



# WILLIAM FARR

## C of E Comprehensive School

## Behaviour Management Policy (including Anti-Bullying and Banned Items)

### Vision and values

William Farr (C of E) Comprehensive School's vision is to provide all members of the school community with the opportunities to engage with 'life in all its fullness' (John 10:10) through the highest quality of education, encouragement and endeavour. We are committed to striving for excellence and ensuring that all students are known, valued and can achieve.

Our core values are:

**Compassion**      **Friendship**      **Perseverance**      **Respect**      **Responsibility**      **Wisdom**

### Principles

All pupils have the right to learn and work to the best of their ability, to be free from intimidation, harassment, discrimination, victimisation and bullying so that they can be safe and happy in school. This underpins the school's vision statement where every pupil is known, valued and achieves as an individual. To achieve this, all members of the school community must work together through shared responsibility, positive relationships, mutual trust and respect.

This policy links with the Safeguarding Policy, School Exclusion Policy, Home-School Agreement, Classroom Code, Attendance Policy, Equality Statement, SEND Policy, Drugs Policy, E-Safety Policy, Homework Policy and Uniform Code. It reinforces the school's commitment to inclusivity and equality.

### Framework

The day to day maintenance of good behaviour remains the responsibility of the Headteacher and staff, with the full support of the Governing Body.

The school is committed to achieving and maintaining the highest standards of behaviour and discipline among its pupils at all times. It seeks to achieve this by encouraging a positive attitude towards pupils, a recognition of individual strengths and achievements, and the development of self-discipline.

The school believes that the best way to manage and promote positive behaviour, and to motivate pupils, is through a structured approach with systems which recognise, praise and reward pupils' efforts and achievements.

The application of sanctions, which emphasise the unacceptability of poor behaviour, will be applied when required in a fair, consistent and proportionate way.

Liaison with parents plays an important part in maintaining good behaviour and discipline in school.

### Praise and reward systems

Praising pupils, recognising achievements and a structured system of rewards, raise self-esteem. They encourage pupils to attain high standards by raising expectations, and increasing confidence and self-belief

Verbally acknowledging pupils' efforts, achievements, attitude and behaviour, is an integral part of the interaction between staff and pupils in all aspects of school life. The type of rewards used in school are reviewed regularly and new innovations are considered within the Care and Guidance Team.

### **Key Stage awards**

This formal and structured approach is used to reward pupils' academic effort, achievement and progress, as well as rewarding pupils for being good citizens and contributing to wider school and community life (see Appendix 1: Reward System for Merits, Citizenship Points, Excellence Awards and Positive Referrals).

Heads of Department/Heads of Year should ensure that rewards (and other ways of encouraging positive work and behaviour habits) are regularly discussed to ensure consistency and fairness are in place.

### **House merits/certificates**

These are awarded for participation in House events and/or for specific contributions to the House. These form an integral part of the reward system.

### **Physical Education colours - half/full**

Awarded for participation in sporting events and representative honours.

### **Subject certificates**

These are awarded by individual teachers/departments to pupils who have produced work of an exceptional standard and for effort and contribution in lessons.

### **Positive letters to parents**

For exceptional effort, achievement or improvement, Heads of Department or Heads of Year can write to parents congratulating their child. Positive letters are kept in pupil files. This creates a direct, 'positive' link to parents.

### **Production of achievement and progress files at end of Key Stage 3 and Key Stage 4**

Pupils compile these files, which contain all commendations, certificates, letters home and any awards and certificates they have obtained both in and out of school. These are presented formally to pupils.

### **Support and intervention strategies**

From time to time pupils may need direct support to maintain positive behaviour or to overcome difficulties in this area.

Careful monitoring by form tutors and staff can identify such pupils. In school support and mentoring can be given by several members of staff, individually, by subject staff or tutors; by Heads of Year/Heads of Department; by Senior Staff.

### **Individual reporting systems**

The school has a range of reporting systems to support individual pupils. These include Uniform Report, Behaviour for Learning Report, Positive Report, Homework Report and Impressive Slips. These are designed to:

- Support pupils and encourage them to manage their own behaviour in a more positive way;
- Give pupils positive feedback from lessons to encourage them and raise self-esteem;
- Involve pupils in setting and monitoring their own targets for a range of behaviour;
- Provide information/evidence to assist in the mentoring process.

Parents play a key role in supporting their child when behavioural problems arise. They are informed when their child is displaying poor behaviour, and a positive dialogue is encouraged. With parental support, the chances of success for individual pupils is much greater.

### **Use of agencies outside school**

The school has close links with a number of outside agencies/support workers which it can use to support

individual pupils with behavioural issues and gain advice.

These include (not exhaustively, and in no particular order):

- General Practitioner;
- Education Welfare Officer (concerns over attendance);
- Child and Adolescent Mental Health Services (CAMHS);
- Early Support Care Co-ordination (ESCO) (for children with a disability and medical conditions);
- Team Around the Child (children in need of additional support from different agencies);
- Educational Psychological Service (psychological support for a child's learning and development);
- Pupil Reintegration Team (support for children at risk of exclusion);
- Virtual School (support for Looked after Children at risk of exclusion);
- Behaviour Outreach and Support Services (one to one support for children with behavioural issues who may be permanently excluded);
- Children's Services (for safeguarding issues);
- Lincolnshire County Council Grief, Loss and Bereavement;
- Anger Management Counselling;
- Alternative Provision Providers;
- Careers Service (to establish career aspirations and goals);
- Police (legal advice/support/action).

## Sanctions

Praise and reward are an important part of the school's philosophy in managing pupil behaviour, setting high expectations and creating the right climate for learning.

However, sanctions will be applied when necessary (in accordance with this policy) in order to maintain good discipline for the whole school community and to educate pupils to make the right choices in the future.

The school may impose sanctions for misbehaviour at any time which could:

- Adversely affect learning;
- Have repercussions for the orderly running of the school;
- Pose a threat to the pupil, another pupil or member of the public;
- Adversely affect the reputation of the school;

for offences which have occurred within the school boundary.

