

# CRUDGINGTON PRIMARY SCHOOL BEHAVIOUR POLICY



Policy revised – January 2017

Crudgington Primary School  
Behaviour and Discipline Policy  
January 2017

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## 1. Aims

This policy builds upon many years of good practice at the school and promotes good and outstanding behaviour for learning.

“Pupils have a good understanding of right and wrong, which they demonstrate through their thoughtful behaviour.”

“The good relationships that teachers have with their pupils enable them to maintain discipline with ease.”

“All staff expect the same good standards of behaviour from pupils.”

### **Ofsted Inspection Report, December 2012**

Our school community should

- feel, happy, safe and secure at our school
- respect one another and ensure all pupils have full access to the curriculum
- understand that all members of the school community have high expectations of pupils and each other
- represent the school well in the community

This policy is to enable these aims to be achieved by ensuring Governors, staff, parents and pupils are all clear about the facilitation and promotion of good behaviour and the consequences of inappropriate, unsafe or disruptive behaviour.

## 2. Consistency in Approach

The basis of the school’s strategies for promoting good behaviour will be its five rules that promote how pupils should behave:

Show respect to yourself and others  
Have an “I Can” Attitude  
Act Safely  
Respect property and the environment  
Encourage and support others

and the four learning skills that support promoting good behaviour for learning in Years R-6:

Responsibility  
Resilience  
Resourcefulness

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Reflection  
and the Characteristics of effective learning in the Early Years Foundation Stage:

Playing and exploring  
Active Learning  
Creating and thinking critically

The school rules are expected to promote a happy, safe environment to work in.

The expectation is that positive behaviour management strategies should be primarily used by staff.

### 3. School Leadership and Responsibilities

The governing body has the responsibility of setting down the general principles for standards of discipline and behaviour, and reviewing their effectiveness. The governors support the head teacher in carrying out these principles.

The Head teacher has the day-to-day authority to implement the school behaviour and discipline policy with the support of the Governing Body.

The Governors should advise the Head teacher of their views on specific measures for promoting good behaviour. This might include such issues as bullying, racial or sexual harassment, and maintaining regular attendance. The governing body also has a general duty to ensure the school follows policies to promote good behaviour and discipline among pupils.

The Head teacher is responsible for promoting good behaviour and discipline in line with the governing body's statement of general principles. Within this policy the head teacher will draw up the school's written discipline policy which may include making and enforcing the school rules to:

- promote self-discipline and proper regard for authority among pupils;
- encourage good behaviour and respect for others and prevent all forms of bullying among pupils;
- ensure pupils' standard of behaviour is acceptable;
- regulate pupils' conduct.

The Head teacher should put in place effective strategies against bullying which are developed and put into effect by everyone in the school, including pupils. Governing bodies should regularly review their school's anti-bullying policy.

The Head teacher is responsible for ensuring during their induction new members of staff are fully informed of this policy and are able to implement it.

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## 4. The Role of teachers and support staff

### Classroom Management

Good and outstanding teaching that is personalised to pupils by providing stimulating contexts and work differentiated to an appropriate level of challenge will be the most effective way of maintaining good behaviour.

Staff should have systems in the classroom to maintain the day to day running and the organisation of their classroom.

School rules will be reiterated during assemblies at least termly. Learning skills will be reiterated more regularly through daily classroom practice and the school's PSHE framework.

Good behaviour should be consistently promoted. Children should be praised for following rules and instructions as this will model the correct behaviour to their peers.

If a child does not adhere to school rules they should be informed of which rule they have broken and employ the appropriate consequences for the pupil.

Staff should inform parents of good behaviour through one of the school's reward systems, written reports and at report evenings.

At the early stages of concern over behaviour parents should be informed by the class teacher and the Headteacher should be made aware of this communication.

If pupils show disrespect or insubordination to adults, act violently toward other pupils or staff or are found to not be telling the truth, they should be sent to the Headteacher, or in their absence a member of the Senior Leadership Team, at the earliest opportunity.

If a pupil's behaviour is endangering themselves, other pupils or staff, the class teacher should ensure the safety of other pupils and inform the most senior member of staff on site immediately.

Staff should support one another in employing a consistent approach by praising good behaviour and identifying incorrect behaviour of all pupils in the school.

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Teaching staff should share Information with all other staff to promote good behaviour with pupils who have a particular need, including preparing information for supply teachers to enable consistency and transition.

Information regarding classroom routines should also be left for supply teachers to enable consistency.

