

## **Brentwood Ursuline Convent High School Policy**



### **BEHAVIOUR AND DISCIPLINE POLICY**

Authorised by Resolution of the Governing Body of the Brentwood Ursuline Convent High School

Date: 7<sup>th</sup> February 2024

Signature .....

Effective date of the policy: 7<sup>th</sup> February 2024

Review date of policy: February 2027 or earlier as required

**This policy is written in the light of the school mission statement.**

#### **AIMS**

In the light of the school mission statement the main aim of the Behaviour and Discipline Policy is to develop and sustain a Christian environment in which each student can grow in personality, relationships, knowledge and skills towards a full realisation of their potential.

The aims of our Mission Statement should permeate all aspects of our school life. The spiritual, moral, cultural, social and intellectual development of our students is the responsibility of all members of staff and is powerfully influenced by the ethos of the school.

A Christian learning community should provide a positive and secure environment in which development can occur. Therefore, it is important that our Behaviour and Discipline Policy is underpinned by a system of rewards and sanctions, which is based on the underlying principles of forgiveness and respect for the uniqueness of each individual and the language of the Ursuline education Community.

Our Behaviour and Discipline Policy and Home School Agreement (see Appendix 3) are a central element of our partnership with parents and students because it contributes to:

- the smooth running of the school;
- a high standard of learning;
- creation of opportunities for achievement and praise;
- consistent use of the system of rewards;
- positive use of criticism;
- fair and reasonable use of sanctions when necessary;
- involvement of parents with regard to both rewards and sanctions.

## **LIMITATIONS**

The ubiquity of mobile phones and social media present considerable challenges to the school regarding discipline. Problems that arise during school hours or on school IT equipment will be investigated as fully as possible, in the same way as other investigations. When problems arise away from school or outside school hours, the school is not in a position to carry out an investigation. Such problems are within the jurisdiction of the home and parents are responsible for taking steps to manage the issue.

## **INVESTIGATIONS**

The school will carry out investigation into suspected breaches of the school's Behaviour and Discipline Policy and Code of Conduct. Investigations will be carried out as promptly as possible and will include gathering evidence from the student(s) involved, as well as witnesses.

Gathering evidence will be done by interviewing students and, as part of the interview process, asking them to write a record of the incident. If the school needs further clarification, or if new evidence comes to light, a student may be asked to consider their statement again and be given the opportunity to amend it. Parents will not usually be involved in investigative interviews, unless the school deems it helpful to their investigation.

The school expects students to cooperate fully, honestly and promptly with an investigation. Withholding information, or giving an incomplete or misleading account, will be classified as failure to cooperate fully with an investigation and will be subject to sanction.

Investigative interviews will be carried out in accordance with the school's normal high standards with regard to the safeguarding of students. Confidentiality is important, so the school will not enter into discussions with parents about students other than their child, or discuss sanctions other than those imposed on their child. It is expected that students and parents will also respect this principle of confidentiality.

The school will endeavour, as far as is practical, to keep parents informed, but circumstances may make it necessary to prioritise discretion and promptness in the investigation; in complex investigations, it may not be appropriate to discuss the details of an investigation with parents until a clear picture has been obtained from the evidence.

If there is the potential for the most serious sanctions (e.g. a lengthy suspension or permanent exclusion) to be applied, parents may be invited to meet with the Headteacher, or delegated senior leader, to discuss the situation before a final decision is made.

It may be the case that evidence comes to light following a disciplinary sanction that justifies reconsideration of the original sanction imposed. In these cases, the school reserves the right to impose an additional sanction in the light of the new evidence.

## **SANCTIONS**

Students are expected to conform to the School Rules, Code of Conduct, Classroom expectations and to the requirements of uniform and equipment. This ensures a safe and orderly environment in which students can learn effectively.

When behaviour is deemed to be inappropriate the school operates a system of sanctions.

The following procedure is that which should be the norm, although in some circumstances stages of this process may be omitted.

1. Verbal Warning
2. Subject Detention
3. Parental Contact
4. Head of Year Sanction e.g. – Detention/Report
5. Removal from lesson / Community service / Meeting with Parents / Detentions
6. Internal Exclusion
7. Fixed Term External Exclusion
8. Off-Site Direction
9. Permanent Exclusion

Permanent exclusion is a last resort for BUCHS and all steps are taken to avoid this.

However, involvement with or acting in a manner that brings serious risk of harm to members of the school community or seriously damages the good name of BUCHS will usually result in permanent exclusion from the school.

There are certain offences that undermine the fundamental principles on which the good order of the school is built. Such offences will usually be punished with a suspension. These offences include:

- failure to follow a reasonable instruction from a member of staff
- aggressive words or actions towards a member of staff
- swearing in front of a member of staff

(This is not an exhaustive list and may include other offences deemed incompatible with the school's standards).

Notes:

1. Exclusions are governed by formal guidelines laid down by DfE.

### **DETENTION ARRANGEMENTS**

In the case of after school detentions students will be given reasonable notice. Detentions can vary by time and place according to the severity of the concern. Lunchtime and after school detentions operate between 30 minutes and one hour.

This will ensure that:

- parents are not anxious if their daughter/son is late
- any necessary transport arrangements can be made
- a change of date can be made if there are good domestic reasons for so doing

## **OTHER DISCIPLINARY MEASURES**

Other strategies are sometimes used which include:

- placing students on report
- target setting
- inviting parents in where and when appropriate
- use of behavioural support plans
- mentoring
- involvement of external agencies

Some situations are considered to be so serious that the early stages of the sanction system may be omitted.

