



Statutory Policy	
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Behaviour and Relationships Policy

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Autumn 2025	Update to values, vision and mission statements. Removal of Jigsaw as the PSHE programme. Removal of outline of PSHE curriculum. ADHD added to the recognising the impact of SEND on behaviour. General Guidance details removed and a brief overview inserted. The word punished replaced with addressed Formatting in the appendixes	Page 6 Page 10 Page 12

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Whole School Behaviour and Relationships Policy

Good behaviour should be promoted in a consistent way in order for the children to feel safe and secure, the school to be orderly and to set the tone for learning.

“You can be strict without being nasty, maintain boundaries without cruelty and correct children without aggression” (Paul Dix)

At Battling Brook Primary School, our vision is to develop the whole child to ensure that every child can achieve their personal best. We want to create an environment where exemplary behaviour allows children to learn productively, both emotionally and educationally, in all areas of the curriculum, so that they can achieve their personal best.

We are committed to creating this environment by having high expectations of personal conduct, both from the adults and the children. We achieve this by having three simple rules, clear and consistent steps for managing behaviour and consistent and fair consequences.

Aims of this policy

- To provide a framework for a consistent approach to behaviour throughout the school, with parental co-operation and involvement.
- To encourage everyone to act with courtesy, kindness and consideration.
- To encourage independence and self discipline so that each child learns to accept responsibility for their own behaviour.
- To ensure a calm, positive, working atmosphere where the boundaries of acceptable behaviour are clear to all.
- To build the child's self esteem by placing the emphasis on praise and reward.

OUR WHOLE SCHOOL VALUES

Our approach to behaviour in and around school is underpinned by our whole school values.

Equality
Active Learning
Community
Health and Happiness

Vision:

- Empowering Minds
- Cultivating Community

Mission:

To provide all pupils, equal access to a broad curriculum underpinned by active learning. Empowering all to become curious and independent learners prepared for their future. To cultivate an inclusive, welcoming, happy and healthy community both within and beyond our school.

We aim for our children to achieve their academic potential and lead independent lives preparing them for the next phase of their education. We enable this by building mutually respectful relationships with them and showing them how to have respectful relationships with each other and with other people.

This helps them to reflect and take responsibility for themselves, and is a form of discipline that is constant, immediate and consistent. Our personal, social and health education (PSHE) programme complements our teaching on relationships, self-regulation and understanding emotional and social needs of our own and others. The warmth, humour and pleasant firmness with which our staff engage with children from the moment they arrive in the school each day demonstrates the way in which we set boundaries on behaviour, and is reflected throughout the school community. Our school aims thread through our culture, ethos and values and this is reflected in our positive relationships and behaviours in the classroom, playground and wider community.

OUR SCHOOL RULES

Ready
Respectful
Safe

POLICY IMPLEMENTATION: Roles and responsibilities

Pupils	Expected to take responsibility for their own behaviour, and follow the school behaviour expectations at all times. They are expected to reflect on their actions and recognise they are part of a community. Follow the school rules of Ready, Respectful and Safe
Parents/Carers	Work in partnership with the school to maintain excellent standards of behaviour and inform the school about any changes at home that could impact learning or behaviour in school. Work with the school and model our rules of Ready, Respectful and Safe. Difficult behaviour is frequently linked to poor school performance and parents must understand the importance of ensuring that children take their schoolwork seriously.
All Staff	Responsible for ensuring the policy is implemented in a fair and consistent manner. Be positive and remember behaviour has to be taught – not assumed. Act as role models in every interaction.
Members of the Leadership Team	Responsible for training staff (including volunteers) in the implementation of the policy. Quality assuring the application of the policy in all areas of the school. Tracking and monitoring CPOMS and devising and implementing strategies to improve behaviour where required.
Head Teacher	Responsible for the implementation and day-to-day management of the policy and procedures. Academies, support and challenge where necessary and report progress to the Board
Trustees/Governors	Responsible for ensuring the Behaviour Policy is in place, meets all statutory requirements, and is clearly communicated to all stakeholders. The governors within the Personal Development, Behaviour and Attitude Committee have the responsibility of monitoring and evaluating the impact of this policy on an annual basis.
SENCO	To use behaviour data to target and assess interventions and SEND support as required To provide support and advice to adults To support teachers in managing pupils with more complex or challenging behaviour so that needs are being met, as appropriate

