

St Matthew's CE (Aided)  
Primary School and  
Nursery Centre

Behaviour and Discipline Policy

*'To provide quality education for our children in a happy and secure Christian environment, encouraging pupils to achieve their full potential academically, spiritually and socially'.*



2018-2019

# St Matthew's CE (Aided) Primary School and Nursery Centre



*Individuals, working together to potential, together.*

*'If you treat people as they are, you will be instrumental in keeping them as they are. If you treat them as they could be, you will help them become what they ought to be.'*

**Goethe.**

*At St Matthew's we are committed to encouraging good, positive and caring behaviour, and to promote self-discipline and holding high regard for rules and authority. We strive to nurture and develop a strong sense of community in which each individual is valued and respected, and in turn takes responsibility for their actions. By working as a whole school, together with the local community we believe that the school can create the culture necessary for every child to achieve their full potential.*

## **Our behaviour policy aims to:-**

- Create a welcoming and safe learning environment in which everyone can be successful in achieving their full potential.
- Develop a consistent approach across the school which all children know and understand.
- Create an atmosphere where social, moral, spiritual and cultural values are learnt and developed.

We are committed to promoting equality and good relationships. We tackle discrimination quickly and firmly and aim to make equality of opportunity a reality for our children. We will be successful in achieving this through our expectations and values displayed through our Pupil Pact:

## **Pupil Pact**

- **We will always treat others how we wish to be treated**
- **We shall promise to listen to others, and except their ideas**
- **The members of our school will respect others and their religions**
- **We promise to do our best in all areas of school**
- **We will all apologise and accept mistakes**
- **We shall respect school equipment and be grateful for it**

Underpinning the Pupil Pact are the Three R's. These are three simple rules that we expect all pupils, adults and stakeholders in the school to follow.

### **RESPECT**

Treat others how you would like to be treated. Have respect for others beliefs, belongings and points of view.

### **RESPONSIBILITY**

Be in charge of your own actions and achievements.

### **RESILIENCE**

Don't give up, persevere and try your best to succeed and overcome challenges.

### **Positive Behaviour Management**

We expect everyone to have high expectations of behaviour at all times and to promote positive behaviour management. Staff will follow the Paul Dix Behaviour Management system.

**Definition:** Positive behaviour management is a process by which a child's behaviour is improved by using reward, sanction and reflection.

Positive behaviour management is the responsibility of all staff and the wider school community. It is a co-operative venture: we work as part of a team. Mutual support, consistency and communication are an essential component of this teamwork. Children will achieve more, be better motivated and behave better, when staff commend and reward their successes rather than focus on their failure.

It is very important that praise and reward should have great emphasis. Praise has a reinforcing and motivational role; it helps a child believe he/she is valued. Praise can be delivered in formal and informal ways, in public or in private; it can be awarded to individuals or to groups; be earned for the steady maintenance of good standards as well as for particular achievements.

### **Reward Systems:**

Good behaviour is helped when everyone remembers to do what is expected of him/her. We believe that good behaviour should be consistently rewarded:

#### **On a daily basis staff can**

- praise a child immediately for their good behaviour and say why they are pleased with them.
- give small privileges to children who behave consistently well, and to children otherwise who have made a special effort to do so.
- phone the child's parents to express how pleased they are with his/her behaviour.

- reward exemplary behaviour or achievement via the individual class reward schemes including; fuzzy feelings, star of the day and raffle tickets.

To further support our reward system we offer:

### **Recommendation assemblies**

Once every term every class will have a Recommendations assembly. It is at this assembly that class teachers will identify 6 children who have demonstrated consistently appropriate attitudes towards all areas of school life. These children are awarded with a Recommendation certificate to take home and their names are recorded in the Friday Feature that week.

### **BAFTAs**

These are awards that are presented to 2 children by the Teaching Assistants. The children are chosen from the class who's Recommendation Assembly it is and are awarded with a BAFTA certificate to take home and an award to display within their classroom.

### **Achievement Awards**

These awards are presented to children during a Recommendations Assembly. All class teachers identify two children from their class that have demonstrated consistently appropriate attitudes towards areas of school life. These children are presented with an achievement award certificate to take home.