Teaching staff take responsibility for pupil behaviour at the start of the school day, as published in the school prospectus, and give the responsibility back to parents at dismissal.

The conduct of staff in their interactions with parents should support the promotion of positive behaviour around the school and all meetings should be conducted in a professional manner. This may include asking parents to make an appointment

Crudgington primary School employs an open door policy for discussion with parents at the end of the day but these times may not be appropriate for all discussions. In such cases an appointment will need to be made.

If staff feel a colleague is not behaving in a manner that supports the expectations of behaviour in this policy they can report this to the Headteacher as per the Local Authority's Speak Up policy. The Headteacher will investigate and respond in line with the Speak Up Policy.

If the concern is about the Headteacher or a line manager contact should be made with the school's HR officer for confidential advice on whom will be best to contact.

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

The school is required to have a Home School Agreement that parents are asked to sign. This outlines the responsibilities of the parent and the school including those with respect to behaviour and attendance.

The school seeks to develop a partnership with parents so that parents are supportive of the school's Behaviour policy when incidents occur.

Parents/Carers have a clear role in making sure their child is well behaved at school. If they do not, the school or local authority may ask them to sign a parenting contract or may apply for a court-imposed parenting order.

Whilst on the school site, parents are expected to model good behaviour to the children. This includes not using profanity, treating others with respect and acting in a manner to maintain safety around the school. If parents are concerned by behaviours they should report these to a member of staff.

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Parents/Carers are responsible for ensuring their children behave well upon arrival and collection from school and their journey home.

If their child is excluded (see section 15 – consequences), parents must take responsibility and ensure that they are not in a public place without good reason during school hours within the first five school days of any exclusion. If they do not, the school or local authority may issue a £50 penalty.

Parents must also ensure that their child attends the suitable full time education provided by the local authority from the sixth day of exclusion. If they do not, the school or local authority may ask them to sign a parenting contract, may issue a £50 penalty or the local authority may prosecute them.

Parents are expected to attend a reintegration interview following any fixed period exclusion from primary school and any fixed period exclusion of more than five days from secondary school. Failure to attend may make it more likely that the court will impose a parenting order if the school or local authority apply for one.

Parents do not have an automatic right to access school grounds therefore if their conduct does not support this policy the Headteacher can refuse access.

In extreme cases of disruption or violence this can lead to an immediate short- term ban.

Other behaviours that do not support this policy can lead to a warning and eventual ban.

Any long term or permanent ban would be subject to the approval of the Governing Body.

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## 6. Role of pupils

Pupils are expected to follow the school rules as the aim of these is to produce a happy, safe environment to work in.

Older pupils are expected to model good behaviour to younger pupils.

Pupils should take responsibility and;

- not join in with behaviour that they know breaks school rules.
- Report behaviour they see breaking the rules to the supervising member of staff

If pupils, do not follow the school rules, they are expected to recognise which rules they have broken and accept their consequences.

When lined up, or travelling around school or outside during a fire drill, pupils are expected to be silent to maintain their full attention for safety reasons.

Pupils are expected to employ the learning skills to develop their behaviour for learning and become more independent in their learning.

## Anti-bullying

The school does not tolerate any kind of bullying. Incidents of reported bullying will be investigated.

The school has adopted the Local Authority's Anti-bullying policy. This was published by the safeguarding team and is updated every year. Paper copies are always available and it is also published on the school website.

The school will continue to educate pupils about anti-bullying strategies during anti-bullying week and the PSHE curriculum. Parents will continue to be invited to events during anti-bullying week.

Any pupil caught bullying will face severe consequences (see section 15).

## 7. Break times and lunch times

Pupils are expected to follow the school rules at break times and lunchtimes with particular emphasis upon acting safely.

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The lunchtime and break time supervisors will follow the expectation of all staff to promote good behaviour. If necessary, they have the power to discipline pupils. (see section 14)

## 8. Extended Services including after school clubs

School staff, parents and external providers will run after-school clubs at the school. School staff will run their clubs in line with this policy.

External providers will have the expectations for behaviour shared with them when arrangements for the club to commence are made. The providers will maintain discipline at their club. If there are concerns over this, parents will raise the issue with providers in the first instance. If they continue to have concerns they should contact the Headteacher.

If there is a concern over safety at a club, the Headteacher should be contacted in the first instance.

If external providers request that pupils do not participate in clubs on grounds of poor behaviour that contravenes the school rules, the Headteacher will consider giving a warning or if necessary, ceasing the child's participation.

