



# Behaviour and Anti-bullying Policy Heartlands Academy

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## Document provenance

This policy was approved by Trustees as follows –

Board/Committee: Education Committee

Date: Aug-18

Frequency of review: two years

Next review date: Aug-2020

ELT Owner: Director of Education

Author: Education System Leader (North)

### Summary of changes at last review:

- Legal framework added
- Anti-bullying, peer-on-peer abuse and exclusions have been subsumed into this policy

### Related documents:

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### Summary of policy:

This policy details the academy definition for both good and poor behaviour and the repercussions for the latter.

The policy now includes anti-bullying information including sanctions for pupils being found to bully another.

# Behaviour and anti-bullying policy

## 1. Introduction and purpose

1.1. When we implement this policy we encourage every pupil to understand that:

- Every complaint of bullying and poor behaviour will be taken seriously
- A pupil who complains will receive support and advice and in many cases the problem can be dealt with on a no names basis;
- The primary aim will be for the bullying/poor behaviour to cease, not the punishment of the bully unless this is necessary
- The Academy may use a restorative approach to solve the problem between pupils however the victim will select whether this takes place or not
- The academy will inform parents for all serious incidents as to what has happened so that they can give their support. Where the Academy staff feel that the pupil may be unsafe or vulnerable because of telling parents (in the case for example of transgender or homophobic bullying) the staff will tackle the incident themselves with the help of specialists and outside agencies as appropriate.

## 2. Scope

This policy is applicable to all E-ACT pupils

## 3. Legislation and regulation

3.1. This policy takes account of the Academy's public-sector equality duty set out in section 149 of the Equality Act 2010. This means that the academy will take account of a pupils' age, gender, racial heritage, gender identity, disability, sexuality or faith or no faith but will not discriminate because a pupil has one or more of the protected characteristics. The Academy's inclusive culture will ensure that pupils with different protected characteristics will feel safe and secure from any form of abuse or poor behaviour.

3.2. The legal framework behind this policy lies in legislation including: Behaviour and discipline in schools January 2016; 1996 Education Act; School Standards and Framework act 1998; Equality Act 2010.

3.3. The Education and Inspections Act 2006 states that:

- I. The behaviour policy is designed to promote good behaviour and discipline
- II. The head teacher must determine measures to promote pupils' self-discipline and proper regard for authority; encourage good behaviour and respect for others and, in particular, prevent all forms of bullying among pupils. The head teacher must make sure the standard of behaviour of pupils is acceptable; make sure that pupils complete educational tasks, and make sure that pupils' conduct is regulated
- III. The standard of behaviour must be determined by the head teacher
- IV. The head teacher determines the rules and provision for disciplinary penalties and may, include measures to be taken with a view to regulating the conduct of pupils at a time when they are not on the premises of the academy and are not under the lawful control or charge of a member of the staff of the academy e.g. on a trip or visit
- V. The imposition of the disciplinary penalty is lawful if the following three conditions are satisfied:

- is not in breach of any statutory requirement and is reasonable;
  - the decision was made by any paid member of the staff;
  - and the penalty take place on the premises of the academy, or elsewhere at a time when the pupil was under the lawful control or charge of a member of staff of the academy
- VI. The imposition of the penalty is reasonable, the following matters must be taken into account:
- It is a proportionate punishment in the circumstances of the case,
  - Consider the pupil's age, and special educational needs the pupil may have; any disability the pupil may have, and any religious requirements affecting them

#### **4. Policy statement**

- 4.1. All members of the Academy should be able to learn in a calm, safe and purposeful environment. The behaviour policy is the foundation for a clear, shared understanding between pupils, teaching staff, support staff, parents/carers, members of the AAG and the regional education team
- 4.2. Corporal punishment will never be used in this Academy
- 4.3. The Academy's rules and its rewards and sanctions shall also be used, in appropriate circumstances, to regulate the conduct of pupils when they are away from Academy, for example, during the holidays and trips/visits or on the way to and from the academy. The sanctions will normally be where the conduct could have repercussions for the orderly running of the Academy, affects the welfare of a member or members of the Academy or a member of the public, or which creates reputational damage for the community. The rewards would normally be where a pupil has enhanced or improved the Academy's reputation for example, by helping people/making way for people on the bus or showing excellent manners and kindness.
- 4.4. The Academy's rules are as follows:
- I. Look after, and be respectful of, all equipment and the academy environment.
  - II. Display good manners to everyone at all times
  - III. Treat everyone with respect and kindness including visitors, parents, staff and other pupils.
  - IV. Walk quietly in and around the academy unless specifically required as part of a lesson for example, re-enacting a marching suffragette.
  - V. Ensure the academy is kept clean and litter free such as in toilet, break-out and outdoor spaces.

