



COVID 19
June 2020

Behaviour, Anti-Bullying and Exclusions Policy

Covid 19 - ISSUE 1

Document provenance

This policy should be used with immediate effect from 1 June 2020 or as soon as thereafter when E-ACT academies reopens. It remains in effect until further notice as Issue 1.

It is issued in response to the Government announcement about the re-opening of schools for particular year groups and the subsequent guidance that followed from government and the Department for Education(DfE).

It also includes reference to updated statutory guidance that describes temporary changes issued by DfE about the school exclusion process due to coronavirus.

The Executive Leadership Team have reviewed all of the guidance pertaining to the reopening of schools. As we take a cautious, measured approach to reopening our academies, this updated policy addendum will help staff, parents and pupils understand and uphold Trust-wide expectations about our purposeful measures to help pupils adapt to new environments and gradually return to learning in our academies.

The Executive Leadership Team will review this revised policy during the COVID 19 period. We will reissue additional policy updates as needed in response to further updates from the DfE and other government advice.

Covid 19: Behaviour, Anti-bullying and Exclusions Policy.

1. Introduction and purpose

- 1.1. As pupils return to our academies, we will enable all pupils and staff to learn about how everyone can adapt to new ways of working in classrooms, communal spaces, and corridors. This will help everyone to feel that during a period of return we can support pupil health and wellbeing and establish new expectations we are implementing in our academies.
- 1.2. Our academies will look and feel different in both the physical space and in the new routines we are implementing to adhere to government guidance. The changes to arriving and leaving the academy, changes to the timetable and academy day, and how we organise our pupils and staff, will mean some new routines to behaviour. We will help pupils understand why these new behaviour routines are essential to developing and sustaining the safest environment possible for pupils and staff.
- 1.3. Equally we recognise that getting the balance right in setting our expectations in this policy and supporting pupils' mental health after a significant period of uncertainty and lockdown, is critical. Our Relationships and Recovery Curriculum developed for all of our pupils will help them adjust to new ways of living, learning and re-establishing relationships with their peers and with staff. The activities within this curriculum will not only support pupil mental health but will also begin pupils on a journey to return to learning and help staff determine where pupils need the most help. This curriculum will guide pupils throughout the initial re-opening period and for many months ahead.
- 1.4. Through the Relationships and Recovery Curriculum and through the work of our trained Mental Health First Aiders, we will be able to help all pupils but especially those who exhibit behaviour that may be caused stress and anxiety from the required lockdown.
- 1.5. The sections in this policy explain the routines we will expect pupils to follow in all of our academies so that there is a Trust-wide, shared understanding between pupils, teaching staff, professional services staff, parents/carers, our E-ACT Ambassadors and the Regional Education teams to create a calm, supportive and purposeful atmosphere.
- 1.6. In addition to the Trust-wide expectations set out in this policy, each Headteacher and senior leadership team will append and publish on their academy website, an additional Code of Conduct setting expectations and rewards for good conduct, behaviour, and good attitudes to learning within their specific context. The academy Code of Conduct will enable each academy also to include specific guidance in this period of reopening and establishing new behaviours over the coming months
- 1.7. To know how to uphold the guidance in this policy addendum staff will receive briefings on INSET days giving them assurance about how changes to the academy will impact on new behaviour routines.

2. Scope

- 2.1. This policy addendum is applicable to E-ACT pupils in all academies within the Trust.