The School values parental co-operation and support in the implementation of the sanction system to ensure a high standard of work and behaviour.

## **TRUANCY**

All cases of truancy are followed up carefully and students are required to make up fully the time, lost through truancy, in after school detentions.

## **ANTI -BULLYING**

The school takes seriously all accusations of bullying within the school. We will deal firmly with bullying behaviour in a way that reflects our commitment to equality and justice for all.

## **POLICE LIAISON.**

Serious matter such as:

- Theft (where proven);
- Criminal Damage;
- Alcohol/Drug use;
- Violence;
- Other serious matters relating to law breaking;

will be reported to the police. The school will co-operate fully with their investigations.

## **DATA MANAGEMENT**

The prompt and accurate recording of incidents is considered particularly important to the effectiveness of the school's discipline policy and include the following measures:

- All staff are acutely aware of the need for timeliness, accuracy and detail when reporting and recording behaviour incidents;
- The school maintains accurate records of all behaviour incidents and actions taken;

- The school records and reports details of searches, student restraint and incidents of a bullying or racist nature in accordance with its statutory duties;
- The school uses an electronic database to record the application of rewards and sanctions to enable forensic analysis of trends amongst key groups of students.

Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of making decisions on and applying sanctions. When applying this policy staff should have due regard for the school's Data Protection Policy.

### **USE OF PHYSICAL FORCE**

It is illegal to use force as a punishment. The legal framework states that any member of the school staff can use physical contact and reasonable force when the situation deems it absolutely necessary. All school staff have a duty of care towards students and the use of reasonable force may be (in extreme cases) the only way to keep members of the school community safe:

“The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.” (Department for Education advice, 2018)

All teachers may use reasonable force to:

- Prevent a student leaving the classroom where allowing the student to leave would risk their safety, or lead to behaviour that disrupts the smooth and orderly running of the school;
- Prevent a student behaving in a way that disrupts a school event or a school trip/visit;
- Prevent a student from attacking a member of staff or another student, to stop a fight or causing injury to themselves or others;
- Restrain students at risk of harming themselves through physical outbursts;
- Prevent students from damaging property.

Injury (or harm to self or others) is defined as “...actual or grievous bodily harm, physical or sexual abuse, risking the lives of or injury to self or others by wilful or reckless behaviour and self-poisoning”.

### **USE OF SOCIAL MEDIA**

Social media networking is defined as media designed to encourage social interaction and create communications which are highly accessible. Examples include (but are not exclusive to) Twitter, Facebook, YouTube, Snapchat and Instagram.

If British decency laws are breached or the Computer Misuse Act 1990 is breached then a student is likely to have the matter referred to other authorities including the Police. The Computer Misuse Act 1990 identifies three specific offences:

1. Unauthorised access to computer material (that is, a program or data).
2. Unauthorised access to a computer system with intent to commit or facilitate the commission of a serious crime.

3. Unauthorised modification of computer material.

The rules regarding student mobile phones:

- **Years 7-11:** While on the school premises, phones should be **out of sight and switched off**
- **Sixth Form:** Mobile phones may **only** be used in the Sixth Form canteen before school, at break and lunchtime
- It is forbidden to take photographs or make videos of any kind in school except under the personal direction and supervision of a teacher
- It is forbidden to use the Brentwood Ursuline Convent High School logo or letterheads on personal social media sites, or to use the school name to endorse any products without the prior permission of the Headteacher
- Pupils must only communicate electronically with staff through the school email account or the school Microsoft Teams account.

Students and staff must observe the following principles whenever online or using social media: (See Appendix 2)

### **CONFISCATION OF ITEMS**

From time to time it may be necessary for an item(s) to be removed from a student. This may be for the safety of the student and/or the safety of others, because the presence of the item(s) is disruptive to learning, or because the item(s) infringes school rules.

**Students must cooperate and hand over such items when requested to do so.**

- Items that constitute a **hazard** should be securely stored and then delivered to a police officer as soon as reasonably practicable [weapons, stolen items, drugs etc]. Full details should be recorded of the circumstances around the confiscation, for future reference.
- The rule on **mobile phones** is ‘not seen, not heard’. If a mobile phone is confiscated it is because a student has been found using it without permission. First confiscation is for one day. A second confiscation will be for 5 days with a detention set at the discretion of the Head of Year. Any further confiscations will be at the discretion of the Head of Year.
- Items confiscated for the first time, other than mobile phones and which do not constitute a safety hazard, will usually be returned to the student at the end of the day from the Administration Hub, on the understanding that such items will not appear in school again.
- Items confiscated for the second time will be returned after one week from the Administration Hub.
- Third and subsequent confiscations will be returned at the end of the last day of that half term from the Administration Hub. Items may be collected by parents in person, subject to arrangement in advance with the school, on the understanding that such items will not appear in school again.

With regard to electronic devices, the person who seized the item may examine data or files on the device, with a second member of staff present, if the person thinks there is a good reason to do so. If it is suspected that obscene images are contained on a device then it is recommended that no examination of such material should be carried out. The device should be handed over to the police for examination to ensure that no one puts themselves in a vulnerable situation. Following an examination, if the person has decided to return the item

to its owner, retain it or dispose of it, the person may oversee any data or files judged harmful or inappropriate are erased from the device if the person thinks there is a good reason to do so. This will only be carried out with the permission of the Headteacher.

