



**RISHWORTH**  
SCHOOL

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## BEHAVIOUR POLICY

### PROMOTING GOOD BEHAVIOUR, DISCIPLINE AND SANCTIONS

This policy went through extensive consultation with staff, parents and students during Trinity Term 2022. It will come into effect September 2022 with time set aside at InSeT for staff and Induction for Students to go through the changes and to establish the expectations alongside the graduated sanctions and rewards related to this. This policy will be shared with all staff and parents during the Summer of 2022 via Rishworth Post and will be available going forward via the website and the school's internal policy files.

In order to establish this Behaviour Policy students will all be provided with a 'Home- School Agreement' which the student, parent/guardian and Tutor will agree and sign.

**Note:** This Policy is intended to cover promoting good behaviour (including rewards), discipline and sanctions. It should be read in conjunction with:

- 1) Safeguarding Policy and Child Protection Procedures
- 2) School Rules
- 3) Parents' & Students' Handbooks
- 4) Anti-Bullying Policy (10a)
- 5) ICT acceptable Use Policies
- 6) Electronic Devices Policy
- 7) Rishworth School Terms and Conditions as per Parent Contract
- 8) Guidelines on Physical Contact Between Staff and Students (including guidance on the use of physical control or restraint) (appendix 1)
- 9) School Student Searches (appendix 2)

### Introduction

We aim to provide a happy environment in which all members of the school community can thrive and feel respected, safe and secure and become responsible members of society.

This policy is rooted in the identity of Rishworth School, and aims to:

- promote good behaviour, the development of positive relationships, self-discipline and respect for others;
- promote a consistent and purposeful atmosphere
- set clear and high expectations
- prevent bullying (also see the Anti-Bullying Policy)
- encourage and inspire students to value learning, to complete assigned work and to achieve their potential
- encourage students to be open to personal growth, British Values and the moral dimensions of life

**The underlying principle is that we encourage and incentivise students to be self-motivated, to achieve as much as they can and, in terms of discipline, to understand the consequences of their actions, the reason for sanctions, and the way they may be able to put things right.**

### **Policy Application**

The policy applies to all the students of Rishworth School. Effective policy implementation requires a consistent and corporate approach from all members of the teaching staff, assisted by Middle Management and led by the Senior Leadership Team in not only the application, but also the modelling.

The school MIS system iSAMS is used by staff to input and record rewards and sanctions.

### **Rewards**

Staff are encouraged to identify and affirm good work and progress, emphasising the positive wherever possible, giving personal praise, and using the rewards system consistently.

Staff are encouraged to embrace every opportunity to celebrate the achievements of students and their colleagues through the reward system.

There are also formal avenues for students to nominate staff and their peers for recognition and rewards within specific reward categories. Students wishing to nominate an individual for an award can use the pro-forma available in reception or ask a member of staff to input the request directly into the MIS system.

In order to allow the wider community to rejoice in student and staff successes, in addition to the weekly assemblies and the termly celebration assemblies in school, we use a variety of platforms to 'shout' about these achievements such as the School website, Prize Giving, Dinners, Parent Information events, the Head's letter, social media posts, the school newspaper and the 'Rishworthian'. We are delighted to use these platforms to celebrate student and staff success beyond the School and encourage parents/guardians and students to keep the school abreast of such achievements.

### **Head's Commendations**

Staff are invited to recommend that the Head commends a student or colleague. Student and staff are then congratulated in an assembly by the Head and are sent a formal letter to recognise this accolade. Commendations may be for significant effort, academic and non-academic achievement or displays of community spirit, above and beyond the everyday expectations. Students with excellent work worthy of commendation can also be asked by staff to present this work to the Head.

Routinely students with outstanding grades or reports will automatically be recommended for a Head's commendation.

Students receiving a commendation will be issued with 5 credits.

### **Spotted Awards**

A spotted award is given to students or staff who are spotted demonstrating the School Motto 'Res Non Verba' and embrace the School Values: Individuality, Kindness, Integrity and Valour. Spotted students and staff will be announced in assembly and will receive a postcard home. Students who exhibit particularly noteworthy behaviour can also be presented to the Head and colleagues are encouraged to arrange this.

Students receiving a spotted award will be issued with 3 credits.

### **Heads of Year and Curriculum Area Manager Recognitions**

Routinely, Heads of Year and Curriculum Area Managers meet with their Tutors or teaching staff and identify students who have stood out within their area since the last meeting. This recognition is followed up with either a phone call or a postcard home.

Students receiving a HOY or CAM Recognition will be issued with 3 credits.

### **Credits**

These are awarded by a member of staff and are usually recorded in a student's exercise book or planner and are then collated on iSAMS. Credits can be entered directly by the issuing member of staff on to iSAMS or can be collected from the student by the Tutor during the weekly Wednesday Tutorial sessions.

Students are given credits for good work and behaviour around school or for joining in activities in a positive way.

Students earn credit certificates for each multiple of 100 credits gained (a Bronze award for 100 credits; a Silver award when 200 credits are gained, and so on).

### **The House Credit Shield**

All credits contribute to the annual Inter House Credit competition. The Winning House is presented with the Credit Shield in the final celebration assembly of the year.

### **The End of Year Credit Reward Trip/Event**

Each year group is given a specific credit target (based on the number of students in the year). Successfully reaching this target as a collective entitles the year group to use one day in the last week of term to go on a reward trip (the location of which is agreed within the student voice meetings early in the year) or to incorporate a specific reward within to an event already taking place (e.g. Prom)

Credit running totals will be published and announced at regular intervals.

### **School Colours**

These are issued at the end of the playing season to recognise team commitment within sport.

### **Annual Prizes and Honours Prizes**

Annual Prizes are awarded at Prize Giving in the Summer Term. Students are nominated for a range of prizes recognising Rishworth Spirit, effort and attainment across the school.

At Rishworth Prize Giving, the named Honours Prizes are awarded, which in addition to being announced on the evening are celebrated with students' names being added to the school Honour's Boards.

Staff can be nominated for specific Annual Staff Prizes, presented at Prize Giving; nominations are collected by the Head prior to the event.

