# PERSONAL DEVELOPMENT AND BEHAVIOUR POLICY

## CAPTAIN WEBB PRIMARY SCHOOL

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| **Written By** | **C Pilling** | **Version 1.0** | **01/09/21** |
| **Agreed By** | | | |

# Captain Webb Primary School

# PERSONAL DEVELOPMENT & BEHAVIOUR POLICY

## Introduction

We have a duty under the *Schools Standards and Framework Act 1998* to have in place a behaviour policy that is consistent throughout the school.

We believe we promote good behaviour by creating a happy caring school environment where everyone feels valued, respected, secure and free from all forms of anti-social behaviour.

As a school we aim to foster positive behaviour in our pupils and encourage them to take an increasing responsibility for managing their own behaviour. We want a school where children **can** & **want** to learn and where teachers provide necessary support for those pupils who find managing their own behaviour especially difficult.

## Aims

- To develop an ethos of mutual respect & understanding through a set of **Golden Rules** that apply to **everyone**.
- To have a clearly structured behaviour plan that is applied throughout the school in a consistent manner.
- To deal with inappropriate behaviour quickly & efficiently
- To keep parents well informed about the behaviour of pupils
- To foster an atmosphere of mutual respect and support with the implementation of the behaviour plan

We believe that any policy has to be based on a clear set of principles with a clear structure that will underpin any concrete action.
Therefore this policy has been developed after consultation with staff, a series of staff meetings related to managing behaviour and taking on board pupil voice through consultation with the Student Council.

## Principles

As a school we have agreed on the following principles when dealing with unacceptable behaviour:

- Adults will act as positive role models for children at all times in the way they interact with each other & children
- Adults will NOT shout at children
- Adults will NOT humiliate or embarrass children
- Adults will NOT 'tell children off' in front of other children but will find a suitable place/time to discuss the unacceptable nature of the child's behaviour
- Adults will not 'Label' children as 'naughty'
- Adults will seek ways to support children who find it difficult to manage their own behaviour

As a school we feel that it is vital that there is a consistent approach to behaviour management if it is to be as successful as possible. Therefore we have devised a **WHOLE SCHOOL BEHAVIOUR PLAN** that applies to everyone in our school & will be applied consistently by all members of staff.

It is important to note that as a school we recognise that there are some pupils who have significant

behaviour difficulties and therefore the behaviour plan may not be appropriate for all children. In most cases these children will have an IBP (Individual Behaviour Plan) and Risk Assessment (see appendix

A copy of '**Our Golden Rules'** *(appendix 2)* and **'Behaviour and Consequences'** *(appendix 3)* is on display in every classroom for adults & pupils to refer to.

## All behaviour has meaning

All children demonstrate their feelings through their behaviour. Behaviour is a form of communication so we look beyond the behaviour and analyse its function. We look for the message the child is communicating through their behaviour: This means that we interpret presenting behaviours with care and with consideration to underlying issues such as pain or distress.

## Physical Contact (Please refer to Covid-19 Health and Safety Policy)

Physical Contact is a key part of a positive relationship; touching a pupil might be appropriate or necessary when:

- Comforting a distressed pupil
- A pupil is being congratulated or praised
- Holding a hand for support or control when moving around school
- Demonstrating exercises/techniques during, for example music or PE lessons
- To give first aid

Key members of staff have been trained in MAPA (Management of Actual or Potential Aggression). These are:

Nikki Weston-Blakey
Diane Jones
Fran Tranter
Sam Brannon
Sarah Passey

who should always be called to a situation which may escalate.

## Responsibilities for the effective delivery of this policy

The named Governor responsible for the effective management of behaviour is Mark Chetwood.

### Responsibility of the Governing Body

The Governing Body has:

- Responsibility to ensure that the school complies with this policy
- Delegated powers and responsibilities to the Head teacher to ensure that school personnel and pupils are aware of this policy
- Delegated powers and responsibilities to the Head teacher to ensure that all visitors to the school are aware of and comply with this policy
- Appointed a co-ordinator for behaviour and discipline to work with the Head teacher
- The duty to support the Head teacher and school personnel in maintaining high standards of behaviour
- Responsibility for ensuring this policy and all policies are maintained and updated regularly
- Responsibility for ensuring all policies are made available to parents
- Nominated a link governor to visit the school regularly, to liaise with the Head teacher and the co-ordinator and to report back to the Governing Body

Responsibility for the effective implementation, monitoring and evaluation of this policy

## Role of the Head teacher – (Mrs Sarah Passey)

The Head teacher will:

- Determine the detail of the standard of behaviour that is acceptable to the school
- Ensure all school personnel, pupils and parents are aware of and comply with this policy
- Work hard with everyone in the school community to create an ethos that makes everyone feel valued and respected
- Promote good behaviour by forging sound working relationships with everyone involved with the school
- Encourage good behaviour and respect for others, in order to prevent all forms of bullying among pupils
- Ensure the health, safety and welfare of all pupils in the school
- Work with the school council to create a set of school rules that will encourage good behaviour and respect for others
- Work closely with the link Governor and coordinator
- Provide guidance, support and training for all staff
- Monitor the effectiveness of this policy
- Annually report to the Governing Body on the success and development of this policy

## Role of the Behaviour Lead

The designated Coordinator is Chris Pilling (Assistant Head)
The Coordinator will:

- Lead the development of the policy throughout the school
- Work closely with the Head teacher and the nominated governor
- Provide guidance and support to all staff
- Undertake monitoring activities that focus on reviewing behaviour
- Track pupils through behaviour plans when the need arises
- Create links with parents
- Annually report to the Governing Body on the success and development of this policy

## Role of the Pastoral Support Manager

- Support pupils' social and emotional wellbeing.
- One to one interventions to support behaviour.
- Safe guarding lead.
- CAFs and TACs for pupils with social and emotional needs.
- Monitor children's behaviour in class and on the playground.
- Support pupil's behaviour at lunch times.

## Role of the Nominated Governor

The Nominated Governor will:

- Work closely with the head teacher and the Coordinator
- Ensure this policy and other linked policies are up to date
- Ensure everyone connected to the school is aware of this policy
- Report to the Governing Body every term
- Annually report to the Governing Body on the success and development of this policy

## Role of School Personnel

Lunchtime Supervisors are expected to:

- During unstructured times such as playtimes, provide a range of equipment to play with, ensure this is taken out and put back carefully and tidily, structure and guide positive group games, monitor and interact with children and de-escalate any behaviour issues using the Behaviour Plan set out in this policy
- Report to the class teacher details of any behaviour issues that have occurred, how they have been dealt with and any consequences that have been put in to place
- Sign details given to the class teacher in the class playtime behaviour book

All school personnel are expected to:

- Comply with all aspects of this policy
- Encourage good behaviour and respect for others in pupils and to apply all rewards and sanctions fairly and consistently
- Promote self-discipline amongst pupils
- Deal appropriately with any unacceptable behaviour
- Provide well planned, interesting and demanding lessons which will contribute to maintaining good discipline
- During unstructured times such as playtimes, provide a range of equipment to play with, ensure this is taken out and put back carefully and tidily, structure and guide positive group games, monitor and interact with children and de-escalate any behaviour issues using the Behaviour Plan set out in this policy
- Record details of any behaviour issues reported during lunchtimes, how they have been dealt with and any consequences that have been put in to place in the class playtime behaviour book
- Sign and date details recorded in the class playtime behaviour book
- Deal appropriately with issues that have arisen during playtimes, referring to the Golden Rules, Behaviours and Consequences and Behaviour Plan set out in this policy, contacting relevant parents via class dojo to inform them of what has happened and the action that has been taken
- Inform the Head Teacher, Deputy Headteacher or Behaviour Lead of any incidents that have been reported during playtimes and the action that has been taken
- Attend periodic training on behaviour
- Ensure the health and safety of the pupils in their care
- Report all incidents of discrimination to the Head teacher or coordinator

**All staff should be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but may not be limited to:**

- bullying (including cyberbullying);
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexual violence and sexual harassment;
- sexting (also known as youth produced sexual imagery); and
- initiation/hazing type violence and rituals.
- All staff should be clear as to the school policy and procedures with regards to peer on peer abuse.

**Sexual harassment, online sexual abuse and sexual violence**

All staff must:

- assume that sexual harassment, online sexual abuse and sexual violence are happening in and around the school, even when there are no specific reports, use the schools policies and procedures to address them
- where incidents are reported, understand how to handle reports of sexual violence and harassment between children, both on and outside school premises, in line with the DfE's guidance

- to undertake relevant training and CPD (including teachers delivering relationships, sex and health education)
- have good awareness of the signs that a child is being neglected or abused, as described in 'What to do if you're worried a child is being abused'
- be confident about what to do if a child reports that they have been sexually abused by another child
- ensure that children are taught about safeguarding risks, including online risks
- support pupils to understand what constitutes a healthy relationship, both online and offline

## Role of Pupils

Pupils are expected to:

- To be aware of and comply with this policy
- Be polite and well behaved at all times
- Show consideration to others by listening carefully to them and helping if necessary
- Make suggestions about the school behaviour via the school council
- Support the school Code of Conduct and guidance necessary to ensure the smooth running of the school

## Role of Parent/Carer

Parents/Carers are encouraged to:

- Comply with this policy
- Have a good honest working relationship with school personnel
- Support the school by ensuring their child understands and values the meaning of good behaviour and by reinforcing and standing by the sanctions applied by the school.

