



Behaviour Policy

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1 Aims

- 1.1 This is the Behaviour Policy of St. Martin’s School (SMS).
- 1.2 The aims of this Policy are:
 - 1.2.1 to create a calm, safe and supportive environment free from disruption in which pupils can thrive and flourish, both in and out of the classroom, and reach their full potential;
 - 1.2.2 to create, promote and maintain high expectations of good behaviour amongst pupils through a whole-school approach to behaviour;
 - 1.2.3 to actively promote and safeguard the welfare of SMS pupils and to protect all who come into contact with SMS from harm;
 - 1.2.4 to ensure, so far as is possible, that every pupil of SMS is able to benefit from and make their full contribution to the life of SMS, consistent always with the needs of the SMS community;
 - 1.2.5 to set out a clear and fair process for the proper investigations of allegations of poor behaviour and/or breaches of discipline;
 - 1.2.6 to encourage pupils to accept responsibility for their behaviour;
 - 1.2.7 to consider how negative behaviours can be prevented or prevented from recurring;
 - 1.2.8 to enable staff to respond to incidents of misbehaviour promptly, predictably and with confidence;
 - 1.2.9 to set out the sanctions available to SMS in the event of pupil misbehaviour;
 - 1.2.10 to help promote a whole-school culture of safety, equality, inclusion and protection;
 - 1.2.11 to promote the SMS core values of Be Kind. Be Safe. Be Responsible.
- 1.3 This Policy forms part of the SMS whole-school approach to promoting child safeguarding and wellbeing, which seeks to involve everyone at SMS to ensure that the best interests of pupils underpin, and are at the heart of, all decisions, systems, processes and policies.
- 1.4 Although this Policy is necessarily detailed, it is important to SMS that its policies and procedures are transparent, clear and easy to understand for staff, pupils, Parents. SMS welcomes feedback on how it can continue to improve its policies.

2 Scope and Application

- 2.1 This Policy applies to the whole of SMS, including the Sixth Form.
- 2.2 This Policy and all other SMS policies on behaviour and discipline apply to all pupils at SMS, and at all times when a pupil is:
 - 2.2.1 in or at SMS (to include any period of remote education);
 - 2.2.2 representing SMS or wearing School uniform;
 - 2.2.3 travelling to or from SMS;
 - 2.2.4 on SMS-organised trips;

- 2.2.5 associated with SMS at any time.
- 2.3 This Policy shall also apply to pupils at all times and places, including out of school hours and off-school premises, in circumstances where failing to apply this Policy may:
 - 2.3.1 affect the health, safety or wellbeing of a member of the SMS community or a member of the public;
 - 2.3.2 have repercussions for the orderly running of SMS; or
 - 2.3.3 bring SMS into disrepute.

3 **Regulatory Framework**

- 3.1 This Policy has been prepared to meet SMS responsibilities under:
 - 3.1.1 Education Act 2002, as amended by the Education Act 2011;
 - 3.1.2 The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 as amended by The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment) Regulations 2022;
 - 3.1.3 The Education and Inspections Act 2006;
 - 3.1.4 The Education Act 1996;
 - 3.1.5 The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014;
 - 3.1.6 Education (Independent School Standards) Regulations 2014;
 - 3.1.7 Education and Skills Act 2008;
 - 3.1.8 Children Act 1989;
 - 3.1.9 Childcare Act 2006;
 - 3.1.10 Data Protection Act 2018 and UK General Data Protection Regulation (**UK GDPR**);
 - 3.1.11 Human Rights Act 1998; and
 - 3.1.12 Equality Act 2010.
- 3.2 This Policy has regard to the following guidance and advice:
 - 3.2.1 **Keeping children safe in education** (Department for Education (DfE), September 2024) (**KCSiE**);
 - 3.2.2 **Working together to safeguard children** (DfE, December 2023) (**WTSC**);
 - 3.2.3 **Information sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers** (DfE, May 2024);
 - 3.2.4 **Behaviour in schools: advice for head teachers and school staff** (DfE, February 2024);
 - 3.2.5 **Preventing and tackling bullying: Advice for Headteachers, staff and governing bodies** (DfE, July 2017);

- 3.2.6 **Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement** (DfE, August 2024) (**Suspension and Permanent Exclusion Guidance**);
 - 3.2.7 **Use of reasonable force** (DfE, July 2013);
 - 3.2.8 **Searching, screening and confiscation: advice for schools** (DfE, July 2022);
 - 3.2.9 **Alternative provision** (DfE, January 2013) (**AP Guidance**);
 - 3.2.10 **Sharing nudes and semi-nudes: advice for education settings working with children and young people** (Department for Science, Innovation & Technology and UK Council for Internet Safety (UKCIS), December 2020, updated March 2024);
 - 3.2.11 **Mental health and behaviour in schools** (DfE, November 2018);
 - 3.2.12 **Equality Act 2010: advice for schools** (DfE, May 2014);
 - 3.2.13 **Police and Criminal Evidence Act 1984 (PACE) PACE Code C** (Home Office, 2019);
 - 3.2.14 **Guidance for appropriate adults** (Home Office, April 2003);
 - 3.2.15 **Relationships education, relationships and sex education (RSE) and health education** (DfE, September 2021); and
 - 3.2.16 **The designated teacher for looked-after and previously looked-after children** (DfE, February 2018)
- 3.3 The following SMS and Trust policies, procedures and resource materials are relevant to this Policy and, where applicable, breaches of them will constitute a breach of this Behaviour Policy:
- 3.3.1 SMS Anti-Bullying Policy;
 - 3.3.2 SMS Attendance Policy;
 - 3.3.3 SMS Relationships and Sex Education (RSE) Policy;
 - 3.3.4 DET Harmful Sexual Behaviour/Child-on-Child Abuse Policy;
 - 3.3.5 DET Online Safety Policy;
 - 3.3.6 DET Safeguarding and Child Protection Policy;
 - 3.3.7 DET Risk Assessment Policy for Pupil Welfare;
 - 3.3.8 DET Searching, Screening and Confiscation Policy;
 - 3.3.9 DET Special Educational Needs and Disability (SEND) Policy;
 - 3.3.10 DET Staff Code of Conduct;
 - 3.3.11 DET Uniform Policy; and
 - 3.3.12 DET Use of Reasonable Force and Physical Restraint Policy.

All DET policies are accessible [here](#). All SMS policies are accessible [here](#). All policies are available in hard copy on request.

4 Publication and Availability

- 4.1 This Policy is published on the SMS website.
- 4.2 This Policy is available in hard copy on request.
- 4.3 A copy of the Policy is available in the Staff Handbook and Parents will be reminded of this on an annual basis.
- 4.4 A copy of the Policy is available for inspection from the SMS Main Reception during the school day.
- 4.5 This Policy can be made available in large print or another accessible format if required.

5 Definitions

- 5.1 Where the following words or phrases are used in this Policy:
 - 5.1.1 References to DET or the Trust are references to Discovery Educational Trust, the Academy Trust.
 - 5.1.2 References to **Parent** or **Parents** means the natural or adoptive parents of the pupil (irrespective of whether they are or have ever been married, with whom the pupil lives, or whether they have contact with the pupil) as well as any person who is not the natural or adoptive parent of the pupil, but who has care of, or parental responsibility for, the pupil (e.g. foster carer/legal guardian).
 - 5.1.3 References to **school days** mean Monday to Friday, when SMS is open to pupils during term time. The dates of terms are published on the SMS website.

