

Detention Policy

Review Date	January 2016	Leader of Policy Review	Mr. S. Budgen
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Principles

Detention, along with other sanctions mentioned within the 'Positive Behaviour' policy, is one of the sanctions that the school can use in cases of misbehaviour. Section 91 and 92 of The Education and Inspections Act 2006 details the specific guidance relating to the school's responsible discharge of this sanction.

The law safeguards childrens' and parents' legitimate rights, and ensures reasonable limits on detention for children who misbehave. The school does not have an unqualified right to impose a detention: they must be reasonable and proportionate to the offence. Detentions may only be imposed by a headteacher or another teacher specifically or generally authorised to do so. They should take account of:

- a. the child's age;
- b. any special educational needs;
- c. any religious requirements; and
- d. whether the parent can reasonably arrange for a child to get home from school after the detention.

Written notice

The school must give at least 24 hours' written notice of a detention to the parent, so allowing time for the parent to raise any problems. A notice to a parent should say:

- o that their child has been given a detention;
- o why detention was given in general terms; and
- o when, where and how long the child will have to remain at school.

Parents and carers objecting to a detention should present the relevant facts for the school to take into account. Examples of such facts should be:

- o that the detention is on a day of religious observance for the family;
- o concern about the length and safety of the walking route between the school and the child's home; or
- o the need for transport home if the parent cannot collect the child that day or make reasonable alternative arrangements.

The detention could be revoked altogether or deferred because of the parent's representations.

Parental complaint about detention

The headteacher, or other authorised teacher, may decide the child should have a detention despite the parent's representations. However, a parent who remains dissatisfied can complain to the headteacher and the governing body under the school's normal complaints procedures (although there will usually not be time to consider the complaint until after the detention has taken place).

A parent concerned about either the principle of detention or how it is used can raise these concerns with the head teacher or the governing body, or both.

Method of notifying the parent

The law allows notice of a detention to be given to a pupil's parent in various ways including:

- o handing it to the parent;
- o delivering or posting it to their last known address; or
- o any other effective method such as 'pupil post', with a telephone call to the parent, or a fax or perhaps e-mail.

It is unnecessary for the school to have to arrange for notice of detention to be served personally on the parent or to obtain acknowledgement of its delivery. This would mean that the school could never reasonably detain a pupil whose parent deliberately avoided receiving the notice or refused to respond to it. If the school has given the parent, whom the school believes has custody of the child, 24 hours' written notice of a detention; the school should assume that the parent has received this even if there has been no response.

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Period of notice

The minimum period of written notice is 24 hours because delay in imposing a detention weakens its effect. In practice the 24 hour requirement will normally mean a parent hearing more than a day in advance. For example, for a detention imposed on a Monday, the earliest that detention could take place would be after school on the Wednesday. This ought to allow enough time for parents and carers to make reasonable arrangements for transport, if necessary.

Who should receive the notice

Written notice must be given to the parent or legal carer. Notifying one person who has parental responsibility for a child, even if more than one person has custody of the child, should be adequate.

Failure to attend a detention

If a pupil fails to attend an after-session detention for a disciplinary offence without reasonable excuse, the headteacher should decide how to deal with the absence and the original misbehaviour, normally with a more severe sanction.

Circumstances for not detaining a pupil

For certain children a detention might never be reasonable however bad their conduct. For example, an after-school detention could probably not reasonably be imposed on a child who lived far from school, if the pupil's only means of travelling home was on a bus leaving at the end of the school day and there was no other way the pupil could get home. However, the onus is on parents and carers to demonstrate any unreasonableness about the proposed detention. Simple inconvenience to parent or pupil in making alternative transport arrangements would not be sufficient reason to withdraw the detention. If after-school detention is not possible, the head teacher (or other authorised teacher taking the detention) could consider detention at lunchtime or another suitable sanction.

Responsibility for travel arrangements

Although the school must have regard to the availability of suitable travel arrangements after a detention, the responsibility for making those arrangements lies with the parent. The school does not have to pay.

Use of time

The time a pupil spends in detention should be used constructively and to best effect. Teachers should consider appropriate work for pupils to undertake during the detention.

Records

The school should keep a written record of any detention and the reasons for imposing it, in case parents and carers bring a legal challenge.