

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

## Behaviour 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'.*



Date of policy creation:	Persons responsible for creation:	Approved by:	Date of policy review:
September 2024	All staff	To be ratified	September 2025

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



*"I can do all things because Christ gives me strength."*

*Philippians 4:13*

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. Our school is one based on 'Individuals working to potential together' and we are fully committed to developing the unique potential of the individual, within a secure and caring environment where mental health and wellbeing is strengthened, developing lifelong values which enables successful contribution to local community and to navigate an increasingly complex national and global community.

We provide our children with an engaging, exciting and creative curriculum, extending beyond the academic, rooted in our Christian values and TEAM spirit. We will aspire to be an innovative and inspiring learning community, where every individual is provided with the opportunity to flourish spiritually, morally, emotionally, physically and intellectually.

*'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.

**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 3 R's.

## The 3 R's

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

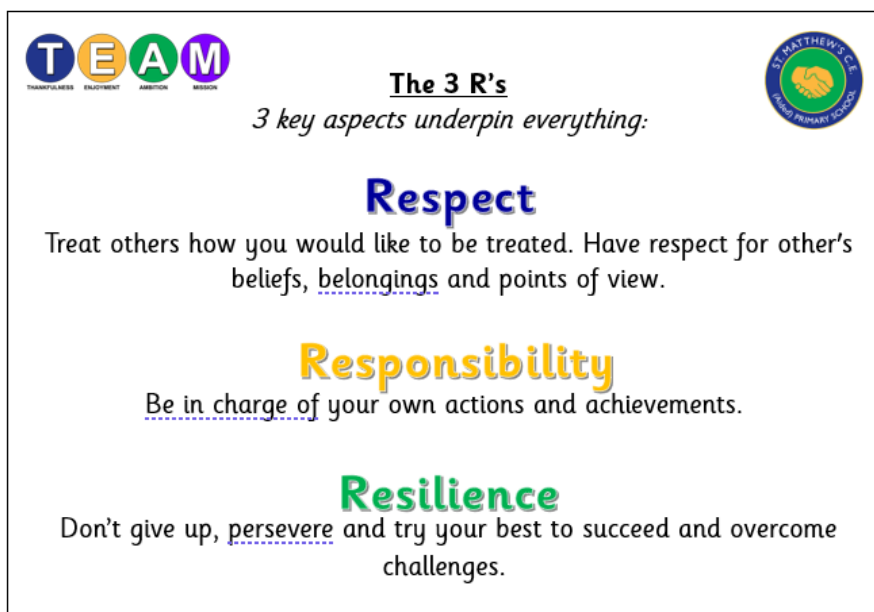
Treat others how you would like to be treated. Have respect for others beliefs, belongings and points of view.

### 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.



Posters promoting the 3 R's are located within classrooms and around school and are referred to by all staff when speaking to children about their behaviour.

At the start of every academic year each class teacher is required to use their first PSHE lesson to discuss, the importance of the 3 R's, explaining to children what they are and how they demonstrate these through their attitudes and behaviour.

## Positive Behaviour Management

We expect everyone to have high expectations of behaviour at all times and to promote positive behaviour management. Staff follow an adapted version of 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
- reward exemplary behaviour or achievement via the individual class reward schemes including; fuzzy feelings, star of the day and raffle tickets
- phone the child's parents to express how pleased they are with his/her behaviour
- Post an above and beyond award home

To further support our reward system we offer:

#### **Celebration Assemblies**

A celebration Worship will be held every Friday for the whole school. For each class 1 'Pupil of the Week' certificates will be awarded; from the Class teacher and from the Teaching Assistants (1 'Pupil of the Week' per class). Reasons for the choices will be shared when presenting the certificates, which the child will take home. The pupils will also be announced in the Friday Feature. Pupils of the week are invited to have hot chocolate with the Head teacher on a Friday afternoon.

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

Above and beyond awards celebrate and recognise the outstanding contributions of pupils within the school. A postcard will be sent to parents via post in recognition of their child's achievement by the Headteacher and/or the Deputy Head.

### **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 Teacher's 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. A weekly 'Picture News' Worship is held, which explores world news and British Values.

### **Behaviour Management Pathways**

Staff will follow an adapted 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 visual aids for the sanction stages are clearly displayed on the colour code tracking system in the classroom. (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.