### **Above and Beyond Awards.**

Above and beyond awards celebrate and recognise pupil's outstanding contribution within the school. A postcard will be sent to parents via post in recognition of their child's achievement.

### **Head Teacher Award**

If a child has displayed work of an exceptional standard they are asked to show their work to the Head teacher to celebrate their achievement they are presented with a Head teachers' sticker and/or postcard home.

### **British Values**

The school seeks to develop pupils' acceptance and engagement with the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs so that they develop and demonstrate skills and attitudes that will allow them to participate fully in and contribute positively to life in modern Britain. When children have displayed behaviour that outlines these values they will be rewarded with a sticker and this will be recorded in their class British Values profile.

## **Behaviour Management Pathway**

Staff will follow the Paul Dix approach to behaviour management and child friendly copies of the behaviour pathways are displayed in all classrooms. (Appendix 1) In EYFS and lower Key Stage 1 the use of a visual aid of the sanction stages are clearly displayed on the colour code tracking system in the class room. (Appendix 2)

Children will always be given a chance to consider their behaviour and correct it. They will be encouraged and helped to make apologies to those they may have offended; show they can keep to school rules and make other suitable reparation.

However, there may be some children whose behaviour causes particular concern and in these cases staff members refer to the Behaviour Management Pathway and follow the steps accordingly.

Sanctions for breaches of good behaviour should not lead to children being denied access to the curriculum by, for example, preventing them from attending swimming sessions or taking part in PE, unless there is a clear risk to the safety of themselves or others, as there are important legal considerations.

Behaviours deemed to be unacceptable are identified under 3 level levels:

### **Level 1 behaviours**

Examples include:

- Disrupting the learning of others
- Disregard for the school rules and procedures
- Talking over others
- Inappropriate comments

### **Level 2 behaviours**

Examples include:

- Consistently disrupting other children's learning
- deliberate rudeness
- Severe disregard for school rules and procedure
- name calling
- vandalism
- theft

### **Level 3 behaviours:**

Examples include:

- violent behaviour or hurting others
- deliberate offensive language (including racial abuse)
- bullying

- sexual harassment
- drug related behaviour
- carrying a weapon

### **The Script**

As part of the behaviour pathway staff will use 'The Script' and follow the same disciplinary sanctions with the children when 3 incidents of level 1 unacceptable behaviour occurs consecutively. This is a generic verbal communication between staff member and child that allows the child to reflect upon their behaviour in an attempt to deescalate the situation and prevent further sanctions and consequences being issued. (Appendix 3)

The following steps are adhered to:

- Inappropriate behaviour identified with child
- Remember our 3 R's, are you following them?
- **Reminder**
  - Please don't ...
- **Caution**

**Script used:** *I've noticed that you've had a problem with .... You know this is unacceptable. This is the third time I've had to speak to you and you'll have to spend 5 minutes at playtime with me. Do you remember (something positive) that's what I need to see today. Thank you for listening.*" (5 mins of break or lunch lost)
- **Last chance**

*I've noticed that you've had a problem with .... You know this is unacceptable. This is the third time I've had to speak to you and you'll have to spend 5 minutes at playtime with me. Do you remember (something positive) that's what I need to see today. Thank you for listening.*" (15 mins of break or lunch lost)
- **Time out**
  - **Senior teacher removes child for isolation**
- **Reconciliation meeting before the child goes home**

Throughout this process the adult will maintain emotional control.

### **Lunchtime**

At lunchtime children are expected to abide by all the school rules and it is the role of the lunchtime supervisors to oversee this. The role of staff is to ensure that children are safe and protected at all times.

Any behaviour issues are dealt with straight away by using similar steps that are expected within the classroom, outlined via the Playground Behaviour Management Pathway (Appendix 4) e.g. verbal warning and a time out period. Incidences are logged in the lunchtime supervisor's behaviour log book and shown to teachers at the end of lunch. The incidences are then recorded on the school system to help monitor behaviours of individual children.

For those children that are consistently displaying unacceptable behaviour, they are placed into a social skills development group during their lunchtimes. This is supervised by senior members of staff and children work through activities and tasks to address behaviours and improve social skills.

