

Student Behaviour and Discipline Policy

Policy Code:	SW4
Policy Start Date:	September 2022
Policy Review Date:	September 2024

Please read this policy in conjunction with the policies listed below:

- HR6 Data Protection Policy
- HR9 Positive Handling and Safe Touch Policy
- ICT3 Online Safety (Pupils) Policy
- SW2 Exclusion Policy
- SW3 Misuse of Drugs Policy
- SW5 Safeguarding and Child Protection Policy
- SW6 Anti-Bullying Policy
- SW9 Parental Communications and Complaints Policy
- SW15 LAC and post-LAC Policy
- TL6 Special Educational Needs and Disability Policy

1 Policy Statement

- 1.1 The policy outlines the manner in which pupil behaviour will be managed and relates to the following legislation: *Education Act 1996; Education and Inspections Act 2006; Section 93, Education and Inspections Act 2006; Education (Independent School Standards) (England) Regulations 2014; Behaviour in Schools (July 2022); Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (July 2022); The Equality Act (2010); Special educational needs code of practice: 0 to 25 years.*
- 1.2 The Priory Federation of Academies Trust supports the principles enshrined in Articles 28 (right to education) and 29 (goals of education) of Unicef’s Rights of the Child Charter. The Trust endorses the position that: “Education must develop every child’s personality, talents and abilities to the full. It must encourage the child’s respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.”
- 1.3 Any procedures used specifically to support children with challenging behaviour will be in line with the appropriate Local Authority’s “Ladder of Intervention”.
- 1.4 References to the Trust or Academy within this policy specifically include all primary, secondary and special academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Apprenticeships and Lincolnshire SCITT.
- 1.5 This policy does not form part of any member of staff’s contract of employment and it may be amended at any time.
- 1.6 This policy sets out the Trust’s approach to managing behaviour. Each setting will have its own behaviour procedures, which are contextually appropriate. These are available on the individual academy’s website and/or available upon request. Academy procedures are written in conjunction with this policy (and other Trust policies) and, as such, will not contradict/undermine any element of this policy.
- 1.6 During exceptional circumstances, for example, during a pandemic, settings may need to amend their behaviour procedures to reflect temporary and/or updated government guidance. Any resulting additions or adjustments will be reflected in the setting’s own guidance/procedures and not in this policy. No changes adopted by any setting will be contrary to any statements set out in this policy.

2 Roles, Responsibility and Implementation

- 2.1 The Education and Standards Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. This committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Director of Student Welfare.
- 2.2 Leaders and Managers have a specific responsibility to ensure the fair application of this policy and all staff are responsible for supporting colleagues and ensuring its success. The implementation of this policy on an operational level is the responsibility of the Senior Leader responsible for pupil welfare in each Academy.

3 Aims

- 3.1 The Priory Federation of Academies aims to promote an environment where everyone feels valued and respected. We will endeavour to develop positive relationships between pupils, staff, parents/carers and other members of the wider community where everyone is treated fairly and with equal respect. We are a caring community whose values are built on mutual trust and respect for all. Our aim is to encourage and help to develop self-discipline and responsible behaviour in all pupils in order to support this ethos.

4 A Positive Approach Supporting Principles and Values

- 4.1 We acknowledge that positive behaviour is a prerequisite for effective teaching and learning, to which all pupils have equal access and with equal regard. We will ensure the reinforcement of Academy aims at individual, class and Academy levels, supported by positive adult role models. This policy aims not only to promote a set of values for each Academy, but a set of values that our pupils will take into the community both whilst they are at Academy and after they leave. A curriculum that promotes the spiritual, moral, social and cultural development of the pupils in our care will support this philosophy. Each Academy will play an important part in providing pupils with these values.
- 4.2 Our policy and practice seeks to lead pupils towards high self-esteem and self-discipline. Good discipline arises from positive relationships and from setting expectations of good behaviour.
- 4.3 The Trust's values are:
- Wisdom
 - Curiosity

- Generosity
- Courage
- Passion

4.4 Each Academy/setting will promote these values alongside the following principles of:

- Awareness of the needs of others
- Compassion
- Courtesy
- Fairness
- Honesty
- Respect for truth and justice
- Trust
- Responsibility for one's own actions
- Tolerance
- Self-discipline

5 General Rights and Responsibilities

- All teachers have the right to teach
- All pupils have the right to learn
- Everybody has the right to be and feel safe
- Everybody has the right to be listened to
- Everybody has the right to dignity and personal respect