### **Barriers to Learning**

At St Matthew's we have worked as a community to identify what barriers to learning look like in terms of behaviour within the classroom and school environment and have worked collectively to put together behaviour pathways where consequences match behaviour levels, with clear pathways for all to follow and implement. Consistency in approach is key to effective behaviour management and establishing a positive learning environment for all.

## Identified Levels of Behaviour

Level 1 Behaviours <i>Typical features of this sort of behaviour include pupils:</i>	Level 2 Behaviours <i>Typical features of this sort of behaviour include pupils:</i>	Level 3 Behaviours <i>Typical features of this sort of behaviour include pupils:</i>	Level 4 Behaviours <i>Typical features of this sort of behaviour include pupils:</i>
<ul style="list-style-type: none"> <li>• Getting out of seat constantly</li> <li>• Fidgeting/fiddling with equipment</li> <li>• Being slow to start work or follow instructions</li> <li>• Talking unnecessarily or chatting / Purposely making noises/Calling out without permission</li> <li>• Repeated low-level name calling/ inappropriate/ unnecessary comments</li> </ul>	<ul style="list-style-type: none"> <li>• Damaging property</li> <li>• Showing a lack of respect for each other and staff</li> <li>• Consistently disrupting other children's learning</li> <li>• Leaving the classroom</li> <li>• Unsafe behaviours (Hiding, climbing)</li> <li>• Refusal</li> </ul>	<ul style="list-style-type: none"> <li>• Being confrontational and verbally aggressive</li> <li>• Being confrontational and physically aggressive</li> <li>• Using offensive language (Including racial or homophobic language)</li> <li>• Severe disregard for school rules and procedure/Refusal</li> <li>• Destruction on the learning environment</li> <li>• Vandalism</li> <li>• Theft</li> <li>• Bullying</li> </ul>	<ul style="list-style-type: none"> <li>• Carrying a weapon</li> <li>• Drug related behaviour</li> <li>• Sexual harassment</li> </ul>

### Reflection Opportunities

As part of the behaviour pathway staff will use 'Reflection Opportunities' as a means of providing pupils with the opportunity to reflect on their choices and behaviours and to talk about ways to respond differently in the future, providing a chance for the pupil to recognise how situations could be handled differently resulting in a more positive outcome.

### Behaviour Pathway Process

When unwanted behaviour is displayed then a teacher will give a pupil a warning and will remind the pupil of the expectations and refer to the class charter. A pupil will be provided with 2 chances to reflect and rectify their behaviour.

When teachers have given a first and then second warning to pupils and a third is required (*this is not a 0-60 process and requires teachers to give warnings with a degree of time between to allow a pupil to demonstrate the ability to correct themselves with guidance and support*) then the pupil will miss 5 minutes of their break or lunch time play. Before five minutes of break or lunch are lost, the child must be clear as to why. This should be obvious to the pupil if the previous steps have been followed. The five minutes is time for the pupil to reflect on their behaviour and to think about what they need to do to change things. Some pupils may require support with this during the allocated time.

When pupil has missed 5 minutes of their break time, the 'sanction' has been completed the process begins again **however...**

If the child continues to fail to adhere to the class charter and school expectations before the 'sanction' has been completed, then the pupil will miss the whole of their break time or 15 minutes of their lunch time. During this time the pupil requires support from the teacher/TA to reflect on their behaviour and talk about what they need to do to change things and make the situation positive.

When the pupil has missed 15 minutes (all) of their break time, if after the sanction has been completed the process begins again, *however...*

Should things continue to escalate, and behaviours do not improve, then the red card is sent to a senior member of staff for them to support with the management of the behaviour.

This may consist of:

- The senior member of staff speaking to them within the classroom.
- Speaking to the pupil outside of the classroom environment and returning them to class.
- Placing the pupil into isolation for half an hour, the lesson or the remainder of the morning or afternoon.

Every situation will be dealt with according to the behaviour and the needs of the pupil. It will be made very clear to the pupil that staff find their behaviour disappointing but that it can be improved and turned round.

Throughout all stages of the process the adult will maintain emotional control.

### **Aggressive Behaviours**

Aggressive behaviours whether verbal or physical are immediate red card situations.

