

Behaviour and Exclusions Policy October 2019



LOWER SCHOOL

Where Learning Starts

Reviewed	October 2019
Policy Status	Recommended
Review Period	Bi Annually (October 2021)
Person Responsible	Head Teacher

Introduction

At Westoning Lower School we aim to create a secure, positive purposeful environment in which pupils can learn and develop as caring and responsible young people. Good behaviour, respect for themselves, other people and the environment are paramount to a happy and productive school. The ethos of our school is based on these principles. The influence of our values programme is intrinsic to the development of good behaviour and discipline.

Aims for the Children

Our policy aims to promote:

- Feelings of safety and happiness.
- Understanding that each person in the school has the right to be respected.
- Appreciation that each pupil has a right to learn and teachers have the right to teach.
- Understanding of the agreed rules and codes of conduct within the school and on the playground.
- Teaching the children to understand that they have a responsibility for their own actions and to contribute to the school community.
- Development of working in collaboration with their peers.
- An atmosphere of self-discipline and self-control.

Aims for the Staff

- Model appropriate behaviour and values.
- Maintain a well ordered environment with clear expectations of behaviour.
- Treat all children and adults as individuals respecting their feelings, values and beliefs.
- Promote positive, trusting relationships and a sense of belonging to a school community.
- Deal quickly with bullying and harassment in any form (refer to Anti Bullying Policy).
- Apply whole school strategies with consistency to eliminate undesirable behaviour both within and outside the classroom.
- Care for, and take pride in, the physical environment of the school.
- Work as a team to support and encourage each other.

How these aims are met

These aims are met in a structural way throughout the life of the school through:

- Positive reinforcement of good behaviour through our programme of Values Education.
- PSICHE where many opportunities are taken to promote positive self-esteem and to minimise aspects of angry reactions.
- Clarity of different expectations within the school making explicit at all times the codes of conduct, rewards and consequences to be expected if the rules are broken.
- Each class agreeing class rules, displaying them and referring to them regularly.

Strategies

Positive reinforcement

We aim to promote good behaviour and a positive and happy learning environment within the school by giving children who demonstrate our values a high profile. We follow the Good to be Green scheme in school where every child starts each day on a green card and earns Good to Be Green ticks if they stay on green all day. We also use the approaches promoted by Pivotal Education.

Examples of good behaviour and positive values will be highlighted and acknowledged as part of our values approach in whole school assemblies, within each class and on the playground. This type of reward helps to identify positive aspects of each child's behaviour and helps to make the children aware of their attributes and qualities and so builds self-esteem.

Rewards include:

- Praise – this is the most powerful tool for most children.
- Recognition in front of the group or class.
- Recognition at celebration assembly through Gold Awards and stickers and house stars
- Achievements of awards, certificates for sport, swimming and other achievements
- Telling parents

Non-teaching staff are expected to reward children and provide feedback to teachers when pupils have behaved well during a task, playtime or lunchtime. NB. Edible rewards will not be given.

Addressing the action

When disciplining children who are behaving inappropriately, the adult will focus on the **current** act and not make comment about the child in a general context. The aim is to correct the behaviour of the present action. Adults should always maintain respect in their dealings with children.

Codes of Conduct

Codes of conduct are negotiated with the children and adults to ensure that there is ownership and acceptance of them. They are constantly reinforced by everybody.

Our whole school Its Good to be Green code of conduct is: **READY, RESPECT, SAFE**

READY

- We work quietly and helpfully together.
- We take turns.

RESPECT

- We live and show our values at all times.
- We talk kindly and respectfully to each other.
- We are kind to each other and use good manners.
- We try to solve problems in a fair manner. If that is hard, we ask an adult for help.
- We listen to others.

SAFE

- We walk quietly in our school and put things away quietly.
- We do not hurt people.
- We use equipment safely.

