



# BEHAVIOUR POLICY

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## 1. Aims

This policy aims to:

- Support the creation of a safe, enjoyable, respectful environment that allows all to achieve
- Provide a consistent approach to behaviour management
- Define what we consider to be unacceptable behaviour, including bullying
- Outline how students are expected to behave
- Summarise the roles and responsibilities of different people in the Alternative Provision's community with regards to behaviour management

The following principles will be followed in the implementation of this policy:

- A positive approach in addressing all behaviour
- Self-esteem, trust and rapport will be built between staff and students
- There is consistent use, application, and support of the Behaviour Policy by all members of staff and volunteers
- The behaviour is separated from the student
- Communication around behaviours is as important as the enacting of the policy
- The prevention of unwanted behaviours.

## 2. Background Context

Pupils entering an Alternative Provision have either presented a level of extreme behavioural difficulties in their mainstream school, which have not been remediated by extra within school support or have experienced Medical Needs including Mental Health difficulties. A considerable number may also be presenting their parent(s)/guardian(s) with challenging behaviour. Many of the pupils on entry will be underachieving and have low self-esteem, may have experienced little success, or have become persistent absentees in the school setting.

The main aim of the Alternative Provision is to support each student through their difficulties, encourage respectful behaviour in all aspects of their life and aid them in accessing their learning to move to the next step of their journey, whether this be back into mainstream education, another school placement, a full-time college placement or apprenticeship. All those at the Alternative provision, including staff and pupils, have the right to be safe, feel supported and be treated respectfully. It is therefore everyone's responsibility to:

- Have thought for others
- Co-operate with others
- Empathise with others
- Respect the opinions of others
- Respect all forms of life
- Accept differences in others
- Be receptive to change
- Have a positive attitude to learning

### 3. Definitions

Misbehaviour is defined as a lack of respect for others, whether this is directed at staff, volunteers, or other students. Examples of this behaviour include:

- Poor punctuality
- Disruption to learning and break times
- Refusing to access learning and complete given tasks
- Poor attitude
- Inappropriate clothing as outlined in the Dress Code Policy and Student Guidelines
- Mobile phones being out, unless directed by a member of staff or volunteer.

Serious misbehaviour is defined as:

- Non-attendance and/or truanting
- Repeated misbehaviour or breaches of the AP's rules including 'Student Guidelines'
- Any form of bullying including online bullying
- Physical and/or sexual, assault, or the threat of any such physical or sexual assault including online sexual abuse
- Vandalism
- Theft
- Fighting
- Smoking or vaping
- Racist, sexist, homophobic/transphobic or discriminatory behaviour of any type
- Possession of any prohibited items. These are:
  - Knives or weapons
  - Alcohol
  - Illegal drugs
  - Stolen items
  - Tobacco and related paraphernalia
  - Vapes, e-cigarettes and related paraphernalia
  - Fireworks
  - Pornographic images
  - Any article a staff member reasonably suspects has been, or could be likely be, used to commit or threaten to commit an offence
- Engagement in any child criminal exploitation/child serious exploitation in any form
- Engagement in any of the above or any activity whether in or outside of the Alternative Provision or which could reasonably be considered to bring the Alternative Provision into disrepute
- Incitement of any of the above

## 4. Roles and Responsibilities

### Governance and Reporting

The Charity's Trustee Board is responsible for monitoring this behaviour policy's effectiveness and holding the Director of Education and Family Support to account for its implementation. Relevant information regarding incident reports will be delivered to the trustees termly.

### Director of Education and Family Support

The Director of Education and Family Support is responsible for reviewing this policy.

The Director will ensure that the learning environment encourages positive behaviour, and that staff and volunteers deal effectively with poor behaviour. The Director should also provide termly reports to the Trustees regarding behaviour and implementation of this policy.

### Staff and Volunteers

Staff and volunteers are responsible for:

- Implementing the behaviour policy consistently
- Modelling positive behaviour
- Providing a personalised approach to the specific behavioural needs of students
- Recording behaviour incidents
- Empowering and supporting students to build a respectful and supportive learning environment in which all students can gain confidence and achieve their goals.