**The teacher carrying out a confiscation will be responsible for recording it on SIMS.**

It is the confiscating teacher's responsibility to put the item in an envelope, marked with the **student's name, form, the name of the item, the date and the teacher's name**. Items should then be put in a safe/secure place.

## **SEARCHING OF STUDENTS**

The school has a statutory power to set rules on searches and has a duty as an employer to manage the safety of staff, students and visitors.

Prohibited items:

- Knives or weapons;
- Alcohol;
- Illegal drugs
- Stolen items;
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- An article which a member of staff reasonably suspects has been, or is likely to be, used to commit an offence; or to cause personal injury to, or damage to the property of, any person (including the student);
- Any other item which school policies identify as a banned item for which a search may be made e.g. lighters, cigarette substitutes, make-up etc.
- Headteachers and authorised staff may search for any item banned by the school rules which has been identified as an item which may be searched for.

School staff can seize any prohibited item found as a result of a search. They can also seize any item they consider harmful or detrimental to the student or expected school behaviour standards. (Refer to Appendix 1 – Student Code of Conduct)

## **POWER OF STAFF TO SEARCH STUDENTS**

In the event that a search is required the following guidelines should be followed:

- Searches should only be carried out in the presence of two members of staff. At least one member of staff will be part of the SLT or a Head of Year;
- Where available there should be at least one member of staff present of the same gender as the student;
- Students should only be asked to remove outer clothing;

- Any prohibited items found will be marked in an envelope and placed in the school safe. In the event that it is an illegal substance or an item intended to be used as a weapon the said item will be handed to the police;
- Whilst there is no legal duty to inform parents of searches, the school will notify parent(s)/carer(s) if their child has been subject to a search.

Complaints about searching should be dealt with through the normal school complaints procedure.

Further guidance on searching, screening and confiscation can be found at <https://www.gov.uk/government/publications/searching-screening-and-confiscation>

### **PASTORAL CARE**

All students have a right to care and support from their teachers. They are entitled to respect of their modesty and personal integrity, to protection from harm and injury in their working environment, to dignity and justice in any code of behaviour or punishment, to consideration and encouragement in difficulties or deprivation, and to treatment which recognises their Christian value as human beings. It is expected that all staff, teaching and non-teaching, will behave towards them with courtesy and control and in a manner which observes both professional and moral imperatives.

School-based pastoral care refers to the care of the student in support of their learning. It is a term used to describe both an attitude and a process and is based upon a belief in the dignity of the person. In a school it is expressed through:

- the development of quality relationships;
- the provision of satisfying learning experiences;
- the establishment of an effective care network.

To ensure that the BUCHS is a pastorally caring school the following characteristics should be present and developed:

- acceptance by all the staff of the necessity of Pastoral Care;
- effective communication channels between staff/staff; staff/students; staff/parents;
- mutual respect and support;
- concern for the individual member of staff and student;
- willingness of staff to be available to students;
- a consistent, clear, discipline policy which emphasises growth, initiative, and self-discipline;
- a spirit of forgiveness is essential;
- a staff structure which indicates responsibility for pastoral care;
- ensure that success is acknowledged and celebrated.



## **Associated Policies:**

The version of this Policy authorised in May 2022 replaced the following previously issued policies:

Discipline

Behaviour

Pastoral Care

Use of Force to control or restrain

Home School Agreement

## **Appendix 1 – Student Code of Conduct**

Our School Rules and Classroom Expectations flow from our ethos and we expect the highest possible standards from all students. We ask for their best. When we work like this as a community it underpins the respect we should show for others and it impacts significantly on relationships, learning and self-esteem. There is one principle that guides our relationships with others:

**“Everyone acts with courtesy and consideration to others at all times.”**

### **Attendance**

- Every student is expected to attend school every day. All absence should be avoided.
- Uniform must be worn correctly.
- Every student must be in Registration at 8.50 am.
- No student may leave the school during school hours without obtaining written permission from their Head of Year.
- The school will not allow a student to leave without permission from the parent.
- No student may miss PE unless s/he has a written request in school planner from his/her parent to do so.
- Parents must notify the school as soon as possible on each day of absence. A parental note explaining the reason for the absence should be produced on the student's return to school. If absence is greater than 3 days a medical certificate should also be provided.
- Please note that leave of absence cannot be granted other than in exceptional circumstances. 'Exceptional' in this context does **not** include holidays or dramatic productions/rehearsals, nor does it usually cover family commitments. Any requests for exceptional absence should be made in writing to the Headteacher well in advance, and certainly before any commitments are made that might be difficult for parents to change.

### **Behaviour and Safety**

- Students must treat others and their property with respect, courtesy and consideration; including when travelling to and from school, or on trips.