To participate in teams that represent the school, pupils will be expected to behave well in school. Representing the school may be a privilege that is removed if children do not behave in school (see section 15 – consequences).

## 9. Activities off-site

Pupils are expected to follow school rules in activities off site.

Staffing ratios should always ensure there is enough staffing available so that behaviour can be managed effectively.

Inappropriate behaviour, particularly refusing to follow instructions or putting themselves or others in danger could result in the activity being cut short for the pupil and the parent, or carer, will be called to collect them.

Inappropriate behaviour which prevents effective planning of provision for a child on an off site activity may mean the pupil cannot participate.

## 10. E-safety and Behaviour on the internet

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Pupils are expected to follow the school rules in their conduct whilst using the internet and publishing materials online.

To support this, they are expected to keep their passwords secure and only share them with their parents as inappropriate behaviour via their log-in may be tracked to them.

## Behaviour beyond the School Gate

Pupil misconduct beyond the school gate, particularly on the journey to or from school, or that could affect the school's reputation will be dealt with as per the strategies in Appendix 1.

## 12. Good Behaviour

### **Promotion of Good Behaviour**

Throughout the school, pupils who behave correctly will be recognised as good role models to their peers.

The PSHE framework and school assemblies will give the pupils opportunities to reflect upon what constitutes good behaviour.

Each class will have the opportunity during transition to identify how the school rules expect pupils to behave.

In P.E, Art, D&T and Science or any other activity which includes an element of risk, pupils will be shown the correct way to behave to keep safe.

### **Good to be Green (GTBG)**

Crudgington Primary School uses the 'Good to be Green' system for behaviour. The Good to be Green system:

Every morning all children start on green, regardless of what happened the previous day.

Here at Crudgington we always seek to change disruptive behaviour in a positive way, e.g. praising children demonstrating expected behaviour, catch them being good, friendly reminders, moving children to a space where they would be more focussed

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However, should a child continue to misbehave and not respond to positive behaviour management strategies, then these steps are followed:

A clear verbal warning will be given to the child explaining why their behaviour is unacceptable and how their behaviour needs to change. If the disruptive behaviour continues, the child will get an orange warning card and receive a further reminder about how they need to modify their behaviour. Any further disruptive behaviour will lead to a red cards being issued. A red card is serious and will not be given easily – children in school have a clear understanding that a red card is issued for serious behaviour concerns.

### Procedures regarding red cards:

1. Children who have received a red card must be sent out of class for a short period of time. The length of time will be dependent on the child and the severity of the behaviour. The child will be sent to the Head teacher, or in the Head's absence the appropriate Key Stage Manager.
2. When a child is sent out of class, they must always be accompanied by a teaching assistant, HLTA or member of teaching staff (dependent on availability). No child will be sent out of class without being assigned to an adult who will ensure their welfare out of the classroom.
3. The Headteacher/Key Stage Managers will speak with the child about their behaviour and clearly set out expectations of behaviour moving forward.
4. Once a child returns to class, they will stay on a red card as a reminder for the rest of the day. As per school policy the red card will be reset to green the next day, so the child can make a fresh start.
5. Any red cards given out will be recorded by the Headteacher, or in his absence a Key Stage Leader.
6. In all cases, a red card means a letter home (see appendix 4). These letters will be handed to the parents/carers after school. On occasion, dependent on timings and availability, it may be deemed appropriate to post these letters. The letter will give the parent/carer opportunity to meet with both the Head teacher and the class teacher to discuss how we can best work together to ensure appropriate behaviour for learning.
7. If a child performs a dangerous or deliberate action that shows no respect for property or person such as: biting, kicking, hitting, fighting or leaving the

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classroom without permission, then the child could be given a red card immediately at the discretion of the class teacher or a member of The Senior Management Team (SLT)

the safety of the children is paramount in all situations. If a child's behaviour endangers the safety of him/herself or others, the class teacher will stop the activity and the child will be removed from the lesson.

### Rewards

At Crudgington Primary school we seek to recognise, praise and reward good behaviour in and around school as well as instances of much improved behaviour

We also recognise, praise and reward good behaviour for learning and academic achievement. We seek to reward children on these merits regardless of their starting point.

The school employs a house point system which staff can use during lessons to reward good behaviour, learning behaviours and academic achievement. House point results are collated and presented in weekly achievement assemblies.

Recognition of good behaviours can also be through the presentation of achievement certificates. These are presented during achievement assemblies and can be an interim report to parents on good behaviour as these are taken home. We reward good behaviour on a weekly basis where we issue 'Good to be Green' certificates.