6 Responsibility Statement and Allocation of Tasks

- 6.1 DET has overall responsibility for all matters which are the subject of this Policy.
- 6.2 DET is aware of its duties under the Equality Act 2010 and the requirement under S.149 of the Equality Act 2010 to meet the Public Sector Equality Duty. This means in undertaking its functions, the Trust is required to have due regard to the need to:
 - 6.2.1 eliminate discrimination, harassment, victimisation and other conduct that is prohibited by the Act;
 - 6.2.2 advance equality of opportunity between people, who share a protected characteristic, and people, who do not share it; and
 - 6.2.3 foster good relations across all characteristics - between people, who share a protected characteristic, and people, who do not share it.
- 6.3 Any punishment imposed on a pupil will be legal and proportionate. The punishment will be reasonable in all the circumstances and account will be taken of the pupil's age, any special educational needs or disability (SEND) they may have, and any religious requirements affecting them.
- 6.4 In discharging its responsibilities under this Policy, the Trust expects school leaders and staff to undertake the following roles:
- 6.5 School leaders will:
 - 6.5.1 Be highly visible, routinely engage with pupils, Parents and staff on setting and maintaining the behaviour culture and an environment where everyone feels safe and supported;

- 6.5.2 Play a crucial role in ensuring that all staff understand behavioural expectations and the importance of maintaining them;
 - 6.5.3 Ensure that all new staff are inducted clearly into the SMS behaviour culture to ensure that they understand its rules and routines and how best to support all pupils to participate in creating the culture of the School;
 - 6.5.4 Consider any appropriate training that is required for staff to meet their duties and functions under the Behaviour Policy;
 - 6.5.5 Ensure that staff have adequate training on matters such as: how certain SEND or mental health needs may, at times, affect a pupil's behaviour;
 - 6.5.6 Encourage engagement with experts, e.g. educational psychologists, counsellors and mental health support teams, to inform effective implementation and design of behaviour policies, and this links to the whole-school approach to mental health and wellbeing.
- 6.6 SMS staff will:
- 6.6.1 play an important role in developing a calm and safe environment for pupils, and establish clear boundaries of acceptable pupil behaviour;
 - 6.6.2 uphold the whole-school approach to behaviour by teaching and modelling expected behaviour and positive relationships; as defined in this Policy, so that pupils can see examples of good habits, and are confident to ask for help when needed;
 - 6.6.3 challenge pupils to meet the School's expectations and maintain boundaries of acceptable conduct;
 - 6.6.4 communicate School expectations, routines, values and standards (refer Appendix 1) both explicitly through teaching behaviour and in every interaction with pupils;
 - 6.6.5 consider the impact of their own behaviour on School culture and how they can uphold the SMS rules and expectations in addition to those set out in the Trust Staff Code of Conduct.
- 6.7 In order to achieve this, the Trust has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the Policy up to date and compliant with the law and best practice	Deputy Headteacher (DHT) – Student Wellbeing	As a minimum annually, ideally termly, and as required
Reviewing induction and ongoing training for staff	DHT – Student Wellbeing	As required, and, at least, termly
Monitoring the implementation of the Policy, relevant risk assessments and any action taken in response, and evaluating effectiveness	DHT – Student Wellbeing	As a minimum annually, ideally termly, and as required
Seeking input from interested groups (such as pupils, staff,	DHT – Student Wellbeing	As a minimum annually, ideally termly, and as required

Task	Allocated to	When / frequency of review
Parents) to consider improvements to SMS processes under the Policy		
Formal annual review including effectiveness of Policy and procedures in promoting good behaviour, and trends relating to disciplinary measures taken	SMS Local School Committee (LSC)	As a minimum annually, and as required
Overall responsibility for content and implementation	DET	As a minimum annually.

7 Promoting High Expectations of Good Behaviour

- 7.1 Pupils are educated about good behaviour through the SMS curriculum, PSHE, RSE and the SMS pastoral support systems. Pupils are encouraged to act responsibly and, through the operation of this Policy, to accept responsibility for their behaviour. This includes teaching pupils explicitly what good behaviour looks like (for example, through the teaching of good habits and routines). SMS has a “Culture for Learning Code” for every lesson, which all staff and pupils are expected to follow. Refer Appendix 1.
- 7.2 SMS understands that rewards can be more effective than punishment in motivating pupils. The ways in which SMS may reward good behaviour are detailed in Appendix 3.
- 7.3 SMS recognises that, where challenging behaviour is related to a pupil’s disability, use of positive discipline and reward methods may enable it to manage the pupil’s behaviour more effectively, and to improve their educational outcomes.
- 7.4 Where appropriate, staff should also consider any contributing factors that are identified after a behaviour incident has occurred, for example, if the pupil has suffered a bereavement, experienced abuse or neglect, has mental health needs, has been subject to bullying, has needs, including SEND (including any not previously identified), has been subject to criminal exploitation, or is experiencing significant challenges at home.

8 Responding to Unacceptable Behaviour

- 8.1 When a member of SMS staff becomes aware of misbehaviour, they should respond in a consistent, fair, proportionate and timely manner in accordance with this Behaviour Policy, and, specifically, the Rewards and Sanctions detail at Appendix 3.
- 8.2 The first priority will be to ensure the safety of pupils, and de-escalation techniques can be used to prevent further behaviour issues arising. Staff will remind pupils of the expectations for behaviour; they will issue a warning and will then follow up with a sanction: Reminder – Warning - Sanction.
- 8.3 SMS recognises that taking disciplinary action and providing appropriate support are not mutually exclusive actions. They can and should be used at the same time, if necessary.

9 Minor Breaches of Discipline/this Behaviour Policy

- 9.1 SMS adopts a culture of openness and transparency and, where there are any concerns

regarding breaches of discipline, contact should be made with SMS at the earliest opportunity. All concerns are taken seriously, including scenarios where suspicions or breaches of discipline appear minor.

- 9.2 SMS has pastoral support systems in place to assist pupils in managing their behaviour. A range of sanctions are available for those who breach this SMS Behaviour Policy. Refer to Appendix 3.
- 9.3 The decision to issue a sanction and the sanction itself must be made on the SMS premises or whilst the pupil is under the charge of the relevant member of staff.
- 9.4 Allegations, complaints or rumours of minor breaches of discipline are dealt with by staff as they occur. Staff may carry out informal investigations and/or interviews with the pupils involved. Low-level sanctions may be given following such processes. Refer to Appendix 3 for details of possible sanctions.
- 9.5 A minor breach of discipline may be referred to a senior member of staff and external agencies (where appropriate) prior to, during or following an informal investigation.
- 9.6 When considering the appropriate sanction, the risks posed to pupil welfare by an individual's behaviour will be assessed. This may include consideration of how any action taken, sanctions applied, or inaction may affect that individual's welfare and, where appropriate, how it may affect other pupils' welfare and/or the SMS community as a whole.