- Students should move about the school quietly and in an orderly fashion, keeping to the LEFT, taking special care to keep in single file on staircases.
- Students must follow reasonable instructions from those in authority promptly. Failure to do so undermines the good order and safety of the school community
- Students must not use offensive language. Swearing in front of a teacher is completely unacceptable
- Violence towards another student is completely unacceptable. In the event harmful sexual behaviour or fighting taking place, the school holds all students involved responsible for any use of violence on their part. Provocation is not an excuse for violence.
- Wilful damage to the furniture and fabric of the building, or to the grounds, is an offence.
- It is the responsibility of every student to keep the school clean and free of litter.
- Valuables should not be brought to school: no responsibility can be taken by the school if students ignore this rule and subsequently suffer the loss of valuables.
- Possession, or consumption, of alcohol, cigarettes (including vapour substitutes), intoxicating or banned substances is not allowed when in school uniform or on the school premises.
- A student's bag, blazer or locker may be searched for items that contravene school regulations. Searches will normally be carried out with the student's consent, except where possession is suspected of the following items:
  - knives or weapons; alcohol; illegal drugs; stolen items; tobacco and cigarette papers; e-cigarettes, fireworks; pornographic images; any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the student).
- Chewing gum is not allowed when in school uniform. Food should only be consumed in the dining hall or outside.
- Students needing medication should provide an explanatory note from their parent; they should hand medicines in to the First Aid supervisor on arrival and arrange with the supervisor when they will self-administer their medication.
- Mobile phones and other such electronic devices should be switched off and out of sight during the school day.
- Students should not bring cars onto school premises. Students wishing to bring visitors to the school must first ask permission of the Headteacher.
- Students are expected at all times to uphold the Catholic values and good name of Brentwood Ursuline particularly when in uniform but not exclusively.. Students who engage in behaviour that is counter to these values or brings the school into disrepute may, following investigation, be subject to the full range of sanctions available, including permanent exclusion. The following examples of such behaviour are intended as a guide and the list is not exhaustive:
  - Sexual harassment/sexual violence (see Appendix 4)
  - Criminal activity;

- Making or distributing material of an offensive nature;
- Rudeness or lack of consideration to members of the public;
- Vandalism (including graffiti or defacement of school property and/or property of others);
- Offensive language;
- Violent language or aggressive behaviour towards a member of the public.

### **Classroom Expectations**

This is the guidance students are given.

Classrooms (including laboratories, workshops and gyms) are your places of work. Just as in any workplace, there need to be clearly understood rules and expectations to allow everyone to work successfully, safely and enjoyably.

#### ***Start of lessons:***

- Arrive on time, enter rooms sensibly and wait quietly until your teacher has greeted the class and then sit down.
- Expect teachers to enforce rules which apply to uniform and jewellery.
- Take out books, pens and equipment and put bags away.
- Remain silent when the register is called.

#### ***During lessons:***

- When your teacher talks to the whole class, remain silent and concentrate.
- If the class is asked a question, put up your hand to answer: do not call out.
- You must have the equipment, books and folders needed.
- You are expected to work sensibly with those around you: do not annoy or distract them.
- If you arrive late without justifiable cause you must expect to be detained for the amount of time you missed in order to make up the work.
- Homework must be recorded in your planner.
- Eating, drinking and chewing are not allowed.
- You must not leave a lesson without official permission from the teacher.

#### ***End of lessons:***

- You should not begin to pack away until your teacher tells you to do so.
- When told, stand and push in or put up your chairs: any litter should be picked up.
- Walk quietly and sensibly around the school, keeping to the left of the corridor whenever possible.

### **FINALLY, BUT MOST IMPORTANTLY**

Teachers are in the position of parents/guardians while you are in school. This means in particular that requests from teachers should be carried out at once and without argument.

## **Appendix 2 – BUCHS Social Media Policy**

### **Students and staff must observe the following principles when working online or using social media:**

**BE POLITE.** Never send or encourage others to send abusive messages. Respect the rights, beliefs and privacy of others.

**USE APPROPRIATE LANGUAGE.** Remember that you are using a global public system. Never swear, use vulgarities or any other inappropriate language.

**BE LEGAL.** Illegal activities of any kind are strictly forbidden. Pupils must adhere to the legal age restrictions placed on each social media platform

**BE RESPECTFUL.** Do not post images of yourself or other students in BUCHS uniform. The uniform represents the school, not the individual student, so the school reserves the right to decide the appropriate use of the uniform. Showing yourself or others in uniform may also compromise your/their safety by enabling strangers to identify you/them more easily. You are strongly advised to set your security to the highest available.

**BE SAFE.** Do not post content that may be considered in any way to be inappropriate (e.g. sexually explicit) or might be harmful in other ways, such as radicalisation, bullying or upsetting.

**PROTECT PRIVACY.** Do not reveal any personal information to anyone, especially the home address or personal telephone of yourself or any other students. Do not reveal your password to anyone, or use anyone else's phone, log-on details or password.

**DO YOUR DUTY.** Do not engage in social media activity that may bring BUCHS into disrepute: you are an ambassador for your school and you have a duty to uphold its ethos and values. If you are in doubt as to what that ethos and those values are, you should ask a senior member of staff for clarification before taking any action.

These principles apply to all students at all times. Failure to abide by them will attract sanction from the school and may, if appropriate, be reported to the police.

Pupils should refer to the Brentwood Ursuline Convent High School acceptable usage policy which is sent to parent/carers when their child joins Brentwood Ursuline Convent High School.

The school reserves the right to investigate any allegations which may contravene the school rules and principles stipulated above.

For further guidance on the Communication Act 2003, section 127, please refer to the listed website.

[www.cps.gov.uk/legal/a\\_to\\_c/communications\\_offences/](http://www.cps.gov.uk/legal/a_to_c/communications_offences/)

**CONCERNS.** Students who have concerns about personal social media usage should refer to the Safeguarding team in the first instance and, where necessary, the Headteacher.

## Appendix 3

### **BRENTWOOD URSULINE CONVENT HIGH SCHOOL AGREEMENT BETWEEN SCHOOL, HOME AND STUDENT**

**We believe that students, parents and the school achieve their potential when working closely together.**

#### ***As the Brentwood Ursuline Convent High School we will:***

- foster the teachings and spiritual values of the Catholic faith together with the spirit of self-confidence and independence necessary in the modern world;
- enable your child in achieving her potential as a valued member of the school community;
- provide a broad and balanced curriculum to meet the individual needs of your child;
- foster high standards of work and behaviour through building good relationships and developing a sense of responsibility;
- keep you informed about general school matters and about your child's progress;
- be open and welcoming and offer opportunities for you to become involved in school events.