The Role of Staff

- To treat all pupils fairly and with respect.
- To endeavour to raise children's self esteem and develop their full potential academically, socially and morally – leading to citizens of the future.
- To maintain a friendly, professional and secure environment.
- To use rules and sanctions clearly and consistently.
- To be a good role model.
- To form a good relationship with parents so that all children can see that the key adults in their lives share a common aim.
- To respect and acknowledge people's differences.
- To promote a positive work ethos and professional relationships.
- Refer to 'Ready, Respect, Safe' in their daily conversations with children
- Never walk past or ignore pupils who are failing to meet expectations
- To use the scripts (see pages 10-12)
- Follow up all behaviour including restorative conversations and communication with parents
- Teach behaviour as part of the weekly curriculum
- Plan lessons that engage, challenge and meet the needs of all pupils
- Deal with all poor behaviour in private

Behaviour is managed well where adults know their classes and develop positive relationships with all pupils

Teaching and promoting positive behaviour

We specifically teach children about our expectations for behaviour through:

- PSHE lessons
- RE lessons
- Class assemblies
- Whole school theme days/weeks

These are then reinforced throughout interactions and all areas of the curriculum.

At Battling Brook, we recognise that strong relationships between staff and children are vital. Staff must be fair and consistent with every child, taking into account individual needs therefore enabling pupils to feel safe. Equally, staff must be approachable and there to help (not only there to discipline) and children need to understand this. If a member of staff is having difficulties with an individual or group of children, they are expected to seek support in order to make a positive change.

Our Approach

Creating an inclusive and positive school ethos around behaviour is driven by the Head Teacher and SLT so that it is endorsed by, and embedded across, the whole school community. We strongly believe that responding to the social, emotional and mental health (SEMH) needs of a child is not the responsibility of a few staff in school; it is everyone's responsibility.

We have a non-judgmental, curious and empathic attitude towards behaviour. We encourage all adults in school to respond in a way that focuses on the feelings and emotions that might drive certain behaviour, rather than the behaviour itself. Children that present with difficult or challenging behaviours are regarded as vulnerable rather than troublesome, and we are aware that we have a duty to explore this vulnerability and provide appropriate support.

We rely on our positive school culture and climate that fosters connection, inclusion, respect and value for all members of the school community. Relevant rewards and consequences that can follow certain behaviours should be made explicit, without the need to enforce 'sanctions' that can shame and ostracise children from their peers, school community and family, leading to potentially more negative behaviour. Not all behaviours are a matter of 'choice' and not all factors linked to the behaviour of children are within their control. Therefore, the language of choice (e.g. 'good choice/bad choice') is not always helpful. We encourage parental engagement and involvement and see this as absolutely crucial when addressing and planning support for children's needs.

It is also important to view children whose behaviour is externalised or whose emotional distress is internalised as equally vulnerable. Early intervention is imperative for addressing both active and passive behaviours to ensure that low level features/difficulties can be addressed early. It is essential to be aware of the tendency to make judgements around behaviour (e.g. 'mad'/'bad') and important to see all behaviour as an indicator of emotions to which we must respond in an empathic and caring manner. This can be particularly hard to do when a child acts in a way that hurts or frightens others.

INCLUSION

Battling Brook recognises everyone as an individual and this means responding to the different talents and needs of all our children so that they can achieve their true potential. Reasonable adaptations should be made for children who struggle to regulate their behaviour.

All teachers are expected to anticipate likely triggers for misbehaviour and put in place preventative support. This may require work with the Pastoral Team, Year leaders, SENCOs and in some cases, the Head Teacher and the Assistant Head Teachers.

It is also important to remember that all behaviour has meaning and that a restorative approach can help unpick the reasons for the behaviour rather than a purely punitive approach. Understanding a person's behaviour is the first step to preventing and reducing behaviour incidents.