These times are rare however if they do occur then a red card is sent to Mrs Mills or Mrs Wilson where appropriate members of staff are sent to support in the management of the situation or remove a pupil if deemed necessary.

Where it is necessary to physically remove a pupil, a Safety Intervention trained member of staff will be sent for. Safety Intervention trained staff are Mrs R. Wilson, Mrs A. Cadman, Mrs Burns, Miss J. Fenn and Mrs M Urey. *Refer to Safety Intervention Physical Restraint Policy.*

### **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. Where necessary, class teachers are informed of incidents on the playground, and these are logged on the school's CPOMs system to help monitor behaviours of individual children.

Peer Buddies are on duty during lunchtimes 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 negative behaviour which 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.

### **SEND**

There are some children for whom this policy is inappropriate. These children may be identified on the schools SEND register as having Social, Emotional and Mental Health needs. Where this is the case, 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 will be sent home to parents regarding inappropriate use of language and a log will be kept in case of a reoccurrence. Should the offensive language be racist or felt to cause offence regarding its nature then Mrs Mills or a Senior leader will record this on the IRIS recording system for Racist incidents.

### **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.

### **Children Leaving School without Permission**

Where children leave the classroom or leave school grounds without permission, school would, in compliance with the legal framework of the Children Act 1989 s3 (5) act accordingly; 'Anyone who has care of a child without parental responsibility may do what is "reasonable" in all the circumstances to safeguard and promote the child's welfare. It is likely to be "reasonable" to inform the police, or children's services departments, and, if appropriate, their parents, of the child/young person's safety and whereabouts'.



However, in principle, if a pupil runs out of class we will establish where he or she has gone. For avoidance of doubt and for all within and outside of the school, staff will not run after them, but will seek additional support. It is advisable to keep a watchful eye on any child who has taken themselves out of the school building and possibly out of the school grounds, unless this watchful eye provokes the child to run further. It is and will be a judgement call for staff to take what they feel is **reasonable** action in line with the advice above. If a child is no longer on the school premises, we will contact parents in the first instance. If they are not contactable, we will inform the police that a pupil has left school and is at risk.

### 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 Strengthening Families/Early Help and support, 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 appraised 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 will be taken from or, a referral made to the Behavioural Support Team or other external agencies (e.g. Learning Support Advising Team or Educational Psychologist)

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's CPOMs 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, and ensuring due diligence to all protected characteristics, 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

In accordance to the DfE, 'Behaviour in schools Advice for headteachers and school staff' 2024, schools have the power to sanction pupils for misbehaviour outside of the school premises to such an extent as is reasonable.

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 children involved will be contacted and invited into school to discuss the matter.

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.

### Searching and Confiscation

The Headteacher, Deputy Headteacher and two senior members of staff have a statutory power to search pupils or their possessions, where they suspect the pupil has certain prohibited items. (Searching, Screening and Confiscation Advice for schools July 2022). The items that can be searched for under this power are knives or weapons, alcohol, illegal drugs and stolen items. An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or pupils;
- is prohibited, or identified in the school rules for which a search can be made (see paragraphs 2-3); or
- is evidence in relation to an offence.

### Pastoral Support

Pastoral support is offered within school, through the Pastoral Manager, Mrs Cadman, who works closely with the Head teacher and mental health lead, Mrs Mills. Support can be provided to children throughout the school in a pastoral capacity and this may include:

- 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, outbursts 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 Safety Intervention training. All trained staff follow the guidelines of Safety Intervention Physical restraint policy. (Appendix 5)

### 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 abusing 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 child-on-child 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's policy and procedures with regards to child-on-child abuse. *Keeping Children Safe in Education 2024.*

### Further reading and guidance

Department for Education - Behaviour and Discipline in Schools Advice for headteachers and school staff February 2024

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1101597/Behaviour\\_in\\_schools\\_guidance\\_sept\\_22.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101597/Behaviour_in_schools_guidance_sept_22.pdf)

Department for Education - Behaviour and discipline in schools Guidance for governing bodies

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/463484/Behaviour\\_and\\_discipline\\_in\\_schools\\_guidance\\_for\\_governing\\_bodies.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/463484/Behaviour_and_discipline_in_schools_guidance_for_governing_bodies.pdf)