#### ***As parents we expect that you will:***

- see that our/my child attends school regularly, on time and properly equipped;
- see that our/my child wears the correct school uniform;
- let the school know about any concerns or problems that might affect our/my child's work, behaviour or attendance;
- support the school's policies and rules;
- support our/my child in homework and other opportunities for home-learning;
- attend parents' consultations/evenings and discussions about our/my child's progress;
- get to know about our/my child's life at the school.

#### ***As a Student we expect that you will:***

- attend school every day on time, fully equipped for school lessons/activities;
- give of your best at all times and take responsibility for your own learning;
- do all classwork and homework to the best of your ability;
- respect and be polite and helpful to others;
- respect the physical environment of our school;
- observe the school rules and code of conduct;
- wear the school uniform correctly and be tidy in appearance;
- act appropriately and reflect the standards of the school whilst travelling to and from home.

## Appendix 4

### HARMFUL SEXUAL BEHAVIOUR

#### Contents

1. Definitions
  - 1.1 *Sexual Harassment*
  - 1.2 *Sexual Assault*
  - 1.3 *Assault by Penetration*
  - 1.4 *Rape*
2. Consent and The Law
3. Education Through PSHE/RSE Curriculum
4. Reporting Sexual Harassment and Sexual Violence
5. The School's Response
  - 5.1 *Risk Assessment*
  - 5.2 *Safeguarding and supporting the victim*
  - 5.3 *Safeguarding and discipline for the alleged perpetrator*
  - 5.4 *Working with parents and carers*
  - 5.5 *Safeguarding others*
6. Signposting

#### **1. Definitions**

For the purpose of this policy, when referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

##### *1.1 Sexual Harassment*

Sexual Harassment is any unwanted conduct of sexual nature from one person to another. It is likely to violate the victim's dignity; make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment. These incidents may happen in person or online.

While not intended to be an exhaustive list, sexual harassment can include:

- Sexual comments
- Sexual remarks about clothing or appearance
- Calling someone sexualised names
- Sexual 'jokes' or taunting
- Sexually suggestive gestures or movement
- Deliberate, unwanted physical contact
- Displaying or sharing sexual imagery and/or videos
- Creating images of a sexual nature
- Interfering with a person's clothing
- Inappropriate sexual comments online
- Exploitation, coercion or threats

##### *1.2 Sexual Assault*

A person (A) commits an offence if-

- A. s/he intentionally touches another person (B),
- B. the touching is sexual,
- C. B does not consent to the touching, and
- D. A does not reasonably believe that B consents.

### *1.3 Assault by Penetration:*

A person (A) commits an offence if-

- A. s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else,
- B. the penetration is sexual,
- C. B does not consent to the penetration, and
- D. A does not reasonably believe that B consents.

### *1.4 Rape*

A person (A) commits an offence if-

- A. he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis,
- B. B does not consent to the penetration, and
- C. A does not reasonably believe that B consents.

*NB: Definitions 1.2 - 1.4 are referred to as 'sexual violence'*

## **2. Consent and The Law**

The statute around consent is clear. Section 74 of the Sexual Offence Act 2003 defines consent as “if he/she agrees by choice, and has the freedom and capacity to make that choice”.

Whether a complainant had the capacity (i.e. the age and understanding) to make a choice about whether or not to take part in the sexual activity at the time in question.

Whether he or she was in a position to make that choice freely, and was not constrained in any way.

- The age of sexual consent in the United Kingdom is 16
- Sexual intercourse without consent is rape
- Rape, assault by penetration and sexual assault are defined in law
- Creating and sharing sexual photos and videos of (and with) under 18s is illegal. This includes children creating and sharing images and videos of themselves.
- Adults in positions of authority (including teachers) can never have a sexual relationship with anyone under 18 years old.
- ‘Upskirting’ (the act of taking pictures of someone under their clothing) is illegal at any age.
- Sexual Abuse and Exploitation can happen at any age (see Safeguarding and Child Protection Policy)

## **3. Education through PSHE and RSE**

When it comes to safeguarding, Brentwood Ursuline Convent High School believe that taking a proactive approach to educate our young people and staff is paramount in ensuring a safe, happy and healthy community. Therefore, we have developed, through our PSHE and RSE curriculum, a programme of evidence-based content which is delivered through drop down days and assemblies which includes education on:

- Healthy and respectful relationships (including information on consent)
- Sexual harassment
- Respectful behaviour
- Gender roles, stereotyping, sexuality and equality
- Wellbeing and self-esteem
- Prejudiced behaviour and sexist language

These topics are delivered via a combination of school staff and external speakers.

#### **4. Reporting Sexual Harassment and Sexual Violence**

Our strong pastoral presence provides students ample opportunity to report any safeguarding concerns to their Form Tutor, classroom teacher, Head of Year, Chaplain, or Designated Safeguarding Lead or deputy DSL. All members of staff working in a school on an ongoing basis - teaching staff, support staff, canteen and cleaning staff are trained in how to respond to a safeguarding concern.

However, we also realise that speaking to an adult regarding these concerns can be difficult for some students so there is also a worry box that students can use to raise concerns for themselves or for a friend. Students have received this information as part of their weekly assembly.