## Physical Intervention

The use of physical intervention is very rare and is whenever possible avoided. There may be occasions when the use of physical restraint is appropriate; for example if a child is hurting his/her self and /or others or making a threat to injure using a weapon. Any intervention used will always be minimal and in proportion to the circumstances of the incident. All physical intervention will be reported to the Head Teacher and recorded.

## Behaviour Plan

Our behaviour plan is based on **Rewarding Positive Behaviour** & discouraging inappropriate behaviour through a carefully planned rewards & consequences structure *(appendix 2).*

The plan is structured to help adults to deal with inappropriate behaviour in a way that minimises the impact on the other pupils and reduces the loss of teaching and learning time to an absolute minimum.

## Steps to managing behaviour

It is vital that all adults follow the Behaviour Plan consistently & therefore the following steps MUST be applied.

Before children move onto the behaviour plan it is necessary to give them an informal warning given to provide them with an opportunity to begin behaving appropriately. This is usually all that is needed but if the inappropriate behaviour continues the behaviour Plan MUST be followed using the following steps:-

- **Verbal Warning -** It is important to use this term so that children know they are on step one of the behaviour plan
- **Traffic Light System** – If behaviour is not corrected after a verbal reminder, children are moved down the traffic light system. The aim of the traffic light system is to explain to the child how to correct their behaviour and how it will benefit them, their class mates and everyone's learning. Children are observed closely so that adults can see the correct choice in behaviour being made and move them back to green. Reminders and explanations of what an adult expects to see a child doing to correct their behaviour are used to help make expectations clear. Praising and rewarding other children already meeting those expectations can be used to show a child what is expected.
- **Loss of Dojo Points** – If a child has reached red and not corrected their behaviour after reminders, they will lose 5 Dojo Points. Lunchtime supervisors are responsible for informing the Class teacher & Behaviour Leader regarding the loss of Dojo Points during a lunchtime period. This can occur if children have reached red and have chosen not to correct their behaviour, as explained by the teacher.
- **Immediate Consequences** – It is not always appropriate to use the traffic light system for more serious behaviours. Appendix 2 maps out which behaviours match with which consequences.

## The traffic light system

This visual aid will be displayed in each classroom at all times allowing any adult who is leading the class to use it. Each child has their name displayed and this can be moved accordingly.

## Informing parents

Parents play a very important role in behaviour management.
New parents are given a copy of the Behaviour plan and its use and purpose is explained at the curriculum evenings at the beginning of each school year. Parents are encouraged to share any concerns that they have about behaviour with the school through contact with the Behaviour Leader, Class teachers, Parent Governors or by contacting the Head teacher directly.

## Confidentiality

If parents approach TA's or lunchtime supervisors for information regarding an incident at school they must direct them to the Behaviour Leader, Class teacher or Head Teacher. It is very important to remember that all incidents should be treated as confidential.

## School Structures

At Captain Webb Primary school there are a number of structures in place to support **Personal Development** and **Behaviour Management:**

## Behaviour Logs

CPOMS is used for logging significant incidents or concerns relating to a child's behaviour, whether it be from parents, incidents in the classroom or in the playground. This enables us to keep a trail and address persistent issues. It is the class teacher's responsibility to ensure incidents are logged. Class Dojo is used to record and monitor gained and lost dojo points. Class playtime behaviour books are used to record incidents that occur outside during playtimes.

## Additional Strategies to support inclusion

## Social and Emotional Behaviour Plans (appendix 1)

These plans are designed to support and promote positive self-management of behaviours that may be an obstacle to children to maximise their learning potential. The plan is designed together with the child and the behaviour lead/class teacher, so that there is mutual understanding about any 'individualised' sanctions or agreements that are put in place. The class teacher will also arrange a time to discuss the plan with parents, so that both home and school are working in partnership.

## SEN code of practice

Children with serious or repeated behaviour difficulties may need to have an individual plan in accordance with the Special Needs Code of Practice. We may ask for an assessment from our Educational Psychologist or with agreement from parents or carer, refer to CAMHS. If assistance is required please consult with our SENCO- Alison Feeney.

# Pupil Voice

## School Council

We have a group of elected school councillors, one from each class, who hold office for a year. Children can be nominated by their peers, or put themselves forward to become the class representative. Each child then has to make a short presentation to the class stating why they think they would make a good school councillor. The class then vote, by secret ballot, for their chosen representative. Councillors meet regularly with the Behaviour Leader and with the Head teacher to discuss a wide range of issues. Councillors are encouraged to bring any concerns from class members to the attention of the School Council for discussion. The School Council has an important role in the decision making process for school improvement, including the school's Golden Rules and the Behaviour Policy.

