

# Preston Primary School



## Behaviour and Relationships Policy

**ALL STAYING SAFE - ALL OF THE TIME**

Discussed with staff September 2023

Agreed by Governors – October 2023

To be reviewed September 2024 or in line with government guidance

## **Introduction**

The formulation of this behaviour policy has involved consultation with pupils, parents and staff at Preston Primary School. The policy is then reviewed each year with staff and children. Any major changes are consulted with parents. We believe that the school philosophy and principles underpinned by our values, contribute to the ethos in which we work. This policy strives to bring the following policies into one document:

- Behaviour and discipline
- Anti-bullying
- Control and restraint
- Screening and searching pupils

The Steer Report 2010 stated “The quality of learning, teaching and behaviour in schools are inseparable issues.” At Preston this is intrinsic to all that we do.

### **Aims:**

- To create a calm atmosphere through good organisation and the reinforcement of positive qualities such as respect and dignity within the class and school.
- To develop within each child a sensitivity to the needs of others through mutual respect, self-discipline and social awareness.
- Have excellent, enthusiastic attitudes to learning enabling lessons to proceed without interruption
- To establish a clear and consistent Code of Conduct for all children and adults within the school which is known about and understood by all.
- To encourage calm, orderly and considerate movement around the school.
- To feel safe at school at all times
- To develop a feeling of responsibility for the school, the local and the wider environment.
- To encourage the involvement of both home and school in the implementation of this policy.

The achievement of high standards will involve:

1. Sound relationships between teachers and pupils.
2. Stimulating and effective teaching and learning.
3. Knowledge and awareness of rules and standards.
4. Praise and rewards.
5. The application of sanctions and punishments.

. Our key focus at Preston Primary is:

**ALL STAYING SAFE ALL OF THE TIME**

**1. To encourage consistency of response to both positive and negative behaviour through:**

- Agreed Class Charters displayed in all classrooms
- Induction for new members of staff and children
- Effective classroom management and lunchtime management of children
- Explicit teaching of positive behaviour
- Effective pupil support systems (See sections 3,4,5)
- Reprimanding children with an explanation about acceptable behaviour
- Monitoring and evaluation by subject leaders, the senior leadership team and governors
- Feedback from pupil and parent questionnaires
- Monitoring of whole school reward systems
- Individual programmes to address late arrival.
- Keeping parents informed of both positive and negative behaviour, and attendance.
- Staff development and support

**2. To promote self-esteem, self-discipline and positive relationships:**

- Staff to model positive adult to adult and adult to children interactions
- Use of circle time / P4C to promote self-esteem and explore issues
- Self-discipline promoted in PSHE, P4C, Rights Respecting Children and P.E.
- Opportunities for developing spirituality: a quiet area within the playground, reflection time in class and during Collective Worship and through curriculum related activities
- Ensuring effective transition through all phases.

**3. To ensure that the schools expectations and strategies are widely known and understood**

- Posters displaying the 5 golden rules are evident in areas of school and are discussed with pupils
- Explicit rewards and consequences shared with the school community
- Parents receive an executive summary of this behaviour policy
- The policy is uploaded onto the website
- Termly parents evenings with discussion of targets and progress- these may be remotely or through a telephone conversation

- Additional meetings with parents of children who need behaviour plans and trackers – these may be remotely or through a telephone conversation
- Annual written reports
- Policy approved by the Governing Body on an annual basis

## **SECTION 1**

### **A consistent approach to behaviour management, teaching and learning**

Behaviour is managed by a staged process.

- Ensure staff follow through issues with pupils indicating what must be done to improve
- Ensure that staff discuss with parents the schools concerns and agree a common way of working to help pupils make improvements to their behaviour
- Establish the best way of communicating with parents and provide regular feedback on the progress being made

We believe consistent experience of good teaching and learning engages children and this reduces instances of poor behaviour. The consistent application of good behaviour management strategies helps pupil's understand the school's expectations and allows staff to be mutually supportive.

