



**Behaviour Policy  
Hardwick Green Primary Academy**



# The Enquire Learning Trust

<b>Approved by:</b>	Trustees
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## Version History

Date	Author	Version	Comment
April 2020	JH		
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## 1. Policy Overview

Within our academies, high standards of behaviour are expected from all pupils. A positive working environment is essential for positive relationships and members of staff should lead by example.

This policy applies to pupil behaviour whether the pupil is on the Academy site, outside of the Academy site or outside of the school day. The Academy will take appropriate action where a pupil's behaviour falls below the expected standards.

Policies and practice promote an environment conducive to learning and ensuring high achievement for all young people, irrespective of their differing needs. Children are asked to:

- Arrive in the Academy and at lessons punctually and be prepared to learn.
- Bring appropriate equipment such as: PE kit and reading books and any other necessary equipment
- Wear the Academy uniform correctly.
- All pupils are expected to be polite, courteous and respectful to everyone on the Academy site and to comply with reasonable requests or instructions made by staff on the first time of asking.
- All pupils complete any task reasonably assigned to them in connection with their education.
- Children are expected to have regard for their own safety and that of others.

This policy is to be read in conjunction with the following guidance:

- [Behaviour in schools guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- [Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- [DfE advice template \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- [technical-guidance-schools-england.docx \(live.com\)](https://live.com) (Under update review)
- [Keeping children safe in education 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Links with other policies:

- Safeguarding and Child Protection Policy
- Anti bullying policy
- SEN Policy
- Positive Handling Policy
- Exclusion Policy

## 2. Aim

We aim to offer a happy, well-organised, positive and stimulating environment where children will work purposefully, where effective learning can take place and where children demonstrate good social and learning behaviours.

This behaviour policy is therefore intended to support all members of our school community in living and working together in a mutually beneficial way. It aims to promote an environment in which everyone feels happy, safe and secure.

We aim for the children to develop the following:

- Respect for oneself, others and property.

- Positive self-esteem.
- Co-operation and collaboration.
- Care for others.
- Self-discipline.
- Self-motivation and resilience.
- Independence.

### 3. Objectives

- To ensure a common policy concerning behaviour that will generate positive consistent approaches amongst staff.
- To examine and reaffirm the importance of PSHE/citizenship and other areas of the curriculum as a vehicle for positive behaviour.
- To ensure regular and consistent use of the expectations throughout each Academy.
- To develop strategies to support pupils showing challenging behaviour.
- To challenge and address any form of bullying (including cyberbullying, prejudiced-based and discriminatory bullying). (Please see our Anti-Bullying Policy for further details of our approach.)
- To work in partnership with parents to inform and offer support with regard to any individual behaviour difficulties.

### 4. The Classroom Environment

Disruptive behaviour affects both the teacher and other children. As recognised in the Special Educational Needs and Disability Code of Practice (January 2015), poor behaviour may be a result of unmet needs and the class teacher will, with support from other staff in the Academy, implement strategies to provide the necessary support to the pupil. Reasonable adjustments will also be made to support pupils with SEND.

Adjustments to behavioural expectations may be made for any pupil, who needs additional support with their behaviour choices. These may be temporary or permanent depending on the individual circumstances of the pupil. Where possible, these adjustments are made proactively and by design to ensure all pupils can meet behavioural expectations. For example, a pupil new to the school may need time to settle into new routines and expectations, or a pupil who is experiencing a bereavement etc.

Low-level disruptive behaviour can be influenced positively by effective classroom management techniques.

#### Positive Influences

- Structured and well-prepared activities taking place in a friendly atmosphere and pitched at an appropriate level.
- Courteous and respectful interactions with pupils making use of pleasant humour.
- Clear messages of enjoyment about being with the group.
- Creating space and “play” opportunities for individual children where appropriate.
- Giving children opportunities to explore feelings, make choices, clarify values and work collaboratively.
- Considering furniture layout, groupings, pace of lessons and challenging tasks.
- Avoiding stereotyping, especially stereotyping children as troublemakers.
- Being aware of home circumstances and values.