## House Groups

We have four 'Houses' in our school. Various activities are organised throughout the year that children participate in with the other members of their house group, such as sporting competitions. Children can earn 'Dojo Points' for following the Golden Rules and/or for demonstrating Positive Behaviour, such as being helpful or considerate, picking up litter, tidying classrooms etc.

## Awards & Rewards

We believe strongly that appropriate behaviour should be rewarded in order to promote the positive ethos of the school. Positive praise is often the easiest reward to give and often the most effective. Stickers can be awarded by any member of staff for anything that they feel demonstrates positive behaviour or attitude and at any time throughout the school day. Head teacher's awards are given to those children who have made an exemplary effort. Anyone, staff or pupil can nominate a child for a head teacher's award. The Head teacher's award for excellent behaviour is sent home with an accompanying letter requesting that parents support the school by rewarding their child with a special treat.

**'Points Make Prizes'**

A child can receive a maximum of 5 Dojo Points at any one time. Dojo Points can be exchanged for prizes at intervals of 50, 100, 150 or 200 points. Different amounts of points equate to different value prizes from which children can choose on a weekly basis. Once points have been exchanged for a prize the child's points are reduced by the number of points they have spent. A child can exchange their points as long as they are at or above the level they need for that level of prize. Dojo points will roll over all half term and termly holidays.

## Attendance Award

At the end of each week Mrs Folger gives an award to the class who has the highest rate of attendance. This class earn an extra playtime.

## Transition times/Moving around school (Please refer to Covid-19 Health and Safety Policy)

It is expected that when children are moving around school as a large group that they walk on the left hand side in single file in a pre-arranged line order. It is all staffs' responsibility to ensure this happens.

- All children must be escorted to and collected from the playground by the class teacher, both at break time and lunchtime. Each class teacher must wait on the playground until the Teacher or Lunchtime supervisors who are responsible for the playground duty arrive on the playground. It is essential that ALL children are delivered to the playground by their class teacher.
- KS2- At the end of the day the class teacher are responsible for dismissing the children and ensuring that they go directly to an identified parent / carer or, where other arrangements have been made, another identified responsible adult.

## Act of Worship

Unless teachers are delivering planned interventions they must remain in the hall during this time to support with monitoring behaviour. It is not a time for teachers to plan/prepare work, the Government have clearly stated that this time must not be used for this purpose. This also applies to singing practice.

## The power to discipline beyond the school gate

Disciplining beyond the school gate covers the schools response to all noncriminal bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the school. The governing body must be satisfied that the measures proposed by the Head teacher are lawful. (See appendix 3)

## Searching and confiscating

The Head teacher and Deputy Head teacher have a statutory power to search pupils or their possessions, without consent where they suspect the pupil has certain prohibited items. The items that can be searched for under this power are knives or weapons, alcohol, illegal drugs and stolen items. School staff can seize any banned or prohibited item found as a result of a search or is considered to be harmful or detrimental to school discipline.

## Pastoral care for school staff

If an employee is accused of misconduct and pending an investigation, the governing body will instruct the Head teacher to draw on the advice in the 'Dealing with Allegations of Abuse against Teachers and Other Staff' guidance when setting out the pastoral support school staff can expect to receive if they are accused of misusing their powers.