#### **5. Measures to promote pupils' self-discipline and proper regard for authority**

- 5.1. The Academy will take the following measures to promote self-discipline and regard for

authority. We will ensure pupils:

- i. Look after academy property including books or equipment so that they are graffiti free
- ii. Have a planner with them at all times and all other equipment necessary for learning
- iii. Wear their uniform correctly and responsibly
- iv. Are reminded by staff about Academy's rules and expectations and ask them to consider and reflect on their own conduct
- v. Are taught by staff to be polite, respectful, and to regulate their own and others' behaviour throughout the day
- vi. Are taught how to behave and conduct themselves through lessons, form time and assemblies.
- vii. Complete educational tasks such as homework, work in lessons and work when pupils are withdrawn from lessons or excluded from school
- viii. Hold the highest standards of commitment and approach within and outside of the academy

5.2. To have regard for authority, the Academy will not accept the following behaviour:

- i. Physical assaults on staff, visitors or other pupils
- ii. Verbal assaults, mimickery, mockery, derogatory language or inappropriate banter on staff, other pupils or visitors
- iii. Damage to academy property, staff or other pupils' property, including the building, equipment and resources
- iv. Substance abuse
- v. Behaviour which is against the criminal law, civil law or contravening the Equality Act

## **6. Bullying behaviour**

6.1. Bullying behaviour is always unacceptable and will not be tolerated at the Academy because:

- i. It is harmful to the person who is bullied, and to those who engage in bullying behaviour, and those who support them, and can in some cases lead to lasting psychological damage and even suicide
- ii. It interferes with a pupil's right to enjoy his / her learning and leisure time free from intimidation; and
- iii. It is contrary to all our aims and values, our internal culture and the reputation of the Academy.

6.2. This policy will also apply to Bullying behaviour outside of the Academy of which the Academy becomes aware.

6.3. Bullying is behaviour by an individual or group that intentionally hurts another individual or group either physically or emotionally. Bullying will be taken seriously if the pupil feels they are being bullied whether it fits into the definition or not. Types of bullying may be:

- i. Physical: including, hitting, kicking, pushing people around, spitting; or taking, damaging or hiding possessions, barging, hurting, stamping.
- ii. Verbal: including name-calling, taunting, teasing, insulting, mockery, mimickery, inappropriate banter or lyrics to raps, shaming e.g. fat shaming
- iii. Exclusionary behaviour: intimidating, harassing, isolating or excluding a person from a group
- iv. Extortion: threatening to, or taking money, equipment, resources, blackmailing
- v. General unkindness: spreading rumours or writing unkind notes, phone texts or emails
- vi. Cyberbullying: using the internet, games, mobile telephones, social networking sites etc which upsets someone else
- vii. Non-verbal sucking teeth, staring at someone, pulling faces, gestures
- viii. Sexual - talking to or touching someone in a sexually inappropriate way, asking for photographs or intimate parts or engaging in phone or written sexual conversations
- ix. Sexist – making comments or referring in a derogatory way to a person's gender or gender reassignment
- x. Racist - regarding someone's culture, heritage, country of birth or nationality
- xi. Homophobic - related to a person's perceived or actual sexual orientation
- xii. Disability – related to a person's disability or special educational need, medical needs
- xiii. Pregnancy - related to pregnancy, paternity or maternity
- xiv. Marriage/civil partnership – related to someone's marital or partnership status
- xv. Faith – related to someone's faith, belief or no faith Social standing - related to a person's home circumstances, poverty
- xvi. Intelligence – related to someone who does as they are told, high achieving, completing their work

6.4. Intention: Not all bullying, name-calling etc is deliberate or intended to hurt. Some individuals may see their hurtful conduct as "teasing, banter" or "a game" or "for the good of" the other person. These forms of bullying are equally unacceptable but may not be malicious and can often be corrected quickly with advice and without disciplinary sanctions. A bully who does not respond appropriately to advice or sanctions would ultimately be permanently excluded from the Academy.

