



# Pupil Behaviour Policy

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## Document provenance

This policy was approved by Trustees

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Executive Leadership Team (ELT) Owner:

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National Director of Safeguarding, Attendance and Behaviour

*Unless there are legislative or regulatory changes in the interim, this policy will be reviewed annually. Should no substantive changes be required at that point, the policy will move to the next review cycle.*

## **Section A: Pupil Behaviour**

### **1. Rationale**

1.1 The aim of this policy is to ensure that all E-ACT pupils learn in a safe and secure environment where each Academy upholds high standards of behaviour which support good learning.

1.2 This policy, along with relevant individual academy documentation, outlines the behaviour that we expect from all of our pupils and the sanctions that will be consistently enforced if pupils do not meet these expectations.

1.3 The policy is based on the good practice guidance outlined in the Department for Education's guidance on behaviour and discipline and is in line with the legal duties set out below in this policy.

1.2. The policy outlines the behaviour that we expect from all of our students within E-ACT and the sanctions that will be consistently enforced if this policy is not adhered to.

### **2. Introduction and Purpose**

2.1. Within E-ACT, high standards of behaviour and discipline are expected inside and outside of each Academy and classroom.

2.2. All our academies have their own Code of Conduct that sets their expectations and procedures for behaviour within their specific context. This is communicated clearly to pupils, families, staff, and other stakeholders.

2.3. All staff are accountable for implementing high expectations and for challenging behaviour which prevents effective teaching and learning.

2.4. All staff are also expected to support all pupils appropriately to achieve high standards of behaviour, work and dress.

2.5. The Trust seeks the support of parents/carers in upholding the standards in each Academy and values working in partnership with home.

2.6. Each Academy will take appropriate action under this policy and their Code of Conduct where a pupil's behaviour falls below the standards expected and negatively impacts on the Academy or any member of the E-ACT community.

2.7. The sections in this policy explain the routines we will expect pupils to follow in all of our academies so that there is a Trust-wide, shared understanding between all to create a calm, supportive and purposeful atmosphere.

2.8. Our aim at E-ACT is to ensure all pupils understand that:

- Respect between children is essential and fundamental to our trust value of team spirit
- Every complaint of bullying and poor behaviour will be taken seriously
- A pupil who complains will receive support and advice and in many cases the problem can be dealt with on a no names basis
- The primary aim will be for the bullying/poor behaviour to cease, not the punishment of the perpetrator unless this is necessary
- The Academy may use a restorative approach to solve the problem between pupils however the victim will select whether this takes place or not
- All incidents of child-on-child abuse will be effectively addressed by the academy in line with our E-ACT Child Protection & Safeguarding Policy



### 3. Scope

- 3.1. This policy is applicable to E-ACT pupils in all academies within the Trust.
- 3.2. E-ACT academies will provide appropriate updates to parents/carers in relation to the contents of this policy.

### 4. Legislation and Regulation

- 4.1. This policy takes account of the Academy's (E-ACT's) public-sector Equality Duty set out in Section 149 of the Equality Act 2010<sup>1</sup>. This means that the Academy will take account of a pupils' age, gender, racial heritage, gender identity, disability, sexuality or faith or no faith but will not discriminate because a pupil has one or more of the protected characteristics. The Academy's inclusive culture will ensure that pupils with different protected characteristics will feel safe and secure from any form of abuse or poor behaviour.

- 4.2. The legal framework behind this policy lies in the following legislation:

- Behaviour in Schools 2022<sup>2</sup>;
- Education Act 1996<sup>3</sup>;
- School Standards and Framework Act 1998<sup>4</sup>;
- Equality Act 2010<sup>5</sup>;
- Suspension and Permanent Exclusion from maintained schools, academies, and pupil referral units in England, including pupil movement 2023<sup>6</sup>
- Searching, Screening and Confiscation 2022<sup>7</sup>
- Use of Reasonable Force in Schools 2013<sup>8</sup>

- 4.3. The Education and Inspections Act 2006 states that:

- *The behaviour policy is designed to promote good behaviour and discipline;*
- *The Headteacher must determine measures to promote pupils' self-discipline and proper regard for authority; encourage good behaviour and respect for others and, in particular, prevent all forms of bullying among pupils.*
- *The Headteacher must make sure the standard of behaviour of pupils is acceptable; make sure that pupils' complete educational tasks, and make sure that pupils' conduct is regulated;*

- 4.4 The standard of behaviour must be determined by the Headteacher and meet guidelines set out by the Trust.

- 4.5. The Headteacher determines the rules and provision for disciplinary penalties and may, include measures to be taken to regulate the conduct of pupils at a time when they are not on the premises of the Academy and are not under the lawful control or charge of a member of the staff of the Academy e.g. on a trip or visit.

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<sup>1</sup> <https://www.gov.uk/guidance/equality-act-2010-guidance>

<sup>2</sup> [Behaviour in Schools 2022](#)

<sup>3</sup> [Education Act 1996](#)

<sup>4</sup> [School Standards and Framework Act 1998](#)

<sup>5</sup> [Equality Act 2010](#)

<sup>6</sup> [Suspension & Permanent Exclusion 2023](#)

<sup>7</sup> [Searching, Screening and Confiscation 2022](#)

<sup>8</sup> [Use of Reasonable Force in Schools 2013](#)

4.6. The imposition of the disciplinary penalty is lawful if the following three conditions are satisfied:

- is not in breach of any statutory requirement and is reasonable;
- the decision was made by any paid member of the staff;
- and the penalty take place on the premises of the Academy, or elsewhere at a time when the pupil was under the lawful control or charge of a member of staff of the Academy.

4.7. The imposition of the penalty is reasonable; the following matters must be considered:

- it is a proportionate punishment in the circumstances of the case;
- consider the pupil's age, and special educational needs the pupil may have; any disability the pupil may have, and any religious requirements affecting them.

## **5. Policy Statement**

5.1 Corporal punishment will never be used in any academy in the Trust.

5.2 The Academies' rules, their rewards and sanctions shall also be used, in appropriate circumstances, to regulate the conduct of pupils when they are away from the Academies on trips/visits or on their way to and from their respective Academies each day.

5.3 Headteachers will be expected to remind all pupils about good behaviour and conduct during academy holidays when pupils are ambassadors for the academy and the Trust.

5.4 Our E-ACT expectation is that all pupils should have regard for authority. Our Academies will not accept the following behaviour:

- Verbal assaults, mimicry, mockery, derogatory language, or inappropriate banter on or towards staff, other pupils, or visitors;
- Damage to Academy property, staff, or other pupils' property, including the building, equipment, and resources;
- Substance abuse;
- Behaviour, which is against the criminal law, civil law or contravening the Equality Act 2010;
- Physical assaults on staff, visitors, or other pupils;
- Behaviours that fall short of expectations for good behaviour are set out in the Academy specific Code of Conduct in Appendix 1.

5.5 E-ACT expects all academies to promote self-discipline and regard for authority. This could include:

- Looking after Academy property including books or equipment so that they are graffiti free
- Having a planner with them at all times and all other equipment necessary for learning;
- Wearing their uniform correctly and responsibly;
- Being reminded by all staff about Academy's rules and expectations and ask them to consider and reflect on their own conduct;
- Being taught by staff to be polite, respectful, and to regulate their own and others' behaviour throughout the day;
- Being taught how to behave and conduct themselves through lessons, form time and assemblies;
- Completing educational tasks such as homework, work in lessons and work when pupils are withdrawn from lessons or excluded from school;
- Any other reasonable, academy specific, expectations set out by each academy.