Creating a Culture: How School Leaders can Optimise Behaviour

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/602487/Tom\\_Bennett\\_Independent\\_Review\\_of\\_Behaviour\\_in\\_Schools.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/602487/Tom_Bennett_Independent_Review_of_Behaviour_in_Schools.pdf)

Telford and Wrekin Belonging Strategy

[https://www.telford.gov.uk/downloads/file/14959/belonging\\_strategy](https://www.telford.gov.uk/downloads/file/14959/belonging_strategy)

## Appendix 1

### EYFS and KS1 Behaviour tracking system



#### Gold

Children move to gold if good positive learning behaviour continues to be consistently demonstrated throughout the day.

#### Silver

Children move to silver if good positive learning behaviour has been recognised by the teacher or TA.

#### Green

This is the stage where children begin each day.

#### Orange


























Children will have received 2 prior warning regarding their behaviour and will be provided with time to think about their behaviour.

#### Red

At this stage children will miss part of their break time or lunchtime.

Appendix 2













**Behaviour Pathway – EYFS**

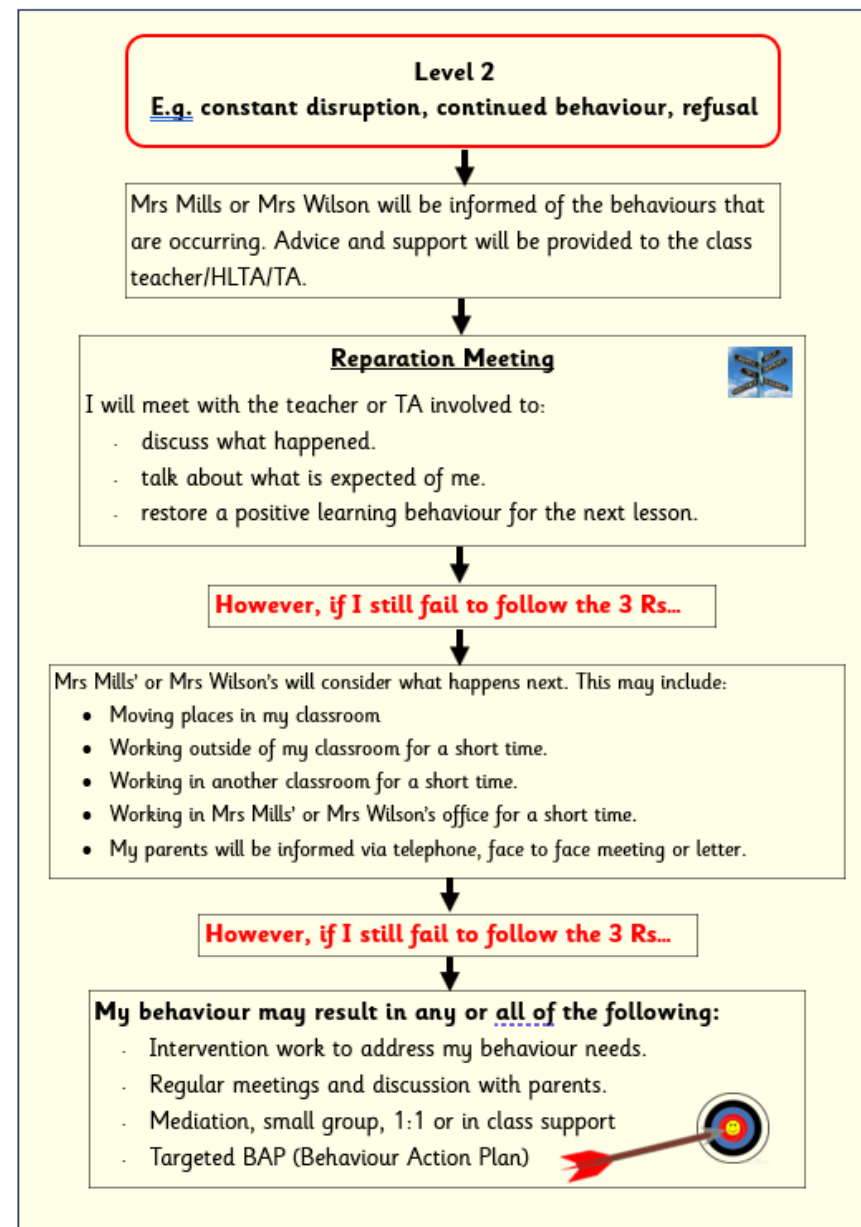
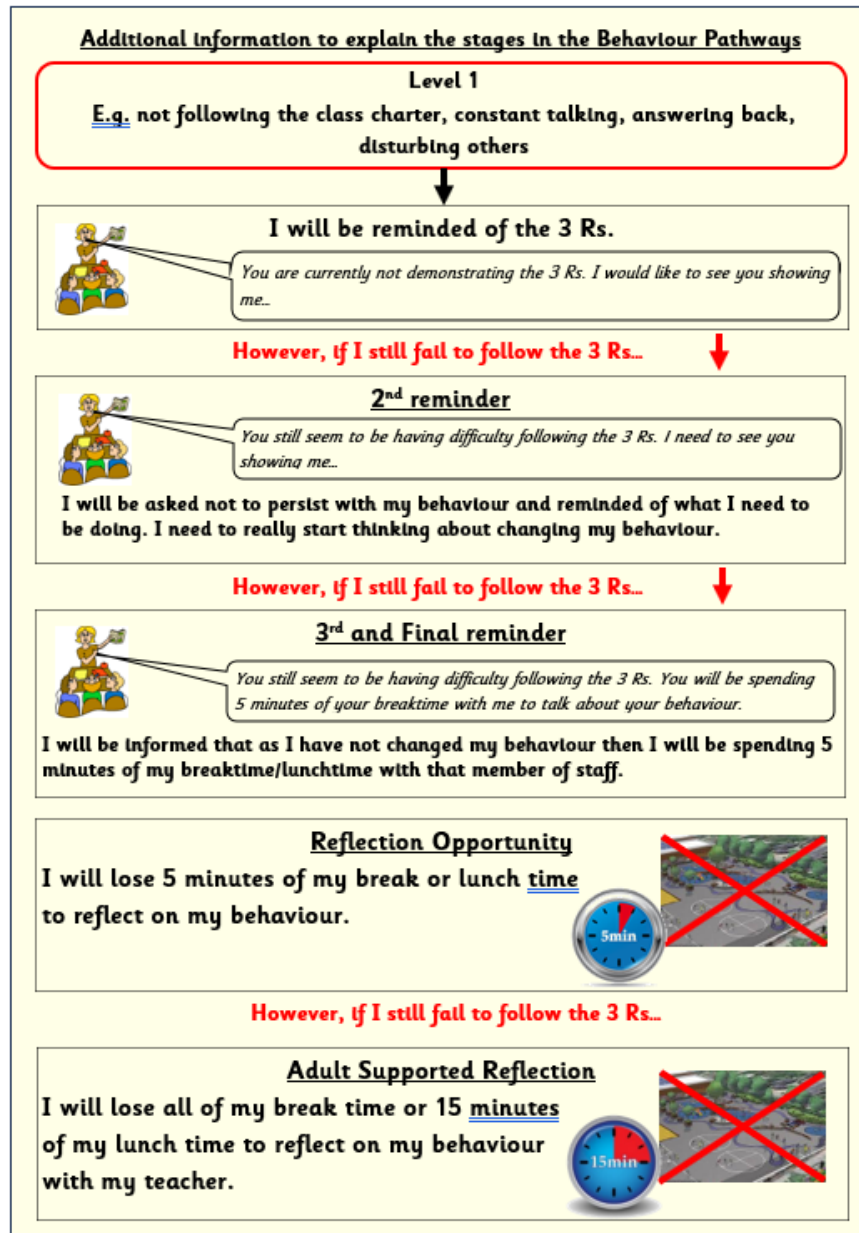
	Behaviour	Consequence
1.	  <p>If I break a classroom or school rule once...</p>	<p>I am spoken to by my teacher or TA and given a warning.</p>  <p>My teacher or TA will tell me what I need to do to make behaviour better.</p>
2.	   <p>If I break a classroom or school rule for a second time...</p>	<p>I am spoken to by my teacher or TA again and given a second warning.</p>  <p>I need to really start thinking about changing my behaviour.</p>
3.	    <p>If I break a classroom or school rule for a third time...</p>	  <p>I sit on the red spot for 2 minutes until the sand runs out.</p>
4.	     <p>If I continue to break the classroom or school rules...</p>	  <p>I sit on the red spot for 5 minutes until the sand runs out and my teacher talks to me.</p>
5.	   <p>If I use unsafe behaviour, hurt others or use unkind words...</p>	<p>I am sent to Miss Booles, Mrs Mills or Mrs Wilson to talk about my behaviour and what I need to do to change things.</p>  <p>Mrs Mills</p>  <p>Mrs Wilson</p>