Crudgington Primary School will also recognise through its achievement assemblies and newsletters those children who have represented the school well in the community through sports or other endeavours.

Achievements pupils have made out of school can also be recognised in achievement assemblies if the children inform staff they wish to do so and it is deemed appropriate.

### 13. Behaviours for Learning

Pupil performance against the learning behaviours will be reported to parents, at least annually, in written reports.

The learning behaviours have been split into criteria to make this possible and for pupils to identify what the next steps are for them to become independent learners.

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## 14. The Power to Discipline

The Education and Inspections Act 2006 included, for the first time, a specific power for teachers to discipline pupils – for breaking a school rule, failure to follow instructions or other unacceptable behaviour. It applies at any time a pupil is in school or elsewhere under the charge of a teacher, including where a pupil is participating in an educational visit. The power also applies to other staff with responsibilities for controlling pupils, such as teaching assistants.

The Act also states schools' discipline and behaviour policies may allow teachers to regulate the conduct of pupils when they are off school premises and not under the control of school staff. See Appendix 1.

## 15. Consequences

Within classroom activities, or at break times, in the first instance, children should be given a warning about their behaviour and be referred to the rule they have broken.

If appropriate, the warning could take the form of a time out or cooling off period.

The class teacher, lunchtime or break time supervisor may devise their warning system in the way they feel is most appropriate for their class but this must be employed consistently.

If children continue to break the rules following a warning they will lose time at their next break to write, or have transcribed depending upon age or SEN, a letter of apology for the inappropriate behaviour. This will be addressed to person their behaviour affected, will include the pupil's recognition of which rule they broke and how they will prevent this from happening again. A copy will be given to the Headteacher to file and to the person affected to apologise.

If a child has written a letter of apology for their behaviour this is an appropriate time for a member of staff to communicate early behaviour concerns to parents.

If a child writes a number of letters of apology in a short space of time, the Headteacher will contact the child's parents and inform them of a further consequence. This may be the removal of a privilege or a home-school book may be kept to inform parents more regularly of behaviour in school.

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If there is sufficient evidence that a pupil has committed a disciplinary offence and allowing the pupil to remain in school would seriously harm the education, welfare of pupils or adults in the school the pupils will be excluded for a fixed period or permanently.

Only in exceptional circumstances, would a child who has verbally abused or whose actions have harmed an adult at school not be excluded for a fixed period.

The Headteacher will seek support of the Local Authority's Learning and Behaviour team to support children with behaviour issues. In most cases, this will be to find strategies to promote positive behaviour and avoid exclusion but in some cases it will be in response to a particular incident.

If a child appears likely to continue with behaviours that will lead to fixed term exclusions, the school will meet the Local Authority's Fair Access Panel for advice. In the first instance the panel could offer advice and/or support.

Fixed term exclusions must not exceed 45 days in a school year for a pupil.

The Headteacher must arrange a reintegration interview following any fixed term exclusion.

In the event of a lack of improvement in the behaviour of a child who has been referred to the Fair Access Panel, the school will take the case back to the Fair Access Panel.

The panel may decide that a managed move to a new school is in the best interests of the child and their family rather than face permanent exclusion.

A permanent exclusion should only take place when the school has exhausted all other strategies.

Further details and guidance on Local Authority procedures for exclusions can be found on pages 168-204 of the Local Authority's Handbook for Behaviour.

Pupils whose behaviour is repeatedly disruptive at lunchtimes may be excluded from school for the lunchtime period.

All exclusions made are formal, all informal or unofficial exclusions are illegal.

If a child is accused of a serious criminal offence but the offence has taken place outside the school jurisdiction, the Headteacher may decide in the best interests of the pupil and the school community that the pupil remains off-site. This will not be exclusion but the child will be educated off-site.

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## 16. SEN

Pupils who have Special Educational Needs that affect their behaviour will have strategies to use and targets to achieve set in their individual provision map.

Therefore, they may be treated differently in the consequences they receive as to pupils who do not have special needs with regard to behaviour.

## 18. Equality Duties

This policy will be applied in a consistent, non discriminatory fashion to ensure it meets the requirements of the Equality Act.

## 19. Use of Physical intervention

See Appendix 3 the use of Reasonable Force

## 20. Searching and **confiscation**

See Appendix 2 Searching and confiscation

## 21. School Uniform

The school's uniform policy sets the expectation for how pupils should dress and maintain their appearance whilst in school.