## **Negative Influences**

- Loud use of public reprimands and threats.
- Constant use of criticism and sarcasm.
- Aggressive reaction to minor incidents which increases the likelihood of major confrontation.
- Being unjust or inconsistent.

## **5. The Role of the Class Teacher**

The class teachers have high expectations of our children with regard to behaviour, and they strive to ensure that all children achieve to the best of their ability.

The class teacher treats each child fairly and enforces the classroom code consistently. The teachers treat all children in their classes with respect and understanding.

It is the responsibility of class teachers to ensure that the school rules are enforced in their classes, and that their classes behave in a responsible manner during lesson time.

Where external support agencies are involved in meeting the needs of a particular child, the class teacher liaises and works co-operatively with those agencies, as necessary, to support and guide the progress of the child. The class teacher may, for example, in consultation with the Special Educational Needs Co-ordinator (SENCO) discuss the needs of a child with their Social Worker.

## **6. The Role of the Principal**

It is the responsibility of the Principal, under the School Standards and Framework Act 1998, to implement the school behaviour policy consistently and to report to the Academy Improvement Committee, when requested, on the effectiveness of the policy. It is also the responsibility of the Principal to ensure the health, safety and welfare of all children in the school.

The Principal supports staff by implementing the policy, by setting the standards of behaviour, and by supporting staff in their implementation of the policy.

The Principal has the responsibility for giving suspensions to individual children for serious acts of misbehaviour. For repeated or very serious acts of anti-social behaviour, the Principal may permanently exclude a child.

## **7. The Role of Parents and Carers**

We collaborate actively with parents and carers, so that children receive consistent messages about how to behave both at home and at school.

We try to build a supportive dialogue between home and school, and we inform parents and carers immediately if we have concerns about their child's welfare or behaviour.

If we have to use reasonable sanctions to address any behaviour concerns with a child, we expect parents and carers to support these actions. If parents and carers have any concerns about the way that their child has been treated, they should initially contact the class teacher. If their concerns remain, they should contact the Principal to discuss the issues

involved. If parents or carers wish to complain further about actions taken by us, the Enquire Learning Trust's Complaints Policy is available on our website.

## 8. Positive Discipline

Each Academy has developed a Code of Conduct that should be clearly understood by all and adhered to in the interests of everyone. These key rules will be prominently displayed around the Academy and regularly referred to by staff and children.

### System of affirmation/strategies for praise and reward

In addition to the identified rewards below, good behaviour is praised and rewarded by staff through verbal recognition throughout the day. Affirming a person increases or restores her/his sense of self-esteem. It is particularly necessary with children whose own self-image is low. Affirming a child will sometimes avoid problematic situations. Any praise given to pupils should be *genuine, personal* and *specific*.

Class Dojo: This is a reward for behaviour and learning awarded by all teaching staff throughout the day

- The children will be rewarded with Dojos to reflect their positive behaviour for learning and their achievements. These are to be given to the children **plentifully**.
- Points should be given linked to the language of the school rules – *ready, respectful, safe*.
- Once children reach a set number of Dojos, they can swap them for a prize from the class prize box. The number increases as children get older.
- Parents can keep a check on their child's achievements through their own parent account.



Praise Pads: Weekly rewards from all staff:

- Children receive a praise pad note from staff in acknowledgment of any achievements or celebration wanting to be shared.



RESPECT award: Weekly award

- Children who demonstrate the schools' values of resilience, empathy, self-awareness, positivity, excellent, communication and teamwork are sent to the Principal (or other member of the SLT) for a RESPECT award.
- These are given out in whole-school assembly on a Friday.

Attendance: Children with excellent, or improving, attendance also receive awards (see the attendance policy).

Teachers are also free to use other, in-class *incidental* rewards that are age appropriate.