There can also be a number of reasons for children to struggle with positive engagement, for example: understanding, language, culture, previous experiences, disabilities, attitude, family context, attention span, trust, self-concept to name a few. This can lead to different responses, such as:

freeze, fight, flight or submit.

There needs to be a tailored approach to supporting children who present with challenging behaviours. (see Preventing Reoccurrence of Misbehaviour Section below). This needs to be regularly reviewed with both child and parents. Where necessary, outside agencies may be brought in to support the child e.g. Early Help (with parental consent), ELSA (Emotional Literacy Support Assistant) work (with parental consent) and counselling (with parental consent).

When children struggle with their behaviour, we are committed to working with both the child and the parents in a variety of ways and this has been very successful to date. Every child is different and unique and we continue to find new ways to support different children in different situations. When children are struggling with challenging behaviours, it is essential for parents to work with the school and outside agencies to address it.

Recognising the impact of SEND on behaviour

The school recognises that pupils' behaviour may be impacted by a special educational need or disability (SEND). When incidents of misbehaviour arise, we will consider them in relation to a pupil's SEND, although we recognise that not every incident of misbehaviour will be connected to their SEND.

Decisions on whether a pupil's SEND had an impact on an incident of misbehaviour will be made on a case-by-case basis. When dealing with misbehaviour from pupils with SEND, especially where their SEND affects their behaviour, the school will balance their legal duties when making decisions about enforcing the behaviour policy.

The legal duties include:

- Taking reasonable steps to avoid causing any substantial disadvantage to a disabled pupil caused by the school's policies or practices (Equality Act 2010)
- Using our best endeavours to meet the needs of pupils with SEND (Children and Families Act 2014)
- If a pupil has an education, health and care (EHC) plan, the provisions set out in that plan must be secured and the school must co-operate with the local authority and other bodies

As part of meeting these duties, the school will anticipate, as far as possible, all likely triggers of misbehaviour, and put in place support to prevent these from occurring. Any preventative measures will take into account the specific circumstances and requirements of the pupil concerned.

These may include:

- Short, planned movement breaks for a pupil with SEND who finds it difficult to sit still for long
- Adjusting seating plans to allow a pupil with visual or hearing impairment to sit in sight of the teacher
- Training for staff in understanding conditions such as autism and ADHD
- Use of calm spaces where pupils can regulate their emotions during a moment of sensory overload (The Den, for example)

Adapting sanctions for pupils with SEND

When considering a behavioural sanction for a pupil with SEND, the school will take into account:

- Whether the pupil was unable to understand the rule or instruction?
- Whether the pupil was unable to act differently at the time as a result of their SEND?
- Whether the pupil is likely to behave aggressively due to their particular SEND?

If the answer to any of these questions is yes, it may be unlawful for the school to sanction the pupil for the behaviour.

The school will then assess if it is appropriate to use a sanction and if so, whether any reasonable adjustments need to be made to the sanction.

Considering whether a pupil displaying challenging behaviour may have unidentified SEND

The school's special educational needs co-ordinator (SENCO) may evaluate a pupil who exhibits challenging behaviour to determine whether they have any underlying needs that are not currently being met. Where necessary, support and advice will also be sought from specialist teachers, an educational psychologist, medical practitioners and/or others, to identify or support specific needs. When acute needs are identified in a pupil, we will liaise with external agencies and plan support programmes for that child. We will work with parents to create the plan and review it on a regular basis.

Pupils with an Education, Health and Care Plan (EHCP)

The provisions set out in the EHC plan must be secured and the school will co-operate with the local authority and other bodies. If the school has a concern about the behaviour of a pupil with an EHCP, it will make contact with the local authority to discuss the issue. If appropriate, the school may request an emergency review of the EHCP.

The Zones of Regulation and Self-regulation

The Zones of Regulation are a research-based intervention to promote positive behaviour. They help children to regulate their feelings in order to control overwhelming emotions that prevent them from learning, and achieving their best. When used effectively children feel empowered and in control of their emotions. The Zones of Regulation are particularly effective for children with SEND and SEMH needs.