### **Additional Reward Opportunities**

Each Curriculum and Enrichment & Extension Area actively look for opportunities for students to be rewarded in other ways, e.g.:

- a) additional qualifications such as further maths,

- b) nationally recognised awards such as the Duke of Edinburgh or Trinity Music Awards;
- c) certification to recognise successful achievements such as in paddle boarding or British Sign Language;
- d) opportunities to enter local and national competition such as Formula 1 in schools, 'Make it in Manufacturing', poetry writing or poster design
- e) House competitions where there is the opportunity to compete within the school such as the weekly Inter House competitions or the annual Young Musician of the Year and Sports Day.

## **Sanctions**

The key purpose of sanctions is to promote good behaviour by educating students to help them avoid further repetition of a misdemeanour. Initially staff will act to defuse any incident that they come across to de-escalate rather than escalate. The graduated structure of formal sanctions complements less formal measures as necessary. Sanctions are there to correct, deter and on occasion, protect. The imposition of a sanction should never be an act of retribution.

Rishworth School sanctions are:

- proportionate to the offence committed
- designed to be fair and consistent whilst also educating students
- designed to involve some form of restorative justice where possible
- not intended to be demeaning

**Note that corporal punishment is prohibited for all students in independent and maintained schools. The prohibition includes the administration of corporal punishment to a student during any activity, whether or not within the school premises.**

There are few instances where a direct equation can *automatically* be made between a given offence and a particular punishment, although there needs to be a generally accepted view of the kind of misbehaviour that is likely to result in a certain type of punishment, and is the premise of the examples offered within the policy: it is important that students as well as staff understand, for instance, that throwing a snowball is (depending upon circumstances) likely to fall within the sanction range of a Warning, whereas stealing from another student's wallet would (depending upon circumstances) be more likely to warrant expulsion.

## **Adjustments**

We do not apply sanctions without considering extenuating circumstances which may lead to clemency and the reduction of a sanction.

Duties under the Equality Act 2010, include issues related to students with Special Educational Needs or Disabilities (SEND) and how reasonable adjustments are made for these students.

Where a student has specific diagnosed needs there may be instances where the school needs to make some reasonable adjustments to the reward and sanctions structure in order to recognise the challenges presented to the individual. However, note should be taken that such adjustments would be subtle and will not detract from the overall emphasis of the policy itself. Any such adjustments would be specifically recognised within the student's personal profile, as shared by the SENDCo with staff. The SEND range model guides the scope and limit of the adjustments the School can make.

## **Parent Contract with School**

In accordance with the Terms and Conditions, as signed on acceptance of a student place at the school, the Parent Contract states that where the school has cause to impose a formal sanction on a child, parents are expected to support these sanctions. Where a parent refuses to accept a sanction imposed by the school or support the decision of the school, this may be in breach of the contract. Break down of this contract may require the immediate removal of the student from the school.

### **Managing Transitions From One Educational Establishment to Another**

Before students join Rishworth School we will request a reference which will include details of their discipline record and any special needs from their previous school. Additionally, we seek the cooperation of parents in providing such information in order that suitable plans can be made where necessary.

When a student moves on to another establishment, we will always provide a reference which may include sanction records if appropriate or requested.

### **Investigations of misbehaviour that has taken place off school premises**

The school takes the conduct of its students outside of the school grounds extremely seriously. A student's misbehaviour outside of school can be damaging to the reputation of both the student and the school.

We will investigate any reports from the public or members of the school community related to any student misbehaviour occurring off the school premises, such as on school or public transport, outside the local shops or on social media platforms. We will also investigate any allegation which could cause harm (physical or emotional) to others. The investigation of such allegations will follow due process and will take place on school premises.

### **Formal Sanctions**

Poor behaviour in and out of the classroom will be addressed by staff with responsibility for the group or area at the time. If a student is misbehaving and disrupting the learning or play of others, staff will follow the behaviour management system as outlined below.

Any apparently significant disciplinary matter will have been investigated as thoroughly as is appropriate before any sanction is imposed. If a student is accused of a misdemeanour, the principle of "innocent until proven guilty" will be applied until sufficient evidence is gathered. The Pastoral team will fully investigate the incident and the student will always be presented with the evidence before a serious sanction is applied.

To tackle misdemeanours staff should consistently apply the following four step system:

#### **Four Step System**

Step 1 Warning

Step 2 Complaint issued and student informed

Step 3 Level 1 detention issued and action taken, e.g. student moved within the classroom

Step 4+ Removal from space and / or Level 2+ detention applied (as appropriate)

More serious or recurring misdemeanours (three at any stage) can result in a student moving straight to Step 2, 3 or 4 or being escalated within the graduated system.

### **Chain of Communication**

When disciplinary action relates to academic matters, the typical chain of communication is: Subject Teacher – CAM – Tutor – Head of Year – Pastoral/Academic Manager – Deputy Head.

When disciplinary action relates to non-academic matters, the typical chain of communication is: Teacher – Tutor – Head of Year – Pastoral Manager – Deputy Head.

Where a student is a boarder, his or her House Parent is kept informed of disciplinary issues during the day and, when appropriate, the disciplinary issue and any subsequent allocation of a sanction may be dealt with by the House Parent.

Where disciplinary action relates to an incident within boarding, the typical chain of communication is: Boarding Staff Member – House Parent – Head of Boarding – Pastoral Manager – Deputy Head.

Most problems should follow these 'chains'. There will be times when this does not happen and a disciplinary matter is 'fed' in higher up the chain. Where possible these should always be referred to the correct member of staff, towards the beginning of the chain, in the first instance to ensure proper process and the best outcome.

Staff should communicate with each other, each piece in the chain 'linking' securely with the next – and be prepared to refer a matter to the correct colleague in the system; in each case, examples are given of behaviours, but these are not intended as exhaustive and circumstances may well dictate some variation in response where appropriate.

### Step 1 - Warning

The lowest level of sanction is a Warning. A Warning is not usually formally recorded. A single Warning per unit (as reasonable) may be given to students for misdemeanours relating to initial or minor incidence of poor attitude or work in lessons, uniform/jewellery/make-up infringement, poor punctuality, poor organisation (e.g. failure to bring appropriate equipment to class), poor independent learning (e.g. missing a homework deadline).