## 6. Bullying Behaviour - always unacceptable

6.1. Bullying behaviour is always unacceptable and will not be tolerated because:

- It is harmful to the person who is bullied, and to those who engage in bullying behaviour, and those who support them, and can in some cases lead to lasting psychological damage and even suicide;
- It interferes with a pupil's right to enjoy his/her learning and leisure time free from intimidation;
- It is contrary to all our aims and values, our internal culture, and the reputation of our academies.

6.2. Bullying is behaviour by an individual or group that intentionally hurts another individual or group either physically or emotionally. Bullying will always be taken seriously if a pupil feels they are being bullied whether it fits into the definition or not.

- Physical: including, hitting, kicking, pushing people around, spitting; or taking, damaging, or hiding possessions, barging, hurting, stamping
- Verbal: including name-calling, taunting, teasing, insulting, mockery, mimicry, inappropriate banter, or lyrics to raps, shaming e.g., fat shaming;
- Exclusionary behaviour: intimidating, harassing, isolating, or excluding a person from a group;
- Extortion: threatening to, or taking money, equipment, resources, blackmailing;
- General unkindness: spreading rumours or writing unkind notes, phone texts or emails;
- Cyberbullying: using the internet, games, mobile telephones, social networking sites etc. which upsets someone else;
- Non-verbal sucking teeth, staring at someone, pulling faces, gestures;
- Sexist: making comments or referring in a derogatory way to a person's gender or gender reassignment;
- Racist: regarding someone's culture, heritage, country of birth or nationality;
- Homophobic: related to a person's perceived or actual sexual orientation
- Disability: related to a person's disability or special educational need, medical needs;
- Pregnancy: related to pregnancy, paternity, or maternity
- Marriage/civil partnership: related to someone's marital or partnership status
- Faith: related to someone's faith, belief or no faith, social standing - related to a person's home circumstances, poverty
- Intelligence: related to someone who does as they are told, is high achieving, and completing their work.
- Sexual: talking to or touching someone in a sexually inappropriate way, up-skirting, sharing nudes or semi-nudes, asking for photographs or intimate parts, or engaging in phone or written sexual conversations;

6.3. NOTE: Sexual violence and sexual harassment (together with other forms of child-on-child abuse) are covered within the E-ACT Child Protection & Safeguarding Policy that all E-ACT academies adhere to.

6.4. We acknowledge that many of these behaviours can take place online and therefore all E-ACT academies will remain vigilant to the signs and symptoms of bullying online.

6.5. **Intention:** Some individuals may see their hurtful conduct as "teasing, banter" or "a game" or "for the good of" the other person. These forms of bullying are **equally unacceptable** but may not be malicious and can often be corrected quickly with advice and without disciplinary sanctions. A perpetrator who does not respond appropriately to advice or

sanctions will be fully supported to remedy their behaviour and understand why this is totally unacceptable.

- 6.6. **Legal aspects:** A person who makes a physical or sexual assault on another, including “up-skirting” and sharing nudes or semi-nudes, or who steals or causes damage to the property of another, commits a criminal offence and also a civil wrong known as a “tort”, and can all lead to legal consequences outside the Academy.
- 6.7. Bullying behaviour may also be regarded as threatening behaviour or harassment which can be either a criminal offence or a civil wrong.
- 6.8. Misuse of electronic communications could also be a criminal offence; for example, it is an offence to send an electronic communication (such as a text message or email) to another person with the intent to cause distress or anxiety.

## 7. Initial complaint about a bullying incident

7.1. Firstly, respond quickly and sensitively by offering advice, support, and reassurance to the alleged victim, then:

- report the allegation to the appropriate member of staff – (i.e., safeguarding team/pastoral lead/SLT etc.)
- record the incident on CPOMS
- a thorough investigation must be carried out
- parent/carer(s) of victim(s) and perpetrator(s) should be informed and updated as appropriate
- record the outcome on CPOMS

7.2. The outcomes of an investigation can be:

- a) There has been a misunderstanding which can be explained sympathetically to the alleged victim and with clear advice given to the alleged perpetrator in modifying their behaviour as appropriate.
- b) Complaint is partially justified:
  - Advice and support for the victim and, where appropriate, establishing a course of action to help the victim including support from external services where appropriate;
  - Advice and support to the perpetrator in trying to change their behaviour; this may include clear instructions and a warning or final warning;
  - Consideration of the motivation behind the bullying behaviour and whether external services should be used to tackle any underlying issues of the perpetrator which contributed to the bullying behaviour. If these considerations lead to any concerns that the perpetrator may be at risk of harm, the Academy's safeguarding and child protection procedures must be followed.
- c) Complaint is justified. Our approach:
  - The academy may decide to hold a supervised (restorative) meeting between the perpetrator and the victim (only with the agreement of the victim) to discuss their differences and the ways in which they may be able to avoid future conflict;
  - A disciplinary sanction against the perpetrator, in accordance with the Academy's code of conduct will be issued.

7.3. Importantly, any behaviour or bullying incident must be followed by showing and teaching the

pupils how to behave to prevent any further incidents. Support and signposting will be provided to the victim and perpetrator as required.

## **8. Good behaviour**

- 8.1. Our academies will ensure that a positive behaviour culture exists and that all stakeholders are clear on the expectations for achieving this. Pupils will be supported to this end through effective behaviour education within the academy personal development curriculum.
- 8.2. As a Trust we believe that rewards can be more effective than punishment in motivating pupils.
- 8.3. Our academies are committed to promoting and rewarding good behaviour and may do so in some of the following ways:
  - Praise
  - Positive postcards/letters home
  - Class and personal dojo points
  - Contact home by staff text, phone, e-mail and/or letter
  - Internal reward points, house points, form points
  - Stickers
  - Certificates
  - Recognition & celebration events

## **9. Poor behaviour: use of disciplinary sanctions**

- 9.1. Our academies will assist teachers in developing appropriate behaviour for learning techniques to support maintaining positive relationships with children whilst challenging poor behaviour. This is a preventative measure to reduce the likelihood of behaviour escalating and requiring a disciplinary sanction. Teachers have a statutory authority and responsibility to discipline pupils whose behaviour is unacceptable, who break the academy rules or who fail to follow a reasonable instruction. This power also applies to paid staff such as teaching assistants.
- 9.2. The Academy will consider the range of protected characteristics identified in the Equality Act 2010 plus individual pupil needs such as any special educational needs, parental support/reaction.
- 9.3. The following range of disciplinary sanctions that may be implemented as appropriate:
  - Behaviour logs
  - Taking points away, class dojos taken away, rewards removed
  - Verbal warning/reprimand
  - Extra work of repeating unsatisfactory work
  - Loss of privileges
  - School-based community service such as litter picking
  - Detention
  - Restorative/reflective intervention
  - Internal exclusion
  - Suspension
  - Permanent exclusion

Sanction	Definition	Location	Coding
Reflection Provision	Removal from one lesson for disturbing learning/displaying low level behaviour. Students are placed in reflection and given the opportunity to reflect and restore. Students are allowed back in the following lesson as a reset.	Within the academy	'/' Present
Internal Exclusion	Removal from lessons for a set period (e.g., 1 day) for a significant incident of behaviour or persistent disruptive behaviour that does not meet the threshold for a suspension	Within the academy	'/' if present in internal exclusion.
External Suspension	Removal from the academy for up to 5 days as a result of a serious behaviour incident(s)	At home	E
Permanent Exclusion	Removal from the academy roll after a permanent exclusion panel determination	N/A	E then Z

9.4 In all cases of misconduct, including those outside of the Academy (or online), the Headteacher will consider whether the police or the local authority (i.e., for ASB) or Social Care (especially where there is a concern of serious youth violence) should be notified. The police will always be informed where the pupil's behaviour is criminal or poses a serious threat to a member of the public.