3. Legislation and regulation

- 3.1. This policy takes account of the Academy's (E-ACT's) public-sector Equality Duty set out in Section 149 of the Equality Act 2010¹. This means that the Academy will take account of a pupils' age, gender, racial heritage, gender identity, disability, sexuality or faith or no faith but will not discriminate because a pupil has one or more of the protected characteristics. The Academy's inclusive culture will ensure that pupils with different protected characteristics will feel safe and secure from any form of abuse or poor behaviour.
- 3.2. The legal framework behind this policy lies in the following legislation:
- Behaviour and Discipline in Schools January 2016 guidance²;
 - Education Act 1996³;
 - School Standards and Framework Act 1998⁴;
 - Equality Act 2010⁵.
 - DfE Exclusion from maintained schools, academies, and pupil referral units in England, 2017⁶.
- 3.3. The Education and Inspections Act 2006 states that:
- *The behaviour policy is designed to promote good behaviour and discipline;*
 - *The Headteacher must determine measures to promote pupils' self-discipline and proper regard for authority; encourage good behaviour and respect for others and, in particular, prevent all forms of bullying among pupils.*
 - *The Headteacher must make sure the standard of behaviour of pupils is acceptable; make sure that pupils' complete educational tasks, and make sure that pupils' conduct is regulated;*
- 3.4. The standard of behaviour for pupils is determined by the expectations set out in this revised Trust-wide policy and in the academy specific Code of Conduct set by the Headteacher and published on the academy website using the form in Appendix 1.
- 3.5. In response to the government guidance for reopening schools, all of our Headteachers have worked with our Regional Directors and the National Director of Education to make certain that the revised Codes of Conduct for each academy meet the requirements set by the Trust in taking a **cautious and measured approach** to re-opening.

New expectations and support for pupils returning to our academies.

4. Expectations for pupil conduct in re-opening and a sustained period of return and recovery.

- 4.1. E-ACT expects all academies to uphold the Trust-wide guidance issued in meeting the Public Health England (PHE) 'Hierarchy of Controls' and follow all procedures for pupil conduct.
- 4.2. As we reopen we will expect academies to help all pupil's self-discipline and learn about new requirements for minimising contact with each other and following stringent hygiene

¹ <https://www.gov.uk/guidance/equality-act-2010-guidance>

² [Behaviour and Discipline in Schools guidance](#)

³ [Education Act 1996](#)

⁴ [School Standards and Framework Act 1998](#)

⁵ [Equality Act 2010](#)

⁶ <https://www.gov.uk/government/publications/school-exclusion>

procedures.

- 4.3. Our new measures are outlined below. We will work together to ensure staff and pupils understand why these measures are important to a well-functioning academy environment.

Moving around the academy. Pupils will be expected to:

- Follow all new guidance and directions on signage around the academy and in classrooms, moving sensibly and calmly with clear instructions from staff
- Stay with the designated class group and teacher - remain in the 'bubble' group
- Move calmly to washrooms, outdoor areas, into and out of the academy at the designated times allocated for pupil groups
- Observe the one way routes around corridors and other academy spaces so that passing in corridors is minimised.

Behaviour in the outside spaces for exercise and breaks

- All pupils will be expected to follow the guidance from staff about social distancing when they are outside - staff will remind pupils why this is important
- Pupils will be expected to comply with the staggered break times and when outside avoid using any equipment that has been taped over to prevent usage.

Behaviour in classrooms. Pupils will be expected to:

- Keep to the 2 metre separation between fellow pupils in their designated classroom and follow guidance about where to sit in classrooms
- Remain with their designated class/group (which may be new to them) and avoid larger groups of pupils in the communal areas in the academy.

Behaviour expectations for cleaning hands more often and ensuring good respiratory hygiene. Pupils will be expected to:

- Follow all guidance about how to wash hands frequently and for the required 20 seconds with soap and water
- Clean their hands before and after eating, and after sneezing or coughing
- Avoid touching mouths, eyes, and noses
- Place tissue waste in the bins provided
- Use the hand sanitiser pumps around the academy in washrooms, classrooms and in communal areas
- Follow directions from staff to use hand sanitiser on arrival or use the washrooms to wash their hands
- Follow the directions to 'catch it, bin it, kill it'.

- 4.4. Our E-ACT expectations for good pupil behaviour apply in this period as in any other and all pupils should have regard for authority. Our Academies will not accept the following behaviour:

- Verbal assaults, mimickery, mockery, derogatory language or inappropriate banter on staff, other pupils or visitors;
- Damage to Academy property, staff or other pupils' property, including the building, equipment and resources;
- Substance abuse;
- Behaviour, which is against the criminal law, civil law or contravening the Equality Act 2010.
- Physical assaults on staff, visitors or other pupils
- Behaviours that fall short of expectations for good behaviour set out in the

5. Bullying Behaviour - always unacceptable

5.1. Bullying behaviour is always unacceptable and will not be tolerated because:

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

5.2. Bullying is behaviour by an individual or group that intentionally hurts another individual or group either physically or emotionally. Bullying will be always be taken seriously if a pupil feels they are being bullied whether it fits into the definition or not.