As a school we will:

- Assess staff needs and build in to Continued Professional Development (CPD) programmes specific opportunities to discuss and learn about behaviour
- Identify those children who have learning and behavioural difficulties or are experiencing difficulties out of school and agree common ways of managing and meeting their needs
- Ensure that colleagues are being consistent in implementing the policy: vital if the policy is to be valued.

## **SECTION 2**

### **School Leadership**

Effective leadership in school is central when creating a climate of security and good order that supports pupils in managing their behaviour. The leadership team and Governors have a critical role in identifying and developing values and expectations that are shared with and accepted by pupils, parents and staff on a yearly basis. The leadership team has a responsibility to "lead from the front," however leadership to support positive behaviour must be shared across the whole staff, including subject leaders, classroom teachers and support staff.

Parents have a responsibility to support the high expectations of school, and the Governors play a pivotal role in monitoring and supporting the policies adopted.

As a school we will:

In partnership with parents, set high expectations for pupils and staff in all aspects of the school's life and show how they are to be met.

For example, by:

- Having clear codes of conduct
- Giving guidance on how to improve their work
- Implementing the home school agreement
- Ensuring senior leaders use opportunities such as whole school collective worship to articulate their expectations and reinforce them by their visibility around the building
- Ensuring senior leaders model the behaviour and social skills they want pupils and staff to use
- Ensuring staff are sufficiently trained and supported and know how to exercise their individual responsibility in the implementation of this policy

### **SECTION 3**

#### **Classroom management, learning and teaching**

School must ensure an appropriate curriculum is offered, which is accessible to pupils of all abilities and aptitudes. Effective planning and delivery of teaching supported by high quality assessment, assists the pupils to learn and the teachers to teach. We believe that by engaging pupils more effectively both learning and behaviour will improve.

As a school we will:

- Plan lessons well, using strategies appropriate to the ability of the pupils
- Use commonly agreed classroom management and behaviour strategies such as a formal way to start a lesson- an invitation to the carpet, an explanation of the expectations during the lesson
- Offer pupils the opportunity to take responsibility for aspects of their learning, working together in pairs, groups and as a whole class
- Use assessment for learning techniques such as peer and self-assessment, to increase pupils' involvement in their learning and promote good behaviour
- Collect data on pupils' behaviour and learning and use it, for example, to plan for future groupings and to target support in areas where pupils have the greatest difficulty (Child Spot)

- Ensure that teachers, where age appropriate, operate a class seating plan. Educational research shows that where pupils are allowed to determine where they sit, their social interactions can inhibit teaching and create behaviour problems
- Ensure teachers build into their lessons opportunities to receive feedback from pupils on their progress and their future learning needs
- Recognise that pupils are knowledgeable about their school experience, and have views about what helps them learn and how others poor behaviour stops them from learning
- Give opportunities for the School Council to discuss and make recommendations about behaviour, including bullying, and the effectiveness of rewards and consequences
- Plan homework carefully and set it early in a lesson so that all pupils have a clear understanding of what is expected of them.

## **SECTION 4**

### **Rules, Rewards and Consequences**

Our aim is to provide a range of opportunities in which pupils can excel and be rewarded and a practical set of consequences that deal appropriately with poor behaviour. In schools with good standards of behaviour there is a balance between the use of rewards and consequences. Praise is used to motivate and encourage whilst at the same time students are aware of consequences that will be applied for poor behaviour.

Consequences will be applied where the pupils conduct falls below that which could reasonably be expected of them. These can only be applied by an employed member of staff, while on the school premises, or in the care of the member of staff e.g. on school educational visits, and must be reasonable in accordance with disability, Special Educational Needs, race and other equalities and human rights.