### Assertiveness / Warnings / Consequences

If the rules are broken the following stages should be followed consistently. These stages need to be followed consecutively unless the behaviour is extreme, in which this should be referred to the SLT immediately.

Before reading the list of sanctions, it is important to note that before reaching these, children will have had chances to correct their behaviour in a positive and supporting way. Most importantly, children should not be repeatedly progressing through these stages. They are they as a 'last resort' rather than something that we jump to.

Teachers and leaders can study data from these stages to spot patterns with the belief that if a behaviour is predictable it is preventable. Therefore if we notice flash-points for certain children who seem to frequently reach higher stages during set times, we can put adaptations in place to prevent this behaviour.

### Informal stage - The reminder:

To settle a class to begin learning, praise children following the rules instructions first.  
“I love the way Sam and Kai are sitting smartly.”

Do not identify individuals when speaking to the whole class at first – give the child a chance to correct their behaviour.

“I can see only two people not sitting as smartly as I’d expect”

If an individual is displaying any very low-level or off-task behaviour, issue a reminder privately wherever possible.

“Michael, I need you to have your eyes on the whiteboard so you can see what I am modelling.”

### Stage 1 - Warning

This removes one Dojo point and will inform the parent through the Class Dojo app.

Explain to child why they have the warning in the language of *ready, respectful, safe*. The Dojo options will reflect this language.

We do not issue whole-class stage 1 warnings – it is unfair on those who are following the rules.

Children should never be on a negative number of Dojo points. Positive Dojos should be given extremely frequently as reinforcement of positive behaviour.

You may ask the child to sit (with their work) away from their peers but still in the classroom.

### Stage 2 - Time-Out

Remove a Stage 2 Dojo (one point) and ask the child to step outside of the classroom briefly to discuss their behaviour.

Give the learner a chance to reflect away from others. Speak to the learner privately and give them a final opportunity to engage. Offer a positive choice to do so.

If the incident happens outside at play time or lunch time, the child may be asked to stand by the wall to have their time out.

### Stage 3 - Removal from classroom

At this stage the child will be removed from the class by the adult support available in the year group (e.g. Teaching Assistant or teacher). This adult will walk the child to an area of school (e.g. atrium) that is calm, quiet and focused so that they can support the child in identifying their behaviour needs, managing their emotions etc.

For KS2, this could be immediately outside of the classroom e.g. in the atrium, as long as the child is calm and supervised.

If appropriate, the child may be brought to a member of the SLT for a discussion about their behaviour, and may spend some time with them.

Once the child is calm, the adult supports the child back into the lesson and their learning. At this point, the parent should be informed via phone call or Dojo message by the class teacher.

This must also be added on to CPOMS as a 'Behaviour - Stage 3'

#### Stage 4 - Extended removal from classroom

If a child does not respond after a stage 3 – or there is a more serious breach of the behaviour policy - then a stage 4 internal exclusion will need to be issued.

This is removal from class to a member of the Senior Leadership Team for a length of time to be determined by the SLT member who handles the incident.

This could be for the remainder of session, or a whole day, dependent on the age of the child and incident that occurred.

At this point, the parent should be informed via phone call by the class teacher. The SLT member will prepare a letter to go home to the parents about the incident.

This must also be added on to CPOMS as a 'Behaviour - Stage 4'

#### Additional sanctions:

In most scenarios these sanctions will be sufficient. However, sometimes an additional sanction linked to the negative behaviour may need to be issued at stages 2-4. These should be done sensitively and should allow the child to have support e.g. if a child misbehaves during football at playtime then they may be banned from playing football *only* at playtimes rather than just missing their entire break time. This is at the discretion of the class teacher, but the SLT will monitor any additional sanctions being used.

#### Stage 5 – Suspension:

Serious or persistent breaches of the behaviour policy may result in suspension.

Please see the Trust's Exclusions Policy.

This must also be added by the Principal on to CPOMS as a 'Behaviour - Stage 5 - Suspension'. The Principal should add the suspension to Bromcom and inform the Trust via the OneDrive document.