10 **Serious and/or Persistent Breaches of Discipline/this Behaviour Policy**

- 10.1 Allegations, complaints or rumours of serious and/or persistent breaches of discipline should be referred to the DHT – Student Wellbeing.
- 10.2 The decision to issue a sanction and the sanction itself must be made on the SMS premises or whilst the pupil is under the charge of the relevant member of staff.
- 10.3 The main categories of misconduct, which are likely to be considered to be serious breaches of discipline include, but are not limited to:
 - 10.3.1 Supply, which means providing or sharing (whether or not for money or other consideration), or facilitation of supply, e.g. sale, exchange or sharing (which includes promotion/advertisement or facilitating supply)/possession/use of drugs and solvents, or their paraphernalia or substances intended to resemble them, or alcohol or tobacco as prohibited by SMS;
 - 10.3.2 actual or attempted theft, blackmail, intimidation, cyber-based bullying or prejudice-based bullying, discriminatory-based bullying or other potentially criminal offence, including being an accessory or conspirator;
 - 10.3.3 physical violence and/or abuse (which may include, but is not limited to, hitting, kicking, shaking, biting and hair pulling;
 - 10.3.4 physical or emotional abuse or harassment (to include behaviour that may be categorised as "banter", "just having a laugh", "part of growing up", "boys being boys" or "girls being girls");
 - 10.3.5 initiation/hazing-type violence and rituals (which may include, but is not limited to, activities involving harassment, abuse or humiliation used as a way of initiating a person into a group);
 - 10.3.6 abuse in intimate personal relationships between peers (teenage relationship abuse);

- 10.3.7 sexual violence, which includes sexual assault, sexual harassment and upskirting and other harmful/inappropriate sexual behaviour;
- 10.3.8 consensual and non-consensual sharing of nudes and semi-nude images and/or videos;
- 10.3.9 behaviour in contravention of the SMS policies on the acceptable use of technologies or online safety;
- 10.3.10 supply or possession of pornography;
- 10.3.11 behaviour, which may constitute a criminal offence, such as:
 - (a) possession or use of firearms, knives or other weapons;
 - (b) vandalism, defacement and/or destruction of school property.
- 10.3.12 possession of prohibited items under section 550ZA (3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) regulations 2012. Refer to Appendix 5;
- 10.3.13 possession of banned items as detailed in Appendix 5;
- 10.3.14 persistent breaches of discipline or attitudes or behaviour, which are inconsistent with the SMS ethos;
- 10.3.15 other misconduct, which affects the welfare of a member or members of the SMS community or which brings SMS into disrepute (single or repeated episodes) on or off the SMS premises;
- 10.3.16 other misconduct specifically provided for in this SMS Behaviour Policy.
- 10.4 SMS aims to operate within the principles of fairness and natural justice. A decision to exclude a pupil permanently will only be taken:
 - 10.4.1 in response to a serious breach and/or persistent breaches of the SMS Behaviour Policy; and
 - 10.4.2 where allowing the pupil to remain in School would seriously harm the education and/or welfare of the pupil and/or others such as SMS staff or pupils.
- 10.5 An allegation, complaint or rumour of a serious breach of discipline will be investigated in accordance with the procedures detailed in Appendix 4.
- 10.6 Complainants will be taken seriously, and SMS will carefully discharge its duty of care to both complainants and those pupil(s) accused. Reporting concerns is encouraged by SMS. A complainant is not creating a problem by reporting an allegation, complaint or rumour and should not feel ashamed or embarrassed for making a report.
- 10.7 If the findings of the investigation, on the balance of probabilities, support the allegation, complaint or rumour of a serious breach of discipline, a disciplinary meeting may be held in accordance with the procedures set out in Appendix 4.
- 10.8 Appendix 3 sets out a non-exhaustive list of possible sanctions, which may be imposed for serious and/or persistent breaches of discipline/this Policy.

11 Suspected Criminal Behaviour

- 11.1 Before investigating a behaviour incident, SMS will consider whether a criminal offence may have been committed and should be reported to the Police.
- 11.2 SMS will undertake the minimum investigation required to be able to establish this, and before making a decision, will consider its duty to safeguard SMS pupils (including any victims or alleged perpetrators) by assessing and balancing the risk of reporting the matter to the Police on the mental health and wellbeing of the pupil and others, as well as the risk of not making a report to the Police.
- 11.3 Where a report is made to the Police, SMS will not act in a way which could prejudice a criminal investigation or tip off anyone who may be involved. SMS will keep in mind that any records created (including witness statements) may be requested by the Police, Crown Prosecution or Defence Solicitors for use within criminal proceedings, with disclosure to other parties.
- 11.4 Depending on the individual circumstances of the case, and usually having liaised with the Police, SMS may decide to continue its investigation and impose sanctions.
- 11.5 SMS will follow the Trust Safeguarding and Child Protection Policy and its own safeguarding and child protection procedures at all times, and, when making a report to the Police, it may also be appropriate to make a report to Children's Social Care (CSC). This will usually be led by the Designated Safeguarding Lead (DSL).

12 Removal from the Classroom

- 12.1 Refer also to Appendix 2.
- 12.2 SMS will only remove a pupil from the classroom for serious disciplinary reasons, as a formal sanction under this Policy. Removal from the classroom is different to the use of separate spaces (for example, sensory/nurture rooms used for non-disciplinary reasons to meet a pupil's needs).
- 12.3 Removal from the classroom will only happen when a reminder of expectations, a warning and a sanction have been issued, and for the following reasons:
 - 12.3.1 to maintain the safety of all pupils, and to restore stability following an unreasonably high level of disruption;
 - 12.3.2 to enable disruptive pupils to be taken to a place where education can be continued in a managed environment; and
 - 12.3.3 to allow the pupil to regain calm in a safe space.
- 12.4 SMS will consider whether removal from the classroom is proportionate, and will consider the circumstances of each individual case, with Parents being notified on the day.
- 12.5 SMS will provide any pupil, who is removed from the classroom, with continuous meaningful education during any period of removal.
- 12.6 The DHT – Student Wellbeing will maintain overall strategic oversight of the use of removal from the classroom.

13 Intervention, Support and Reintegration

- 13.1 SMS will, as far as practicable, adopt a range of initial intervention strategies to help pupils manage their behaviour and reduce the likelihood of suspension and permanent exclusion.

SMS has a system in place to ensure that leaders are aware of pupils whose behaviour is a cause for concern.

- 13.2 The range of intervention strategies that SMS will put in place include, but are not limited to:
- 13.2.1 frequent and open engagement with Parents, including home visits if deemed necessary;
 - 13.2.2 providing mentoring and coaching;
 - 13.2.3 short-term behaviour report cards or longer-term behaviour plans;
 - 13.2.4 Return to Learning Rooms; and
 - 13.2.5 engaging with local partners and agencies to address specific challenges such as poor anger management, a lack of resilience and difficulties with peer relationships and social skills.
- 13.3 Where SMS has serious concerns about a pupil's behaviour, it will consider appropriate interventions, including, but not limited to, whether an assessment of a pupil's SEND is appropriate; where a pupil has an Education, Care and Health Plan (EHCP), whether an emergency review is appropriate and/or whether a multi-agency assessment is appropriate.
- 13.4 SMS has a Return to Learning Room where planned interventions for individual pupils takes place in place of mainstream lessons. The Return to Learning Room is used to allow pupils to have time out, reset and return to lessons quickly. It is also used to allow pupils to access education when internally isolated.
- 13.5 Following a sanction, SMS will consider appropriate strategies to help the pupil(s) involved understand how to improve their behaviour and meet the behaviour expectations of SMS. As far as reasonably practicable, this support will be delivered by appropriately trained designated staff.
- 13.6 SMS will consider and apply appropriate strategies for the reintegration of a pupil following removal from the classroom, time in the Return to Learning Room, time at an alternative site under an off-site direction or suspension.

