

The Westwood Academy

Behaviour Policy



Governors Approval – 25 July 2017

Review Date - spring 2018
(Revised July 25 2017)

The Westwood Academy - Behaviour Policy

Policy Summary

This policy describes The Westwood Academy's approach to promoting positive behaviour. It supports the realisation of our core aim which is: **'Realising your Ambitions'**.

Positive behaviour is an essential component of an effective teaching and learning environment. The Westwood Academy is committed to the promotion of positive behaviour for all pupils and to supporting pupils to develop their social, emotional and behavioural skills. This policy provides the framework within which all staff, pupils, parents and carers can contribute to the development and maintenance of an environment where learning will flourish.

The school has two key values that underpin this commitment:

-  Meeting the needs of all pupils; and
-  Including all pupils, regardless of their ability or background. The school takes action to promote racial and sex equality. We assess the impact of this policy and its implementation on any vulnerable individuals or groups needing temporary support, e.g. following bereavement.

The promotion of self-discipline and respect for others also guides the school's actions to promote positive behaviour, and informs the school's response to any kind of bullying or intimidation. These values inform the behaviour of all members of the school community - pupils and adults alike - and will form the basis upon which the school asks for support and assistance from parents, carers, other members of the community and supporting agencies. Pupils are expected to promote the values of The Westwood Academy both during the core school day/term and to act as ambassadors for the values and ethos of the school at all times, to include non-core school time.

Policy Objectives

-  To encourage positive behaviour, with all pupils and adults working to agreed standards
-  To set expectations that all pupils will be encouraged to learn the social emotional and behavioural skills required for citizenship
-  To maintain a school environment where pupils are encouraged to behave appropriately because they feel they are valued members of the school community, and that they are safe, secure and at ease.

Teaching and Learning

Promoting positive behaviour enables high standards of teaching and learning to be achieved. A well-designed and relevant curriculum helps develop and maintain positive behaviour. Pupils learn more effectively when the curriculum is differentiated and teaching styles and approaches accommodate individual learning styles and preferences.

Principles

-  Staff should use the most appropriate method of teaching, which draws on pupils' experiences and values their contributions.
-  Pupils should be received into a classroom where routines are established and high standards expected.
-  Explicit and regular praise should be used for all types of achievement. The Citizenship curriculum and pastoral programme will be used to teach and promote the social, emotional and behavioural skills necessary for adulthood. All subject areas will provide opportunities to develop and teach these skills so that, through positive behaviour, all pupils can learn and make progress. When designing the teaching programme, account will be taken of pupils' prior learning of social, emotional and behavioural skills at primary school.

Practice and Procedures: Roles and Responsibilities

The promotion of positive behaviour is the responsibility of all members of the school community, including parents and carers. Not all members of the school will play the same part in this process, but each section of the community will have a specific role. The governing body will continue to work with other members of the school community to review and, if necessary, revise the principles underpinning this policy. For example, they will ensure that the policy and its implementation are consistent with the school's equal opportunities policy. Specific responsibilities of the governing body include:

-  Approving policies, including this behaviour policy
-  Monitoring fixed term and permanent exclusions
-  Ensuring the needs of pupils at risk of permanent exclusion are met.

The Head Teacher, with the assistance of the Standards Coordinator and other members of the Leadership Team, is responsible for the form and content of the policy, and for its implementation in ways that maintain a school ethos that encourages positive behaviour.

All staff have a responsibility to ensure the policy informs their day-to-day actions and that they apply the 'Red, Amber and Green' policy fairly and consistently. All staff have a role to play in keeping the policy alive throughout the school, including through providing mutual support to colleagues, and modelling the social, emotional and behaviour skills and high standards of behaviour expected from pupils. Pupils have a role in shaping and promoting the school's behaviour policy. They will contribute to the detail of the policy through their involvement in defining expectations and rules, and developing rewards, motivational strategies, sanctions and consequences. This will be achieved through the Student Leaders, class meetings and in mentor time. Pupils have a responsibility to report incidents of bullying or intimidation, and a role in offering support to their peers through activities such as peer mentoring.

