10. **Taking the Student Aside** It may be necessary, if the student is upset, to give him/her a cooling off period before resuming work. Ensure that the student knows what he/she should be doing before you ask him/her to return to the classroom environment.
11. **Clear Command** Make clear, direct commands to students, especially in dangerous situations, e.g. ‘Put that acid bottle down now. Move over there and wait.’ Then further talk and follow-up action.
12. **Assertive Message/Statement** Sometimes ‘I’ messages have impact. e.g. ‘I am not very happy with the amount of work being done.’
13. **Simple Choice** Empty threats are pointless. This should be preceded by other approaches, e.g. ‘Michelle, Denise, I will give you a simple choice. Either sit together and start working quietly on the task, or if you keep talking loudly I will have to move you.’
14. **Isolating Students within the Room** Students are given a clear choice – settle down to work quietly or move. This is a form of a logical consequence.
15. **Withdrawal** The student has chosen not to work within the expectations of the classroom.

# Cardinal Newman-Behaviour for Learning Policy

## Appendix 4 – Behaviour Management Checklist

### BEHAVIOUR MANAGEMENT - Starts **BEFORE** the lesson!!

You are not a bad teacher if students misbehave. They misbehave for lots of reasons.  
Do try and have a plan to get the lessons and learning off to a great start  
Remember – this is a skill that every teacher is always developing and refining

#### Do your research!

You are part of the school community – Get help from the rest of the team  
Speak to FT, SENCO, Head of Year and other teachers about students who are not meeting expectations – what top tips do they have, could you observe their lesson?

**Make sure you are confident and prepared**  
**Know your topic and ensure you have the subject knowledge needed. If you are unsure of the work you are likely to become defensive and lose confidence in front of the students**

Spare file paper to hand  
(yes they should all have their book, yes it was there last lesson but you need a quick start. Get them working and then sort it out

**Tidy the desk/room**  
**Getting rid of clutter will help your organisation and the behaviour**

#### Pre Lesson Checklist

**Seating plan and teaching folder**  
Resources  
Spare Pens (Green and Black/blue)  
Rulers  
Subject specific materials

**KNOW THE SCHOOL BEHAVIOUR POLICY INSIDE AND OUT AND DO NOT BE AFRAID TO USE IT**

**Pupil Perspective**  
**Sit at the back/front of the room in different places. Can they all see the board if people sit in front of them.**  
**Do you need to change the layout?**

**USING IT WELL DOES NOT SHOW ANY WEAKNESS**

Make sure that you chased up any issues from the last lesson that you said you would

Build the relationships outside of the lesson  
Maybe join them at lunch or break?

