



Detention Policy

1. Policy Statement

Sir Thomas Fremantle School aims to create a 'Climate for Learning' environment where every individual student is able to develop fully and every member of staff is able to fully support students, unhindered by disruptive behaviour.

The school recognises that some students will sometimes be involved in incidents of unacceptable behaviour. Sanctions must be applied against such individuals, but those sanctions must be just, fair and proportionate. Detention is one such sanction but will normally be applied either for a repeated disruption, non-compliance or for a more serious one-off incident. A detention provides an opportunity for reflection. It also offers a chance for staff and students to discuss what has happened and agree strategies to limit future incidents.

2. Involvement

Pupils, staff, parents and governors will all have the opportunity to contribute to the future development of this policy.

3. Sanctions

When behaviour is unacceptable, staff at Sir Thomas Fremantle School are empowered to use a variety of sanctions. These could include a verbal reprimand, referral to the Subject Leader, Form Tutor or a senior member of staff and involvement of parents and/or detention. A more detailed list is contained with the Climate for Learning Policy.

4. Detention – The Legal Position

The following section of the policy details the legal position for schools as laid down in the 2011 Education Act :

The Education Act 2011 removes the legal requirement to give parents 24 hours notice before detaining pupils after school.

The Act confirms schools powers to use detentions by making it lawful for schools to put pupils aged under 18 in detention without parental consent at a variety of times outside school hours. Moreover, along with all other disciplinary penalties apart from exclusion, this sanction is

available to all school staff in lawful control or charge of pupils, and not just to teachers. The exception would be if a Headmaster chose to limit the power of detention to certain groups of staff.

Other legal requirements as regards detentions remain unchanged:

- Detention is only an available sanction to a school if the Headmaster has previously determined this, and made it generally known within the school and to the parents of registered pupils of the school.
- The sanction of detention can only be applied to pupils aged under 18.
- Whilst no longer statutory, the school will continue to give parents 24-hours notice in most cases. This period is intended to inform parents of where their child is expected to be, and to allow parents an opportunity to make alternative arrangements for travel for the child. Schools should take careful account of the circumstances of the detention known to them, for example, family holidays and care duties, or other commitments of the family, since the legality of the detention would be called into question if the school was acting unreasonably. **However a mere inconvenience or disagreement with the penalty on the part of the parent is no excuse for non-attendance.**

No notice detention will only be used in exceptional circumstances as a response to non-compliance with the normal detention system or persistent lateness. It will only be authorised by a member of the senior leadership team.

The times outside normal school hours when detention without parental consent may be given are evenings, plus weekends and certain non-teaching days (days which have been set aside wholly or mainly for members of staff to work but not to teach pupils, sometimes referred to as 'training days', 'INSET days' or 'non-contact days').

In the case of weekend detentions, this excludes a Saturday or Sunday which falls during, or at, a weekend immediately preceding or immediately following a half-term break. Some schools made use of detentions at weekends or on non-teaching days before the Education and Inspections Act 2006 was introduced, but this was only lawful where parental consent had first been obtained. The Act removes the requirement for parental consent for these detentions, thus removing a burden from schools and strengthening their disciplinary authority. Schools now have the power, if they wish, to require pupils to attend detentions on such days.

A school may require a pupil to attend detention on all non-teaching days except those excluded by the regulations. The regulations exclude non-teaching days that occur:

- on public holidays
- before the first day of term
- during a half-term break.

Non-teaching days that fall after the last school day of term are also generally excluded, but there is an exception: term-time weekday non-teaching days that immediately follow the day a school breaks up before half-term or the end of term may be used for detentions (so long as they are not public holidays).

5. What a detention can be used for:

A range of activities can be required of the pupils which will be engaging and not lead to further ill discipline. Such activities might include:

- *completing assessed coursework*
- *undertaking tasks to assist staff, such as classroom-display work or materials preparation*
- *assisting staff with reparation tasks which do not raise any health and safety or child-protection issues.*

6. Notifying parents about a detention:

Whilst the Education Act 2011 removes the requirement that parents must be given 24 hours notice, the school will continue to follow this procedure in most cases.