Four Year 6 Peer Buddies will be on duty during lunchtime to ensure children are happy and playing together in an appropriate manner. Peer Buddies are not there to discipline children but to encourage positive play. If they are aware of children that are not following school rules or displaying behaviour that may cause concern they are to report to the member of staff on duty.

The Headteacher may in extreme circumstances, decide to contact a child's parents and may exclude that child from the premises at lunchtimes.

### **SEN**

There are some children for whom this policy is inappropriate. These children may be reordered on the schools SEN register as having Behavioural, Social and Emotional difficulties (BSED). Individual behavioural programmes incorporating short-term targets will be written, in consultation with parents/carers and the children themselves (where possible). These should be shared with all staff involved with the child.

### **Offensive Language**

If a child deliberately uses offensive language (swearing, racist or homophobic comments) they will be reported to a senior teacher and placed in isolation in the schools meeting room for a given duration depending upon the nature of the incident. During this time they will be given work to complete. A letter (see appendix 5) will be sent home to parents regarding inappropriate use of language and a log will be kept in case of a reoccurrence.

### **Self-removal from the class**

If a child removes themselves from the learning environment without permission, a member of staff from the classroom will monitor the child until a member of SLT arrives to support. The child will then have a calming down period supervised by a member of SLT and an appropriate strategy will be applied based on the individual child's need.

### **Additional Courses of Action**

It may be that, as well as, or instead of, disciplining a child, one of the following courses of action will be taken:

Consultation between staff, including the Headteacher and SENCO to look at interventions, including CAF/TAC, Behaviour Support, Adult support, referral to Fair Access Panel, Modified timetable, managed move, referral to Pupil Referral Unit, consideration of putting forward for a statutory assessment.

Discussion with a child's parents to keep them informally apprised of their child's behaviour difficulties (e.g. via the telephone or at a meeting). This may also take the form of a behaviour log which is sent home daily with the child detailing their behaviour that day the parents can then comment on behaviour at home and build up a support network between home and school in managing the child's behaviour.

A school based plan may be structured to support the child. The child's parents may be asked to contribute active support to the plan. This will be a Behaviour Support Plan and will form part of provision management.

Advice from or, referral to the Behavioural Support Team or other external agencies (e.g. LSAT or EP)

Formal meetings, to include parents and others when appropriate, may be arranged by the Headteacher to consider the best ways forward.

### **Behaviour logs**

Where a child's behaviour is observed as unacceptable on a daily basis staff will complete an individual behaviour log which is kept on the school system.

### **Equal Opportunities**

Equal opportunities is about ensuring that every member of the school community is regarded as being of equal worth and importance, irrespective of culture, race, gender, sexual orientation, learning abilities, sensory or physical impairment, social class or lifestyle; it is about recognising differences, meeting individual needs and taking positive action, so that everyone has equal access to the educational opportunities offered by the school; it is also about regularly monitoring that each child has the opportunity to achieve.

### **The power to discipline beyond the school gate**

Disciplining beyond the school gate covers the school's response to all non-criminal bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the school. The governing body must be satisfied that the measures proposed by the head teacher are lawful. (See appendix 6)

### **Searching and confiscation**

The Headteacher, Deputy Headteacher and two senior members of staff have a statutory power to search pupils or their possessions, without consent, where they suspect the pupil has certain prohibited items. The items that can be searched for under this power are knives or weapons, alcohol, illegal drugs and stolen items. School staff can seize any banned or prohibited item found as a result of a search or is considered to be harmful or detrimental to school discipline. (See appendix 5)

### **Learning Mentor**

There is a learning mentor within the school. Their role is to support children throughout the school in a pastoral capacity and as a learning mentor. Their role encompasses:

- Working one to one with individual children on developing social and emotional behavioural skills.
- Working in small groups to develop children's confidence and self-esteem.
- Facilitating and organising specialist workshops tackling issues within the school such as obesity and self-esteem.
- Providing mediation between children and/or children and staff.
- Supporting class teachers and Teaching Assistants with the management of inappropriate behaviour, outburst and emotional issues.
- Liaising with parents regarding children's social, emotional and behavioural issues.
- Managing buddying systems within school.

### **Physical Intervention**

The use of physical intervention is very rare and is, wherever possible avoided.

