



The Hyndburn Academy

# BEHAVIOUR POLICY

## UNITED LEARNING BEHAVIOUR POLICY

Date of last central office review:	Sept 2022	Review Period:	1 year (minimum)
Date of next central office review:	Autumn Term 2023	Owner:	Headteacher and Assistant Headteacher Student Character
Date of next school level review:	Autumn Term 2024		
Type of policy:	United Learning Policy	Local Governing Body	Approves school policy adheres to United Learning Policy

### REVIEW TIMETABLE

The Policy will be reviewed annually, as set out below:	
Policy reviewed centrally	Schools Committee: Annually – Autumn Term
Policy tailored by individual schools	Autumn Term 2024
School policy ratified by Local Governing Bodies	Autumn Term 2024
Implementation of Group Policy	Autumn Term 2024

## United Learning Behaviour Policy

### Expectations

This policy sets out how the school will promote good behaviour, self-discipline and respect, prevent bullying, ensure that pupils complete assigned work, and regulate the conduct of pupils. In applying this policy, the school will take into account its duties under the Equality Act 2010 regarding relevant characteristics protected by that act, notably disability. It will also take into account the needs of pupils with special educational needs. The school will also have regard to its safeguarding policy where appropriate.

At The Hyndburn Academy, learning is at the centre of everything we do. We believe that, in order to equip our students with the skill and experience required to fulfil their ambitions in the real world, we must ensure that we provide a learning environment at school where every person in the school community feels safe, secure and free to focus on their own learning. Characteristics that we aim to develop in all are ambition, creativity, confidence, respect enthusiasm and determination. We believe that every single student has the ability to be exceptional but to achieve this every student needs a safe, structured working environment where expectations are clear and every individual is held accountable for their actions. To ensure this is possible we have implemented a framework that sets clear expectations, promoting a culture where everyone is encouraged to take responsibility for their actions and feels safe, valued and respected. Our policy aims to:

- Promote positive behaviour
- Promote self-esteem, self-discipline and positive relationships
- Provide a safe environment where learning is disruption-free
- Ensure a consistent approach to tackling negative behaviour
- Make **reasonable adjustment** for those students with special educational needs and/or disabilities. This will include those students with a medical diagnosis or **Education Health Care Plan (EHCP)** in place as well as students with identified additional needs who may require more SEND/pastoral support

### Policy Implementation

**All staff** to implement the academy policy consistently and fairly throughout the school by setting the standards required to promote positive behaviour.<sup>1</sup>

**The senior leadership** team of the academy to ensure all staff adhere to the behaviour policy and implement effective systems for keeping records of all reported incidents, reporting to governors and parents when required. The DfE Behaviour Guidance stresses that senior leaders should be highly visible and engage with all stake holders in setting and maintaining a behaviour culture<sup>2</sup>

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<sup>1</sup> Further detail is contained at paragraphs 28-29 in the DfE Behaviour Guidance

<sup>2</sup> Further detail is contained at paragraphs 23-27 in the DfE Behaviour Guidance

**Parents** are responsible for:

The role of parents is crucial in helping schools develop and maintain good behaviour. To support the school, parents should be encouraged to get to know the school's behaviour policy and where possible, take part in the life of the school and its culture.<sup>3</sup>

Schools should place value in a close relationship with parents and encourage parents to work in partnership with the school to assist in maintaining high standards of behaviour both inside and outside of school. In particular, that the school expects parents to support the school's values in matters such as attendance and punctuality, behaviour and conduct, uniform/dress and appearance, standards of academic work, extra-curricular activities, and homework/private study.

In the event of any behaviour management issue, schools should liaise closely with parents where practical and, if relevant, other local or national support agencies. Schools should include here details of support systems in place to meet the needs of all pupils.

**Students** are responsible for:

### **Attendance and punctuality**

**Students should:**

- Arrive on time to the Academy each day
- Arrive at their lessons on time
- Aim for 100% attendance and punctuality

### **Behaviour and conduct**

#### **Representing the Academy**

**Students should:**

- Ensure that all electronic devices such as mobile phones, tablets are out of sight and switched off and in their school bag at all times
- Refrain from bringing items of high value into the Academy (the Academy does not accept responsibility for loss, damaged or stolen items)
- Ensure that standards of uniform and appearance are excellent (see Family Handbook for all uniform expectations):
- Wear appropriate outdoor shoes. Shoes must be sensible and entirely plain black, (not dark brown), laces must be fastened and be plain black. Heels should be low. Trainers or pumps are not acceptable. Students wearing the wrong footwear will be instructed to change into academy footwear
- Should not wear excessive jewellery – A plain watch and 1 pair of stud earrings is acceptable.
- Should not wear facial piercings, body piercings, make-up or unorthodox hair styling or colours are not permitted – only natural hair colours are acceptable and hair should not be shorter than a 'grade 1 setting'. Beard or moustache length and styling must be short and conventional. Shaven hair /eye-brow lines are not permitted and nails should not be false or painted

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<sup>3</sup> Further detail is contained at paragraphs 32-33 in the DfE Behaviour Guidance

- Not wear non-uniform items in and around school, including jumpers and hoodies. Outdoor coats should not be worn in the Academy building
- Limit eating and drinking to the designated area and dispose of litter and food waste in the bins provided
- Never engage in 'play fighting' or physical behaviour of any kind which could infringe the rights of others or risk physical injury
- Use polite and appropriate language and communication when addressing members of the Academy community and in public settings representing the Academy community, taking account of all students' needs across the Academy
- Follow reasonable instructions first time or as quickly as possible
- Never engage in any behaviour which could be detrimental to any other individual's health or wellbeing (i.e. bullying)

## **Moving safely around the school site**

Students should:

- Walk quietly on the left, with pace and purpose ensuring they are not blocking the way of any other members of the Academy community
- Ensure they are in full uniform whilst moving around the site, arriving and departing from the Academy
- Ensure equipment (pencil case and planner) is in hand ready for learning when moving to lessons
- Be courteous to staff, other students, visitors, and all members of the public
- Refrain from being drawn into large crowds where an incident may have occurred/be occurring, but instead ensure a member of staff is alerted immediately
- Be quiet and receptive when lining up as a year group and being addressed by member of staff
- Never behave in a manner or indulge in any behaviour which could seriously be detrimental to their own or others' health/wellbeing

## **Behaviour for Learning**

Students should:

- Line up quietly outside a classroom with equipment in hand ready to learn
- Enter the classroom in a calm, orderly manner, sitting in the seating plan devised by the teacher and immediately commencing the Do It Now activity
- Listen to the best of their ability when a staff member is addressing the class and respond to Academy common language
- Refrain from shouting or calling out
- Be equipped: student planner, appropriate bag, PE kit, pens, and pencils (The Family Handbook shows the full equipment list)
- Respond to the Academy common language in a respectful manner
- Refrain from consuming any food or drink (apart from water) purchased from any external establishments in or around the Academy site; this includes soft drinks, sweets and chewing gum
- Ensure that toilet visits are taken during break or lunch unless the student has a medical condition, in which case a medical pass will be issued by the appropriate Head of Year (**reasonable adjustment**)
- Take the necessary care and time to ensure that preparation and practice for learning (home learning) and classwork in books is presented appropriately – titles underlined, feedback in purple

- pens, dates and handwriting clearly legible
- Work to the very best of their ability in each lesson showing focus and diligence
  - Ensure that all preparation and practice (home learning) tasks are attempted and completed to the best of their ability
  - Record all preparation and practice (home learning) in planners and ensure it is completed to the best of their ability
  - Seek a teacher or other adult's help if any aspects of preparation and practice (home learning) or classwork presents serious difficulty

## **Representing the Academy**

Students are expected to demonstrate an appropriate standard of conduct on their journey to and from the Academy and in any situation where they are ambassadors for the Academy.