**Please note that students who attend school without basic equipment, will be provided with a new set (or least a replacement where it is the first instance and is a non-consumable item, e.g. ruler) and parents will be invoiced accordingly, e.g. where basic equipment is not provided such as a pencil / calculator or where a replacement is needed due to students losing or not looking after that which has been provided by the school e.g. exercise book, planner or textbook.**

### Step 2 - Complaint

Complaints are used to record on iSAMS when a student exhibits poor or inappropriate behaviour, for example:

- a) Accumulation: when a Warning has been issued and the student has subsequently repeated the same behaviour, e.g.
  - i. repeated low-level disruption in class
  - ii. a second incidence of homework or equipment missing
  - iii. a failure to meet a homework extension
  - iv. a second incidence of poor punctuality
  - v. a second uniform reminder
  - vi. failure to get a planner signed on more than one occasion.
- b) A single incident of unruly behaviour
- c) actively ignoring a direct instruction

All complaints trigger an email to the Tutor and HOY and will be followed up with the student by the Tutor, or HOY (if appropriate) at the next registration. A complaint will remain on a student's record. All detentions count as a complaint if they are not specifically recorded as such.

If a student is given three complaints in a 2-week period a Referral will take place, these are graduated in seriousness, the details are listed with the Referral section below.

## The Detention System

The sanctions are outlined below and ordered in level of severity.

### Level 1 Detention

These take place in classrooms, usually at break or lunchtime.

Where a detention is issued within lesson: CAMS and their staff will hold a weekly Curriculum Area Level 1 detention.

Where a detention is issued outside lesson or during tutorials: HOYs and their Tutor will hold a weekly year group Level 1 detention.

Level 1 detentions must be recorded in the student planner.

Level 1 detentions are issued for:

- a) Accumulation: when a Warning, and then a complaint has been issued and the student has subsequently repeated the same behaviour, e.g.
  - i. repeated low-level disruption in class,
  - ii. a third incidence of homework or equipment missing
  - iii. a second failure to meet a homework extension,
  - iv. a third incidence of poor punctuality,
  - v. a third uniform reminder
  - vi. failure to get a planner signed on more than two occasions.
- b) An incident where a student has had to be moved within the seating plan
- c) Horseplay which could be dangerous in nature, e.g. playing contact games outside of games lessons
- d) A Tutor Referral

### Level 2 Detention

This takes place in the Library after school on Tuesday and Thursday afternoons from 15.40 – 16.30 (which means missing any optional Enrichment & Extension) and is supervised by a Tutor, HOY, CAM or Middle Manager.

The issuing staff member will either contact home to explain the reason the sanction or will ensure sufficient details within the iSAMS entry for parents to understand why the sanction has been issued.

When the detention is authorised in iSAMS parents will receive an email notification at least a day before the detention. This sanction can be viewed in the Parent Portal.

Level 2 detentions are issued for:

- a) Accumulation:
  - i. As a result of receiving 3 Level 1 detentions within a rolling 6 school week window.
- b) A failure to attend a Level 1 detention
- c) Deliberately failing to follow a direct instruction / school rule
- d) Thoughtless but hurtful (physical or emotional) behavior
- e) Talking in an internal exam
- f) Chewing gum in school or littering
- g) Some Tutor or HOY Referrals

### **Level 3 Detention**

This takes place in the admin block after school on Friday, students should report for detention to reception at 3.40pm prompt. This detention runs from 15.40 – 17.30 (which means missing any optional Enrichment & Extension) and is supervised by a HOY, CAM, Middle Manager or member of the SLT.

The issuing staff member will always contact home to explain the reason the sanction.

When the detention is authorised in iSAMS parents will receive an email notification at least a day before the detention. This sanction can be viewed in the Parent Portal.

Level 3 detentions are issued for:

- a) Accumulation:
  - i. As a result of receiving 3 Level 2 detentions within a rolling 18 school week window.
- b) A failure to attend a Level 2 detention
- c) Horseplay that was deliberate and has caused minor harm
- d) Deliberate hurtful behavior
- e) Misuse of Social Media (low level)
- f) Failure to attend a single lesson
- g) As a consequence of a HOY Referral

### **Level 4 - Head's Detention**

This is held on Saturday morning, from 09:30 to 12:00. The detention is supervised by the member of SLT and the work done is set by the Head.

The issuing staff member will always contact home to explain the reason the sanction. The issuing member of staff will write to parents to formalise the reason sanction and any further follow up needed (e.g.in the case of vandalism, the cost of repairs). This sanction can be viewed in the Parent Portal.

Level 4 detentions are issued for:

- a) Accumulation:
  - i. As a result of receiving 3 Level 3 detentions over the course of a rolling academic year
- b) A failure to attend a Level 3 detention
- c) Deliberately, persistent failure to follow school rules
- d) Deliberate damage to school property
- e) Horseplay that was deliberate and has caused injury
- f) Deliberate hurtful behavior over a sustained period
- g) Deliberate and persistent misuse or serious misuse of Social Media
- h) Caught with nicotine/vape products
- i) Caught smoking or vaping off-site
- j) Failure to attend more than one lesson
- k) As a consequence of a repeated HOY Referral

### **Referrals**

It should be understood that, as one of the main purposes of any sanction is to correct behaviour, students are expected to learn from their mistakes (and from any sanctions imposed), and not to repeat them.

Persistent misbehaviour, even of a kind that may, initially, and as a one-off, be relatively low level, can quickly become serious, if only as a mark of disobedience, and a student can in consequence quickly move through the graduated sanctions and/or the Referral process. This is an example of how



a given misdemeanour in one instance can lead to a particular sanction, and ostensibly the same misdemeanour in another instance can lead to a more severe sanction.

It is typical that 3 complaints in a given 2 week period will trigger a referral, though more serious incidents may trigger the next referral, without such criteria.

### **1<sup>st</sup> Referral – Tutor Referral**

Tutor discusses the Referral with the student and will recommend appropriate measures to avoid further complaints of this nature occurring. A note to parents will be recorded in the student planner.