5.1 Rights and Responsibilities of all staff members

- To recognise their duty to work together with pupils to ensure they can achieve their potential, whilst promoting mutual respect
- To ensure lessons are adequately prepared and resourced
- To create an orderly atmosphere conducive to learning and effective teaching
- To make expectations of behaviour clear to all pupils
- To explicitly teach what good behaviour looks like
- To provide positive adult role models of caring, considerate, consistent and cooperative behaviour
- To have high expectations of the pupils in terms of behaviour
- To treat each pupil fairly and ensure that the Academy's expectations are applied consistently
- To reward and celebrate good behaviour
- To adhere to the Academy's reward and sanction system

5.2 Rights and responsibilities of all pupils

- To show consideration to others, treating them with dignity, kindness and respect
- To be polite at all times
- To act in a responsible manner at all times
- To dress smartly and to adhere strictly to the setting's uniform expectations
- To complete all the work set to the best of your ability
- To show respect for other people's property
- To support each other and staff
- To be punctual to the academy and lessons
- To arrive at the academy properly equipped and ready for work
- To follow the academy rules
- To engage in their learning at all times, never distracting others

5.3 Parents/carers have an important role in supporting this policy and are encouraged to reinforce the policy at home as appropriate.

5.4 Each setting will have a member of staff who is responsible for behaviour. This member of staff is likely to sit on the Senior Leadership Team (SLT). This member of staff is responsible for ensuring the effective implementation of this policy, alongside the academy's behaviour procedures, whilst working with other key members of staff when necessary, e.g. the Designated Safeguarding Lead (DSL), and the SENCO.

6 Induction

6.1 All pupils and staff, as part of their induction to the academy/Trust, will take part in sessions/lessons where this policy and the academy's behaviour procedures are outlined and explained. Staff will also receive clear guidance about the Trust's expectations of their own professional conduct.

6.2 Pupils and staff arriving mid-year will receive the same induction.

6.3 The member of staff responsible for behaviour is responsible for ensuring an effective induction on behaviour and academy rules for all pupils and staff.

6.4 It should be clear, however, that whilst induction forms an important part of setting the scene and making expectations clear, routines and consistency are key to ensuring that behaviour expectations are regularly taught and reinforced.

6.5 Where a pupil's behaviour indicates that they are struggling to meet expectations, or following a period of time out of the academy, e.g.

following a suspension or off-site direction, pupils will be re-inducted into the academy, working with an appropriate member of staff depending upon need.

7 Training

7.1 The Trust's Professional Learning Team will provide appropriate training for staff which is required for them to meet their duties and functions in relation to behaviour. This will be delivered by internal members of staff who specialise in a certain area, or through sourcing external experts and/or external courses.

7.2 The Trust's training offer for staff is likely to include the following (depending upon need and availability):

- Behaviour management strategies
- How certain special educational needs, disabilities, or mental health needs may at times affect a pupil's behaviour
- Understanding conditions, e.g. Autism

7.3 In addition to this, each academy may wish to deliver bespoke training, focusing on the needs of their pupils and the setting.

8 Behaviour expectations and pupils with Special Educational Needs and Disabilities (SEND)

8.1 Where a child has SEND, The Trust recognises that behaviour will often need to be considered in relation to their SEND (although it does not follow that every incident of misbehaviour will be connected to their SEND).

8.2 When a pupil is identified as having SEN, the graduated approach should be used to assess, plan, deliver and then review the impact of the support being provided.

8.3 The Trust recognises the need to ensure that this policy, and any academy behaviour procedures, do not undermine the duties set out in the *Equality Act 2010*, the *Children and Families Act 2014*, and any provisions set out in a child's Education, Health and Care Plan (EHCP), if they have one.

8.4 As part of meeting any of these duties, academies should, as far as possible, anticipate likely triggers of misbehaviour and put in place support to prevent these. For example:

- Allowing a child to have short, planned movement breaks if a child's SEND means they find 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
- Adjusting uniform expectations for a pupil with sensory issues

9 Rewards and Sanctions

9.1 The use of positive recognition and rewards provides an opportunity for all staff to reinforce the trust's culture and ethos. Positive reinforcements and rewards should be applied clearly and fairly to reinforce the routines, expectations and norms of the academy's behaviour culture.