Students are expected to:

- Arrive at and leave the Academy in full uniform
- Demonstrate politeness and courtesy at all times
- Use public transport, cycle lanes/pedestrian zones sensibly and safely
- Dispose of litter appropriately
- Respect members of the public / wider community and ensure that public areas and property are treated respectfully.

## **Behaviour Expectations**

There are some behaviours which fall outside the Academy's expectations and would be dealt with by senior/pastoral members of staff at the Academy. In such circumstances, an investigation will take place and all relevant parties will be informed at the earliest convenience. Subsequent consequences will be decided upon by the relevant senior member of staff or the Headteacher. An indicative but non-exhaustive list of such actions which could lead to such an investigation would be:

- Being verbally abusive to a member of staff
- Bringing illegal substances or items into the Academy
- Bringing a weapon or tool which could be used to injure another person in the Academy (including BB guns, etc.)
- The use of racist, sexist, homophobic or transphobic language
- Persistent levels of defiance or aggressive behaviour
- Persistent bullying
- A physical assault on another student or member of staff
- Behaviour which may bring the reputation of the Academy into disrepute
- Sexual relationships of any kind
- Intentionally setting off the Academy's fire alarm
- Gambling or any behaviour designed to extort possessions or funds from others
- Knowingly bringing a trespasser onto the Academy site
- A significant breach of health and safety
- Any behaviour which discriminates against the nine characteristics protected under the Equalities Act.

Once the investigation is complete, the senior member of staff investigating the incident will liaise with the

Headteacher and decide on an appropriate and proportionate consequence/s which could include:

- Academy Payback
- Referral to the Academy Reset Room
- Liaison with outside professional agencies to gain further support
- Meeting with members of the Local Governing Body
- Fixed-term suspension
- Permanent exclusion

All incidents of this nature will lead to a parent/carer reintegration meeting with a relevant member of staff, where additional support and intervention strategies can be discussed and agreed upon. The SENCO will be involved for all children with an EHCP and one of the SENCO team for all children on SENSupport.

Students will also be commended for acts of positive behaviour that are to be celebrated and recognised at the Academy. These behaviours can range from simple acts of kindness to hard work being demonstrated in and out of lessons over a period of time.

Students are also encouraged to demonstrate positive behaviours beyond the Academy and support the local community through their actions and attitudes. Student rewards at the Academy are extensive and include achievement points, postcards of excellence, end of term celebration assemblies and end of term / year reward trips and celebration evenings.

## **Prohibited Items / Searching Students**

The following items are banned from the Academy premises and school visits:

- Any item that could be used with the intention of causing harm
- Alcohol / drugs
- Fireworks
- Cigarettes or any smoking paraphernalia including e-cigarettes or shisha-type devices
- Stink bombs / water bombs
- Mobile phones or headphones (immediately confiscated if seen and returned to the student after the Academy day. A second confiscation in an academic year will lead a parent/carer being asked to collect the item and a 30-minute consequence for the student. Further times of confiscation will result in parent/carer collection, a 60-minute consequence and senior team involvement/meetings).
- Electronic devices which can be heard or are visible
- Aerosols
- Bandanas, masks or anything which could be utilised to conceal identity
- Hooded sweatshirts
- Jewellery that does not follow the Academy uniform policy
- Make-up
- Nail varnish
- Chewing gum
- Fidget toys (unless a reasonable adjustment has been made)
- Any paraphernalia designed to promote racist or derogatory themes or ideals, including extremist propaganda or pornography of any kind.

Items such as the above (this is not an exhaustive list) will immediately be confiscated by a member of

staff and lead to an appropriate consequence dependent on the level of severity.

Parents/carers will also be informed to ensure effective lines of communication are maintained.

## **The law relating to searches**

The Hyndburn Academy has the statutory power to undertake a search of a student or their possessions (without their consent) if there are reasonable grounds to believe that the student may be carrying a dangerous or banned substance or object e.g. a weapon or illegal drug, or any other item on the prohibited items list above which might pose a serious risk to the safety of that student and/or others. The specific items which can be searched for without consent are specified on page 11 of the DFE's **Behaviour and Discipline in Schools Guidance**, with more detailed information provided in **Screening, Searching and Confiscation – advice for Headteacher's, staff and governing bodies**.

Only the Headteacher or a member of academy staff officially authorised by the Headteacher, can undertake the search of a student, and there must be a witness (also a staff member). The person carrying out the search should be the same sex as the student being searched, as, ideally should be the witness. There is a limited exception to this rule (where a search can be carried out on a student of the opposite sex and / or without a witness) only where the Headteacher or designated member of staff reasonably believes there is a risk that serious harm will be caused to the person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

Any searches of a student's own person or of their possessions will be carried out with due consideration for the student's personal dignity, health and safety, the Academy Safeguarding policy, United Learning staff-student relations guidance, and the Academy own Equal Opportunities policy. Any such searches must always be viewed as a last resort, when other methods of investigation and communication have failed and only if absolutely necessary, such as in extreme situations where leaving a student with such a suspected item could pose risks to others (or to that student). It is hoped that in the great majority of instances, there will be no need for a search to be carried out. Any staff authorised to carry out searches must have had sufficient training to enable them to carry out their responsibilities.

There may be rare instances where a child with a specific SEND diagnosis requires a different approach. For example, the Academy may refrain from searching, unless in an emergency, if a child is tactile defensive or has a sensory sensitivity, which means that a search may significantly escalate a situation. In such circumstance, the Academy would deal with the situation in a different way, bespoke to the needs of the child to ensure all remained safe.

## **Searches without Consent**

Students may be searched for the following items without their consent and without the consent of their parents/carers:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images



- any article that the member of staff reasonably suspects has been, or is likely to be, used:
  - i) to commit an offence,
  - ii) to cause personal injury to, or damage to the property of, any person (including the student).

Members of staff at the Academy can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force **cannot** be used to search for items that are not on the list above. However physical resistance by a student to a search for those latter items can itself be subject to behavioural consequences.

Before a member of staff carries out a search without consent, the member of staff must reasonably suspect that the student has the prohibited item in his/her possession. Only staff members authorised by the Headteacher may carry out searches without consent.

Where an item prohibited in the behaviour policy is seized as the result of a search and it is an electronic device such as a mobile phone, the member of staff who seized the item may inspect the data on it, if he/she thinks that there is a good reason to do so. For this purpose, the member of staff has a good reason if he/she reasonably suspects that the data or file on the device in question has been or could be used to cause harm, to disrupt teaching or break the Academy rules. The Academy also reserves the right to inspect data on any electronic device which is confiscated by a member of staff. The Academy is entitled to retain the device if it contains material which has been or could be used to cause harm to disrupt teaching or break the Academy rules. Academy staff can seize any prohibited item found as a result of a search and can also seize any item, however found, which they consider harmful or detrimental to academy discipline. When deciding what to do with a prohibited item, the Academy will act in line with statutory guidance issued by the Department for Education.

## **Searches with consent**

The Academy may search students with their consent for any item. A student's possessions can only be searched in the presence of the student and another member of staff, except where there is a risk that **serious harm** will be caused to a person if the search is not conducted immediately and where it is **not reasonably practicable** to summon another member of staff.

## **Extent of search**

The person conducting the search may not require the student to remove any clothing other than outer clothing. 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear, but 'outer clothing' includes hats; shoes; boots; gloves and scarves. 'Possessions' means any goods over which the student has or appears to have control – this includes bags, lockers and desks. Any formal complaints about searches should be made in accordance with the Academy's latest complaints policy.

