



P25: Behaviour for Learning Policy

Rationale

We at The Commonweal School believe that every young person has the right to learn and progress in a safe and caring environment. A setting in which young people have the opportunity to flourish in all aspects of school life; are supported to achieve both in and out of lessons. Students have the opportunity to develop into well balanced young people and aspire to achieve. Staff are able to teach without disruption and can promote the highest expectations of positive behavior, whilst upholding the Commonweal Way.

Aims

It seeks to create a caring and learning environment in the school by:

- *Upholding the Commonweal Way*
- Promoting and recognising positive behaviour and discipline
- Promoting self-esteem, self-discipline, proper regard for authority and positive relationships based on mutual respect
- Ensuring fairness of treatment for all and to promote early intervention
- Encouraging consistency of response to both positive and negative behaviour
- Providing a safe environment free from disruption, violence, bullying and any form of harassment including child on child abuse
- Encouraging a positive relationship with parents and carers to develop a shared approach to involve them in the implementation of the school's policy and associated procedures
- Safeguarding all members of the community – see Safeguarding and Child Protection Policy

Legislation and statutory requirements

This policy is based on advice from the Department for Education (DfE) on:

- Behaviour and discipline in schools
- Searching, screening and confiscation at school
- The Equality Act 2010
- Keeping Children Safe in Education
- Use of reasonable force in schools
- Supporting pupils with medical conditions at school

It is also based on the special educational needs and disability (SEND) code of practice.

In addition, this policy is based on:

- Schedule 1 of the Education (Independent School Standards) Regulations 2014; paragraph 7 outlines a school's duty to safeguard and promote the welfare of children, paragraph 9 requires the school to have a written behaviour policy and paragraph 10 requires the school to have an anti-bullying strategy.
- DfE guidance explaining that academies should publish their behaviour policy and anti-bullying strategy online
- This policy complies with our funding agreement and articles of association.

Roles and responsibilities:

The Governing Body will establish in consultation with the Headteacher, staff and parents the policy for the promotion of good behaviour and keep it under review. It will ensure that it is communicated to students and parents, is non-discriminatory and the expectations are clear. Governors will support the school in maintaining high standards of behaviour.

The Commonweal School acknowledges its legal duties under the Equality Act 2010 in respect of safeguarding and in respect of students with special educational needs.

The Headteacher will be responsible for the implementation and day-to-day management of the policy and procedures. Support for staff faced with challenging behaviour is also an important responsibility for the Headteacher.

All Staff: including teachers, support staff and volunteers, will be responsible for ensuring that the policy and procedures are followed, and consistently/ fairly applied. Mutual support amongst all staff in the implementation of the policy is essential. Staff have a key role in advising the Headteacher on the effectiveness of the policy and procedures. They also have responsibility, with the support of the Headteacher, for creating a high-quality learning environment, teaching good behaviour and implementing the agreed policy and procedures consistently.

The Governing Body, Headteacher and staff will ensure there is no differential application of the policy and procedures on any grounds, particularly ethnic or national origin, culture, religion, gender, disability or sexuality. They will also ensure that the concerns of the students are listened to and appropriately addressed.

Parents and carers will take responsibility for the behaviour of their child both inside and outside the school. They will be encouraged to work in partnership with the school to assist the school in maintaining high standards of behaviour and will have the opportunity to raise with the school any issues arising from the operation of the policy.

Students will be expected to take responsibility for their own behavior in school and on the way to and from school. They will be made fully aware of the school policy and procedure and expectations. Students also have a responsibility to ensure that incidents of disruption, violence, bullying and any form of harassment are reported.

Procedures

The procedures arising from this policy have been developed by the Headteacher in consultation with the staff. The procedures will make clear to the students how acceptable standards of behaviour can be achieved and will have a clear rationale which is made explicit to staff, students and parents.

DfE Guidance- Behaviour & Discipline in Schools January 2016 states:

- Teachers have the statutory authority to discipline students whose behavior is unacceptable, who break school codes/rules or who fail to follow a reasonable instruction. This power applies to all paid staff with responsibility for students, such as teaching assistants.
- Teachers can discipline students at any time the student is in school or elsewhere under their charge of the teacher, including school visits.
- Teachers can confiscate banned/restricted items that a student brings into school, can impose detentions out of school hours and can apply discipline to students in circumstances when a student's behaviour occurs outside of school.