Adults working within the school are encouraged to report any concerns regarding students to the Deputy Headteacher, or in the case of staff to the headteacher. If a concern is about the Headteacher, then it should be referred to the LADO.

#### **5. The School's Response**

If a student is at risk of harm; has been harmed or is in immediate danger then the allegation/disclosure will be investigated at the earliest possible opportunity. All decisions are made on a case-by-case basis in discussion with the Designated Safeguarding Lead and the Headteacher. This also applies to any online sexual harassment or violence.

In the first instance, the usual safeguarding procedures would be followed. We will always do our utmost to ensure that victims are reassured that they are being taken seriously and that they will be supported and kept safe. (Reassure, Record, Report)

Our safeguarding practice includes:

- Not promising confidentiality at any stage due to the potential for any information to need to be shared with external agencies
- Only sharing information with necessary parties
- Listening carefully to the child, being non-judgemental and clear about how the disclosure will be progressed.
- Not asking leading questions and only prompting the child with open questions (who, what, where, when, why, how) where necessary.
- Recording concerns through Safeguard Software as soon as possible after the disclosure is made (or notifying the safeguarding leads if this is not possible)
- Recording the facts in the students own words and not presenting any personal opinions based on what the student has disclosed.
- Preferably managing the disclosure with two members of staff present in order to ensure accurate information and transparency

We will carefully consider any report of sexual harassment and/or sexual violence. Important considerations will include:

- The nature of the alleged incident(s) including the criminality of the incident and consideration of harmful sexual behaviour.
- The age of those involved
- The developmental stages and SEND of those involved
- Any power imbalances of those involved
- If the alleged incident is a one off or a sustained pattern of abuse
- Any associated events leading up to the incident
- Any ongoing risks



- The wishes of the victim in terms of how they want to proceed. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support they will be offered.

Where appropriate, the school will then decide to involve external agencies such as the police or social services, unless doing so would place the student in further danger. The school would usually inform parents before making a referral to Children's Social Care, however, it may be that we have assessed the situation and believe that a referral is needed without parental knowledge in order to safeguard students involved. If the concern is referred to Children's Services, the school would await further information before making any next steps.

The victim may ask the school to not tell anyone about the sexual harassment or sexual violence. There are no easy or definite answers when a victim makes this request. If the victim does not give consent to share information, staff may still lawfully share it, if it can be justified to be in the best interest of the child's safety.

Reports of sexual harassment or violence may typically be shared with:

- Parents or carers (unless it would place the child at greater risk of harm)
- Essex's MASH Team
- Police

Where the police are informed and the offence becomes a criminal case, the school will do all we reasonably can to protect the anonymity of the victim; witnesses and the alleged perpetrator.

If a staff member is at risk of harm then they will be supported through the school's Staff Code of Conduct Policy.

### *5.1 Risk Assessment*

Where there has been a report of sexual harassment and/or violence, the Pastoral Team (which may include DSL, Head of Year, Assistant Headteacher for KS4, Head of Sixth Form and/or Deputy Headteacher for Pastoral) will make a 'risk and needs' assessment. This risk assessment will be kept under review and reflect and changes in circumstances of those involved. The school will make reasonable adjustments in order to protect those involved and keep them safe during school hours. This may include:

- Sharing information with staff on a need to know basis
- Increased emphasis placed on the wellbeing of both victim and perpetrator
- Increased emphasis on monitoring the behaviour of the perpetrator - especially during unstructured times (e.g. break time, lunchtime, lesson changeover, and the beginning and end of the school day)
- Adjusting timetables of those involved whilst keeping daily experiences as normal as possible.
- Providing physical space for the victim to withdraw to while avoiding any isolating effect this may have

At all times, we will actively consider the risks posed to all staff and students, and put adequate measures in place to protect them and keep them safe during school hours. The DSL, DDSL, Deputy Headteacher or Headteacher will continue to liaise with all involved. Where there has been a report of peer on peer sexual violence, it is likely that professional risk assessments by social workers or specialist staff will be required.

The school will consider every report on a case-by-case basis. Where a report is going to be made to Social Services and/or the Police, then, as a general rule, we will speak to the relevant agency and discuss how the alleged perpetrator will be informed of the allegations.

### *5.2 Safeguarding and supporting the victim*

The school recognises that any instance of sexual harassment or sexual violence is going to be upsetting for the victim. The school will always ensure their safety and wellbeing through a combination of in-school and external support. Our pastoral team includes Form Tutors, Heads of Year, Head of Key Stage 4, DDSLs and Deputy Headteacher who are all familiar with supporting students in a variety of contexts. We also have a visiting counsellor. Where necessary, we will work with parents, Police and Social Services in order to develop a plan to ensure that the victim is able to go about their regular routine in an environment that they feel safe and secure.

In order to support the victim we will

- Consider the age and developmental stage of the victim, the nature of the allegations and the potential risk of further abuse
- Provide support for the victim before the end of the school day in which the incident took place
- Make certain that the needs and the wishes of the victim are paramount (alongside a risk assessment) in any response. Where possible, the victim, if they wish, should be able to continue their normal routine. However, the priority will always be to ensure that school is a safe space for them
- Ensure that the victim is not made to feel they are the problem, or made to feel shame, for making a report
- Consider the proportionality of the response in order to tailor support for the victim.
- Ensure that adequate support is provided by the Senior Leadership Team, Pastoral team and/or external services
- Provide a physical space for the victim to withdraw to should they need to find a space of safety
- Reasonably protect the victim from bullying and harassment as a result of any report they have made
- Where the victim is a student: to support the victim to remain in school, but if the trauma results in the victim being unable to do this, work with appropriate external agencies to provide reasonable adjustments that will enable them to receive suitable education.