There may be occasions where the use of physical restraint is appropriate; for example if a child is hurting his/her self and/or others or making a threat to injure using a weapon. Any intervention used will always be minimal and in proportion to the circumstances of the incident. All physical intervention will be recorded. All senior leadership staff have received MAPA training. All trained staff follow the guidelines of St Matthew's Physical restraint policy.

### **Pastoral care for school staff**

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

### **Bullying**

Bullying will not be tolerated at St Matthew's. All staff and governors believe that our school should provide a caring, positive, safe and stimulating environment which promotes the social, physical and moral development of the individual child.

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

- bullying (including cyberbullying);
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexual violence and sexual harassment;
- sexting (also known as youth produced sexual imagery); and
- initiation/hazing type violence and rituals.

All staff are clear as to the school or college's policy and procedures with regards to peer on peer abuse. *KCSIE - 2018*

### **Further reading and guidance**

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

<http://www.education.gov.uk/schools/pupilsupport/behaviour/g0076647/guidance-for-governing-bodies-on-behaviour-and-discipline>

<http://www.education.gov.uk/schools/pupilsupport/behaviour/f0076803/advicefor-headteachers-and-school-staff-on-behaviour-and-discipline>

[http://www.ico.gov.uk/for\\_organisations/data\\_protection.aspx](http://www.ico.gov.uk/for_organisations/data_protection.aspx)

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

<http://www.education.gov.uk/schools/pupilsupport/behaviour/f0076897/screening>

<http://www.education.gov.uk/aboutdfe/advice/f0076882/ensuring-goodbehaviour-in-schools/allegations-of-abuse-against-staff>

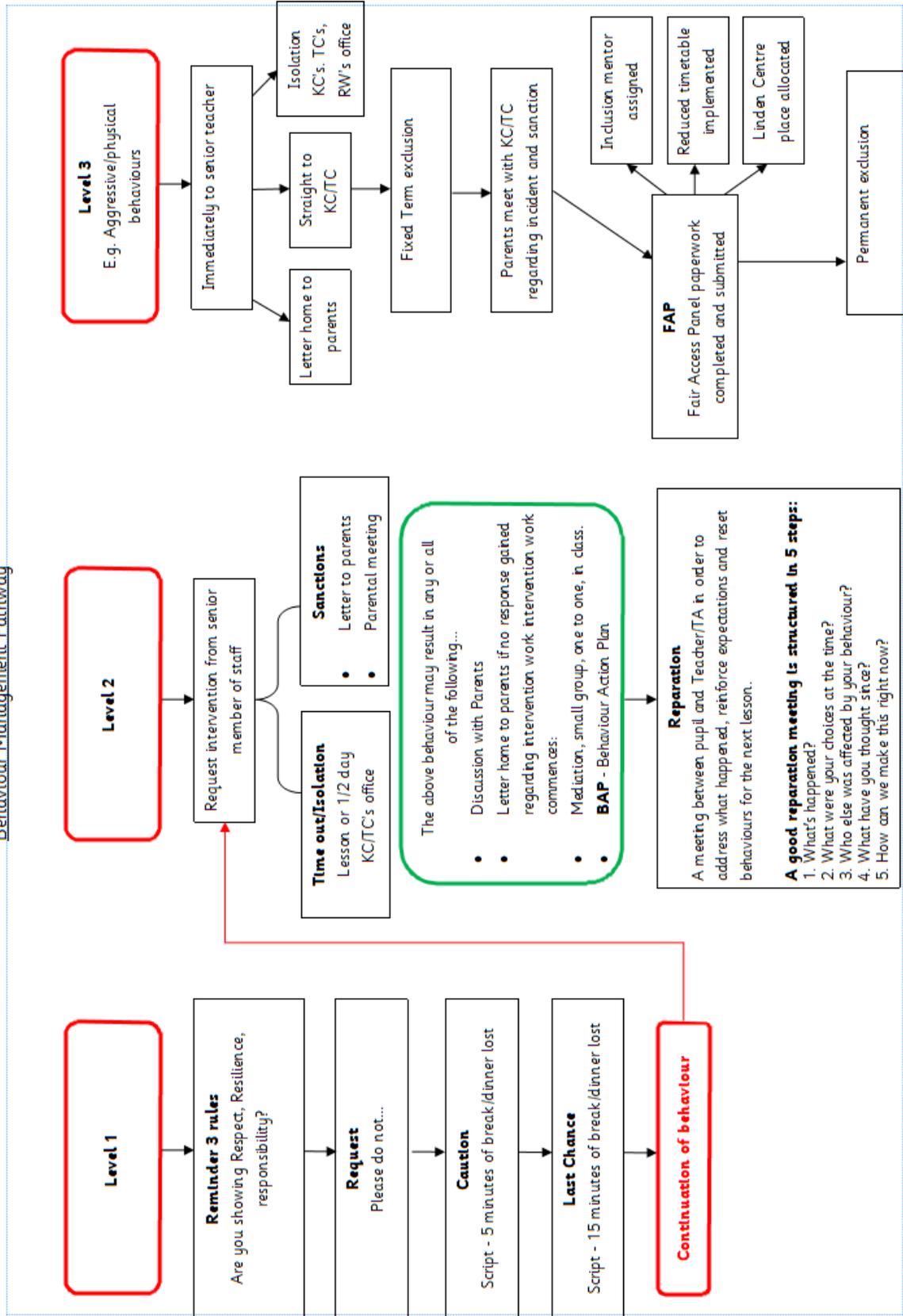
<http://www.homeoffice.gov.uk/publications/police/operational-policing/pacecodes/?view=Standard&pubID=810826>