Training

The Governing Body will ensure that appropriate high-quality training on aspects of behaviour management is provided to support the implementation of the policy.

Interrelationship with other school policies

In order for the behaviour policy to be effective, a clear relationship with other school policies particularly equality of opportunity, safeguarding, special educational need, anti-bullying and child on child abuse has been established.

Involvement with outside agencies

The school works positively with all professional external agencies and seeks the appropriate support from them to ensure that the needs of all students are met by utilising the range of external support available.

Monitoring and review

The Personnel and Welfare of Students Committee will review this policy on an annual basis, or more often if appropriate and will review in July 2023. The outcome of the review will be communicated to all those involved, as appropriate.

Rewards

A school ethos of encouragement is central to the promotion of good behaviour. Rewards are one means of achieving this. They have a motivational role in helping students to realise that good behaviour is valued and are clearly defined in the procedures. Integral to the system of rewards is an emphasis on praise both formal and informal to individuals and groups.

The school rewards young people and recognises and promotes positive attitudes to learning, outstanding achievement and behaviour and commitment to school life/extra-curricular activities. The school will reward students for positive behaviors towards all aspects of school life at every opportunity, this maybe:

1. Verbal Praise
2. Written Feedback in books/folders
3. House Points
4. Letters/Postcards Home
5. House Points Certificates
6. End of Year Commonwealth Celebration in C6
7. House Prize Giving Evenings
8. Good Attendance Awards
9. Prize Giving


Sanctions

Sanctions are needed to respond or prevent inappropriate behaviour.

A range of sanctions is clearly defined below and their use will be characterised by clarity of why the sanction is being applied and what changes in behaviour are required to avoid future sanctions.

The sanctions below form a graduated response framework in which we work within and will be followed in the manner which best suits the young person or circumstances. At each stage of S1 to S5, students are encouraged to de-escalate their behaviour to avoid reaching the next stage of the disciplinary process. The Next Steps of S6 to S12 are put in place for students who display persistent disruptive behaviour.

Please see the graduated behaviour system student display below:



**COMMONWEAL
SCHOOL**

Behaviour at Commonweal

Behaviour Sanctions-
At each stage of this process students are given the opportunity to improve their behaviour

- S1 Verbal Warning
- S2 Caution
- S3 Lunchtime detention for 30 minutes
- S4 Sent to Head of Faculty/Department
- S5 Sent to 'Referral', student remains in school until 4pm that day.

Next Steps-
At each stage of this process students are given the opportunity to improve their behaviour

Persistent disruptive behaviour will lead to :

- S6 Internal Exclusion
- S7 Suspension applied by Headteacher
- S8 Pastoral Support Plan
- S9 Behaviour Triage and monitoring by teachers
- S10 Governors Disciplinary Meeting
- S11 Managed Move to another school
- S12 Permanent Exclusion applied by the Headteacher

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Below is a more detailed copy of the workings and procedures of the S1 to S12 Commonweal Graduated Response:

Stage	What	Who	Action	Typical Lesson Examples
1	Verbal Warning	Class Teacher	Must be made explicit to student that this is Stage 1 of the disciplinary process.	<ul style="list-style-type: none"> Off task or causing low level disruption in a lesson e.g by calling out. School uniform not worn correctly.
2	Caution	Class Teacher	Logged on SIMS Must be made explicit to student that this is Stage 2 of the disciplinary process and will be logged.	<ul style="list-style-type: none"> Continuing to be off task or causing low level disruption despite verbal warning. Wearing a non-school uniform item. Unauthorised use of electronic device in lesson. Not completing a homework. Late to lesson without a valid reason. Lack of equipment.
3	Lunchtime detention for 30 mins	Class Teacher	Logged on SIMS Parental contact – automatic email home as currently in place	<ul style="list-style-type: none"> Continued lack of work/disruption despite caution. Repeated wearing a non-school uniform item (also to be confiscated when non-essential). Not completing homework twice. Late to lesson twice without a valid reason.
4	Sent to Head of Faculty/ Department (or designated)	Class Teacher	Logged on SIMS. Parents notified by teacher. Restorative work brokered if appropriate.	<ul style="list-style-type: none"> Repeated refusal to follow instructions. Rude/abusive/threatening language. Arguing with staff. Continued disruption of teaching and learning.
5	Sent to Referral	Head of Faculty	Logged on SIMS Parent contacted by phone Student to remain in school until 4pm the same night	<ul style="list-style-type: none"> Refusal to engage or follow instructions from Head of Faculty after it has been made clear that Referral until 4.00 is the next stage of the Graduated Response.