#### Permanent Exclusion:

As a last resort, serious or persistent breaches of the behaviour policy may result in suspension.

Please see the Trust's Exclusions Policy.



## 9. Support for Pupils

A behaviour modification programme for individuals may be applied if appropriate.

The class teacher and child will identify targets. If there are a number of incidents of negative behaviour, outside agencies may be consulted.

Differentiation should be an inherent part of planning for individual needs. It is important to consider a differentiated approach to learning if a child is displaying challenging behaviour. It is also important to try and establish the reasons why the child is displaying challenging behaviour and provide the appropriate support to mitigate the behaviours; this may include focussed interventions in-school and/or liaison with a range of external professionals/agencies to access additional support. This includes the Trust's SEMH collaborative.

**Staff:** It is important for staff to feel that they can rely on each other when dealing with challenging behaviour. Members of staff should feel that they are able to seek support and advice from colleagues, particularly SLT, before a situation becomes out of hand.

## 10. Curricular Links with Behaviour Management

Our Academies have a positive approach to behaviour management and as such, believe in actively developing children to be self-disciplined. In order to do this, it is essential that children are given opportunities to discuss different types of behaviour and their effect on others. A significant part of the curriculum is committed to Personal Social and Health Education (PSHE) when many of these issues can be considered. The school also has a 'behaviour curriculum', where concepts such as manners are directly taught.

## 11. Bullying and Racism

Each academy has an Anti-Bullying and Anti-Racism approach and actively explores these issues within the curriculum. These subjects are discussed from the viewpoint of the bully and the victim to enable pupils to understand the feelings and emotions of others.

We need to be clear about what we mean by bullying. We define it as:

- the wilful, conscious desire to hurt or threaten someone, physically, emotionally or materially on a number of occasions; or
- when a person or a group deliberately intends to cause someone else to feel hurt, distressed, threatened or humiliated; or
- behaviour by an individual or group, usually repeated over time, that intentionally hurts another individual or group either physically or emotionally.

In accordance with the academy's Anti-Bullying Policy, any incident of bullying occurring at the Academy will be taken seriously and followed through appropriately by staff. Parents of both the bully and the victim will be involved and kept informed as appropriate. A written record of any such incident will be made and recorded on CPOMs.

The Enquire Learning Trust sees racism as a form of bullying and does not condone it in any form.

## 12. Child on child Sexual harmful behaviour

Sexually harmful behaviour from young children is not always contrived or with the intent to harm others. There may be many reasons why a young person engages in sexually harmful behaviour and it may be just as distressing to the young person who instigates it as to the young person it is intended towards. Sexually harmful behaviour may include:

- Inappropriate sexual language
- Inappropriate role play
- Sexual touching
- Sexual assault/abuse

Staff are aware of the importance of:

- Making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up.
- Not tolerating or dismissing sexual violence or sexual harassment as 'banter', 'part of growing up', 'just having a laugh' etc.
- Challenging behaviours (potentially criminal in nature) such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.
- Upskirting will never be tolerated. This behaviour typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification or cause the victim humiliation, distress or alarm.

## 13. Monitoring Behaviour

Senior leaders monitor behaviour regularly to identify any patterns in incidents. This is through analysis of the data from Class Dojo and from CPOMS. Appropriate actions are taken to ensure that these patterns are broken.

## 14. Use of Reasonable Force

In exceptional circumstances and as a very last resort, where there is a danger of injury to a pupil or member of staff, positive handling using reasonable force may be appropriate. Positive handling methods are only used by staff with appropriate training where de-escalation techniques have failed or cannot be used.

The Academy will always communicate with parents where such techniques have been used. These incidents are recorded on CPOMS.

*Please refer to the academy's positive handling policy.*

## 15. Prohibited Items on the School-Site

No pupil should bring any prohibited items on to the school-site. The following are prohibited items:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- cigarettes

- any article that a 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 property of; any person (including pupils)
- an article specified in regulations:
  - Tobacco and cigarette papers,
  - Fireworks; and
  - Pornographic images.