Pupils in breach of social distancing measures as a result of bullying behaviour.

5.3. The implications for any incident of **physical bullying** are significant in any circumstance.

5.4. Our academies will deal with such bullying behaviour robustly and in the current period where the Trust is implementing tight controls to lower the risk of virus transmission by upholding the PHE 'hierarchy of controls', **we will take immediate and necessary action to sanction pupils.**

5.5. Any physical contact of a bullying nature listed below is in direct breach of the Trust-wide measures to socially distance pupils and staff to keep them as safe as possible.

5.6. Types of physical bullying

- **Physical:** including, hitting, kicking, pushing people around, spitting; or taking, damaging or hiding possessions, barging, hurting, stamping;

5.7. **If there is any incident of physical bullying such as those listed above, we will take the following immediate steps:**

- a) Take the pupils to an area where they cannot come into contact with others, this may include the application of positive handling
- b) Administer first aid if necessary and we will ensure that in doing so the staff member is wearing Personal Protective Equipment (PPE)
- c) As necessary, remove the possession/s involved in the incident and wipe these with appropriate cleaning materials
- d) Call the parents/carers of pupils involved in the incident. In certain circumstances we may request that they collect and remove their child from the academy building, following the guidance for social distancing displayed at the academy entrances and in reception. This may result in Headteachers considering issuing a fixed term exclusion.

5.8. If PPE is worn by a member of staff in administering first aid after such an incident of bullying and physical contact has occurred, it is essential that it is used properly and instructions will have been given to staff during their INSET training. This includes scrupulous hand hygiene and following guidance about how to put PPE on and take it off safely in order to reduce self-contamination.

Face masks must:

- Cover both nose and mouth

- Not be allowed to dangle around the neck
- Not be touched once put on, except when carefully removed before disposal
- Be changed when they become moist or damaged; and
- Be worn once and then discarded – hands must be cleaned after disposal.

5.9. Each academy specific Code of Conduct (published on each academy website) will also refer to the steps that will be taken to separate pupils based on the bullet points above and for staff to handle such situations in wearing PPE.

5.10. The Trust will also not tolerate other types of bullying which may include:

- Verbal: any comments of a bullying nature made in relation to the Covid 19 virus pandemic
- Verbal: including name-calling, taunting, teasing, insulting, mockery, mimicry, inappropriate banter or lyrics to raps, shaming e.g. fat shaming;
- Exclusionary behaviour: intimidating, harassing, isolating, or excluding a person from a group;
- Extortion: threatening to, or taking money, equipment, resources, blackmailing;
- General unkindness: spreading rumours or writing unkind notes, phone texts or emails;
- Cyberbullying: using the internet, games, mobile telephones, social networking sites etc which upsets someone else;
- Non-verbal sucking teeth, staring at someone, pulling faces, gestures;
- Sexist: making comments or referring in a derogatory way to a person's gender or gender reassignment;
- Racist: regarding someone's culture, heritage, country of birth or nationality;
- Homophobic: related to a person's perceived or actual sexual orientation
- Disability: related to a person's disability or special educational need, medical needs;
- Pregnancy: related to pregnancy, paternity, or maternity
- Marriage/civil partnership: related to someone's marital or partnership status
- Faith: related to someone's faith, belief or no faith, social standing - related to a person's home circumstances, poverty
- Intelligence: related to someone who does as they are told, high achieving, and completing their work.
- Sexual: talking to or touching someone in a sexually inappropriate way, up-skirting, asking for photographs or intimate parts or engaging in phone or written sexual conversations;

5.11. **Intention:** Some individuals may see their hurtful conduct as "teasing, banter" or "a game" or "for the good of" the other person. These forms of bullying are **equally unacceptable** but may not be malicious and can often be corrected quickly with advice and without disciplinary sanctions. A bully who does not respond appropriately to advice or sanctions will be fully supported to remedy their behaviour and understand why this is totally unacceptable.

5.12. **If such bullying conduct persists the Headteacher:**

- will call and talk to the parents/carers concerned
- may decide to hold a virtual meeting on TEAMS with parents, if it is reasonable to do so, to determine how the pupil must remedy their behaviour.