### *5.3 Safeguarding and discipline for the alleged perpetrator*

With regard to the alleged perpetrator, we will act in accordance with our Behaviour and Discipline Policy or Staff Code of Conduct Policy. Disciplinary action can be taken whilst other investigations by the school, Police and/or Social Services are ongoing.

Taking disciplinary action and providing appropriate support are not mutually exclusive actions. They can, and should, occur at the same time if necessary. The school will seek to take action to safeguard the perpetrator - especially where there are concerns that the perpetrator themselves may have been a victim of abuse. All allegations will be considered on a case-by-case basis. The school should consider if, by taking action, they would prejudice an investigation and/or any subsequent persecution. Therefore, careful liaison with the Police, Social Services and/or the LADO should help us make a reasonable determination.

In safeguarding and supporting the alleged perpetrator the school will seek to

- Consider the age and developmental stage of the alleged perpetrator and the nature of the allegations. Any person accused of such acts is likely to experience stress as a result of being the subject of allegations and/or negative reactions from others to the allegations against them
- Consider the proportionality of the response on a case by case basis
- Ensure that where a young person is alleged to have been the perpetrator, their parents/carer are fully informed on any decisions
- Involve necessary agencies such as Police, Social Services and/or specialist sexual violence services
- In the case of a student being the alleged perpetrator who is then moved to another institution, we will ensure a conversation is held around any concerns.

#### *5.4 Working with parents and carers*

The school will, in most instances, engage with both the victim and the alleged perpetrator's parents or carers when there has been a report of sexual harassment and/or sexual violence. The exception to this rule is that informing a parent or carer will put the child at additional risk. The school should carefully consider what information they provided to the respective parents or carers about the other child involved and when they do so. In some cases, Social Services and/or the Police will have a very clear view and it will be important for the school to work with relevant agencies to ensure a consistent approach is taken to information sharing.

It should always be the case that the school will meet the victim's parents or carers with the victim present to discuss what arrangements are being put in place to safeguard the victim and understand their wishes in terms of support they may need and how the report will be progressed.

The school will also meet with the alleged perpetrator's parents or carers to discuss any arrangements that are being put in place that impact the alleged perpetrator. The reason behind any decisions will be explained. Support for the alleged perpetrator will be discussed. Other agencies may be involved.

#### *5.5 Safeguarding others*

Consideration should be given to supporting those who have witnessed sexual violence. Witnessing such an event is likely to be traumatic and support may be required. Following any report of sexual harassment or sexual violence, it is likely that some may take 'sides'. The school will do everything it can to ensure both the victim and the alleged perpetrator, and any witnesses, are not being bullied or harassed.

The school will make every effort to ensure that all allegations of sexual harassment or violence are kept as confidential as possible and this will be explained to those involved. The school will advise the victim, the alleged perpetrator and any witnesses not to discuss the allegation in person, via social media or online messaging platforms. Any evidence of discussion about the alleged incident will be sanctioned according to our Behaviour and Discipline Policy or Staff Code of Conduct Policy

## **6. Signposting**

The following agencies work to support victims, alleged perpetrators, witnesses and parents of those involved with sexual harassment or sexual violence. Their details are offered here. [NHS Help After Rape and Sexual Assault](#) A practical website offering advice on seeking medical support after rape and/or sexual assault

[Child Exploitation and Online Protection \(CEOP\)](#) A law enforcement agency where acts of online sexual harassment can be reported

[NSPCC](#) Information on what constitutes sexual violence as well as a helpline for advice and support

[The Rap Project](#) Advice on rape and sexual assault as well as information on the issues around sexual exploitation via social media.

[Young Minds](#) Advice and further signposting around sexual abuse

## **Appendix 5**

### **Brentwood BAP Off- Site Direction Protocol**

**December 2023**

This Protocol has been updated in consideration of the section ‘Moving to another School’ from the guidance document: [A guide for parents on school behaviour and exclusion - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

#### **Off-site direction**

To support your child with their behaviour, your child’s school can decide that your child will be educated somewhere else for a limited period. Your child could be educated at another school or alternative provision setting. This could also include your child splitting time between 2 different locations.

This action should only be taken when it is the best way to support your child’s behaviour. This arrangement is commonly known as off-site direction. If your child has an EHC plan, the local authority should be told about an off-site direction placement.’

#### **Managed moves**

In some cases, your child’s school may decide it is best for your child to move to another school permanently following an off-site direction placement. This is known as a managed move.

Managed moves should be voluntary and have your agreement before they take place. You should be in agreement with your child’s school that this is the right decision for your child. If you are not in agreement, or you think that the school is not making a decision in the best interests of your child, it is very important that you raise this with the school’s governing board.

A managed move should only occur when it is in your child’s best interests and all parties, including the new school and you, agree it would be best for your child to move to another school permanently.

The Department for Education has produced guidance that is useful for parents. This guidance can be found here: [Suspension and permanent exclusion guidance September 2023 \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

#### **Preventative measures to school exclusion (Page 19)**

Paragraph 32: ‘In addition to the strategies set out regarding initial intervention (this can be found on page 29 of the Behaviour in Schools guidance), headteachers should also consider the following: a) an off-site direction (temporary measure that maintained schools and academies for similar purposes can use) or b) managed moves (permanent measure) as preventative measures to exclusion’.