6.5. Legal aspects: A person who makes a physical or sexual assault on another, or who steals or causes damage to the property of another, commits a criminal offence and also a civil wrong known as a "tort" for which there can be legal consequences outside the Academy.

6.6. Bullying behaviour may also be regarded as threatening behaviour or harassment which can be either a criminal offence or a civil wrong. Misuse of electronic communications could also be a criminal offence, for example it is an offence to send an electronic communication (such as a

text message or email) to another person with the intent to cause distress or anxiety.

## **7. Initial complaint - process**

7.1. Firstly, respond quickly and sensitively by offering advice, support and reassurance to the alleged victim, then

- i. report the allegation
- ii. speak with, and take notes from, the alleged bully as soon as possible
- iii. speak with any witnesses without delay and form an initial view of the allegation. can the alleged bully be seen on a no-names basis?

7.2. Possible outcomes for an incident which is not too serious include:

- i. There has been a misunderstanding which can be explained sympathetically to the alleged victim and with advice to the alleged bully;
- ii. The complaint is justified in whole or in part, and further action will be needed
- iii. Advice and support for the victim and, where appropriate, establishing a course of action to help the victim including support from external services where appropriate
- iv. Advice and support to the bully in trying to change his / her behaviour. This may include clear instructions and a warning or final warning
- v. Consideration of the motivation behind the Bullying behaviour and whether external services should be used to tackle any underlying issues of the bully which contributed to the Bullying behaviour. If these considerations lead to any concerns that the bully may be at risk of harm, the Academy's child protection procedures will be followed
- vi. A supervised meeting between the bully and the victim (only on the agreement of the victim) to discuss their differences and the ways in which they may be able to avoid future conflict
- vii. A disciplinary sanction against the bully, in accordance with the Academy's behaviour and discipline policy. In a very serious case or a case of persistent Bullying, a pupil may be permanently excluded
- viii. Action to break up a "power base"
- ix. Moving either the bully or victim to another class after consultation with the pupil his / her parents and the relevant staff
- x. Involving Children's Social Care or the police

7.3. Importantly, any behaviour or bullying incident should be followed by teaching and showing pupils how to behave to prevent any follow-up incidents

## **8. Rewarding good behaviour**

8.1. The Academy understands that rewards can be more effective than punishment in motivating pupils. The Academy is committed to promoting and rewarding good behaviour and may do so in some of the following ways:

- i. Praise/ good news points
- ii. Positive postcards/letters home/good news feedback
- iii. Public recognition/assembly rewards/praise breakfasts/student of the week awards/student of the month awards
- iv. Contact home by staff text, phone, e-mail and/or letter

- v. Internal reward points, house points, form points
- vi. Stickers
- vii. Certificates
- viii. Assembly/form time awards and recognition
- ix. Reward days and trips

## **9. Poor behaviour: use of disciplinary sanctions**

9.1. Teachers have a statutory authority to discipline pupils whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction. This power also applies to paid staff such as teaching assistants.

9.2. The Academy understands that the use of sanctions must be reasonable and proportionate. The Academy will take into account the range of protected characteristics identified in the Equality Act plus individual pupil needs such as any special educational needs, parental support/reaction. The Academy has the following range of disciplinary sanctions that may be implemented as appropriate:

- i. Bad news points
- ii. Detention/Internal support unit and external support unit referrals
- iii. Fixed-term exclusion
- iv. Taking good news points away, rewards removed
- v. Verbal warning/reprimand
- vi. Extra work or repeating unsatisfactory work
- vii. The setting of written tasks as punishments e.g. writing an essay
- viii. Loss of privileges
- ix. Community service and support around the academy
- x. Missing break time
- xi. School-based community service such as litter picking
- xii. Regular reporting to a place or person
- xiii. Parent/carer contracts at 3 tiers (Head of behaviour/Head teacher/Governor)

9.3. If a pupil is disruptive or has broken the rules they may be taken to the Internal support unit (ISU) and external support unit (ESU) away from their peers. The area must allow pupils to be able to exit themselves freely. Pupils must be allowed to eat, drink and use the toilet when they are in isolation.