Stage	What	Who	Action	Examples
6	Internal Exclusion	SMT	Referred through JWW, AZM or designated SMT Logged on SIMS Parent contacted by phone SEMH assessment and intervention	Defiance or disruption over an extended period. Verbal abuse to staff or other students.
7	Suspension applied by Head Teacher	Head Teacher	Parent contacted by phone Logged on SIMS and CPOMS Head informs parent via letter Local authority informed	Serious physical aggression towards other students. Physical aggression towards staff. Deliberate damage to school property
8	Pastoral Support Plan	SMT and Heads of House	Meeting with SMT and HOH, setting 3 targets for the 8 week period- minutes taken 4 week review meeting 8 week review meeting Continued SEMH intervention External PSP with the local authority can also be considered	Repeated serious incidents over an extended period.
9	Behaviour Triage and monitoring by teachers	SMT, Heads of House, Inclusion Manager		Failure to respond positively to or engage with previous attempts to manage behaviour.
10	Governors Disciplinary Meeting	SMT and Heads of House	Report compiled by Pastoral Team Meeting involves SMT, HOH, parent, student, up to 3 Governors Minutes taken, attached to SIMS	To be considered if the PSP and Triage have had insufficient impact
11	Managed Move Appropriate Other Provision	Referred through SMT and Heads of House	Referral compiled and sent to Fair Access Panel SMT and HOH stay in contact with dual registered school over 8 week placement Successful Managed Move leads to permanent change of school	Student is unwilling or unable to take opportunity of time and support in the Bridge to improve behaviour.
12	Permanent Exclusion	Head Teacher	Unsuccessful Managed Move leads to re-integration at Commonweal Unsuccessful re-integration leads to a PEX Governors are involved at this stage	

Additional points

- Examples for each stage are to illustrate what should **usually** happen in that situation. For **some** cases there may be mitigating circumstances.
- Before staff begin the stages on the Commonweal Behaviour Management process they should employ the usual appropriate behaviour management techniques.
- Once the student reaches stage 1 (reminder/ VVW) of the behaviour process it should be made explicit to them.
- At each stage of the process students are given the opportunity to improve their behaviour or de-escalate the situation.
- Although, ideally, the stages should be followed, they are not necessarily sequential. The seriousness of an offence may require that individual stages are missed e.g. straight to stage 4.
- To avoid 'doubling up' on punishments each stage negates the one before. E.g. if a student reaches a stage 5 and needed to stay until 4pm they wouldn't also do the detention at stage 3.
- Students can **ONLY** be sent to the referral unit by SMT, HOFs and HOHs or designated other.
- The graduated response behaviour for learning guidelines of S1-S12 apply to student behaviour inside and outside the classroom. In terms of how the school respond to negative

interactions between students, please see the anti-bullying policy and the child on child abuse policy

The school will always try to work with the students and parents to improve behaviour and there may be times when a member of staff requests that a student:

- Completes extra/additional work to meet the required standard.
- Loses their break time or lunch time.
- Takes part in School based Community service – such as litter picking, tidying a classroom or removing graffiti.
- Lose certain privileges.
- Reports into a member of staff for scheduled uniform, behaviour, attendance or progress checks.
- Takes part in restorative work with the pastoral & SEND team to help resolve issues.
- Is placed on an Academic or Pastoral Report Card for the Head or Deputy Head of House to support and monitor their progress.
- Attends a Virtual Tutor Group for registration, reporting to their Head or Deputy Head of House rather than their Tutor

Bullying

Bullying is defined as the repetitive, intentional harming of one person or group by another person or group, where the relationship involves an imbalance of power.

