



NEWMAN CATHOLIC TRUST


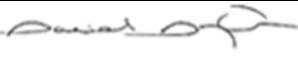
HEART SPEAKS TO HEART

Behaviour & Positive Handling Policy 2025-26

Review

Review Cycle	Date of Policy	Reviewed by	Review Date
Annual	July 25	SOC	July 26

Ratification

Role	Name	Signature	Date
Chair of Board	Chris Izuka		4/7/25
CEO	Dr Daniel Doyle		4/7/25

Commitment to Equality:

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

In this “Behaviour and Positive Handling Policy”, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. ‘The Newman Catholic Trust’ means the Trust named at the beginning of this Behaviour and Positive Handling Policy and Procedure and includes all sites upon which the Trust is undertaking, from time to time, being carried out. The Newman Catholic Trust includes; St. Bernard’s, St. Francis, St Nicholas and St. Teresa’s.
- ii. ‘Newman Catholic Trust’ means the Cardinal Newman Catholic Educational Trust responsible for the management of the schools and, for all purposes, means the employer of staff at the Trust.
- iii. ‘Board’ means the board of Directors of the Newman Catholic Trust.
- iv. ‘Clerk’ means the Clerk to the Board or the Clerk to the Local Governing Committee of the school appointed from time to time, as appropriate.
- v. ‘Chair’ means the Chair of the Board of the Directors or the Local Governing Committee appointed from time to time.
- vi. ‘CEO’ means the person responsible for performance of all schools and staff within the Multi Academy Trust and is accountable to the Board of Directors.
- vii. ‘Diocesan Schools Commission’ means the education service provided by the diocese, which may also be known, or referred to, as the Clifton Diocesan Education Service.
- viii. ‘Local Governing Committee’ (LGC) means the governing body of the School.
- ix. ‘Governing Committee Representatives’ means the governors appointed and elected to the Local Governing Committee of the School, from time to time.
- x. ‘Principal/Senior School Leader’ means the substantive leader/Principal/Senior School Leader, who is the person with overall responsibility for the day to day management of the school.
- xi. ‘School’ means the school or college within the Newman Catholic Trust and includes all sites upon which the school undertaking is, from time to time, being carried out.
- xii. ‘Trust Central Team’ means the staff who work in the central team across the Trust (e.g. HR/ Finance)
- xiii. ‘Vice-Chair’ means the Vice-Chair of the LGC elected from time to time.
- xiv. ‘SEN Pupil’ means a pupil who may have a learning difficulty or disability which calls for special education provision to be made for them
- xv. “Youcat” means the Catechism of the Catholic Church for adolescents and young people. The most important elements of the faith are summarised briefly and comprehensibly in a question-and-answer format. The YOUCAT was approved by the Congregation for the Doctrine of the Faith in Rome and officially published by the Austrian Bishops' Conference. With more than 5 million copies sold, it is one of the best-selling Catholic books in the world. <https://www.youcat.org/>

1. Aims

The Newman Catholic Trust recognises that the common good requires that social conditions allow all people to reach their full human potential and realise their human dignity. At the heart of this, is the need for strong relationships. Concretely, this will mean that Catholic schools should:

- Provide a broad and balanced education which will help children and young people grow to their full human potential, and pay regard to the formation of the whole person, so that: *"...all may attain their eternal destiny and at the same time promote the common good of society. Children and young persons are therefore to be cared for in such a way that their physical, moral and intellectual talents may develop in a harmonious manner, so that they may attain a greater sense of responsibility and a right use of freedom, and be formed to take an active part in social life".*

Code of Canon Law

Members of the Trust and its Local Governing Committees and staff aim to create a positive learning environment in the school by:

- Following a whole school approach to good behaviour and discipline with clear guidelines on the use of rewards and sanctions, and reasons for sanctions being used, underpinned by the
- Building self-esteem, self-discipline and positive relationships based on mutual respect.
- Ensuring fairness of treatment for all by promoting the Equal Opportunities Policy regarding the protected characteristics.
- Supporting staff in their classroom management by ensuring a consistent approach to positive and negative behaviour.
- Using behaviour tracking systems to identify concerns to enable early intervention.
- Using a variety of intervention strategies to overcome barriers to learning.
- Providing a safe environment free from disruption, violence, bullying and any form of harassment.
- Encouraging a positive relationship with parents and carers to develop a shared approach to involve them in the implementation of all aspects of the school's policy.