The school boundary includes:

- On the school premises;
- When a pupil is taking part in a school-organised or school-related activity;
- Travelling to or from school (whether or not in school uniform);
- Any other occasion when a pupil is wearing school uniform.

In the event that any pupil is found to be posting libellous or defamatory comments about the school or staff on social media, sanctions will be imposed in line with this policy. The school will also expect that any pupil removes such comments immediately. In serious cases the school will consider its legal options to deal with any such misuse of social media.

Sanctions must be fair, proportionate, equate to the 'offence', be clearly understood by everyone in the school and consistently applied. Sanctions range from verbal reprimands by teachers to permanent exclusion.

Sanctions can be applied for any unacceptable behaviour by pupils in breach of this policy. This can include (but not exhaustively) the following offences (in no particular order):

- Repeated failure to have a diary signed by a parent with no valid reason;

- Failure to hand in homework on time or complete it to the required standard;
- Repeated lateness to registration;
- Breach of the Pupil Code of Conduct (as set out in Appendix 2);
- Derogatory language including swearing;
- Discriminatory language or actions aimed at, but not exhaustive to, Special Educational Need, Gender, race, religion or belief, disability, sexual orientation (homophobic and biphobic bullying) and gender reassignment.
- Rudeness;
- Defiance;
- Poor behaviour on the school bus;
- Breach of the school Uniform Code (on school website);
- Inappropriate use of school equipment and Information Technology;
- Smoking in school or use of e-cigarettes;
- Truancy from lessons or school;
- Bringing into school a mobile phone and/or using a mobile phone in school;
- Bullying including cyber-bullying and prejudice-based bullying relating to Special Education Needs, sex, race, religion or belief, disability, sexual orientation (homophobic and biphobic bullying) and gender reassignment (transphobic bullying) (See Anti-Bullying Policy);
- Acting in a manner to other members of the school community that does not accord respect to their rights including safety and welfare;
- Theft or attempted theft;
- Bringing alcohol into school;
- Bringing banned items into school e.g. weapon;
- Physical assault and violence;
- Use of drugs or suspicion of taking drugs (See Drugs Policy);
- Cyber bullying: the school cannot investigate cyber bullying which has occurred outside school, however it has a responsibility to the welfare and safety of all pupils. As such, if an incident is brought into school whether through action, gesture or comment, the school will investigate this in the context of the totality of the incident and appropriate action taken. See Appendix 3 for examples of sanctions which can be imposed for specific offences.

## **Detentions**

Detentions can be used as an appropriate sanction depending upon the nature of the misbehaviour and context in which it occurs. Parents will be given a least 24 hours' notice for an after-school detention. Pupils are required to attend detentions as per the Home-School Agreement signed by parents and pupils. If pupils fail to attend a detention, it may be re-arranged. Repeated failure to attend detentions may result in pupils being withdrawn from lessons and placed in internal isolation for a period of time.

### **Subject teacher/tutor detention (lunchtime/break time)**

For relatively minor incidents during lessons/form time, e.g. failure to follow teacher instructions; occasional lateness to registration.

### **Head of Department detention (usually lunchtime/after school)**

When pupil continues to misbehave in lessons despite action being taken by the subject teacher e.g. continued low level disruption, failure to hand in homework after a senior team detention has been given at lunchtime (see Senior Team detention below).

### **Head of Year detention (lunchtime/after school)**

For more serious incidents in or outside lessons including before school, break, lunch and after school.

### **Senior Team detention (Afterschool)**

- For failure to attend a Middle Leader After School Detention without good reason
- Where Middle Leaders have allocated repeated After school detentions with no positive impact on behaviour

- For more serious incidents in lessons, around the school, or on the buses.

Detentions generate a letter home to parents informing them of the reason for the sanction, requesting their support. Reply slips should be signed by the parents and returned to school.

## Exclusions

### Types of exclusion

The school Exclusion Policy details the circumstances in which a Fixed Term (now renamed ‘suspension’) or Permanent Exclusion may be used for the most serious misbehaviour.

The school operates two other types of internal sanction; ‘**internal exclusion**’ and ‘**suspended exclusion**’. These internal measures are not subject to any special rules which govern fixed and permanent exclusions and it is at the school’s discretion when such sanctions can be applied.

### Internal exclusion

Pupils may be withdrawn from lessons and placed in internal isolation for short periods of time to work on their own for serious misconduct. This also includes withdrawal from normal breaks and or lunchtimes (social time.) Pupils are set work by subject staff to complete on their own. Pupils may be placed in the Inclusion Room or another quiet area in school.

It is at the discretion of the Head or Year and the Senior Leadership Team to decide whether the circumstances surrounding the nature of the offence or context in which it occurred warrant internal isolation. Pupils may be withdrawn from lessons and placed in internal isolation where the school needs to investigate the incident and gather relevant information, including witness statements, to ascertain ‘on the balance of probability’ (see Investigations and Recording Incidents) what incident occurred, the circumstances and context surrounding the incident and who was to blame. This also allows pupils to be supervised, in some cases for their own safety.

### “Suspended” exclusion

This internal concept is to allow pupils an opportunity to be sanctioned without serving a fixed term exclusion. It may be given where a pupil is not fully aware of the school’s high expectations or where the circumstances of the offence and context in which it occurred warrant such action. This is at the discretion of the Headteacher or the Senior Team. When a pupil is given a suspended exclusion, depending on the nature of the offence, they may also spend up to two days in internal isolation withdrawn from lessons.

Once a suspended exclusion has been issued, if there is a re-occurrence of the same offence within a calendar year of the original offence, a fixed term exclusion will be invoked. A suspended exclusion lasts for over a 12-month period.

Parents will be contacted by telephone as soon as possible to inform them that their child has been in internal isolation or given a suspended exclusion and the reason for this. Where parents cannot be directly contacted by telephone, where possible a message will be left on their answer machine informing them that their child has been in internal isolation. Parents will also be contacted in writing.