### **Rewards and Consequences**

#### **Rewards**

There are a variety of rewards listed, from which staff choose the most age appropriate for their class. Staff also have the discretion to implement rewards systems which are class specific, providing that this complements the whole school Family Group system or Individual Merit Points. Such rewards include:

- Verbal praise
- Non-verbal rewards such as a smile or thumbs up

- Stickers
- Merit points
- Stamps and smiley faces
- Certificates for outstanding behaviour, attitude, application to work
- Special 'postcard' sent home to parents
- Displaying work
- Recognition in weekly 'Well Done Assembly'
- Class rewards

Lunchtime supervisory staff are encouraged to give out stickers and/or Family points to reward good behaviour at lunchtime.

### **Consequences**

The order of these consequences may be amended depending upon the severity of the behaviour. For example, a physical assault on another child or member of staff may result in a fixed term suspension, rather than working through warnings and time-outs.

1. Positive and discrete reminder for the pupil, pointing out the appropriate behaviour required
2. 1<sup>st</sup>. verbal warning the pupil, this will be recorded in a book and the number of incidents will be monitored by SLT
3. 2<sup>nd</sup>. verbal warning – with reminder to the pupil that, if the negative behaviour continues, he/she will be moved to work at a separate table this will be recorded in a book and the number of incidents will be monitored by SLT
4. Moves to a separate table – miss time off next break time. If this happens in an afternoon, the pm teacher (if different to the am teacher) will need to record this in the book for the am teacher to address next day. No names will be written on the board/wall
5. Pupil is sent to team leader for discussion around behaviour - and will be reintegrated into class as appropriate
6. Pupil is sent to Head of School or Assistant Head for discussion around behaviour and then, *if felt appropriate*, reintegrated into class. Discussion to take place with parent/carer at this stage if felt appropriate.

### ***For persistent disruption***

7. Contact parents and an appointment made with parents to remotely, draw up an Individual Behaviour Plan (involvement of other agencies if deemed appropriate)
8. Referral to Inclusion Team
9. Fixed term suspension may be considered – see trust suspension policy
10. Consideration of managed move to another provision

11. Permanent suspension may be considered – see trust suspension policy

The greater focus is on giving (earned) praise rather than focussing on the negative. Preston staff know and understand the importance of building up positive relationships with pupils – hopefully, to the point that pupils feel that they don't want to disappoint the staff. We nurture pride, self-respect and self-esteem and encourage pupils to take ownership of, and responsibility for their own behaviours.

Allied to this, restorative practice is something we encourage at Preston. Our approach to behaviour is focussed on positive achievements and codes of conduct and not solely on 'rules' for behaviour.

## **SECTION 5**

### **Behaviour strategies and the teaching of good behaviour**

Understanding how to behave has to be taught. Our school adopts procedures and practices that help pupils learn how to behave appropriately. Good behaviour must be modelled by adults in their interactions with pupils. We recognise children learn respect by receiving it. How staff speak to pupils and praise them helps motivate them to do well. By not taking account of children's prior learning, we can inadvertently de-skill and de-motivate our pupils.

As a school we will:

- Ensure all staff understand, and use consistently, the behaviour management strategies agreed by the Governing Body and school community
- Use pupil tracking systems to identify positive and negative behaviour.
- Ensure all staff joining the school, including supply staff, are given clear guidance and use the school's systems and its expectations for behaviour

This involves:

- Developing and using a common language to describe behaviour
- Agreeing with staff how they will teach pupils to manage strong feelings, resolve conflict, work and play cooperatively and be respectful and considerate
- Arranging additional small group support for pupils who need it.

## **SECTION 6**

### **Staff development and support**

As a school we know that all staff should be equipped with the skills necessary to understand and manage pupil behaviour effectively. Training and coaching are both vital elements of a high quality professional development programme.



As a school we will:

- Provide regular opportunities for all staff to share and develop their skills in promoting positive behaviour
- Monitor the effectiveness of the behaviour management techniques used by the school as part of the school performance management system
- Ensure funds are allocated within training budgets to enable support staff to be involved in training programmes (i.e. physical restraint etc.)
- Ensure that all new staff joining the school receive induction training
- Create opportunities for staff to learn from those with a particular skill for pupils whose behaviour is challenging.