## **Confiscation of articles**

Academy staff have the power to confiscate property from students under their general right to discipline contained in s91 of the Education and Inspections Act 2006.

## Disposal or retention of articles confiscated from students

The Academy will follow the Department for Education guidance 'Screening Searching and Confiscation –advice for Headteachers, staff and governing bodies' (<https://www.gov.uk/government/publications/searching-screening-and-confiscation>) in deciding what to do with confiscated items.

## Drugs

The Academy operates a **zero-tolerance policy** on drugs for the health and safety of all staff, students and visitors. The Academy policy on drugs applies to all academy and academy-related activities whether on or off site. This includes the journey to and from the Academy. The word 'drugs' used in this policy does not just mean illegal drugs. It extends to alcohol, tobacco products, volatile substances and legal highs. Over the counter and prescription medicines are dealt with in the medical treatment section of this policy. The Academy will take into account guidance issued by the Department for Education. The Academy will monitor and deal with any drugs issues promptly and be proactive in trying to prevent any future drugs incidents. Students will receive drugs education as part of the PSHE programme and the Academy will also involve outside agencies such as drugs education charities. Any incidents will be reported to the governors and United Learning Regional Director for their consideration.

Any student found to be involved in a drugs-related incident will be disciplined in accordance with the Academy behaviour policy. The consequence is likely to include permanent or fixed term suspension from the Academy. Dealing illegal drugs will, except in exceptional circumstances, lead to Permanent exclusion. Using illegal drugs will, except in exceptional circumstances, lead to suspension which may be permanent. This distinction between dealing and using is particularly important (using is for that student's use only found with the illegal drugs, dealing is classed as the intention to supply others with illegal drugs both for profit and non-profit purposes). Sometimes, it will also be necessary to involve the police. The Academy will discuss this and take advice as necessary.

## Confiscation of drugs

Any drugs found will be confiscated by staff who will dispose of them in accordance with guidance issued by the Department for Education. Similarly, any drugs-related paraphernalia such as needles will be disposed of in a prudent manner. The Academy may carry out searches for drugs in accordance with this policy. Usually the Academy will inform parents/carers when their child has been found to be involved with drugs, but where there are potential safeguarding issues the Academy must act in the best interests of the child which may mean a decision not to inform parents/carers. Such a decision will be taken very seriously and usually with the benefit of legal advice.

## Bullying

Bullying is behaviour by an individual or group, repeated over time, that intentionally hurts another individual or group either physically or emotionally. It may involve an imbalance of power between the perpetrator and the victim. Bullying will not be tolerated at the Academy. Students who feel they are being bullied either in or outside the Academy can report it to any member of staff, or use the Sharp System, which can be found on the Academy website. This also applies to parents/carers who are encouraged to report any incidents of bullying to the Academy where a thorough investigation will take

place. Any student seen to be the perpetrator of bullying (as defined by the definition above) will receive a consequence according to the behaviour and anti-bullying policy at the Academy.

## **Social Media**

This applies to all forms of social media and the use of social media for both academy purposes and personal use that may affect the Academy, students or staff in any way. All staff are aware of the dangers of social media and students; parents/carers can report any concerns they have to any member of staff who will pass it onto a Head of Year or senior member of staff at the Academy.

Instances of prohibited use are listed below (this is not an exhaustive list) and will lead to appropriate student consequences:

- Damage to the Academy or its reputation even indirectly
- Use that may defame academy staff or any third party
- Use that may harass, bully or unlawfully discriminate against staff, other students or third parties
- False or misleading statements
- Use that impersonates staff, other students or third parties
- Expressing opinions on the Academy behalf
- Using academy logos or trademarks.

In line with government guidance relating to the Prevent Duty, children must be kept safe from terrorist and extremist material and suitable filtering within the Academy is in place. The Academy has a responsible use of social media policy and any breach of that policy on the use of social media will result in disciplinary consequences.

## **Child on child sexual violence and sexual harassment**

In every aspect of the Academy's culture, sexual violence and sexual harassment are never acceptable, it will not be tolerated and pupils whose behaviour falls below expectations will be sanctioned. Staff know the importance of challenging all inappropriate language and behaviour between pupils.

## ***Suspected Criminal Behaviour***

The Academy will consider the need to report to police and preserve evidence; whether a tandem report to children's social care is required, DSL to take lead following KCSIE; and with specific regard to Part 5 of KCSIE re child-on-child sexual violence. See paragraphs 125-127 of the DfE Behaviour Guidance for more information.

## **Contextual Safeguarding**

Hyndburn Academy staff will always consider the context and motive of a pupil's misbehaviour and whether it raises any concerns for the welfare of the pupil. If staff reasonably suspect that a pupil may be suffering, or is likely to suffer significant harm, whether inside or outside of school, they will follow the procedures set out in the Safeguarding / Child Protection Policy and discuss their concerns with the school's Designated Safeguarding Lead, without delay.

## Responding to behaviour

### Rewards

At the heart of any successful behavioural policy there has to be a system that recognises, reinforces and rewards positive behaviour and achievement. At The Hyndburn Academy we have a very clear rewards system run through our Arbor management information system.

Students can be awarded achievement points for a number of different reasons:

- Ambition
- Confidence
- Creativity
- Respect
- Enthusiasm
- Determination
- Full weekly attendance
- Certificate winner of the week
- Enrichment club attendance
- Representing the Academy
- Services to the Academy community
- Services to the wider community
- Random and planned acts of kindness to another individual
- Politeness, courtesy and good manners
- A positive role model for others
- Continuous improvement across all aspects of the Academy.

Each of these rewards carries five achievement points and all Academy staff can award these to any student throughout the course of the Academy Day. Accumulation of achievement points will result in students being rewarded certificates, post cards, special lunches/rewards trips and nominal prizes each term. At the academy we are committed to rewarding at all levels as a means of celebrating achievement across the entire community. All reward systems will be kept under review to ensure that no group of students is significantly under-represented or disadvantaged by the reward criteria.

### Letters of Excellence

Letters of excellence are a way of recognising the achievement of a student which goes beyond that of most students. They are awarded to students for:

Significant achievements both inside and outside the Academy

An outstanding piece of classwork, project work or homework

Significant contribution or effort within a subject or over a sustained period of time.

Letters of excellence are posted home by the Academy after being awarded by a member of staff. All departments in the Academy are encouraged to send letters of excellence each half term to recognise student success.

## Graduated Approach<sup>4</sup>

The Hyndburn Academy has a graduated response to behaviour issues, including the use of behaviour plans for children with chronic issues. Please see Appendix A.

Tier 1: School and classroom-wide systems for all children and adults.

Tier 2: Specific interventions for identified groups such as those with speech, language and communication needs, literacy difficulties (both strongly co-morbid with behaviour issues), transition for those with known behavioural difficulties or those deemed vulnerable.

Tier 3: Individualised approach for a small number of children with provisions such as SENCO involvement, education psychology / speech and language therapy / occupational therapy, behaviour plans, positive handling plans.

## Sanctions<sup>5</sup>

Sanctions are set for a number of reasons which may include:

- Lateness to the Academy (students arriving later than 8.40am will be marked as late and issued a 10-minute consequence with the attendance team. Two lates in a week equates to a centralised consequence lasting 30 minutes. The attendance team and Heads of Year monitor lates to lesson. If a student is late twice in a day this will also result in a 30-minute centralised consequence)
- Failure to submit preparation and practice (home learning) to the required standard/on the required date
- Consumption of food around the Academy site (incorrect areas)/chewing gum
- Failure to meet the Academy behavioural expectations during lesson/social times

The centralised consequence run centrally each day and are 30 minutes in length. The Academy will try to inform Parents and carers of the detentions the day before, by text message to ensure communication occurs between home and school and to ensure the consequence is completed successfully. Failure to attend the 30-minute consequence will result in a 60 minute consequence. Failure to complete a 60-minute consequence will result in a Senior Leader consequence of 60 minutes, which will take place every Friday at the end of the Academy day. The SLT consequence can also be set for a serious breach of the Academy behaviour expectations.