<https://www.safeguardingschools.co.uk/keeping-children-safe-in-education-2018/>

**Appendix 1** – Behaviour Management Pathway

Staff Version

## Behaviour Management Pathway

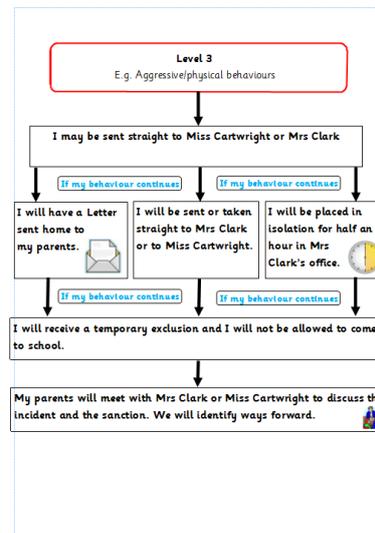
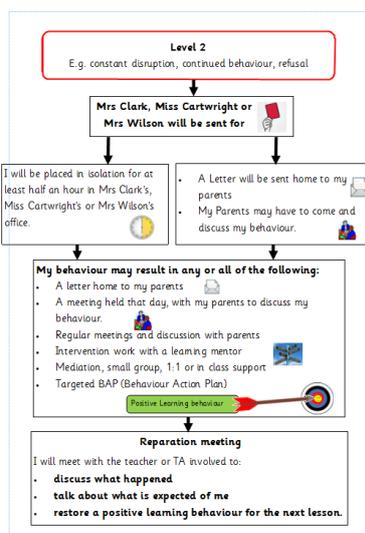
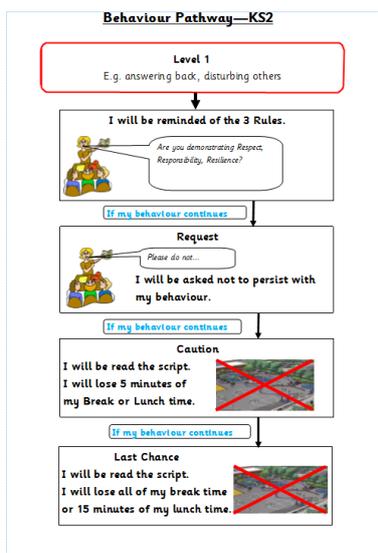


Behaviour Management Pathway

KS1 Version

	Behaviour	Consequence
1.	 	I am spoken to by my teacher and given a warning. 
2.	  	I am spoken to by my teacher and given my second warning. 
3.	   	 5 minutes of break time missed. 
4.	    	 15 minutes of break time missed.
5.	 <b>Unsafe Behaviour.</b>  <b>Unkind hands and feet.</b>  <b>Unkind Words.</b>	I am sent to Mrs Clark or Miss Cartwright 