9.5 All E-ACT academies will track and analyse incidents of poor behaviour in order to inform appropriate interventions for individual pupils, targeted groups and whole-school and prevent re-occurrence of poor behaviour.

9.6 Our academies will attempt to identify triggers to poor behaviour to consider how to reduce the likelihood of such behaviour being repeated. Strategies will be considered to help pupils understand how to improve their behaviour. This will include reasonable adjustments for SEND pupils. Following significant behaviour incidents (i.e., suspensions) an academy will complete a re-integration meeting to review how the pupil can be best supported to reduce repeated poor behaviour. Re-integration will be considered as appropriate for all removal from lessons.

## 10 Detentions

10.1 Teachers have a power to impose detention outside school hours to pupils under 18 years of age.

10.2 Each academy must make clear to pupils and parent/carer(s) that detention is used as a sanction.

10.3. Each academy may give detention on any school day, weekends (except preceding a half term or term break); INSET days.

10.4. The Headteacher will decide which staff may give detentions to pupils.

10.5. Lunchtime detentions must allow pupils time to drink, eat and go to the toilet.

10.6. The Academy will consider the safety of the pupil before issuing a detention. This includes coming to and from a detention e.g., after school in the dark, transport and travel arrangements, and any known caring responsibilities for the pupil.

10.7 Academies will notify parent/carer(s) about an after-school detention.

## **11. Use of restorative/reflective intervention**

11.1 The use of designated areas outside of classrooms to remove pupils for poor or inappropriate behaviour, must only be used for short periods of time. The removal of a pupil from a lesson to an area where a pupil is required to reflect on and modify their behaviour, must provide the pupil with high quality work, and be supervised by staff in charge of the area. Academies will endeavor to inform parents/carers on the same day of removal.

11.2 Each affected pupil must be subject to a personal behaviour plan where the following is outlined:

- Reasons and rationale for their removal from normal lessons
- Length and period of removal
- Strategies and activities the academy will be using during the placement to ensure their behaviour is modified and improves.

11.3 Pupils must not be placed for longer than is necessary. All pupils must receive support to help them correct poor behaviour and learn how to take responsibility for their actions.

11.4 Headteachers must retain an up-to-date record of all incidents of restorative/reflective intervention and ensure this data is analysed by the senior leadership team to review the best practice in supporting pupils to reduce incidents leading to removal of pupils from lessons.

11.5 In relation to internal exclusions (i.e., where poor behaviour occurred that did not meet the threshold for a suspension), the academy may complete these within the restorative/reflective space but under different parameters (e.g., length and period of removal). These are recorded by the academy outside of the remit of restorative/reflective interventions. Otherwise, the same principles (set out in this section) apply.

11.6 The identified space used for the above should be distinguished from other intervention spaces (i.e., for SEND or vulnerable children) used for non-disciplinary reasons.

11.7 Where an academy utilises an internal 'behaviour unit' (or AP), this planned intervention will be aligned to the culture of the academy and its policies. The aim is always to improve behaviour, support pastoral development, maintain learning, and achieve successful re-integration or appropriate external placement. Academies will liaise as appropriate with external agencies when implementing this intervention (e.g., a child with a social worker/EHCP/LAC etc.).

11.8 Where an academy utilises external alternative provision, this will be in line with the E-ACT Modified Curriculum Plan process.

## **12. Record keeping and Monitoring**

12.1 Every complaint or report of poor behaviour must be entered and recorded in accordance with each academy's own internal system and process (incident log/CPOMs/SIMS). All reports of bullying will be recorded on CPOMS.

12.2 When implementing this policy, every pupil should be encouraged to understand that:

- Every complaint of bullying and poor behaviour will be taken seriously;
- A pupil who complains will receive support and advice and in many cases the problem can be dealt with on a no names basis;
- The primary aim will be for the bullying/poor behaviour to cease, not the punishment of the perpetrator unless this is necessary.

12.3 Each academy will, for most but not all, serious incidents, inform parent/carer(s) as to what has happened so that they can give their support. Where the Academy staff feel that the pupil may be unsafe or vulnerable because of telling parent/carer(s) (in the case for example of transgender or homophobic bullying) the staff will tackle the incident themselves with the help of specialists. The Academy staff must ensure that the Designated Safeguarding Lead (DSL) is made aware in these circumstances and all information is recorded on CPOMS.

## **10. Exclusions: Suspensions/Permanent Exclusions (PEX)**

12.1 E-ACT endeavours to ensure that all exclusion procedures at our academies conform with Suspension and Permanent Exclusion from maintained schools, academies, and pupil referral units in England, including pupil movement 2023.

12.2 In upholding statutory guidance, it is only the Headteacher or acting Headteacher that may exclude a pupil.

12.3 Where any instance of bullying, significantly poor behaviour or a particular incident occurs that may warrant a suspension or permanent exclusion, then the Headteacher will review the sanction needed in conjunction with relevant leaders (i.e., SENDCO/DSL/Behaviour Lead etc).

12.4 Section B in this policy sets out in more detail the exact steps the Trust and academy will take for exclusions. All parties involved in exclusions, including Headteachers, parent/carer(s), trust governance, Ambassadors, and Independent Review Panels, must have regard to statutory guidance.

12.5 As part of an academy's strategies/interventions for improving a pupil's behaviour, off-site direction (i.e., managed moves and alternative provision) will be considered. This will be implemented in accordance with the E-ACT's alternative provision and managed move process and in line with the Behaviour in Schools 2022 guidance.

12.6 Where a pupil has a social worker or is a LAC, academies will inform the social worker/virtual school for any suspensions/exclusions.

12.7 When headteachers suspend or permanently exclude a pupil, they will also notify the local authority, without delay.



- 12.8 Where appropriate, consideration for involvement of the pupil will be made so that any excluded pupil is enabled and encouraged to participate at all stages of the suspension or permanent exclusion process, considering their age and ability to understand.
- 12.9 The Headteacher will notify the trust of any suspension which would result in a total of more than 5 school days in a term.
- 12.10 The Headteacher can cancel any suspension that has begun or not begun prior to the governing body meeting to consider whether the pupil should be reinstated.
- 12.11 Where a suspension has been cancelled the Headteacher will notify parents/carers (s), governing board, the LA and pupils' social worker or virtual school head without delay.
- 12.12 The headteacher will provide all parties with the reason for cancellation.
- 12.13 The Headteacher will offer parents/carers(s) or the pupil if over 18 the opportunity to meet to discuss circumstances that led to the suspension being cancelled without delay.
- 12.14 Any days out of school, before a cancelled suspension/exclusion, will count towards the maximum of 45 school days a pupil can be suspended in any school year.
- 12.15 Headteachers will not be able to cancel a permanent exclusion if a pupil has already been suspended for more than 45 days in a school year.
- 12.16 Where suspensions/exclusions have been cancelled, all E-ACT academies will support pupils with their reintegration on return to school.
- 12.17 When the governing board is considering the reinstatement of a pupil, the clerk should be present to make a record of the discussion, which should state clearly how decisions have been reached.

### **13. Duty to inform parent/carers(s)**

- 13.1 The parent/carers(s) must be informed immediately and in writing of the length and type of exclusion, and of their right to make representations to the Headteacher. Pupils over 18 have to be informed and have the right to appeal on their own behalf.
- 13.2 Pursuant to the duty of care placed on schools to ensure the welfare of pupils, parent/carers(s) must be advised of an exclusion prior to the pupil being sent off-site. E-ACT uses standard letters for notification of exclusions and these letters set out their rights of representation.
- 13.3 Academies must make parent/carers (s) aware that governing board reinstatement meetings and IRPs can be held via the use of remote access (live video link) for both suspension and permanent exclusion meetings if they request to do so. However, all academies within E-ACT will encourage face to face meetings.
- 13.4 Meetings can also be remote in unforeseen or extraordinary circumstances such as floods, fire, and infectious illnesses/diseases. Where these extraordinary circumstances do not apply and parent/carers don't request a remote meeting, then academies will ensure the meeting is held in person.
- 13.5 Where remote meetings are requested by parent/carers (s), governing boards and all E-ACT academies will ensure that all participants have access to the technology which will allow them to hear, speak, see and be seen. In addition, ensure all participants are able to fully participate and that the remote meeting can be held fairly and transparently. Where

this is not possible, academies should consult with parents/carers to decide how a face-to-face meeting can be arranged.