The school will not discuss the sanction of a pupil with another pupil or another pupil’s parents.

### Pupils at risk of permanent exclusion

The school follows the DfE Statutory Guidance, ‘Exclusion from maintained schools, academies and pupil referral units in England’ in providing support and intervention steps for pupils at risk of permanent exclusion for a persistent breach or one-off breach of the School Behaviour Policy (see school Exclusion Policy).

In addition, pupils at risk of a permanent exclusion, may be asked to attend a Governor Support Committee meeting with their parents/carers. Its terms of reference are to:

- Take an independent view of what the school has done to support children at risk of permanent exclusion;

- Find out any mitigating circumstances or justification and to explore where the school and child goes from there.

The school does not attend the meeting but sends in a written report, which goes to the panel and parents/carers.

This internal approach should hopefully reduce the likelihood of a permanent exclusion and is part of the school Behaviour Policy.

### **Investigations and recording incidents**

When an incident has occurred, it is important that it is investigated thoroughly and as soon as is practically possible. This is usually undertaken by either a Head of Year or Assistant Head of Year or if necessary, a member of the Senior Team. Pupils may be withdrawn from lessons and placed in internal isolation where the school needs to investigate the offence and gather relevant information, including witness statements, to ascertain 'on the balance of probability' what incident occurred, the circumstances and context surrounding the incident and who was to blame.

Sanctions will be imposed where it is shown 'on the balance of probability' that the incident occurred. This civil measure means that it is more likely than not that the incident took place.

Pupils will be required to write witness statements (unless they require support, where it may be appropriate for a member of staff to write it for them) to explain what event occurred and when, where it took place, who else was present and what they saw and/or heard. Pupils may be interviewed (in some cases more than once) by the Head of Year or member of the Senior Team to clarify points, ask further questions and establish 'on the balance of probability' what occurred so that appropriate action can be taken.

### **Searches**

Any screening, searches or confiscation will be carried out by a designated staff representative and in accordance with the DfE's: 'Searching, screening and confiscation. Advice for headteachers, school staff and governing bodies' (See Appendix 4).

### **Recording incidents and referring pupils**

Staff complete an incident slip to record behavioural incidents where action has and/or needs to be taken e.g. incidents of bullying, disruptive behaviour, lateness to school, diary not signed. This action may include: verbal reprimand, extra work, note in diary, detention, removal from lesson etc.

Incident slips are then passed to the:

- Head of Department who will take appropriate action when necessary;
- Form tutor for information and possible action;
- Head of Year for information and possible action.

It should be noted that an incident slip is for information and is not of itself a sanction.

It is important that this information moves as quickly as possible, in order to deal with incidents without undue delay. Incident slips are recorded by the Head of Year on a weekly basis and discussed with a member of the Senior Leadership Team.

### **Special educational needs and vulnerable pupils**

In deciding on any sanctions to be imposed, the school will pay particular regard to the special educational needs or disability or vulnerability of a pupil and endeavour to make *reasonable adjustments* as appropriate.

### **Training**

Staff will receive regular updates and training in behaviour management to support the implementation of this policy. This includes induction training for new staff, updates for all staff on INSET days, CPD twilight sessions and specialist training for key staff. In addition, members of the Governing Body will be kept up

to date on key issues surrounding behaviour management.

## **ANTI-BULLYING**

### **Principles**

All pupils are entitled to receive their education. The aim of the Anti-Bullying Policy is to ensure that pupils can learn in a supportive, caring and safe environment without fear of being bullied, intimidated, harassed, discriminated against or victimised in school. This school is a place where every person has the right to be themselves and to be included in a safe and happy environment. Everyone at our school is equal and should be treated with respect. This underpins the school vision statement where every pupil is known, valued and achieves as an individual. This policy reinforces the school's commitment to inclusivity and equality.

### **Aim and purpose**

Bullying of any kind is unacceptable and will not be tolerated at our school. At our school the safety, welfare and well-being of all pupils and staff are a key priority. We take all incidences of bullying seriously and it is our duty as a whole school community to take measures to prevent and tackle any bullying, harassment or discrimination. We actively promote values of respect and equality and work to ensure that difference and diversity are celebrated across the whole school community. We want to enable our pupils to become responsible citizens and to prepare them for life in 21st Century Britain. These values reflect those that will be expected of our students by society when they leave school and enter the world of work or further study.

### **Definition**

Bullying is hurtful or unkind behaviour which is deliberate and repeated. Bullying can be carried out by an individual or a group of people towards another individual or group, where the bully or bullies hold more power than those being bullied.

The nature of bullying can be:

- Physical– such as hitting or physically intimidating someone, or using inappropriate or unwanted physical contact towards someone;
- Attacking property – such as damaging, stealing or hiding someone's possessions;
- Verbal – such as name calling, spreading rumours about someone, using derogatory or offensive language or threatening someone;
- Psychological – such as deliberately excluding or ignoring people.

Bullying can be based on any of the following things:

- Race (racist bullying) \*;
- Religion or belief;
- Culture or class;
- Gender (sexist bullying) including misogyny
- Sexual orientation (homophobic or biphobic bullying) \*;
- Gender identity (transphobic bullying) \*;
- Special educational needs and disability (SEND);
- Appearance or health conditions;
- Related to home or other personal situation;
- Related to another vulnerable group of people e.g. Free School Meals, Looked After Children, Young Carers.

Bullying is anti-social behaviour; it is abhorrent and totally unacceptable. Pupils who are being bullied may show changes in behaviour, such as becoming shy and nervous, feigning illness, self-harming, taking unusual absences or clinging to adults. There may be evidence of changes in work patterns, lacking concentration or truanting from school.

Incidents of bullying will be dealt with under the Sanctions section of the school Behaviour Policy within the school boundary.

## Sexist and Misogynistic language

OFSTED report 2021 “girls told us that sexual harassment and online sexual abuse, such as being sent unsolicited explicit sexual material and being pressured to send nude pictures (‘nudes’), are much more prevalent than adults realise. For example, nearly 90% of girls, and nearly 50% of boys, said being sent explicit pictures or videos of things they did not want to see happens a lot or sometimes to them or their peers. Children and young people told us that sexual harassment occurs so frequently that it has become ‘commonplace’... 92% of girls and 74% of boys reporting sexist name calling in school.