### **2<sup>nd</sup> Referral – Tutor Referral + Initial Follow up**

Tutor discusses the Referral with the student and will recommend appropriate measures to avoid further complaints of this nature occurring.

A Pastoral Level 1 detention will be imposed.

Tutor will call parents and note of the Level 1 detention in the student planner

### **3<sup>rd</sup> Referral – Tutor Referral + Further Follow up:**

Tutor discusses the Referral with the student and will recommend appropriate measures to avoid further complaints of this nature occurring.

A Pastoral Level 2 detention will be imposed.

Tutor will call or meet parents and a formal notification of the Level 2 detention will be sent.

*From the 2<sup>nd</sup> Referral onwards additional measures may be introduced to educate, model or act as restorative justice. Some examples are listed below, though these are simply examples and are not an exhaustive list:*

*Community service such as a requirement to volunteer to help a peer or staff member or a task set intended to improve the fabric of the community*

*Being placed on a report card*

*Ban from a specific school facility or optional 'fun' EE*

*Confiscation of an electronic device or the requirement for the device to remain at home for periods beyond a day*

### **4<sup>th</sup> Referral onwards – HOY Referral + Follow up:**

Tutor liaises with HOY but HOY takes the lead

HOY will discuss the Referral with the student and will recommend appropriate measures to avoid further complaints of this nature occurring.

Meetings with parents will be arranged at appropriate intervals and parents will be informed of all subsequent Referrals

A formal sanction will be imposed in increasing order of severity:

Level 2 detention, Level 3 detention, Level 4 detention, Suspension and then Expulsion

As a student moves through the higher stages of this process the School uses both formalised target setting and student contracts to clarify with students and parents the expectations of the school and sets specific parameters for required remedial action.

### **Other Sanctions**

In addition to the list of sanctions above, there are a number of sanctions which may also be issued by staff:

- Students, their belongings or their bedroom (boarders) may be searched, please see search & confiscation policy (appendix 2)
- Items can be confiscated, e.g. jewellery, mobile device, banned substances (these will be held for student or parent collection) please see search & confiscation policy (appendix 2)

- Gating (boarding students only – given by Boarding house staff)
- Extra Work issued
- Early Wake up (boarding students only – given by Boarding house staff)

### **Serious Matters of Discipline**

#### **Rustication**

Authorised only by the Head, Deputy Head or Pastoral manager, rustication is the release of the student to his/her home or (in the case of international boarders) to a guardian for a specified period of time without prejudice. Rustication is a temporary arrangement which is indicated by a C code (authorised absence code) in the register. Rustication is used where a student has been identified as requiring a 'cooling off period' before returning to school or where an investigation is ongoing and the attendance within the school may compromise the safeguarding of the student or a member of the school community, or where the attendance of the individual may compromise the investigation and therefore the outcome of any serious incident investigation.

#### **Suspension (fixed term exclusion)**

Authorised only (and rarely) by the Head, Deputy Head or Pastoral Manager for severe disciplinary breaches of the school rules or for a repetition of less serious offences any one of which, on its own, may warrant a lesser sanction but which, taken together, form a graver picture.

As with any apparently significant disciplinary matter, the case will have been thoroughly investigated before any disciplinary action is taken. This will normally include the offender and other relevant parties being interviewed.

Parents will always be contacted by either a member of the SLT, the Pastoral Manager or HOY and a consultation meeting offered.

In order to safeguard their emotional and mental wellbeing, any student being suspended MUST be collected from School by a parent or guardian.

Suspension is recorded as an E (excluded code) on the attendance register and will be visible to any reference request asking for an attendance report within the period of time the suspension occurred in.

A formal letter confirming the School's action will be sent.

A suspension is issued for:

- a) Accumulation
  - i. An incident or accumulation of incidents which would result in a student serving a third Level 4 detention in any rolling 12 month period.
- b) A failure to attend a Level 4 detention
- c) A severe breach of the school rules
- d) Smoking or vaping on school site
- e) Repetition of less serious offenses resulting in working through the system or persistent referral to HOY
- f) An initial breach of any condition outlined within a student contract
- g) certain kinds of bullying

#### **Agreement to Withdraw, Removal and Expulsion**

Authorised only by the Head and always after extensive consultation with staff concerned, these are the School's ultimate sanctions and their use is very rare. The offence will be very serious or will be

the culmination of less serious offences that have already led to repeated sanctions, usually (but not necessarily) including suspension.

The difference between Expulsion, Removal and Agreement to Withdraw are very significant indeed, even if all share the same central outcome: that the student has to leave the School permanently. However there are key technical differences between them:

- a) Contractually a student who is Removed or Expelled would incur fees in lieu penalties, a student for whom parents make up and Agreement to Withdraw are required to pay the current term fees but can fees in lieu can be waived at the discretion of the Head.
- b) Expulsion and Removal implies an enforced departure in disgrace, with a permanent stain left on that student's disciplinary record, whereas Agreement to Withdraw indicates parental choice in removing their son / daughter and exhibits a level of cooperation on the part of the parents, improves the prospects of the student being placed at an alternative Independent Educational provider.
- c) Agreement to Withdraw enables the School to provide a reference which does not reference a need for permanent exclusion.
- d) The decision to offer parents the opportunity to Agree to Withdraw is the sole discretion of the School. Parents are unable to request this option where Removal or Expulsion actions are taken.
- e) The difference between Removal and Expulsion is that in the case of Removal the School will allow the student to access certain services, e.g. to sit public exams at the school.

Examples of behaviour that could warrant Agreement to Withdraw, Removal or Expulsion include the following. It should be noted that this is not an exhaustive list and other substantial reasons are considered:

- Drug / alcohol abuse
- Theft or fraud
- Gambling on school premises
- Peer on peer abuse, including racist, sexist or discriminatory bullying
- Sexual harassment or sexual violence
- Physical assault/ threatening behaviour, violence or fighting
- Arson or damage to the property
- Significant incidents of disobedience
- Improper behaviour towards a member of staff or another student
- Malicious accusations against staff
- Misuse of Information Technology, electronic devices or social media
- Jeopardising the health, safety and/or well-being of others
- Persistent, or one (or more) very serious instance(s) of, disruptive
- Refusal to do work or to apply sufficient effort
- Accumulation of incidents though the Referral process
- Damaging the School's reputation or acting in such a way as this might happen or might have happened
- Infringing school rules
- Acting in ways which are at variance with the School's values
- Where the continued presence of the student is incompatible with the interests of the School
- Unacceptable or unsupportive parents or breach in contract
- Any activity that is illegal under English Law
- Interfering with the work of the School

As with any apparently significant disciplinary matter, the case will have been properly investigated before any disciplinary action is taken. This will normally include the offender and other relevant parties being interviewed.