Out of Class

Lunchtime supervisors play a very important role in modelling positive values and thereby maintaining good discipline at lunchtimes. Therefore they will be involved directly in the development and implementation of this policy. The Its Good to be Green Code will also be implemented at playtimes, lunchtimes, Smilers and after school clubs.

School Council

The school council discusses issues relating to behaviour and talk to the school in assemblies.

Sanctions

- All adults dealing with children should respond to inappropriate behaviour at the time it happens so that children have a continuous reinforcement of acceptable behaviour.
- We believe that sanctions are most effective if they are applied calmly, fairly and consistently using the smallest possible effective sanction in the first instance.
- Pupils should be made aware of the reason for their sanction and given the opportunity to make amends.
- Whole group sanctions will be avoided unless necessary.
- Sanctions should not be used to humiliate the pupil.

Where pupils do not conform to agreed school or class rules, the following sanctions will be applied. The aim of the sanctions is to help children learn that certain standards of behaviour are required from them, and to provide a deterrent to future unacceptable behaviour.

All staff are expected to provide a calm disciplined atmosphere within their classrooms, however, from time to time children may require reprimanding and disciplining. This will be administered following the Its Good to be Green Scheme which aims to provide a consistent approach throughout the school by all members of staff (see appendices for behaviours and sanctions to be used).

Children in Stars Class start to follow Good to Be Green from when they start, although there is a build up to the sanctions which include lots of use of stickers and praise and a sad chair.

1. A warning will be given which reminds children of the expected behaviour.
2. A second warning in the form of a Stop and Think card will be given
3. A Yellow card will be given if a child continues displaying the behaviour that they have had a warning for or one of the behaviours in the Sanctions Chart. The class teacher will complete a yellow slip and inform the parents of the reasons why it was given that day.

4. A red card will be given if a child still continues displaying the inappropriate behaviour.
5. Serious breaches of the code of conduct will receive an immediate red card regardless of where the child is on the Good to be Green card system.
6. If a child receives a red card they will be sent to the head teacher with a red slip, which will be sent to parents informing them of the red card, reasons why it was issued and any sanctions that have been put in place.
7. If a child continues to receive red cards, parents will be asked to attend a meeting with the Head teacher and class teacher. The purpose of the meeting will be to discuss strategies and a way forward. A behaviour modification programme and an action plan will be agreed and a date set to monitor progress. The advice of outside agencies may be sought e.g. the Education Psychologist or agencies such as Jigsaw or CHUMS.
8. Exclusion from trips or voluntary activities will only be used in consultation with the head teacher and for health and safety reasons.
9. Exclusion during lunchtime. This can only be authorised by the head teacher.
10. Fixed term exclusion from school. This can only be authorised by the head teacher.
11. Permanent exclusion. This will only be used in exceptional circumstances and can only be authorised by the Head teacher after discussion with the LA.
12. Green slips will also be sent home to those children who are doing extremely well.

Involving parents

Parents will be informed of the school's expectations and they will be informed at an early stage when problems occur. Parents will be asked to sign the home school agreement on an annual basis. If it appears that this has to be monitored on a regular basis a 'home/school contact' book may be used. (Appendix 1)

Any worries about any pupil should be discussed with the class teacher who may involve the special needs co-ordinator (SENDCO).

There are times when the advice of outside agencies and parents will be required. This will be the result of discussion between the class teacher, SENDCO and head teacher, or as the result of discussion at an in-school review. Teachers need to document evidence of behaviour carefully so that it can be collated when required.

Outside Agencies may include:

- Education psychology, Behaviour Support Team (Jigsaw Centre), Learning Support, CHUMS
- Teacher of hearing impaired
- Teacher for visually impaired
- Speech therapist
- Physiotherapist, Occupational Therapist
- Early Years Service
- School nurse
- Social services
- Other relevant health professionals

Behaviour and implications for SEN

When a pattern of poor behaviour, disruption, anti-social behaviour around school or in the playground develops, the following stages will be followed:

1. Intervention strategy
 - SENDCO made aware.
 - Behaviour modification used.
 - Circle time and reflection used to create a supportive environment and increase of self-esteem.
 - Individual behaviour book kept which records positive behaviour as well as problems and which can be used for dialogue between home and school.