If they do not follow this policy, they will receive consequences in a similar fashion as listed in section 14, unless they have a valid reason provided by their parents in writing or by phone to the school office.

The first consequence will be a warning but the next consequence will be a letter to parents informing them of breaches of uniform policy. If this persists the Headteacher will contact the parents directly.

A pupil can be asked to leave the school grounds (in the care of their parents/carers) to remedy a breach of school uniform policy. This should only last as long as possible and will not be considered an exclusion but will be registered as an authorised absence.

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In cases where uniform policy is being repeatedly and defiantly breached, a child could receive a fixed-term exclusion.

If a child is unable to participate in P.E due to having the incorrect kit, unless a valid reason has been provided by their parents in writing or by phone to the school office, a letter will be sent home to parents following the lesson because they will not be participating in a statutory part of the curriculum.

If this continues, the Headteacher will directly contact parents.

The Headteacher will decide if reasons given are valid.

## **22. Communication of policy**

The ethos of this policy will be included within the home-school agreement, agreed by Governors and shared with pupils, parents and staff.

The school rules, a summary of positive behaviour management, the school's good record with behaviour and the availability of this policy will be published in the school prospectus.

Any parents who join the school during the school year will receive the school prospectus and information on how to locate policies.

Reminders of behaviour and uniform policy will be published in the school newsletter at the beginning of every term.

The sections of the policy required for day-to-day classroom management will be published in the school handbook for staff.

## **23. Monitoring of policy**

This policy will be monitored by the Headteacher and his senior leadership team to ensure it is robust in ensuring the smooth day-to-day running of the school and it supports minimal disruption to lessons.

The Governing Body and Headteacher will seek stakeholder feedback at least annually to identify how the school community believes the policy is being employed.

The Headteacher will report on the operation of this policy annually to Management and Administration committee in the Summer term. The committee

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will put forward any suggestions for revision to the following full Governing Body meeting.

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## Appendix 1

### **The power to discipline beyond the school gate**

1. Disciplining beyond the school gate covers the school's response to all non-criminal bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the school. The governing body must be satisfied that the measures proposed by the head teacher are lawful.
  
2. Any bad behaviour when the child is:
  - taking part in any school-organised or school-related activity or
  - travelling to or from school or
  - wearing school uniform or
  - in some other way identifiable as a pupil at the school.

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

- could have repercussions for the orderly running of the school or
  - poses a threat to another pupil or member of the public or
  - could adversely affect the reputation of the school.
3. As a result of any of these behaviours, the Headteacher will collect witness statements from both adults and children who have witnessed the event. The parents of the child involved will be contacted and invited into school to discuss the matter. Consequences for the bad behaviour will follow those issued by the school for misconduct during the school day. Parental support will be sought for sanctions which they are able to administer outside the school day.
  
  4. The school will not give consequences to pupils if it is believed better parental supervision could have prevented the incident. If it is felt that parents have been negligent it will be reported to the Safeguarding team.
  
  5. If the behaviour is criminal or poses a serious threat to a member of the public, the police will always be informed. If there is any concern that the behaviour may be linked to the child suffering, or being likely to suffer, significant harm, Safeguarding procedures would be followed.
  
  6. Any actions taken in response to an incident beyond the school gate would be logged as part of the school's behaviour records.
  
  7. Following any incident, the Headteacher will consider whether it is appropriate to notify the police or Community Support Officers of the actions taken against a pupil.

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## Appendix 2

### **Searching and confiscation**

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

### **Searching with consent**

#### **3. Schools' common law powers to search:**

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

- a. The school does not need to have formal written consent from the pupil for this sort of search – it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag and for the pupil to agree.

#### **Items not allowed at school**

- b. Items which are banned in school include any item which could be used as a weapon, matches, any form of drugs (including medicines, which have not had a medicine form completed), knives, firearms, sprays, alcohol or stolen items.
- c. If mobile phones are brought to school, children are not to hold these during the day. They should be given to staff with a letter from parents as to why the pupils have the devices until there is a change in the school's ICT policy. If the reason given is not sufficient or causes concern about a child's welfare after school, the parents will be informed by the Headteacher. Electronic games are not allowed to be brought to school including at the end of term when the children may be invited to bring in games to play. Any electronic games will be confiscated.

4. If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.

5. A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil 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.

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**Searching without consent**

**6. What the law says:**

***What can be searched for?***

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

***Can I search?***

b. Yes, if you are the Headteacher or Deputy head teacher. But:

c. you must be the same sex as the pupil being searched; and

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

***When can I search?***

e. If you have reasonable grounds for suspecting that a pupil is in possession of a prohibited item.