The Principal and staff (who are authorised by the principal) have a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect that a pupil may have a prohibited item listed above. Under common law, school staff have the power to search a pupil for any item if the pupil agrees. The member of staff will ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed [Searching, screening and confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk).

If a pupil needs to be searched, parents/carers will be contacted and asked to come in and undertake the search with two members of staff present. The members of staff will be the same sex as the pupil being searched. If it is deemed necessary, the pupil will be kept separate from other pupils until the parents/carers can attend.

Authorised staff will seek permission from a pupil to undertake a search of a pupil's possessions (for example, their locker, desk, drawer, pencil case, bag, lunch box, coat, hat etc.). The members of staff will ensure that the pupil understands the reason for the search and how it will be conducted so that their agreement is informed. Parents will also be informed and consent gained. Two members of staff will conduct the search and parents/carers can attend and witness the search of the pupil's possessions.

If a pupil refuses to give consent for their possessions to be searched, parents/carers will be contacted and asked to come in and undertake the search with two members of staff present. If it is deemed necessary, the pupil will be kept separate from other pupils until the parents/carers can attend.

Any kind of search will take place in a location away from other pupils and staff, providing the pupil with privacy. Two members of staff will always be present and consent from parents sought.

If a pupil is found to be in possession of a prohibited item, they may be permanently excluded depending on the circumstances, (e.g. threatening another pupil with a knife/weapon, sharing a vape or cigarettes with other pupils on the school-site etc.) or receive a suspension (e.g. bringing a vape into school and storing in their coat, bags etc – no other pupils are involved etc.).

Staff will liaise with both parents/carers and the appropriate professionals if a child is found to be in possession of a prohibited item – this may involve liaising with the Police and Social Care. Staff will also follow the 'DfE Searching, Screening & Confiscation Advice for Schools, July 2022 (paragraphs 57-81, Appendix 1).

If any child is found to be suffering from the effects of alcohol or other substances, arrangements will be made for that child to be taken home and Social Care will be informed with a Multi-Agency Referral Form completed.

## 16. Expected behaviour/Code of Conduct

Each Academy has a clear set of behavioural standards and code of conduct for all pupils; these are clearly set out on the Academy website and are communicated to pupils and parents on a regular basis. High standards of work and behaviour are expected at all times. A positive approach to discipline is taken and pupils are encouraged to show consideration and care for people and property.

Hardwick Green has only three school rules:

- Be ready
- Be respectful
- Be safe

Children in each class discuss what it means to be ready, respectful and safe and how they can achieve this.

Each class has its own particular set of routines that class teachers actively teach to their children. Many of these are taken from Sherrington and Caviglio's Walkthru book.

## 17. Exclusion and Suspension

The Enquire Learning Trust recognises that in order to ensure a positive atmosphere based on a sense of community and shared values it may, on occasions, be necessary to exclude an individual or individuals either for a fixed period, not exceeding forty five academy days in any one academic year, or, in some circumstances, permanently.

Such exclusions will only be resorted to when the academy can demonstrate with adequate evidence that all reasonable steps have been taken (including education off site) and/ or that the presence of the learner is likely to be severely detrimental to his/herself, other learners or employees. There may also be occasions when a suspension is appropriate because of unacceptable behaviour.

Good discipline in academies is essential to ensure that all pupils can benefit from the opportunities provided by education. The Trust supports its academies in using exclusion as a sanction where it is warranted. However, permanent exclusions should only be used as a last resort, in response to a serious breach, or persistent breaches, of the **Academy's Behaviour Policy**; and where allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others in the academy.

We follow the Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement, published by the DfE in September 2022 which has regard to the standard national list of reasons for exclusion. Currently, schools and local authorities must make full-time educational provision for suspended pupils from day 6 of their exclusion.

Parents and carers must ensure their child is not present in a public place during the first five days of an exclusion.