- 5.13. As pupils return and our academies develop new ways of working, we will expect pupils to uphold good standards of behaviour. We will ensure that Headteachers and our Regional Education Directors (REDs) are in regular communication to report and monitor any instances where an act of physical bullying has taken place. The REDs will update the National Director of Education (NDE) of all instances where a physical incident of bullying occurs.
- 5.14. **Legal aspects:** A person who makes a physical or sexual assault on another, including “up-skirting”, or who steals or causes damage to the property of another, commits a criminal offence and also a civil wrong known as a “tort”, can all lead to legal consequences outside the Academy.
- 5.15. Bullying behaviour may also be regarded as threatening behaviour or harassment which can be either a criminal offence or a civil wrong.
- 5.16. Misuse of electronic communications could also be a criminal offence; for example, it is an offence to send an electronic communication (such as a text message or email) to another person with the intent to cause distress or anxiety.

6. Initial complaint about a bullying incident - the process to follow with additional guidance to support social distancing requirements.

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

- report the allegation to the appropriate member of staff - this may be pastoral leader and/or senior leader
- a thorough investigation must be carried out and the investigating member of staff must:
 - speak with, and take notes from, the alleged bully as soon as possible and observe social distancing guidance and remain two metres apart
 - speak with any witnesses without delay and form an initial view of the allegation, can the alleged bully be seen on a no-names basis - if this action is necessary any discussion with a witness/es to the bullying incident must be conducted with two metres apart and the staff member should observe the guidance set by the Trust.

6.2. The outcomes of an investigation can be:

- a) There has been a misunderstanding which can be explained sympathetically to the alleged victim and with clear advice given to the alleged bully in modifying their behaviour as appropriate.
- b) Complaint is partially justified:
 - Advice and support for the victim and, where appropriate, establishing a course of action to help the victim including support from external services where appropriate and this must meet all social distancing guidance;
 - Advice and support to the bully in trying to change their behaviour; this may include clear instructions and a warning or final warning;
 - Consideration of the motivation behind the bullying behaviour and whether external services should be used to tackle any underlying issues of the bully which contributed to the bullying behaviour. If these considerations lead to any concerns that the bully may be at risk of harm, the Academy's safeguarding and child protection procedures must be followed.

c) Complaint is justified. Our approach:

- Where possible and in upholding guidance to socially distance at two metres apart, the academy may decide to hold a supervised meeting between the bully and the victim (only with the agreement of the victim) to discuss their differences and the ways in which they may be able to avoid future conflict;
- We will not in the current period of reopening and requirements to socially distance, move a pupil to another group, classroom, or 'bubble', they will remain in their designated class bubble and we will talk to the pupils concerned before taking any further sanctions;
- A disciplinary sanction against the bully, in accordance with the Academy's behaviour and discipline conduct will be issued.

6.3. Importantly, any behaviour or bullying incident must be followed by showing and teaching the pupils how to behave to prevent any further incidents.

7. Rewarding good behaviour in our new academy environments

7.1. As a Trust we believe that rewards can be more effective than punishment in motivating pupils.

7.2. As pupils return, the positive reinforcement of their good behaviour and ability to follow new guidelines and processes is critical to helping build up their confidence. We recognise the challenges that our pupils face and we want to help them through encouragement and support, praising and rewarding their attitudes and good behaviour in what will feel and appear as a markedly different academy to their usual environment.

7.3. Our Academies are committed to promoting and rewarding good behaviour and may do so in some of the following ways:

- Praise
- Positive postcards/letters home
- Class and personal dojo points
- Contact home by staff text, phone, e-mail and/or letter
- Internal reward points, house points, form points
- Stickers
- Certificates.

8. Poor behaviour: use of disciplinary sanctions in our re-opening phase

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

8.2. In this re-opening period Headteachers and staff will handle sensitively any issues arising from pupil's behaviour as they return. In all cases any use of sanctions must always be reasonable and proportionate and must follow the guidance in this policy.

8.3. The Academy will consider the range of protected characteristics identified in the Equality Act 2010 plus individual pupil needs such as any special educational needs, parental support/reaction.