Parents will normally be contacted by the Head, Deputy Head or Pastoral Manager and invited into school for consultation. A formal letter confirming the School's action will be sent.

In order to safeguard their emotional and mental wellbeing, any student who is required to leave or is expelled from the School MUST be collected from School by a parent or guardian.

### **Prefects**

Prefects, who are appointed in part to help the staff run the School, are a part of its discipline structure. They receive training and on-going advice from the Head, Deputy Head and Head of Sixth Form or Assistant Head of Sixth Form who monitor their progress. Prefects do not impose sanctions but may require students to take certain actions (which include requiring students to see a member of staff in order for a disciplinary matter to be dealt with). Students are expected to comply.

### **Appeal against a sanction**

In disciplinary situations there can be occasions when sanctions are perceived to be unfair and all students have a right to appeal against any punishment in an appropriate manner. A sensible discussion with the teacher issuing the punishment can usually lead to clarification but, failing that, a student's Tutor, Head of Year or House Parent may assist. The Deputy Head is also available for consultation and arbitration. In the rare instance where a disagreement is not resolved satisfactorily, the Head may also be consulted for a final verdict.

### **Expulsion / Requirement to Leave: Governor's Review**

Where a student is expelled or required to leave, parents may ask for a panel of Governors to review the decision made by the school. If they choose to do this they should:

- a) Submit the grounds for review and the outcome that they seek in writing to the Clerk to the Governor's within 7 days of the decision to expel or be required to leave
- b) The Chair of Governors will consider the grounds for review and the outcome that they seek. For the avoidance of doubt, a mere disagreement with the Head concerning the decision would not normally form sufficient grounds for review
- c) A panel of three Governors will be convened to hear the review. They will have no prior knowledge of the individuals involved or the incident or matter that has led to the decision to expel or be required to leave
- d) The role of the panel would be to consider the information and arguments presented by the parties (the Head and/or other Senior Staff and the parents or people who requested the review) and to decide whether to uphold the decision to expel or removal, or refer the decision to expel or removal back to the Head with recommendations so that they may consider the matter further.
- e) Should the Review Panel refer the matter back to the Head for reconsideration, the decision to expel or removal will be reconsidered. The Head's decision will be final.

### **Reporting Incidents to Other Agencies**

The Deputy Head (DSL) deals with any behaviour involving law breaking and the need to liaise with the police. Depending on circumstances this may also involve the Pastoral Manager. The Pastoral Team works with the Designated Safeguarding Lead (DSL) to help establish the facts in any Safeguarding and Child Protection matter, before the DSL makes contact with any necessary external agencies such as the Social Care or the Local Authority Designated Lead (LADO).

### **Implementing and Reviewing the Behaviour Policy**

New staff will be introduced to the policy during their induction.

Students will be made aware of the policy by summaries which are discussed during tutor time and which are updated each year.

There will be a formal review of the policy at least every other year by the Pastoral team and SLT with any necessary amendments circulated to staff and students.

## **Appendix 1: Guidelines on physical contact between staff and students (including guidance on the use of physical force to control or restrain)**

***Distribution: as per the Behaviour Policy: Promoting Good Behaviour, Discipline and Sanctions***

### **Aims**

- To provide a workable framework for healthy and constructive staff-student relations
- To protect students from awkward and dangerous situations and from genuine exploitation
- To shield members of staff from misunderstandings of their intentions and from allegations
- To help define parameters of acceptability in staff-student interactions as a reference point in dealing with any complaints

### **Policy**

As a general rule, physical contact between staff and a student is not encouraged unless such contact is necessary for the proper professional discharge of that member of staff's specific responsibilities and/or general duty of care.

It is not illegal to touch a student. There are occasions when physical contact with a student is proper and necessary.

Where legitimate physical contact occurs staff should ask a student for permission to do so first and, to avoid misunderstanding, do so in the presence of others.

Examples of where touching a student might be proper or necessary include:

- a) When comforting a distressed student
- b) When a student is being congratulated or praised
- c) To demonstrate how to use a musical instrument
- d) To demonstrate exercises or techniques during PE lessons or sports coaching
- e) To give first aid
- f) To use reasonable force to control or restrain a student

If a member of staff has to use physical force to control or restrain a student, such force should be applied within the guidance given within this document and the details of the circumstances should be brought to the immediate attention of a Deputy Head or Head and before parents or guardians are informed.

Any incident involving the use of physical force to control or restrain should be documented in line with the School's incident-reporting procedures. This should include a record of the circumstances and justification for the use of the physical force to control or restrain.

Any incident involving the use of physical force to control or restrain should be reported to the affected student's parents / guardians as soon as possible after the Head or Deputy Head has been informed, unless there are reasonable grounds for believing that to do so might subject that student (or any other(s)) to risk of harm, in which case the Safeguarding Policy and Child Protection Procedures and accompanying documentation should be referred to.

Any incident involving the use of physical force to control or restrain should be followed up, as necessary, by guidance and support for the student and staff involved.

The use of reasonable force to control or restrain is a power not a duty. Staff should use their professional judgement before exercising the power. Lawful use of the power **will** provide a defence in any related criminal prosecution or other legal action.

Where a serious incident has occurred, parents will be contacted, in line with general policies relating to pastoral care and good practice.

### **Definitions, circumstances, guidelines**

Out of context it is impossible either to provide water-tight definitions of the key terms in the Policy or to catalogue all possible circumstances and responses (acceptable and unacceptable) to such circumstances. This advice takes note of the non-statutory advice entitled the 'Use of Reasonable Force' (Department of Education, July 2013 (updated July 2015)).