## General Statement

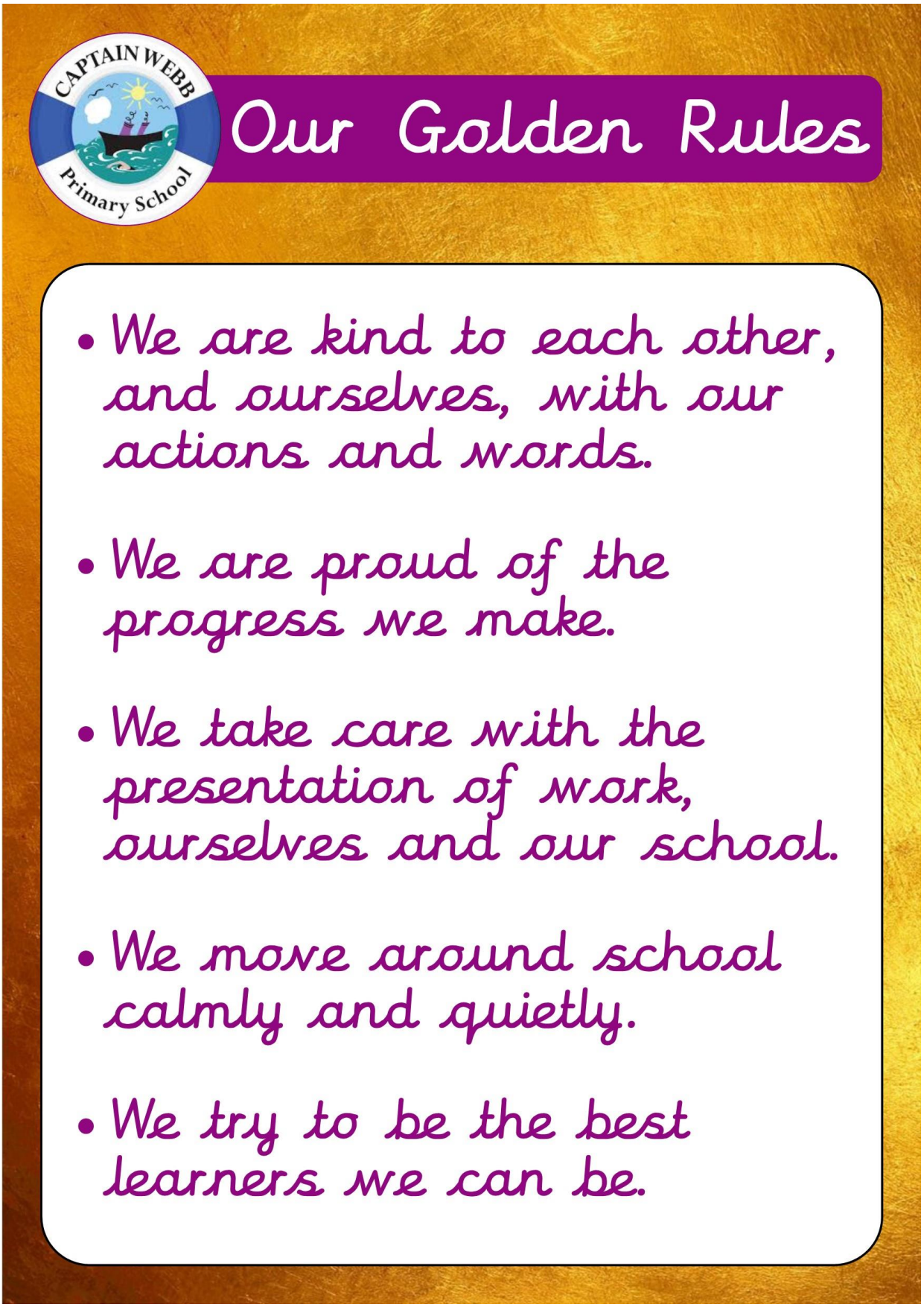
As a school we recognise that behaviour management is the responsibility of **everyone** in the school and our behaviour policy is regularly discussed and reviewed.

We strongly believe that a POSITIVE approach is far more effective than a Negative one and work hard to avoid negative comments and use **PRAISE** as often as possible to raise children's self esteem and encourage positive behaviour throughout our school.

Behaviour management is monitored as part of the schools Self Evaluation procedures.

## Appendix 1 – Golden Rules

| BEHAVIOUR PLAN | |
|---|---|
| Pupil Name:<br>Year:<br>Teacher:<br>Date plan starts: 1/7/21<br>Date of next review: 1/9/21 | Staff working with the pupil: |
| **Challenging behaviour** | **Targets** |
| **Strategies for positive behaviour** | **Early warning signs** |
| **Reactive strategies** | **Support after an incident** |
| **Agreement:**<br>Child Signature<br><br>Date: | <br>Staff name<br><br>Staff signature<br><br>Date: |


CAPTAIN WEBB
Primary School
Our Golden Rules
• We are kind to each other, and ourselves, with our actions and words.
• We are proud of the progress we make.
• We take care with the presentation of work, ourselves and our school.
• We move around school calmly and quietly.
• We try to be the best learners we can be.