In order for a child to be ready for learning they need to be able to self-regulate. For most children they are able to regulate with ease. For other children they will need 'tools' to help them self-regulate.

The Zones of Regulation help children to identify their feelings through the use of colours:

- blue - sad, sick, tired
- green, happy calm, ok
- yellow - frustrated, worried excited
- red - mad, angry, out of control.

With adult support children will learn to use their 'tools' to self-regulate. The zones are used not only for key children but for all children, adults and parents as a model to self-regulate emotions.

REWARDING THE POSITIVE

We believe that rewarding good behaviour is one of the most effective ways in ensuring good standards of behaviour and positive, 'healthy' attitudes. Positive strategies will be used consistently by all adults in the school and are designed to ensure that 'first attention goes to best conduct' and to create clear, simple routines and expectations that make the children feel like valued members of our learning community and are motivated to reach their personal best. In addition to stickers and stamps staff will apply the following:

Catch children doing the right thing

Adults will give first attention to best conduct. They will praise children publicly or give them a quiet word of personal praise.

Celebration Assembly

On a Friday, the class teacher celebrates the learning and behaviour of their class, highlighting the positive.

Home Contact

Parents can be messaged from the class teacher or TA to share an example of their fantastic behaviour or work that week.

Breakfast/hot chocolate with the Head Teacher/AHT

Children who consistently go 'over and above' will be invited to either have breakfast or hot chocolate with the Head Teacher.

Head Teacher, Assistant Head Teachers and Year Leader Awards

Teachers will nominate children throughout the week to visit SLT for an Award sticker for going over and above with their behaviour or learning.

This list is not exhaustive but with each positive recognition the genuine, specific praise rewards the children.

GENERAL GUIDANCE

Should a child not follow the school rules, the following procedure will take place. This is a general example, as Year groups have adapted the language to best suit the age and maturity of their children.

Step 1	Offer Regulation Support
Step 2	Verbal Warning
Step 3	Final Warning
Step 4	Consequences
Step 5	Call the Behaviour Mentor / Communicate with home
Step 6	Restorative Follow Up
Step 7	CPOMs

The teacher should make it clear that it is the behaviour rather than the child that is to be addressed. However, the child should always be reminded of the responsibility for their behaviour. Class punishments should be avoided whenever possible.

Targets should be set for behaviour. It may be appropriate to give a child the opportunity to avoid punishment if their behaviour is adjusted. Staff should be aware of children's entitlement to the National Curriculum and that no child may be deprived of food through sanctions imposed at dinnertime.

Significant or persistent poor behaviour should be recorded by staff on the CPOMS system which is easily accessible to senior members of staff who will regularly monitor behaviour.

MOVEMENT AROUND SCHOOL

- All staff, including support staff, will “meet and greet” children as they enter the school in the morning in order to begin each day in a positive way.
- Whenever children return from break/lunch, staff will be expected to be in their classroom to welcome children back in.
- Teachers are to ensure that all children move around the school in a calm, orderly way, re-enforcing “good habits”. Children should be reminded of this throughout the year and give reasons why we expect this.
- Before they leave their class in assembly, all members of staff should ensure that their class are sat quietly and calmly in the hall.

Consequences

For school to create and maintain a positive learning environment, a child must be aware of sanctions and to understand that for all actions there are consequences.

We aim to be positive in our behaviour management, praising good behaviour and encouraging children to behave sensibly. At times a pupil's behaviour may fall short of Battling Brook's Primary School's expectations, and it needs to be corrected swiftly. A simple reminder and expression of disapproval is often adequate in correcting a child's behaviour. At other times, a consequence may be necessary to encourage pupils to recognise that their behaviour has consequences.

The use of consequences should be characterised by certain features:

- A consequence involves the adult and pupil involved; staff should avoid bringing public attention to a reprimand or sanction
- It should be the behaviour rather than the person that is sanctioned.
- It must be clear why the consequence is being applied.
- It must be made clear what changes in behaviour are required to avoid future consequences.
- Group consequences are avoided
- There should be a clear distinction between minor and serious breaches of discipline
- Children are given the opportunity to reflect on their behaviour through a restorative conversation. It is important that warnings and consequences are administered fairly and consistently. The behaviour chart below highlights which behaviours are considered minor, concerning and serious breaches of discipline, and the consequences of each. It is implemented consistently by all staff members.