### Reintegration Meeting

Principals have a duty to offer the parents or carers a reintegration interview in respect of certain time-limited suspensions.

The reintegration meeting aims to set out a strategy in which the risk of further suspension or permanent exclusion is reduced. The meeting will be a collaboration between academy staff, parents/carers and the pupil. The meeting will also be an opportunity for exploration of working with other professionals to identify any additional individual needs or multi agency approach that may be required. It will look at risk assessment and have an effective timescale for reviewing any intervention identified.

### **The Role of the AIC**

The AIC will consider academy statistics on suspension and exclusion and professionally challenge school leaders on any suspension and exclusion in their academy during their termly meetings as a regular item on the agenda. The support for children at risk of permanent exclusion will be explored.

The principal will inform the AIC of any suspensions that are more than 5 academy days in one term. The AIC are not required to meet for suspensions of 5 days or less but parents may make a representation. The AIC do not have the power to consider to reinstate pupils with suspensions of 5 days or less.

If the suspension is between 6 and 15 days and parents request a hearing from the AIC, the AIC must meet within 50 school days of receiving the principals notice to consider reinstatement or uphold the principals decision based on the evidence presented.

The principal will inform the AIC of suspensions that are more than 15 days in one term. The AIC must then meet within 15 school days to explore the suspension/s and have the power to either uphold the principal's decision or reinstate the pupil based on the evidence presented.

The AIC must meet within 15 school days if the exclusion is permanent or if the suspension means the pupil will miss a public examination or national curriculum test. The AIC has the power to then uphold the principal's decision or reinstate the pupil based on the evidence presented.

Any pupils that are at risk of exclusion or have been identified as requiring additional support should be referred to the Enquire Learning Trust SEMH Collaborative for support with strategies and interventions. For more information on the SEMH Collaborative please speak to your academy Principal or SENDCO.

Please refer to the Enquire Learning Trust Exclusion Policy for further information regarding the exclusion of pupils.

Guidance and legislation

[Keeping children safe in education 2023 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101321/keeping-children-safe-in-education-2023.pdf)

[Searching, screening and confiscation \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101321/searching-screening-and-confiscation.pdf)

[Behaviour in schools guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101321/behaviour-in-schools-guidance.pdf)

[Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101321/suspension-and-permanent-exclusion-from-maintained-schools-academies-and-pupil-referral-units-in-england-including-pupil-movement.pdf)

## Appendix 1

### Confiscation Advice

DfE Searching, Screening & Confiscation, Advice for Schools, July 2022 (paragraphs 57 -81):

#### Confiscation

##### Items found as a result of a search

57. An authorised staff member 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 the school rules for which a search can be made (see paragraphs 2-3); or
- is evidence in relation to an offence.

##### Prohibited or illegal items

58. **Controlled drugs** must be delivered to the police as soon as possible unless there is a good reason not to do so.<sup>1</sup> In these cases, the member of staff must safely dispose of the drugs. In determining whether there is a good reason to dispose of controlled drugs, the member of staff must have regard to the following guidance in paragraph 59 below issued by the Secretary of State.

59. The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the controlled drug. When staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug, they should treat it as such. If the member of staff is in doubt about the safe disposal of controlled drugs, they should deliver them to the police.

60. **Other substances** which are not believed to be controlled should also be delivered to the police, or disposed of as above, if the member of staff believes they could be harmful.

61. Where a person conducting a search finds **alcohol, tobacco, cigarette papers or fireworks**, they may retain or dispose of them as they think appropriate but should not return them to the pupil.

62. If a member of staff finds a **pornographic image**, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or an indecent image of a child) in which case it must be delivered to the police as soon as reasonably practicable.<sup>2</sup> Members of staff should never intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff must never copy, print, share, store or save such images. See paragraphs 72-79 for further advice on searching electronic devices.