14 The Role of Parents

- 14.1 SMS seeks to work in partnership with Parents over matters of discipline and helping schools develop and maintain good behaviour, and it is part of the Parents' obligations to SMS to support its Behaviour Policy.
- 14.2 SMS recognises that communicating the SMS Behaviour Policy to all members of the SMS community, including Parents, is an important way of building and maintaining the SMS culture.
- 14.3 Where a Parent has a concern about the management of behaviour, they should raise this directly with SMS whilst continuing to work in partnership with them.
- 14.4 Parents will normally be informed as soon as reasonably practicable of any suspicion that their child has been involved in serious misconduct, but may be prevented from doing so immediately, e.g. by the Police if they are involved.
- 14.5 Parents will be notified of any pending disciplinary action.
- 14.6 Parents will also be notified of disciplinary sanctions:

- 14.6.1 imposed for significant minor breaches of discipline (persistent minor breaches such as demerits/detention); and
- 14.6.2 those imposed for serious breaches of discipline and any rights of review as required and/or within School reports.
- 14.7 Parents will be consulted about the child's conduct and the application of this Policy to their child where SMS considers, in its professional judgement, that these give rise to a significant concern about pupil welfare.
- 14.8 Whenever the Executive Headteacher (EHT) suspends or permanently excludes a pupil, they must, without delay, notify Parents of the period of the suspension or permanent exclusion and the reason(s) for it, in accordance with section 51A Education Act 2002 and the statutory Suspension and Permanent Exclusion Guidance.

15 The Role of Pupils

- 15.1 Every pupil will be made aware of the SMS behaviour standards, expectations, pastoral support and the School's approach to a failure to meet required standards and consequence processes. Pupils will be taught that they have a duty to follow the SMS Behaviour Policy and uphold the SMS rules and should contribute to the SMS culture.
- 15.2 Pupils should be asked about their experience of behaviour and asked to provide feedback on the SMS behaviour culture. Every pupil will be supported to achieve the behaviour standards, including an induction process that familiarises them with the SMS behaviour culture.

16 Additional Needs

- 16.1 Where SMS has concerns about the behaviour, or risk of suspension or permanent exclusion, of a child with additional needs, a pupil with an EHCP or a looked after child, it should, in partnership with others (including the Local Authority (LA), where required), consider what additional support or alternative provision may be required. This should involve assessing the suitability of provision for a pupil's SEND. Where a pupil has an EHCP, SMS should consider requesting an early annual review or interim/emergency review.
- 16.2 SMS will, as far as possible, attempt to anticipate likely triggers of misbehaviour and put in place support to prevent these. Any preventative measure should consider the specific circumstances and requirements of the pupil concerned.
- 16.3 The EHT and the Trust must comply with their statutory duties in relation to SEND and the Equality Act when administering the suspension and permanent exclusion process. This includes having regard to the SEND Code of Practice.
- 16.4 Whilst a suspension or permanent exclusion may still be an appropriate sanction, the EHT should consider any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that the pupil has suffered a bereavement, has mental health issues or has been subject to bullying.
- 16.5 SMS will make reasonable adjustments for managing behaviour, which is related to a pupil's disability. Staff should seek advice from the DHT – Student Wellbeing if they are unsure about how to manage a pupil's behaviour where this is related to a disability.
- 16.6 If there is a concern that a pupil's behaviour is as a result of unmet educational or other needs, advice should be sought from the DHT – Student Wellbeing/SMS Special Educational Needs and Disability Coordinator (SENDCo), and further action, in accordance with the Trust's SEND Policy and the SMS SEN Information Report, will be considered.

- 16.7 Where a suspension or permanent exclusion is being considered, SMS will ensure that a pupil with SEND is able to present their case fully where their SEND might hinder this.

17 **Safeguarding and Child-on-Child Abuse**

- 17.1 Some behaviour by a pupil towards another may be of such a nature that safeguarding concerns are raised. SMS will adopt a zero-tolerance approach to abuse in order to prevent harm to pupils. Safeguarding issues can manifest themselves via child-on-child abuse. This includes, but is not limited to:
- 17.1.1 bullying (including cyber-bullying, prejudiced-based and discriminatory-based bullying);
 - 17.1.2 physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (which may include an online element which facilitates, threatens and/or encourages physical abuse);
 - 17.1.3 sexual violence, which includes sexual assault, and/or sexual harassment;
 - 17.1.4 causing somebody to engage in sexual activity without consent;
 - 17.1.5 upskirting and/or attempts to commit upskirting;
 - 17.1.6 consensual and non-consensual sharing of nudes and semi-nudes and or videos (also known as sexting or youth-produced sexual imagery); and
 - 17.1.7 initiation/hazing-type violence and rituals (which may include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group, and may also include an online element).
- 17.2 Child-on-child abuse can occur both inside and outside of SMS and may be taking place whilst not being reported. A “one size fits all” approach is not appropriate for all pupils, and a contextualised approach for more vulnerable pupils, victims of abuse and pupils with SEND or certain medical or physical health conditions may be required. Certain behaviours, for example, dismissing sexual harassment as “just banter”, “just having a laugh”, “part of growing up”, “boys being boys” or “girls being girls” can lead to a culture of unacceptable behaviours and create an unsafe environment for pupils. In worst case scenarios, dismissing sexual harassment can lead to a culture that normalises abuse and pupils accepting it as normal and not coming forward to report it.
- 17.3 Technology is a significant component in many safeguarding and wellbeing issues. Pupils are at risk of abuse online as well as face-to-face. This can take the form of abusive, harassing, and misogynistic/misandrist messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography.
- 17.4 In line with the SMS aims and culture of openness and encouragement to report, the Trust’s Harmful Sexual Behaviour/Child-on-Child Abuse Policy should be referred to. If behaviour matters give rise to a safeguarding concern, either in relation to the alleged victim(s) or perpetrator(s) or, more widely, in relation to ensuring the safety and welfare of pupils and/or staff, the DSL (or a deputy) should take a leading role in decision making and the procedures in the Trust’s Safeguarding and Child Protection Policy and SMS procedures will take priority.

18 **Malicious Allegations**

- 18.1 Where a pupil makes an allegation, which is determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider whether the pupil needs help or may have been abused by someone else, meaning that this may be a cry for help. A referral to external

agencies may be appropriate in these circumstances. The DHT- Student Wellbeing will also consider whether to take disciplinary action against the pupil in accordance with this Policy.