## KS2 Version



## Appendix 2

EYFS/Lower KS1 Behaviour tracking system

	<p><u>Gold</u> Children move to gold if good positive learning behaviour continues to be consistently demonstrated throughout the day.</p>
	<p><u>Silver</u> Children move to silver if good positive learning behaviour has been recognised by the teacher of TA.</p>
	<p><u>Green</u> This is the stage where children begin each day.</p>
	<p><u>Orange</u> Children will have received 2 prior warning regarding their behaviour and will be provided with time to think about their behaviour.</p>
	<p><u>Red</u> At this stage children will miss part of their break time or lunchtime.</p>

All Foundation Stage and Key Stag 1 classrooms have a copy of this behaviour chart displayed within their classrooms.

All children are fully aware of how the chart works and what each stage represents.

### **Appendix 3**

Lunchtime behaviour pathway

<u>Playground Behaviour Pathway</u>		
	<b>Behaviour</b>	<b>Consequence</b>
<b>1.</b>	 	I am spoken to by a teacher or TA on duty and given a warning. 
<b>2.</b>	 	I sit on the bench and am given time to think. 
<b>3.</b>	 	I am sent in and am spoken to by my teacher or KS leader. 
<b>4.</b>	   <p>Unsafe Behaviour.</p> <p>Unkind hands and feet.</p> <p>Unkind Words.</p>	I am sent to Mrs Clark or Miss Cartwright 
<b>5.</b>	If my behaviour continues... 	I attend lunch time social skills group. 

## The Script and Disciplinary Sanctions

When a child's behaviour is unacceptable, and staff decide that a sanction is necessary, then the following stages will be followed.

- Inappropriate behaviour identified with child
- Remember our 3 rules, are you following them?
- **Reminder**
  - Please don't ...
- **Caution**
  - **Script used:** *I've noticed that you've had a problem with .... You know this is unacceptable. This is the third time I've had to speak to you and you'll have to spend 5 minutes at playtime with me. Do you remember (something positive) that's what I need to see today. Thank you for listening.* (5 mins of break lost)
- **Last chance**
  - **Script used:** *I've noticed that you've had a problem with .... You know this is unacceptable. This is the third time I've had to speak to you and you'll have to spend 5 minutes at playtime with me. Do you remember (something positive) that's what I need to see today. Thank you for listening.* (15 mins of break lost)
- **Time out**
  - Senior teacher removes child for isolation
- **Reconciliation**
  - Meeting before the child goes home

Throughout this process the adult will maintain emotional control.

### The Script

#### Script for managing behaviour followed by all

When an adult reads the script to a child it will be at their eye level and carried out in a calm not confrontational manner. Staff will not enter an argument/discussion, fogging will be used – Agree with them. 'I know', approach from the side and at the child's eye level.

If the child's behaviour persists then the child will be placed into internal isolation. This takes place within school and depending upon the severity of the incident will last for at least 1 hour/lesson. Isolation is conducted in the office of the headteacher/senior member of staff. A record is kept of the sanctions implemented.

If a child is placed into internal isolation parents will be contacted and the following steps will be taken:

1. The Headteacher or a senior teacher sends a letter to the child's parents.
2. Parents are called in for discussion with the Headteacher or a senior teacher if further sanctions are necessary.

Where a more serious incident occurs the following steps will be taken and considered:

1. The Headteacher or a senior teacher telephones the child's parents.
2. Parents are called in for discussion with the Headteacher or a senior teacher if further sanctions are necessary.
3. The child may be excluded for a fixed period
4. If the child has to be repeatedly excluded for aggressive behaviour it may be necessary for the SENCo/Senior Manager to approach the Fair Access Panel for behaviour support. This requires a parent signature. If behaviour support fails to rectify the behaviour then a modified timetable utilising the PRU (Pupil referral unit) may be the next course of action available.

If an actual sanction has to be repeated, soon after or continually, a letter is sent home. Similarly in order to protect learning for other children, if staff decide a child's behaviour cannot be relied upon, the child may not be allowed to take part in a particular activity or privilege. In these instances a letter will be sent home, and the child will be encouraged to behave more appropriately in the future.