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

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

**Location of a search**

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

10. The powers only apply in England.

**During the search**

**Extent of the search – clothes, possessions and trays**

**11. What the law says:**

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

'**Possessions**' means any goods over which the pupil has or appears to have control – this includes trays and bags. A pupil's possessions can only be searched in the presence of the pupil and another member of staff. The power

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to search without consent enables a personal search, involving removal of outer clothing and searching of pockets.

## 12. Trays

Under common law powers, schools are able to search trays for any item provided the pupil agrees. Pupils will have a tray on condition that they consent to have it searched for any item whether or not the pupil is present.

13. If a pupil does not consent to a search then it is possible to conduct a search without consent but only for the “prohibited items” listed above.

## 14. Use of force

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

### After the search

## 15. The power to seize and confiscate items – general

### What the law allows:

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

16. The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a ‘with consent’ search so long as it is reasonable in the circumstances. Where any article is thought to be a weapon it must be passed to the police.

17. Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

## Items found as a result of a ‘without consent’ search

### 18. What the law says:

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

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- It is school policy to always deliver stolen items or controlled drugs to the police. If the owners of the items are known and do not pose a threat to the pupil, these will be returned to the owner.

**Telling parents and dealing with complaints**

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

- a. There is no legal requirement to make or keep a record of a search, however as good practice the sheet below will be completed whenever a search and/or confiscation has taken place.
- b. The school will always inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found along with any other banned items which might be found.
- c. Complaints about screening or searching will be dealt with through the normal school complaints procedure.

## Appendix 3

### **The use of reasonable force**

#### **What is reasonable force?**

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

#### **2 Who can use reasonable force?**

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

#### **3 When can reasonable force be used?**

- (i) Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- (ii) In a school, force is used for two main purposes – to control pupils or to restrain them.
- (iii) The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.
- (iv) The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

#### **Schools can use reasonable force to:**

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;

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- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and restrain a pupil at risk of harming themselves through physical outbursts.

**Schools cannot:**

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

**Using force**

A panel of experts identified that certain restraint techniques presented an **unacceptable risk** when used on children and young people. The techniques in question are:

- the ‘seated double embrace’ which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the ‘double basket-hold’ which involves holding a person’s arms across their chest; and
- the ‘nose distraction technique’ which involves a sharp upward jab under the nose.

**Staff training**

Training is provided for senior staff so that they are able to support staff across the school. A senior member of staff will always support other staff across the school.

**Telling parents when force has been used on their child**

All incidents of reasonable force are recorded in order to support the child and staff involved. (see sheet below)

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**What happens if a pupil complains when force is used on them?**

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is **not** for the member of staff to show that he/she has acted reasonably.
- Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

**What about other physical contact with pupils?**

- It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.
- Examples of where touching a pupil might be proper or necessary:
  - a. Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
  - b. When comforting a distressed pupil;
  - c. When a pupil is being congratulated or praised;
  - d. To demonstrate how to use a musical instrument;
  - e. To demonstrate exercises or techniques during PE lessons or sports coaching; and
  - f. To give first aid.

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Name of child:

(Male/Female)

Class:

**Search and confiscation Record**

**Reason for the search**

**Names of staff carrying out the search and those staff acting as witness include title**

1.

2.

**Items found**

**Other agencies involved – please list with name and title**

**Parents contacted**

**Date:**

**Time:**

**Next steps**

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**Meeting with parent and child following the incident**

**Any further intervention or agency involvement required**

**Signed:**

**Date:**

**Designation:**

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Name of child: \_\_\_\_\_ (Male/Female) Class: \_\_\_\_\_

**Reasonable Force Record**

**Reason for the use of reasonable force**

**Names of staff using reasonable force**

- 1.
- 2.

**Other agencies involved – please list with name and title**

**Parents contacted**

**Date:**

**Time:**

**Next steps**

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**Meeting with parent and child following the incident**

**Any further intervention or agency involvement required**

**Signed:**

**Date:**

**Designation:**

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## Appendix 4

Date

Dear \_\_\_\_\_,

I am sorry to have to inform you that your child received a red card today for the following unacceptable behaviour/s:

- 

I would like to invite you to attend a meeting with myself and your child's class teacher to discuss your child's recent behaviour and look at how we can work together with you to help improve his/her behaviour at school, to ensure the best possible learning outcomes for your child in the future.

Please contact the school office to make an appointment at your earliest convenience.

Yours sincerely,