## **SECTION 7**

### **Pupil support systems**

We believe it is important to have a pastoral support system.

As a school we will:

Ensure the children within Foundation Stage have an identified key person, within KS1 and KS2 the role will be undertaken by the class teacher.

Ensure that the SENDCO has appropriate time to carry out the task, is appropriately trained, has adequate administration support and access to specialist services such as:

- Educational Psychologists
- Inclusion Officers
- Child and Adolescent Mental Health Services
- Language Specialists
- The Stockton Complex Needs Team
- The Behaviour Support Team
- Family Liaison Officer

We recognise that pupil support is not just about good behaviour. We believe good pastoral support is concerned with academic attainment and developing pupils' ability to become good citizens

We recognise that the Every Child Matters (ECM) identifies that children should feel safe, be healthy, and enjoy and achieve in school. This cannot take place in a climate that allows bullying, harassment and oppressive behaviour to thrive.

As a result as a school we will:

- Regularly make clear to pupils, parents and staff, **that bullying, harassment and oppressive behaviour in any form is totally unacceptable and will not be tolerated**
- Ensure that bullying, harassment and oppressive behaviour is punished
- Use the Anti Bullying Charter to involve pupils in creating systems to support each other e.g. Buddying

### **Preston Primary School Anti-Bullying Charter for Children**

***Everyone in our school has a right to feel safe!***

I have a right to be happy and to be treated with kindness in this school.

*This means that no one will laugh at me, ignore me, or hurt my feelings.*

I have a right to be myself in this school.

*This means that no one will treat me unfairly because I am fat or thin, fast or slow, boy or girl, need extra help or because of my race / skin colour or my religion*

I have a right to be safe in this school.

*This means that no one will hit me, kick me, push me or pinch me.*

I have a right to hear and be heard in this school.

*This means that no one will yell, scream or shout and my opinions and desires will be considered in any plans we make.*

I have a right to learn about myself in this school.

*This means that I will be free to express my feelings and opinions without being interrupted or criticised.*

## **SECTION 8**

### **Liaison with parents and other agencies**

We firmly believe we must work in partnership with parent/ carers on all aspects of a young person's education including their behaviour. We accept that good liaison takes time, is demanding and requires resources. We are highly active in establishing links and forging positive relationships with parents e.g. inviting them for an activity with their children in class on a termly basis.

As a school we will:

- Ensure that Teachers, Support Staff and Administrators are trained, so that they are welcoming, and have the skills to deal with difficult parent conversations
- Have clear and well understood procedures in place for dealing with distressed and angry parents
- Ensure that parents hear from the school when their child is doing well so that the first contact is positive
- Allocate sufficient resources to allow the school to communicate effectively with parents and carers
- Take advantage of new technology such as emails and mobile phones to improve communications: this should not replace personal contact
- We believe that working with other agencies is important.

## **SECTION 9**

### **Managing pupil transition**

We are aware pupils may find moves between schools and Key Stages unsettling and provide appropriate support and guidance whether they start at the beginning of a school year or arrive part way through.

As a school we will:

- Ensure that teachers receiving a new class are given appropriate information to help the teacher plan work and manage the class
- Ensure each teacher receives and can build on the social, emotional and behavioural skills already developed by previous teachers and schools. We work closely with parents/ carers at transition to reduce this stress

## **SECTION 10**

### **Organisation and facilities**

We are aware that the school ethos is communicated in actions as well as words. Pupil's attitudes can be positively or negatively influenced by the ambience of the schools physical elements as well as the personal interactions with staff.

As a school we will:

- Recognise that good behaviour and learning are improved when pupils and staff enjoy an attractive, clean environment and therefore ensure we keep repairs and maintenance up to date
- Ensure the toilets are clean, have soap/ paper towels/ hand driers
- Ensure that social areas in the school have seating provided to encourage pupils to interact
- Create a warm welcoming and comfortable area where parents can be received.