2. Values

"Because all people are equal in God's sight, every person possesses the same dignity and has a claim to the same human rights. Hence every kind of social, racist, sexist, cultural or religious discrimination against a person is an unacceptable injustice."

YOUCAT 330 (see definitions)

At the Newman Catholic Trust, we are unwavering in our commitment to nurturing a vibrant community centred around the belief that every child, entrusted to our care, is a cherished child of God, deserving of an exceptional education. This unwavering conviction serves as the cornerstone of our vision: to be a leading beacon of outstanding, sustainable Catholic education, where each student embarks on a transformative journey of academic excellence, spiritual growth, and personal development.

Guided by the teachings of the Church and inspired by the unwavering faith of our namesake, Saint John Henry Newman, we strive to foster a welcoming and inclusive environment where dignity, respect, and compassion are paramount. This commitment extends to ensuring a fair and accessible process for addressing any concerns or grievances that may arise, as expressed in our core values:

- **Christ/Child Centred:** Placing the Gospel values, the teachings of Christ and the well-being of each child at the heart of every action we take.
- **Inclusive and Consultative:** Ensuring open communication and engagement with all members of our community.
- **Caring:** Showing empathy, understanding, and support in navigating any challenges that may arise.
- **Transparent:** Fostering openness and honesty in all our interactions.
- **Strategic:** Approaching all matters with careful planning and consideration for the wider community.
- **Professional:** Maintaining the highest standards of conduct and integrity in our decision-making.
- **Accountable:** Taking responsibility for our actions and fulfilling our commitment to ensuring a safe and nurturing environment for all.

The Newman Catholic Trust recognises the need to promote positive behaviour at all times. By being proactive, effectively promoting a choice that makes the right moral decision, our schools can help to create a safe and disciplined environment, where pupils are able to learn, flourish and fulfil their God-given potential.

3. Definitions specifically around behaviour

Positive Behaviour is defined as:

- Consistent good manners
- Willingness to help each other learn
- Consideration for adults and children
- Consistent effort into work
- Good self-management in school
- Recognition and respect for authority
- Honesty
- Sharing and caring
- Unselfish play
- Responsible and reliable behaviour
- Ability to forgive and become reconciled after any quarrels or upsets
- Displaying positive learning behaviours

Misbehaviour is defined as:

- Disruption in lessons, in corridors between lessons, and at break and lunchtimes
- Non-completion of classwork or homework
- Poor attitude
- Incorrect uniform

Serious misbehaviour is defined as:

- Repeated breaches of the school rules
- Refusal to work
- Physical assault of any kind towards another pupil, staff or visitors
- Endangering the safety of themselves, other children and staff – carelessly or with intent
- Speaking disrespectfully or holding disrespectful attitudes towards others
- Throwing objects
- Any form of bullying
- Sexual assault, which is any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation
- Vandalism
- Theft
- Fighting

- Smoking
- Swearing
- Racist, sexist, homophobic or discriminatory behaviour
- Possession of any prohibited items. These include:
 - Knives or weapons
 - Alcohol
 - Illegal drugs
 - Stolen items
 - Tobacco and cigarette papers
 - Fireworks
 - Pornographic images
 - Any article a staff member reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the pupil)

Incidents of harmful sexual behaviour or child-on-child abuse will be managed in line with the Trust's Safeguarding and Child Protection Policy and KCSiE (2025). This includes behaviour such as upskirting, sharing nudes or semi-nudes, and sexualised bullying

4. Legislation

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- Health Act 2006
- The School Information (England) Regulations 2008
- Equality Act 2010
- Voyeurism (Offences) Act 2019
- DfE (2013) 'Use of reasonable force'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'
- DfE (2022) 'Behaviour in schools: Advice for headteachers and school staff'
- DfE (2023) 'Keeping children safe in education 2023'
- DfE (2022) 'Searching, Screening and Confiscation: Advice for schools'
- DfE (2023) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE 'Behaviour in schools: Advice for headteachers and school staff' (expected update 2025): A revised edition is being consulted on in 2025 (may be published already). Reference the most recent version when you publish.
- 'Searching, Screening and Confiscation' (DfE, May 2024): The 2024 update expands powers relating to searches for vapes/e-cigarettes and 'psychoactive substances'.
- 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' (DfE, 2024): Ensure reference to the most up-to-date guidance (2024) in all policies.