- 13.6 Where remote meetings are requested, social workers and virtual school heads can also join the meeting remotely.
- 13.7 Where technical difficulties prevent the meeting from taking place, academies will arrange a face-to-face meeting without delay.

#### **14. Use of reasonable force - additional guidance for staff**

- 14.1 E-ACT recognizes that on very rare occasions trained staff may need to use force in a reasonable and proportionate way.
- 14.2 Force may be used for the purpose of preventing a pupil from doing (or continuing to do) any of the following:
- Committing a criminal or civil offence;
  - Causing personal injury to, or damage to the property of, any person,
  - Prejudicing the maintenance of good order and discipline at the Academy.
- 14.3 In such occurrences the member of staff should:
- Attempt all de-escalation techniques prior to the use of force where possible
  - Manage the situation using appropriate techniques
  - Escort the pupil/s to a designated area where they cannot come into contact with others (safe place)
  - Administer first aid if necessary
  - Ensure that the Headteacher is made aware if the incident so that the incident process can be followed to not only record the nature of the incident but also staff will need to record any aspect of physical contact and close proximity that occurred.
- 14.4 Where physical restraint and positive handling techniques are used by staff, this must be recorded in writing and the pupil's parent/carer(s) will be informed about incidents involving the use of force.
- 14.5 Force is never used as a form of punishment.
- 14.6 Academies will use with caution and through verbal cuing and distancing, low level guided walking preventing access to or from a physical space.
- 14.7 Academies will always enter incidents of physical restraint and positive handling techniques on CPOMs (see Appendix 3 template) and inform parent/carer(s) of action taken to manage a pupil through authorised techniques. Incidents are reviewed by the academy to ensure that physical restraint or positive handling was necessary and how it can be prevented in the future.
- 14.8 Where a member of academy staff (including agency, volunteers, or ambassadors) or regional/national team are injured as a result of the behaviour of a child, the Headteacher will determine whether a sanction is required for the child. Consideration will be given to the context of the incident, how staff responded in line with

policy/procedure/personalized plans, and any extenuating circumstances. Staff will be supported from both a physical and mental health perspective together with any cases that are referred to the Police. The trust's health and safety policy provide further information about responding to this (including reference to 'near misses'). This is prevalent here given the increased risk of injury to a member of staff during the use of reasonable force.

## **15. Guidance for Searching, Screening and Confiscation (SSC)**

- 15.1 Academy staff may search a pupil and their possessions for any item if the pupil agrees. The member of staff must ensure the pupil understands the reasons for the search and how it will be conducted, so that their agreement is informed. Appropriate consideration will be given to the age and needs of pupils (e.g., SEND) being searched and the factors that may influence the pupil's ability to agree.
- 15.2 The Academy will follow its safeguarding and child protection policy and procedures at all times if a safeguarding concern arises as a result of any actions connected with a search of a pupil.
- 15.3 If a pupil is not willing to co-operate with the search, the Academy will consider why this is. If a search is necessary but not required urgently, the staff member will seek advice from the Headteacher, DSL, or appropriate member of pastoral staff.
- 15.4 If a pupil refuses to co-operate with a search, the Headteacher, and staff authorised by the Headteacher, may use reasonable force to search a pupils' possessions. Where they have reasonable grounds for suspecting that a pupil has an item prohibited by law in their possession (see Appendix 1 for further details in this respect). Reasonable force cannot be used to search for items that are banned by the Academy.
- 15.5 If a pupil continues to refuse to co-operate, they may be sanctioned in line with the Academy's Behaviour Code of Conduct where this is appropriate, in a consistent, fair, and proportionate way.
- 15.6 Academies will record incidents of searching on CPOMS (in line with the E-ACT template).
- 15.7 NOTE: The E-ACT Child Protection & Safeguarding Policy provides specific information in relation to searches carried out by Police and how the academy can support this process as an appropriate adult.
- 15.8 See Appendix 4 for further information and E-ACT SSC Template.

## **17. Complaints**

17.1. Formal complaint: If the victim or his / her parent/carer(s) are not satisfied with the action taken, they should be advised to make a formal complaint, according to the complaints procedure outlined in the Academy complaints policy.

## **18. Training**

18.1. The Trust provides appropriate training to academies in relation to managing and improving behaviour, positive handling, searching/screening & confiscation, and exclusions processes (including within two years for any members/clerks of a pupil exclusion panel or independent review panel (IRP).

## **Section B: Exclusions**

### **Introduction to the use of and procedure for suspensions and permanent Exclusions (PEX)**

## **19. Aims**

- 19.1. The following paragraphs explain the rights and responsibilities around exclusion to ensure that all exclusion proceedings at E-ACT are conducted in a fair and just manner, with appropriate notice to all, full participation of relevant parties, and within the statutorily designated timelines.

## **20. Suspensions and Permanent Exclusions**

- 20.1. Exclusion can only be for a breach of an academy's behaviour policy, which is widely published to all pupils and parent/carer(s), including on the academy's website.
- 20.2. There are two types of exclusion: suspension and permanent. There is a limit of 45 school days in an academic year for suspensions. The law does not allow for 'converting' a suspension into a permanent exclusion. The academy may issue a suspension pending investigation and, where further evidence has come to light, issue a further suspension to begin immediately after the first ends; or a permanent exclusion to begin immediately after the end of the suspension.
- 20.3. Permanent exclusions may only be in response to persistent breaches of the academy's behaviour policy or for a 'one-off' serious breach of the behaviour policy, where allowing the pupil to remain in school will be detrimental to the education and welfare of the pupil and/or others at the academy.
- 20.4. On the sixth day of exclusion, the academy (or local authority, in the event of a permanent exclusion) must arrange suitable full-time education for any pupil of compulsory school age. Where a pupil receives consecutive suspensions, these are regarded as a cumulative period of exclusion for the purposes of this duty.
- 20.5. The Headteacher must notify the Education Director, National Education Director, National Director of Safeguarding/Attendance and Behaviour and CEO of their decision to permanently exclude.
- 20.6. A panel must review permanent exclusions and any suspensions which result in the pupil being excluded for more than 15 school days (singly or cumulatively) within one term. Schools are responsible for recording suspensions on the academy Management Information System (MIS) in a timely manner and keeping careful track of suspensions

that total more than 15 days in a term.

- 20.7. An E-ACT pupil exclusion panel must include the Education Director and two E-ACT Ambassadors (ideally from the academy) or one ambassador and one E-ACT Headteacher from another academy. The Regional Coordinator is responsible for arranging panel members. Ambassadors who sit on these must have completed the relevant training prior to the panel.
- 20.8. If an exclusion requires review (i.e., suspension totaling more than 15 days in a term or permanent exclusions), academies should also notify their Regional Coordinators as soon as the exclusion is issued, in order to allow the timely arranging and clerking of the required review meetings. Permanent exclusions must also be reported to the local authority immediately to ensure the local authority will be able to fulfil its duty to provide alternative educational provision from the sixth day of the exclusion.
- 20.9. Suspensions must be reported on the E-ACT Monthly Safeguarding Data.