# Cardinal Newman-Behaviour for Learning Policy

## Appendix 5: Behaviour Stages

Stage	Behaviours	Sanctions	Interventions
Stage 1	<ul style="list-style-type: none"> <li>• Arriving late to lessons</li> <li>• Not properly equipped</li> <li>• Uniform breaches</li> <li>• Low level disruption to own learning</li> <li>• Poor performance in lessons</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> C1 Warnings</li> <li><input type="checkbox"/> C2 Behaviour Points</li> <li><input type="checkbox"/> Late detentions</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Subject teacher intervention</li> <li><input type="checkbox"/> Tutor intervention</li> </ul>
Stage 2	<ul style="list-style-type: none"> <li>• Persistent Stage 1 behaviours</li> <li>• Disruption to others learning</li> <li>• Rare home learning fails</li> <li>• Immature behaviour around school</li> <li>• Failing to follow school expectations</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> C2 Behaviour Points</li> <li><input type="checkbox"/> C3 RJ Detentions</li> <li><input type="checkbox"/> Late detentions</li> <li><input type="checkbox"/> HL2 Detentions</li> <li><input type="checkbox"/> Pastoral Detentions</li> <li><input type="checkbox"/> Loss of social time</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Subject teacher intervention</li> <li><input type="checkbox"/> Tutor intervention</li> <li><input type="checkbox"/> HOD intervention</li> <li><input type="checkbox"/> Parent contact</li> </ul>
Stage 3	<ul style="list-style-type: none"> <li>• Persistent Stage 2 behaviours</li> <li>• Persistent disruption to learning</li> <li>• Disruption to school life</li> <li>• Dangerous behaviour</li> <li>• Routine home learning fails</li> <li>• Anti-social behaviour around school</li> <li>• Failing to attend school sanctions</li> <li>• Use of Foul language</li> <li>• Truancy</li> <li>• Graffiti/damage to property</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> C3 RJ Detentions</li> <li><input type="checkbox"/> Late detentions</li> <li><input type="checkbox"/> HL2 Fail Detentions</li> <li><input type="checkbox"/> Extended loss of social time</li> <li><input type="checkbox"/> Pastoral Detentions</li> <li><input type="checkbox"/> On calls</li> <li><input type="checkbox"/> SLT detentions</li> <li><input type="checkbox"/> Community Service</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> HOD intervention</li> <li><input type="checkbox"/> Tutor intervention</li> <li><input type="checkbox"/> HOY intervention</li> <li><input type="checkbox"/> Parent contact &amp; meetings</li> <li><input type="checkbox"/> Behaviour Support Team referral</li> <li><input type="checkbox"/> Student Support referral</li> <li><input type="checkbox"/> Attendance Officer referral</li> </ul>
Stage 4	<ul style="list-style-type: none"> <li>• Persistent Stage 3 behaviours</li> <li>• Abusive language (incl: swearing at staff)</li> <li>• Bullying</li> <li>• Bringing the school into disrepute</li> <li>• Violent conduct</li> <li>• Fighting</li> <li>• Risk to health and safety of others</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Any stage 1 to 3 sanction</li> <li><input type="checkbox"/> Internal Exclusion</li> <li><input type="checkbox"/> Suspension</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Dept. Line Manager intervention</li> <li><input type="checkbox"/> HOY intervention</li> <li><input type="checkbox"/> Referral to Assistant Headteacher</li> <li><input type="checkbox"/> Ed Psych referral</li> <li><input type="checkbox"/> Parent contact &amp; meetings</li> <li><input type="checkbox"/> Anger management</li> <li><input type="checkbox"/> Counselling</li> <li><input type="checkbox"/> CAMHS referral</li> <li><input type="checkbox"/> Probation with Leadership Team</li> </ul>
Stage 5	<ul style="list-style-type: none"> <li>• Excessive and repetitive Stage 4 behaviours</li> <li>• Aggressive &amp; threatening behaviour to staff</li> <li>• Possession of a bladed article</li> <li>• Unprovoked assault</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Any Stage 1 – 4 sanction</li> <li><input type="checkbox"/> Suspension</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Referral to Deputy Headteacher</li> <li><input type="checkbox"/> 6 week placement</li> <li><input type="checkbox"/> KS4 College placement</li> </ul>
Stage 6	<ul style="list-style-type: none"> <li>• Significant Stage 1 to 5 behaviours over time</li> <li>• Possession of a controlled substance</li> <li>• Malicious possession of a bladed article</li> <li>• Malicious wounding of a fellow student</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Permanent Exclusion</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Supportive Transfer</li> </ul>

\*Nb: This is a non-exhaustive list

# Cardinal Newman-Behaviour for Learning Policy

## **Appendix 6: Interventions**

The school will use a range of interventions, as listed, to help any student remedy their behaviour choices. Some additional interventions might include:

### **Stage 1 – 3:**

- ✓ Subject Teacher Report - a range of lesson targets set by the class teacher to monitor over a given period
- ✓ Head of Dept Report - a range of lesson targets set by the Head of Dept to monitor over a given period
- ✓ Head of Year Report - a range of lesson targets set by the Head of Year to monitor over a given period
- ✓ Commit to character programme – programme of reward and recognition that acknowledges demonstration of improved attitude and character around school.
- ✓ Tutor mentoring – targeted intervention by tutor to include fortnightly review meetings
- ✓ Behaviour Support Intervention – programme of support with Learning, Behaviour or Student Support mentors during lessons or tutor time.

### **Stage 4:**

Probation periods may be put in place by members of the Leadership to any student who has been suspended. This entails a fortnightly review meeting with the member of leadership team and a follow up meeting with parents within 4/6weeks.

### **Stage 5:**

Six-week placement – This would involve the student attending another local school for 6 weeks. This provides respite for the home school, an opportunity for the student to review their behaviours in an alternative setting and a chance to reflect on whether the student truly values their place in their home school.