5. Bullying

Bullying is defined as the repetitive, intentional harming of one person or group by another person or group, where the relationship involves an imbalance of power. Full details are available in our Anti-Bullying Policy.

Bullying is, therefore:

- Deliberately hurtful
- Repeated, often over a period of time
- Difficult to defend against

Bullying can happen to anyone. This policy covers all types and forms of bullying including:

- Bullying related to race, religion, faith and belief and for those without faith
- Bullying related to ethnicity, nationality or culture
- Bullying related to Special Educational Needs or Disability (SEND)
- Bullying related to sexual orientation (homophobic/biphobic bullying)
- Gender based bullying, including transphobic bullying
- Bullying against teenage parents (pregnancy/maternity is a protected characteristic)

Bullying can include:

Type of bullying	Definition
Emotional	Being unfriendly, excluding, tormenting
Physical	Hitting, kicking, pushing, taking another’s belongings, any use of violence
Racial	Racial taunts, graffiti, gestures
Sexual	Explicit sexual remarks, display of sexual material, sexual gestures, unwanted physical attention, comments about sexual reputation or performance, or inappropriate touching, up-skirting
Direct or indirect verbal	Name-calling, sarcasm, spreading rumours, teasing
Cyber-bullying	Bullying that takes place online, such as through social networking sites, messaging apps or gaming sites

6. Roles and Responsibilities

The Newman Catholic Trust Board of Directors

The Newman Catholic Trust have a responsibility to publish a school Behaviour & Positive Handling Policy which outlines expectations of behaviour, the use of sanctions and rewards across our Trust and within our Schools.

The Newman Catholic Trust has taken account of the DfE advice contained in Circular 10/99 and in 'Improving Behaviour and Attendance - guidance on exclusion from schools and pupil referral units'. The Newman Catholic Trust have determined that pupil exclusion in appropriate circumstances is a sanction that can be used in our schools. The Trust’s policy is an overarching policy to establish a consistent framework for dealing with and addressing behaviour. The Trust delegates management, implementation and personalisation of Behaviour Policies at school level.

The Local Governing Committee

- Members of each school’s Local Governing Committee will fulfil their legal obligation to establish their own Behaviour Policy for use at local level and as appropriate to their context. They will also monitor use of exclusions as a sanction within the school. This will be through the Principals’ Report which details FTE each term.

- Handling complaints regarding this policy, as outlined in the school's Complaints Procedures Policy.
- Ensuring this policy is published on the school website.

The Senior School Leader/Principal (or Executive Principal and Head of School)

The Senior School Leader/Principal's role is to agree the detail of the standard of behaviour acceptable to the school. The Senior School Leader/Principal will, with the support of the Senior Leadership Team, lead the development of a system of rewards and sanctions in order to maintain discipline in the school and to promote successful learning.

Staff

- Implementing the behaviour policy consistently
- Modelling positive behaviour
- Providing a personalised approach to the specific behavioural needs of particular pupils, especially those children with SEN.
- Recording behaviour incidents
- The senior leadership team will support staff in responding to behaviour incidents.

Parents and Carers

Parents and carers will:

- Take responsibility for the behaviour of their child both inside and outside the school.
- Be encouraged to work in partnership with the school to assist the school in maintaining high standards of behaviour and support the school by ensuring their child attends school in their full school uniform. (See Uniform Guidance on school websites).
- Take the opportunity of raising with the school any issues at home which may affect their child's behaviour.
- Take every step to ensure that their child uses the internet and social media safely and correctly.
- Parents should discuss items in **Appendix 1** of this document with their child.

