

Summary

This guide is the TAMOS Education punishment policy. It provides advice and guidance to school staff on implementing the school behaviour policy and explains the powers members of staff have to discipline pupils.

Our school behaviour policy is expected to be consistently and fairly applied by all staff, underpinning effective education. School staff, pupils and parents should all be clear of the high standards of behaviour expected of all pupils (See Behaviour expectations policy). The behaviour policy should be supported and backed-up by senior staff, principals, vice-directors and the school directors, at all times.

Our behaviour policy operates through a mixture of high expectations, clear policy and an ethos which fosters discipline and mutual respect between pupils, staff, teachers and parents. The punishment policy sets out measures that staff can take in situations of bad behaviour which aim to:

- Promote good behaviour, self-discipline and respect;
- Prevent bullying;
- Ensure that pupils complete assigned work;
- Regulate the conduct of pupils.

The general director and school directors reserve the right to alter or skip steps in the student discipline policy at their discretion depending on the circumstances of the individual disciplinary case.

All TAMOS Education policy documents are available for download on the website and on request in English, Kazakh and Russian.

Key points

- Teachers have power to discipline pupils for misbehaviour which occurs in school and, in some circumstances, outside of school.
- The power to discipline also applies to all paid staff (unless the school directors specify otherwise) with responsibility for pupils, such as teaching assistants.

When deciding what the appropriate measured response to bad behaviour should be, staff and teachers must take account of the TAMOS Education punishment policy principles. Staff and teachers must follow the guidance provided which include the following:

- screening and searching pupils;
- the power to use reasonable force and other physical contact;
- the power to discipline beyond the school gate;
- when to work with other local agencies to assess the needs of pupils who display continuous disruptive behaviour; and
- pastoral care for staff accused of misconduct.

Teachers' powers

Key Points

- Teachers have the authority to discipline pupils whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction;
- The power also applies to all paid staff (unless the school directors specify otherwise) with responsibility for pupils, such as teaching assistants;
- Teachers can discipline pupils at any time the pupil is in school or elsewhere under the charge of a teacher, including on school visits;
- Teachers can also discipline pupils in certain circumstances when a pupil's misbehaviour occurs outside of school;
- Teachers have a power to impose detention outside school hours;
- Teachers can confiscate pupils' property.

Punishing poor behaviour

TAMOS Education punishment policy allows teachers to discipline pupils whose conduct falls below the standard which could reasonably be expected of them. This means that if a pupil misbehaves, breaks a school rule or fails to follow a reasonable instruction the teacher can impose a punishment on that pupil. Any punishment (including detentions) must satisfy the following five conditions:

- The decision to punish a pupil must be made by a paid member of school staff or a member of staff authorised by the school directors;
- The decision to punish the pupil and the punishment itself must be made on the school premises or while the pupil is under the charge of the member of staff;
- It must not breach any other legislation (for example in respect of disability, special educational needs, equality and diversity, Kazakh Legislation and human rights);
- There is no element of corporal punishment as corporal punishment is illegal in all circumstances;
- It must be reasonable in all the circumstances.

Teacher punishment must be proportionate. In determining whether a punishment is reasonable the penalty must be reasonable in all the circumstances and account must be taken of the pupil’s age, any special educational needs or disability they may have, and any religious requirements affecting them.

Teacher and staff should consider whether the behaviour under review gives cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case, school staff should follow the schools’ safeguarding policy and child protection policy. They should also consider whether continuing disruptive behaviour might be the result of unmet educational or other needs. At this point, the school should consider whether the safeguarding lead, psychologist or outside agencies should be involved.

The TAMOS Education student discipline policy limits the power to apply particular punishments to certain staff (principals and school directors).

When poor behaviour is identified, sanctions that can be implemented by teachers should be implemented in a consistent and fair manner in line with the behaviour and discipline policy. TAMOS Education has a range of disciplinary measures open to teachers. These can include:

- A verbal reprimand;
- Extra work or repeating unsatisfactory work until it meets the required standard;
- The setting of written tasks as punishments, such as an essay;
- Loss of privileges – for instance the loss of a prized responsibility or not being able to participate in a non-uniform day;
- Missing break time;
- Detention including during lunch-time and after school;
- School based community service or imposition of a task – such as picking up litter or weeding school grounds; tidying a classroom; helping clear up the dining hall after meal times; or removing graffiti;
- Regular reporting including early morning reporting; scheduled uniform and other behaviour checks; or being placed “on report” for behaviour monitoring or academic probation;
- In cases of repeated or more severe behaviour referral to principals, discipline officer, discipline committee or the Director (In more extreme cases, at the discretion of the director, this may result in temporary or permanent exclusion).