KS4 College placement – these are used sparingly (in Years 10 and 11) when a student’s behaviour means they cannot access their learning on school site but when permanent exclusion is not applicable.

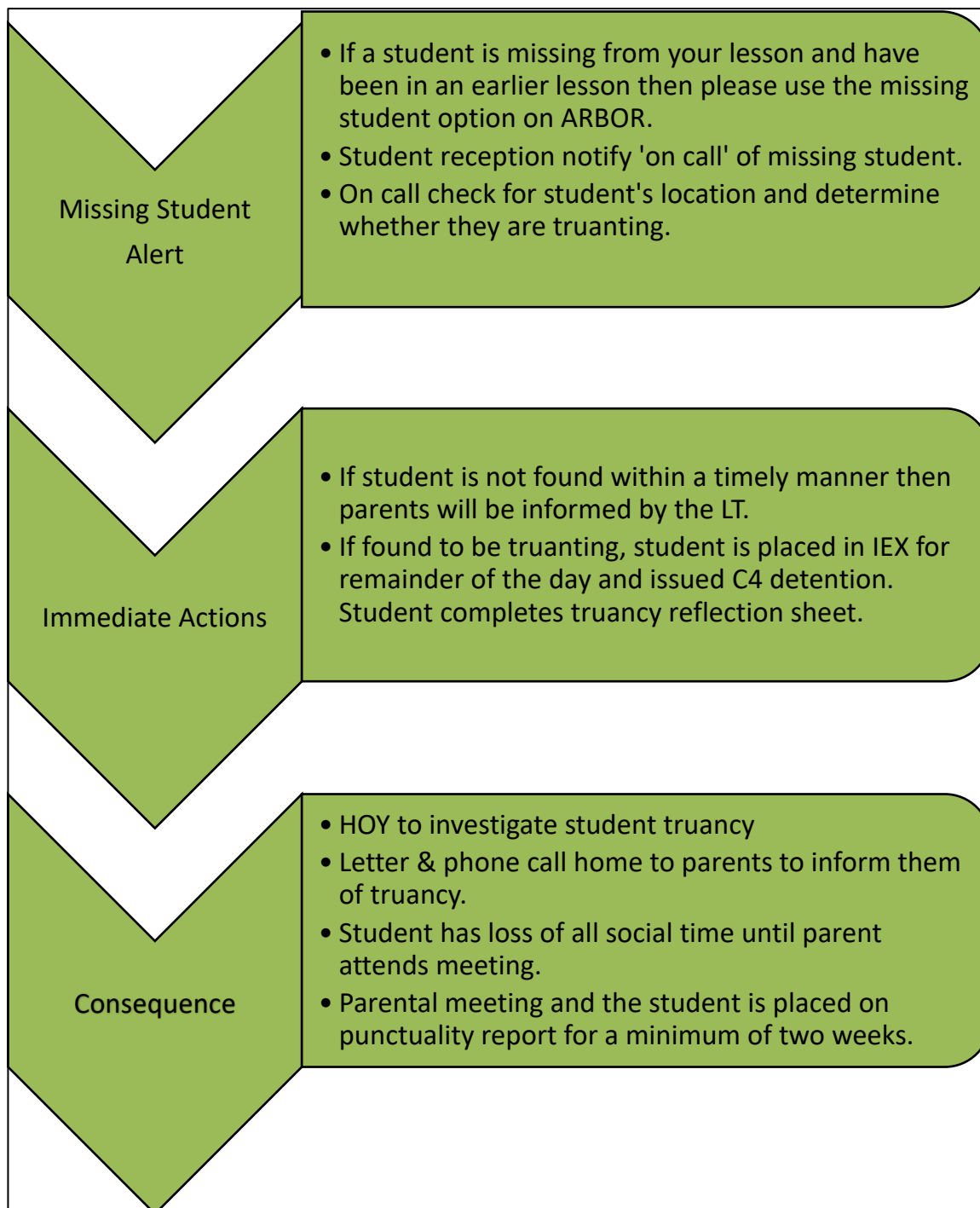
### **Stage 6:**

Supported Transfer – These are 12 week placements at another school (parents have a degree of choice of which school). These are put in place as an alternative to permanent exclusion. If the placement is successful the new school will take the student on roll. Student’s placed on a supported transfer will not return to their original home school even if the placement breaks down. If the placement breaks down, they will be referred to another school by the Local Authority. If this also fails the student will be referred to the Local Authority Extended Learning Centre.