9.2 Pupils may be rewarded by;

- praise from staff
- comments in books
- the academy's reward system
- displays of work
- letters home to parents/carers
- involvement in academy trips
- an invitation to meet the Governors and/or the Headteacher
- awards at the academy's Award Ceremonies

9.3 When incidents of misbehaviour occur, the first priority should be to ensure the safety of pupils and staff and to restore a calm environment. Staff will respond in a calm and consistent manner, ensuring that any response is fair and proportionate. The aim of any response to misbehaviour should be to maintain the culture of the academy, restore a calm and safe environment in which all pupils can learn and thrive, and prevent the recurrence of misbehaviour.

9.4 For those pupils who demonstrate unacceptable behaviour, the following sanctions may be appropriate:

- verbal reprimand
- classroom strategies
- departmental or year detention
- academy/SLT detention (during the academy day and outside normal academy hours)
- academy based community service
- telephone call to parent/carer
- letter home
- withdrawal of certain privileges

9.5 For more serious incidents such as bullying, persistent disruption of learning, fighting, vandalism, theft, actions likely to put pupils or staff at risk of harm, some of the measures below may be appropriate, after there has been consultation with Senior Staff:

- meeting with Pastoral Leader or Senior Teacher (Pastoral)
- withdrawal of privileges
- removal from lessons/timetable (parents/carers notified by phone or in writing)
- the use of the report system
- pupil and parent/carer meeting
- placement on a Pastoral Support Plan (PSP)
- suspension
- off-site direction (temporary)
- a managed move
- permanent exclusion

9.6 Any measures related to a suspension or permanent exclusion period will follow DfE guidance *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (July 2022)*. Please see SW2 Exclusion Policy for further information.

9.7 In circumstances where intervention by the Class Teacher/Member of Staff/Form Tutor has left the situation unresolved or the behaviour continues, then a senior member of staff will be consulted and therefore take on the responsibility for addressing particular difficulties and implementing their academy sanction and reward systems.

10 What the law allows

10.1 Teachers can sanction pupils whose conduct falls below the standard which could reasonably be expected of them. This means that if a pupil breaks a rule or fails to follow a reasonable instruction, the teacher can apply a sanction on that pupil.

10.2 Staff can issue sanctions any time pupils are in school or elsewhere under the charge of a member of staff, including on school visits. This also applies in certain circumstances when a pupil's misbehaviour occurs outside of school (see section 13).

10.3 A sanction will be lawful if it satisfies the following three conditions:

- a) The decision to sanction a pupil is made by a paid member of school staff or an unpaid member of staff authorised by the Headteacher;

- b) The decision to sanction the pupil and the sanction itself are made on the school premises or while the pupil is under the lawful charge of the member of staff; and
 - c) It does not breach any other legislation (for example in respect of equality, special educational needs and human rights) and it is reasonable in all the circumstances.
- 10.4 In considering whether a sanction is reasonable in all circumstances, one must consider whether it is proportionate in the circumstances of the case and consider any special circumstances relevant to its imposition including the pupil's age, any special educational needs or disability they may have, and any religious requirements affecting them.
- 10.5 The Headteacher may limit the power to apply certain sanctions, or to sanction particular pupils or types of pupils, to certain staff and/or extend the power to discipline to adult volunteers, for example, to parents who have volunteered to help on a school trip.
- 10.6 Corporal punishment is illegal in all circumstances.

11 Detentions

- 11.1 Teachers have authority to issue detention to pupils, including same-day detentions.
- 11.2 A detention outside normal academy hours will be lawful if it meets the following conditions:
- The pupil is under 18 (unless the detention is during lunch break);
 - The Headteacher has communicated to pupils and parents that detentions outside school sessions may be used; and
 - The detention is held at the following times:
 - a) Any academy day where the pupil does not have permission to be absent;
 - b) Weekends during term – except a weekend during, preceding or following the half term break; or
 - c) Non-teaching days – referred to as 'Training days', except if it falls on a public holiday, on a day which precedes the first day of term, during the half term break, or after the last academy day of the term.
- 11.3 With lunchtime detentions, staff should allow reasonable time for the pupil to eat, drink and use the toilet.
- 11.4 Parental consent is not required for detentions that satisfy the conditions mentioned in 11.2.