8.4. The following range of disciplinary sanctions that may be implemented as appropriate:

- Behaviour logs

- Taking points away, class dojos taken away, rewards removed
- Verbal warning/reprimand.

9. Ceasing of detentions as sanctions

- 9.1. The Trust will not for the foreseeable future issue detentions during the revised timetable of the academy day nor outside academy hours to pupils under 18 years of age.
- 9.2. All academies will keep this under review with their Regional Education Director over the coming months.

10. Pupils with behavioural issues - risk assessment and decision making

- 10.1 For some pupils with particular behaviour needs, academies will need to undertake thorough risk assessments to determine how best to support these pupils in their return.
- 10.2 This may for example include pupils who will struggle to follow instructions, display significantly disruptive tendencies or for whom a change of environment will be extremely difficult to manage in modifying their behaviour and sustaining this over a period of time.
- 10.3 In rare circumstances, a risk assessment may deem that it may be better if a pupil stays at home. If such cases occur they will be kept under review with their Regional Education Director (RED).
- 10.4 For pupils with a social worker, the government expectation is that they should attend their education setting unless a risk assessment concludes that they will be safer at home.

11. Limited use of internal inclusion/exclusion rooms, isolation areas, reflection spaces and areas to improve pupil behaviour.

- 11.1. As we re-open academies and implement social distancing measures, we will be cautious in our use of any internal inclusion areas to help pupils remedy behaviour issues.
- 11.2. Each Headteacher will review use of academy spaces with their Regional Education Director and Regional Operations Director. Where possible we will include a breakout area to work closely with supporting our pupils.
- 11.3. Headteachers will state explicitly in their Academy specific Code of Conduct how a supportive, inclusion area may operate.

12. Record keeping and monitoring

- 12.1. Every complaint or report of poor behaviour or bullying must be entered and recorded in accordance with each academy's own internal system and process (incident book/CPOMs/SIMS).
- 12.2. When implementing this policy, every pupil should be encouraged to understand that:
 - Every complaint of bullying and poor behaviour will be taken seriously;
 - A pupil who complains will receive support and advice and in many cases the problem can be dealt with on a no names basis;
 - The primary aim will be for the bullying/poor behaviour to cease, not the

punishment of the bully unless this is necessary.

- 12.3. Within the stringent social distancing guidelines, each academy may decide to use a restorative approach to solve the problem between pupils but it is the victim who will select whether this takes place or not. If an academy chooses to undertake this approach then the 2 metre rule must be followed.
- 12.4. Each academy will, for most but not all, serious incidents, inform parents/carers as to what has happened so that they can give their support. Where the Academy staff feel that the pupil may be unsafe or vulnerable because of telling parents (in the case for example of transgender or homophobic bullying) the staff will tackle the incident themselves with the help of specialists. The Academy staff must ensure that the Designated Safeguarding Lead (DSL) is made aware in these circumstances and all information is recorded on CPOMS.

13. Exclusions - Use of Fixed Term (FTE) and Permanent Exclusions (PEX)

- 13.1. E-ACT endeavours to ensure that all exclusion procedures at our academies conform with statutory guidance set by the Department for Education (DfE) in 2012 and updated in September 2017⁷. In addition please see Section 15 below in this addendum, referring to DfE Statutory Guidance that has been updated in May 2020, regarding temporary changes to the school exclusion process.
- 13.2. In upholding statutory guidance it is only the Headteacher or acting Headteacher that may exclude a pupil.
- 13.3. In the current re-opening period where any instance of bullying, significantly poor behaviour or a particular incident occurs that may warrant a fixed term or permanent exclusion, then the Headteacher will review the sanction needed and consult with the RED in this period. This is not to remove the statutory power of the Headteacher but to enable the REDs, National Director of Education (NDE) and the Executive Leadership Team (ELT) to understand fully situations if they emerge.
- 13.4. All parties involved in exclusions, including Headteachers, parents, Regional Directors, Regional System Leaders, Ambassadors, and Independent Review Panels, must have regard to statutory guidance.
- 13.5. Section B, pages 13-18 in our 2019-2020 E-ACT Behaviour, Anti Bullying and Exclusion policy on the E-ACT website, sets in more detail the exact steps the Trust and academy will take. Section B sets out rights and responsibilities around exclusion to ensure that all exclusion proceedings at E-ACT are conducted in a fair and just manner, with appropriate notice to all, full participation of relevant parties, and within the statutorily designated timelines.

