



KING EDWARD VI  
SHELDON HEATH ACADEMY

## BEHAVIOUR FOR LEARNING POLICY

Other relevant documents:

Anti-bullying Policy  
Equal Opportunities policy  
Staff Safeguarding Children Policy  
Exclusion Policy  
E-safety Policy  
BfL Parent and Student Guide

This policy is supported and enhanced by the following documents and policies:

- DfE: Behaviour and Discipline in Schools (September 2015)
- DfE: Searching, Screening and Confiscation (February 2014)
- DfE: Use of Reasonable Force (July 2013)

**Friendship**  
Integrity Benevolence  
Honesty **Equality**  
Respect Community  
**Tolerance** Aspiration  
**Our values**  
Humility Personal responsibility  
**Justice** Dignity Ambition  
Co-operation **Humanity**  
Excellence Embracing diversity  
**Belief** Empathy Kindness  
Understanding **Charity**  
**Compassion**

This policy was adopted by the Student Welfare Committee in June 2017.  
Next review due Summer Term 2018, or earlier if the need arises.

## **1. Rationale**

King Edward VI Sheldon Heath Academy's Behaviour for Learning Policy is underpinned by the strong belief that an environment where students can feel safe and secure and that promotes high self-esteem and high standards for all is essential for students to learn and achieve.

The Academy endeavours to encourage all its members to accept personal responsibility for their actions and thus to understand how to regulate their own behaviour. Every member of the Academy community shares our core values, develops personal responsibility and a regard for the well-being and safety of others and thus every student achieves their very best and enjoys Academy life.

All members of the Academy will help to maintain an atmosphere conducive to learning, and promote courtesy and mutual respect. High standards of behaviour and punctuality will be secured through continuously developing a climate for learning, which is socially inclusive, where all members of the community feel safe and secure, and which emphasises consideration and respect for others. In the classroom, and beyond it, this emphasis will be supported through teaching that develops each young person's ability to become more resourceful, reciprocal, resilient and reflective. Our reward system will recognise positive achievements and contributions.

The Academy aims to create and sustain a community of which all students, staff and the local community feel proud. We want to ensure our young people fulfil and exceed their potential, be proud of who they are, and leave the Academy well-equipped to make a positive contribution to society.

## **2. Aims**

The Academy's aim is to respond to the needs of each individual child, to allow them to reach their full potential as learners and citizens. To achieve this, an ordered settled environment where students are treated fairly and consistently is required. This policy aims to:

- Ensure that all staff motivate learners and promote the highest standards of behaviour, within the context of learning, by using a variety of rewards to recognise positive behaviour.
- Enable all adults to use the common language for learning, so behaviour and punctuality are consistently addressed, through a focus on developing as an effective learner.
- Ensure a climate which allows effective learning and teaching to take place.
- Encourage all learners to value themselves, their efforts, their class and the Academy and to take responsibility for their own actions.
- Ensure that all staff, learners and parents/carers have a clear understanding of consequences of poor behaviour that affects learning, ensuring consistency.
- Ensure that the Academy is a safe, clean and pleasant environment in which to work and learn.
- Create the appropriate support structures which allow all members of the Academy community to feel valued and confident and able to achieve their potential.

This Behaviour for Learning policy emphasises the need for each individual to take responsibility for their behaviour and to support the learning of others. It also recognises that management systems by themselves do not provide all the answers to establishing high standards of behaviour. Best impact will be achieved when management systems are reinforced by high expectations of learning, which value individuals and celebrate their progress. Similarly, while it is important that boundaries are made clear and sanctions are in

place, the emphasis in establishing a whole academy policy should be on praise, recognising positive behaviour, and the development of self-discipline.

It is the responsibility of all members of staff to adhere to the Academy's Behaviour for Learning policy, being consistent to the principles but flexible to the circumstances, remembering that we are dealing with individuals, all with individual circumstances.

### **3. Principles**

The Governing Body believes that in order to enable effective teaching and learning to take place, good behaviour in all aspects of the Academy life is necessary. It seeks to create a caring, learning environment by:

- promoting good behaviour;
- promoting self-esteem, self-discipline, proper regard for authority and positive relationships based on mutual respect;
- ensuring the fairness of treatment for all;
- encouraging consistency of response to both positive and negative behaviour;
- promoting early intervention;
- providing a safe environment free from disruption, violence, bullying and any form of harassment;
- encouraging a positive relationship with parents and carers to develop a shared approach, involving them in the implementation of this policy and associated procedures;
- acknowledging that good behaviour, linked with high standards of attainment, is of paramount importance to all;
- recognising responsibility for good behaviour is a corporate responsibility and cannot be attributed to any one group of persons. It is the responsibility of Governors, Senior Management, Teaching Staff, Support Staff, Parents and, perhaps most importantly, the students themselves.