Note that 24 hours' notice of a detention is no longer required and parental permission is not required, however we will endeavour to contact parents and carers prior to detention when ever possible.

When setting consequence staff at the Academy will consider:

- The welfare of the child
- Access to food drink and toilet facilities during any consequence
- Whether the child has caring responsibilities
- Whether parents/carers should be informed of the consequence and any travel arrangements.

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<sup>4</sup> Further detail is contained at paragraphs 41-44 in the DfE Behaviour Guidance

<sup>5</sup> Further detail is contained at paragraphs 45-60 in the DfE Behaviour Guidance

Inconvenience to the parents/carers does not matter as long as the child has a means to get home safely which will be the Academy underlying priority when setting and deciding on when the consequence is to be completed.

The permitted times for detentions at the Academy are:

- Any school day when the student does not have permission to be absent
- Teacher training days

All Academy staff may give detentions. Any lunch-time detention will allow a reasonable time for the child to eat, drink and use the toilet.

## Academy Payback

If students are placed on Academy Payback, students will be informed of this during form time and will complete the consequence at break or/and lunch time.

The Academy will make **reasonable adjustments** for the thresholds outlined above for accumulating behaviour referral points as we recognise students' needs are very different and may be due to an underlying or diagnosed special educational need/disability relating to learning, communication, interaction or social, emotional and health needs. In these cases, the Academy's SENCO and inclusion team will be involved throughout in trying to ensure the student's needs are being met whilst still adhering to the high standards the school sets. This process of reasonable adjustment is 'fluid' and will be ever-changing depending on the level of student need and in collaboration with all relevant stakeholders.

## The Hyndburn Academy Behaviour Model

**4.2** At The Hyndburn Academy we recognise the importance of providing a learning environment which is both engaging and conducive to learning. It is our firm belief that all students deserve disruption-free learning in their classes, to ensure that all subject content can be delivered in the most effective methods by our teaching staff and that students are encouraged to have ambitious academic aspirations of themselves. Students who fail to meet clear, consistent and reasonable classroom expectations will be issued a C1 correction by a member of staff as privately as possible and the correction should be made by the student. The correction should be brief and specific – simply outlining that the student has been issued a correction and what it is for. If the student fails to meet the behavioural expectations in class for a second time, they will be issued with a C2 and must attend a 10-minute detention with the class teacher. The student should correct their behaviour and continue meeting the class behavioural standards. Failure to do this will result in the student receiving a C3, where they will wait outside the classroom and be collected by a member of SLT or Head of Year. This member of staff (along with departmental staff) will decide if the student will work in another classroom in that department/area (C3 buddy) and complete a 30 minute consequence for this removal, or if the student goes straight to Reset (C3 Reset). If the student was placed in Reset the student will then remain in Reset for a 1-day period. E.g. if a student was sent on Tuesday during period 3, they would remain in Reset until the end of period 3 on Wednesday. Students also receive a 60-minute same day consequence for being in Reset and parents/carers will be contacted about this by Reset Manager. Failure or refusal to go to Reset will result in additional Reset days, or even a fixed term suspension and the original Reset days must still be completed. Step out, to an alternative school placement may also be used, to help support the student

complete the Reset days, this will be communicated with Parent and Carers, when this sanction has been given. This information will include the expectations of The Hyndburn Academy and the receiving school. A contract will be discussed and then shared with the receiving school.

The member of staff who sent the student to Reset will meet with the student for a restorative conversation (may need to include an additional adult in the mediation depending on need) where they will outline what about the student's behaviour was disruptive and what would be an appropriate action/response in the future. The staff member will then reset the expectations for their next lesson.

There are a number of things that happen once a student has been referred to Reset. Below is a brief synopsis.

The student arrives at Reset:

- a. The student signs in with the member of staff
- b. The student is asked to sit and complete a reset/reflection work book.
- c. Once the reset/reflection sheet is completed the student is given timetabled work to complete in English, mathematics and science.
- d. At break/lunch/the end of the day the student is expected to engage in a restorative conversation with the referring teacher.
- e. The student remains in Reset for the period of one whole day and is permitted to leave at the time they were referred the following day, i.e. if the student was sent period 1 on a Monday they would remain in Reset until the end of P1 on the Tuesday.
- f. All reset behaviour isolations will finish at 3:50pm

During the period a student is in Reset they are expected to complete work silently and not engage in any behaviour which is defiant or disruptive. Parents/carers will be contacted by a member of staff in Reset (on the same day) at the Academy to inform them that their child has been referred:

- The teacher will complete a restorative conversation with the student who they sent to the isolation room within 24 hours.
- The teacher will contact home to explain/discuss the incident within 24 hours.

Persistent referrals to Reset could result in the student being placed in Reset for longer periods of time or they could receive a fixed term suspension.

Reset and/or a fixed term suspension/Permanent exclusion can also be used for serious breaches of behaviour expectations at the Academy. Failure to meet behavioural expectations in Reset will result in additional Reset Room days or a fixed term suspension.

In any whole-school based behaviour system it is important for all stakeholders to recognise the importance of making **reasonable adjustments** for students who may be unable to comply with the rules and expectations set out above for very legitimate reasons. The Academy would seek to make reasonable adjustments for students who have a clear, diagnosed and underlying special educational need/disability as well as students who have identified additional needs, which require SEND/pastoral support, which makes reaching the expected standard of behaviour consistently challenging. The Academy also has an individualised approach for a small number of children with provisions such as SENCO involvement, education psychology / speech and language therapy / occupational therapy, behaviour plans, positive handling plans.

Specific interventions for identified groups of students is also a priority at the Academy, for example

groups such as those with speech, language and communication needs, literacy difficulties (both strongly co-morbid with behaviour issues), transition for those with known behavioural difficulties or those deemed vulnerable.

For those identified students a number of strategies may be employed to try and ensure ongoing success at the Academy (the list below is not exhaustive, but an indication of the reasonable adjustments the Academy is able to implement):

- An email can be issued by the relevant member of staff which will allow the non-teaching Pastoral Staff an opportunity to escort the student from the lesson and to the inclusion base at the school, preventing the need to attend Reset/ isolation room.
- When a referral to Reset is made, the named student would report straight to the inclusion base and complete work under the care and guidance of inclusion trained staff. Parents and carers would then be informed by the staff in the inclusion team.
- A decision as to when the student would return to mainstream lessons after a period in inclusion would be made at the end of the Academy day and not after 24 hours as per the main academy policy. All relevant stakeholders would be involved in this decision (parent/carer, inclusion staff, form tutor, Head of Year and senior member of staff).
- On a needs basis, and at the discretion of inclusion-trained staff, small group support would be available to these students who access the inclusion base to ensure their needs are best met whilst not in mainstream lessons.
- A medical pass may be issued to ensure access is quickly gained when needed and leaving the classroom is done in a sensible and discreet manner.
- Temporary removal from the classroom by a member of staff to allow movement/rest break. This would be facilitated by a member of the inclusion team or member of the Pastoral non-teaching support staff team. Time out cards may be issued for those students who use them appropriately.