18.2 Where such an allegation is made, appropriate support will be provided to the member(s) of staff affected.

18.3 SMS will consider a malicious allegation to be one where there is sufficient evidence, on the balance of probabilities, to disprove the allegation and that, by the same test, there is sufficient evidence that there has been a deliberate act to deceive.

19 Use of Reasonable Force and Physical Restraint

19.1 Corporal punishment is not used at SMS and force must never be used as a form of punishment.

19.2 Any use of force by staff will be reasonable, proportionate and lawful. Reasonable force and physical restraint will be used in accordance with the Trust's Use of Reasonable Force and Physical Restraint Policy.

20 Searching Pupils

20.1 Refer also to the DET Searching, Screening and Confiscation Policy.

20.2 Under common law, school staff have the power to search a pupil for any item if the pupil agrees. SMS and Trust staff, as authorised by the DET Trust Board (TB) can, therefore, search for any item with pupil consent, but must ensure that the pupil understands the reason for the search, and how it will be conducted, so that the pupil agreement is informed. The pupil must be given ample opportunity to ask questions. In seeking consent to search, the pupil's age, any SEND the pupil may have, are considered.

20.3 SMS and Trust staff, as authorised by the DET TB, can search without the consent of the pupil, where they have reasonable grounds for suspecting that the pupil may have a prohibited or banned item. Reasonable grounds depend on circumstances, but could be, for example, hearing pupils talking about such an item, or noticing a pupil behaving in a way that causes them to suspect that a pupil is concealing a prohibited or banned item.

20.4 If a pupil is unwilling to cooperate with the search, SMS will consider why this is. If a search is necessary, but not required urgently, the staff member will seek advice from the DHT – Student Wellbeing or appropriate member of pastoral staff.

20.5 If a pupil refuses to cooperate with a search, the DHT – Student Wellbeing, and staff authorised by the EHT, may use reasonable force to search a pupil's possessions where they have reasonable grounds for suspecting that a pupil has an item prohibited by law in their possession (refer to Appendix 5 for a list of prohibited items). Reasonable force cannot be used to search for items that are banned by SMS. Refer to Appendix 5 for a list of banned items.

20.6 If a pupil continues to refuse to cooperate, they may be sanctioned in line with the SMS Behaviour Policy, where this is appropriate, in a consistent, fair and proportionate way.

20.7 Any search will be logged on CPOMS noting the rationale for, and the outcome of, the search.

20.8 SMS will follow the Trust Safeguarding and Child Protection Policy and its own procedures at all times if a safeguarding concern arises as a result of any actions connected with a search of a pupil.

21 Staff Training

21.1 SMS ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this Policy and have the necessary knowledge and skills to carry out their roles. This includes:

21.1.1 how staff can support pupils in meeting high standards of behaviour;

21.1.2 how staff can ensure that this Policy and sanctions are applied in a way that is consistent, fair, proportionate and predictable;

21.1.3 where applicable, to reflect the need of particular pupils.

21.2 The level and frequency of training depends on the role of the individual member of staff.

21.3 SMS maintains written records of all staff training.

22 Risk Assessment

22.1 Where a concern about a pupil's welfare is identified, the risks to that pupil's welfare will be assessed and appropriate action will be taken to reduce the risks identified.

22.2 The format of any such risk assessment may be a stand-alone document or recorded on CPOMS. It may vary and may be included as part of the SMS overall response to a welfare issue and include the use of individual pupil welfare plans (such as behaviour, healthcare and education plans, as appropriate). Regardless of the format used, the SMS approach to promoting pupil welfare will be systematic and pupil-focused.

22.3 The DHT – Student Wellbeing has overall responsibility for ensuring that matters, which affect pupil welfare, are adequately risk assessed, and for ensuring that the relevant findings are implemented, monitored and evaluated, as required.

22.4 Day-to-day responsibility to undertake risk assessments under this Policy will be delegated to Heads of Year/Director of Key Stage/DSL or Deputy DSL, who have been properly trained in, and tasked with, carrying out the particular assessment.

22.5 Refer also to the DET Risk Assessment Policy for Pupil Welfare.

23 Record Keeping

23.1 All records created in accordance with this Policy are managed in accordance with the DET Records Management Policy and Retention Schedules that apply to the retention and destruction of records.

23.2 SMS will establish and maintain a strong and effective system for data recording including all parts of behaviour culture that is collected from a range of sources and that is regularly objectively analysed and monitored by appropriate skilled staff.

23.3 SMS will keep a separate record for:

23.3.1 allegations and concerns reported in respect of:

(a) sexual harassment or sexual violence, which includes sexual assault;

(b) bullying, discriminatory and prejudiced behaviour, either directly or indirectly, including racist, sexist, disability and homophobic/biphobic/transphobic bullying, use of derogatory language and racist incidents.

23.4 SMS will keep a record of any search by a member of staff for a 'prohibited item' and all

searches conducted by Police officers. This will be recorded in CPOMS.

- 23.5 SMS will keep a separate record of sanctions imposed for serious misbehaviour. The record will include:
- 23.5.1 the name and Year Group of the pupil concerned;
 - 23.5.2 the nature and date of the offence;
 - 23.5.3 the sanction imposed and reason for it; and
 - 23.5.4 the name of the person imposing the sanction.
- 23.6 This record will be reviewed regularly by the DHT – Student Wellbeing so that patterns in behaviour can be identified and managed appropriately. This will also help if/when responding to any complaints about the way a case has been handled by SMS.
- 23.7 This record will be reviewed by the SMS LSC in order to evaluate all data recorded in order to meet its obligations under this Policy and, in particular, establish any trends (for example, in respect of particular socio-economical groups, or groups with a protected characteristic).
- 23.8 The records created in accordance with this Policy may contain personal data. The SMS use of this personal data will be in accordance with Data Protection law. The Trust has published on its website privacy notices, which explain how SMS will use personal data.

Appendix 1 SMS Behaviour Expectations and Routines – SMS Culture for Learning

St Martin's School

Culture for Learning

1. Be on time to lesson
2. Greet at the door with a warm welcome
3. Be smart and quiet on entry
4. Be prepared to learn; behind chair, equipment out
5. Follow instructions; we will help you learn by using **"Remind, Warn and Sanction"**
6. Be respectful when others are talking
7. Be empathetic to others - Listen and respond appropriately

THRIVE
to learn



Be Kind. Be Safe. Be Responsible.