Pupils’ conduct outside the school gates – teachers’ powers

Teachers have the power to discipline pupils for misbehaving outside of the school premises to such an extent as is “reasonable”.

TAMOS Education behaviour policies set out what the school will do in response to non-criminal bad behaviour and bullying which occurs off the school premises and which is witnessed by a staff member or reported to the school, including the punishments that will be imposed on pupils.

Subject to the behaviour policy, teachers may discipline pupils for:

- Misbehaviour when the pupil is:
 - taking part in any school-organised or school-related activity or
 - travelling to or from school or wearing school uniform or
 - in some other way identifiable as a pupil at the school.
- Misbehaviour at any time, whether or not the conditions above apply, that:
 - could have repercussions for the orderly running of the school;
 - poses a threat to another pupil or member of the public;
 - could adversely affect the reputation of the school.

In all cases of misbehaviour, the teacher can only discipline the pupil on school premises or elsewhere when the pupil is under the lawful control of the staff member.

Detention

Teachers have a power to issue detention to pupils (aged under 18).

TAMOS Education makes it clear to pupils and parents that they use detention (including detention outside of school hours) as a sanction in the student handbook and student disciplinary policy. The times outside normal school hours when detention can be given (the 'permitted day of detention') include:

- any school day where the pupil does not have permission to be absent;
- non-teaching days – usually referred to as “training days or noncontact” days.

Detention can be a set “Period” units or half units. 1 period = 40 minute a typical detention increment or in the case of lunchtime detention a half period which is 20 minutes. A 2-period detention punishment would be 80 minutes of detention total. Directors, vice-directors, principals or heads of department should ensure that pupils time spent in detention is used as constructively as possible. Teachers should also allow pupils time to eat or use the toilet.

Matters schools should consider when imposing detentions

Parental consent is not required for detentions within school hours.

Parents should be informed of “outside hours” detention. 24 hours’ notice should be given to the parents before the application of detention. Cooperation with parents is essential and flexibility should be applied and times rearranged with the parents if the allocated time and date is not convenient.

School staff should not issue a detention outside school hours where they know that doing so would compromise a child's safety. When ensuring that a detention outside school hours is reasonable, staff issuing the detention should consider the following points:

- Whether the detention is likely to put the pupil at risk;
- Whether the pupil has known caring responsibilities which mean that the detention is unreasonable;
- Whether suitable travel arrangements can be made by the parent for the pupil. It does not matter if making these arrangements is inconvenient for the parent.

Confiscation of inappropriate items

There are two sets of provisions which enable school staff to confiscate items from pupils:

1) The general power to discipline enables a member of staff to confiscate, retain or dispose of a pupil’s property as a punishment, so long as it is reasonable in the circumstances. The law protects them from liability for damage to, or loss of, any confiscated items provided they have acted lawfully. The legislation does not describe what must be done with the confiscated item but the school behaviour policy and punishment policies may set this out.

2) Power to search without consent for “prohibited items” including:

- Knives and weapons;

- Alcohol;
- Illegal drugs;
- Stolen items;
- Tobacco and cigarette papers;
- Fireworks;
- Pornographic images;
- Any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property;
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for. The legislation sets out what must be done with prohibited items found as a result of a search.

Weapons, knives, child pornography, drugs or alcohol will always be handed over to the police, otherwise it is for the teacher to decide if and when to return a confiscated item either back to the child or directly to the parent.

Smoking and Vaping

If a student is caught smoking, using vapes or partaking in any kind of smoking related activities they will receive a severe warning. On the second incident the student will be immediately expelled from the school.

Power to use reasonable force

Members of staff who have been trained have the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom.

School directors and trained authorised school staff may also use such force as is reasonable given the circumstances when conducting a search without consent for illegal items such as knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm.

Schools can also identify additional items in their school rules which may be searched for without consent but force cannot be used to search for these items.

Chill out corner

Schools can adopt a policy which allows disruptive pupils to be placed in an area away from other pupils for a limited period, in what are often referred to as seclusion or isolation zones or chill out corners. As with all other disciplinary penalties, teacher and staff must act reasonably in all the circumstances when using such areas (see paragraphs 14 and 15). Any use of isolation that prevents a child from leaving a room of their own free will should only be considered in exceptional circumstances where the child is in danger of harming themselves or others. The school must also ensure the health and safety of pupils and any requirements in relation to safeguarding and pupil welfare.

It is for individual Directors to decide how long a pupil should be kept in seclusion or isolation zone, and for the staff member in charge to determine what pupils may and may not do during the time they are there. Schools should ensure that pupils are kept in such zones no longer than is necessary and that their time spent there is used as constructively as possible. Schools should also allow pupils time to eat or use the toilet.