## **21. The Headteacher's role in exclusions**

- 21.1. Only the Headteacher or acting Headteacher may exclude a pupil. All Headteachers must avoid 'informal' or 'unofficial' exclusions (e.g., sending a child off-site for a 'cooling down' period). However, a pupil whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. This is counted as a half day suspension. Where a pupil has received multiple suspensions or is approaching the legal limit of 45 school days of suspension in an academic year, the Headteacher should consider whether this is providing an effective sanction.
- 21.2. Suspensions are illegal if they occur for non-disciplinary reasons, such as:
- additional needs or a disability that the academy feels it is unable to meet;
  - lack of academic attainment/ability;
  - the actions of a pupil's parent(s); or
  - failure of a pupil to meet specific conditions before reinstatement.
- 21.3. Permanent exclusion should only be used as a last resort where all alternatives have been considered and all strategies to change behaviour have failed. It must be demonstrated that allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others in the academy.
- 21.4. Where an excluded pupil has Special Educational Needs or Disabilities (SEND) or is on the SEND register, it must be demonstrated that the academy has regard for the SEND Code of Practice 2015 and has provided extensive means of support to help meet the pupil's needs.
- 21.5. Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have.
- 21.6. Any intervention strategies should be discussed with and involve the pupil's parent/carer(s).
- 21.7. Headteachers may cancel an exclusion that has not been reviewed by the governing board. This practice is sometimes known as withdrawing/rescinding a suspension or

permanent exclusion. If this occurs, then the Headteacher will inform all relevant parties.

## **22. Review of the Decision to Exclude**

- 22.1. In all cases of permanent exclusion and suspension amounting to over 15 days in a term (cumulatively or singly), the decision of the Headteacher must be reviewed by the Regional Education Director.
- 22.2. Subject to the availability of a Regional Director and E-ACT Ambassadors, review meetings should be held within a period of 15 days from the date of the exclusion. It is important that the Regional Coordinators are advised of the exclusion without delay and the Headteacher plans for paperwork to be prepared immediately. The exclusion paperwork must set out in detail the reasons for exclusion and provide evidence of the support already offered to the pupil.
- If an exclusion means that a pupil will miss a public exam, the panel should try to meet before the date of the exam. If this is not practicable, the Regional Education Director may use the emergency powers for the Chair's action to review the exclusion alone.
  - Suspensions totaling five or fewer school days (or 10 or fewer lunchtimes or half days) in any one term must be reported on the MIS. The Regional Education Director must consider any representations made by parent/carer(s) but cannot direct reinstatement and is not required to arrange a meeting with parent/carer(s).
  - For suspensions of 6 to 15 school days (in a term), if the parent/carer(s) make representations, the panel must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations from the parent/carer(s), the panel is not required to meet and cannot direct the reinstatement of the pupil.
  - For suspensions that singly or cumulatively total more than 15 days in one term, and for permanent exclusions, the panel must hold a formal hearing within 15 school days, whether or not the parent/carer(s) make representations. The review panel may confirm the exclusion or direct reinstatement of the pupil.
  - There is no legal option to impose a lesser sanction, i.e., to commute a permanent exclusion to a suspension. The review panel may direct reinstatement for any pupils excluded for a fixed term of more than five days or pupils who would miss a public exam or permanently excluded. If the pupil is to be reinstated, a re-integration programme should be planned with the academy, including a meeting with parent/carer(s). If reinstatement is not practicable – because the pupil is already back in school or because the parent does not want it – the review panel must consider the representations made by the academy and parent(s) and decide whether or not the exclusion was justified. The decision should then be included in the pupil's record. After the panel hearing, the clerk will inform the parties in writing about the result, with reasons for the decision. Decisions are communicated as soon as possible, and every attempt is made to do this within 5 working days.

## **23. Principles of Natural Justice**

- All factual determinations are based on a balance of probabilities, both by Headteachers and at any subsequent review. This means that the Headteacher/reviewing panel should accept that

something happened if it is more likely that it happened than that it did not happen. In making their decisions to exclude, Headteachers must ensure that their decisions are fair, based on the facts of the incident and do not include any elements of discrimination.

- All documents to be used in evidence should be distributed to all parties at least five working days before the hearing. If new material is introduced at the hearing, all parties must have time to consider it. Should such material be voluminous, the Chair has the discretion to adjourn the meeting to allow proper review.
- Every party should feel that they have had a full opportunity to present their case and have it duly considered. Training is completed with all pupil exclusion panel members to clarify the legal standards for review and the high quality of documentary evidence required for panel meetings. There should be no delays in gathering evidence and witness statements, both for reliability of recall and given the legal obligation to review exclusions within short statutory deadlines.

## **24. Independent Review Panel (IRP)**

- 24.1. If a permanent exclusion is upheld, parent/carers(s) must be told of their right to seek an independent review of the decision reached by the panel and the deadline for seeking such a review. They also have the right to request the attendance of a SEND expert at the Independent Review Panel meeting.
- 24.2. Decision letters sent by the Regional Coordinator to the parent/carer(s) will include these details of the right of independent review. The parent/carer(s) have 15 school days (from the date of receipt of the review panel's decision) to seek an independent review. Within 15 school days of such a request, the Regional Coordinator will engage the services of an external clerking agency to arrange and clerk the Independent Review Panel. The independent review is normally attended by the Headteacher, lead academy staff member on the case, and Chair of the original review panel. The clerk of the original panel may attend but plays no formal part in proceedings. Where the parent/carer(s) has legal representation or it is considered appropriate on behalf of the academy, it may be agreed that the academy should also have legal representation. This will be arranged by E-ACT.
- 24.3. We will adhere to Suspension and Permanent Exclusion from maintained schools, academies, and pupil referral units in England, including pupil movement 2023 where an IRP is required.

## **25. Other relevant legislation**

- 25.1. The principal legislation, guidance, and regulations to which this guidance relates is:
  - Education Act 2002, as amended by the Education Act 2011;
  - School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
  - Education and Inspections Act 2006;
  - Education Act 1996;
  - Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014;
  - SEND Code of Practice: 0 to 25 years (updated 1 May 2015);
  - Special Educational Needs and Disability Regulations 2014 (Part 4); Equality Act (2010).

## **Appendix 1: Academy Code of Conduct**

At The Grange School we believe that good behaviour and positive attitudes are key foundations for effective teaching and learning to take place. We expect and insist on the highest standards of behaviour throughout our school consisting of mutual respect between all members of our school community as well as pupils and staff who feel happy and safe.

The code and the behaviours associated with them are based on the school's three rights - the right to respect, the right to learn and the right to be safe.

These rights are underpinned by our academy values – think big, do the right thing, show team spirit.

### **The Right to Respect**

We will teach and encourage children to do the following:

- Maintain a positive attitude
- Listen without interrupting
- Make eye contact with other people
- Use the other person's name
- Empathise –for example: 'how do you think the other person is feeling' or 'what would you feel like if someone did that to you?'
- Remember their good manners
- Hold the door open for each other, for staff and for visitors to the school
- Take pride in their appearance and follow the academy uniform policy at all times.