### **4. Objectives**

- To provide a varied, interesting, challenging and relevant curriculum which promotes links between learning and behaviour and fosters positive self-esteem.
- To create a visually stimulating environment and encourage motivation.
- To adopt an Academy-wide approach to behaviour both in and out of the classroom.
- To ensure that all members of the Academy are involved in setting and are aware of agreed, clear parameters for acceptable behaviour.
- To make all staff and students aware of their role in ensuring good behaviour and in setting a good example.
- To encourage adherence to the expectations through proactive means and through reward.
- To determine and manage interventions for those students who disregard the agreed code.

### **5. Expectations**

The Academy expects students to:

- Follow the agreed and published Behaviour for Learning Rules.
- Develop an understanding of the boundaries between acceptable and unacceptable behaviour.
- Offer positive support to each other and co-operate with staff in implementing policies, particularly those relating to equal opportunities and bullying.
- Learn to accept accountability for their own behaviour.

- Identify and work towards the achievement of individual targets, both academic and social.

The Academy expects staff to:

- Be positive role models to students.
- Treat all children and adults with respect.
- Speak politely to all.
- Praise a student's effort and achievements as often as they can.
- Explain using positive language how students are expected to behave and conduct themselves.
- Inform parents/carers about their child's achievement.
- Avoid using critical or sarcastic language.

## **6. Rights and Responsibilities**

All members of the Academy will be positive and creative members of society and will fulfil their potential.

### **Our Rights:**

All member of the Academy's community have:

- The right to learn
- The right to teach
- The right to feel safe and secure
- The right to respect and dignity

### **Our Responsibilities**

All members of the Academy's community have a responsibility:

- To be good role models.
- To speak politely and respectfully to everyone.
- To be punctual, prepared and productive in every lesson.
- To treat everyone as we would like to be treated.

All members of the Academy's community are expected to display positive behaviour at all times both on the premises and wherever they are identifiable as being part of the Academy community. However, our long-term goal is that these behaviours are ingrained to students and accompany them in their life after the Academy.

## **7. Roles and Responsibilities**

### **The Governing Body**

Under Section 88(1) of the Education and Inspections Act 2006 (EIA), governing bodies must ensure that policies designed to promote good behaviour and discipline on the part of its students are pursued at the Academy. Therefore, the Governors will:

- provide clear advice and guidance to the Principal on which he/she can base the Academy's behaviour policy. In providing guidance, the Governing Body will not seek to hinder teachers' powers, nor to restrict their power to discipline students for misbehaviour outside the Academy.
- Review this policy and data relating to behaviour.
- Monitor the implementation of the policy.
- Convene a Discipline Panel as necessary to consider any proposed permanent exclusion by the Principal.

- Under section 175 of the Education Act 2002 ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children and their general duty to eliminate discrimination under section 149 of the Equality Act 2010.

#### **The Principal will:**

- Ensure the policy is implemented
- Report to Governors on its impact
- Manage the permanent exclusion process as necessary

#### **The Senior Leader Responsible for Behaviour will:**

- Chair the Head of Year meetings.
- Monitor the effectiveness of the policy.
- Monitor the quality of learning and teaching and behaviour management.
- Keep abreast of new initiatives, disseminate developments and suggest amendments to this policy where appropriate.
- Monitor behaviour management and behaviour, evaluating and suggesting changes where appropriate.
- Liaise on a regular basis with the Governor responsible for Safeguarding.
- Recommend priorities for the Academy, in consultation with the Heads of Year and the Senior Leadership Team.
- Raise the ethos through regular assemblies.
- Implement and monitor systems for monitoring and recording behavioural incidents.
- Ensure that the Academy's system of rewards and sanctions is being used appropriately.
- Collate and disseminate information about students and keep staff informed.
- Ensure that there is prompt contact with parents when the situation demands.