## **SECTION 11**

### **Pupil behaviour outside the school gate**

Teachers have a statutory power to discipline pupils for misbehaving outside the school premises. We may discipline a pupil for:

Any misbehaviour when the child is:

- Taking part in any school-organised or school related activity
- Travelling to or from school
- Wearing school uniform
- In some other way identifiable as a pupil at the school

Misbehaviour at any time that:

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

Discipline will always be carried out in accordance with the staged consequences laid out in this policy.

On occasions the school may deem another agency more appropriate to deal with the incident or issue e.g. the police.

## **SECTION 12**

### **Control and Restraint**

Preston Primary School acknowledges that there may be times when it might become necessary to physically restrain a child in the interests of the pupil's safety – or that of other pupils.

The school recognises the importance of placing its policy on physical restraint within the context of the whole school approach to discipline. This Behaviour Policy sets out the steps taken within school to positively promote and encourage good behaviour among pupils. It is specific about expected standards of behaviour and what is unacceptable. It sets out a range of progressive sanctions and steps that staff may apply when needed.

Preston Primary School is aware of the difficulties that staff can sometimes be faced with in their everyday dealings with pupils on matters of behaviour and discipline. The school's approach to physical restraint is based on the beliefs that:

- pupils are entitled to a safe and secure environment in which a high value is placed upon learning how to behave toward others
- staff are also entitled to a safe and secure environment at work and should be offered personal support and guidance about what is expected of them in difficult situations.

The school has a duty of care to all its pupils. As such staff are required to act in a way that safeguards and promotes the welfare of the pupils and to do everything they possibly can to protect a child from harm, from harming others or causing serious damage to property. In exceptional circumstances, this duty of care may involve the use of reasonable force.

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

(i) the term 'reasonable force' covers the broad range of actions that may be used by Teachers which involve a degree of physical contact with pupils.

(ii) 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.

(iii) 'Reasonable in the circumstances' means using no more force than is needed.

(iv) 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.

(v) 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.

(vi) Staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

## Who can use reasonable force?

(i) All members of school staff who are certified with the appropriate level of training have a legal power to use reasonable force or to prevent harm.

(ii) This power applies to any member of staff at the school. Whilst the head teacher can apply the power temporarily to unpaid volunteers and parents who accompany pupils on organised visits we do not sanction this at Preston.

## When can reasonable force be used?

(i) In a school, reasonable force is used for two main purposes – to control pupils or to restrain them. Such reasonable force can be used to:

- prevent pupils from hurting themselves or others, from damaging property, or from causing disorder
- remove disruptive children from the classroom where they have refused to follow an instruction to do so
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others, or to
- prevent a pupil from harming a member of staff or another pupil

(iii) The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances

(iv) School has a legal duty to make reasonable adjustments for disabled pupils and pupils with special educational needs (SEN).

School does not require parental consent to use force on a student.

School does **not** have a 'no contact' policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm.

Physical restraint will, at no time, be used as a threat, punishment or means of forcing compliance when there is no risk to people or property.

Whenever possible, staff should have used a range of behaviour management strategies to diffuse the situation before restraint becomes necessary – e.g. discussion, diversion, persuasion, time out. Knowledge of the child and previous behaviour is important and should be taken into consideration, including any information regarding

Special Educational Needs and Disabilities. Restraint should only be used as a last resort, or when staff believe that immediate action is required.

At Preston Primary we consider it is inappropriate to deploy the following restraint techniques as they are considered to present an unacceptable risk:

- The 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- The 'double basket-hold' which involves holding a person's arms across their chest; and
- The 'nose distraction technique' which involves a sharp upward jab under the nose.

The Head Teacher will consider the need for additional staff professional development. All teachers have had 'De-Escalation training'. Should a challenging pupil join our school who has specific needs or a plan for regular positive handling appropriate additional training will be accessed via the Local Authority.