St Martin's
School
Be the best you can be

Appendix 2 Removal from the Classroom

- 1 Removal of a pupil from the classroom is a formal sanction imposed for serious disciplinary reasons, which allows for the continuation of the pupil's education in a supervised setting. At SMS, the supervised setting is the Return to Learning Room. The education provided may differ from that provided in the mainstream classroom, but will still be meaningful for the pupil.
- 2 Removal from the classroom will only be used for the following reasons:
 - 2.1 to maintain the safety of all pupils and to restore stability following an unreasonably high level of disruption;
 - 2.2 to enable disruptive pupils to be taken to a place where education can be continued in a managed environment; and
 - 2.3 to allow the pupil to regain calm in a safe space.
- 3 Following a reminder of expectations, a warning being issued followed by a sanction – minus points on Satchel One or a department detention being set – if the pupil continues to not uphold expectations, the pupil will be de-classed. Some examples of why a pupil would be de-classed are detailed here:
 - 3.1 Continuous rule breaking in class despite reminder, warning, sanction (Parents will be called or emailed by class teacher or Subject Lead to share concerns);
 - 3.2 Refusal to follow instructions inside the classroom;
 - 3.3 Walking away from the classroom;
 - 3.4 Swearing at another pupil/teacher in class;
 - 3.5 Racism, bullying, misogyny/misandry or homophobia inside the classroom or whilst elsewhere on the SMS site.
- 4 It will be the responsibility of the EHT to maintain overall strategic oversight of SMS' arrangements for any removals.
- 5 SMS will collect, monitor and analyse the data on the removal of pupils from the classroom in order to interrogate its use and effectiveness.
- 6 When dealing with the removal of a pupil from the classroom, each case will be dealt with on its own individual facts and circumstances. The DHT – Student Wellbeing and teachers will:
 - 6.1 consider whether any assessment of underlying factors of disruptive behaviour is needed;
 - 6.2 inform Parents of the removal from the classroom on the same day;
 - 6.3 facilitate reflection by the pupil on the behaviour that led to their removal from the classroom and what they can do to improve and avoid such behaviour in the future;
 - 6.4 ensure that pupils, where de-classed for behaviour reasons, are never locked in the room of their removal;
 - 6.5 if a pupil has a Social Worker, including if they have a Child in Need Plan, a Child Protection Plan or are looked-after, notify their Social Worker. If the pupil is looked-

after, ensure that their Personal Education Plan is appropriately reviewed and amended, and notify their Virtual School Head.

Appendix 3 Rewards and Sanctions

“St. Martin’s Behaviour Expectations:

At St. Martin’s, we inspire and empower all of our pupils to realise their full potential and instill in them three core values:

Be kind. Be safe. Be responsible - Be The Best They Can Be.

To guide and support our pupils to embed these three core values, we need to reward good behaviour and address behaviours that are not in line with the School’s expectations.

Verbal praise is simple to give and highly effective and is a powerful tool, which can be used to turn around behaviour and improve pupil attitudes about learning, and help build professional relationships with the pupils. Focusing on rewards and praise will always reap positive outcomes. Issuing “Achievement Points” is a way of rewarding pupils’ individual achievements.

LOW LEVEL BEHAVIOUR (Reminder - Warning - Sanction)

For low-level disruption at St. Martin’s, we promote a ‘three-fold’ approach that allows pupils to be **REMINDED** of the expectations and rules, be **WARNED** about the consequences of further disruption and then face an appropriate **SANCTIONS** should they continue.

1. **1st Infraction** – **REMINDER** – Remind the pupil of the rule – e.g. “Sally, you know that you shouldn’t be talking during this task. This is your reminder, stop talking”.
2. **2nd Infraction** – **WARNING** – Specifically warn the pupil about their behaviour – e.g. “Sally, that’s the 2nd time I’ve spoken to you. This is a warning “
3. **3rd Infraction** – **SANCTION** – Decide on a sanction and communicate it to the pupil (you may decide to do this at the end of the lesson). “Sally, I’ve given you a warning and you carried on talking, so I am giving you a lunch-time detention”

CHALLENGING BEHAVIOUR (when low-level leads to a class removal)

If a pupil complains about your decision (e.g. “That’s not fair, I was just...”), staff should firmly and clearly warn the pupil that they have a choice.

EITHER they accept the decision and return to their work without further complaint (e.g. “Sally, I’ve made my decision, now you have a choice: either you do as I ask right now, **OR** I will call for you to be declassified and you will be removed from the lesson, and I will be contacting home).

All rewards and sanctions must be logged on Satchel One.

St. Martin's Rewards Guide:

Reward	Actioned by
<p>EXECUTIVE HEADTEACHER'S AWARD</p> <p>- Verbal praise.</p> <p>Reward pupils for:</p> <ul style="list-style-type: none"> ❖ Being kind; ❖ Being responsible; ❖ Working as a team; ❖ Being versatile; ❖ Showing empathy; ❖ Demonstrating resilience; ❖ Demonstrating independence. <p>- Achievement Points recorded on Satchel One and shared with parents/carers via app after a lesson/form time visit.</p> <p>- Recommendations from senior team for outstanding contribution/progress/attendance/behaviour.</p> <p>- Pupil invited to EHT Office to sign Executive Headteacher's book, letter home and voucher presented each term.</p>	<p>Executive Headteacher & SLT</p>
<p>DIRECTOR OF KEY STAGE AND SLT REWARDS</p> <p>- Verbal praise.</p> <p>Reward pupils for:</p> <ul style="list-style-type: none"> ❖ Being kind; ❖ Being responsible; ❖ Working as a team; ❖ Being versatile; ❖ Showing empathy; ❖ Demonstrating resilience; ❖ Demonstrating independence. <p>- Achievement Points recorded on Satchel One and shared with parents/carers via app after a lesson/form time visit.</p> <p>- Most improved top five girls and top five boys from each Year Group for:</p> <ul style="list-style-type: none"> - behaviour; - attitude to learning; - attendance. <p>Selected to attend Termly Rewards Trip and letter home to parents/carers.</p>	<p>Director of Key Stage</p>

<p>HEADS OF YEAR AND DEPUTY HEADS OF YEAR REWARDS</p> <p>- Verbal praise</p> <p>Reward pupils for:</p> <ul style="list-style-type: none"> ❖ Being kind; ❖ Being responsible; ❖ Working as a team; ❖ Being versatile; ❖ Showing empathy; ❖ Demonstrating resilience; ❖ Demonstrating independence. <p>- Achievement Points recorded on Satchel One and shared with parents/carers via app after a lesson/form time visit.</p> <p>- Recommendations from Form Tutors for excellence contribution/progress each half term and presented in assembly (15 Achievement Points, letter home and pizza lunch with HOY).</p> <p>- Most improved as selected by Head of Year/DOKS for breakfast each half term, letter home and 15 Achievement Points.</p>	<p>Head of Year and Director of Key Stage</p>
<p>SUBJECT LEADERS AND HEAD OF FACULTY REWARDS</p> <p>- Verbal praise when visiting the class.</p> <p>Reward pupils for:</p> <ul style="list-style-type: none"> ❖ Being kind; ❖ Being responsible; ❖ Working as a team; ❖ Being versatile; ❖ Showing empathy; ❖ Demonstrating resilience; ❖ Demonstrating independence. <p>- Achievement Points recorded on Satchel One and shared with parents/carers via app after a lesson visit.</p> <p>- Postcard/email sent home to pupil/parents/carers in recognition of excellence each half term (15 Achievement Points).</p> <p>- Recommendation for Subject Award each half term and presented in assembly (15 Achievement Points).</p>	<p>Subject Leaders/Heads of Year in Assembly</p>
<p>FORM TUTOR REWARDS</p> <p>- Verbal praise.</p> <p>- Reward pupils for:</p> <ul style="list-style-type: none"> ❖ Being kind; ❖ Being responsible; ❖ Working as a team; ❖ Being versatile; ❖ Showing empathy; ❖ Demonstrating resilience; 	<p>Form Tutors</p>