- 11.5 All members of academy staff can issue a detention.
- 11.6 Staff should not issue a detention where there is any reasonable concern that doing so would compromise a pupil's safety. When ensuring that a detention outside academy hours is reasonable, staff issuing the detention should consider the following points:
- Whether the detention is likely to put the pupil at increased risk;
 - Whether the pupil has known caring responsibilities;
 - Whether the detention timing conflicts with a medical appointment;
 - Whether parents/carers ought to be informed of the detention (academy staff must ensure that parents are notified of any detentions that require a pupil to remain in the academy outside of normal academy hours);
 - Whether suitable travel arrangements can reasonably be made by the parent for the pupil (this does not refer to inconvenience for the parent).

12 Removal from classrooms

- 12.1 Removal from the classroom is where a pupil, for serious disciplinary reasons, is required to spend a limited time out of the classroom at the instruction of a member of staff, sometimes referred to as 'being removed from timetable'. This is to be differentiated from circumstances in which a pupil is asked to step outside of the classroom briefly for a conversation with a member of staff, and/or the use of separation spaces, e.g. sensory or nurture rooms.
- 12.2 The use of removal should allow for continuation of the pupil's education in a supervised setting. The continuous education provided may differ to the mainstream curriculum but should still be meaningful for the pupil.
- 12.3 Removal from the classroom is considered a serious sanction, and should only be used when once other behavioural strategies in the classroom have been attempted, unless the behaviour is so extreme as to warrant immediate removal.
- 12.4 Parents/carers should be informed on the same day if their child has been removed from the classroom.
- 12.5 Removal should be used for the following reasons:
- a) To maintain the safety of all pupils and to restore stability following an unreasonably high level of disruption;
 - b) To enable disruptive pupils to be taken to a place where education can be continued in a managed environment; and
 - c) To allow the pupil to regain calm in a safe space.

- 12.6 The length of time a pupil spends outside of the classroom, following removal, will be proportionate to the behaviour incident. However, even for the most serious behaviour incidents, removal from the classroom will not exceed 5 academy days (per removal).
- 12.7 Pupils removed from the classroom will take part in a reintegration process prior to returning.
- 12.8 If the pupil has a social worker, they will be informed in the event that the child is removed from the classroom, and if the pupil is looked-after then the Virtual School Headteacher will be notified, and their Personal Education Plan will be reviewed and amended if necessary.

13 Behaviour outside of Trust premises

- 13.1 Schools have the power to sanction pupils for misbehaviour outside of the school premises to such an extent as is reasonable.
- 13.2 Each academy will respond, as far as possible and where appropriate, to reported pupil behaviour outside the academy, including online conduct, e.g.:
- When taking part in any academy-organised or academy-related activity;
 - When travelling to or from the academy;
 - When wearing academy uniform;
 - When in some other way identifiable as a pupil at the school;
 - That could have repercussions for the orderly running of the academy;
 - That poses a threat to another pupil; or
 - That could adversely affect the reputation of the academy/Trust.
- 13.3 In the event that a member of staff witnesses misbehaviour outside of the academy premises, or misbehaviour is reported to the academy, the member of staff responsible for behaviour will be responsible for ensuring the incident is appropriately managed and responded to.
- 13.4 The decision to sanction a pupil will be lawful if it is made on the academy premises or elsewhere at a time when the pupil is under the control or charge of a member of staff.

14 Drug-related incidents

- 14.1 Pupils who commit a drug-related offence may expect to be suspended (Please refer to SW3 Misuse of Drugs Policy.) However, suspension should not be the automatic response to a drug incident and permanent

exclusion should only be used in serious cases, where allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others in the academy.

15 Sexual violence and sexual harassment

15.1 All pupils are encouraged, and supported, to report any incident of sexual violence and/or sexual harassment. The Trust encourages all pupils to call out and report anything that makes them uncomfortable, no matter how 'small' they think it is. For definitions of sexual violence and sexual harassment, please see SW5 Safeguarding and Child Protection Policy.

15.2 Through the work done with pupils, each academy will make it clear to children and young people that reporting incidents can benefit everyone, including:

- The victim(s): by stopping the problem and getting the help and support they need
- Other people: by preventing it happening to someone else
- The alleged perpetrator(s): catching problematic behaviour early can help them avoid criminal offences later in life

15.3 Where any individual makes a report, the Trust will:

- Take their safety and wellbeing seriously
- Listen to them
- Act on their concerns
- Not tolerate or accept abuse

15.4 All reports of sexual violence and/or sexual harassment will be dealt with by the Academy's DSL, in accordance with SW5 Safeguarding and Child Protection Policy, with sanctions used as appropriate in line with this policy. In line with the *Keeping children safe in education 2022 (Part five)* and guidance from the Lincolnshire Safeguarding Children Partnership, an initial assessment will determine whether an academy needs to:

- Manage the incident internally
- Refer to early help
- Refer to children's social care
- Report to the police

15.5 Any academy's response to an incident of sexual violence and/or sexual harassment will, in line with this policy, be proportionate, considered and supportive (for all individuals involved).