### Example of sexist language:

- The word ‘girl’ is sometimes used to mean that something or someone is rubbish or less worthy: ‘Don’t be such a girl’ or ‘you kick like a girl’.
- Sexually explicit or discriminatory language, which is demeaning to certain genders, including misogynistic language; use of the word ‘slag’ or other more explicit gender specific language.

### Examples of sexist behaviours in school:

- Unwanted touching
- ‘bumping’ into a person in the corridor
- Unsolicited sexual advances

## Racism\*

The school follows the Lincolnshire County Council guidance document on ‘Dealing with and reporting racist incidents in school’.

The school supports the Lincolnshire Local Authority and police definition of racism: ‘Any incident which is perceived to be racist by the victim or any other person in school’. Racist behaviour can take many forms including:

- Physical assault;
- Physical intimidation;
- Verbal abuse;
- Insensitive/inappropriate remarks/comments/jokes;
- Racist graffiti;
- Written comments and drawings;
- Abuse of or damage to personal property;
- Disrespect.

## Sexual orientation (homophobic or biphobic bullying)\*

**Homophobic bullying** is bullying that is based on prejudice or negative attitudes, beliefs or views about lesbian, gay or bisexual people. Homophobic bullying may be targeted at pupils who are, or who are perceived to be, lesbian, gay or bisexual. It can also suggest that someone or something is less worthy because they are lesbian, gay or bisexual. Homophobic bullying is also often targeted at pupils who have lesbian, gay or bi family members, and pupils who do not conform to gender stereotypes or are seen to be ‘different’ in some way.

### For example:

- A girl who reports that she keeps repeatedly being called a ‘lesbian’ and ‘not a real girl’ by other students because she has short hair;
- A boy who is picked on for being gay at break-times because he does not want to play football; ‘He must be gay if he doesn’t like football’;
- A girl who reports that since she came out as a lesbian, other girls in her class keep moving away from her and giggling every time they are in the changing rooms.

**Examples of homophobic language** could be the casual derogatory use of the word 'gay' to mean something negative or the use of explicit homophobic terms.

- 'That's so gay' or 'you're so gay'; 'those trainers are so gay';
- Someone calling another student a 'dyke' or 'faggot'.

**Biphobic bullying** is bullying based on prejudice or negative attitudes, beliefs or views specifically about bisexual people. Biphobic bullying may be targeted at pupils who are openly bisexual, those who are questioning their sexual orientation, or pupils who are suspected of being bisexual. Biphobic bullying may target pupils with negative stereotyping (for example suggesting that they are greedy) or assume that being bisexual is a phase.

**For example:**

- A bisexual student receiving ongoing name-calling and jokes about being 'greedy' because they are attracted to boys and girls;
- A bisexual student repeatedly being asked probing or intimidating questions such as 'can't you make your mind up – do you fancy boys or girls?' or 'why can't you be normal and just pick boys or girls?'.

**Examples of biphobic language:**

- Shouting 'bi-bi';
- Referring to a bisexual person as 'greedy'.

**Gender identity (transphobic bullying)\*** is bullying based on prejudice or negative attitudes, views or beliefs about trans people. Transphobic bullying affects young people who are trans but can also affect those questioning their gender identity as well as pupils who are not trans but do not conform to gender stereotypes.

**For example:**

- Students pestering a trans young person with questions about their gender such as 'are you a real boy?' or 'are you a boy, or are you a girl?' or asking invasive questions like 'do you wear knickers or boxers?' or 'what body parts do you have?';
- A girl being teased and called names referring to her as a boy or trans because she wears trousers or 'boys' clothes';
- A boy who tells his friends that his dad is now his mum suffers other pupils laughing and repeatedly telling him 'that can't happen – your dad's a freak'.

**Examples of transphobic language:**

- Referring to a someone as a 'tranny';
- That long hair makes you look like a right gender bender!'.

## **Derogatory language**

Derogatory or offensive language is not acceptable and will not be tolerated. This type of language can take any of the forms of bullying listed in our definition of bullying.

## **School responsibilities**

- To foster in all pupils, self-esteem, self-respect and respect for others in accordance with school policies and the Pupil Code of Conduct;
- To encourage a culture of 'open listening' where pupils can report bullying without fear of intimidation or reprisal;
- Be aware of the signs of bullying and act promptly and firmly in accordance with the policy;
- If a pupil reports that they are being bullied, they should always be taken seriously and the matter reported to the Head of Year;
- If a member of staff or parent suspects a child is being bullied, the matter should be reported to the Head of Year immediately who will investigate and take relevant statements from pupils;

- The form tutor and parents will be kept informed of the investigation and outcome of their own child;
- The Head of Year will record the incident in the pupils' incident file and on the Behaviour Log;
- Sanctions will be used as appropriate and in accordance with the School Behaviour Policy. If it is a serious incident or a second (or further) offence, the situation will be monitored on a regular basis by the Form Tutor or Head of Year;
- Where appropriate, additional support will be offered e.g. mentoring, peer counselling (mainly for Year 7), signposting where support can be accessed;
- Within the curriculum, the school will raise the awareness of the nature of bullying, through inclusion in PSHE, form tutorial time, assemblies and subject areas as appropriate, in an attempt to eradicate such behaviour. Pupils are encouraged to understand the possible effects of bullying on the victims and the consequences for those involved in bullying;
- To provide safeguarding training for all staff. In addition, induction training for new staff, updates for all staff on INSET days, CPD twilight sessions and specialist training for key staff will be offered.

### **Pupil responsibilities**

- Not to take part in any kind of bullying and should watch out for potential signs of bullying among their peers;
- To never be bystanders to incidents of bullying;
- To talk to a member of staff of their choice e.g. Form Tutor or Head of Year, to disclose or report any incidents of bullying;
- To accurately record what has happened, when it happened and how they feel, including the names of any witnesses;
- Not to try and deal with the problem on their own;
- Support other pupils who may have been subjected to bullying.