### **The Right to Be Safe**

We will teach and encourage children to do the following:

- Not to engage in 'rough play' in the playground
- Report any concerns to an adult of their choice. Wishes and worry boxes are also available in each classroom for those who do not wish/feel unable to articulate their concerns. Online reporting tools are available 24 hours a day.
- Behave as ambassadors for the school when on educational trips or at other venues, for example swimming lessons and sporting events.
  - Move around the building in a safe and controlled way which enables children with a range of needs to cope with their surroundings

To ensure a) and b) staff are expected to:

- Monitor playground behaviour and be proactive rather than reactive
- Be endlessly vigilant and take preventative measures, for example monitoring 'trouble spots'
- Use their emotional intelligence and remember that little things can become big things. it's important to pay attention to details and to take responsibility for following every incident up. Children's personal development and well-being is paramount.
- Dismiss children at the end of the day in a calm and orderly manner ensuring that each child has his/her belongings and is handed over to a responsible adult, who is known to be responsible for the child
- Monitor children for behavioural changes in line with Child Protection guidelines
- Brief accompanying adults on educational visits in line with the school trips policy



### **The Right to Learn - Listening**

We will teach and encourage children to do the following:

- To look directly at the person speaking to them
- To listen closely and without interrupting
- To use respectful body language when talking to an adult
- To think carefully about what has been said before responding

### **The Right to Learn – Working Hard**

We will teach and encourage children to do the following:

- To complete their work within a set time
- To concentrate within a given time
- To support children unable to complete their work through school-based homework clubs. We recognise not all children have access to effective home learning, and may require additional adult support.
- To be proud of their learning
- To understand that presentation is important in every piece of work
- To use BLP to build effective learning behaviours

To ensure c) and d) staff are expected to:

- Have high expectations for each child
- Maintain consistently high expectations for all children's learning.
- Explain to children the positive consequences of making good progress

### **The Right to Respect – Looking after things**

We will teach and encourage children to do the following:

- Take pride in their physical environment, including but not limited to;
- Picking up coats
- Put lunch boxes away
- Put away play equipment
- Look after their books, book bags and PE kits.
- Clear up in the hall
- Behave sensibly in the toilets
- Take belongings home at the end of the day
- This pride should be extended into the environment of our wider community. We will teach and encourage children to respect their community environment, and support with local community regeneration projects

### **The Right to Respect - Honesty**

We will teach and encourage children to do the following:

- Explain the part they have played in an incident
- Acknowledge the part they have played in an incident
- Accept responsibility for the part they have played in an incident
- To apologise and make amends

## **Rewards**

All children will be encouraged to practice good behaviour with a suitable series of rewards, in line with Project Achieve, values and UNICEF rights respecting school agenda. These rewards are embodied within our good to be green behaviour system.

The system utilises a rag rating system, whereby all children begin their day on a green card, which symbolises good behaviour. Children's cards are changed throughout the day, in relation to the behaviour being demonstrated. Each classroom is equipped with a good to be green chart, which displays all children's current behaviour card. Any card changes will be completed by the class teacher.

Our primary focus is upon positive praise to reinforce good behaviour. For example, hard work will be rewarded through replacing a child's green card with a silver or gold card.

The good to be green system allows teachers to use an array of techniques to promote good behaviour. These include:

- Verbal praise
- Recognising achievements through certificates. Weekly celebration assemblies are held to champion positive behaviour.
- Bespoke behaviour plans utilising stickers and reward charts where additional support is required.
- Earning privileges – such as helping teachers, being selected to represent the school.

It is important to note that good behaviour is the expectation and that over-rewarding is not aligned with the school's culture. Rewards need to be earned and not de-valued through overuse. Children are expected to learn to be intrinsically rewarded to behave well as this is an important skill for life.

## **Sanctions**

Minor breaches of discipline are generally dealt with by the class teacher in a supportive and fair manner, with some flexibility regarding age of the child, as far as sanctions are concerned. Each case is treated individually. Children are made aware that they are responsible for their own behaviour and that breaking rules will lead to consequences.

Alongside the positive rewards for good behaviour, the good to be green system can be used to reprimand, and remind children of our behaviour expectations. Children may receive a yellow card as a verbal warning that their behaviour is not acceptable. The teacher may change this to a green card once the behaviour is corrected, or can escalate to an orange card if it is not. When an orange card is issued a sanction is given. This may be the loss of 5 minutes at break time, and a parental conversation with class teacher at the end of the day.

A sanction is given for unacceptable behaviour, which will result in loss of lunchtime and a parental meeting with SLT. This behaviour is to be logged onto CPOMs by staff, to ensure that changes in behaviour are quickly detected, as this may highlight a child's vulnerability or a change in circumstance.

Sanctions and strategies to promote good behaviour include:

- Verbal reprimand and reminder of expectations
- Change green card to Amber or Red.
- Miss playtime or lunchtime
- A meeting with parents to discuss concerns and set next steps
- Repeating work until it meets the required standard
- Letters of apology
- Loss of responsibility/privileges e.g. monitor jobs
- Placing the child on a daily or weekly report/log system to monitor their behaviour with parents' support which will be reviewed regularly.

The Grange School does not promote the use of exclusion as a behaviour sanction, where alternative interventions are available. Only where a child's safety is at risk, would a fixed term exclusion be considered. When a child receives a fixed term exclusion, a review of the provision currently in place for this child is completed. The class teacher completes a behaviour referral form, and a corresponding individual behaviour plan is created. This behaviour plan is completed alongside parents; to ensure they are supportive of the measures in place. All children at risk of exclusion receive 1-1 specialist support in school. This type of behaviour is generally rare and it is the responsibility of the Head Teacher or the Senior Leadership team who will deal with it appropriately. Parents will be involved at the earliest possible stage. Incidents of major breaches of discipline are recorded on CPOMs and monitored accordingly.

Behaviour is logged by class teachers on our school behaviour tracker. This tracker highlights our vulnerable pupils to ensure that any changes in behaviour are quickly detected, allowing the promotion of early intervention. This tracker provides a whole school overview of behaviour, ensuring that effective monitoring is in place.

Addendum:

#### Relationships

- I can talk and express how I am feeling in an appropriate way with safe adults
- I understand that everyone feels differently and I respect their opinions
- I can talk politely to people and listen to how they are feeling
- I will be patient as this is new for everyone

#### Classroom

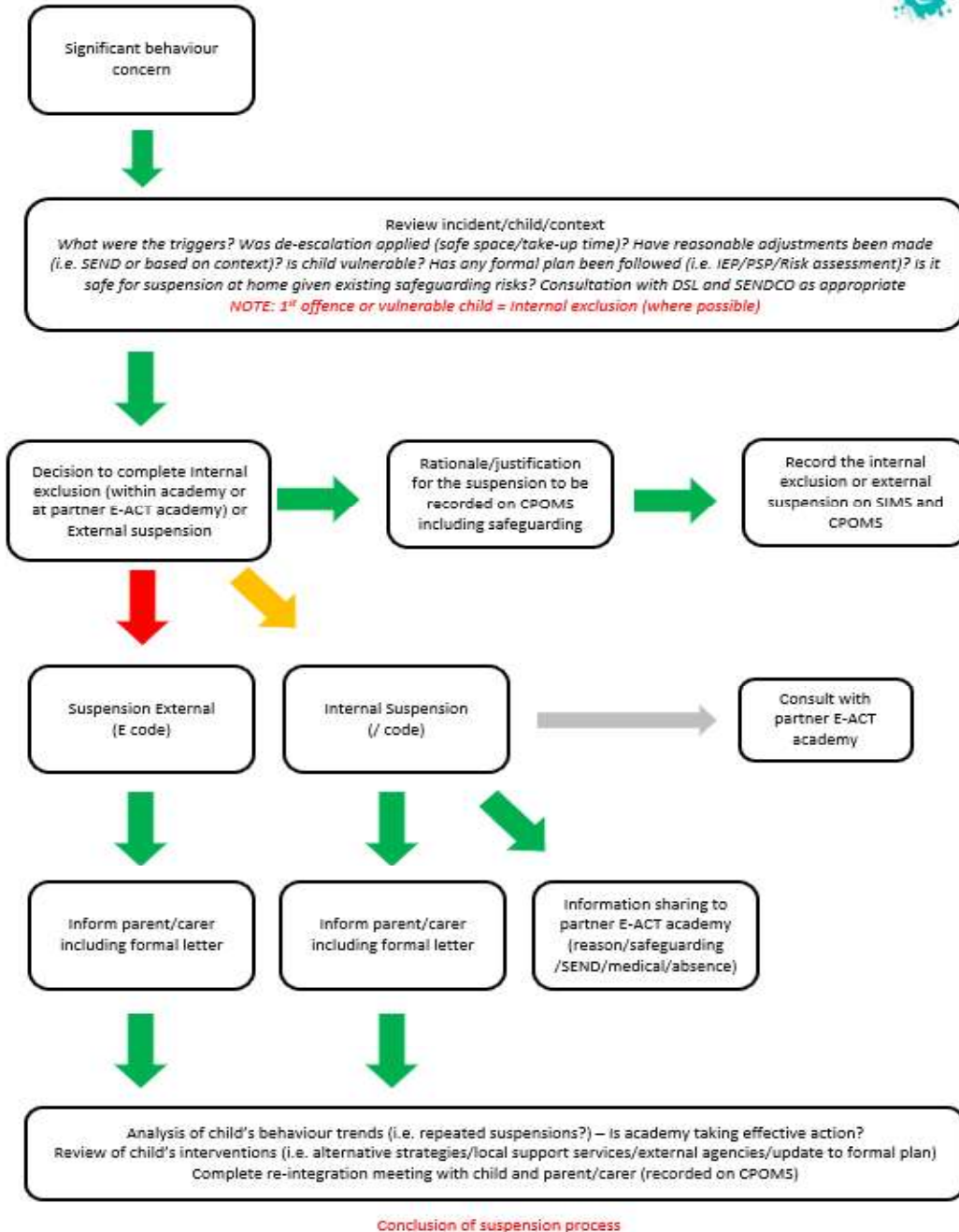
- I will listen to the class teacher even if they are not my usual teacher
- I will work as a team to ensure everyone has a happy return to school
- I will aim to be in the green zone but if I am not I will talk to my teacher in an appropriate way