16 Online incidents

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- 16.1 The Trust expects the same standards of behaviour from pupils online, as are expected offline. All individuals should be treated with kindness, respect and dignity.
- 16.2 Whilst parents/carers are responsible for managing their child's behaviour outside the academy day and off the Trust premises, academies will sanction pupils when their behaviour online poses a threat or causes harm to another pupil, and/or could have repercussions for the orderly running of the academy, when the pupil is identifiable as a member of the academy or if the behaviour could adversely affect the reputation of the academy.
- 16.3 If an incident involved nude or semi-nude images and/or videos, sexual harassment and/or sexual violence, this should be referred to the Academy DSL, in line with academy procedures.

17 Suspected criminal behaviour

- 17.1 In cases when a member of staff or Headteacher suspects criminal behaviour, the academy should make an initial assessment of whether an incident should be reported to the police only by gathering enough information to establish the facts of the case. These initial investigations should be documented, and academies should make every effort to preserve any relevant evidence.
- 17.2 Once a decision is made to report the incident to the police, academies should ensure any further action they take does not interfere with any police action taken. However, academies retain the discretion to continue investigations and enforce their own sanctions so long as it does not conflict with police action.
- 17.3 Where necessary, a report to the police may also trigger a referral to Children's Services, with the member of staff responsible for behaviour working with the Academy DSL.

18 Safeguarding

- 18.1 In all instances of misbehaviour, staff should consider whether the misbehaviour may be linked to the child suffering, or being likely to suffer, significant harm. In this case, staff should follow the safeguarding policy and inform the Designated Safeguarding Lead (DSL) or a Designated Safeguarding Officer (DSO). Please refer to SW5 Safeguarding and Child Protection Policy for further information.

19 Support strategies (preventing recurrence)

- 19.1 The Trust recognises that challenging behaviour is rarely without cause and that effective behaviour management will include support strategies that explore the reasons for any behaviour and provide appropriate responses.
- 19.2 All academies within the Trust, as part of a proactive (and, at times, reactive) approach to behaviour, adhere to the Trust's Maximising Values Framework. The framework sets out a tiered approach to supporting pupils and staff, with the aim of reducing behaviour incidents and providing the right level of intervention at the right time.
- 19.3 Initial intervention to address underlying factors leading to misbehaviour should include an assessment of whether appropriate provision is in place to support any SEND that a pupil may have. Consideration should also be given as to whether a multi-agency assessment, such as an early help assessment or statutory assessment that goes beyond the pupil's educational needs is required.
- 19.3 Some of the support measures which may be used include:
- Restorative conversations (internally or with external services)
 - Mentoring and Coaching
 - Referrals to external services/partners
 - Referral to academy safeguarding team
 - Pastoral Support Plan (PSP)
 - Screening for unmet learning needs
 - Educational conversations/sessions, e.g. working with an external agency such as the Police
 - Pupil Support Unit

20 Prohibited and banned Items

- 20.1 All stakeholders will recognise that there is a broad range of items which, if brought into an academy setting or are in the possession of a young person, could compromise the health and safety of the individual pupil and other members of the school community, including pupils, staff or visitors to the academy.
- 20.2 The Priory Federation of Academies Trust has a duty under paragraph 7 of Schedule 1 to the Independent School Standards (England) Regulations 2010 to ensure that arrangements are made to safeguard and promote the welfare of the pupils in all its academies.
- 20.3 See Appendix A for a list of prohibited items and those items held by The Trust to be 'banned items' in each setting.

20.4 The Trust considers that all of the items listed in Appendix A are inappropriate and possession of such items on Trust premises, on the journey to and from the academy, on an academy visit or any extra-curricular activity (on or off the academy premises) is unacceptable.

21 Responding to an incident involving prohibited or unauthorised items

21.1 The Trust understands that pupils can, at times, make poor choices and that these choices may from time to time breach the standards of expected behaviour, or a pupil may foolishly or unwittingly bring into the academy an inappropriate, prohibited or banned item. When considering the consequences of such an event, the Headteacher or designated member of staff will thoroughly investigate the circumstances. If necessary the Headteacher may issue a suspension whilst this process is underway.