Students who accumulate 3 fixed-term suspensions or 5 referrals to Reset in one academy term will be considered for a Behavioural Support Programme alongside other relevant and available support, this will include:

- A meeting with HOY/Assistant Headteacher to review behaviour and attitude across academic subjects.
- A meeting with Inclusion team to ascertain possible impact of a Behavioural Support Programme – this would involve a 3-week support period working on key aspects of behaviour in target-driven workshops.
- A review of the Behavioural Support Programme after 3 weeks to ascertain impact.
- Referral to the Academy pastoral support and Early Help service where help and support can be sought. This is particularly important for students who may require reasonable adjustments to be made to their provision.
- Inclusion team undertaking any relevant testing that may indicate an undiagnosed need which would lead to reasonable adjustments and additional support being offered by the Academy.
- A Governor behavioural panel meeting to review behaviour and agree future actions for the individual student.

The Academy will make specific reference to how the behaviour of pupils with SEND will be responded to including where additional support will be provided to ensure pupils can achieve and learn as well as possible. This will include:



- a consideration of whether behaviour on a particular occasion was affected by their SEND, this being a question of judgement based on the facts of the situation;
- Where it is considered that the pupil's SEND did contribute to the misbehaviour, that a sanction will be imposed where it is considered appropriate and lawful to do so;
- a consideration of whether any reasonable adjustments need to be made to the sanction in response to any disability the pupil may have (see Appendix A).

### ***Allegations against staff***

The Academy takes its responsibilities for safeguarding extremely seriously, and that all members of the school community should be aware that any allegation of improper behaviour or unprofessional conduct made against a member of staff will be treated with the utmost seriousness and will be managed in accordance with the procedures set out in the appropriate school policies and procedures, in particular the Child Protection/Safeguarding Policy.

### ***Malicious accusations against staff***

The Academy has the right to take disciplinary action against pupils who are found to have deliberately invented or made malicious accusations, whether against other pupils, staff or other individuals, once an investigation has been completed and presented to the Headteacher, a sanction will be decided on, in line with the behaviour framework.

### **Use of reasonable force**

The Academy will follow the Department of Education advice '[Use of Reasonable Force - advice for school leaders, staff and governing bodies](#)'.

Teachers and members of staff authorised by the Principal/Headteacher have the power to use reasonable force and the policy can provide that they may use reasonable force to prevent pupils from committing an offence, injuring themselves or others, to prevent damage to property and to maintain discipline. Members of staff (including non-teaching staff) may also use such reasonable force at any time off the school premises when they have lawful charge of the pupil elsewhere (e.g., on a school trip or other authorised out of school activity).

Make sure that the description of use of force works alongside and cross refers to the use of force during searches described in the separate section on searches above. The use of reasonable force means using no more force than needed and will always depend on the circumstances of the case.

Members of staff at the Academy have the power to use reasonable force to prevent students from committing an offence, injuring themselves or others, to prevent damage to property and to maintain discipline. The use of reasonable force will only be used when absolutely necessary and as a last resort.

Where the use of force, i.e. restrictive physical intervention has been used more than once with a particular child it starts to become a foreseeable risk and therefore requires planning to reduce the chances of it being used again. Where restrictive physical intervention has been used more than once with a particular child, the Academy will write a positive handling plan (essentially an appendix to a behaviour plan) and share this with the parents/carers and relevant school staff. Staff will inform the Headteacher immediately after s/he has needed to restrain a pupil physically.

## Prohibited items and searches

The following items are banned from the Academy premises and school visits:

- Any item that could be used with the intention of causing harm
- Alcohol / drugs
- Fireworks
- Cigarettes or any smoking paraphernalia including e-cigarettes or shisha-type devices
- Stink bombs / water bombs
- Mobile phones or headphones (immediately confiscated if seen and returned to the student after the Academy day. A second confiscation in an academic year will lead a parent/carer being asked to collect the item and a 30-minute consequence for the student. Further times of confiscation will result in parent/carer collection, a 60-minute consequence and senior team involvement/meetings).
- Electronic devices which can be heard or are visible
- Aerosols
- Bandanas, masks or anything which could be utilised to conceal identity
- Hooded sweatshirts
- Jewellery that does not follow the Academy uniform policy
- Make-up
- Nail varnish
- Chewing gum
- Fidget toys (unless a reasonable adjustment has been made)
- Any paraphernalia designed to promote racist or derogatory themes or ideals, including extremist propaganda or pornography of any kind.

Items such as the above (this is not an exhaustive list) will immediately be confiscated by a member of staff and lead to an appropriate consequence dependent on the level of severity.

Parents/carers will also be informed to ensure effective lines of communication are maintained.

## The law relating to searches

The Hyndburn Academy have the statutory power to undertake a search of a pupil or their possessions (without their consent) if there are reasonable grounds to believe that the pupil has in their possession an item that has been, or is likely to be, used to commit an offence, or to cause personal injury to any person (including the pupil being searched), or cause damage to property, or the pupil has, or is reasonably suspected to have in their possession e.g. a weapon or illegal drug.

The specific items which can be searched for without consent are provided in [Screening, Searching and Confiscation – advice for Headteachers, staff and governing bodies](#).

Only the Headteacher<sup>6</sup> or a member of school staff authorised by the Headteacher, can undertake the search of a pupil and there must be a witness (also a staff member). The person carrying out the search should be the same sex as the pupil being searched, as, ideally should be the witness. There is a limited exception to this rule (where a search can be carried out on a pupil of the opposite sex and / or without a witness) only where the

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<sup>6</sup> Schools which have different tiers / leadership titles such as Executive Principal or Head of School must make clear in their behaviour policy who can carry out the search. Schools should also be clear, through appropriate schemes of delegation, who is authorised to carry out searches in the Headteacher's absence).

Headteacher or authorised member of staff reasonably believes that there is a risk that serious harm will be caused to the person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

Any searches of a pupil's own person or of their possessions must be carried out with due consideration for the pupil's personal dignity, health and safety, the school's Safeguarding policy, United Learning staff-pupil relations guidance, and the school's own Equal Opportunities policy. There may be rare instances where a child with a specific SEND diagnosis requires a different approach. For example, the school may refrain from searching, unless in an emergency, if a child is tactile defensive or has a sensory sensitivity which means that a search may significantly escalate a situation. This would mean dealing with the situation in a different way, bespoke to the needs of the child.

The Academy will inform the pupil's parents of a search conducted after the event, particularly where alcohol, drugs or potentially harmful substances have been found as a result of the search. The parent's prior consent to undertake a search is not required.

Any such searches must always be viewed as a last resort, when other methods of investigation and communication have failed and only if absolutely necessary, such as in extreme situations where leaving a pupil with such a suspected item could pose risks to others (or to that pupil). It is hoped that in the great majority of instances, there will be no need for a search to be carried out.

## Searches without Consent

The following items are banned in school and students may be searched for them without their consent and without the consent of their parents:

- Knives or weapons
- Alcohol
- Tobacco (including vapes and other liquid electronic smoking materials)
- Illegal drugs (see Home Office controlled drugs list [here](#)) including drugs paraphernalia
- stolen items
- fireworks
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be, used:
  - i) to commit an offence,
  - ii) to cause personal injury to, or damage to the property of, any person (including the pupil).
- So-called "legal high" drugs including those which are edible (regardless of whether they are technically legal or illegal) and/or anything pertaining to be a drug.

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force **cannot** be used to search for other items that a school has decided to ban under its behaviour policy. However physical resistance by a student to a search for those latter items can itself be subject to behavioural sanctions.

Before a member of staff carries out a search without consent, the member of staff must reasonably suspect that the student has the prohibited item in his/her possession. Only staff members authorised by the [Head Teacher/Principal] may carry out searches without consent.