# Cardinal Newman-Behaviour for Learning Policy

## Appendix 7- Dealing with a missing student

To ensure the safety of our students, registers must be taken with the first 5 minutes of the lesson. If a student has not arrived to lesson within 5 minutes of the start, the following process will be initiated to identify a missing student:





# Cardinal Newman-Behaviour for Learning Policy

## **Appendix 8- Child on Child abuse/sexual harassment and sexual violence**

Cardinal Newman understands that both adults and other children can perpetrate abuse, and can happen inside and outside of school, online or face to face. Child on Child abuse is taken very seriously and can include bullying (including cyber-bullying, prejudice-based and discriminatory bullying), abuse in intimate personal relationships between children, physical abuse, sharing of consensual or non-consensual images or videos, causing someone to engage in sexual activity without consent, sexual violence and/or harassment, upskirting, and initiation/hazing ceremonies. Cardinal Newman recognise that safeguarding issues can manifest as child-on-child abuse.

All members of staff will be made aware of Cardinal Newman's policy and procedures with regards to child-on-child abuse. Cardinal Newman will ensure staff understand what is meant by child-on-child abuse and Cardinal Newman policy on child-on-child abuse by ensuring members of staff at the school maintain the attitude of 'It can happen here' to ensure all children are safeguarded. One way this is done is by addressing inappropriate behaviour via our Behaviour Policy. All staff understand that by not addressing this promptly, children's safeguarding and educational attainment may be impacted.

Cardinal Newman will work to prevent child on child abuse by ensuring that staff and students are aware of the importance of challenging inappropriate behaviours; making it clear it is never accepted, tolerated and is not a part of growing up or banter.

Although it is recognised that if there are no reported cases, such abuse may still be taking place. If an allegation of child-on-child abuse is made, the Designated Safeguarding Lead (or deputy) will take a lead role in the investigation whilst using their professional judgement, liaising with other agencies and following the below protocol;

- when possible, two members of staff will be present where the report includes an online element. Staff will not view illegal images of children;
- will not promise confidentiality as reports will may need to be passed onto Children's Service (and in some cases, the Police);
- recognises that a child is more likely to disclose to a member of staff they have the strongest relationship with and this must referred to the DSL by recording disclosure or incident witnessed on CPOMs;
- an initial disclosure may be the first incident that is reported rather than a singular event;
- some children may face barriers to disclosing such as, additional needs, vulnerability, sex, ethnicity and possibly sexual orientation;
- will always listen carefully to the child whilst being non-judgemental;
- write up the factual parts of the disclosure as soon as the child has finished disclosing;
- liaise and referral to the MASH will be considered (and police if urgent response required);

In the event that an allegation of child-on-child abuse is made victims, alleged perpetrators and any other children affected will be supported by following the below protocol;

# Cardinal Newman-Behaviour for Learning Policy

- The victim will never be given the impression that they are creating a problem by reporting an incident of child on child abuse. They will be taken seriously and will be supported and kept safe;
- Internal school support will be offered e.g. Meeting with Chaplaincy/Counsellor for the victims and education sessions from Behaviour Mentor for alleged perpetrator;
- Referral to the MASH will be considered (and police if urgent response required);
- In some cases, a risk assessment may be required but will be kept under constant review.

Cardinal Newman will never pass off child on child abuse as ‘banter’, ‘having a laugh’, ‘part of growing up’ or other such terminology that does not recognise the harm caused. This should be a Zero-tolerance approach as this could lead to a culture of unacceptable behaviours. It is recognised with this, that all child-on-child abuse is unacceptable and will be taken seriously.

Cardinal Newman will adhere to guidance set out in Keeping Children Safe in Education (2022) and Sexual Violence and Sexual Harassment in Schools (September 2021) when responding to incidents of child-on-child abuse.

All staff will be made aware that ‘upskirting’ is a criminal offence.