14. Duty to inform parents

- 14.1. The parent/carer(s) must be informed immediately and in writing of the length and type of exclusion, and of their right to make representations to the Headteacher. Pupils over 18 have to be informed and have the right to appeal on their own behalf.
- 14.2. Pursuant to the duty of care placed on schools to ensure the welfare of pupils, parent/carer(s) must be advised of an exclusion prior to the pupil being sent off-site. E-ACT

⁷ <https://www.gov.uk/government/publications/school-exclusion>

uses standard letters for notifying parents of exclusions and these letters set out their rights of representation.

15. Important information from the Department for Education (DfE) - May 2020

15.1 On 29 May the Department for Education (DfE) issued an update to statutory guidance setting out temporary changes to the school exclusion process due to coronavirus. The temporary changes and timescales for these changes are itemised below. The guidance can be found at:

<https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak>

15.2 The processes that the Trust must adhere to in upholding these temporary changes will be overseen by the National Director for Education (NDE). The NDE will support our Regional Education Directors and Headteachers in such processes if a pupil is subject to a fixed or permanent exclusion.

15.3 **The temporary changes to the school exclusion process are in statute and came into force on 1 June 2020 and apply to all exclusions occurring from 1 June to 24 September 2020** (inclusive of those dates). As noted in the updated statutory guidance from the DfE these arrangements also apply to:

- *permanent and fixed term exclusions occurring before 1 June which have not yet been considered by the governing board of the school*
- *permanent exclusions occurring before 1 June which have been considered by the governing board, if they have chosen not to reinstate the pupil and the time limit to apply for a review of this decision has not passed*
- *permanent exclusions occurring before 1 June where a parent (or pupil aged 18) has requested a review of a governing board's decision, but this has not yet happened*

Any exclusions covered by the arrangements will continue to be subject to them after 24 September 2020, until the procedures for scrutiny of the exclusion have been exhausted.

15.4 The normal arrangements and procedures that must follow a decision to exclude on disciplinary grounds are described in the 2017 [statutory guidance 'Exclusion from maintained schools, academies and pupil referral units in England'](#). Those remain unchanged apart from the specific items below in 15.5 to 15.14.

15.5 Use of remote access meetings - using TEAMS

Under the new temporary changes we are as Trust able to consider holding an exclusion panel via telephone or video-conference software (TEAMS), providing that conditions set out in the updated DfE guidance are met.

15.6 If an exclusion panel is unable to meet face to face and we consider holding an exclusion panels by TEAMS, the following conditions must be satisfied:

- all the participants agree to the use of remote access
- all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used
- all the participants will be able to put across their point of view or fulfil their function
- the meeting can be held fairly and transparently via remote access.

15.7 If the 4 items above are met the Headteacher will agree with their respective Regional Education Director (RED) that the panel may meet virtually. Please note that in accordance

with DfE guidance that *'though all participants must have agreed to the use of remote access, where a parent or pupil has given their agreement for a meeting to be held via remote access, the other participants should make reasonable efforts to accommodate that preference unless there is a clear reason not to.'*

15.8 Arranging a remote access meeting

If a decision is taken to proceed with a panel meeting virtually then the Headteacher will ensure that all participants are made aware of how to use the virtual technology. Families and pupils will also be made aware that although it may be reasonable to hold a panel virtually, they do not have to agree to it. If families/pupils do not agree to meet virtually then the Headteacher will explain that the panel is likely to be delayed.

15.9 If once a virtual exclusion panel commences there are issues with the technology which are prohibiting those at the meeting being heard or contributing fairly, and panel members cannot engage with the required processes, then the Chair may decide to adjourn the panel hearing.

15.10 The use of virtual means to hold an exclusion panel or IRP panel does not change all other procedural requirements that are set out in the DfE September 2017 guidance. For example parents may request a SEND expert supports them and their child at an exclusion hearing and parents can bring another representative to the panel meeting.