21.2 When considering the appropriate response, the Headteacher will have regard to the reason for the pupil's actions, the pupil's own vulnerability, any mitigating factors or history of trauma. The Headteacher will also consider any intent to use the item, and any history of intimidating or threatening behaviour from the pupil.

21.3 The following will be considered:

- Motivation and intent
- The specific item
- Pupil's awareness of the health and safety implications of the item in possession
- The pupil's own account and rationale for possession of the item
- Any threats or intimidation made in relation to the item
- Any mitigating circumstance, e.g. victim of bullying
- Perceived or actual threats/intimidation from others towards the pupil (inside or outside of the Academy)
- Frequency/repeated breaches
- Manipulation/duress of the pupil by others
- Mental health of the pupil/history of self-harm
- History of trauma
- Vulnerability of the pupil
- Any SEND the pupil may experience

21.4 The Headteacher will thoroughly assess the response to any such breaches and give balanced consideration to safeguarding all staff and pupils, including the pupil involved, and the impact of the incident on the pupil of any decision to permanently exclude them from the academy.

22 Searching, screening and confiscation

- 22.1 In accordance with the DfE's guidance *Searching, Screening and Confiscation 2022*, under common law, staff have the power to search a pupil for any item if the pupil agrees. The member of staff should ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed. However, staff must be alert to the fact that a pupil's ability to give consent may be influenced by their age or other factors.
- 22.2 In addition to this, Headteachers, and staff authorised by them, have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item (see Appendix A). Headteachers and authorised staff can also search for any banned item which has been identified in the rules as an item which may be searched for (see Appendix A for the list of banned items).
- 22.3 All searching, screening or confiscation will be carried out by the Headteacher and/or staff authorised by them and in accordance with the DfE guidance *Searching, Screening and Confiscation*. Academies must be aware that the powers only apply in England.

23 Before searching

- 23.1 A search can be considered if the member of staff has reasonable grounds for suspecting that the pupil is in possession of a prohibited item or any item identified in Appendix A for which a search can be made, or if the pupil has agreed.
- 23.2 The authorised member of staff should make an assessment of how urgent the need for a search is and should consider the risk to other pupils and staff.
- 23.3 Before any search takes place, the member of staff conducting the search should explain to the pupil why they are being searched, how and where the search is going to take place and give them opportunity to ask any questions.
- 23.4 The authorised member of staff should always seek the co-operation of the pupil before conducting a search. If the pupil is not willing to co-operate with the search, the member of staff should consider why this is. Reasons might include that they:
- Are in possession of a prohibited item;
 - Do not understand the instruction;
 - Are unaware of what a search might involve; or

- Have had a previous distressing experience of being searched.

23.5 If a pupil continues to refuse to co-operate, the member of staff may sanction the child in line with this policy, but should seek advice from the Headteacher, DSL, or pastoral staff, who may have more information about the pupil. During this time, the pupil should be supervised and kept away from other pupils.

23.6 If a pupil refuses to co-operate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited items identified in Appendix A, but not to search for items which are identified as 'banned items'. The decision to use reasonable force should be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or causing disorder. For more information, please see HR9 Positive Handling and Safe Touch Policy.

24 Location of search

24.1 An appropriate location for the search should be found. Where possible, this should be away from other pupils. The search must only take place on the Trust premises or where the member of staff has lawful control or charge of the pupil, for example on an educational visit.

25 The authorised member of staff

25.1 The member of staff carrying out the search must be the same sex as the pupil, and there must be a witness (also a staff member) and, if possible, they should also be the same sex as the pupil being searched.

25.2 The limited exception to this rule is that a member of staff can carry out a search on a pupil of the opposite sex, and/or without a witness present, **only:**

- If the member of staff reasonably believes that there is a risk that serious harm can be caused if they do not conduct the search immediately; **and**
- In the time available, it is not reasonably practical for the search to be carried out by a member of staff who is the same sex as the pupil or it is not reasonably practicable for the search to be carried out in the presence of another member of staff.

25.3 Where a member of staff conducts a search without a witness, they should immediately report this to another member of staff, and ensure a record of the search is kept.