It is the responsibility of every member of staff to have read, and to act in accordance with, this policy and to consult these guidelines as necessary.

#### **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 in the circumstances that the power is exercised.

Where force is correctly used in schools generally it is invariably 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.

The failure of a particular intervention to secure a child's compliance should not automatically signal the immediate use of another more forceful form of intervention. Escalation should be avoided if possible, especially if it would make the overall situation more destructive and/or unmanageable

In some circumstances (e.g. where it is clear that feasible physical intervention would be likely to avoid serious personal injury) it could be construed as a failure in the duty of care on the part of the teacher (or other responsible adult) not to restrain physically, or not to attempt further feasible restraint where one method has been unsuccessful.

The age, competence and particular needs of the child should be taken into account in deciding what degree/type of intervention is necessary.

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

All members of school staff have a legal power to use reasonable force to control or restrain where it is necessary.

*In extremis*, and where serious consequences are judged to be likely if intervention does not occur, volunteers or parents, accompanying students on a school organised visit within an official capacity, for example, may also exercise the power.

#### **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.

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 cannot be used:

- a) To remove disruptive children from the classroom where they have refused to follow an instructions to do so
- b) To prevent a student behaving in a way that disrupts a school event or a school trip or visit where they have refused to follow instructions to desist
- c) To prevent a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the learning of others or would lead to further behavioural breaches
- d) To prevent a student from attacking a member of staff or another student, or to stop a fight in the playground
- e) To protect a student at risk of harming themselves through physical outbursts

In addition to the general power to use reasonable force as described, the use of such force may also be applied, given the right circumstances, to conduct a search for 'prohibited items' (as listed below) without consent. Any such search must be conducted in line with the **School Student Search Policy** (Appendix 2 to this policy).

- a) knives and weapons
- b) alcohol
- c) illegal drugs
- d) stolen items
- e) tobacco, cigarette papers, matches or lighter / vape devises or associated paraphernalia
- f) fireworks
- g) pornographic images



- h) any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property

#### **When can force NOT be used?**

**It is unlawful to use force as a punishment.** Corporal punishment is not practised or condoned at Rishworth School.

Whilst force may be used in a search for prohibited items it **cannot** be used to search for other items banned under the school rules. Any such search must be executed under the guidelines in line with the **School Search Policy** (Appendix 2 to this policy).

When force is used, it must be proportionate (as described within section 4 of this guidance) to the circumstances.

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

In most instances, where reasonable force to control or restrain has been used within appropriate circumstances as defined within this policy, it is highly unlikely that a complaint will be made.

If a complaint is made, however, the matter will be investigated appropriately and as speedily as possible, in line with existing policies. In most instances, this will lead to a swift resolution.

In the rare or extreme instance of a child or a parent decide to take legal action against a member of staff as a result of the use of force to control or restrain, it should be understood that the lawful use of force, i.e. reasonable force has been used in order to prevent injury, damage to property or disorder, will provide a defence in law.

When a complaint has been made the onus is on the person making the complaint to prove that his or her allegation is true. It is not for the member of staff to show that they have acted reasonably.

Where an allegation is made against a member of staff the **Allegations Against Staff Policy** will be followed.

#### **Pre-empting difficulties regarding physical contact with a student**

Every member of staff should be conscious of situations which could be awkward or compromising for either the member of staff or student(s) concerned and should try to avoid or risk-manage situations such situations.

Staff should be mindful of how appropriate physical contact might be in relation to the age of a child. *Example:* Comforting (especially young) students when they are injured or distressed may well form part of a member of staff's proper duty of care in certain circumstances. However, the risks of the teacher's 'comforting arm' being unwelcome – or misconstrued - tend to grow in proportion with the age of the student and the privacy of the circumstances. Male members of staff should be aware of the implications of a perceived gender imbalance here: there seem to be more potential problems with a male member of staff putting a 'comforting arm' around a girl's shoulder than when the gender-roles are reversed.

## Appendix 2: School Student Search

### ***Distribution: as per the Behaviour Policy: Promoting Good Behaviour, Discipline and Sanctions***

#### **General Approach**

Rishworth School is committed to safeguarding the welfare of all children and cultivating an environment of mutual respect where students and staff are treated fairly and sensitively. In the unusual event of a student, or a student's room, locker, bag or other repository for possessions, being searched, the School and its agents will take all reasonable steps to maintain the usual high standard of safeguarding. Professional judgement will be exercised in all cases: if in any doubt, advice should be sought from a senior member of staff, unless the urgency or another overriding aspect of a situation makes such referral impractical.

The fundamental principles that need to be kept in mind are as follows:

- a) Act with due care, consideration and sensitivity and remain mindful of the need to respect privacy; particular thought should be given to boarders for whom, during term time, the School is their 'home'
- b) Remember that the need to protect persons/property from injury/damage and from loss is paramount and that this duty of care can in certain circumstances override all other protocols

At all times a balance should be retained between, on the one hand, professional judgement rightly exercised within a particular situation and, on the other, the desirability of following step-by-step written guidelines which, however helpful, stand in isolation of a specific context and cannot embrace every eventuality. Specifically, there may or may not, in the assessment of such risk in a particular case, be good grounds for the member of staff who is dealing with the matter to deviate from guidelines.

Whilst a search may be required for suspected dangerous/illegal items, a search may also be justified for other reasons – for items that are simply not allowed in school, for instance, but which are not necessarily of themselves dangerous (or illegal), or items which are allowed in school but which are not being properly used.

#### **Confiscation**

The same applies to confiscation: such items found in school or on a student's person may be confiscated for a time. An example may be a laptop which a boarder persists in using after 'lights out' or a mobile phone used when it should not be or in an inappropriate way during school hours.

Any item confiscated, should be kept safe and the details of the confiscation (item, date, time, location, owner, reason, etc) logged. An indication should be given at the time of confiscation to the student by the member of staff who has confiscated an item of when the item is likely to be returned.

The duration of a confiscation should be reasonable and proportionate and, as in all matters, not unduly (or necessarily at all) punitive. 48 hours might be a reference-point for a confiscation period. Consideration should be given to the possible consequences of keeping the item and the student apart.