### **Parents' advice**

Parents should:

- Look out for potential signs of bullying such as distress, lack of concentration, feigning illness or other unusual behaviour;
- Contact their child's Head of Year to report incidents of bullying, or possible bullying. These will always be dealt with seriously and investigated with the information provided;
- Encourage their child to talk to a member of staff they feel they can trust to report a bullying incident e.g. Form Tutor or Head of Year;
- Advise their child not to discuss the matter with other pupils in school, retaliate or take the matter into their own hands;
- Keep a record of any reported incidents of bullying;
- Work in partnership with the school if their child is accused of bullying to try and establish the truth and point out the implications of bullying for all concerned;
- Support the school in their findings and any sanctions imposed.

Cyber bullying is an increasing problem for schools and society as a whole. Parents are advised to talk to their child about the dangers of cyber bullying and support available which is signposted on the school website.

### **Useful contacts**

Childline 24 hour help line

Anti-Bullying Campaign

Kidscape: Parent Advice Line Bullying

NSPCC

William Farr Church of England Comprehensive School website

Parents should check the appropriate website for contact details

## BANNED ITEMS

### Principles

There are a broad range of items which, if brought into a school setting or, in the possession of a young person, could compromise the health and safety of the individual pupil, other members of the school community, including students, staff or visitors to the school.

The Governing Body has a duty under section 175 of the Education Act 2002 requiring them to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children.

This policy has been drawn up in accordance with DfE Guidance.

This policy should be read in conjunction with the school's published Drugs Policy, Behaviour Policy, Exclusion Policy, Safeguarding Policy, Uniform Policy and Health and Safety Policy. It has been produced using the Lincolnshire Children's Service recommended model.

### Prohibited items

The DfE's 'Searching, screening and confiscation advice' is the foundation for this policy and it identifies prohibited items as:

- Knives or weapons (see definition below);
- Alcohol;
- Illegal drugs;
- Stolen items;
- Tobacco products;
- Fireworks;
- Pornographic images;
- Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury, or damage to the property of, any person (including the pupil);
- The Headteacher or designated member of the Senior Team can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

*For the purpose of this policy, the definition of 'knife' is this document includes any bladed article including: craft knife, Stanley knife, Swiss army knife, fishing knife, razors, kitchen knives etc. or any bladed item.*

*The term 'weapon' refers to any gun, including air rifles, BB gun, toy guns, crossbow, tasers, blow pipes, knuckledusters or any similar item and includes any item intended for the purpose of assault or defence.*

The above is not an exhaustive list and could include other bladed items or weapons not specified above. The policy is not constrained by the criminal definition of an offensive weapon but refers to any item which could cause harm, injury or distress to the holder or others, or which could be used to threaten, alarm, distress or intimidate others. Details of the response to, and management of, any incident involving any type of drug/alcohol/tobacco are included in the school Drugs Policy.

### Unauthorised items

In addition to the prohibited items identified and detailed in the DfE's 'Searching, screening and confiscation advice', there are a number of other items which could cause harm, distress or injury to pupils or persons or 'adversely affect good order and discipline of the school community'.

The Governing Body consider that the following items are inappropriate and should not be brought into school:

- Chains;
- Catapults;
- Lighters, matches;
- Tools (scissors, screwdriver, hammer, nails etc.);

- Pepper sprays and gas canisters;
- Any item fashioned to cause injury i.e. a sharpened stick, shard of glass;
- Laser pens;
- Dangerous chemicals (acids, hair dyes, bleachers, nail varnish remover etc.);
- Aerosol (including deodorant and hair spray);
- E-cigarettes/vapes;
- Stink bombs;
- Solvents;
- Chewing gum;
- Energy drinks;
- Super Glue;
- Needles (syringes if required for medical grounds should be kept in accordance with the pupil's own care plan and the school medical policy);
- Offensive material – pornographic, racist, homophobic, extremist material (in any medium);
- Rope, cable ties.

This is not an exhaustive list and the Headteacher may consider other items as inappropriate if they believe that the possession of the item is to cause harm, distress or injury to another.

### **Incidents outside school**

The above items are inappropriate and possession of such items in school, on the journey to and from school, on a school trip or any extracurricular activity – on or off the school premises – is unacceptable. The response to any pupil found with or believed to have possession of such items will be managed in accordance with the school Behaviour Policy.

### **Publication and awareness**

This Policy will be actively promoted to parents, staff and students by the use of:

- PSHE
- School website;
- Assemblies;
- Individual pupil plans (where appropriate);
- Newsletters;
- Induction processes for new pupil admissions and new staff.

The school maintains a robust and comprehensive risk management of all legitimate items held for the purpose of pupils' education e.g. craft knives/scissors/kitchen equipment/science equipment/chemicals/tools etc. as required for the school's own teaching facilities. This includes classroom arrangements for maintaining a safe learning environment and for monitoring and checking items.

All dangerous chemicals and equipment held in school will be stored in accordance with the COSHH guidelines including those for education purposes and for the routine maintenance and cleaning of the school premises.

### **Consequences**

The school understands that pupils can make poor choices and that these choices may from time to time breach the above standards of expected behaviour, or a pupil may foolishly or unwittingly bring into school an inappropriate or prohibited item.

When considering the consequences of such an event, the Headteacher or designated member of the Senior Team will thoroughly investigate the circumstances and, if necessary, the Headteacher will exclude the pupil for a fixed term period whilst this process is underway.

When reviewing the appropriate response, the Headteacher will have regard to any likely consequences following from any breach including, safeguarding the pupil involved, impact on pupils, members of staff and the wider school community. In their deliberations the Headteacher will review:

- Motivation and intention;

- The specific item;
- Pupil awareness of the health and safety implications of the item in their possession;
- The pupil's own statement;
- Any threats or intimidation made referring to or using the item;
- Any mitigating circumstances e.g. victim or bullying;
- Frequency/repeated breaches;
- Manipulation/duress of the student by others;
- Vulnerability of the pupil;
- Any SEND the pupil may experience.