Bullying is, therefore:

- Deliberately hurtful
- Repeated, often over a period of time
- Difficult to defend against
- Bullying can include:

TYPE OF BULLYING	DEFINITION
Emotional	Being unfriendly, excluding, tormenting
Physical	Hitting, kicking, pushing, taking another's belongings, any use of violence
Prejudice-based and discriminatory, including: Racial Faith-based Gendered (sexist) Homophobic/biphobic Transphobic Disability-based	Taunts, gestures, graffiti or physical abuse focused on a particular characteristic (e.g. gender, race, sexuality)

TYPE OF BULLYING	DEFINITION
Sexual	Explicit sexual remarks, display of sexual material, sexual gestures, unwanted physical attention, comments about sexual reputation or performance, or inappropriate touching
Direct or indirect verbal	Name-calling, sarcasm, spreading rumours, teasing
Cyber-bullying	Bullying that takes place online, such as through social networking sites, messaging apps or gaming sites

For details of **Commonweal’s approach to preventing and addressing bullying**, please refer to the **anti-bullying policy**

Safeguarding

As a school, **Commonweal** recognizes that behaviour is communication and can be linked to safeguarding issues. When assessing the causes of disruptive behaviour, the student support team will assess and probe any potential mitigating issues around student wellbeing and safeguarding. This includes questioning the possibility of neglect, physical, emotional or sexual abuse, bullying, prejudice/ discriminatory bullying, child on child abuse and child on child sexual abuse. Any of these safeguarding concerns can lead to students displaying disruptive and risky behaviours in school.

Please refer to the policies on Safeguarding and Child Protection, Anti Bullying and Child on child abuse for further information and guidance

Attendance and Punctuality

The school is required by law to keep a record of student attendance. It is essential that we have an accurate record of who is in school, for the purposes of safeguarding students. Good attendance and punctuality are essential for good learning and are also necessary skills for later life. Punctuality and attendance are monitored by form tutors, Heads of House & the Education Welfare Service. Any concerns about a student’s attendance will be followed up and parents informed.

See Attendance Policy for further guidance

Uniform and Appearance

All students are expected to wear correct school uniform as it plays an important part in establishing a community spirit and encourages students to take a personal pride in their own appearance.

They are expected to wear it on the way to and on the way from school each day. The school expects that the appearance of all students will reflect credit on the individual and the school itself.

A copy of the uniform list is available separately and includes limits on the amount of jewellery that may be worn as well as comments on hoodies, hair styles and other issues that arise from time to time. Students who fail to meet uniform expectations may receive a sanction based on the fact they have not followed a reasonable instruction.

Facial piercings and excessively designed earrings are not permitted and students will be asked to remove them.

See Uniform Policy for further guidance

Classroom management

Teaching and support staff are responsible for setting the tone and context for positive behaviour within the classroom. For example:

- Create and maintain a stimulating environment that encourages students to be engaged
- Display the key rewards and behaviour displays
- Develop a positive relationship with students, which may include:
- Greeting students in the morning/at the start of lessons
- Establishing clear routines
- Communicating expectations of behaviour in ways other than verbally
- Highlighting and promoting good behaviour
- Concluding the day positively and starting the next day afresh
- Having a plan for dealing with low-level disruption
- Using positive reinforcement

Physical restraint

- In some circumstances, staff may use reasonable force to restrain a student to prevent them:
- Causing disorder
- Hurting themselves or others
- Damaging property
- Incidents of physical restraint must:
- Always be used as a last resort
- Be applied using the minimum amount of force and for the minimum amount of time possible
- Be used in a way that maintains the safety and dignity of all concerned
- Never be used as a form of punishment
- Be recorded and reported to parents

Confiscation

Any prohibited items (listed in section 3) found in a student's possession will be confiscated. These items will not be returned to students.

We will also confiscate any item which is harmful or detrimental to school discipline. These items will be returned to students after discussion with senior leaders and parents, if appropriate.

Searching and screening students is conducted in line with the DfE's [latest guidance on searching, screening and confiscation](#).

Supporting Students with Additional Learning or Behaviour (SEMH) Needs.

The school recognises its legal duty under the Equality Act 2010 to prevent students with a protected characteristic from being at a disadvantage. Consequently, our approach to challenging behaviour may be differentiated to cater to the needs of the student.

The school's special educational needs co-ordinator will evaluate a student who exhibits challenging behaviour to determine whether they have any underlying needs that are not currently being met.

Where necessary, support and advice will also be sought from specialist teachers, an educational psychologist, medical practitioners and/or others, to identify or support specific needs.

When acute needs are identified in a student, we will liaise with external agencies and plan support programmes for that child. We will work with parents to create the plan and review it on a regular basis.

Transition

To ensure a smooth transition to the next year, students have transition sessions with their new teacher(s). In addition, staff members hold transition meetings.

To ensure behaviour is continually monitored and the right support is in place, information related to student behaviour issues may be transferred to relevant staff at the start of the term or year.