Parents and carers have a responsibility for their child's behaviour inside and outside school, which they discharge by the standards they set and the way they encourage pupils' progress at home. They also have a role to play in advising on the continuing development and improvement of the policy.

Code of Conduct

One function of this policy is to set clear standards of behaviour. Through a Code of Conduct, see appendix 1, pupils are informed about the expectations the school has of their behaviour, the manner in which these expectations will be rewarded and the response pupils can expect if they choose not to meet these expectations.

This achieved by the use of the 'Red, Amber and Green' model.

The Code of Conduct has been developed through consultation with staff, pupils and parents/carers. It is based on respect for self, for others and for the environment. It is designed to encourage pupils to develop responsibility for their own behaviour and attendance.

The key principles are:

-  Treat other people and their property with respect and consideration
-  Take responsibility for your own learning, attendance and behaviour
-  Take an active part in making sure that the school environment is safe and attractive.

Behaviour in and around school

Should the behaviour of pupils fall below expected standards and/or cause for concern the Head Teacher may refer to and instigate the actions outlined in the Department for Education's policy with regards to 'Searching, screening and confiscation' policy (Feb 2014) This policy is reproduced in full at Appendix 10 (X)

Praise and Rewards.

Frequent praise and reward for achievement are features of teaching and learning at The Westwood Academy so that pupils receive recognition for their positive contributions to school life. Contributions might include school work and effort, positive behaviour, adherence to the Code of Conduct. Praise and rewards are available to all pupils whenever they show progress.

Recently we have introduced a free breakfast for students who achieve the most positive points within a week from each college. They are allowed to bring a 'guest' with them for this celebratory breakfast. The Head Teacher sends home a praise postcard and the winner's photographs are taken and displayed on a praise noticeboard.

The school also uses both informal rewards (such as giving praise for appropriate behaviour in and outside the classroom) and formal rewards (such as awarding positive points).

Examples of informal and formal rewards which staff are encouraged to use for achievement, effort, positive behaviour and improvements in attendance, include:

1. Frequent general praise and recognition used in lessons
2. Senior staff visiting classes to praise pupils' work and effort
3. Recognising achievement in assemblies
4. Pupils' work displayed
5. An achievement postcard sent home, or a phone call commending progress
6. Recognition in the school newsletter
7. Positive points
8. Certificates – from the Curriculum Leader/College Director (CD)
9. Head Teacher awards.

Sanctions

Sanctions should be used to help pupils make appropriate choices about their behaviour. Where they choose to breach the Code of Conduct, pupils will receive negative points. An accumulation of 6 or more negative points within a week will result in a whole school Lost Learning Time (LLT) in the Sports Hall with the Standards Coordinator. Individual members of staff will bring work down for it to be completed. These negative points will be awarded fairly and consistently. (For procedures of the whole school LLT see Appendix ii)

The most appropriate sanction is one designed to put matters right and to encourage better behaviour and attendance in future. It is not appropriate, therefore, to punish whole groups for the misdemeanours of a few, or to impose a sanction that may humiliate pupils. Where pupils make inappropriate choices about their behaviour and formal sanctions are necessary, the matter will be dealt with by the mentor or subject teacher. In the case of serious misbehaviour, the pupil may be referred to the College Director, or in situations which demand immediate support and intervention because of the seriousness, the Head Teacher. The behaviour flowchart, see appendix iii, is shown in the staff handbook in order to ensure a consistency of approach by staff. The present policy includes the sanctions set out below.

Individual members of staff

-  LLT at break time, lunchtime and after school (either 15 minutes without notice, or up to one hour with 24 hours-notice)
-  Sanctions relating to the rule that has been broken, e.g. clearing up litter and
-  Removing graffiti
-  Sending pupils to the College Director

College Director/Leader of Curriculum

-  'on report' with agreed targets
-  Sending letters home
-  Meetings with parents/carers
-  Whole school LLT
-  Working in isolation.