### **Responding to an incident involving prohibited or unauthorised items**

All screening, searching or confiscation will be carried out by a designated staff representative and in accordance with the DfE's 'Searching, screening and confiscation advice' (see Appendix 4).

The item will be confiscated and locked securely in the school office.

A photograph/photocopy of the confiscated item including a scale to illustrate the size will be taken. The pupil will be removed to internal isolation and given the opportunity to make a statement concerning their reasons for having this item in school.

Parents will be contacted by telephone.

If necessary, a fixed term exclusion will be considered to give opportunity for the incident to be investigated by the Headteacher or member of the Senior Team including taking witness statements from other pupils and staff members.

The Headteacher will consider whether it is appropriate to inform the Police. For all incidents which involve the possession of a weapon, the police will be informed.

In the event that the item has been used to intimidate, threaten or harm others, the police will be informed.

### **Safeguarding response to incident involving banned items**

The Headteacher will always consider their safeguarding responsibilities arising from the discovery of a banned item and will make referrals as appropriate.

If the incident is in relation to drugs, the Headteacher will refer to the school Drugs Policy.

If the item confiscated constitutes a safeguarding concern, e.g. possession of pornographic material, this must be reported in accordance with safeguarding procedures.

If the item confiscated constitutes racist or extremist material, the school will make a referral to appropriate agencies and establish support to address these concerns.

If the item confiscated was held for the purpose of self-harm, the school will make a referral to appropriate support agencies and consider making a safeguarding referral.

The school will always consider a multi-agency approach to addressing wider needs including completing an Early Help Assessment with the family.

### **Consequences**

Following investigation, the Headteacher will consider an appropriate response to minimise further breaches and to support the pupil's continuation in school. This could include one or a combination of the following (in no particular order):

- Letter home;
- Family/school meeting;
- School-based sanctions;
- A period of internal isolation;
- Amended timetable;
- Restrictions on movement around school site;

- Detentions;
- Suspension for a fixed period of time
- Changing teaching groups or forms;
- Restorative conversation;
- Pastoral Support Plan;
- Behaviour contract;
- Referral to external support;
- Risk assessment;
- Managed move.

### **Suspensions and permanent exclusion (see school Exclusion Policy)**

Permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school'.

## WHOLE SCHOOL REWARDS SYSTEM

YEAR AND SYSTEM	WHAT CAN BE REWARDED?	COLOUR OF STUDENT RECORD SHEET	REWARD
<b>Year 7 - MERITS</b>	<p><b>Key Stage 3</b> All reward systems can be awarded for anything deemed praiseworthy. These things cover and include the following but are <i>not exhaustive</i>:</p>	<b>ORANGE</b>	Merit certificates and letters home
<b>Year 8 - MERITS &amp; CITIZENSHIP POINTS</b>	<ul style="list-style-type: none"> <li>Academic achievement/progress</li> <li>Academic effort/tenacity etc.</li> <li>Effort</li> <li>Helpfulness/attitude</li> <li>Positive behaviour</li> <li>Extra-curricular activities</li> <li>Being good citizens of the school</li> <li>Charity work</li> <li>Contributions to wider school life</li> </ul>	<b>PURPLE</b>	Merit certificates & bar badges <b>BRONZE</b> 10 = Citizenship certificates & circle star badges 
<b>Year 9 - EXCELLENCE AWARDS</b>	<ul style="list-style-type: none"> <li>Being good citizens of the school</li> <li>Charity work</li> <li>Contributions to wider school life</li> </ul>	<b>YELLOW</b>	Excellence Points 10 = Excellence award certificate & shield badge 
<b>Year 10 &amp; 11 - POSITIVE REFERRALS</b>	<p>Key Stage 4 &amp; 5 can include any of the above and the focus is on the following:</p> <ul style="list-style-type: none"> <li>Outstanding work and/or effort</li> <li>Extra-curricular involvement</li> </ul>	<b>GREEN</b>	Positive Referral Sheets. Raffle tickets into regular prize draws. Letters home and wing badge  
<b>Year 12 &amp; 13 - EXCEPTIONAL WORK AWARDS</b>	<ul style="list-style-type: none"> <li>Independent learning beyond the curriculum</li> <li>Contributions to school community life</li> </ul>	<b>PINK</b>	Referral Sheets. Letters home for post 18 personal achievement portfolio. 

## APPENDIX 2 – Pupil Code of Conduct

You have a right to learn, to achieve and to be safe in school. This includes travelling to and from school and when attending school trips/extra-curricular activities. Sharing **responsibility** for this will help you to: show **respect**; grow in **compassion**; establish **good friendships**; strengthen your **perseverance** and deepen your **wisdom**. We expect you to work hard, do your best and to wear the correct school uniform at all times.

### During lessons, you are expected to:

- Conduct yourself in a sensible, mature manner, respecting other people and their views;
- Line up outside the classroom promptly and in an orderly manner;
- Enter the classroom when asked to do so and sit down quickly and quietly;
- Remove coats (not blazers, unless the teacher has given permission) and take out relevant books, equipment and diary;
- Only drink water from your water bottle. Water bottles should be placed back in your bag after you have had a drink. You should not be playing with/flipping your water bottle or asking to go out of lessons to fill up your bottle;
- Treat school books, equipment and laptops with respect;
- Listen carefully when the teacher is speaking and not interrupt them. You should raise your hand if you require assistance from the teacher;
- Follow the teacher's instructions at all times and do not shout out. You should not argue with the teacher or answer back;
- Remain seated in lessons, unless the teacher asks you to move;
- Record homework clearly in your diary and hand it in on time;
- Leave the lesson only when told to do so, in a quiet, orderly manner. You should leave chairs, desks and user space tidy.