Where an item prohibited by this behaviour policy is seized as the result of a search and it is an electronic device such as a mobile telephone, the member of staff who seized the item may inspect the data on it, if he/she thinks that there is a good reason to do so. For this purpose, the member of staff has a good reason if he/she reasonably suspects that the data or file on the device in question has been or could be used to cause harm, to disrupt teaching or break the academy rules. The Academy also reserves the right to inspect data<sup>7</sup> on any electronic device which is confiscated by a member of staff. The Academy is entitled to retain the device if it contains material which has been or could be used to cause harm to disrupt teaching or break the school rules.

Any decision to search a pupil's device should be based on the professional judgement of the DSL and should always comply with the Child Protection / Safeguarding Policy.

The school may erase any data or files from the device if the school considers there to be good reason to do so, unless there are reasonable grounds to suspect that the device contains material that has been or could be used to cause harm or may contain evidence in relation to a breach of the School Policy (where a decision may be made whether to delete or retain the material) or of a criminal offence (for example, certain pornographic material including nudes or semi-nudes of a pupil or another pupil), where the files should not be deleted and the device must be given to the Police without delay.

If, following a search, the member of staff determines that the device does not contain any evidence in relation to a criminal offence, the school can decide whether it is appropriate to delete any files or data from the device, and may confiscate the device as evidence of a breach of this policy and the School Policy, and may then punish the pupil in accordance with this policy [and, Suspensions and Policy], where appropriate.

School staff can seize any prohibited item found as a result of a search and can also seize any item, however found, which they consider harmful or detrimental to school discipline. When deciding what to do with a prohibited item, the school will act in line with statutory guidance issued by the Department for Education.

## Searches with consent

The Academy may search students with their consent for any item. A pupil's possessions can only be searched in the presence of the pupil and another member of staff, except where there is a risk that **serious harm** will be caused to a person if the search is not conducted immediately and where it is **not reasonably practicable** to summon another member of staff.

## Extent of search

The person conducting the search may not require the pupil to remove any clothing other than outer clothing. 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves. 'Possessions' means any goods over which the pupil has or appears to have control – this includes bags, lockers and desks.

Any formal complaints about searches should be made in accordance with the school's usual complaints policy.

## Confiscation of articles

School staff have the power to confiscate property from students under their general right to discipline contained in s91 of the Education and Inspections Act 2006.

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<sup>7</sup> All schools should also have regard to DfE guidance <https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people>

## Disposal or retention of articles confiscated from students

The academy will follow the Department for Education guidance '[Screening Searching and Confiscation - advice for headteachers, staff and governing bodies](#)' in deciding what to do with confiscated items.

## **Drugs**

The Hyndburn Academy operates a **zero-tolerance policy** on drugs for the health and safety of all staff, pupils and visitors. The Academy policy on drugs applies to all school and school-related activities whether on or off site. This includes the journey to and from school. The word 'drugs' used in this policy does not just mean illegal drugs. It extends to alcohol, tobacco products, volatile substances and so-called 'legal highs', and any substance pertaining to be a drug. Over the counter and prescription medicines should be dealt with in the school's [Supporting Pupils with Medical Needs Policy](#).

The Academy will take into account guidance issued by the Department for Education. The Academy will monitor and deal with any drugs issues promptly and be proactive in trying to prevent any future drugs incidents. Pupils will receive drugs education as part of the PSHE programme and the school will also involve outside agencies such as drugs education charities. Any incidents will be reported to the governors for their consideration.

Any pupil found to be involved in a drugs-related incident will be disciplined in accordance with the school's behaviour policy. The school will discuss this and take advice as necessary. The consequence is likely to include permanent or fixed term suspension from the Academy. Dealing illegal drugs will, except in exceptional circumstances, lead to Permanent exclusion. Using illegal drugs will, except in exceptional circumstances, lead to suspension which may be permanent. Sometimes, it will also be necessary to involve the police. The Academy will discuss this and take advice as necessary.

The Academy will take a contextual approach to where pupils are affected by their own or other's drug misuse, which may include early access to support through the school and other local services as appropriate.

## **Confiscation of drugs**

Any drugs found will be confiscated by staff who will dispose of them in accordance with guidance issued by the Department for Education. Similarly, any drugs-related paraphernalia such as needles will be disposed of in a prudent manner. The Academy may carry out searches for drugs in accordance with this policy. Usually the Academy will inform parents/carers when their child has been found to be involved with drugs, but where there are potential safeguarding issues the Academy must act in the best interests of the child which may mean a decision not to inform parents/carers. Such a decision will be taken very seriously and usually with the benefit of legal advice.

## **Suspensions and Permanent Exclusions**

At The Hyndburn Academy we believe that learning is the most important reason for being at school and that every child deserves disruption-free learning. In order to support this ethos, it may be necessary to consider suspension when all other strategies have been exhausted, as a consequence of behaviour which may threaten these core principles.

## Sections

1. Guidance framework
2. Links to other policies
3. Principles
4. The decision to suspend
5. Fixed-term suspension
6. Permanent exclusion
7. Investigation
8. The Headteacher's Decision
9. Notification
10. The Governors' Behaviour Committee and the Appeal Process
11. Informing parents / carers
12. Behaviour outside the Academy Gates

### 1 Guidance framework

The Academy Suspension Policy is written in line with the following areas of guidance:

- Suspensions – DfE Guidance
- United Learning Suspensions Policy
- 2010 Equalities Act
- SEND Code of Practice: 0 to 25

### 2 Links to other policies

This policy should be read in conjunction with 2. Policy implementation and 4.2 Behaviour expectations.

### 3 Principles

3.1 The Academy is a learning institution which aims to provide positive life chances for all of its students. We view suspension as a last resort when all other possible methods of managing student behaviour have been exhausted and all reasonable adjustments made. The decision to suspend is nevertaken lightly and careful consideration is taken of all the facts and the surrounding circumstances before reaching a decision to suspend. The only person able to suspend is the Headteacher or in the absence of the Headteacher, the next most senior member of staff on site.

3.2 We recognise the detrimental impact on both the education and well-being of students and their families. We also recognise the impact of social suspension, which can result from fixed-term or Permanent exclusion of a student and will try hard to avoid this.

3.3 Permanent exclusion is an extremely serious step to take and has a significant impact on the ability of a student to access education in the future. It is only used where it is unavoidable and where every possible appropriate alternative has been considered. We are committed to using alternatives to Permanent exclusion such as managed moves and alternative provision where appropriate.

3.4 We take account of the Equality Act and our duty not to discriminate against students for any reason.

3.5 We also take account of our statutory duties in relation to SEND and the reasonable adjustments the school makes to ensure all students' needs are met to the best of the Academy's ability.

3.6 We aim to ensure parents and carers are kept up to date and suitably informed at all times.

#### 4 The decision to suspend

4.1 The decision to suspend is made solely by the Headteacher, or the next most senior person in her absence.

4.2 There are five circumstances where a student may be required to leave the Academy site with the authorisation of the Headteacher/Senior Leadership Team:

(a) Where a decision has been made to suspend.

(b) Where a student has committed a serious criminal offence outside the jurisdiction of the Academy and it is determined by the Headteacher or Senior Leadership Team that it is in the interests of the community for the student to be educated off-site while investigations take place. (This is not necessarily a suspension, although fixed term suspension may be deemed appropriate by the Headteacher in such circumstances).

(c) Where, for medical reasons (such as contagion, risk to an unborn child), the presence of a student represents a serious risk to the health or safety of other students or staff. This not an suspension.