Head Teacher

-  Fixed term exclusion
-  Permanent exclusion (supported by Governors).
-  Sanctions will lose their effectiveness if pupils do not regard them as fair. Staff are therefore advised to:
 -  Make it clear that they are condemning the behaviour not the person
 -  Avoid early escalation to severe sanctions, reserving them for the most serious or persistent breaches of the Code of Conduct
 -  Avoid sanctions for a group that punish the innocent as well as the guilty

-  Take account of individual circumstances. For example, punishing a pupil who is late to school because he or she looks after younger siblings will not be seen as fair by other pupils. In this case, for example, it would be preferable to use the school referral system to ensure the pupil receives the support he or she needs to improve punctuality
-  Encourage pupils to reflect on the effects of misbehaviour on others in the school community.
-  Adhering to the procedures in the behaviour flowchart.

Informal & Unofficial Exclusions

The school does not operate a policy of informal or unofficial exclusions; occasionally pupils may be internally excluded when they are kept under supervision of a senior member of staff for part or the whole of a school day. If a pupil is sent home it is always with the permission of a parent and will always be for a medical reason. In such circumstances the child is deemed to be medically unfit to be in school and should be recorded as absent with a M. Apart from the normal incidents of illnesses a child can be medically not in a fit state for school; because, for example:

- (1) Lack of sleep due to disruption or emotional pressures at home;
- (2) Missing tablets used to control ADHD or other behavioural conditions; being in a “hyper” state or extremely anxious through excessive fizzy drinks/stimulants etc.

Support Systems for Pupils

The Westwood Academy is committed to the concept of equal outcomes for all pupils. Some pupils will, therefore, need differentiated forms of support to help them fulfil their behavioural and academic potential. The school will ensure that differentiated strategies are available to pupils to meet their particular needs. The school monitors pupils whose behaviour or attendance causes concern and organises appropriate support to meet their individual needs.

This support might include:

-  Regular pastoral reviews to identify those pupils most at risk, included as part of regular academic progress reviews
-  Short courses on elements of social, emotional and behavioural skills delivered through the Learning Support Centre or Head of Safeguarding & Social Inclusion.
-  Contact with parents/carers in the early stages of a problem
-  if the pupil's problems are identified as having a SEN aspect, referral to the school's SENCO and additional in-class support from a teaching assistant
-  Referrals for specialist advice, either for individual pupils, or more generally, for whole school issues relating to behaviour
-  Referrals to the school's Learning Support Centre for short periods of additional support
-  consultation with parent/carers and family sessions
-  One-to-one counselling with a trained specialist.

Support Systems for Staff

All staff have a responsibility to promote and maintain positive behaviour in school. Guidance is provided for staff on strategies they can employ to promote positive behaviour and respond to misbehaviour. (See Appendix iii and sections on Rewards and Sanctions). At times, staff may feel that they cannot cope with a particular problem. At these times they will receive support and additional advice.

Staff may seek support and advice from a variety of sources within the school, e.g. from a trusted friend or colleague. This 'low level' support is encouraged actively, because sharing a problem is a sign of confidence, not an admission of failure. Support will also be available from Heads of Curriculum or College Directors depending on the nature of the difficulty. If a pupil has special educational needs rather than additional needs, formal and informal support is also available via the school's SEN system. In this case a referral can be made to the school's SENCO. This may lead to the pupil and the member of staff benefiting from extra in-class support. The SENCO and Assistant Head responsible for Student Welfare, coordinate specialist support from external agencies that provide additional advice on managing of pupils' behaviour. The school supports staff through continuing professional development, and the CPD Co-ordinator arranges training for departments, mentors or individual members of staff looking to develop their

behaviour management skills. Behaviour is monitored through the completion and return of Incident Reports to the Head, the LA analysis of exclusions and discussion via the weekly Individual Needs meeting.