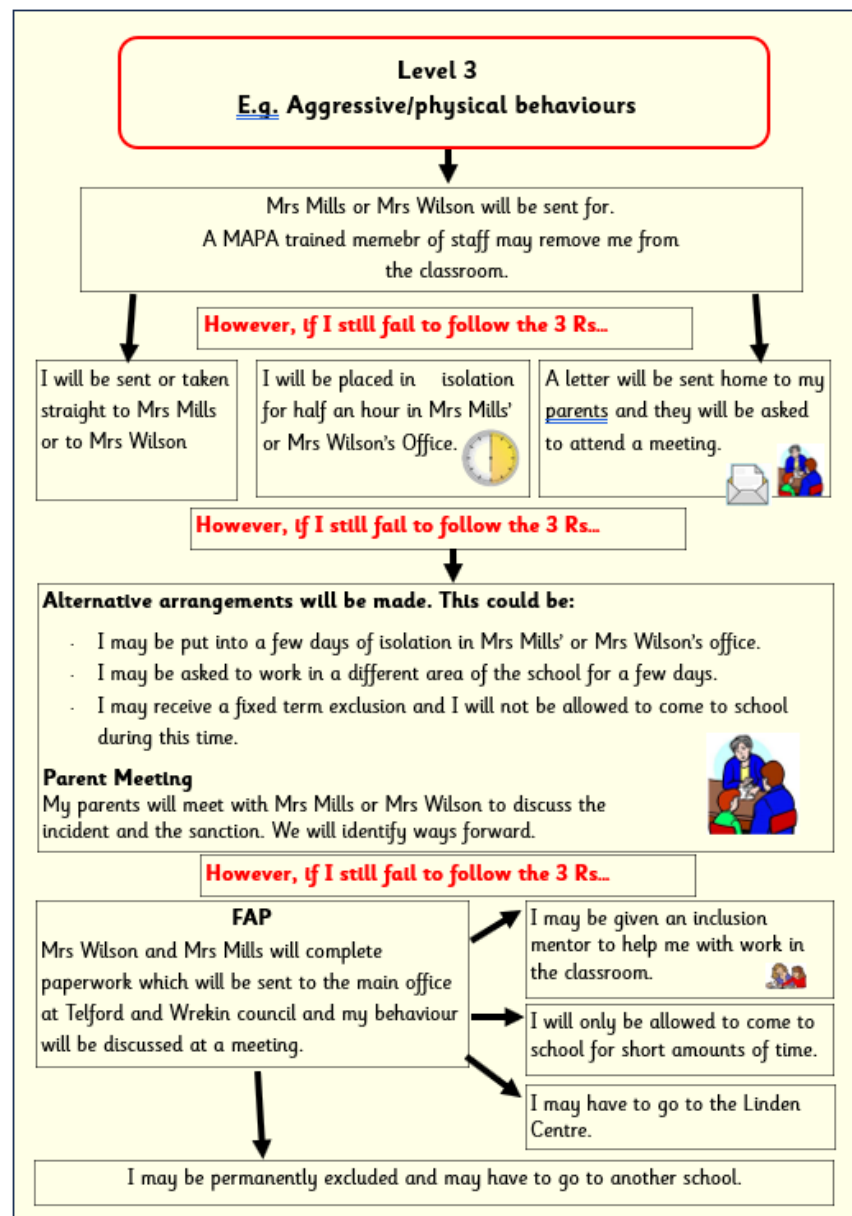
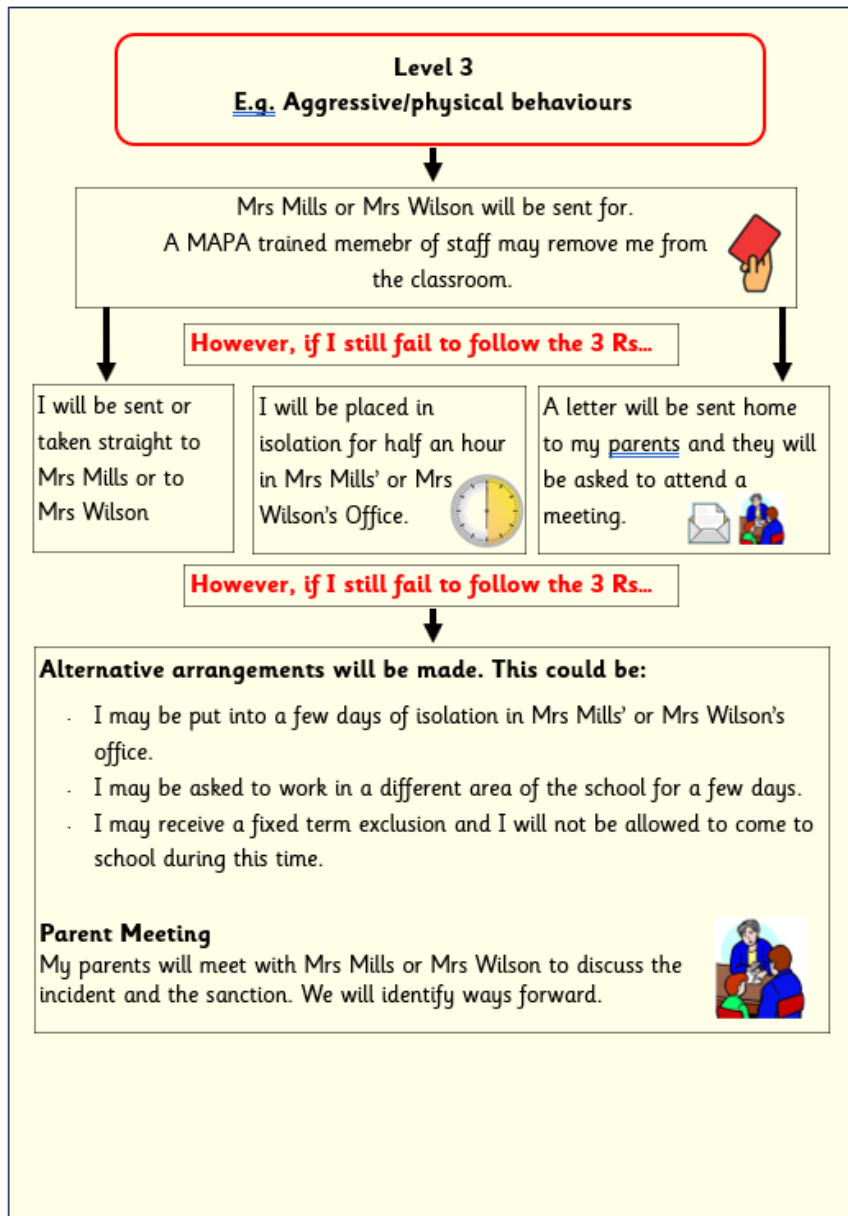
Appendix 3

**Behaviour Pathway – KS1 and KS2**

	Behaviour	Consequence
1.	 If I break a classroom or school rule once...	I am spoken to by my teacher or TA and given a warning.  My teacher or TA will tell me what I need to do to correct my behaviour.
2.	 If I break a classroom or school rule for a second time...	I am spoken to by my teacher or TA again and given a second warning.  I need to really start thinking about changing my behaviour.
3.	 If I break a classroom or school rule for a third time...	 I miss 5 minutes of my playtime to reflect on my behaviour.
4.	 If I continue to break the classroom or school rules...	 I miss 15 minutes of my playtime to reflect on my behaviour with my teacher.
5.	 If I use unsafe behaviour, hurt others or use unkind words...	I am sent to Mrs Mills, Mrs Wilson or Mrs Burns to talk about my behaviour and what I need to do to change things.  Mrs Mills  Mrs Wilson  Mrs Burns







## Appendix 5

### 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 sanction 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 sanction.

## 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. These 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 6

### 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.