Behaviour for Learning Hub, the Bridge

Students who require support with their social and emotional needs can be referred by SMT or the Student Support Team to the Behaviour for Learning Hub. Intervention is carried out for those students who find it difficult in understanding and controlling their emotions. This provides a support structure for those young people who are emotionally vulnerable and need to develop a greater understanding of their behaviour in order to change and enhance it. We want our young people to succeed both in and out of the classroom, to have the academic ability to progress and good morals so that they can transition well into society. Trained staff within the Hub work on a one-to-one basis or with small groups throughout the year, ensuring that we provide support for all who have been identified.

Zero-tolerance approach to sexual harassment and sexual violence

The school will ensure that all incidents of sexual harassment and/or violence are met with a suitable response, and never ignored.

Students are encouraged to report anything that makes them uncomfortable, no matter how 'small' they feel it might be.

The school's response will be:

- Proportionate
- Considered
- Supportive
- Decided on a case-by-case basis

Please refer to the safeguarding and child protection policy and the child on child abuse policy for more information.

Off-site behaviour

Sanctions may be applied where a student has misbehaved off-site when representing the school. This means misbehaviour when the student is:

- Taking part in any school-organised or school-related activity (e.g. school trips)
- Travelling to or from school
- Wearing school uniform
- In any other way identifiable as a Commonweal student
- Sanctions may also be applied where a student has misbehaved off-site at any time, whether or not the conditions above apply, if the misbehaviour:
 - Could have repercussions for the orderly running of the school
 - Poses a threat to another student or member of the public
 - Could adversely affect the reputation of the school

Sanctions will only be given out on school premises or elsewhere when the student is under the lawful control of the staff member (e.g. on a school-organised trip).

Malicious allegations

Where a student makes an allegation against a member of staff and that allegation is shown to have been deliberately invented or malicious, the school will discipline the student in accordance with this policy.

Where a student makes an allegation of sexual violence or sexual harassment against another student and that allegation is shown to have been deliberately invented or malicious, the school will discipline the student in accordance with this policy.

In all cases where an allegation is determined to be unsubstantiated, unfounded, false or malicious, the school will consider whether the student who made the allegation is in need of help, or the allegation may have been a cry for help. If so, a referral to children's social care may be appropriate.

The school will also consider the pastoral needs of staff and students accused of misconduct.

Suspension & Permanent Exclusions

When applying suspension or permanent exclusions for students, Commonweal school follow the guidance and legal procedures set out in the booklet produced by the Department of Education in September 2017 entitled 'Exclusion from maintained schools, academies and pupil referral units in England. Statutory guidance for those with legal responsibilities in relation to exclusion.

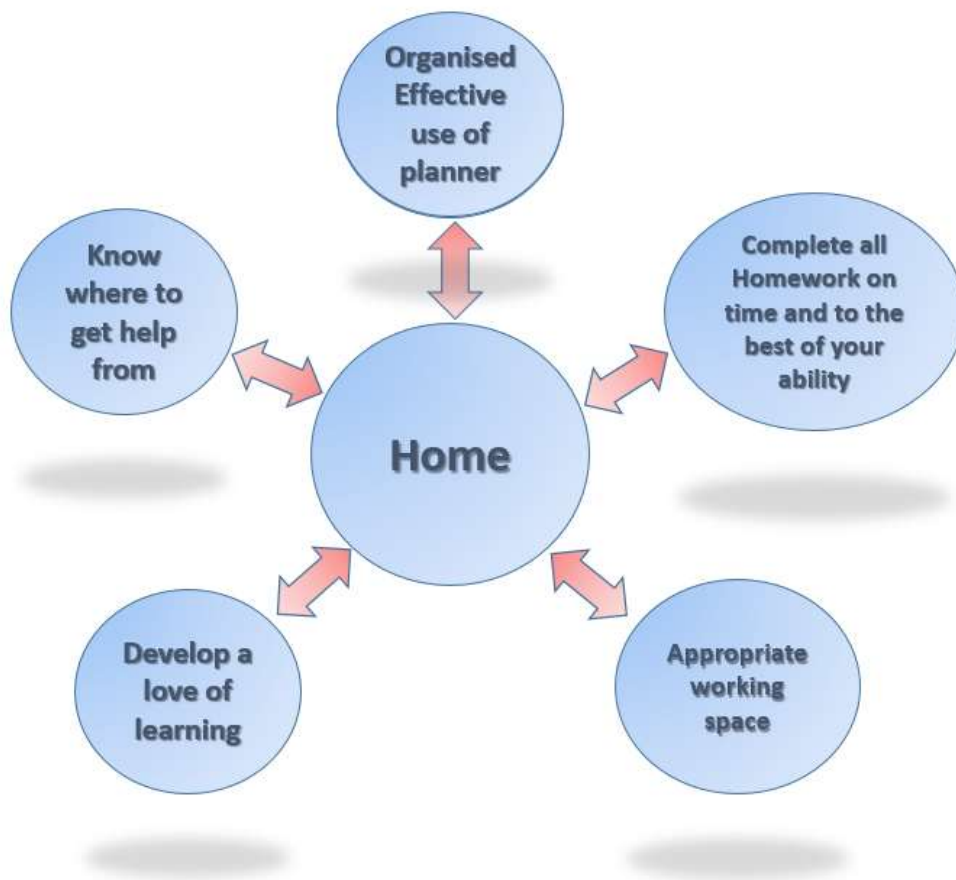
The school will take every opportunity to support students and prevent a suspension. However, there will be occasions when a student's behaviour will contravene the schools code of conduct and a suspension will be issued. This maybe for 1 or more days and up to a maximum of 45 days in a school year. The school will set appropriate work for suspended students to undertake.