If all other sanctions fail the child is excluded permanently.

## Appendix 5

### Inappropriate use of language letter



Outstanding  
SIAMS  
2016



Telford & Wrekin  
COUNCIL

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Date

Parental Address

Dear Parent of (child's name)

Unfortunately *(child's name)* has been heard by a member of staff using inappropriate language towards a peer/a member of staff today. This is unacceptable behaviour. *(Child's name)* has been reprimanded and has spent the afternoon in isolation.

Please could you reiterate to *(child's name)* that this is inappropriate and we operate a zero tolerance policy towards the use of such language within school.

*(Child's name)* behaviour will be monitored in school from now on.

Kind regards

Mrs K Clark  
Headteacher

*'Individuals, Working to Potential,  
Together'*



## **Appendix 6**

### **The power to discipline beyond the school gate**

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

Any bad behaviour when the child is:

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

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

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

As a result of any of these behaviours, the Headteacher will collect witness statements from both adults and children who have witnessed the event. The parents of the child involved will be contacted and invited into school to discuss the matter. Sanctions for the bad behaviour will follow those issued by the school for bad behaviour during the school day. Parental support will be sought for sanctions which they are able to administer outside the school day.

Following any incident, the Headteacher will consider whether it is appropriate to notify the police or Community Support Officers in Donnington of the actions taken against a pupil. If the behaviour is criminal or poses a serious threat to a member of the public, the police will always be informed. If there is any concern that the behaviour may be linked to the child suffering, or being likely to suffer, significant harm, Safeguarding procedures would be followed.

## **Appendix 7**

### **Searching and confiscation**

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

### **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. The school does not need 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 and for the pupil to agree.
2. Items which are banned in school include, mobile phones, electronic games or devices, any item which could be used as a weapon, matches, any form of drugs (including medicines, which have not been prescribed and a medical form completed), knives, firearms, sprays, alcohol or 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. 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?***

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

##### ***Can I search?***

2. Yes, if you are the Headteacher, Deputy headteacher or a senior member of staff. 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.

### ***When can I search?***

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

### **Authorising members of staff**

The Headteacher, Deputy Headteacher and two Senior members of Staff are authorised to use these powers.

1. Teachers can only request a senior member of staff to 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.

### **Location of a search**

1. 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.

2. The powers only apply in England.

### **During the search**

#### **Extent of the search – clothes, possessions and trays**

#### **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 trays 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.

#### **Trays**

Under common law powers, schools are able to search trays for any item provided the pupil agrees. Pupils will have a tray on condition that they consent to have it searched for any item whether or not the pupil is present.

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 (see appendix 3).

## **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. Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

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

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

- A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item (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 must retain it for return to the parent.
- Where they find **controlled drugs**, these must be delivered to the police as soon as possible.
- 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.
- Where they find **stolen items**, these must be delivered to the police or returned to the owner, providing it is safe to do so.
- Any **weapons or items which are evidence of an offence** must be passed to the police as soon as possible.
- It is school policy to always deliver stolen items or controlled drugs to the police. If the owners of the items are known and do not pose a threat to the pupil, these will be returned to the owner.

### **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, however as good practice the sheet below will be completed whenever a search and/or confiscation has taken place.
2. The school will always inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found along with any other banned items which might be found.
3. Complaints about screening or searching will be dealt with through the normal school complaints procedure.

## Appendix 8

### **The use of reasonable force**

#### **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.

#### **2 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 head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

#### **3 When can reasonable force be used?**

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

#### **Schools can use reasonable force to:**

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;

- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and restrain a pupil at risk of harming themselves through physical outbursts.

### **Schools cannot:**

use force as a punishment – **it is always unlawful to use force as a punishment.**

### **Using force**

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

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

### **Staff training**

Training is provided for senior staff so that they are able to support staff across the school. A senior member of staff will always support other staff across the school.

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

All incidents of reasonable force are recorded in order to support the child and staff involved. (see sheet below)

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

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is **not** for the member of staff to show that he/she has acted reasonably.
- Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

- If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

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

- It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.
- Examples of where touching a pupil might be proper or necessary:
  - Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
  - When comforting a distressed pupil;
  - When a pupil 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.