### **Using force**

Once the decision to intervene physically has been made, the member of staff should

- give clear instructions explaining to the pupil that unless he / she conforms, then physical restraint will be used
- calmly explain to the pupil that staff are unable to let him/her hurt others and that once they have calmed down the restraint will cease
- summon another member of staff, if possible to act as a witness and ensure the safety of both parties. If no other member of staff is available then restraint should only be attempted when staff feel sure of success
- use only the minimum amount of force necessary for the minimum amount of time
- gradually relax the restraint as soon as it is judged safe to do so, allowing the child to regain self-control
- reassure the pupil that no harm will follow

Both the pupil and member of staff should be given time to recover, if possible. It is important to acknowledge that emotional upset may take longer to get over than the physical symptoms.

Incidents should be reported to the Head teacher as soon as possible, then recorded, using the Record of Restraint Incident Form. Copies of this form can be found in the school office and should be returned to the Head teacher as soon as possible and certainly before the member of staff leaves school for the day

Following any incident opportunities will be made for the staff to discuss and reflect upon what has happened and why, leading to ideas and strategies for future management of this pupil and his/her behaviour.

### **Informing parents when force has been used on their child**

We will always speak to parents about serious incidents involving the use of force and will record such serious incidents.

In deciding what is a serious incident, teachers should use their professional judgement and also consider the following:

- the pupil's behaviour and level of risk presented at the time of the incident
- the degree of force used
- the effect on the pupil or member of staff
- the child's age

The Head teacher will also monitor the use of restraint, including consideration of

- the appropriateness of the intervention
- attempts at diffusing the situation
- that correct post restraint procedures have been carried out
- the need for individual behaviour management plans
- the need for inset/training for staff

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

(i) All complaints about the use of force will be thoroughly, speedily and appropriately investigated.

(ii) Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.

(iii) When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is **not** for the member of staff to show that he/she has acted reasonably. However, there needs to be an appropriate 'balance of power' when dealing with complaints and allegations. The school's Complaints Policy should always be a point of reference.

(iv) Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the "Dealing with Allegations of Abuse against Teachers and Other Staff" guidance where an allegation of using



excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.

(v) School must consider carefully whether the circumstances of the case warrants a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

(vi) If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.

(vii) The Governing Body should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

### **Physical Contact With Pupils**

(i) 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.

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

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

At Preston Primary we will also take account of advice received from the Local Authority Safeguarding Board.

### **SECTION 13 Screening, Searching and Confiscation**

This section is based on non-statutory advice from the Department for Education. It is intended to explain schools' powers of screening and searching pupils so that school staff have the confidence to use them.

#### **What legislation does this advice relate to?**

Education and Inspections Act 2006  
Health and Safety at Work Act etc. 1974

## Key Points

- School staff can search a pupil for any item banned under the school rules, if the pupil agrees (The ability to give consent may be influenced by the child's age or other factors). If the child does not consent, or is unable to give consent by reason of their age or a disability, the search cannot take place unless:
  1. It is suspected that they are carrying a 'prohibited' item or
  2. A parent/carer with parental responsibility for the child consents to the search
- Head teachers and staff authorised by them have a statutory power to search pupils or their possessions, without consent, where they suspect the pupil has certain prohibited items. The items that can be searched for under this power are knives or weapons, alcohol, illegal drugs and stolen items.
- School staff can seize any banned or prohibited item found as a result of a search or which they consider harmful or detrimental to school discipline.

## Screening

At present we do not have screening technology at Preston Primary School.

## Searching with consent

### Schools' common law powers to search:

School staff can search pupils **with their consent** for any item which is banned by the school rules.

1. School is 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 tray and for the pupil to agree.
2. Staff, pupils and children are banned from bringing the following items to school: knives or weapons, alcohol, illegal drugs and stolen items.
3. 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.
4. Should a pupil refuse to co-operate with such a search the school will contact parents to discuss the issue.