### Parents

Parents are expected to:

- Support their child in adhering to the student code of conduct (found below) and the Student Guidelines (for a copy please ask Director of Education and Family Support, Paula Knowles)

## 5. Student Code of Conduct

Students are expected to:

- Adhere to this Code of Conduct and the Student Guidelines
- Behave in an orderly and self-controlled way
- Show respect to members of staff and each other in all regards including use and tone of language
- Be in the right place, at the right time, doing the right thing
- In the learning environment, make it possible for all students to learn
- Treat the Alternative Provision buildings and property with respect
- Always wear the appropriate clothing
- Accept sanctions when given
- Refrain from behaving in a way that brings the Alternative Provision into disrepute, including when outside of the Alternative Provision
- Report incidents of breach of the Code of Conduct including misbehaviour and serious misbehaviour

## 6. Suspension and Exclusion

In the first instance of misbehaviour, dependant on the seriousness of the offence, the Alternative Provision may suggest the following to the commissioning school during a review meeting:

- A different timetable
- Short term suspension as a 'cooling off' period
- Temporary exclusion from activities such as workshops or off-site visits.

If all other avenues of behaviour management and de-escalation fail, and a student repeatedly breaks the code of conduct (section 5) or acts in a manner that constitutes serious misbehaviour (section 3), a review meeting will be held with the commissioning school and the parent(s)/guardian(s). The Alternative Provision will issue an advisory to the commissioning school that the placement needs to be reviewed and adjusted where necessary. If poor behaviour persists, the above process will be repeated until such time where the Alternative Provision believes the placement is no longer suitable for the student and advise the placement is closed.

For more information on the Exclusion and Suspension policies and procedures please locate the documentation at [www.elkolet.com/policy-center](http://www.elkolet.com/policy-center)

## 7. Bullying

Bullying of any kind is not tolerated at TKW and a strong, consistent message is given by all staff and volunteers that everyone has the right to be safe from physical fear and harm, name calling or disrespect.

Students have a high level of supervision throughout the day so any opportunity for bullying is limited. All incidents are dealt with either, discussion at a review meeting, withdrawal from the learning environment or, in extreme cases, a fixed term suspension also referred to as a 'cooling off' period. This includes any bullying, which takes place on the transport to and from the TKW or online.

In all cases, however, staff use the incident as a learning opportunity to enact change in the student's behaviour and build empathy from the victim's point of view through a Restorative approach.

Further information can be found in the Anti-Bullying Policy at [www.elkolet.com/policy-center](http://www.elkolet.com/policy-center)

## 8. Damage

In the case of a student causing damage to property on Alternative Provision premises, the student may be asked to contribute to the cost of the repair or replacement of the property. This decision will be made at the discretion of the Director of Education and Family Support after careful consideration of the circumstances. Any decision to pursue legal recompense should be referred to the Chairman of the Charity. Any money raised from such contributions will be deposited into the charity through the appropriate finance officer with acknowledgement of receipt.

## 9. Police

Police intervention will be sought in circumstances where the pupil has caused excessive damage to the building, has assaulted a member of staff or other students, has failed to respond to de-escalation techniques or is in grave danger of harming themselves. Police may also be called when there is persistent harassment, which could result in a crime being committed, could interfere with the normal daily routine, or threaten the good order of TKW.

## 10. Leaving the grounds

TKW is not a locked facility. However, all efforts have been made to ensure the safety of pupils, including constant supervision. Should a student leave the building staff and volunteers will make every effort to get them to return. Should a student leave the premises boundary staff and volunteers will not pursue them further, as this may cause the pupil to run into the road to get away. If they move out of sight or onto the street in front of the premises, staff will contact the parent(s)/guardian(s) to inform them of the situation. If the parent(s)/guardian(s) cannot be contacted, staff will contact the Police and report them as a missing person. Parent(s)/guardian(s) are asked to contact TKW should the student return home and whenever possible to return the pupil to the Alternative Provision.

## 11. Use of Reasonable Force

Physical intervention must only be used when all other options for de-escalating a conflict situation have failed. Staff should have tried negotiation, diffusion, and de-escalation strategies as well as containment in a safe area, without the need to hold, before intervention whenever possible. This policy sub-section has been written using the DfE guidance on the [Use of Reasonable Force 2013](#).