### General Principles

School staff can search a student for any item if the student consents to the search.

The Head and staff authorised by the Head have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that a student may have a prohibited item. Prohibited items are:

- a) knives or weapons
- b) alcohol
- c) illegal drugs
- d) stolen items
- e) tobacco, cigarette papers, matches or lighter / vape devices or associated paraphernalia
- f) fireworks
- g) pornographic images
- h) any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or cause personal injury to, or damage to the property of, any person (including the student)
- i) any item banned by the school rules which has been identified in the rules as an item which may be searched for

School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.

All schools have obligations under the European Convention of Human Rights. Under article 8 of the European Convention on Human Rights students have a right to respect for their private life. In the context of these particular powers, this means that students have the right to expect a reasonable level of personal privacy. However, the right under Article 8 is not absolute; it can be interfered with but any interference with this right by a school or any public authority must be justified and proportionate.

Irrespective of any action taken or not taken by external agencies such as the Police, the School may take its own action, such as rustivating or suspending the student, in the first instance, if they refuse permission for the search to take place.

Any subsequent decision related to any or to further disciplinary actions from the School would take into account any co-operation, or lack of it, on the student's part and what might reasonably be inferred from that.

### Searching with Consent

If a student is suspected of carrying or possessing within school, an unauthorised item a member of staff should ask the student to turn out, for example, his or her pockets, bag or locker. This should be done, where feasible, in the presence of another member of staff. Staff should be vigilant for any attempt by a student to dispose of any suspected item during the search.

Consent does not need to be formal written consent. It is sufficient for staff to ask a student to turn out their pockets or for the student to agree verbally to a member of staff looking in a student's bag or locker.

In most instances this sort of search will be very low key and dealt with swiftly and amicably.

If the student refuses to co-operate, the member of staff should refer the matter to a senior member of staff. If a student continues to refuse to co-operate, consideration should be given to whether or not parents can be contacted with a view to persuading the student to agree to the search taking place.

Under these circumstances consideration must be given to whether or not the student should be subject to disciplinary action in line with school policy.

If the matter is of major concern and the student still refuses to agree to the search, then the Police may be contacted or a search without consent considered.

Any search without consent will be conducted by two members of staff. It is a requirement that staff conducting any search should be of the same gender as the student being searched.

For 'lost' items of relatively low value, a student should be asked to search his or her own belongings to see if the item has been 'misplaced'. If more than one student is included, the scope of the search and the number of students involved should reflect the nature of the loss and be legitimately targeted. Kit inspections fall into this category. Members of staff (one as witness) might watch the student(s) search, but this may not be deemed necessary or appropriate.

Where a boarder's room is to be searched, the boarder should be given the opportunity to conduct the search personally by emptying out drawers, opening the safe etc. Where such a search is required it will be conducted / directed by two members of staff of the same gender as the student being searched.

If a boarder refuses to co-operate, and the circumstances are deemed to warrant a search by staff, then a 'without consent' search must be conducted within the guidelines described in this policy. Any suspicious items found should be deposited in a plastic bag and sealed.

### **Searching without Consent**

The law states that the Head and staff authorised by the Head have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that a student may have a prohibited item.

A search without consent may only occur where there are reasonable grounds to suspect that a student is in possession of a prohibited item. Such grounds may include overhearing students talking about an item or observing a student acting in a way that causes the member of staff to become suspicious. CCTV footage may be viewed in order to form the decision to search to search a student.

Prohibited items that may be searched for are: knives or weapons, alcohol, illegal drugs and stolen items; tobacco, cigarette papers, matches or lighter / vape devices or associated paraphernalia, fireworks and pornographic images; any article that a member of staff reasonably suspects has been, or is likely to be used to commit an offence or to cause personal injury to, or damage to property; any item banned by the prevailing school rules.

The power to search without consent may be exercised within the limits described in this policy regardless of whether the student is found, after that search to have the suspected item.

Any search will be conducted by two members of staff, ideally where one will be a Head of Year or Senior manager or, in the case of boarding, a senior member of the boarding staff. It is a requirement that staff conducting any search should be of the same gender as the student being searched if the member of staff is intending to check the clothing items worn by the students at the time.

No member of staff will be compelled to conduct a search.

Where a senior member of staff or a senior member of the boarding staff cannot be contacted or circumstances do not allow for a senior member of staff or a senior member of the boarding staff to be summoned any member of staff may, *in extremis*, conduct a search without consent but should do so in the presence of another member of staff. Staff conducting any search should be of the same gender as the student being searched.

Within the law a search may **exceptionally** be conducted by a member of staff of the opposite gender to the student and / or without a witness but **only** where the member of staff has a reasonable belief that a failure to conduct the search may result in serious harm to the individual involved or to others **and** where it is not reasonably practicable to summon another member of staff. In such circumstances the member of staff needs to bear in mind that a student's expectation of privacy increases as they get older.

A search without consent may only occur on school premises or on a trip within England where a member of staff has lawful charge of the student subject to the search.

### **During the Search**

The member of staff conducting the search may not require the student to remove any clothing other than outer clothing which is defined as 'clothes that are not worn against the skin or immediately over a garment that is being worn as underwear'.

The power to search without consent enables a personal search involving the removal of outer clothing and searching of pockets within the limits described within this policy. They do not permit any further intimate search. If a member of staff believes that such a search is required it will have to be conducted by the Police or someone with similar authority to do the same.

A student's possessions, defined as 'any goods over which the student has or appears to have control' and which includes desks, lockers and bags, can only be searched in the presence of the student and another member of staff **except** where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not practicable to summon another member of staff.

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items tobacco, cigarette papers, matches or lighter / vape devices or associated paraphernalia, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Any use of force or restraint will be **in extremis** and in line with school policy on the Use of Physical Restraint which forms Appendix 2 to this policy

Such force cannot be used to search for items banned under the School rules.

#### **After the Search: Confiscation and Disposal following a 'with consent' search**

Within Rishworth School's general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, a member of staff may confiscate, retain or dispose of a student's property as a disciplinary penalty, where it is reasonable to do so.