Pupils

Pupils will be expected to:

- Take responsibility for their own behaviour both in and out of school. They will be made fully aware of the school policy, procedures and expectations. In primary schools, children should keep the rules agreed by all.
- Ensure that incidents of violence, vandalism, bullying and any form of harassment are reported.
- Knowing the golden rules, understanding that they are underpinned by the values that Jesus taught us, and learning to live them out on a daily basis.
- Accepting responsibility for their own actions, particularly when inappropriate choices are made.
- Learning how to accept failure/disappointment with humility, and success/praise with grace.
- To treat staff and other pupils with respect and kindness.
 - By listening to each other.
 - By speaking in nice/respectful voices to each other.
 - By treating others how we want to be treated.
 - By behaving how Jesus teaches us to.
- To respect the school buildings, grounds and transport alongside other people's property and belongings.
- To walk in an orderly fashion around the school buildings.
- To wear the correct school uniform and only bring in appropriate equipment to school.

- To behave responsibly when wearing the school's uniform in the local community.

Children with Special Needs

Please note that some children fall outside this Positive Behaviour Policy. Such children may be given a Strategy Plan for behaviour and support which may be obtained from SEMHL (Social, Emotional, Mental Health and Learning). A specific plan may be drawn up with individualised rewards and sanctions in conjunction with child, parent, school and support service if appropriate.

The Trust recognises that behaviour may be an expression of unmet needs, including SEND or mental health difficulties. Every reasonable adjustment will be made, and support plans will be put in place in consultation with the child, parents and relevant professionals.

Playground Behaviour (Primary schools)

- Pupils are to maintain high standards of behaviour.
- Both staff and pupils are responsible for looking after equipment and putting it away ready for the next break time.
- Pupils should respond immediately to signals given e.g. to stop playing and line up according to the expectations of the school.
- Pupils should be outside at playtime and lunchtime unless given permission to stay inside and attend school organised activities.

Instructions for using the toilets

- Staff and pupils will respect the privacy of other pupils.
- Pupils will respect the equipment/walls of the toilet (including no graffiti)
- Pupils will ensure the toilets are flushed after use and only toilet paper is put into them.
- After washing hands pupils will be encouraged to turn the taps off to save energy and water.

7. Positive Handling

At The Newman Catholic Trust, we recognise that there are times when some pupils do not manage their behaviour and in so doing, breach one or more of the school's rules in a serious way.

The term 'reasonable force' covers the broad range of actions used by staff that involves a degree of physical contact with pupils. 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 pupil needs to be restrained, to prevent violence or injury.

When seriously challenging behaviours present themselves, then teaching staff can use Team Teach Techniques to positively handle pupils. The Sanction Steps below, indicate how an incident may be dealt with.

Such incidents are investigated thoroughly by the Class Teacher, Senior Lunchtime Supervisor, Learning Mentor, a member of the Senior Leadership Team or the Principal as appropriate. Notes will be made and recorded on our online system (CPOMS). Eyewitnesses are encouraged to record what they have seen so that a balanced view can be obtained.

All staff authorised to use positive handling strategies (including Team Teach) must have received up-to-date accredited training. Any use of positive handling or reasonable force is always recorded, reported to parents and reviewed by senior leaders to ensure accountability and safeguarding.

Malicious Allegations

Where a pupil makes an accusation against a member of staff and that accusation is shown to have been malicious, the Principal will discipline the pupil in accordance with this policy.

Please refer to our Child Protection & Safeguarding Policy for dealing with allegations of abuse against staff or for more information on responding to allegations of abuse.

The Principal will also consider the pastoral needs of staff accused of misconduct.

8. Rewards and Sanctions

Primary Schools

Children are given private and public recognition when they display positive attitudes concerning work, achievement and behaviour. This can vary from school to school, but example rewards include:

- Verbal praise
- Sports awards
- Stickers and stamp cards
- 100% Attendance Certificates
- Well Done Certificates
- Prizes from the rewards box
- Virtues Certificate
- Assembly Award Certificates
- Raffle tickets
- Lunchtime awards

Celebrating Attendance

Good attendance is an expectation at School, but it does recognise that at times pupils fall ill. So, in order to support and promote good attendance at school, each term, those pupils who have achieved 100% attendance will be recognised. Please see the Attendance Policy.