9.4. In all cases of misconduct, including those outside of the Academy, the headteacher will consider whether the police or the local authority's anti-social behaviour coordinator should be notified of the disciplinary action taken. The police will always be informed where the pupil's behaviour is criminal or poses a serious threat to a member of the public.

## **10. Enforcement of detention outside school sessions**

10.1. Teachers have a power to impose detention outside school hours to pupils under 18 years of age

10.2. The Academy must make clear to pupils and parents that detention is used as a sanction

10.3. The Academy may give detention on any school day, weekends (except preceding a half term or term break); INSET days.

10.4. The headteacher will decide which staff may serve detentions to pupils.

10.5. Lunchtime detentions must allow pupils time to drink, eat and go to the toilet.



10.6. The Academy will consider the safety of the pupil coming to and from a detention e.g. after school in the dark. It will also consider and transport and travel arrangements.

## **11. Record keeping and monitoring**

11.1. Every complaint or report of poor behaviour or bullying must be entered in the incident book/C.Poms. The senior leader responsible for behaviour monitors all incidents. Incidents are reported to the regional education director ever six weeks at the Raising Attainment Board (RAB).

11.2. When we implement this policy we encourage every pupil to understand that:

- i. Every complaint of bullying and poor behaviour will be taken seriously
- ii. A pupil who complains will receive support and advice and in many cases the problem can be dealt with on a no names basis; and
- iii. The primary aim will be for the bullying/poor behaviour to cease, not the punishment of the bully unless this is necessary

11.3. The Academy may use a restorative approach to solve the problem between pupils however the victim will select whether this takes place or not

11.4. The academy will, for most but not all, serious incidents, inform parents as to what has happened so that they can give their support. Where the Academy staff feel that the pupil may be unsafe or vulnerable because of telling parents (in the case for example of transgender or homophobic bullying) the staff will tackle the incident themselves with the help of specialists. The academy staff must ensure that the designated safeguarding lead is made aware in these circumstances and all information is recorded on CPOMS.

## **12. Fixed-Term Exclusions**

12.1. Only the headteacher can exclude. 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.

12.2. Fixed term exclusions can be issued for parts of a school day e.g. afternoons, lunchtimes. The academy must arrange full-time education for any pupil with a fixed-term exclusion of more than 5 days. The academy must notify the governance if a pupil has been excluded for more than 5 days in a term.

## **13. Permanent exclusions**

13.1. The headteacher must inform parents that their child has been excluded. This must include: the reason for the exclusion; the type of exclusion; rights to make representations to the governance panel; the start date for any alternative provision; start and finish times of alternative provision; its address and where the pupil should report. The headteacher may rescind an exclusion before a meeting of the governance panel. The headteacher must consider their duty of care in loco parentis when sending a pupil home for an exclusion.

13.2. It is E-ACT policy that the headteacher must notify the Regional System Leader, Regional Education Director and the Deputy CEO of their decision to permanently exclude. The academy must liaise with the system leader for any pupils that are at risk of permanent

exclusion.

- 13.3. A fixed-term exclusion cannot be changed into a permanent exclusion. It is unlawful to exclude for a non-disciplinary reason, it can only be for a serious breach or persistent breaches of the Academy's rules. If a pupil is Looked After by the local authority or has an EHC plan, the Academy must work with parents and the local authority to consider if a different school placement is more appropriate.
- 13.4. The Academy's policy on exclusions applies to serious breaches of Academy discipline occurring on Academy premises and also outside of the Academy. Examples may include, but are not limited to:
- i. Violence towards staff, pupils, equipment and the building.
  - ii. Activities that cause a breach in welfare, safety or discipline such as making someone unsafe online, causing an affray.
  - iii. Goading others to act violently.
  - iv. Theft, breaking the criminal or civil law.
  - v. Bullying.
- 13.5. The Academy must set work for the pupil to complete and must apply its marking policy for the duration of the exclusion.
- 13.6. The E-Act funding agreement states that: The academy must, when asked by the local authority, admit a pupil who has been excluded from a maintained school or another academy.

#### **14. Malicious allegations against staff**

- 14.1. Where a pupil makes an accusation against a member of staff and the accusation is shown to have been deliberately invented or malicious, the headteacher will consider whether to take disciplinary action in accordance with this policy. This may include a referral to the police to consider if action might be appropriate against the accused.
- 14.2. Where such an allegation is made, appropriate support will be provided to the member(s) of staff affected.