Where any item found is thought to be a weapon, the Deputy Head or the most senior member of staff, if the Deputy Head is unavailable, must be notified and the item passed to the Police. In the meantime the items will be stored in a secure location.

A member of staff may 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 to do so within the circumstances and is not a prohibited item.

Members of staff can also seize any item, however found, which they consider harmful or detrimental to school discipline.

In practice, members of staff should consult a senior member of staff such as a Deputy Head, Head of Year or senior member of the boarding staff before retaining or destroying an item.

#### **After the Search: Confiscation and Disposal following the discovery of a prohibited item**

A member of staff carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

Common sense says that any member of staff who discovers a prohibited item as defined within this policy will as a matter of routine refer the matter immediately to the Head, Deputy Head or a senior member of staff or Head of Section.

Where a member of staff conducting a search finds alcohol, they may retain or dispose of it. A Deputy Head or other senior member of staff if not already involved in the situation, should be informed immediately. A Deputy Head or senior member of staff will dispose of the alcohol as they deem fit but this will not include returning it to the student.

Where a member of staff finds controlled drugs they will refer the matter immediately to the Head or Deputy Head. The School will make contact with the Police for both advice and to arrange for their disposal. Staff should take regard the separate '**Drugs and Substance Abuse Policy, Appendix B: Guidance for Staff**'. Any controlled drugs that are discovered during a search will be stored in a locked and secure location up to that point. In every case, a record should be made regarding the suspected nature of the confiscated material, from whom the material was taken, the time and date and any other significant information. In serious cases it is likely that the Police will be involved as a matter of course.<sup>1</sup>

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<sup>1</sup> Statutory guidance from the Secretary of State indicates that it is possible where there is 'good reason' for a stolen item or controlled drug, not to be presented to the Police. *"In determining what is 'good reason' for not delivering controlled*

Where a member of staff finds other substances which are not believed to be controlled drugs these should be confiscated as they are likely to be both harmful and detrimental to good order and discipline. This will include, for example, so called 'legal highs'. The Head or Deputy Head should be informed immediately. Where a member of staff suspects a substance may be controlled they should treat them as such. In every case, a record should be made regarding the nature of the confiscated material, from whom the material was taken, the time and date and any other significant information.

Where a member of staff finds stolen items, these must be delivered to the Police as soon as reasonably practicable but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if a Deputy Head thinks that there is a good reason to do so. Clearly where any stolen item is a low value item such as a pencil case, it will not be appropriate to involve the Police. In practice valuable stolen items will be given to a Deputy Head or Head. The School will make contact with the Police where their involvement is warranted and dispose of the items as directed by the Police.

With regard to stolen items, it would not be reasonable or desirable to involve the Police in dealing with low value items such as pencil cases. However, School staff may judge it appropriate to contact the Police if the items are valuable (iPods/laptops) or illegal (alcohol/fireworks). In every case, a record should be made regarding the nature of the confiscated material, from whom the material was taken, the time and date and any other significant information.

Where a member of staff finds tobacco, cigarette papers, matches or lighter / vape devices or associated paraphernalia they may retain or dispose of them. A Deputy Head or senior member of staff will dispose of the tobacco, cigarette papers, matches or lighter / vape devices or associated paraphernalia as they deem fit but this will not include returning it to the student.

Fireworks found as a result of a search should be retained or disposed of but may not be returned to the student.

If a member of staff finds a pornographic image, they may dispose of the image unless its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be reported to a Deputy Head and delivered to the Police as soon as reasonably practicable. If the image is electronic and discovered on mobile phone or other electronic device it must not be forwarded via any electronic means or saved on any other device by the member of staff leading the search as this in itself, although well-meaning with regard to preserving evidence, would constitute an offence. The device upon which the image is found should be retained and the matter referred to the appropriate Head of Section or to senior boarding staff who may in turn refer the matter to a Deputy Head. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the Police.

Where an article that has been (or could be) used to commit an offence or to cause personal injury or damage to property is found the matter must be referred to a Deputy Head as soon as practicable.

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*drugs or stolen items to the Police, the member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.” (Secretary of State, February 2014)*

Any such item may also be returned to a parent or retained or disposed of, or delivered to the Police for disposal.

Where a member of staff finds an item which is banned under the school rules they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner.

If a search uncovers weapons or items which are evidence of an offence the matter must be referred to the Deputy Head in the first instance and passed to the Police as soon as possible.

#### **Guidance for dealing with Electronic Devices,**

Staff are reminded that where there is suspicion that an electronic device may contain nude or pornographic images staff are NOT permitted to search the device. Immediate referral to and use of the Safeguarding Policy & Child Protection Procedures should be referred to.

Where a member of staff conducting any search finds an electronic device, they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the member of staff conducting the search has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a “good reason” for examining or erasing the contents of an electronic device.

In determining a ‘good reason’ to examine or erase the data or files the member of staff must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.

If an electronic device that is prohibited by the school rules has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police.

If an electronic device that is prohibited by the school rules has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police.

All school staff should be aware that behaviours linked to sexting put a child in danger. Governing bodies should ensure sexting and the school’s approach to it is reflected in the child protection policy. The UK Council for Child Internet Safety (UKCCIS) Education Group has recently published the advice - sexting in schools and colleges - responding to incidents and safeguarding young people



**Informing Parents and dealing with Complaints**

The School is not required to inform parents before a search takes place or seek their consent to search their child but may, in certain circumstances, choose to do so.

Where a complaint is raised following any search this will be dealt with through the School's complaints procedure – see Concerns and Complaints Policy.

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.

When a search has taken place the following items should be noted and kept on the relevant student's file:

- The reason for the search taking place
- The date and time of the search
- The results of the search
- All staff involved
- Other agencies involved
- The outcome (including any disciplinary action taken in respect of the student)

**References:**

DfE Guidance, 'Searching, Screening and Confiscation: Advice for Headteachers, School Staff and Governing Bodies', January 2018.

**Linked Policies / Documentation:**

7a) Safeguarding Policy and Child Protection Procedures  
Drugs and Substance Abuse Policy, Appendix B: Guidance for Staff