#### **The Heads of Year will:**

- Lead their team and the students in their care.
- Lead regular Form Tutor briefings.
- Challenge inappropriate, anti-social, dangerous or disruptive behaviours.
- Monitor the attendance, academic progress, event logs, uniform, attitudes of each Form group, and provide guidance and pastoral support to those in their care.
- Deal promptly with issues as they arise and ensure that their Form Tutors are implementing the Academy's system of rewards and sanctions.
- Intervene as appropriate to ensure good behaviour, this may involve student reports, Personalised Support Plans (PSP), etc.
- Review and reflect on strategies in place to support students in taking responsibility for their behaviour.
- Support colleagues in the effective implementation of this policy.
- Ensure that the giving of rewards outweighs the sanctions.
- Liaise effectively with the SLT.
- Collate and disseminate information about students and keep staff informed.
- Attend Head of House and other relevant meetings.
- Raise the ethos through regular assemblies.

#### **Form Tutors will:**

- Challenge inappropriate, anti-social, dangerous or disruptive behaviours.
- Develop a good relationship with all members of the form group.
- Provide academic and pastoral support to individuals in their form who may be experiencing difficulties, which might manifest themselves as behavioural challenges.

- Have high standards of personal organisation and punctuality and serve as a positive role model for their Form.
- Communicate effectively with their Heads of House.
- Deal promptly with issues as they arise and ensure that they are implementing the Academy's system of rewards and sanctions.
- Encourage students to reflect on their actions.
- Monitor the progress of each student and follow appropriate monitoring procedures, particularly with students causing concern.

**Heads of Department will:**

- Challenge inappropriate, anti-social, dangerous or disruptive behaviours.
- Provide support to all colleagues in their department.
- Ensure that the giving of rewards outweighs the sanctions, using the guideline of three positives to one negative.
- Communicate with parents where there are concerns or where praise is due.
- Ensure that Department colleagues are employing a range of behaviour management strategies.
- Monitor the quality of learning and teaching and behaviour management in their department.
- Discuss students' progress at Department meetings and refer any concerns as appropriate.

**The Pastoral Managers will:**

- Work with colleagues to monitor attendance and behaviour.
- Provide support for colleagues with students causing concern.
- Deals with incidents of poor behaviour when encountered.
- Work with individual students to improve their behaviour.
- Mentor students so that they are supported in self-regulating their behaviour.
- Be the first point of contact for parents.

**All staff will:**

- Challenge inappropriate, anti-social, dangerous or disruptive behaviours.
- Deal with incidents as and when they arise
- Foster positive attitudes, including being positive role models for the students.
- Set clear expectations of appropriate behaviour and apply relevant classroom management strategies.
- Seek the assistance of a Subject Leader, Head of Year or member of the SLT when these strategies do not appear to be working.
- Implement appropriate rewards and sanctions in line with this Policy.
- Maintain a stimulating and purposeful learning environment for their students.

**All students are expected to:**

- Learn effectively, in and out of lessons
- Be polite, respectful and considerate to others
- Respect the individuality of others
- Support and encourage each other
- Show proper regard for the Academy rules
- Develop self-belief
- Demonstrate responsibility and self-discipline
- Contribute towards a safe environment that is free from disruption, aggression, bullying and any form of harassment.



## **Parent/Carers Responsibilities**

King Edward VI Sheldon Heath Academy wishes to encourage a positive relationship with parents and carers to develop a shared approach by working in partnership with the Academy to encourage high standards and expectations. It is important that parents/carers share the responsibility for their child's behaviour and they have the right to be kept informed and involved. By sending their son / daughter to the Academy parents/carers undertake a commitment to:

- support the Academy when sanctioning a student;
- agree to and reinforce the Academy's expectations on behaviour;
- attend meetings to discuss behaviour or return from exclusion as requested;
- alert the Academy of any circumstances that may trigger a decline in behaviour.

## **8. Sanctions**

Sanctions for inappropriate behaviour are listed in the Behaviour for Learning Guide, which is shared with all students, Parents/Carers and Staff annually; a copy is also available on the Academy's website. It is essential to note that all sanctions apply to a student's behaviour and not to the student.

## **9. Rewards**

The Academy expects that all students will display positive behaviour at all times. By praising and monitoring positive behaviour, others will be encouraged to act similarly and positive behaviour is reinforced. All staff are encouraged to plan for positive behaviour and apply rewards regularly and consistently.