Support Systems for Parents

The Westwood Academy is keen to facilitate effective and on-going parent/carer support for all its policies and practices. Parents and carers who express concern to the mentor or College Director about managing the behaviour and attendance of their child are offered support from a range of services coordinated by the SENCO, the Learning Support Centre, the Attendance Officer and the Local Authority Children and Family First Service. In addition, we are always striving to increase the range of support we offer pupils and their families by working with services from the voluntary sector. If school staff have concerns about a pupil's behaviour, parents and carers will be informed about these concerns at the earliest opportunity and invited to look, together with the school, for a solution to the problem. This process will always respect the opinions and situation of the family, pupil and the school. We will do our best to engage parents and carers who are hard to reach through a range of additional measures including, where appropriate home and Attendance Officer Involvement. The school will make this policy available to parents and carers in a user-friendly and accessible format on the school website. Access to pupils' confidential records is available with reasonable notice. The school will provide opportunities for parents and carers to contribute to the school's policy and strategies for promoting positive behaviour and attendance. This will be through communication through the website, the advice of Parent Governors, the involvement of parents/carers in school support activities, cultural and social events and other activities that promote positive partnerships between the school and the wider community.

Monitoring

To ensure that high standards of behaviour in The Westwood Academy are maintained, the school has systems for monitoring behaviour and punctuality to lessons. These systems include monitoring behaviour on a daily and weekly basis. The standards coordinator provides weekly behaviour data for Leader of Curriculum to discuss with their team on a weekly basis. The standards coordinator meets with the Head Teacher on a weekly basis to monitor and review behaviour.

Related Policies and Documentation

-  Anti-bullying policy
-  Home school agreement

Policy and Review - This policy has been developed in line with the Dfe. Behaviour and Discipline in Schools guidance (2014). It will be reviewed regularly. The effectiveness of the policy is monitored by the Leadership Group, which takes responsibility for co-ordinating its implementation.

Appendices

- i. Code of Conduct
- ii. LLT procedures
- iii. Behaviour for Learning – Developing Skills
- iv. Red/Amber/Green model
- v. Behaviour Flowchart
- vi. Punctuality
- vii. Uniform
- viii. Equipment
- ix. Mobile devices/30 Second Rule

Appendix i Code of Conduct

Self-Respect:

Take care over the way you present yourself in school (uniform, punctuality and general behaviour). Work hard, doing your best to complete classwork, homework and coursework on time. Be proud of your achievements. Be cooperative and trustworthy. Think things through for yourself, don't just follow others.

Respect for Others:

Move quietly and sensibly about the buildings, giving way to each other in crowded areas such as doorways and staircases.

Be a good listener, trying to understand other people's point of view.

Always speak politely to staff and fellow pupils.

Be helpful and welcoming towards visitors and people who are new to the school.

Do not bully or act in any way that is cruel or unpleasant to others.

Do not steal damage or interfere with other people's work or property.

Respect for Learning:

Make it as easy as possible for everyone to learn and for the teachers to teach.

Arrive on time for lessons.

Make sure that you bring everything you need for lessons.

Begin and end lessons in a courteous and orderly way.

Don't hesitate to ask teachers for help with your work, but also help each other when appropriate.

Respect for the School Environment:

Take care of the whole school so that it is a place we can all be proud to work in.

Look after the rooms and furniture, and leave them in a tidy state for others to use.

Take particular care of displays of work around the school.

Put all litter in the bins provided and do your best to make the whole school a litter free zone. Think about the health and safety of yourself and others both on your way to and from school and in your movements around the school.

Appendix ii

LLT Procedures

- If you receive 6 negative points within a week a whole school LLT is awarded
- A letter is sent home to parents informing them of future consequences for their child
- Strategies are put in place by mentor/college director to help improve behaviour
- If a student attends 3 LLT's within ½ term parents are called in to meet with College Director and the student is internally excluded (Break and Lunch times different to the rest of the school)
- If a student attends 4 LLT's within ½ term parents are called in to see Head Teacher to discuss other provision

Appendix iii

Teaching and Learning - Developing Skills:

Effective classroom management skills are developed through experience and appropriate support from colleagues. Training and reflection on personal practice is very important.

In addition, well-prepared and stimulating lessons, in which pupils are aware of the lesson purpose, help to secure good standards of behaviour. Effective lessons are those in which pupils enjoy learning, are fully engaged, make progress and improve their attainment through sustained effort and commitment.