(d) If a student is given permission by the Headteacher or The Senior Team to leave the premises briefly to remedy a breach of the Academy rules on appearance or uniform. This should be for no longer than is necessary to remedy the breach and is not a suspension but an authorised absence.

(e) Where there is good reason to believe that a student is carrying an item which is not allowed onto the site such as an illegal substance or an offensive weapon and they refuse to be screened. In this circumstance the student can be refused entry. This is not a suspension but an unauthorised absence in the first instance, which could lead to a suspension following a full investigation.

4.3 The decision to suspend a student is not taken lightly and the Headteacher or Senior Leadership Team will:

- Ensure that a thorough investigation has been carried out
- Consider all the evidence available to support the allegations
- Allow and encourage the student to give their version of events (with appropriate support to do so when needed)
- Keep a written record of the actions taken including the signed statements of witnesses
- Be confident that the procedures detailed later in this policy have been carried out
- Ensure SEND expert advice has been taken into account, with appropriate and reasonable adjustment made if deemed appropriate
- Ensure that parents/carers have been kept informed throughout the process and consulted where appropriate.

4.4 The standard of proof applied when deciding to suspend is 'balance of probabilities'. The more serious the allegation, the more convincing the evidence substantiating the allegation needs to be.

4.5 Suspension will not be used as a consequence for the following:

- Minor incidents such as a failure to complete homework
- Poor academic performance
- Lateness or truancy
- Breaches of academy rules on uniform or appearance except where these are persistent or in open defiance of such rules as a punishment for the behaviour of a parent/carer.

4.6 Once the decision has been made to suspend, a student will only be sent home once contact has been made with parents/carers and where it is clear that the student will be returning to a place of safety. Work will be provided and either sent with the student or arrangements made for collection.

## **5 Fixed-term Suspension (Level 1: Fewer than 15 school days in any term / Level 2: 15 school days or more during term)**

5.1 The decision to suspend a student for a fixed term may be taken in response to breaches of the Academy behaviour for learning policy.

5.2 Examples of behaviour that may lead to a fixed-term suspension include the following:

- Verbal abuse of staff or students
- Physical abuse of staff or students
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs or other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Carrying and/or supplying an illegal substance
- Carrying an offensive weapon\* or banned item
- Arson
- Persistent poor behaviour contrary to acceptable behaviour outlined in the school behaviour policy
- Bullying, including cyber-bullying.

\*A weapon is defined as any item made or adapted for causing injury.

This is not an exhaustive list and there may be other examples of behaviour were the Headteacher or Senior Leadership Team judges that suspension is an appropriate consequence. Where a student is suspected of carrying an offensive weapon, or misusing/carrying/supplying an illegal substance, or being part of a group involved in such activity, but the evidence is not sufficient, they will be given the benefit of the doubt on the first occasion. If there is a repeat of such concern, they will run the risk of suspension. Suspension will always be applied for the shortest time deemed possible as the Academy recognise the impact missed days has on the long-term educational progress of the student/s involved.

5.3 The Headteacher may suspend a student for one or more fixed periods which do not exceed a total of 45 school days in any one school year.

5.4 During a fixed-term suspension of 5 or fewer days, work will be set by the Academy for the student to complete at home. This work should be returned completed at the end of the suspension for marking.

5.5 For an suspension of longer than 5 days, the Academy will arrange full-time alternative educational provision from the sixth day of suspension.

5.6 Before the end of any fixed-term suspension, parents / carers will be invited to attend a reintegration meeting at the Academy with their son/daughter. The purpose of the meeting is to



ensure that the student understands the reason for the suspension and is committed to preventing the behaviour that led to the suspension from being repeated. The Academy will consider all further support if needed to help the student, including referral to the behavioural/pastoral support team within the Academy for a behaviour support programme / positive intervention or to external agencies if appropriate.

5.7 During the first five days of any suspension, the parents of an suspended student must ensure that they are not present in a public place during normal school hours without reasonable justification, whether with or without a parent/carer. Failure to comply with this is an offence for which a fixed penalty notice can be issued.

5.8 Repeated use of fixed-term suspension for children with an EHCP (and potentially those on SEN Support, especially those undergoing statutory assessment and likely to get an EHCP), could be considered ineffective or failing to meet a child's needs. The Academy will ensure the SENCO is involved as part of a behaviour intervention and planning process to elicit different approaches to improving the child's behaviour. This may involve advice from colleagues and specialists such as an educational psychologist, speech and language therapist etc.

## 6 Permanent Exclusion (Level 3 Suspension)

6.1 Permanent exclusion is an extremely rare consequence at the Academy and always avoided wherever possible. The decision to permanently suspend is taken only:

- (a) In response to serious breaches to the Academy behaviour for learning policy
- (b) If allowing the student to remain would seriously harm the education or welfare of that student or others at the Academy.

6.2 A student may be permanently excluded where there have been repeated breaches of the behaviour for learning policy for which a range of consequences and strategies have been applied without success. It is an acknowledgement that the Academy have exhausted all available strategies for dealing with the student and is a last resort.

6.3 There may be exceptional circumstances where, in the judgement of the Headteacher, it is appropriate to permanently exclude a student for a first or 'one-off' offence. These might include:

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Serious bullying, including cyber-bullying
- Possession of an illegal substance and/or supplying an illegal substance
- Carrying an offensive weapon.

**Again, this is not an exhaustive list and there may be other examples of behaviour where the Headteacher judges that a permanent exclusion is an appropriate consequence for a first or 'one off' offence.**

6.4 The Academy operates a zero-tolerance approach to the carrying of offensive weapons and the carrying and supplying of illegal substances. This is communicated clearly to students in assemblies and in the Personal Development Days.

6.5 Any student who brings an offensive weapon or a banned item onto site, or who brings and/or supplies an illegal substance or banned item on site will be permanently excluded. A student found in possession of these items on site also runs the risk of Permanent exclusion.

6.6 The Headteacher will meet with the parent/s and student before reaching a decision to permanently exclude a student from the Academy.

## **7 Investigation**

7.1 Any investigation of the incident will be carried out in accordance with DFE guidance. The student at risk of exclusion will be given the opportunity to have his/her say wherever possible.

7.2 Each case will be judged on the facts and the context taking into account:

- The degree of severity of the offence
- The likelihood of re-occurrence
- The student's previous behavioural record
- Contributory factors (e.g. recent bereavement, mental health issues, bullying, special educational needs and disabilities, harassment)
- Support provided
- The wider Behaviour Policy, SEND Policy and Equality Law obligations.

## **9 The Headteachers Decision**

The decision to exclude will be made after a review of the evidence available (including that gathered during any investigation) and will be on the balance of probabilities – i.e. is it more probable than not that the accused acted as alleged – and in response to a serious or persistent breach of the school's behaviour policy, and where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the Academy.

## **10 Notification**

Once a decision to exclude has been made, parents will be contacted at the earliest opportunity, by telephone if possible. See section 6.8 for more information.

## **11 Governors' Behaviour Committee and the Appeal Process**

10.1 The Academy have a Local Governing Body (LGB) which has responsibility for reviewing decisions in relation to exclusion. The Behaviour Committee consists of at least 3 members of the LGB, all of whom should be involved in reviewing Level 2 suspensions and 3 exclusions. For Level 1 suspensions the Behaviour Committee need not meet in person and decisions can be delegated to one member of the Committee.

10.2 The Behaviour Committee of the Governing Body will automatically review any suspension which results in a student being suspended for more than 15 school days in any term, or any permanent exclusion.

10.3 The Behaviour Committee will automatically review all fixed-term suspensions of children with EHCPs where this is the second or subsequent suspension for that child during their time in the school(not just in a given academic year).