#### School

- I will follow the rules, guidance and instructions to keep myself safe
- I will follow the rules, guidance and instructions to keep others safe

## Appendix 2

### E-ACT Internal Exclusion/External Suspension Process



### Appendix 3

#### Positive Handling Template

Date:

Pupil Name:

Staff Name(s):

Positive Handling Location/Time:

PUPIL		
	YES	NO
Vulnerable Pupil?		
SEND?		
Risk Assessment?		
INCIDENT DETAILS		
	YES	NO
Were 2 x MOS present?		
Were expectations reinforced clearly to pupil?		
Was 'take up time' provided?		
Was it appropriate to remove other pupils before reasonable force applied?		
Was pupil informed of need to use reasonable force?		
Was pupil provided with a 'safe space' following incident?		
Was a medical check completed following incident?		
<i>Record type of restraint/amount of time (in seconds) for each application</i>		
PUPIL VOICE		
<i>Ensure this is recorded for pupil who was positive handled.</i>		
WITNESS STATEMENTS		
<i>Provide names/roles of all witness statements to be attached to this document (including pupils if appropriate)</i>		
NAME	ROLE	
OUTCOME		
<i>To be completed by Headteacher after investigation and to include details of next steps and any agency involvement.</i>		
MOS Signature:	MOS Signature:	
Parental Update Date(s):	Headteacher Signature:	
Scanned into CPOMS		

## Appendix 4

### SSC Template

**Date:** \_\_\_\_\_ **Child Name:** \_\_\_\_\_  
**Staff Name:** \_\_\_\_\_ **SEND:** Y/N **PP:** Y/N  
**Search Location:** \_\_\_\_\_ **Sex:** \_\_\_\_\_  
**Search Time:** \_\_\_\_\_ **Ethnicity:** \_\_\_\_\_

#### Searchable items

- Knives or weapons, alcohol, illegal drugs and stolen items;
- Tobacco and cigarette papers, fireworks and pornographic images;
- Any article that a member of staff reasonably suspects has been, or is likely to be used:
  - to commit an offence;
  - to cause personal injury to, or damage to the property of, any person (including the pupil);
- Any item identified in the academy code of conduct as a prohibited item.

RISK ASSESSMENT		
	YES	NO
Does the child consent to the search?		
Does the child have the maturity and understanding to provide informed consent?		
Are reasonable adjustments required (due to SEND) to ensure that consent is informed?		
Was the parents/carers cooperation sought due to informed consent or refusal to cooperate?		
Was the searching MOS the same sex as the child?		
Was there a witness present?		
Was the witness the same sex as the child?		
SEARCH DETAILS		
Who completed the search? (Name and role) Who witnessed the search? (Name and role) What item was being searched for (prohibited by law/prohibited by the academy)? What was the rationale for a search being required? What was searched? (e.g., outer clothing/academy property/personal property) Was a strip search conducted (by the Police)? Was an appropriate adult supporting?		
<b>Record 'N/A' to any questions below that are not relevant.</b>  What reasonable adjustments were applied to ensure that consent is informed? What was the rationale for the use of reasonable force to complete the search (for prohibited items by law only)? What was the rationale for completing the search without 'Yes' to the risk assessment considerations above? Were any other children present during the search? Why was privacy not achieved?		
OUTCOME		
What was found? What follow-up actions were taken as a consequence of the search? When were the parents/carers informed? By who? How? Where are any prohibited items now?		
<b>MOS Signature:</b>	<b>MOS Signature:</b>	

## **Searching, Screening and Confiscation: Further Information**

- All Academies have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.
- Pupils must not have the items listed in Appendix 1 in their possession on the Academy's premises, or at any time when they are in the lawful charge and control of Academy staff (e.g., on educational visits).
- Pupils may be searched for any item which is prohibited by the Academy with their agreement. Force will never be used to search for these items.

### **Searching pupils**

- Under common law, school staff have the power to search for any item if a pupil agrees. The member of staff undertaking the search should ensure the pupil understands the reason for the search and how it will be conducted so their agreement is informed.
- When exercising these powers, the school must consider the age and needs of pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability.
- If a pupil refuses to co-operate with a search for an item prohibited by law, the member of staff should assess whether it is appropriate to use such force as is reasonable to conduct the search.
- The decision to use reasonable force should be made on a case-by-case basis. Consideration will be given as to whether conducting the search will prevent the pupil harming themselves or others, damaging property or causing disorder.
- Where a pupil is not willing to co-operate with a search and is not deemed to have sufficient maturity or understanding of the situation, then a parent's co-operation will be sought.
- If a pupil refuses to co-operate with a search for items that are not items prohibited by law, disciplinary action may be taken in accordance with this policy.
- Where a search is considered necessary, but does not need to be carried out urgently, the advice of the Headteacher / DSL and / or pastoral member staff will be sought. During this time, the pupil should be supervised and kept away from other pupils.
- Searches will 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 an educational visit or in training settings (the power to search on an educational visit only applies in England – When outside of England, the law of that country should be followed).
- If it is believed that a pupil has a prohibited item, it may be appropriate for a member of staff to carry out:
  - search of outer clothing; and / or
  - search of the school property (e.g., pupils' lockers or desks) and / or
  - search of personal property (e.g., bag or pencil case).
- Staff will be the same sex as the pupil being searched and there will be a witness (also a staff member) who, if possible, will be the same sex as the pupil being searched. As a limited exception to this rule, staff can carry out a search of a pupil of the opposite sex and / or without a witness present, but only where staff reasonably believe that there is a risk that serious harm will be caused to a person if a search is not carried out as a matter of urgency and in the time available it is not reasonably practicable to summon another member of staff.



- 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.
- Where the Headteacher, or staff authorised by the Headteacher, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain, and dispose of that item in accordance with this policy. The staff member should also alert the designated safeguarding lead (DSL), or deputy and the pupil will be sanctioned in line with the school's Behaviour Policy to ensure consistency of approach.