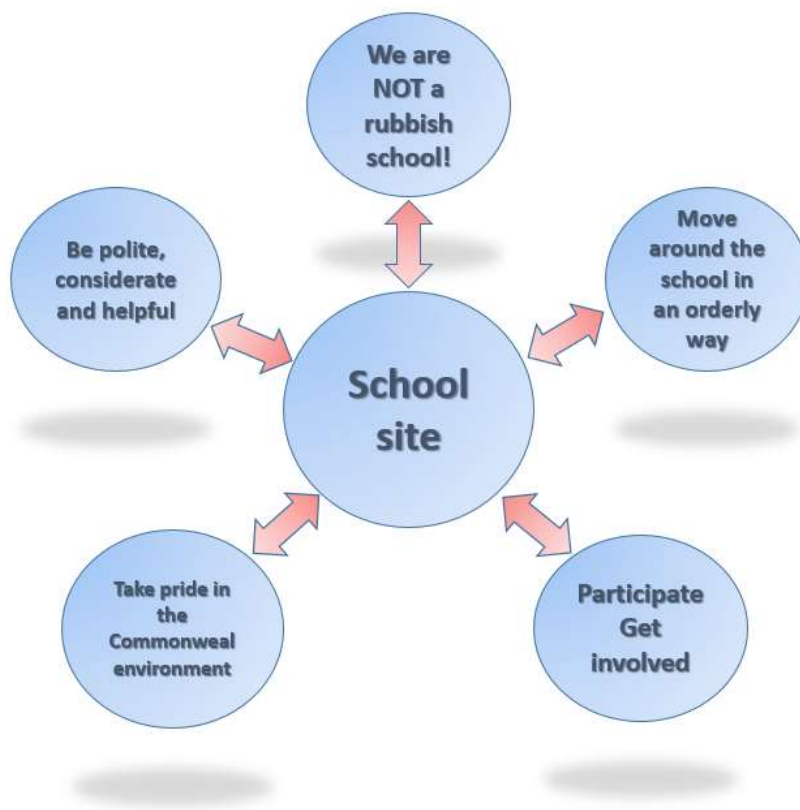
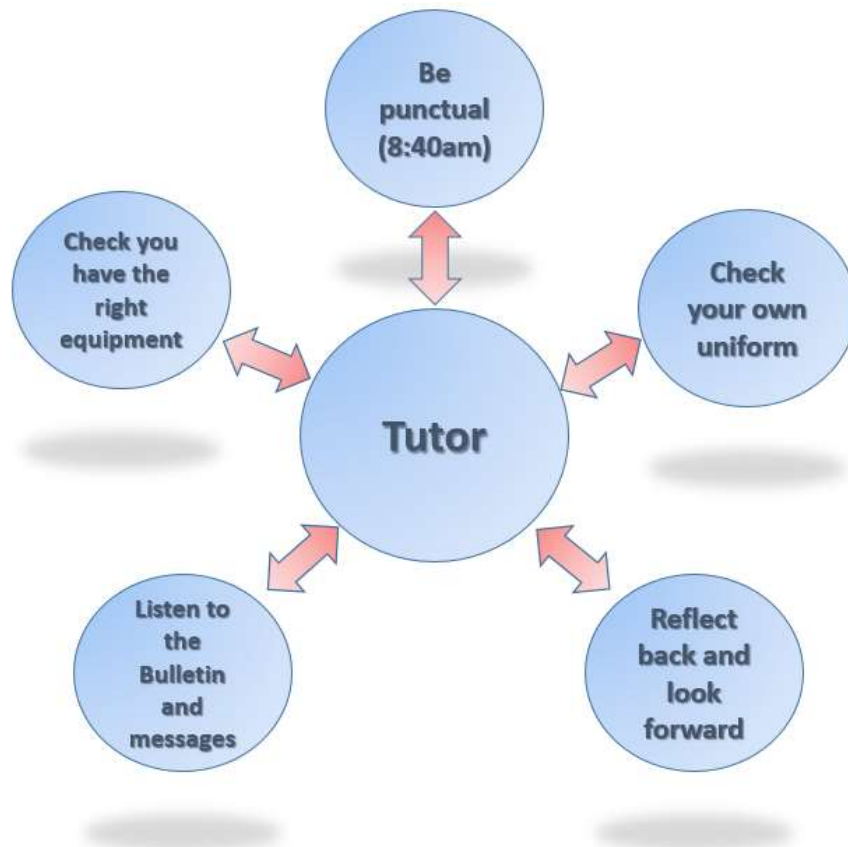
A suspension does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a period of suspension may be extended or converted to a permanent exclusion.