### **Recognition of positive achievement includes:**

- Principal's VIVO award.
- Written feedback on students' work.
- The award of VIVOS for both academic work and personal achievements.
- Letters and cards sent to parents recognising achievement.
- Recognition of team or individual achievement in House assemblies.
- The announcement of particular prominent individual or team success in rewards assemblies: this includes the award of certificates, cups, trophies and prizes.
- Trips, activities, proms.
- Subject awards and prizes.
- Displays of student work and achievements around the Academy.
- KS3 awards afternoon.
- KS4 and 5 awards evening.

## **10. Implications for the Academy Curriculum and Organisation**

All involved in the planning, delivery and evaluation of the curriculum should recognise that the quality of teaching and learning has a significant impact on student behaviour. Good behaviour can be taught; we all have a responsibility to model what we expect. Expectations of learning behaviour should permeate the curriculum:

- The pastoral curriculum should provide opportunities to develop students' social, emotional and behaviour skills.
- High expectations in the classroom, consistently applied across the academy, should establish good behaviour as the norm.
- All involved in the organisation of timetable and classes should avoid creating barriers to success for any individual. Whilst no individual has the right to disrupt the learning

of others, decisions about class sets, groupings or opportunities should be made on the basis of ability not behaviour.

- Opportunities should be provided both within the classroom and outside it for students to develop social skills, personal responsibility and leadership skills. These opportunities should also provide ways in which all members of the community can express opinions and listen to one another i.e. academy council.
- Students respond better to praise and encouragement than punishment. Teaching styles and classroom management should reflect this.

## **11. Interventions and Support**

The Academy understands that it is not always possible for students to sustain good behaviour and it is always its intention to support students to modify their behaviour. There are a range of strategies and interventions available in order to achieve this:

- Classroom Strategies
  - Reminder of rights, responsibilities, Academy rules and rewards
  - Consequences
  - Detentions
  - On Call – student removal from lesson
- Whole school support: Where a student is unable to sustain good behaviour in a number of subject areas or where there is a serious incident, the following interventions may be considered:
  - Counseling
  - Monitoring behaviour patterns
  - Mentoring
  - Targeted support
  - Accessing external agencies
  - Working closely with parents and families.
  - Regularly rewarding students for both academic and personal achievement.

In its practical strategies for intervention the Academy will make full use of support from the wider community, including multi-agency teams, partner academies, police, children's services, etc.

## **12. Special Educational Needs and Behavioural Difficulties**

In managing behavioural difficulties, the Academy will have regard to the Code of Practice for children with Special Educational Needs and Disabilities, and will strive to ensure that children's special learning needs are identified and met. The Academy will endeavour to work with parents of those children with additional needs to provide an inclusive and supportive environment.

## **13. Power to Discipline Beyond the School Gate**

The Academy has a statutory power to regulate the behaviour of students (Section 90 and 91 of the Education and Inspections Act 2006) when misbehaviour occurs outside of the Academy. Disciplining "beyond the school gate" covers the Academy's response to all non-criminal bad behaviour and bullying which occurs anywhere off the Academy's premises and which is witnessed by a member of staff or reported to the Academy.

Our expectations about discipline and student behaviour apply equally beyond the Academy premises. Thus, the Academy will also monitor:

- any behaviour that falls short of expectations when a student is:
  - taking part in any Academy -organised or Academy -related activity or
  - travelling to or from the Academy or



- wearing school uniform or
- in some other way identifiable as a student at the Academy.
- or, misbehaviour at any time, whether or not the conditions above apply, that:
  - could have repercussions for the orderly running of the Academy or
  - poses a threat to another student or member of the public or
  - could adversely affect the reputation of the Academy.

Our expectations are clearly set out in assemblies, staff briefings, in the Student Planner and in relevant documentation such as the Behaviour for Learning handbook, Educational Visits and Anti-bullying policy.

#### **14. Accusations against staff**

The Academy will not automatically suspend a member of staff who has been accused of misconduct, pending an investigation. The governing body will instruct the Principal to draw on the advice in the 'Dealing with Allegations of Abuse against Teachers and Other Staff' guidance when such a situation occurs.

In the rare event that an allegation against staff is shown to have been deliberately invented or malicious, the Principal will consider whether any disciplinary action is appropriate against the student who made it. Alternatively, the police could be asked to consider whether any action might be appropriate if the person responsible for the accusation is not a student.

