



# HEART OF ENGLAND SCHOOL

## DETENTION POLICY

### Principles

At Heart of England we expect every student to meet the required high standards of the school. Students and teachers have the right to work in an orderly atmosphere where learning can progress uninterrupted. We also trust that parents/carers will support the school in achieving these high standards. Therefore should these standards not be met then there will be consequences for students which may include a detention.

### The following system operates:

Detentions are given for both class and homework not being completed or adequately attempted; lateness to school and lessons without good reason; breaching the school's behaviour policy or persistent lack of co-operation. The length of the detention will be 90 minutes in most cases. We do not require parental permission, but have a duty to make every reasonable effort to give parents 24 hours advance warning. Detentions may take place after lessons finish at 3.25pm.

A detention 'within' the school day may be given without notice. Students may be detained during their social time i.e. break or lunchtime but will of course be given sufficient time to eat lunch.

A system of Study Support operates independent of this after school on Tuesday and Thursday, primarily for students who are falling behind with coursework, homework and class work or require extra revision in preparation for examinations. Notification will be given in advance of a study support appointment stating the subject and reason for the referral, these students will work in the LRC until 5pm. Study Support is therefore not a detention but a means of giving additional help. Many students also volunteer to stay behind to work in a supported environment of their own free will.

### Notice

Notice of a detention can be given to a student's parent in various ways:

- Handing it to the parent;
- Delivering or posting it to their last known address; or
- By any other effective method such as 'student post',
- A telephone call to the parent, or a fax or perhaps e-mail.

*It must be noted that the minimum period of written notice is 24 hours because delay in imposing a detention weakens its effect.*

Students attending after-school detentions will be supervised. A senior member of staff will also be available should there be concerns about getting home. In exceptional circumstances a change of date can be negotiated. A late bus service operates on Tuesdays and Thursdays but it remains the responsibility of parents to make suitable travel arrangements.

Our policy is reviewed on an annual basis and complies with the expectations set out in the Education and Inspections Act 2006.



**EDUCATION AND INSPECTIONS ACT 2006**

**3.7 Detention**

**Key points**

- School staff have a statutory power to put students aged under 18 in detention after school sessions, and on some weekend and non-teaching days.
- Detentions are lawful if:
- students and parents have been informed that the school uses detentions as a sanction
- The school gives parents 24 hours' notice of detentions outside school sessions.

**3.7.1** Section 92 of the **Education and Inspections Act 2006** provides significant new scope for schools to apply the disciplinary penalty of detention. Schools now have much greater flexibility to impose detentions without parental consent, which should help both in strengthening their authority and in using this key sanction in ways that are suitably responsive to local circumstances. However, it is important that these enhanced powers are used responsibly, taking appropriate account of a range of issues relating to the welfare and rights of staff, students and parents. This is particularly important where the detention would involve the child staying late or coming into school on a day when they would not normally be present.

**3.7.10** The Act requires that 24 hours' notice be given in writing, by any effective method, for all detentions outside normal school hours. It is of course open to schools to notify parents or carers of detentions at other times if they so wish.

**3.7.11** Notifying can mean:

- A letter, memorandum or pro-forma delivered by student-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 student-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.

**3.7.13** 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.

**3.7.22** Bearing in mind the requirement for 24 hours' notice to be given to parents; schools should ensure that both parents and students are informed:

- What the day is going to be used for



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- When the student is required to arrive and when they will depart, and that the family needs to ensure suitable arrangements are in place for the student to get to and from school
- Which members of staff the student should report to
- Whether uniform should be worn
- Whether the student needs to bring:
  - packed-lunch and drink
  - any medication any coursework
  - other learning materials
- That the school has a legal power to impose the disciplinary penalty of detention, and what the consequences would be for non-attendance.

**3.7.23 Transport:** If a student 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.

**3.7.24 The student's out-of-school responsibilities:** Schools will need to be sensitive to issues where a student is a primary carer, a looked-after child or vulnerable in other ways. For example, a student may have responsibilities for helping care for a sick family member or for escorting a younger sibling home. Or a student 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.

**3.7.25 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 student 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.

**3.7.26 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 students expected home for lunch, and should ensure that lunchtime detentions are not of such duration that a student misses the opportunity to eat (not to do so would affect the reasonableness, and thus potentially the legality, of the sanction).

**3.7.27** 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 students are expected home for lunch. In particular, schools usually require that parents inform them in writing if a student will be going home for lunchtime as a routine. In such circumstances schools may find it helpful to develop guidelines which allow students 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 students 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.



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**3.7.28** It is essential that staff and students 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 student from their proper entitlement to these things.

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

### **Deciding how long the detention should be:**

**3.7.30** 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 student back beyond a time that might be regarded as reasonable (e.g. in terms of transport, late hours or implications for meal times)?

### **What to do if a student walks out of a detention:**

**3.7.31** 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 student to leave would:

- Entail serious risks to the student's safety (taking account of their age and understanding), to the safety of other students 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 student would seriously disturb the running of the school by, for example, disrupting other classes.

**3.7.32** If the student walks out of the detention:

- it is best to let a staff member deal with the student 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 students will be held to account for the action they have taken;
- It is important to make clear to other students that the student has made choices and will be held to account for those choices. The purpose of this is to calm down other students;
- A further and higher-level sanction may be imposed on the student. This higher-level sanction might be a fixed-period exclusion imposed by the Headteacher.

Full details of the provision in law can be viewed at:

[http://www.opsi.gov.uk/acts/acts2006/ukpga\\_20060040\\_en.pdf](http://www.opsi.gov.uk/acts/acts2006/ukpga_20060040_en.pdf)

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