Notification will continue to mean:

- *a letter, memorandum or pro-forma delivered by pupil-post or by mail (allowing for the time this will take to be delivered and the fact that the 24 hours' notice requirement applies from the time that the notification is received by the parent);*
- *a signed, dated note by a teacher or staff member in a pupil-planner (acceptable if there is clearly stated expectation in the school information to parents, for example, the home-school agreement or prospectus, that parents will read the planner every day for notes from school);*
- *an email or text notification may be used where schools have reason to be confident that the parent can be contacted reliably by this route, and where parents have previously signified agreement that communication of this sort can be sent to them via email or text.*

In best-practice a counter-signature or return-message is proof that parents know about the detention, but this is not a requirement for the detention to proceed.

If there is doubt about the parents receiving or responding to a detention notification then some schools use a confirming phone-call, text-message, or email. A written record should be made of such contacts and retained in case of any subsequent challenge.

Transport: *If a pupil is required to use transport to or from a detention (especially on a weekend or non-teaching day), the school should take into account whether such transport arrangements are reasonable and practicable. This may be a particular issue for schools where public transport*

is limited or expensive. In these circumstances schools will want to make reasonable arrangements with parents while insisting on the terms of the detention being met.

The pupil's out-of-school responsibilities: Schools will need to be sensitive to issues where a pupil is a primary carer, a looked-after child or vulnerable in other ways. For example, a pupil may have responsibilities for helping care for a sick family member or for escorting a younger sibling home. Or a pupil with a history of severe behavioural problems may be required as a part of a Youth Offending Team contract or court order to attend specific sessions which may fall at the time of a detention. Close liaison between schools and partner-agencies is desirable.

Family holidays and other commitments: When setting weekend detentions or detentions on non-teaching days, schools should take into account holidays or other commitments that have been pre-planned. It would not be reasonable to expect a pupil to miss a family wedding, an extra-curricular activity that their parents have paid for in advance, or a sporting or cultural event that the family has tickets for, to name a few examples. Further, if the non-teaching day on which the proposed detention is to be held is at the end of the school term, the family may have arranged to start their holiday on that day. It would be unreasonable to expect the family to alter their travel arrangements.

Nutrition: Although 24 hours' notice is no longer a legal requirement for lunchtime detentions, schools should continue to be sensitive to the personal circumstances of pupils expected home for lunch, and should ensure that lunchtime detentions are not of such duration that a pupil misses the opportunity to eat (not to do so would affect the reasonableness, and thus potentially the legality, of the sanction).

The fact that lunchtime detentions may now be given without 24 hours' notice makes it particularly important for schools to ensure they are clear which pupils are expected home for lunch. In particular, schools usually require that parents inform them in writing if a pupil will be going home for lunchtime as a routine. In such circumstances schools may find it helpful to develop guidelines which allow pupils to be in detention for a certain period of time before releasing them to go home for lunch and get back in time for afternoon school. Alternatively, given the complexity of managing this, some schools adopt a standard '5-minute' lunchtime detention for pupils who go home to lunch and, as needed, defer a longer detention to after school the next day or to a weekend or non-teaching day.

It is essential that staff and pupils get a reasonable break at lunchtime to eat, drink and use toilets. Lunchtime detentions should not be of a duration that would deprive any individual staff member or pupil from their proper entitlement to these things.

Medical or religious circumstances: Schools will need to respond to specific circumstances affecting individual pupils, for example, a requirement to take medication at specific times or the need for space for religious observance.

7. Deciding how long the detention should be:

Schools will want to set out standard procedures. For example, a detention to complete outstanding-coursework may need to be longer than a detention for an incident of aggression which may achieve its purpose within a shorter time. Questions to consider include:

- *is the length reasonable in the light of the seriousness of the misbehaviour?*
- *is the length reasonable to achieve a specific outcome?*
- *is the length proportionate compared to other misbehaviour?*
- *if the detention is outside normal school hours, will it keep the pupil back beyond a time that might be regarded as reasonable (e.g. in terms of transport, late hours or implications for meal times)?*

8. What to do if a pupil walks out of a detention:

Generally, a requirement to remain in the classroom or elsewhere in the school should not be enforced by use of force, although failure to comply may be treated as a disciplinary offence. The only circumstances in which using force would be justifiable would be where the staff involved judged that allowing the pupil to leave would:

- *entail serious risks to the pupil's safety (taking account of their age and understanding), to the safety of other pupils or staff, or of serious damage to property.*
- *lead to behaviour that prejudiced good order and discipline. In itself, refusal to remain in a particular place would not be enough to justify use of force; staff would have to be convinced that, if allowed to leave, the pupil would seriously disturb the running of the school by, for example, disrupting other classes.*