Staff have a duty to protect the safety of others. Full time staff and people whom the Director of Family Support and Education has temporarily put in charge of pupils such as unpaid volunteers, are authorised to use physical intervention in the following circumstances:

- To prevent a pupil from hurting or endangering themselves or others
- To prevent a pupil from damaging property
- To remove disruptive children from the classroom where they have refused to follow an instruction to do so
- To prevent a pupil behaving in a way that disrupts an Alternative Provision event or a trip or visit
- To prevent a pupil leaving the classroom, where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others
- To prevent a pupil from attacking a member of staff, volunteer, or another pupil, or to stop a fight
- To restrain a pupil at risk of harming themselves through physical outbursts.

All physical intervention should be:

- Carried out as a last resort
- Carried out in a way that safeguards the pupil and staff's wellbeing and dignity.

- Be applied using the minimum amount of force and for the minimum amount of time possible
- Never be used as a form of punishment
- Be recorded and reported to parents

All complaints about the use of force should be thoroughly, speedily, and appropriately investigated.

## 12. Searching and Confiscation

Searching and screening students is conducted in accordance the advice published by the Department for Education [Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) updated 2023.

The Director of Education and Family support is authorised to carry out a search and subsequent confiscation. All full time staff at TKW are also authorised by the Director to carry out a search and subsequent confiscation.

### a) Searching

A search can be conducted if a member of staff has reasonable grounds to suspect that a student has a prohibited item (listed in section 3). The staff member should explain why, how and where the search is taking place and give the student the opportunity to ask questions.

If the student is not willing to cooperate with the search, the member of staff should consider why. Reasons might include that they:

- are in possession of a prohibited item;
- do not understand the instruction;
- are unaware of what a search may involve; or
- have had a previous distressing experience of being searched.

Should the pupil continue to refuse the staff member has three options:

- Sanction the student without the search in line with the above Behaviour Policy ensuring the response to misbehaviour is consistent and fair.
- If the staff member considers the search necessary but not urgent, the Director and/or DSL should be contacted and the student isolated from the main cohort until such time as an informed decision is made.
- If the student refuses and the staff member considers there to be risk of the student harming themselves or others, damaging property or causing disorder, the staff member should assess whether it is appropriate to use reasonable force to conduct the search. The search is only for prohibited items listed in section 3 and a decision should be on a case-by-case basis, in line with section 11 of this policy.

### During a search

An appropriate location should be found for the search, where possible away from other pupils but on TKW premises or where staff have lawful control or charge of the student, e.g. off-site activities.

Searches must be conducted by a staff member of the same gender as the student, with a witness (also of the same gender) present. In cases of urgency, if there's a belief of immediate risk, this may



be waived. Searches can include bags, outer clothing and pockets but not intimate searches (which require police involvement).

### **After a search**

Whether or not items are found during a search, TKW should consider if the search or its outcome suggests the pupil may be at risk of harm or needs support. If so, staff must follow the Safeguarding and Child Protection Policy and consult the designated safeguarding lead and commissioning school. They will assess if pastoral care, early help, or a referral to social care is necessary.

If prohibited items are found, staff should follow the guidance in section 12.b. below.

### **Recording searches**

Any searches conducted by staff members or the police should be recorded in TKW's reporting system.

The record should include:

- the date, time and location of the search;
- which student was searched;
- who conducted the search and any other adults or students present;
- what was being searched for;
- the reason for searching;
- what items, if any, were found; and
- what follow-up action was taken as a consequence of the search.

### **Informing parents/guardians**

Parents/guardians are always informed of any search for a prohibited item listed in section 3 that has taken place, and the outcome of the search as soon as is practicable. A member of staff should inform the parents of what, if anything, has been confiscated and the resulting action TKW has taken, including any sanctions applied.

Any complaints regarding searching or confiscation will be dealt with through TKW's Complaint Policy and Procedures.

### **b) Confiscation**

The general power to discipline enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so, as set out in Section 91 of the [Education and Inspections Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

In regards to items found as a result of a search, a staff member carrying out a search can confiscate any item that they have reasonable ground for suspecting:

- poses a risk to staff or pupils;
- is prohibited (see section 3); or
- is evidence in relation to an offence.