## Searching without consent

### What the law says:

*What can be searched for?*

Knives or weapons, alcohol, illegal drugs and stolen items (referred to in the legislation as 'prohibited items').

*Can I search?* Yes, if you are a member of school staff and authorised by the Head Teacher. But:

- a. you must be the same sex as the pupil being searched; and
- b. there must be a witness (also a staff member) and, if at all possible, they should be the same gender as the pupil being searched. For example, it is possible for a female teacher to witness a search of a male pupil where there is only one male member of staff in a school or taking part in a school trip.

#### *When can I search?*

If you have reasonable grounds for suspecting that a pupil is in possession of a prohibited item. The law also says what must be done with prohibited items which are seized following a search.

#### **Authorising members of staff**

At Preston Primary School all members of staff have authorisation to search pupils: if there is an occasion when there are no male members of staff available: the Head Teacher should then be consulted about whether a search goes ahead.

#### **Establishing grounds for a search**

1. Teaching staff 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.
2. 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.
3. School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.

#### **Location of a search**

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

#### **During the search**

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

##### **What the law says:**

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

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

'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags.

A pupil's possessions can only be searched in the presence of the pupil and another member of staff.

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.

### **Trays and desks**

Under common law powers, school is able to search lockers and desks for any item provided the pupil agrees.

If a pupil does not consent to a search then it is possible to conduct a search without consent but only for the "prohibited items" listed above.

### **Use of force**

Reasonable force may be used by the person conducting the search as defined in this policy

### **After the search**

### **The power to seize and confiscate items – general**

#### **What the law allows:**

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.

1. 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.
2. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

### **Items found as a result of a 'without consent' search**

#### **What the law says:**

A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item (that is a weapon/knife; alcohol; illegal drugs or stolen items) or is evidence in relation to an offence.

- Where a person conducting a search finds **alcohol**, they may retain or dispose of it.
- Where they find **controlled drugs**, these must be delivered to the police as soon as possible unless there is a good reason not to do so –in which case the drugs must be disposed of.

- 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 unless there is a good reason not to do so – in which case the stolen item should be returned to the owner. These stolen items may be retained or disposed of if returning them to their owner is not practicable.
- 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 guidance issued by the Secretary of State, Section 550ZC (6) Education Act 1996 (see paragraphs 1 to 4 below).
- Any **weapons or items which are evidence of an offence** must be passed to the police as soon as possible.
- It is up to teachers to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police.

**1. In determining what is a ‘good reason’, 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.**

2. 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.
3. 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).
4. School can dispose of alcohol as they think appropriate but this does not include returning it to the pupil.

### **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.

1. There is no legal requirement to make or keep a record of a search although it is prudent to do so.
2. School will 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.
3. Complaints about screening or searching should be dealt with through the normal school complaints procedure.

**This policy is in line with the Governor’s behaviour principles.**

## **Appendix 1 - Frequently Asked Questions**

### **I'm worried that if I use force a pupil or parent could make a complaint against me. Am I protected?**

Yes, if you have acted lawfully. If the force used is reasonable all staff will have a robust defence against any accusations.

### **How do I know whether using a physical intervention is 'reasonable'?**

The decision on whether to physically intervene is down to the professional judgement of the teacher concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result. School staff should expect the full backing of their senior leadership team when they have used force that is reasonable in the circumstances.

### **What about school trips?**

The power may be used where the member of staff is lawfully in charge of the pupils, and this includes while on school trips.

### **Can force be used on pupils with SEN or disabilities?**

Yes, but the judgement on whether to use force should not only depend on the circumstances of the case but also on information and understanding of the needs of the pupil concerned.

### **I'm a petite teacher with a Year 6 class - there's no way I'd want to restrain or try to control my pupils. Am I expected to do so?**

There is a power, not a duty, to use force so members of staff have discretion whether or not to use it. However, teachers and other school staff have a duty of care towards their pupils and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

### **Are there any circumstances in which a teacher can use physical force to punish a pupil?**

No. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.