If the pupil walks out of the detention:

- *it is best to let a staff member deal with the pupil after leaving the room, the first aim being to point out the need to return to the detention, but the second position being to*
- *make clear that the pupils will be held to account for the action they have taken;*
- *it is important to make clear to other pupils that the pupil has made choices and will be held to account for those choices. The purpose of this is to calm down other pupils;*
- *a further and higher-level sanction may be imposed on the pupil. This higher-level sanction might be either a referral to the DATE room or a fixed-period exclusion imposed by the Headmaster.*

9. Detention – Practicalities within Sir Thomas Fremantle School

When a member of staff wishes to put a student in detention, the matter should be brought to the attention of the appropriate member of staff, i.e. Subject Lead or Faculty, Learning Manager. A detention form must be completed for all after-school detentions. This should be signed by TLR/TLD/LM/SLT. *Good practice dictates that a form is also completed for lunch/break detentions.*

A paper or electronic incident form (showing a level C2, C3 or C4) must also be completed in **all** cases and must be signed by a Head of Subject, Faculty, Learning Manager or a member of the Senior Leadership Team. An incident form must be completed for all detentions imposed.

The list of students detailed on a particular evening will be displayed in the staff room. Where a student has been given a detention, the member of staff who imposed the detention will be expected to meet with them at the beginning of the detention session to discuss both the incident and a productive resolution. This is known as 'repair and rebuild' and is an important part of the process. Where the member of staff is unable to attend the detention due to a prior appointment or absence, another member of the department or faculty should attend. This might be the subject leader or Teaching and Learning Director. At this point, the student may be asked to serve their detention with the staff member or within the faculty where the detention was set.

Where the member of staff or designated replacement does not turn up by 3.20pm, the student in detention will be free to leave. This will be noted by the detention supervisor. Where the student is due to be picked up by a parent or carer, they should be encouraged to remain on site until the time that the detention is due to end.

10. A detention may be given for a variety of reasons. These can include;

- Disruption of the learning of others
- Repeatedly failing to settle to tasks
- Non-compliance
- Non-completion of work (including homework)
- Bullying (as defined with the school's anti-bullying policy)
- Smoking, on or near the school site, or on the way to or from school.
- Verbal and/or physical aggression towards staff or peers
- Being off-site without permission (break/lunch/lesson time)
- Lateness to school and/or lessons
- Anti-social behaviour including swearing, spitting, graffiti, damage to property
- A no-notice detention may be deemed appropriate where the student has repeatedly refused to attend detention in the past.
- A no notice detention may also be deemed appropriate as a response to persistent lateness to school.

This list is not exhaustive.

Parents will usually be informed in writing at least 24 hours before the detention by using the appropriate letter relating to faculty or senior team detention. A letter home is the preferred method of advising a parent about a detention although a planner note is sufficient. Parents are requested to acknowledge the detention either on the tear off slip or by countersigning the planner note. It should be noted that parental permission is not required for an after-school detention.

Members of staff are also requested that, if the Student Planner is used in respect of detentions, an incident slip is also completed so that the information goes onto our electronic school behaviour system.

When a student is detained, they should be supervised by a member of staff at all times and be engaged in meaningful, relevant work. An after-school detention should last no longer than 1 hour. A weekend or training day detention resulting from non-attendance at an earlier detention or through persistent lateness may last longer.

There are three levels of detention

11. Faculty Detention

Means any detention authorised by a Head of Subject or Faculty or by a Learning Manager or member of the Senior Leadership Team. A Faculty detention at break should not exceed 10 minutes and a lunchtime detention no more than 15 minutes. An after school Faculty detention will normally be for 30 minutes. Faculty detentions will run 3 days per week and will be manned by a range of staff through directed time. Faculty detention runs from 3.10pm to 3.40pm Monday, Tuesday and Thursday.

12. Senior Team Detention

Will be imposed either:

*Where a student fails to attend a faculty detention **after two separate opportunities** to do so.*

or

Student has reached level C4 and has been removed to crisis.

Senior Team detention runs for 45 minutes on Wednesdays from 3.10pm to 3.55pm. Failure to attend, without good reason, will result in the imposition of a weekend detention.

A no-notice detention will be deemed to be comparable to a senior team detention and will only be imposed by or in discussion with members of the school's senior leadership team.

13. Weekend /Training Day Detention

May be imposed for either;

Failure to attend a senior team detention without a good reason.

or