2. SEND Stage 1

Individual Pupil Passport or Behaviour Support Plan drawn up and communicated to parents. A Positive Handling Plan and Risk Assessment may also be completed.

3. SEND Stage 2

As SEND Stage 1, but support will also be sought from external agencies including the Behaviour Support Team.

4. Education Health Care Plans

Pupils with an Education Health Care Plan will have an individual progress plan and a behaviour support plan. These plans will target the specific needs of each child.

The school will use the support of the LA in exceptional circumstances and when there is a risk of a child being permanently excluded.

Exclusions

At Westoning Lower School, the process towards exclusion follows the guidelines for all schools set down in the DFE Document on Exclusions from Maintained Schools, Academies and Pupil Referral Units in England 2017.

The decision to exclude

A decision to exclude a pupil permanently should be taken only:

- in response to serious breaches of the school's behaviour policy; and
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Only the Head teacher can exclude a child.

The Chair of Governors will be kept informed by letter within one working day should misbehaviour result in exclusion.

A decision to exclude a pupil for a fixed period should be taken, on a balance of probabilities, and where allowing the pupil to remain in school would seriously harm the education of the pupils or others in school. Individual fixed period exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more difficult for the pupil to reintegrate into the school afterwards. Ofsted inspection evidence suggests that 1–3 days are often long enough to secure the benefits of exclusion without adverse educational consequences. Where it is clear that fixed period exclusions are not being effective in deterring poor behaviour, for example if they are being repeatedly imposed on a pupil in response to the same behaviour, the head teacher will consider alternative strategies for addressing that behaviour.

A decision to exclude a child permanently is a serious one and should only be taken where the basic facts have been clearly established on the balance of probabilities. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

There will, however, be exceptional circumstances where, in the head teacher's judgement, it is appropriate to exclude a child permanently for a first or 'one off' offence.

These might include:

- serious actual or threatened violence against another pupil or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon

Length of fixed period exclusions

Regulations allow head teachers to exclude a pupil for one or more fixed periods which, when aggregated, do not exceed a total of 45 school days in any one school year. The limit of 45 school days applies to the pupil and not to the institution. Therefore, any days of fixed period exclusion served by the pupil in any school in the same school year will count towards the total. It is important therefore that, when a pupil transfers to a new school during the academic year, records of the fixed period exclusions a pupil has received and served so far during the current academic year are also transferred promptly to the new school.

When imposing fixed period exclusions head teachers should bear in mind the guidance concerning duration and frequency. Exclusions may not be given for an unspecified period, for example until a meeting can be arranged. Such a practice amounts to an indefinite exclusion for which no legal authority exists. A fixed period exclusion does not have to be for a continuous period: for example, a pupil may be normally attending school three days a week and an alternative establishment for the other two; so a five-day exclusion from the school could be for three days in one week and two days in the next week.

Lunchtime exclusion

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as one half of a school day for statistical purposes and to trigger governor/ management committee meetings so that parents can make representations. Lunchtime exclusions will not be counted towards the school's duty to provide full-time education from day six of a fixed period exclusion. Therefore lunchtime exclusions are not affected by the regulations on providing pupils with education from the sixth day of their exclusion. Taking into account the child's age and vulnerability, the head teacher should ensure that a parent/carer has been contacted and is available, if appropriate, to arrange collection and supervision of the pupil during the lunchtime exclusion. A lunchtime exclusion for an indefinite period, like any other indefinite exclusion, would not be lawful.

In the long term another strategy for dealing with the problem should be worked out. Arrangements should be made for pupils who are entitled to free school meals to receive their entitlement which may mean, for example, providing a packed lunch.