<ul style="list-style-type: none"> ❖ Demonstrating independence. - 100% Attendance for the half term (10 Achievement Points). - 100% Punctuality for half term (10 Achievement Points). - No detentions for the half term (10 Achievement Points). - Positive contribution to Form/School community. 	
<p>CLASSROOM REWARDS and AROUND SCHOOL SITE</p> <ul style="list-style-type: none"> - Verbal praise. - Achievement Points recorded on Satchel One and shared with parents/carers via app. <p>Reward pupils for:</p> <ul style="list-style-type: none"> ❖ Being kind; ❖ Being responsible; ❖ Working as a team; ❖ Being versatile; ❖ Showing empathy; ❖ Demonstrating resilience; ❖ Demonstrating independence. <ul style="list-style-type: none"> - Praise postcards, positive emails, phone calls home. 	All staff

**Please note this is not an exhaustive list. Please use as a guide.*

St. Martin's Sanctions Guide:

Sanction
<p>SUSPENSION/MANAGED MOVE TO ANOTHER SCHOOL/PERMANENT EXCLUSION – at the Executive Headteacher's discretion:</p> <ul style="list-style-type: none"> - For very serious incident or failure to meet terms of revised BEP/SSP/PSP following an internal exclusion; <ul style="list-style-type: none"> - Persistent racism/bullying/misogyny/misandry/homophobia; - Swearing at a member of staff; - Inappropriate sexualised conduct; - Inappropriate use of social media on school site; - Bringing the school into disrepute; - Criminal behaviour; - Stealing from another pupil or from school grounds; - Bringing illegal drugs, legal drugs/highs/alcohol/ knives/weapons onto school site or engaging with any of this activity off school site and in school uniform;

- material and any article that has been, or is likely to be, used to commit an offence, cause personal injury or damage to property.

****Parent/carers informed by phone and letter, which must be sent on first day of suspension or permanent exclusion and recorded on Satchel One, and 15 minute reintegration meeting held before pupil returns to class.***

INTERNAL ISOLATION

- For Serious Incident or failure to meet terms of BEP/SSP/PSP.

- Serious breaches of rules such as:

- Persistent defiance;
- Refusing to follow instructions;
- Walking away from a member of staff;
- Swearing at another pupil;
- Graffiti;
- Truancy - **this will also lead to an extended school day to catch up on missed learning.**

- Racist, bullying, misogyny, misandry or homophobia (**incident to be recorded on CPOMS by HOY and sanction may escalate to a suspension after investigation**).

- inappropriate physical contact/physical altercations with another pupil (**sanction may escalate to a suspension after investigation**).

****Parent/carers informed by phone and letter sent home. Exclusion recorded on Satchel One by HOY and 15-minute meeting held before child returns to class to discuss concerns and expectations, and a report card to be issued.***

AFTER SCHOOL DETENTION – two hours on a Tuesday and led by SLT/DOKS starting at 15.15.

- Breach of uniform policy despite being on uniform report.
- Missing a one-hour detention;
- Late to lesson/school for fourth time in a half term, and on punctuality report (**DHOY to set as a Pastoral Detention**).

****Parent/carers must be contacted via phone or email to raise concerns.***

AFTER SCHOOL DETENTION PASTORAL OR SUBJECT – ONE HOUR DETENTION starting at 15.15.

Pastoral detentions will take place on a Tuesday and be led by DOKS/GTA

- Late to lesson/school third time (**DHOY to set as a Pastoral Detention**);
- Being unkind/rude to others in the lesson;
- Behaving irresponsibly around the school site;
- Breach of uniform policy for fourth time and failing uniform report (**HOY to set as a Pastoral Detention and uniform report issued**);

- Missing a lunchtime department detention.

****Parent/carers must be contacted via phone or email to raise concerns.***

LUNCHTIME DETENTION – 20 minutes

- Continue to disrupt the learning of others/themselves.
- Late to lesson/school for a second time (**DHOY to set as a Pastoral Detention**).
- Miss homework deadline for a second time.
- Missing a department breaktime detention.
- Breach of uniform policy for third time (**HOY to set as a Pastoral Detention**), and uniform report issued.

BREAKTIME DETENTION – ten minutes

- Affect the pupil's own or others learning.
- Talk during registration or in class.
- Talk during the fire drill.
- Lack focus or attention in lesson.
- Not working effectively as a team during group tasks.
- Not working independently on tasks.
- Late to lesson/school (**Please ensure that you mark the lateness on the register with the code 'L'**).
- Miss homework deadline.
- Breach of uniform policy twice (HOY to set as a Pastoral Detention).

- ***Please note this is not an exhaustive list of reasons for sanctions. It is a guide for all staff.***

DE-CLASSING: After a **Reminder - Warning – Sanction**, e.g. minus points on Satchel One or a department detention being set, and a pupil is still not upholding expectations, the pupil must be de-classed. Here are some examples for why a child would be de-classed:

- Continuous rule breaking in class despite **Reminder - Warning - Sanction (parent/carers must be called/emailed to share concerns by class teacher or Subject Lead, if required)**.
- Refusing to follow instructions inside the classroom.
- Walking away from the classroom.
- Swearing at another pupil/teacher in class.
- Racism, bullying, misogyny, misandry or homophobia inside the classroom or around the school site.

Any of these behaviours may result in an isolation/exclusion once investigated.

MOBILE PHONES: If you see a pupil using a mobile phone on school site, confiscate the phone and take it to the relevant DHOY. DHOY to notify parents/carers of the confiscation.

- First offence – phone returned at the end of the school day;

- Second offence – pupil remains after school for ten minutes and phone returned;
- Third offence – phone confiscated and held overnight;
- Fourth offence – phone held until the end of the week and then returned. Phone must be handed into DHOY at the start of every day, once phone has been returned going forwards.”

Suspension and Permanent Exclusion from SMS

Only the EHT has the power to impose a suspension or permanent exclusion from school. An 'Acting Head', who has been formally appointed to this position while the EHT is on extended leave, or the post is vacant, will also have this power.

Suspension and permanent exclusion from school can take the form of:

- Suspension for a fixed term (including lunch time suspensions, which each count as half a day); or
- permanent exclusion.

Permanent exclusion from school will only be imposed for:

- a serious breach or breaches and/or persistent breaches of this Policy; and
- where allowing the pupil to remain in school would seriously harm the education and/or welfare of the pupil and/or others (such as staff or pupils) in the school.

The principles, guidance and procedure set out in the Suspension and Permanent Exclusion

Guidance will be followed at all times. This guidance forms the basis of the DET Exclusions Policy, which is available on the Trust website [here](#). This includes the statutory procedure for notifying parents/carers, challenging the decision, and holding meetings/hearings, including the deadlines for these.