15.11 The timescales for conducting exclusions panel meetings and IRPs

As a result of social distancing and the gradual return of pupils to academies as they re-open, the updated temporary statutory guidance means that the timescales for panels to meet for exclusions and IRPs can be extended if certain conditions are met. This is set out as below in accordance with the updated DfE guidance, May 2020.

15.12 If it has not been reasonably practicable for the exclusion panel to meet within the required timescale, either face to face or remotely, then the time limit for the meeting will be extended. The bullets below set out the updated temporary requirements from the DfE:

- ***Meetings to consider permanent exclusions, and fixed period exclusions resulting in the pupil missing more than 15 school days in a term.*** *If a pupil is permanently excluded or receives a fixed period exclusion which results in them having been excluded for 16 or more school days in a term, then the governing board should try to meet to discuss reinstatement within 15 school days.*
- *If this has not been possible then the limit will be extended to 25 school days, or as long as reasonably necessary for a reason related to coronavirus.*

- ***Meetings to consider fixed period exclusions resulting in the pupil missing between 6 and 15 school days in a term.*** *If a pupil receives a fixed period exclusion which results in them having been excluded for at least 6 school days in a term but not more than 15 school days in that term, and the parent (or pupil, if aged 18 or above) chooses to make representations about the exclusion, then the governing board should meet to discuss reinstatement within 50 school days.*
- *If this has not been possible then the limit will be extended to 60 days, or as long as reasonably necessary for a reason related to coronavirus.*

15.13 In addition to the items above, the DfE updated temporary changes do allow for a change to the timescales for application for independent reviews of exclusions. This is set out as follows:

- *Where a governing board declines to reinstate a pupil who has been permanently*

*excluded, parents (or the excluded pupil, if they are 18 years old or above) can apply for a review of the governing board's decision. For exclusions covered under these arrangements, **the deadline for applications has increased to 25 school days from the date on which notice in writing of the governing board's decision is given to parents, or directly to the pupil if they are 18 or above.***

- *Schools **must wait for the extended period of 25 school days to pass without an application having been made** before deleting the name of a permanently excluded pupil from their admissions register, in accordance with the Education (Pupil Registration) (England) Regulations 2006 as amended.*

15.14 There is also a temporary change to timescales for the meetings of independent review panels (IRPs) to consider permanent exclusions, as follows:

- *If it has not been reasonably practicable for a review panel to meet in person within the original time limit of 15 school days for reasons related to coronavirus (COVID-19), and it has not been reasonably practicable to meet by way of remote access for a reason relating to the other conditions for a remote access meeting, **the timescale for the meeting will be extended to 25 school days, or as long as reasonably necessary for a reason related to coronavirus (COVID-19).***
- *The time limit for an IRP meeting will not be extended if it has already passed before 1 June.*

16. Use of reasonable force - additional guidance for staff

16.1. In re-opening our academies and in upholding the guidance to socially distance and minimise contact, the Trust recognises that on very rare occasions trained staff may need to use force a reasonable and proportionate way.

16.2. Force may be used for the purpose of preventing a pupil from doing (or continuing to do) any of the following:

- Committing a criminal or civil offence;
- Causing personal injury to, or damage to the property of, any person,
- Prejudicing the maintenance of good order and discipline at the Academy.

16.3. The nature of such intervention will likely mean that social distancing regulations are breached.

16.4. In such occurrences the member of staff should:

- Manage the situation using appropriate techniques
- Escort the pupil/s to a designated area where they cannot come into contact with others
- Administer first aid if necessary and ensure that in doing so the staff member is wearing Personal Protective Equipment (PPE)
- Ensure that the Headteacher is made aware if the incident so that the incident process can be followed to not only record the nature of the incident but also staff will need to record any aspect of physical contact and close proximity that occurred.

16.5. Where physical restraint and positive handling techniques are used by staff, this must be recorded in writing and the pupil's parents will be informed about incidents involving the use of force.

16.6. Force is never used as a form of punishment.

- 16.7. Academies will use with caution and through verbal cuing and distancing, low level guided walking preventing access to or from a physical space.
- 16.8. Academies will always enter incidents of physical restraint and positive handling techniques on CPOMs and inform parents of action taken to manage a pupil through authorised techniques.