Procedures following a fixed period exclusion

The school's obligation to provide education continues and must be met during a fixed period exclusion. Where a pupil is given a fixed period exclusion for a duration of six school days or longer, the school has a duty to arrange suitable full-time educational provision from and including the sixth school day of the exclusion: this does not apply to pupils of non-compulsory school age.

Searching and Confiscation

The Head teacher, Deputy Head teacher and senior members of staff 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 it is considered to be harmful or detrimental to school discipline.(see appendix 3)

Monitoring the Policy

The Head teacher monitors the effectiveness of this policy on a regular basis. She reports on the effectiveness of the policy to the Governing Body and makes recommendations for improvement.

It is the responsibility of the Governing Body to monitor the number of exclusions and to ensure that the school policy is administered fairly and consistently. The Governing Body will review this policy yearly, or sooner should the Government introduce new regulations or if an incident occurs that suggest the need for a review.

Evaluation of the Policy

This policy will be reviewed bi-annually and be guided by the feedback from pupils, staff, parents, governors and relevant outside agencies. Our success criteria will be a calm, purposeful and respectful environment in which everyone feels safe and happy.

This Policy only works if it ensures that the whole school community understands that poor behaviour is not tolerated and understands the steps that will be taken to both prevent and respond to it.

It is the responsibility of:

- School Governors to take a lead role in monitoring and reviewing this policy.
- Governors, the Head teacher, Senior Teachers, Teaching and Non Teaching staff to be aware of this policy and implement it accordingly.
- The Head teacher to communicate the policy to the school community.
- Pupils, staff, governors, parents and visitors to the school to abide by the policy.

It is essential that Teaching Staff, Governors and Staff all work together at all stages to meet the needs of the child and avoid the need for disciplinary action.

Appendix 1

'Home/school contact' book –

This will be in the form of a notebook in which school and home will make daily entries to comment on behaviour – both positive and not so positive.

Appendix 2

Behaviour Blueprint

Adult Behaviour	Over and Above Recognition	3 Rules
<ul style="list-style-type: none"> • Calm, consistent and fair • Give first attention to best conduct • Relentlessly bothered • Meet and greet with a smile or handshake • Recognise over and above 	Praise Green Slips Phone call home Recognition board / display Stickers	Ready Respect Safe

**We believe in giving every child the support and respect to reach their potential.
 “Transforming lives through inspirational education”**

Stepped Sanctions – In private	Microscript
Numerous drive bys to have taken place before stepped sanctions 1. Reminder of expectations 2. Warning 3. Last chance – Stop and Think (using microscript) 4. Reflection time (in or out of class) 5. Restorative conversation 6. Continuation - time out with HT and further conversation Log Yellow and Red on CPOMS	I've noticed that ...You know the school expectations to be ready, respectful, safe. I really liked it when you...and that's the...we want to see. I expect you to...Thank you for listening.
	Restorative Questions
	1. What has happened? 2. What were you thinking at the time? 3. Who has been affected by the actions? 4. How have they been affected? 5. What needs to be done to make things right? 6. How can we do things differently in the future?

Relentless Routines

Wonderful Walking means no talking	Lovely Lines	Mealtime Manners
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It's Good to Be Green **Behaviour Sanctions**