26 The extent of the search

- 26.1 A member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers.
- 26.2 The person conducting the search must 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.
- 26.3 'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags.
- 26.4 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.
- 26.5 The member of staff may use a metal detector to assist with the search.
- 26.6 The member of staff's power to search outlined above does not enable them to conduct a strip search.
- 26.7 The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, for example, a strip search. Strip searches on school premises can only be carried out by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C. While the decision to undertake the strip search itself and its conduct are police matters, academy staff retain a duty of care to the pupil(s) involved and should advocate for pupil wellbeing at all times. Before calling police into school, staff should assess and balance the risk of a potential strip search on the pupil's mental and physical wellbeing and the risk of not recovering the suspected item. Where academy staff feel the potential for a strip search through police involvement is absolutely necessary, staff must first contact the Trust DSL to discuss this. Once the police are on academy premises, the decision on whether to conduct a strip search lies solely with them, and the role of the school is to advocate for the safety and wellbeing of the pupil(s) involved. Staff must ensure that the search is carried out in line with DfE guidance *Searching, Screening and Confiscation 2022*.

27 After the search

- 27.1 An authorised member of staff carrying out a search can confiscate any item that they have reasonable grounds for suspecting:
- Poses a risk to staff or pupils;
 - Is prohibited, or identified in this policy for which a search can be made (Appendix A); or
 - Is evidence in relation to an offence.
- 27.2 Any prohibited or banned items found will be confiscated and managed in line with the DfE guidance.
- 27.3 The pupil will be removed from normal academy activities and given the opportunity to make an account concerning their reasons for having this item in school.
- 27.4 Staff should inform the member of staff responsible for behaviour and the Academy DSL, to ensure the appropriate response and the right level of support is put into place.
- 27.5 The Headteacher will consider whether appropriate to inform the police. However, for all incidents which involve the possession of a weapon or an item used offensively, the police will be informed. 'Items used offensively' refers to routine items, e.g. compass, pencil, used inappropriately to cause harm, distress or intimidation.
- 27.6 In the event that the item has been used to intimidate, threaten or harm others, the police should be informed. The Headteacher will follow the advice in the DfE guidance *Searching, Screening and Confiscation* when deciding whether to pass the confiscated item to the police, destroy it or return it.
- 27.7 The response to any pupil found with or believed to have possession of a prohibited or banned item will be managed in accordance with this policy.
- 27.8 If necessary, a suspension will be considered to give opportunity for the incident to be investigated by the Headteacher or a senior member of the academy.

28 Recording searches

- 28.1 A search form will be completed and signed by the members of staff carrying out the search and the pupil. Please see Appendix B.

28.2 All search forms will be saved to the relevant child's My Concern record, logged in line with Trust guidance.

29 Informing parents/carers

29.1 Settings are not required to inform parents/carers before a search takes place or to seek their consent to search their child. Parents/carers will be contacted following the search (as soon as is practicable), and may be invited to the academy to discuss the issue.

30 Obligations under the European Convention on Human Rights (ECHR)

30.1 Under Article 8 of the European Convention on Human Rights, pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils have the right to expect a reasonable level of personal privacy.

30.2 The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school (or any public body) must be justified and proportionate.

30.3 The powers to search in the Education Act 1996 are compatible with Article 8. Any Trust setting exercising these powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8.

31 Safeguarding response to an incident involving banned items

31.1 The Headteacher will always consider their safeguarding responsibilities arising from the discovery of a prohibited or banned item and the Designated Safeguarding Lead (DSL) will make referrals as appropriate. Each academy will always consider a multi-agency approach to addressing wider needs including completing an Early Help Assessment with the child/family. Referrals to appropriate external support agencies will be made where necessary.

31.2 In the event that a pupil is found with racist or extremist material a safeguarding referral may be made to the Local Authority, in accordance with the Prevent duties. The Academy will also establish internal interventions and support to address these concerns with the pupil and the wider academy community.

31.3 Some young people experiencing distress may have a tendency to self-harm and may in this circumstance be particularly vulnerable to breaches of this policy and be found in possession of an inappropriate item. In all instances of this nature, the academy should seek to

safeguard the pupil by responding in a sensitive and supportive rather than a punitive manner.

32 Consequences following an incident involving banned items

32.1 The Trust does not condone any behaviour which places the individual pupil, or any other person, at risk; a serious breach of the Academy's behaviour policy will result in a consequence. However, any decision to suspend or permanently exclude the pupil will be made in line with exclusion legislation. That is, the decision will be rational, reasonable, fair and proportionate. Please see SW2 Exclusion Policy for further information.