As a guide:

<p>Give back time</p> <p>This can happen at play or lunch time. The amount of time given back is at the adult's discretion and will depend on how serious the behaviour is. This will usually happen in class with the teacher, but can happen with the Pastoral Team or SLT. This time can be used to complete missed learning, tidy up any mess they have made, etc. If children 'give back' time 3 or more times in one week, parents will be called. The behaviour must be logged on CPOMS</p>	<p>Minor breaches of discipline include, but are not limited to:</p> <ul style="list-style-type: none">● Shouting out (disrespectful and unsafe)● Not listening (not ready and disrespectful)● Not following routines (unsafe and not ready)● Not carrying out the work during the lesson (not ready)● Attempts to distract others (not ready and disrespectful)● Being noisy in the corridor (not ready and disrespectful)● Talking during lessons (not ready and disrespectful)● Talking at the end of play and lunch or during assembly (unsafe, disrespectful, not ready)● Not following instructions first time (unsafe)
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<p>Time out</p> <p>A short time away from the classroom with another class, TA, Pastoral Team or SLT. Parents must be informed. The behaviour must be logged on CPOMS</p>	<p>Concerning breaches of discipline include, but are not limited to:</p> <ul style="list-style-type: none"> ● Not following instructions first time (unsafe) ● Turning away when being spoken to (disrespectful and unsafe) ● Use of bad language (disrespectful) ● Gossip about peers/adults (disrespectful) ● Provoking peers (disrespectful) ● Sneering, staring when being spoken to (disrespectful) ● Answering adults back (disrespectful and unsafe) ● Ill treatment of equipment (disrespectful and unsafe)
<p>Internal suspension</p> <p>This can be half a day or a full day and will be decided in consultation with the Head Teacher. Parents must be informed.</p>	<p>Serious breaches of discipline include, but are not limited to:</p> <ul style="list-style-type: none"> ● Persistent refusal to follow instructions to correct behaviour (unsafe) ● Persistent defiance and answering back (unsafe, disrespectful) ● Verbal abuse or physical assault resulting in a mark (punching, slapping, hitting, biting, kicking) (disrespectful and unsafe) ● Threatening or aggressive behaviour (including spitting and shouting) (disrespectful and unsafe) ● Bullying, verbal/physical or cyber-bullying (disrespectful) ● Theft (disrespectful) ● Deliberate vandalism to school property (disrespectful and unsafe) ● Possession of prohibited substances on site (including dangerous weapons) ● Discrimination including racist, sexist, homophobic or transphobic abuse (disrespectful) ● Leaving the building without permission (unsafe) ● Sexual abuse or assault (disrespectful, unsafe)
<p>Suspension</p> <p>A suspension will be for the shortest time necessary and will usually be imposed when the school has offered and implemented a range of support and management strategies. However, there will be exceptional circumstances where it is appropriate to suspend for a first or 'one off' offence. Parents must be informed.</p>	<p>Senior members of staff must be informed immediately of incidents of a more serious nature, however, staff should avoid sending children to the Head Teacher/ Assistant Head Teachers <u>unless absolutely necessary</u>.</p>
<p>Exclusion</p> <p>A decision to permanently exclude is a serious one and will usually be the final step if the school has tried a range of consequences and other strategies to improve behaviour that is consistently falling below what is expected. However, there will be exceptional circumstances where it is appropriate to exclude for a first or 'one off' offence. Parents must be informed.</p>	

THE POWER TO DISCIPLINE BEYOND THE SCHOOL GATE

The power to discipline outside the school gates: disciplining beyond the school gates covers the school's response to all non-criminal bad behaviour and bullying that occurs anywhere off the school premises. The Trustees must be satisfied, in all situations arising, that the measures proposed by the Head Teacher are lawful and that staff and pupils know that sanctions can be applied in these circumstances. (See Appendix 1 for guidance)

SEARCHING AND CONFISCATION

Head Teachers and staff authorised by the Head Teacher can search without consent for an extended list of items including alcohol, illegal drugs, knives and stolen property. (See Appendix 2 for guidance)

THE USE OF REASONABLE FORCE

The use of physical intervention is very rare and is avoided wherever possible. All school staff have the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom. 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.