Unacceptable Behaviour	Step	Sanction
Being rude to another child or adult	Warning	Move up stepped sanctions Microscript conversation
Failure to follow an instruction set by an adult	Warning	Move up stepped sanctions Microscript conversation
Low level disruption e.g talking inappropriately, fidgeting, roaming, calling out etc.	Warning	Move up stepped sanctions Microscript conversation
Interrupting adult when talking to the whole class	Warning	Move up stepped sanctions Microscript conversation
Interrupting other pupils	Warning	Move up stepped sanctions Microscript conversation
Silly noises	Warning	Move up stepped sanctions Microscript conversation
Walking away from an adult when being spoken to.	Warning	Move up stepped sanctions Microscript conversation
Not responding to adult's requests to work	Warning	Move up stepped sanctions Microscript conversation
General refusal to do anything	Warning	Move up stepped sanctions Microscript conversation
Minor challenge to authority	Warning	Move up stepped sanctions Microscript conversation
Annoying /disrupting other children's learning	Warning	Move up stepped sanctions Microscript conversation
Continuation of any of the above behaviours after warning, stop and think card and microscript conversation	Yellow card	Reflection time Restorative conversation
Use of inappropriate language to another child or adult.	Yellow card	Reflection time Restorative conversation
Low level unwanted physical contact e.g. pushes, shoves, pinching, holding	Yellow card	Reflection time Restorative conversation
Deliberately creating a disturbance (impact on whole class)	Yellow card	Reflection time Restorative conversation
Deliberately throwing light objects	Yellow card	Reflection time Restorative conversation
Leaving class without permission	Yellow card	Reflection time Restorative conversation
Repeated refusal to do set tasks	Yellow card	Reflection time Restorative conversation
Continued or more serious check / challenge to authority	Yellow card	Reflection time Restorative conversation
Name calling	Yellow card	Reflection time Restorative conversation
Continuation of any of the above behaviours after warning, stop and think card and microscript conversation, yellow card and reflection time and restorative conversation	Red card	Sent to Head teacher
Threats	Red card	Sent to Head teacher
Damage to property, vandalism or theft	Red card	Sent to Head teacher
Deliberate discrimination against another child or adult	Red card	Sent to Head teacher
Use of extremely bad language directed at another child or adult	Red card	Sent to Head teacher
Fighting	Red card	Sent to Head teacher
Deliberate spitting towards another child	Red card	Sent to Head teacher
High level unwanted physical contact, e.g. punching, slapping, stamping on another child, kicking, hair pulling, biting, hands on necks, aggressive wrestling	Red card	Sent to Head teacher
Bullying	Red card	Sent to Head teacher
Throwing heavy / hard objects in a dangerous way	Red card	Sent to Head teacher
Serious challenge to authority, eg refusal to carry out sanction / refusal to follow instructions designed to keep self and others safe)	Red card	Sent to Head teacher
Verbal abuse towards adults and other children	Red card	Sent to Head teacher

Searching and Confiscation

Key points

Searching

- School staff can search a pupil for any item if the pupil agrees.
- Headteachers and staff authorised by them 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).

Headteachers 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.

Screening

What the law allows:

- Schools can require pupils to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the pupils.
- Schools' statutory power to make rules on pupil behaviours and their duty as an employer to manage the safety of staff, pupils and visitors enables them to impose a requirement that pupils undergo screening.
- Any member of school staff can screen pupils.

Also note:

- If a pupil refuses to be screened, the school may refuse to have the pupil on the premises. Health and safety legislation requires a school to be managed in a way which does not expose pupils or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.
- If a pupil fails to comply, and the school does not let the pupil in, the school has not excluded the pupil and the pupil's absence should be treated as unauthorised. The pupil should comply with the rules and attend.
- This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

Searching with consent

Schools' common law powers to search:

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

Also note:

- 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.
- Schools should make clear in their school behaviour policy and in communications to parents and pupils what items are banned.
- 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 as set out in the school's behaviour policy.
- 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.

1. Can I search?

- Yes, if you are a head teacher or a member of school staff and authorised by the head teacher.

2. 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.

3. 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.

4. Authorising members of staff

- Head teachers should decide who to authorise 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 head teachers 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 head teacher 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.

5. Training for school staff

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

6. 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.

7. 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 head teacher 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 head teachers 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 head teacher must publicise the school behaviour policy, in writing, to staff, parents and pupils at least once a year.

8. 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.
- The powers only apply in England.

During the Search

9. 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.

10. Lockers and desks

- 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.

11. Use of force

- 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 – see Associated Resources section below for a link to this document.

After the search

12. 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.

13. 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.

14. 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).

15. 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.⁴
- 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.

16. 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

Associated resources (external links)

- 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