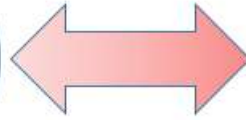
Students whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to suspension, such as the head teacher's duty to notify parents, still apply.

A decision to exclude a student permanently should only be taken: in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the student to remain in school would seriously harm the education or welfare of the pupil or others in the school

The Commonweal Way







- C**reative
- O**riginal
- m**otivated
- m**istakes!
- O**thers
- n**ot passive
- w**orks
- e**xperiment
- a**ctive
- l**istens

WHAT THE LAW ALLOWS

DISCIPLINE IN SCHOOLS – TEACHERS

Key Points

- Teachers have statutory authority to discipline students whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction.
- The power also applies to all paid staff (unless the Head teacher says otherwise) with responsibility for students, such as teaching assistants.
- Teachers can discipline students at any time the student is in school or elsewhere under the charge of a teacher, including on school visits.
- Teachers can also discipline students for misbehaviour outside school.
- Teachers have a specific legal power to impose detention outside school hours.
- Teachers can confiscate students' property.

Punishing poor behaviour

- Teachers can discipline students whose conduct falls below the standard which could reasonably be expected of them. This means that if a student misbehaves, breaks a school rule or fails to follow a reasonable instruction the teacher can impose a punishment on that student.
- To be lawful, the punishment (including detentions) must satisfy the following three conditions:
 - 1) The decision to punish a student must be made by a paid member of school staff or a member of staff authorised by the Head teacher;
 - 2) The decision to punish the student and the punishment itself must be made on the school premises or while the student is under the charge of the member of staff; and
 - 3) it must not breach any other legislation (for example in respect of disability, Special Educational Needs, race and other equalities and human rights) and it must be reasonable in all the circumstances.
- A punishment must be reasonable. In determining whether a punishment is reasonable, section 91 of the Education and Inspections Act 2006 says the penalty must be proportionate in the circumstances and that account must be taken of the student's age, any special educational needs or disability they may have, and any religious requirements affecting them.
- The Headteacher may limit the power to apply particular punishments 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.
- Corporal punishment is illegal in all circumstances.
- Schools should consider whether the behaviour under review gives cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case, school staff should follow the school's safeguarding policy.

STUDENTS' CONDUCT OUTSIDE THE SCHOOL GATES – TEACHERS' POWERS

What the law allows:

A teacher may discipline a student for:

Any misbehaviour when the child is:

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

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

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

DETENTION

What the law allows:

Teachers have a power to issue detention to pupils (aged under 18).

Schools must make clear to pupils and parents that they use detention (including detention outside of school hours) as a sanction.

The times outside normal school hours when detention can be given (the 'permitted day of detention') include:

- any school day where the pupil does not have permission to be absent
- weekends - except the weekend preceding or following the half term break
- non-teaching days – usually referred to as 'training days', 'INSET days' or 'non- contact days'.