#### **15. Use of reasonable force**

- 15.1. Any use of force by staff will be reasonable and proportionate.
- 15.2. Force may be used: for the purpose of preventing a pupil from doing (or continuing to do) any of the following:
- i. Committing a criminal or civil offence;
  - ii. Causing personal injury to, or damage to the property of, any person, or
  - iii. Prejudicing the maintenance of good order and discipline at the Academy
- 15.3. Where restraint is used by staff, this is recorded in writing and the pupil's parents will be informed about incidents involving the use of force. Force is never used as a form of punishment.

## 16. Searching

16.1. Staff have the right to search pupils if there is any suspicion of:

- i. A weapon
- ii. An illegal substance or legal substance for which pupils are trading e.g. alcohol, cigarettes, prescription drugs

16.2. The member of staff who seizes, retains or disposes of the item is not liable in any proceedings in respect of the seizure, retention or disposal; any damage or loss which arises in consequence of it.

16.3. **Informed consent:** The Academy staff may search a pupil with their consent for any item. Appropriate consideration will be given to factors that may influence the pupil's ability to give consent. If the pupil refuses, sanctions will be applied in accordance with this policy.

16.4. **Searches without consent:** In relation to prohibited items, as defined below, the headteacher, and staff authorised by the headteacher, may search a pupil or a pupil's possessions, without their consent, where they have reasonable grounds for suspecting that a pupil has a prohibited item in their possession. Searches without consent will only be carried out on the academy premises or where the member of staff has lawful control or charge over the pupil, for example, on academy trips.

16.5. **Prohibited items:** Means knives or weapons, alcohol, illegal drugs and stolen items, tobacco and cigarette papers, fireworks, pornographic images and any other items as defined as such from time to time. It shall also include any article that a 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; any item banned by the Academy rules identified as being an item which may be searched for; and any other items as defined in law as such from time to time.

16.6. **Searches generally:** If staff believe a pupil is in possession of a prohibited item, it may be appropriate for a member of staff to carry out:

- i. A search of outer clothing; and / or
- ii. A search of Academy property, e.g. pupils' lockers or desks; and / or
- iii. A search of personal property (e.g. bag or pencil case within a locker).

16.7. Searches will be conducted in such a manner as to minimise embarrassment or distress. Any search of a pupil or their possessions will be carried out in the presence of the pupil and another member of staff.

16.8. Where a pupil is searched, the searcher and the second member of staff present will be the same gender as the pupil, or in the case of a transgender pupil, they may select the gender of the searcher. However, where a member of staff reasonably believes that there is a risk that serious harm will be caused to a person if the search is not conducted immediately and it is not reasonably practicable to summon another member of staff a search may be conducted by a member of the opposite sex without a witness present.

16.9. When an electronic device, such as a mobile phone, has been seized by a member of staff, the staff member can examine data or files and delete these where there is good reason to do so. There is no need to have parental consent to search through a young person's mobile phone.

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 possible.

16.10. Material that is suspected to be relevant to an offence should not be deleted before giving the device to the police.

16.11. If the 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 whether to retain the device as evidence of a breach of school discipline.

## **17. Complaints**

17.1. Formal complaint: If the victim or his / her parents or carers are not satisfied with the action taken, they should be advised to make a formal complaint, according to the complaints procedure outlined in the Academy complaints policy.

## **18. Training**

18.1. The trust provides national level training using on line packages (Educare). There are a range of modules available for staff to access specific training.

## **19. Responsibilities**

19.1. The following responsibilities apply in relation to this policy:

- Board of Trustees – responsible for approving the policy and ensuring it is adhered to
- Chief Executive and National Directors – responsible for rolling out the policy
- Regional Education Director – responsible for ensuring understanding and compliance within the region
- Head teachers – responsible for ensuring compliance in their academy
- All staff – responsible for ensuring compliance in their academy

## **20. Monitoring and compliance**

20.1. Every complaint or report of poor behaviour or bullying must be entered in the incident book / C.Poms. The deputy head teacher monitors all incidents.

20.2. Incidents are reported to the Regional Education Director every six weeks at the Raising Attainment Board for the Academy held every half term.

20.3. Aggregate information on poor behaviour and bullying is reported to the Regional Performance Boards held every half term.