### At lunchtime/break-time/between lessons, you are expected to:

- Conduct yourself in a sensible, mature manner, respecting other people and their lunchtime activities. You should not make excessive noise, run around corridors or classrooms;
- Leave your bags outside the dining hall on the pegs provided at lunchtime;
- Queue for lunch in an orderly manner and in the correct sitting;
- Eat your packed lunch in either the dining hall or form room, but not in corridors. Plated food and pasta pots should not be taken out of the dining hall;
- Clear away your table after you have eaten and put any rubbish in the bins;
- Sit only on chairs in form rooms. You should not throw or kick anything around the form room or corridors. You should not sit in stair wells or corridors;
- Only use another form room/classroom with the permission of that form tutor/teacher;
- Ensure form rooms are left tidy — form groups are responsible for this;
- Try and get some fresh air and exercise and attend lunchtime clubs;
- Put any litter you see lying around in the bins provided;
- Fill up your water bottle and go to the toilet at break and lunchtimes.

### On the school bus/when travelling to and from school, you are expected to:

- Conduct yourself in a sensible, mature manner and respect other people. You should not hurt, humiliate or intimidate others;
- Line up sensibly on the tennis courts whilst waiting for the bus;
- Wear seat belts on the bus if provided. Remain seated at all times whilst the bus is moving;
- Not throw items around the bus, open and close windows or shout on the bus;
- Be polite to the bus driver and follow his/her instructions;
- Take care when crossing busy roads.

<b>Sanctions for Particular Incidents:</b>	
1. Truancy from lessons or school.	1. Pupils are required to make up the time missed in after school detentions.
2. Persistently wearing incorrect school uniform.	2. After school detention by Head of Year when Green Uniform Card is filled in. After school detention by Senior Team when Orange Uniform Card is filled in. Internal isolation when Red Uniform Card is filled in. Uniform Report.
3. Failure to submit homework.	3. If homework is not completed the following day, a lunchtime department detention is issued. Failure to turn up for a lunchtime department with no valid reason will result in an after school Senior Team detention. Repeated failure to turn up for the after school may result in internal isolation.
4. Bringing into school a mobile phone or using a mobile phone in school.	4. Internal isolation for the first offence. For a second offence during the academic year, suspension from school.
5. Swearing/persistent defiance.	5. Internal isolation, suspension from school.
6. Persistent poor behaviour on the school bus.	6. Internal isolation. A bus ban may be imposed by either the school and/or bus company. Suspension from school.
7. Chewing gum.	7. Lunchtime detention followed by after school detention.



Department  
for Education

# Searching, screening and confiscation

Advice for headteachers, school staff  
and governing bodies

January 2018

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# Summary

## About this departmental advice

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

## Expiry or review date

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

## Who is this advice for?

This advice is for:

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

## Key points

### Searching

- School staff can search a pupil for any item if the pupil agrees.<sup>1</sup>
  - Headteachers and staff authorised by them have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. Prohibited items are:

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

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks

- pornographic images
  - any article that the member of staff reasonably suspects has been, or is likely to be, used:
- to commit an offence, or
  - to cause personal injury to, or damage to the property of, any person (including the pupil).
  - Headteachers and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

## Confiscation

- School staff can seize any prohibited item found as a result of a search. They can also seize any item, they consider harmful or detrimental to school discipline.

## Schools' obligations under the European Convention on Human Rights (ECHR)

- Under article 8 of the European Convention on Human Rights pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils have the right to expect a reasonable level of personal privacy.
- The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school (or any public body) must be justified and proportionate.
- The powers to search in the Education Act 1996 are compatible with Article 8. A school exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8. This advice will assist schools in deciding how to exercise the searching powers in a lawful way.

## Screening

### What the law allows:

- Schools can require pupils to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the pupils.
- Schools' statutory power to make rules on pupil behaviour<sup>2</sup> and their duty as an employer to manage the safety of staff, pupils and visitors<sup>3</sup> enables them to impose a requirement that pupils undergo screening.
- Any member of school staff can screen pupils.

**Also note:**

- If a pupil refuses to be screened, the school may refuse to have the pupil on the premises. Health and safety legislation requires a school to be managed in a way which does not expose pupils or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.
- If a pupil fails to comply, and the school does not let the pupil in, the school has not excluded the pupil and the pupil's absence should be treated as unauthorised. The pupil should comply with the rules and attend.
- This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

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

<sup>3</sup> Section 3 of the Health and Safety at Work etc. Act 1974

## Searching with consent

### Schools' common law powers to search:

- School staff can search pupils with their consent for any item.

**Also note:**

- Schools are not required to have formal written consent from the pupil for this sort of search – it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree.
- Schools should make clear in their school behaviour policy and in communications to parents and pupils what items are banned.
- If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.
- A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate disciplinary penalty.

# Searching without consent

## What the law says:

### What can be searched for?

- Knives or weapons, alcohol, illegal drugs and stolen items; and
- Tobacco and cigarette papers, fireworks and pornographic images; and
  - Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury, or damage to property; and
  - Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

### 1. Can I search?

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

### 2. Under what circumstances?

- You must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if possible, they should be the same sex as the pupil being searched.
- There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and / or without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

### 3. When can I search?

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

#### Also note:

- The law also says what must be done with prohibited items which are seized following a search.
- The requirement that the searcher is the same sex as the pupil and that a witness is present will continue to apply in nearly all searches. Where it is practicable to

summon a staff member of the same sex as the pupil and a witness then the teachers wishing to conduct a search must do so.

## 4. Authorising members of staff

- Headteachers should decide who to authorise to use these powers. There is no requirement to provide authorisation in writing.
- Staff, other than security staff, can refuse to undertake a search. The law states that headteachers may not require anyone other than a member of the school security staff to undertake a search.
- Staff can be authorised to search for some items but not others; for example, a member of staff could be authorised to search for stolen property, but not for weapons or knives.
- A headteacher can require a member of the school's security staff to undertake a search.
- If a security guard, who is not a member of the school staff, searches a pupil, the person witnessing the search should ideally be a permanent member of the school staff, as they are more likely to know the pupil.