### **Strip searching**

- A strip search is a search involving the removal of more than outer clothing and can only be carried out on school premises by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with PACE Code C. More information is contained within the DfE advice to schools on Searching, Screening and Confiscation (July 2022).
- While the decision to undertake a strip search itself and its conduct are police matters, school staff retain a duty of care to the pupil(s) involved and should advocate for pupil wellbeing at all times.
- School staff will always consider whether introducing the potential for a strip search through police involvement is absolutely necessary and should always ensure that other appropriate, less invasive approaches have been exhausted.
- In order to ensure a pupil's wellbeing, the school may wish to involve an appropriate adult as a matter of course during all searches conducted by police in school.
- Except where there is an immediate risk of harm, parents will be informed before a strip search takes place, where reasonably possible. Parents will always be notified after a strip search has taken place.

### **After a search**

- Whether or not any items have been found as a result of any search the school will consider whether the reasons for the search or outcome give cause to suspect whether a pupil is suffering or likely to suffer harm and whether any specific support is needed.
- Where appropriate school staff will follow the school's child protection policy and procedures and speak to the designated safeguarding lead about possible pastoral support, early help intervention or a referral to children's social care.

### **Recording searches**

- Any search by a member of staff for an item prohibited by law/by the school rules and all searches conducted by police officers will be recorded in CPOMS, including whether or not an item is found. This will allow the DSL or deputy to identify possible risks and initiate a safeguarding response if required.

### **Records of the search will include:**

- the date, time, and location of the search;
- which pupil was searched;

- who conducted the search and any other adults or pupils present;
- what was being searched for;
- the reason for searching;
- what items, if any, were found; and
- what follow-up action was taken as a consequence of the search.

The school will analyse any data gathered to consider whether searching falls disproportionately on any group / or groups and whether any actions should be taken to prevent this.

### **Screening**

- The Academy may impose a requirement that pupils undergo screening for the detection of weapons.
- Screening will take the form of a walk through or hand held metal detector to scan all pupils for weapons before they enter the Academy premises.
- If a pupil has a disability, the Academy will make any reasonable adjustments to the screening process as required.
- If a pupil refuses to be screened, the Academy will consider why the pupil is not cooperating and will make an assessment as to whether it is necessary to conduct a search.

### **Confiscation**

- Under the Academy's general power to discipline, a member of staff may confiscate, retain, or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.
- Confiscation of an item may take place following a lawful search, as set out above, or however the item is found if the member of staff considers it to be harmful or detrimental to Academy discipline.

### **Searching electronic devices**

- An electronic device such as a mobile phone or a tablet computer may be confiscated in appropriate circumstances in accordance with this policy. If there is good reason to suspect that the device has been, or could be used to cause harm, to disrupt teaching or breach the Academy's policies on behaviour, any data or files on the device may be searched and, where appropriate, data or files may be erased before the device is returned to its owner. Any search of an electronic device should be conducted in the presence of a member of the IT staff.
- Any data or files will only be erased if there is good reason to suspect that the data or files have been, or could be used to cause harm, to disrupt teaching or breach the Academy's policies on behaviour.
- If inappropriate material is found on an electronic device, the member of staff may delete the material, retain it as evidence of a breach of Academy discipline or criminal offence or hand it over to the police if the material is suspected to be evidence relevant to an offence.
- Staff should consider the appropriate safeguarding response if they find images, data, or files on an electronic device that they reasonably suspect will put a person at risk.
- Staff should not view or forward illegal images of a child. When viewing an image is unavoidable staff should follow the Academy's procedures on sexting as set out in the safeguarding and child protection policy / consult the advice set out in the Searching screening and confiscation advice (for schools) and UKCIS sexting advice.

- The School will comply with data protection law in relation to any search of an electronic device.

#### **Disposal of confiscated items**

- Alcohol: Alcohol which has been confiscated will be destroyed.
- Controlled drugs: Controlled drugs will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion of the Headteacher or authorised member of staff, the drugs may be destroyed without the involvement of the police if there is good reason to do so. All relevant circumstances will be taken into account and staff will use professional judgement to determine whether the items can be safely disposed of. They will not be returned to the pupil.
- Other substances: Substances which are not believed to be controlled drugs, but which are harmful or detrimental to good order and discipline (for example "legal highs") may be confiscated and destroyed. Where it is not clear whether or not the substance seized is a controlled drug, it will be treated as such and disposed of as above.
- Stolen items: Stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of the Headteacher or authorised member of staff, there is good reason to do so, stolen items may be returned to the owner without the involvement of the police. In taking into account the relevant circumstances, the member of staff should consider: the value of the item; whether the item is banned by the school; whether retraining or returning the item may place any person at risk of harm; and whether the item can be disposed of safely.
- Tobacco or cigarette papers: Tobacco or cigarette papers will be destroyed.
- Fireworks: Fireworks will not be returned to the pupil. They will be disposed of safely at the discretion of the Headteacher or other authorised member of staff.
- Pornographic images: Pornographic images involving children or images that constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008 will be handed to the police as soon as practicable. As possession of such images may indicate that the pupil has been abused, the Designated Safeguarding Lead will also be notified and will decide whether to make a referral to children's social care.
- Other pornographic images will also be discussed with the Designated Safeguarding Lead. The images may then be passed to children's social care for consideration of any further action. If no action is to be taken by the local authority the images will be erased after a note has been made for disciplinary purposes, confirming the nature of the material.
- Article used to commit an offence or to cause personal injury or damage to property: Such articles may, at the discretion of the Headteacher or authorised member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained, or disposed of. In taking into account all relevant circumstances the member of staff should consider whether it is safe to dispose of the item; and when it is safe to return the item.
- Weapons or items which are evidence of an offence: Such items will be passed to the police as soon as possible.
- An item prohibited by the Academy: Such items may, at the discretion of the Headteacher or authorised member of staff taking all the circumstances into account, be returned to its owner, retained, or disposed of. In taking into account all relevant circumstances, the member of staff should consider: the value of the item; whether it is appropriate to return the item to the pupil or parent; and whether the item is likely to disrupt learning or the calm, safe and supportive environment of the school.

- Where staff confiscate a mobile phone that has been used to disrupt teaching, the phone will be kept safely until the end of the school day when it can be claimed by its owner, unless the Headteacher considers it necessary to retain the device for evidence in disciplinary proceedings. If a pupil persists in using a mobile phone in breach of the restriction, the phone will be confiscated and must be collected by a parent/carer.
- Electronic devices: If it is found that a mobile phone, laptop or tablet computer or any other electronic device has been used to cause harm, disrupt teaching, or breach the Academy's policies on behaviour, including carrying out cyberbullying, the device will be confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded the device must be collected by a Parent and the pupil may be prohibited from bringing such a device onto Academy premises or on educational visits. In serious cases, the device may be handed to the police for investigation.

### **Communication with Parents**

- There is no legal requirement for the Academy to inform Parents before a search for prohibited items takes place or to seek their consent to search their child and it will not generally be practicable to do so.
- Parents should always be informed of any search for a 'prohibited item' listed above that has taken place and the outcome of the search as soon as practicable. A member of staff should inform parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.
- In some circumstances it might also be necessary to inform parents of a search for an item banned by the school policy.
- We will keep a record of all searches carried out, which can be inspected by the parents/carer of the pupil(s) involved subject to any restrictions under the Data Protection Act.
- Complaints about searching or confiscation will be dealt with through the Academy's published Complaints policy.
- The Academy will take reasonable care of any items confiscated from pupils. However, unless negligent or guilty of some other wrongdoing causing injury, loss or damage, the Academy does not accept responsibility for loss or damage to property.