32.2 Consideration will be given to the support already in place for the pupil, for example, reasonable adjustments made as a result of an additional need.

32.3 Following a thorough investigation the Headteacher will consider the appropriate response which could include one or a combination of:

- Family/Academy meeting
- PSP
- A period of internal exclusion
- Amended timetable
- Restrictions on movement around Academy site
- Detentions
- Loss of privileges
- Suspension
- Managed move
- Changing classes or teaching groups
- Restorative conversation
- Formal restorative conference
- Behaviour contract
- Referral to external support
- Implementation of risk-assessment
- Permanent exclusion

32.4 Before any decision to permanently exclude a pupil, the Headteacher will:

- Thoroughly investigate the incident
- Enable the pupil to make their own account regarding the incident
- Consult with the Local Authority (where appropriate)
- Consider a referral for a restorative conversation or conference
- Complete a risk-assessment to inform how the Academy can support the continuation of the pupil in the Academy

- Thoroughly consider the support and interventions the Academy can establish in order to sustain the pupil in their current setting
- Explore a managed move or suspended permanent exclusion (where applicable)
- For pupils with an Education, Health and Care (EHC) plan or for Looked after Children, contact the relevant team at Lincolnshire Children's Services

33 Confiscation as a disciplinary penalty

- 33.1 Schools' general power to discipline enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.
- 33.2 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.

34 Policy change

- 34.1 This policy may only be amended or withdrawn by The Priory Federation of Academies Trust.

Appendix A

Prohibited items

The DfE's *Searching, Screening and Confiscation* advice from 2022, identifies prohibited items as:

- Knives or weapons;

The definition of 'knife' in this document includes any bladed article including – craft knife, Stanley knife, Swiss Army knife, fishing knife, razors, kitchen knives or any bladed item including improvised or self-made items. The term 'weapon' refers to any gun, including air rifle, BB gun, toy guns, pellet guns, crossbow, tasers, blow pipes, knuckledusters or any similar item made for the purpose of assault or defence. Self-made items are those that have been crafted or adapted for the purpose of self-harm, or to threaten others, and include but is not restricted to shards of glass, mirrors, sharpened sticks, pencil sharpener blades, broken rulers.

- Alcohol;
- Illegal drugs;
- Stolen items;
- Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the pupil).
- An article specified in regulations (The Schools (Specification and Disposal of Articles) Regulations 2012):
 - Tobacco and cigarette papers;
 - Fireworks; and
 - Pornographic images

This list is not exhaustive; it is not constrained by the criminal definition of an offensive weapon but refers to any item which could cause harm, injury or distress to the holder or others, or which could be used to threaten, alarm, distress or intimidate others.

Banned items

In addition to the items identified above there are a number of other items which could cause harm, distress or injury to pupils or persons, or could adversely affect good order and discipline of the school community. The Trust consider

that the following items are inappropriate and should not be brought into the academy/onto Trust premises:

- Chains
- Catapults
- Chewing gum
- Lighters/matches
- Tools, e.g. screwdrivers, hammer, nails etc.
- Pepper sprays and gas canisters
- Any item fashioned to cause injury, e.g. a sharpened stick
- Laser pens
- Dangerous chemicals, e.g. acids, hair dyes, bleaches
- Aerosol (including deodorant and hair spray)
- E-Cigarettes (including vapes/vape pens)
- Stink bombs/smoke bombs/flares
- Solvents, legal highs or other substances
- Super glue
- Needles (syringes, if required for medical grounds, should be kept in accordance with the pupil's Individual Medical Care Plan and the Trust's HS2 Medical Treatment Policy)
- Offensive material, e.g. anything pornographic, racist, homophobic, transphobic, extremist material
- Rope and cable ties

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

Appendix B

Record of searching a pupil

Pupil name:		Class:	
Date of search:			
Time of search:			
Location of search:			
Reason for search: <i>Include what is being searched for</i>			
What items, if any, were found:			
Pupil comments: <i>A separate sheet can be attached if necessary</i>		Signature:	
Search carried out by:		Signature:	
Search witnessed by:		Signature:	
Follow-up action taken: <i>Consequences/Support</i>			
Parents/Carers informed by:			
Method of contact:			
Date contacted:			
Time contacted:			

For staff – once complete, please open a new concern in My Concern and attach this form to the concern.

The Priory Federation of Academies Trust Student Behaviour and Discipline Policy

This Policy has been approved by the Education and Standards Committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.