## 5. Training for school staff

- When designating a member of staff to undertake searches under these powers, the headteacher should consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

## 6. Establishing grounds for a search

- Teachers can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The teacher must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to suspect that the pupil is concealing a prohibited item.
- In the exceptional circumstances when it is necessary to conduct a search of a pupil of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a pupil's expectation of privacy increases, as they get older.
- The powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect

a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

- School staff may wish to consider utilising CCTV footage in order to make a decision as to whether to conduct a search for an item.

## **7. Searches for items banned by the school rules**

- An item banned by the school rules may only be searched for under these powers if it has been identified in the school rules as an item that can be searched for.
- The school rules must be determined and publicised by the headteacher in accordance with section 89 of the Education and Inspections Act 2006 in maintained schools. In the case of academy schools and alternative provision academies, the school rules must be determined in accordance with the School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012. Separate advice on school rules is available in 'Behaviour and Discipline – advice for headteachers and school staff' via the link under Associated Resources.
- Under section 89 and the School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012 the headteacher must publicise the school behaviour policy, in writing, to staff, parents and pupils at least once a year.

## **8. Location of a search**

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

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## **During the search**

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

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

- The person conducting the search may not require the pupil to remove any clothing other than outer clothing.
- 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.
- 'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags.
- A pupil's possessions can only be searched in the presence of the pupil and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

**Also note:**

- The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

## 10. Lockers and desks

- Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not the pupil is present.
- If a pupil does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the “prohibited items” listed above.

## 11. Use of force

- Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the school rules.
- Separate advice is available on teachers’ power to use force – see Associated Resources section below for a link to this document

## After the search

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

**What the law allows:**

- Schools’ general power to discipline, as circumscribed by Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil’s property as a disciplinary penalty, where reasonable to do so.

**Also note:**

- The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a ‘with consent’ search so long as it is reasonable in the circumstances. Where any article is reasonably suspected to be an offensive weapon, it must be passed to the police.
- Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought

against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

### 13. Items found as a result of a 'without consent' search

#### What the law says:

- A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.
- Where a person conducting a search finds alcohol, they may retain or dispose of it. This means that schools can dispose of **alcohol** as they think appropriate but this should not include returning it to the pupil.
- Where they find **controlled drugs**, these must be delivered to the police as soon as possible but may be disposed of if the person thinks there is a good reason to do so.
- Where they find **other substances** which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.
- Where they find **stolen items**, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so.
- Where a member of staff finds **tobacco or cigarette papers** they may retain or dispose of them. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the pupil.
- **Fireworks** found as a result of a search may be retained or disposed of but should not be returned to the pupil.
- If a member of staff finds a **pornographic image**, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable.
- Where an article that has been (or is likely to be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of.

- Where a member of staff finds **an item which is banned under the school rules** they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.
- Any **weapons or items which are evidence of an offence** must be passed to the police as soon as possible.

#### **14. Statutory guidance on the disposal of controlled drugs and stolen items**

- It is up to the teachers and staff authorised by them to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police. In determining what is a “good reason” for not delivering controlled drugs or stolen items to the police the member of staff must have regard to the following guidance issued by the Secretary of State:
- In determining what is a ‘good reason’ for not delivering controlled drugs or stolen items to the police, the member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.
- Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such.
- With regard to stolen items, it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases. However, school staff

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may judge it appropriate to contact the police if the items are valuable (iPods/laptops) or illegal (alcohol/fireworks).

#### **15. Statutory guidance for dealing with electronic devices**

- Where the person conducting the search finds an electronic device that is prohibited by the school rules or that they reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the police. This power applies to all schools and there is no need to have parental consent to search through a young person’s mobile phone if it has been seized in a lawful ‘without consent’ search and is prohibited by the school rules or is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.

- The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a “good reason” for examining or erasing the contents of an electronic device:
- In determining a ‘good reason’ to examine or erase the data or files the staff member should reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.
- If an electronic device that is prohibited by the school rules has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police.<sup>4</sup>
- If a staff member does not find any material that they suspect is evidence in relation to an offence, and decides not to give the device to the police, they can decide whether it is appropriate to delete any files or data from the device or to retain the device as evidence of a breach of school discipline.
- All school staff should be aware that behaviours linked to sexting put a child in danger. Governing bodies should ensure sexting and the school’s approach to it is reflected in the child protection policy. The UK Council for Child Internet Safety

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<sup>4</sup> Section 62 of the Coroners and Justice Act 2009 defines prohibited images of children. Section 63 of the Criminal Justice and Immigrations Act 2008 defines extreme pornographic images.

(UKCCIS) Education Group has recently published the advice - [sexting in schools and colleges - responding to incidents and safeguarding young people](#)

**Also note:**

- Teachers should also take account of any additional guidance and procedures on the retention and disposal of items that have been put in place by the school.

## **16. Telling parents and dealing with complaints**

- Schools are not required to inform parents before a search takes place or to seek their consent to search their child.
- There is no legal requirement to make or keep a record of a search.
  - Schools should inform the individual pupil’s parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.

- Complaints about screening or searching should be dealt with through the normal school complaints procedure.

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## Further sources of information

### Associated resources (external links)

- [Use of Reasonable Force - advice for headteachers, staff and governing bodies Behaviour and Discipline in Schools](#)
- [Behaviour and Discipline in Schools - advice for head teachers and school staff](#)
- [Information Commissioner for advice on the Data Protection Act](#)
- [Keeping children safe in education statutory guidance for schools and colleges](#)
- [UK Council for Child Internet Safety- UKCCIS Sexting in schools and colleges - responding to incidents and safeguarding young people](#)

### Legislative links

- [The Education Act 1996](#)
- [Education and Inspections Act 2006](#)
- [Education \(Independent School Standards\) \(England\) Regulations 2010](#)
- [The Schools \(Specification and Disposal of Articles\) Regulations 2012](#)
  - [School Behaviour \(Determination and Publicising of Measures in Academies\) Regulations 2012](#)
- [Health and Safety at Work etc Act 1974](#)

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