## Prohibited or illegal items

- Controlled drugs must be delivered to the police as soon as possible unless there is a good reason not to do so. In these cases, the member of staff must safely dispose of the drugs. In determining whether there is a good reason to dispose of controlled drugs, the member of staff must have regard to the following guidance by the Secretary of State:
  - The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the controlled drug. When staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug, they should treat it as such. If the member of staff is in doubt about the safe disposal of controlled drugs, they should deliver them to the police.
- Other substances which are not believed to be controlled should also be delivered to the police, or disposed of as above, if the member of staff believes they could be harmful.
- Where a person conducting a search finds alcohol, tobacco, cigarette papers or fireworks, they may retain or dispose of them as they think appropriate but should not return them to the pupil.
- If a member of staff finds a pornographic image, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or an indecent image of a child) in which case it must be delivered to the police as soon as reasonably practicable. Members of staff should never intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff must never copy, print, share, store or save such images. See section 12.c below for further information on searching electronic devices.
- Where a member of staff finds stolen items, these must be delivered to the police as soon as reasonably practicable. However, if there is good reason to do so, the member of staff may also return the item to the owner, or retain or dispose of it if returning them to their owner is not practicable. In determining whether there is a good reason to return the stolen item to its owner or retain or dispose of the item, the member of staff must have regard to the following guidance issued by the Secretary of State:
  - The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized article. In taking into account the relevant circumstances, the member of staff should consider the following: the value of the item; it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases, though school staff may judge it appropriate to contact the police if the items are valuable; whether the item is banned by the school; whether retaining or returning the item to the owner may place any person at risk of harm; and whether the item can be disposed of safely.
- Any weapons or items which are evidence of a suspected offence must be passed to the police as soon as possible.

- Items that have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property should be delivered to the police as soon as reasonably practicable, returned to the owner, retained or disposed of. In deciding what to do with such an item, the member of staff must have regard to the following guidance issued by the Secretary of State:
  - The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether the item should be delivered to the police, retained, returned to the owner or disposed of. In taking into account all relevant circumstances the member of staff should consider: whether it is safe to dispose of the item; and whether and when it is safe to return the item.

### c) Electronic Devices

Electronic devices like mobile phones may contain harmful or illegal files, such as indecent images of children, pornography, abusive messages, or evidence related to criminal behaviour. If staff find such content, they should first assess the safeguarding risks and consider the appropriate response. Staff are permitted to examine data on a confiscated device as the result of a search if they have a valid reason, as laid out at the start of section 12.b.

If staff suspect the device contains indecent images of a child (nude or semi-nude), they should not intentionally view or share the image. Instead, they must confiscate the device and report the matter to the designated safeguarding lead, who will advise on next steps. Schools must follow child protection guidelines and can refer to the UK Council for Internet Safety's advice on handling such incidents, [Sharing nudes and semi-nudes: advice for education settings working with children and young people \(updated March 2024\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people)

If a staff member discovers an image, data, or file that may constitute a criminal offense, they must hand it over to the police as soon as possible. However, in exceptional cases, staff may delete the data if there is a valid reason. To decide whether it's appropriate to examine or erase the data, staff must follow the guidance provided by the Secretary of State:

- When determining if there's a good reason to examine the data, staff should reasonably suspect that the content could cause harm, disrupt the school's safe environment, or be used to commit an offense.
- When determining if there's a good reason to erase, the member of staff should consider if the data or files are suspected to be evidence of a criminal offense, if yes, they must not be erased, and the device should be handed to the police as soon as reasonably practicable. If the content does not relate to a crime but the data or files continued existence is likely to still cause harm, and the student and/or the parent/guardian refuses to delete it, staff may delete it themselves.

### 13. Staff training and support

All staff will be provided with training and support in the delivery of this policy and supporting processes. Training includes but is not limited to de-escalation techniques, anger management and conflict resolution, with regular updates provided. Performance management systems actively encourage staff to identify and share ambitions and requests for additional support or further training. Staff welfare is an important part to creating consistency and a supportive, flourishing learning environment and community.

### 14. Malicious allegations against member of staff

In line with our Complaints Policy and Procedures, these will be investigated by the Director of Education and Family Support in the first instance. An investigation will be held to determine circumstances of the allegation. Parent(s)/guardian(s) will be contacted and informed of any restorative work or sanctions when determined.