### **Off- site direction (Page 20)**

Paragraph 36: ‘Off-site direction is when a governing board of a maintained school requires a pupil to attend another education setting to improve their behaviour. Whilst the legislation does not apply to academies, they can arrange off-site provision for such purposes under their general powers. Where interventions or targeted support have not been successful in improving a pupil’s behaviour, off-site direction should be used to arrange time limited placements at an alternative provision or another mainstream school. During the off-site direction to another school, pupils must be dual registered. Code B should be used for any off-site educational activity, if the provision is an approved educational activity that does not involve the pupil being registered at any other school’.

Paragraph 37: ‘When possible, in school interventions or targeted support from alternative provision schools should be used to meet a pupil’s individual needs and circumstances – whether behavioural or special educational.’

Paragraph 38: ‘Depending on the individual needs and circumstances of the pupil, off-site direction into alternative provision can be full-time or a combination of part-time support in alternative provision and continued mainstream education. A proposed maximum period of time should be discussed and agreed upon as part of the planning phase for an off-site direction. As part of planning, alternative options should be considered once the time limit has been reached, including a managed move on a permanent basis (if a pupil is placed in a mainstream school) upon review of the time limited placement.’

### **Managed moves (Page 22)**

Paragraph 48: ‘A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. If a temporary move needs to occur to improve a pupil’s behaviour, then offsite direction (as described in 36 to 47) should be used’. Managed moves should only occur when it is in the pupil’s best interests.

### **Governing Bodies (Page 21)**

**Each individual school will have determined its own arrangements regarding the guidance, according to its scheme of delegation.**

Paragraph 32: The governing body must ensure, insofar as is practicable, that any review meeting is convened on a date, and at a time, that is suitable for the parent. ‘

Paragraph 33: ‘The meeting should include arrangements for reviews, including how often the placement will be reviewed, when the next review will be and who should be involved in the reviews.’

Paragraph 42: ‘The length of time a pupil spends in another mainstream school or alternative provision and the reintegration plan must be kept under review by the governing body, who must hold review meetings at such intervals as they, having regard to the needs of the pupil, consider appropriate, for as long as the requirement remains in effect. Not later than six days before the date of any review meeting, a governing body must give a written invitation to parents (and the local authority if the pupil has an EHC plan) to attend the review meeting, or to submit in writing before the date of the meeting their views as to whether off-site direction should continue to have effect.

Paragraph 43: ‘The governing body must keep the placement under review for as long as the requirement remains in effect and must decide following each review meeting as to whether the requirement should continue to have effect and, if so, for what period of time.’

**The Local Agreement (Brentwood ASHE schools) N.B. protocols may differ in other jurisdictions**

To ensure an off- site direction is well supported at a new school, the following processes have been agreed:

1. It is expected that an *offsite direction paperwork* is submitted to the receiving school at the time of enquiry.
2. School leaders will work together to place students. Responses must be received within 5 school days.
3. If the student is accepted, a meeting should be arranged within 5 school days. It is expected that the referring school attends the off-site direction planning meeting. The school leaders in attendance must have the authority of the Headteacher to contribute to effective planning and decision making.
4. Following a successful meeting the student should start within an agreed time frame and with an agreed package of support, this may include an induction timetable. The off-site direction paperwork includes a checklist of pertinent items for an effective start at the new school.
5. There should be regular review points during period of the off-site direction and, depending on the level of support and intervention required, schools may choose to hold fewer or more reviews across the period of the off-site direction.
6. Following off-site direction, in agreement with the parent/carer, the move may become permanent, and a managed move will be used to initiate a process so that the roll is changed to single roll at the receiving school.
7. If the student has a safeguarding file, a copy will be kept by the referring school. The live file will be transferred to the receiving school and should be received before the start of the placement. The receiving school will update the safeguarding file and if the offsite direction does not result in a move to the new school, the file will be returned at the end of the placement.

**The Off-site directions fall into the categories below:**

<b>Level 1 Off-site Direction</b>	<b>Short Term</b>	<b>Pupil attends another school to improve behaviour. There is an agreed support plan in place- a typical time frame is three weeks</b>
<b>Level 2 Off-site Direction</b>	<b>Medium Term</b>	<b>Pupil attends another school to improve behaviour. There is an agreed support plan in place – a typical time frame is 6 weeks. After the period of off-site direction, a managed move may be used to initiate a process to transfer the pupil to the new school’s roll permanently. There is no requirement to extend the trial period. There should be the full agreement of Parent(s) / carer(s)</b>

**After or during Level 2 off-site directions – unsuccessful placements**

After review and a decision-making process, Pupil placements that have been unsuccessful will return to their original school. Head teachers will be responsible in deciding the next steps according to their own Behaviour Policies. Permanent exclusion should always be the last resort.

**In year admissions and applications to another school**

The offsite direction process can be applied to an in-year admission for a pupil who has made an application to join another school. This is with the permission of the parent(s) /carer(s) and the agreement of the Headteachers. This does not override the parental right to apply for a school place at another school, in-line with the admission code or any appeal process.

**Pupils who have been out of education**

Where a student has been out of education, the agreement in Essex is that the pupil will return to the roll of their former school.

**Extensions to off-site directions**

Off-site direction may be extended but not if, on balance of probability, the move will ultimately be unsuccessful. Extension should be used to promote and sustain noted successes and to enable pupil’s sense of belonging to the new school by planning further support. An extension should never be made without an amended or new plan of support around the pupil.