10.4 Parents/carers have the right to appeal the decision to suspend their son/daughter. This process is common across United Learning and is different for different levels of suspension.

10.5 Full details of how these meetings operate can be found in the following appendices and also within the DFE Guidance (2012) and the United Learning Suspension Policy – Academy (2018) but the summary is contained below.

### **Level 1 suspension (less than 15 days)**

A parent / carer may request that the Behaviour Committee review the process within 50 school days of receiving notice of the suspension. The request should be made in writing and should set out the question(s) which they wish the Behaviour Committee to consider. The committee will respond in writing within 15 school days.

The Committee will automatically review all fixed –term suspensions of children with EHCPs where this is the second or subsequent suspension for that child during their time in the school (not just in a given academic year).

### **Level 2 suspension (more than 15 days fixed term or where the suspension would result in a student missing a public examination or national curriculum test)**

Headteacher meets with parents to discuss suspension. Behaviour Committee meets to review the suspension within 15 days of receiving notice of the suspension.

### **Level 3 exclusion (permanent)**

The investigating officer presents their findings to the Headteacher in regard to the alleged incident that has taken place. The Headteacher meets with parents/carers to discuss having completed the process fully and having consulted with others including the SEND expert if appropriate. If the decision is made to permanently exclude the student, parents/carers will be informed by the Headteacher both verbally and in writing. Following the Headteacher's decision to permanently exclude, the Behaviour Committee meets to review the decision within 15 school days of receiving notice of the suspension.

10.6 If the Behaviour Committee upholds the Headteacher's decision to permanently exclude, parents/carers may appeal to an Independent Review Panel. In addition, the Headteacher must consult with the Regional Director of United Learning and the Chair of the LGB (or his/her nominated Deputy as delegated) before the decision is implemented.

10.7 An Independent Review Panel will consist of 3 people and will be chaired by a lay member and two independent members, one with governance experience, the other with headship experience. This panel will decide whether to uphold the decision to exclude a student.

10.8 The Independent Review Panel can either uphold the decision to exclude the student or recommend that the Academy reconsiders the matter. They cannot, however, direct the reinstatement of the student.

10.9 Parents/carers have a legal right to bring an Equality Act claim for discrimination to the First Tier Tribunal (for disability discrimination) or to the County Court (for other forms of discrimination).

## 11 Informing parents / carers

11.1 Following any decision to suspend, the Headteacher must inform parents/carers, putting the decision to suspend in writing and stating the date the suspension takes effect.

The letter must also explain:

- The circumstances leading up to the decision to suspend
- Why the Headteacher decided to suspend the student
- If relevant, what steps were taken to try and avoid the suspension, details of any relevant previous warnings, fixed period suspensions or other disciplinary measures taken before the present incident
- the arrangements for enabling the student to continue his/her education including setting and marking the student's work
- the parent's right to see and have a copy of their child's record
- the parent's responsibilities to ensure their child is not in a public place in school hours during the first five days of an suspension
- if the suspension is for a fixed period, the length of the suspension and the date and the time the student should return to the Academy
- the arrangements for a parent interview at the end of the suspension to discuss the process of reintegration
- for Level 2 suspensions and Level 3 exclusions, the parent's right to appeal to the Independent Appeals Panel and the appropriate timescales and mechanism for that to happen as well as the fact that the governors will meet to review the decision
- for Level 1 suspensions, that if parents are concerned about the way in which the suspension was managed, they may write to the Behaviour Committee to ask it to review the process. This may be done by just one member of the Committee. The Committee cannot overturn the decision to suspend but may put a note on file.

## 12 Behaviour outside the Academy gates

12.1 Our suspension and behaviour policy covers behaviour not only within the Academy but outside the Academy. We will consequence students, up to and including Permanent Exclusion, for any behaviour which contravenes our policies when a student is:

- taking part in any academy-organised or academy-related activity
- travelling to or from the Academy
- wearing our academy uniform, or in some other way identifiable as a Hyndburn Academy student
- or for behaviour which at any time:
  - could have repercussions for the running of the Academy, or
  - poses a threat to another student or member of the public, or
  - could adversely affect the reputation of the Academy.

12.2 Even where the conditions above do not apply, the behaviour policy can extend to any misbehaviour which could have repercussions for the orderly running of the academy, pose a threat to another student, or member of the public or could adversely affect the reputation of the Academy.

### End of Policy

Signed by Head Teacher:  
Date 15/11/2023



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## Appendix A

### Individual Reasonable Adjustment to the Behaviour Policy

*This guidance is based on the Equality Act (2010), Children and Families Act (2014) and the DfE Behaviour in schools Advice (2022).*

**Rationale** The Hyndburn Academy is fully inclusive and recognises that additional needs, in some cases are classified as a disability. We want all students to have the best possible chance to reach their potential in our School. To ensure discrimination does not take place, specific policies and practice may need to be adjusted. Every student with an additional need/s is unique, therefore a personalised approach is required to understand whether adjustments are necessary and the impact of support. To determine if adjustments are required for the Behaviour Policy, the Graduated Approach from the DfE Code of Practice is implemented, this follows the 'Asses, Plan, Do, Review' cycle.

#### Example of the Graduated Approach to adjustments

**Stage 1** – Meeting with parents/carers, the student, Head of Year and the SENDCo to assess the need for adjustments, the nature of any adjustments and strategies to support the behaviour of the student, both in and outside of lessons. Triggers and barriers to learning will be discussed, which may result in further Intervention being put in place. The Senior Leader for Culture and Behaviour may be in attendance.

**Stage 2** – If adjustments and specific learning strategies are agreed, the SENDCo and Head of Year will create a specific Learning Plan for the student. This document communicates to all their teachers and support staff the key strategies that need to be implemented for the student to have every chance of success in the classroom, as well as any adjustments to the Behaviour Policy (examples are given in the table below). This plan will also be uploaded onto the student's electronic file, so all staff can identify the strategies and adjustments to the Behaviour Policy. If deemed necessary, the SENDCo and Head of Year may meet with all teachers to further outline the strategies and adjustments.

**Stage 3** – If deemed necessary, further external specialist advice may be sought to assess a student's need/s and further appropriate strategies and adjustments may be recommended. Examples of specialist advice can include: an Educational Psychologist, Speech and Language Therapist, Autism outreach worker, Behaviour specialist. This may occur if the student is not already involved with these professionals.

**Stage 4** - A regular review period will be set to evaluate the impact of support and the adjustments to the Behaviour Policy. This will range from 6- 12 weeks, dependent on the student. All stakeholders are invited to this meeting. If amendments are agreed, this will be updated in the Student's Learning Plan and shared with key staff.



<b>Examples of specific supportive learning strategies</b>	<b>Examples of adjustments to the Behaviour Policy</b>
Increased use of praise	Pre-warning given
Time out card	Shorter length for homework detention (45 minutes rather than 60 minutes)
Attendance to homework club	Access to keyworker support in the Reflection room, when required
Seating Plan adjustment	Time out card in the reflection room
Short and repeated instructions	Shorter time spent in the reflection room
Use of a visual checklist on student expectations	Higher frequency of failed homework's to be set a detention (2x rather than 1x)
Private notification of warnings, including post it notes on desks	Reflection room time does not roll over to the following day
Use of a fidget toy	Access to a laptop in the reflection room
Chunked tasks	Restorative discussion with the teacher to take place immediately, rather than the end of the day

**Please note the above are examples; strategies and adjustments will be arranged on a personalised basis dependent on need.**

**If a student is in receipt of an Educational, Health Care Plan (EHCP), the learning strategies and adjustments will be written into the Plan at the next Annual Review meeting.**