# Behaviours and Consequences

| | |
|---|---|
| I am following the Golden Rules | • Praise<br>• Dojo Points<br>• Student of the Week Certificate<br>• Head Teacher Awards |
| **Level 1**<br>I am not following the Golden Rules<br>I am not lining up calmly and quietly<br>I am not sitting in my chair properly | • Reminder of our Golden Rules<br>• Reminder of the Traffic Light System<br>• An adult will explain what changes I need to make to my behaviour and by when<br>• An adult will watch me to make sure I am changing my behaviour |
| **Level 2**<br>I have been at Level 1 and not changed my behaviour<br>I have damaged school property on purpose<br>I have not finished the work my teacher has given me | • An adult will explain why it is important that my behaviour changes immediately<br>• I will be moved down the traffic light system<br>• A sand timer will be used to give me a chance to change my behaviour and get back to GREEN<br>• Lose playtime or lunchtime<br>• Work will be completed in my playtime or lunchtime |
| **Level 3**<br>I have been at Level 2 and not changed my behaviour<br>I have been aggressive (e.g. hitting, kicking, swearing, spitting)<br>I have used prejudice language or behaviour (e.g. racism)<br>I have left an area of school without permission from an adult<br>Vandalism<br>Bullying<br>Stealing | • An adult will record what I have done on CPOMS and Mrs Passey will be informed<br>• I will be asked to go to Mrs Passey, Miss Jones or Mrs Watkins to explain my behaviour<br>• Loss of Dojo Points<br>• My parents will be called on the phone or asked to come in to school<br>• After school detention<br>• Loss of playtime or lunchtime<br>• Loss of privileges (e.g. clubs) |
| **Level 4**<br>I have repeated Level 3 behaviour | • Level 3 consequences will be used<br>• Outside agencies may be involved<br>• Internal exclusion<br>• External exclusion |

## Appendix 4 - The power to discipline beyond the school gate (please refer to Covid 19 Health and Safety Policy)

Disciplining beyond the school gate covers the school's response to all noncriminal bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the school. The governing body must be satisfied that the measures proposed by the head teacher are lawful.

Any bad behaviour when the child is:

- taking part in any school-organised or school-related activity or
- travelling to and from school or
- wearing school uniform or
- in some other way identifiable as a pupil at the school.

Or, misbehaviour at any time, whether or not the conditions above apply, that:

- could have repercussions for the orderly running of the school or poses a threat to another pupil or member of the public or
- could adversely affect the reputation of the school.

As a result of any of these behaviours, the Headteacher will collect witness statements from both adults and children who have witnessed the event. The parents of the child involved will be contacted and invited into the school to discuss the matter. Sanctions for the bad behaviour will follow those issued by the school for bad behaviour during the school day. Parental support will be sought for sanctions which they are able to administer outside the school day. Following any incident, the Headteacher will consider whether it is appropriate to notify the police or Community Support Officer of the actions taken against a pupil. If the behaviour is criminal or poses a serious threat to a member of the public, the police will always be informed. If there is any concern that the behaviour may be linked to the child suffering, or being likely to suffer, significant harm, Safeguarding procedures would be followed.

**Appendix 5**

**Searching and confiscation**

### Searching

School staff can search a pupil for any item if the pupil agrees (The ability to give consent may be influenced by the child's age or other factors). The Headteacher, and staff authorised by the Headteacher, have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. Prohibited items are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- 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 pupil).

The Headteacher and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

## Confiscation

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 school discipline.

## Schools' obligations under the European Convention on Human Rights (ECHR)

Under article 8 of the European Convention on Human Rights pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils have the right to expect a reasonable level of personal privacy. The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school (or any public body) must be justified and proportionate. The powers to search in the Education Act 1996 are compatible with Article 8. A school exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8. This advice will assist schools in deciding how to exercise the searching powers in a lawful way.

## Searching with consent (please refer to Covid 19 Health and Safety Policy)

Schools' common law powers to search:

School staff can search pupils with their consent for any item.

Schools are not required to have formal written consent from the pupil for this sort of search – it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree .If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment (see consequences for not following instructions – Golden Rule). A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate disciplinary penalty.

**Searching without consent**

What the law says:

What can be searched for?

- Knives or weapons, alcohol, illegal drugs and stolen items; and
- Tobacco and cigarette papers, fireworks and pornographic images; and
- 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, or damage to property; and
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

**Can I search?**

Yes, if you are the Headteacher or a member of school staff and authorised by the Headteacher

**Under what circumstances?**

You must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if possible, they should be the same sex as the pupil being searched.

There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and / or without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

**When can I search?**

If you have reasonable grounds for suspecting that a pupil is in possession of a prohibited item.

Also note:

The law also says what must be done with prohibited items which are seized following a search.

The requirement that the searcher is the same sex as the pupil and that a witness is present will

continue to apply in nearly all searches. Where it is practicable to summon a staff member of the same sex as the pupil and a witness then the teachers wishing to conduct a search must do so.

## Authorising members of staff

The Headteacher decides who is authorised to use these powers. There is no requirement to provide authorisation in writing. Staff, other than security staff, can refuse to undertake a search. The law states that headteachers may not require anyone other than a member of the school security staff to undertake a search. Staff can be authorised to search for some items but not others; for example, a member of staff could be authorised to search for stolen property, but not for weapons or knives. A headteacher can require a member of the school's security staff to undertake a search. If a security guard, who is not a member of the school staff, searches a pupil, the person witnessing the search should ideally be a permanent member of the school staff, as they are more likely to know the pupil.