17. Guidance for Searching, Screening and Confiscation.

- 17.1. Headteachers and staff authorised by them have a statutory power⁸ to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.
- 17.2. Staff can search any pupil for any item if the pupil agrees. The ability to give consent may be influenced by the child's age or other factors. The academy must follow each step in the statutory guidance (*Searching, screening and confiscation, Advice for headteachers, school staff and governing bodies*, DfE January 2018) and it is critical in upholding social distancing that the no contact is made between a pupil and staff member and that 2 metres of distance is sustained.
- 17.3. **Prohibited items are:**
- Weapons or knives
 - An illegal substance or legal substance for which pupils are trading e.g. alcohol, cigarettes, prescription drugs.
 - Stolen items
 - Fireworks
 - Pornographic images
 - Tobacco and cigarette papers
 - Any article that the member of staff reasonably suspects has been, or is likely to be, used:
 - to commit an offence
 - to cause personal injury to, or damage to the property of, any person
 - Headteachers and authorised staff can search for any item banned by the academy rules and Code of Conduct.
- 17.4. In the DfE January 2018 guidance, *Searching, screening and confiscation Advice for headteachers, school staff and governing bodies*, it clearly states on page 11 that:
- *The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is reasonably suspected to be an offensive weapon, it must be passed to the police.*
 - *Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.*
- 17.5. Staff who are trained and authorised by the Headteacher to undertake searching must adhere to this guidance and will be supported with any queries by the Regional System Leader for Safeguarding.

⁸ <https://www.gov.uk/government/publications/searching-screening-and-confiscation>

- 17.6. **Informed consent:** The Academy staff may search a pupil with their consent for any item. Appropriate consideration will be given to factors that may influence the pupil's ability to give consent. If the pupil refuses, sanctions will be applied in accordance with this policy and in full adherence with statutory guidance.
- 17.7. **Searches without consent:** In relation to prohibited items, as defined below, the Headteacher, and staff authorised by the Headteacher, may search a pupil or a pupil's possessions, without their consent, where they have reasonable grounds for suspecting that a pupil has a prohibited item in their possession. Searches without consent will only be carried out on the Academy premises or where the member of staff has lawful control or charge over the pupil, for example, on Academy trips.
- 17.8. **Searches generally:** If staff believe a pupil is in possession of a prohibited item, it may be appropriate for an authorised, trained member of staff to carry out:
- A search of outer clothing; and / or
 - A search of Academy property, e.g. pupils' lockers or desks; and / or
 - A search of personal property (e.g. bag or pencil case within a locker).
- 17.9. Searches will be conducted in such a manner as to minimise embarrassment or distress. Any search of a pupil or their possessions will be carried out in the presence of the pupil and another member of staff following social distancing guidance and ensure a 2 metre distance between a pupil and staff member.
- 17.10. Where a pupil is searched, the searcher and the second member of staff present will be the same gender as the pupil, or in the case of a transgender pupil, they may select the gender of the searcher. However, by exception, where a member of staff reasonably believes that there is a risk that serious harm will be caused to a person if the search is not conducted immediately and it is not reasonably practicable to summon another member of staff, a search may be conducted by a member of the opposite sex without a witness present.
- 17.11. When an electronic device, such as a mobile phone, has been seized by a member of staff, the staff member can examine data or files and delete these where there is good reason to do so. There is no need to have parental consent to search through a young person's mobile phone. In establishing good reason to do so Headteachers and authorised staff must refer to the categories stated in the DfE 2018 statutory guidance for Searching, Screening and Confiscation.
- 17.12. If an electronic device that is prohibited by the Academy Code of Conduct has been seized, and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as possible.
- 17.13. Material that is suspected to be relevant to an offence should not be deleted before giving the device to the police.
- 17.14. If the staff member does not find any material that they suspect is evidence in relation to an offence and decides not to give the device to the police, they can decide whether it is appropriate to delete any files or data from the device, or whether to retain the device as evidence of a breach of academy discipline.

Covid 19 - Policy addendum - with immediate effect from when the academy re-opens

Name of E-ACT Academy:
[insert academy name here]

Revised
Appendix 1: Code of Conduct

THIS IS PUBLISHED ON THE ACADEMY WEBSITE