63. Where a member of staff finds **stolen items**, these must be delivered to the police as soon as reasonably practicable. However, if there is good reason to do so, the member of staff may also return the item to the owner, or retain or dispose of it if returning them to their owner is not

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<sup>1</sup> Legally, schools do not have to give the name of the pupil from whom drugs have been taken to the police. Schools should consider this on a case-by-case basis. Please see the DfE and ACPO drug advice for schools for more information on the relevant powers and duties in relation to powers to search for and confiscate drugs, liaison with the police and with parents.

<sup>2</sup> Section 62 of the Coroners and Justice Act 2009 defines prohibited images of children. Section 63 of the Criminal Justice and Immigrations Act 2008 defines extreme pornographic images.

practicable. In determining whether there is a good reason to return the stolen item to its owner or retain or dispose of the item, the member of staff must have regard to the following guidance issued by the Secretary of State in paragraph 64 below.

64. The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized article. In taking into account the relevant circumstances, the member of staff should consider the following:

- the value of the item - it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases, though school staff may judge it appropriate to contact the police if the items are valuable;
  - whether the item is banned by the school;
  - whether retaining or returning the item to the owner may place any person at risk of harm; and
- whether the item can be disposed of safely.

65. Any **weapons or items which are evidence of a suspected offence** must be passed to the police as soon as possible.

66. Items that **have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property** should be delivered to the police as soon as reasonably practicable, returned to the owner, retained or disposed of. In deciding what to do with such an item, the member of staff must have regard to the guidance issued by the Secretary of State in paragraphs 67-68.

67. The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether the item should be delivered to the police, retained, returned to the owner 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
- whether and when it is safe to return the item.

68. If a member staff suspects a confiscated item has been used to commit an offence or is evidence in relation to an offence, the item should be delivered to the police.

69. Members of staff should use their judgement to decide to return, retain or dispose of any other **items banned under the school rules**. In deciding what to do with such an item, the member of staff must have regard to the guidance issued by the Secretary of State in paragraph 70.

70. The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized item. 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 continue to disrupt learning or the calm, safe and supportive environment of the school.

71. Members of staff should follow any additional guidance and procedures on the retention and disposal of items put in place by the school.

### Electronic devices

72. Electronic devices, including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to,



indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour.

73. As with all prohibited items, staff should first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.

74. Staff may examine any data or files on an electronic device they have confiscated as a result of a search, as defined in paragraph 57, if there is good reason to do so.

75. If the member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff should never intentionally view the image, and must never copy, print, share, store or save such images. When an incident might involve an indecent image of a child and/or video, the member of staff should confiscate the device, avoid looking at the device and refer the incident to the designated safeguarding lead (or deputy) as the most appropriate person to advise on the school's response. Handling such reports or concerns can be especially complicated and schools should follow the principles as set out in [Keeping children safe in education](#). The UK Council for Internet Safety also provides the following guidance to support school staff and designated safeguarding leads: [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#).

76. If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then they must be delivered to the police as soon as is reasonably practicable.

77. In exceptional circumstances members of staff may dispose of the image or data if there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files, the member of staff must have regard to the following guidance issued by the Secretary of State in paragraphs 78 and 79 below.

78. In determining whether there is a **'good reason' to examine** the data or files, the member of staff should reasonably suspect that the data or file on the device has been, or could be used, to cause harm, undermine the safe environment of the school and disrupt teaching, or be used to commit an offence.

79. In determining whether there is a **'good reason' to erase** any data or files from the device, the member of staff should consider whether the material found may constitute evidence relating to a suspected offence. In those instances, the data or files should not be deleted, and the device must be handed to the police as soon as it is reasonably practicable. If the data or files are not suspected to be evidence in relation to an offence, a member of staff may delete the data or files if the continued existence of the data or file is likely to continue to cause harm to any person and the pupil and/or the parent refuses to delete the data or files themselves.

### **Confiscation as a disciplinary penalty**

80. 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.<sup>3</sup>

81. 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.

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<sup>3</sup> Section 91 of the Education and Inspections Act 2006.