## Training for school staff

When designating a member of staff to undertake searches under these powers, the headteacher should consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

## Establishing grounds for a search

Teachers can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The teacher must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to suspect that the pupil is concealing a prohibited item.

In the exceptional circumstances when it is necessary to conduct a search of a pupil of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a pupil's expectation of privacy increases, as they get older.

The powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

School staff may wish to consider utilising CCTV footage in order to make a decision as to whether to conduct a search for an item.

## Searches for items banned by the school rules

An item banned by the school rules may only be searched for under these powers if it has been identified in the school rules as an item that can be searched for.

The school rules must be determined and publicised by the Headteacher in accordance with section 89 of the Education and Inspections Act 2006 in maintained schools. In the case of academy schools and alternative provision academies, the school rules must be determined in accordance with the School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012. Separate advice on school rules is available in 'Behaviour and Discipline – advice for headteachers and school staff' via the link under Associated Resources.

Under section 89 and the School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012 the headteacher must publicise the school behaviour policy, in writing, to staff, parents and pupils at least once a year.

## Location of a search

Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on school trips in England or in training settings.

## During the search

Extent of the search – clothes, possessions, desks and lockers What the law says:

The person conducting the search may not require the pupil to remove any clothing other than outer clothing.

'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.

'Possessions' means any goods over which the pupil has or appears to have control – this includes

desks, lockers and bags.
A pupil's possessions can only be searched in the presence of the pupil and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.
Also note:
The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do. Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not the pupil is present. If a pupil does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the
"prohibited items" listed above.

## Use of force (please refer to Covid 19 Health and Safety Policy)

Members of staff can use such force as is reasonable given the circumstances when conducting a search for 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. Such force cannot be used to search for items banned under the school rules.
Separate advice is available on teachers' power to use force.

## After the search

The power to seize and confiscate items – general What the law allows:
Schools' general power to discipline, as circumscribed by Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.
Also note:
The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is reasonably suspected to be an offensive weapon, it must be passed to the police.
Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

**Items found as a result of a 'without consent' search**
What the law says:
A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.
Where a person conducting a search finds alcohol, they may retain or dispose of it. This means that schools can dispose of alcohol as they think appropriate but this should not include returning it to the pupil.
Where they find controlled drugs, these must be delivered to the police as soon as possible but may be disposed of if the person thinks there is a good reason to do so.
Where they find other substances which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.
Where they find stolen items, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so.
Where a member of staff finds tobacco or cigarette papers they may retain or dispose of them. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the pupil.
Fireworks found as a result of a search may be retained or disposed of but should not be returned to the pupil.
If a member of staff finds a pornographic image, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or

child pornography) in which case it must be delivered to the police as soon as reasonably practicable. Where an article that has been (or is likely to be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of. Where a member of staff finds an item which is banned under the school rules they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.
Any weapons or items which are evidence of an offence must be passed to the police as soon as possible.

**Statutory guidance on the disposal of controlled drugs and stolen items** It is up to the teachers and staff authorised by them to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police. In determining what is a "good reason" for not delivering controlled drugs or stolen items to the police the member of staff must have regard to the following guidance issued by the Secretary of State:
In determining what is a 'good reason' for not delivering controlled drugs or stolen items to the police, the member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.
Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such.
With regard to stolen items, it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases. However, school staff may judge it appropriate to contact the police if the items are valuable (iPods/laptops) or illegal (alcohol/fireworks).

## Statutory guidance for dealing with electronic devices

Where the person conducting the search finds an electronic device that is prohibited by the school rules or that they reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the police.

This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone if it has been seized in a lawful 'without consent' search and is prohibited by the school rules or is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.

The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a "good reason" for examining or erasing the contents of an electronic device:
In determining a 'good reason' to examine or erase the data or files the staff member should reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.

If an electronic device that is prohibited by the school rules has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police.

If a staff member does not find any material that they suspect is evidence in relation to an offence, and decides not to give the device to the police, they can decide whether it is appropriate to delete any files or data from the device or to retain the device as evidence of a breach of school discipline.
All school staff should be aware that behaviours linked to sexting put a child in danger. Governing bodies should ensure sexting and the school's approach to it is reflected in the child protection policy.

## The UK Council for Child Internet Safety

Section 62 of the Coroners and Justice Act 2009 defines prohibited images of children. Section 63 of the Criminal Justice and Immigrations Act 2008 defines extreme pornographic images.
(UKCCIS) Education Group has recently published the advice - sexting in schools and colleges -

responding to incidents and safeguarding young people Also note:
Teachers should also take account of any additional guidance and procedures on the retention and disposal of items that have been put in place by the school.