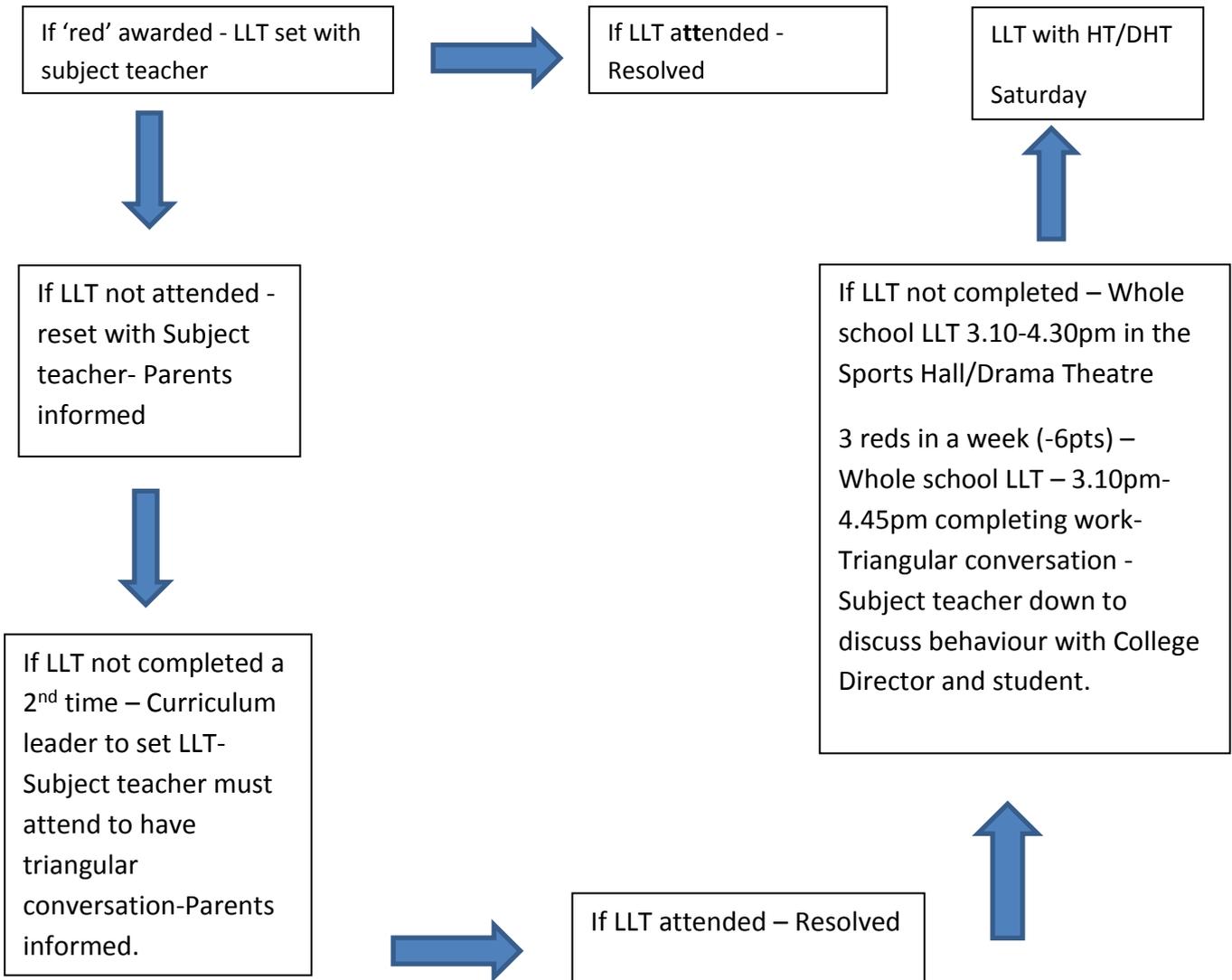
Effective lessons:

-  give the big picture
-  use positive language
-  have high expectations
-  address different learning styles
-  review learning
-  move pupils' learning on
-  acknowledge and praise effort and progress
-  Have challenge, pace and enjoyment.
-  To achieve this staff should:
-  set behaviour for learning objectives, when appropriate, as well as other learning objectives for the lesson
-  arrive before the class and start the lesson on time
-  ensure that pupils enter and leave the room quietly and sensibly
-  display lesson objectives clearly
-  refer regularly to the Code of Conduct
-  ensure that all pupils are able to participate fully in the lesson
-  emphasise the positive in learning and behaviour
-  use praise and rewards fairly and consistently
-  motivate, encourage and engage the pupils
-  model and teach positive behaviour, including respect, empathy and social skills
-  make sparing, effective and fair use of reprimands
-  avoid sarcasm, shouting and threats
-  avoid humiliating pupils

All teachers apply the 'Red, Amber and Green' model

Level	Behaviour	Responsible	Consequence
	All students start off 'Green'. High expectations of behaviour and learning. The Westwood Academy expectation	Subject Teacher	This is our expectation!
	'Amber' is issued for not abiding by the classroom rules. Record on paper register and -1 (minus 1) to be inputted onto Sims by the end of the day	Subject Teacher	-1 (minus 1) inputted onto Sims by the end of the day. Quick conversation with student at the end of the lesson
	A 'Red' is awarded to a student who continues to ignore the classroom rules. Record on paper register and -2 (minus 2) inputted onto Sims by the end of the day	Subject Teacher	-2 (minus 2) input onto Sims by the end of the day. Break/Lunch time LLT issued

Behaviour Flowchart - Subject Teacher to set Lost Learning Time (LLT)



Appendix VI

PUNCTUALITY- See the Attendance policy

Appendix vii

UNIFORM – See the Uniform guidelines

Appendix viii

EQUIPMENT

Expectations Consequences

All pupils to be fully equipped for Mentor time; pen, pencil, ruler, rubber, planner.

Mentor to carry out daily equipment check during Mentor time

Warnings issued and expectations reinforced – follow up with re check. Pupils without items of equipment should be sent to purchase items from Library. Repeat offenders – Mentors to make phone call home to discuss with parents.

Appendix ix

Mobile Devices

Mobile devices will be confiscated when seen or heard within the school if permission for use is not sanctioned. The member of staff will take the phone to school reception (or leave with College Director) as quickly as possible. Upon receipt, the office will bag and name the phone and a log will be kept of those phones received and re-issued to parents. The phone will be placed in the school safe until parents are able to collect the phone at the end of the school day.

The 30 second rule

All students must have their equipment out at the start of the lesson (pen/pencil/ruler) within 30 seconds. If the student does not have equipment they are issued with an 'amber' and recorded on Sims. 2 equipment failures are a 'red' and a LLT at break/lunch.



Department
for Education

Searching, screening and confiscation

**Advice for headteachers, school staff
and governing bodies**

January 2018

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Summary

About this departmental advice

This advice is intended to explain schools' powers of screening and searching pupils so that school staff have the confidence to use them. In particular, it explains the use of the power to search pupils without consent. It also explains the powers schools have to seize and then confiscate items found during a search. It includes statutory guidance which schools must have regard to.

Expiry or review date

This advice will be kept under review and updated as necessary.

Who is this advice for?

This advice is for:

- School leaders and school staff in **all** schools in England.
- For the purposes of this advice references to “maintained school” means a community, foundation or voluntary school, community or foundation special school. It also means Pupil Referral Units and non-maintained special schools.
- For the purpose of this advice references to “Academy” means Academy schools (including mainstream free schools) and Alternative Provision (AP) Academies (including AP free schools).
- Where particular provisions do not apply to a particular type of school we make this clear.

Key points

Searching

- School staff can search a pupil for any item if the pupil agrees.¹
- 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:

¹ The ability to give consent may be influenced by the child's age or other factors

- 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 behaviour² and their duty as an employer to manage the safety of staff, pupils and visitors³ 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.

² Section 89 of the Education and Inspections Act 2006 for all maintained schools, PRUs and NMSS and the Education (Independent School Standards) (England) Regulations 2010 for academy schools and alternative provision academies

³ Section 3 of the Health and Safety at Work etc. Act 1974

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 headteacher or a member of school staff and authorised by the headteacher.

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

- 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.

5. 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.

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 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.
- 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

⁴ 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](#)



Department
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Reference: DFE-00034-2014



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