#### **15. Exclusion**

Where interventions and support do not result in a modified behaviour, or an incident is of a very serious nature, it may be necessary to consider an exclusion (fixed term or permanent). Permanent exclusion is a last resort. The Principal may decide to permanently exclude a student where persistent and defiant misbehaviour continues despite the application of appropriate sanctions and strategies or for a severe "one off" offence (for example for carrying an offensive weapon). Please refer to the Academy's Exclusion Policy.

#### **16. Legal Information**

Staff at the Academy have the **right to confiscate**, retain or dispose of a student's property as considered necessary and it is for the Academy to decide how to return or dispose of confiscated items. Confiscation of a student's property is a legitimate part of any Behaviour Policy: this is enshrined in the Education and Inspection Act, 2006. It is a reasonable and proportionate way in which to maintain an environment conducive to learning, one which safeguards the rights of other students to be educated. Academy staff can seize any prohibited item found as a result of a search; they can also seize any item, however found, which they consider harmful or detrimental to the Academy's discipline. For example, if students bring communication devices to the Academy and these devices are used to disrupt learning, they will be confiscated. The Academy cannot be held responsible for personal property that may be lost, stolen or damaged.

Senior staff and Heads of Year have the **power to search without consent (see appendix 2)** for prohibited items which include:

- Knives and weapons (real or replica),
- Alcohol, tobacco and cigarette papers; illegal drugs
- Stolen items
- Fireworks
- Pornographic images
- Any item that has been or is likely to be used to commit an offense, cause personal injury, harms others or damage to property (Section 550ZB(5) of the Education Act 1996 ).

- any item banned by the school rules.

Students must never bring any prohibited items into the Academy. Academy staff can seize any prohibited item found as a result of a search.

Members of staff have the **power to use reasonable force** (see Appendix1) to prevent students from committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom (Section 93, Education and Inspections Act 2006). For example, the Academy may use reasonable force to:

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

The use of reasonable force should acknowledge the legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).

Reasonable force cannot be used as a form of punishment.

## **17. Monitoring and Evaluation**

The SLT regularly review the implementation of the policy. The purposes of the review are:

- To ensure that the system of rewards and sanctions is being implemented consistently and by all staff.
- To ensure that the operation systems for recording and monitoring behaviour are being used effectively.
- To ensure that all staff employ a full range of behavioural management strategies.
- To identify strengths and weaknesses amongst staff with regard to behaviour management and to target professional development accordingly.
- To analyse the data available on students in relation to, detentions, Inclusion and Isolation data, PSPs and exclusions and be able to determine progress in improving behaviour.

The Senior Assistant Vice Principal (Student Development) is responsible for the overall monitoring of behaviour and attendance data and other formal or informal information that define attitudes to learning at the Academy. This data is used to monitor the impact of strategies in place to promote responsible behaviours across the Academy. Findings are reported half termly to the Executive Leadership Team and termly to the Student Welfare Committee.

*The Policy will be communicated through the Academy rules, Academy prospectus, newsletters, student notice board, Academy assemblies and within the curriculum wherever relevant. Annually, we will bring our policy to the attention of parents and staff.*

## **Appendix: 1 Use of Reasonable Force (DfE, July 2013)**

- School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Senior school leaders should support their staff when they use this power.

### **What is reasonable force?**

- 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.
- 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.
- 'Reasonable in the circumstances' means using no more force than is needed.
- 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.
- 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.
- 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.

Suspension should not be an automatic response when a member of staff has been accused of using excessive force.

### **Who can use reasonable force?**

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

### **What about other physical contact with students?**

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:

- When comforting a distressed student;
- When a student is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.

## **Appendix 2: Power to Search, Screening and Confiscation**

Academy staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which 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.

### **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 behaviour 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 without consent**

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 to, 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? Under what circumstances?

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

- You must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if at all 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 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

- Headteachers 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 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.

#### 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 be suspicious.
- 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 can view 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.

### 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.

### 9. Extent of the search – clothes, possessions, desks and lockers

- 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.
- 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.

#### 12. The power to seize and confiscate items – general

- Schools' general power to discipline, as set out in 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.
- 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 thought to be a 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

- 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 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. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police.
- Where an article that has been (or could 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 teachers 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 they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.
- 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 must 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 inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.
- 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 (UKCCIS) Education Group has recently published the advice - sexting in schools and colleges - responding to incidents and safeguarding young people
- 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.

## **Searching with consent**

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.