## Telling parents and dealing with complaints

Schools are not required to inform parents before a search takes place or to seek their consent to search their child. There is no legal requirement to make or keep a record of a search. Schools should inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so. Complaints about screening or searching should be dealt with through the normal school complaints procedure.

## Further sources of information

Use of Reasonable Force - advice for headteachers, staff and governing bodies Behaviour and Discipline in Schools

Behaviour and Discipline in Schools - advice for head teachers and school staff

Information Commissioner for advice on the Data Protection Act Keeping children safe in education statutory guidance for schools and colleges

UK Council for Child Internet Safety- UKCCIS Sexting in schools and colleges - responding to incidents and safeguarding young people

## Legislative links

- The Education Act 1996
- Education and Inspections Act 2006
- Education (Independent School Standards) (England) Regulations 2010
- The Schools (Specification and Disposal of Articles) Regulations 2012
- School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012
- Health and Safety at Work etc Act 1974

## Appendix 6 - The use of reasonable force (please refer to Covid 19 Health and Safety Policy)

What is reasonable force?

1. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
2. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
5. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
6. School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

**Who can use reasonable force?**

1. All members of school staff have a legal power to use reasonable force.
2. This power applies to any member of staff at the school. It can also apply to people whom the head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

**When can reasonable force be used?**

1. Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder.
2. In a school, force is used for two main purposes – to control pupils or to restrain them.
3. 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.
4. The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot: use force as a punishment – It is always unlawful to use force as a punishment

### Using force

A panel of 3 experts identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are:

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;

- the ‘double basket-hold’ which involves holding a person’s arms across their chest.

## Staff training

- Training is provided for senior staff so that they are able to support staff across the school. A senior member of staff will always support other staff across the school.
- Telling parents when force has been used on their child.
- All incidents of reasonable force are recorded in order to support the child and staff involved.

What happens if a pupil complains when force is used on them?

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.
- Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

**What about other physical contact with pupils?**

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

Examples of where touching a pupil might be proper or necessary:

a) Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school; b) When comforting a distressed pupil;
c) When a pupil is being congratulated or praised;
d) To demonstrate how to use a musical instrument;
e) To demonstrate exercises or techniques during PE lessons or sports coaching; and
f) To give first aid.

## The power to discipline beyond the school gate

Disciplining beyond the school gate covers the school’s response to all noncriminal bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the school. The governing body must be satisfied that the measures proposed by the head teacher are lawful (See appendix 1)

## Searching and confiscation

The Head teacher, Deputy Head teacher and members of the Senior Leadership Team have a statutory power to search pupils or their possessions, without consent, where they suspect the pupil has certain prohibited items. The items that can be searched for under this power are knives or weapons, alcohol, illegal drugs and stolen items. Schol staff can seize any banned or prohibited item found as a result of a search or is considered to be harmful or detrimental to school discipline. (See appendix 2)

## Physical Intervention

The use of physical intervention is very rare and is, wherever possible avoided. There may be occasions where the use of physical restraint is appropriate; for example if a child is hurting his/her self and/or others or making a threat to injure using a weapon. Any intervention used will always be minimal and in proportion to the circumstances of the incident. All physical intervention will be recorded. (See appendix 3 for guidance)

## Pastoral care for school staff

If an employee is accused of misconduct and pending an investigation, the governing body will instruct the Head teacher to draw on the advice in the 'Dealing with Allegations of Abuse against Teachers and Other Staff guidance when setting out the pastoral support school staff can expect to receive if they are accused of misusing their powers.

## Outside Agency Support

- CAMHS
- Behaviour and Support Service
- Support from LA
- Family and Education Support Worker

Further reading and guidance

http://www.education.gov.uk/schools/pupilsupport/behaviour/f0077153/useofreasonable-force-advice-for-school-leaders-staff-and-governing-bodies

http://www.education.gov.uk/schools/pupilsupport/behaviour/g0076647/guidan ce-for-governing-bodies-on-behaviour-and-discipline

http://www.education.gov.uk/schools/pupilsupport/behaviour/f0076803/advicef or-headteachers-and-school-staff-on-behaviour-and-discipline

http://www.ico.gov.uk/for organisations/data protection.aspx

http://www.education.gov.uk/childrenandyoungpeople/sen/sen/types/clneeds/ a0013105/guidance-on-the-use-of-restrictive-physical-interventions

http://www.education.gov.uk/schools/pupilsupport/behaviour/f0076897/screeni ng

http://www.education.gov.uk/aboutdfe/advice/f0076882/ensuringgoodbehaviour-in-schools/allegations-of-abuse-against-staff

http://www.homeoffice.gov.uk/publications/police/operationalpolicing/pacecodes/?view=Standard&pubID=810826