Staff will have due regard for the particular needs of the child and in respect of SEN. (See Appendix 3 for guidance)

Appendix 1

The power to discipline beyond the school gate

Disciplining beyond the school gate covers the school's response to all noncriminal, bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the school. The Trustees/Governors must be satisfied that the measures proposed by the Head Teacher are lawful.

Any bad behaviour when the child is:

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

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

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

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

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

Appendix 2

Searching and confiscation

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

Searching with consent

Schools' common law powers to search:

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

1. The school does not need to have formal written consent from the pupil for this sort of search – it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag and for the pupil to agree.
2. Items which are banned in school include, mobile phones, electronic games or devices, any item which could be used as a weapon, matches, any form of drugs (including medicines, which have not been prescribed and a medical form completed), knives, firearms, sprays, alcohol or stolen items.
3. If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.
4. A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate disciplinary penalty.

Searching without consent

What the law says:

What can be searched for?

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

Can I search?

2. Yes, if you are the Head Teacher, Assistant Head Teacher or senior members 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 Head Teacher, Assistant Head Teacher and Senior members of Staff are authorised to use these powers.

1. Teachers can only request a senior member of staff to undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The teacher must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.

2. The powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

Location of a search

1. Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil.

2. The powers only apply in England.

During the search

Extent of the search – clothes, possessions and trays

What the law says:

The person conducting the search may not require the pupil to remove any clothing other than outer clothing. **'Outer clothing'** means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.

'Possessions' means any goods over which the pupil has or appears to have control – this includes trays and bags. A pupil's possessions can only be searched in the presence of the pupil and another member of staff. The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets.

Trays

Under common law powers, schools are able to search trays for any item provided the pupil agrees. Pupils will have a tray on condition that they consent to have it searched for any item whether or not the pupil is present. If a pupil does not consent to a search then it is possible to conduct a search without consent but only for the "prohibited items" listed above.

Use of force

Reasonable force may be used by the person conducting the search (see appendix 3).

After the search

The power to seize and confiscate items – general

What the law allows:

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

1. The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is thought to be a weapon it must be passed to the police.
2. Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

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

What the law says:

- A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item (that is a weapon/knife; alcohol; illegal drugs or stolen items) or is evidence in relation to an offence.
 - Where a person conducting a search finds **alcohol**, they must retain it for return to the parent.
 - Where they find **controlled drugs**, these must be delivered to the police as soon as possible.
 - Where they find **other substances** which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline.
 - Where they find **stolen items**, these must be delivered to the police or returned to the owner, providing it is safe to do so.

- Any **weapons or items which are evidence of an offence** must be passed to the police as soon as possible.
- It is school policy to always deliver stolen items or controlled drugs to the police. If the owners of the items are known and do not pose a threat to the pupil, these will be returned to the owner.

Telling parents and dealing with complaints

Schools are not required to inform parents before a search takes place or to seek their consent to search their child.

1. There is no legal requirement to make or keep a record of a search, however as good practice a record 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 3

The use of reasonable force

(in line with DfE advice July 2013 Use of Reasonable Force)

What is reasonable force?

(i) 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.

(ii) Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

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

(iv) 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.

(v) Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

(vi) 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.

Who can use reasonable force?

(i) All members of school staff have a legal power to use reasonable force

(ii) 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.

When can reasonable force be used?

(i) Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.

(ii) In a school, force is used for two main purposes – to control pupils or to restrain them.

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

(iv) 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.

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:

a. Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;

b. When comforting a distressed pupil;

c. When a pupil is being congratulated or praised;

d. To demonstrate how to use a musical instrument;

e. To demonstrate exercises or techniques during PE lessons or sports coaching; and

f. To give first aid.