Appendix 4 Investigations of Incidents and Alternative Action

1 Investigation

- 1.1 The EHT may investigate incidents which potentially give rise to a breach of the SMS Behaviour Policy, or they may appoint a member of staff (usually a member of the Senior Leadership Team (SLT)) to carry out the investigation.
- 1.2 The investigation and any interviews or meetings which take place with pupils will be conducted fairly, in a way which is appropriate in a school environment, and without being formal or legalistic in nature.
- 1.3 The pupils involved will be interviewed as part of the investigation and given the opportunity to state their version of events. Where pupils are at risk of disciplinary action, they will usually be accompanied by a member of staff not involved in the incident or the investigation while they are interviewed.
- 1.4 Pupils, who are clearly only witnesses and not at risk of disciplinary action, may be interviewed without an additional member of staff being present.
- 1.5 Parents do *not* need to be notified in advance that interviews are taking place, and their consent is not required (although they may be invited to attend an interview in the case of potentially serious breaches, where SMS deems it appropriate to do so).
- 1.6 The pupil will be asked to make a statement, and/or a written record of the interview will be made by the interviewing member of staff. Pupils will be asked to sign and date their statement or the written record of interview, confirming it to be true and accurate.
- 1.7 CCTV footage may be viewed, and pupils' desks, lockers and/or personal belongings may be searched during the course of an investigation. Refer to the DET Searching, Screening and Confiscation Policy for further detail.
- 1.8 It may sometimes be necessary to delay or suspend an investigation where external agencies such as the Police or social services are involved and have recommended this. A decision to delay or suspend an investigation will consider advice from appropriate external agencies, and will be subject to periodic review. In relation to alleged sexual violence, which includes sexual assault, or sexual harassment, SMS will have regard to KCSIE and the SMS DSL (or Deputy DSL) will take a leading role on decisions.
- 1.9 Where the EHT has appointed a senior member of staff to investigate an incident, which may result in a suspension or permanent exclusion from SMS, the investigating member of staff will fully report the outcome of their investigation to the EHT to enable an informed decision to be made.

2 Removal from the classroom/suspension pending further investigation/enquiries

- 2.1 Where the incident is serious and/or complex and it has not been possible to complete the full investigation and/or conduct all enquiries on the day that the incident occurred or was brought to the attention of SMS, the pupil may be removed from the classroom while the investigation continues and/or enquiries are made (for example, consideration of a managed move). During this time, the pupil is entitled to receive the equivalent of full-time education provision. The period of removal from the classroom should be considered by the EHT when determining the final sanction.
- 2.2 Alternatively, where it is not appropriate for the pupil to remain on SMS premises

while the investigation continues/enquiries are made, the pupil may be formally suspended from SMS for a fixed number of days pending further investigation/enquiries. The length of the suspension will be kept to the minimum required to complete the further investigation/enquiries.

- 2.3 Before a suspension pending further investigation/enquiries is imposed, the EHT must be satisfied that a prima facie case has already been established in relation to the pupil's involvement in the incident to an extent that merits a suspension of, at least, that length.
- 2.4 A suspension pending further investigation/enquiries is still a serious disciplinary measure and the statutory procedure set out in the Suspension and Permanent Exclusion Guidance will be followed (including sending a notification letter to the Parents containing all mandatory information).
- 2.5 Once the investigation/enquiries are complete, the EHT will be in a position to make a final decision. This may include imposing a further suspension or permanent exclusion to run consecutively (i.e. back-to-back, without a break in between) with the original suspension pending further investigation/enquiries. A second suspension notification letter containing all mandatory information will be sent to the Parents confirming the further suspension or permanent exclusion.

3 Decision

- 3.1 Once the investigation has concluded, all of the information gathered will be considered and a decision will be made as to what facts have been established to be true, to the civil standard of proof (i.e. on a balance of probabilities, or more likely than not).
- 3.2 A pupil's behaviour and discipline records will be considered, together with the pupil's background, and any SEND they may have. SMS will follow the DET SEND Policy and its own SEN Information Report, as well as the DET Equality Policy, Statement and objectives, where these are relevant.
- 3.3 All disciplinary sanctions imposed will be a fair, reasonable and proportionate response to the misbehaviour involved, considering the pupil's own account, aggravating features, mitigation, background, and SEND.
- 3.4 Disciplinary sanctions will be recorded in the pupil's behaviour and discipline record.
- 3.5 SMS will usually notify the Parents of disciplinary sanctions imposed and the reasons for them (Parents must always be notified of removals from the classroom, suspension and permanent exclusions).

4 Off-site directions

- 4.1 SMS has the power to direct that a pupil be educated off-site with the aim of improving their future behaviour. It must **not** be used as a disciplinary sanction or punishment for misconduct.
- 4.2 The off-site direction may be to a Pupil Referral Unit (**PRU**), an Alternative Provision Academy, or another academy/school (or unit therein).
- 4.3 Parental consent is **not** required for an off-site direction, and pupils are expected to attend the other setting as directed. If they do not attend, their absence will be unauthorised and dealt with in the same way as it would if they failed to attend SMS.

- 4.4 The arrangements for the off-site placement will be based on an understanding of the support that the pupil needs in order to improve their behaviour, as well as any SEND or health needs that the pupil has. It may be full-time, or part-time in combination with attendance at SMS or another setting. The expectation is that the pupil will continue to receive full-time broad and balanced education.
- 4.5 A 'personalised plan for intervention' will be put in place, which sets out the objectives for the pupil's improvement and attainment, the timeframe involved, the arrangements for assessment and monitoring progress, and with a baseline of the pupil's current position against which to measure their progress.
- 4.6 The off-site placement will be regularly reviewed, and Parents will be involved in the review. The purpose of the review is to ensure that the off-site placement is achieving its objectives, and that the pupil is benefitting from it.
- 4.7 During the period of an off-site direction by SMS to another school/academy, the pupil must be dual registered, which means that they will be registered at both SMS and the school/academy to which the pupil is directed off-site.
- 4.8 SMS will follow the Alternative Provision Guidance when exercising this power.

5 Managed moves

- 5.1 A managed move is used to initiate a process, which leads to the transfer of a pupil to another mainstream school permanently. If a temporary move needs to occur to improve a pupil's behaviour, then off site direction (as described in Section 4 above, and further in paragraphs 33 to 42 of the Suspension and Permanent Exclusion Guidance) should be used. Managed moves should only occur when it is in the pupil's best interests.
- 5.2 As it is a proposed permanent transfer to another setting, parental consent is required, and Parents will be consulted while this is being explored.

Appendix 5 Prohibited and Banned Items

- 1 Refer also to the DET Searching, Screening and Confiscation Policy.
- 2 The following are “prohibited items” under section 550ZA (3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) regulations 2012:
 - knives or weapons;
 - alcohol;
 - illegal drugs;
 - stolen items;
 - tobacco and cigarette papers;
 - fireworks;
 - pornographic images;
 - any article that a member of staff reasonably suspects has been, or is likely to be, used:
 - to commit an offence;
 - to cause personal injury to, or damage to the property of, the School, staff, pupils, or any person (including the pupil).
- 3 SMS also bans other items, including:
 - chewing gum;
 - drug paraphernalia;
 - cigarettes, electronic cigarettes or e-cigarettes, personal vaporizers (PVs) and electronic nicotine delivery systems (ENDSs) battery-operated devices that mimic tobacco smoking;
 - any item that is reasonably believed to be likely to cause harm, offence, e.g. any item of a racist nature, or disruption.

This means that pupils must not have these items in their possession on SMS premises, or at any time when they are in the lawful charge and control of SMS.