The Head teacher can decide which members of staff can put pupils in detention.

For example, they can limit the power to heads of year or heads of department only, or they can decide that all members of staff, including support staff, can impose detentions.

Schools should consider when imposing detentions

- Parental consent is not required for detentions.
- As with any disciplinary penalty a member of staff must act reasonably given all the circumstances, when imposing a detention.
- With lunchtime detentions, staff should allow reasonable time for the pupil to eat, drink and use the toilet.

Detentions outside school hours

School staff should not issue a detention where they know that doing so would compromise a child's safety.

When ensuring that a detention outside school hours is reasonable, staff issuing the detention should consider the following points:

- Whether the detention is likely to put the pupil at risk.
- Whether the pupil has known caring responsibilities which mean that the detention is unreasonable.
- Whether the parents ought to be informed of the detention. In many cases it will be necessary to do so, but this will depend on the circumstances. For instance, notice may not be necessary for a short after school detention where the pupil can get home safely.
- Whether suitable travel arrangements can be made by the parent for the pupil. It does not matter if making these arrangements is inconvenient for the parent.

As with any disciplinary penalty a member of staff must act reasonably given all the circumstances.

CONFISCATION OF INAPPROPRIATE ITEMS

What the law allows-

There are two sets of legal provisions which enable school staff to confiscate items from students:

1) The **general power to discipline** enables a member of staff to confiscate, retain or dispose of a student's property as a punishment and protects them from liability for damage to, or loss of, any confiscated items. Behaviour and Standard Leaders will keep confiscated items in their offices unless obliged to hand them to the police.

2) **Power to search without consent** for weapons, knives, alcohol, illegal drugs and stolen items. The legislation sets out what must be done with prohibited items found as a result of a search and this is described in more detail in separate guidance in 'Screening, Searching and Confiscation – guidance for school leaders, staff and governing bodies'.

Weapons and knives must always be handed over to the police otherwise it is for the teacher to decide when and if to return a confiscated item.

POWER TO USE REASONABLE FORCE

The legal provisions on school discipline also provide members of staff with the power to use reasonable force to prevent students committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom.

KEY POINTS

1. School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
2. Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
3. Senior school leaders should support their staff when they use this power.

What is reasonable force?

- The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with students.
- Force is usually used either to control or restrain. This can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed.
- As mentioned above, schools generally use force to control students and to restrain them. Control means either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom.
- Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention.
- School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the student.

Who can use reasonable force?

- All members of school staff have a legal power to use reasonable force.
- This power applies to any member of staff at the school. It can also apply to people whom the Head teacher has temporarily put in charge of students such as unpaid volunteers or parents accompanying students on a school organised visit.

When can reasonable force be used?

- Reasonable force can be used to prevent students from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control students or to restrain them.
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a student behaving in a way that disrupts a school event or a school trip or visit;

- prevent a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others; and
- prevent a student from attacking a member of staff or another student, or to stop a fight in the playground

Schools cannot:

- Use force as a punishment – it is always unlawful to use force as a punishment.

What about other physical contact with students?

It is not illegal to touch a student. There are occasions when physical contact, other than reasonable force, with a student is proper and necessary.

- When comforting a distressed student
- When a student is being congratulated or praised
- To demonstrate how to use a musical instrument
- To demonstrate exercises or techniques during PE lessons or sports coaching.
- To give first aid.

SEARCHING AND CONFISCATION

- School staff can search a student for any item banned under the school rules, if the student agrees.
- Head teachers and staff authorised by them have a statutory power to search students or their possessions without consent, where they suspect the student has certain prohibited items. The items that can be searched for under this power are knives or weapons, alcohol, illegal drugs and stolen items
- School staff can seize any banned or prohibited item found as a result of a search or which they consider harmful or detrimental to school discipline.

Searching with Consent

Schools' common law powers to search:

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

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

Searching without Consent

What the law says:

What can be searched for?

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

Who can Search?

The Head teacher, or a member/s of school staff who is authorised by the Head teacher.

You must be the same sex as the student being searched; and authorised by the Head teacher.

There must be a witness (also a staff member) and, if at all possible, they should be the same gender as the student being searched.

School staff here means a teacher or someone who has lawful control or charge of the child.

The ability to give consent may be influenced by the child's age or other factors.

Member of school staff means any teacher who works at the school, and any other person who with the authority of the Head teacher has lawful control or charge of students for whom education is being provided at the school.