Hairstyles

- Extreme hairstyles in terms of style, as determined by school, are not acceptable (large hair accessories are also not acceptable). If hair is coloured, it must be in a natural colour (not an extreme shade).
- Boys must not have "Tram lines" cut into their hair as this is an extreme hairstyle.
- A plain dark ribbon/band is acceptable.
- Failure to comply will result in a sanction which in the first instance will be internal exclusion but persistent breaches may lead to more serious consequences.
- The Principal of each school reserves the right to judge what is extreme and what is not.

Mobiles phones

- Pupils are not allowed to use their mobile phones, smart phones or smart watches while on school site.
- Phones must be kept in bags or the school office (Primary schools). Staff will confiscate phones if they are seen.
- Pupils can collect them at the end of the day from student reception or the Behaviour Team.

Internal Inclusion

- This is used where pupils have committed breaches of discipline and have not adhered to 100% compliance which, in the judgement of the school, are in need of a greater sanction than a detention.

- The school reserves the right to impose a fixed term in Internal Inclusion. The number of days served in Internal Inclusion will depend on the judgement and the evidence available at the time.
- Pupils who fail to reach the classroom standards expected may be removed by a member of staff and placed into Internal Inclusion. They will be asked to reflect on the behaviour that has led to this consequence being imposed and may be allowed to be reintegrated into their next lesson. Any pupil who is removed from more than one lesson in a day will be subject to more serious consequences such as a full day in isolation or possibly a Fixed Term Exclusion.
- For those pupils who have had to spend a full day in Internal Inclusion, their parents will be informed and will be expected to attend a reintegration meeting with a member of the Senior Leadership Team where possible.
- Where a student is placed into Internal Inclusion, the expectation is to work in silence to create a calm environment for all.

Inclusion

- Analysis of behaviour reports will take place on a regular basis. There will be dialogue with pupils and parents in those cases where personalised intervention plans are necessary. External agencies will be involved where appropriate.

Teacher's panel

- The teachers' panel will meet after school with pupils and their parents/carers who are not responding to the normal school sanctions and whose behaviour is likely to lead to exclusion or increased internal isolation. Parents/carers of these pupils will be expected to attend the meetings to discuss intervention strategies.
- In more serious instances pupils and parents will meet with a Governors' Panel.

Behaviour Off Site

We expect pupils who wear our uniform to demonstrate high standards of behaviour at all times both on and off site. This includes:

- Taking part in any school-organised activity.
- Travelling to or from school.
- When wearing school uniform.
- As identified as a pupil of the Newman Catholic Trust.

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

- Could have repercussions for the orderly running of the school.
- Poses a threat to another pupil or member of the school community.
- Could adversely affect the reputation of the school.

We will discipline pupils according to our behaviour policy where these incidents of poor behaviour occur to such an extent as is reasonable.

Exclusions

Fixed Term Exclusions which could include a fixed term in Internal Inclusion may be given for:

- All instances described previously which constitute a persistent breach of our Classroom Standards and therefore our Behaviour and Positive Handling Policy.
- Physical contact or threats made to a member of staff.
- Swearing directly at a member of staff.
- Hitting or assaulting another pupil.
- Stealing something significant.

- Bullying, harassment or abuse (including on the grounds of gender, race, religion or sexual orientation).
- Acts of deliberate vandalism.
- Malicious allegations against staff.
- On-going defiance of members of staff.

This list does not indicate every offence for which fixed term exclusion may be used. For certain pupils a fixed term in Internal Inclusion will have more impact as a sanction than issuing a fixed term exclusion.

Recommendation for permanent exclusion will be given by the Principal following a full investigation for:

- Possession of drugs or alcohol on site or on the journey to or from school.
- Dealing in drugs.
- Possession of drugs.
- Possession of an offensive weapon.
- Persistent disruptive or violent conduct.
- Persistent breaches of The Newman Catholic Trust Behaviour and Positive Handling Policy.
- Endangering others' safety.

Evidence will be taken from the pupil so that their point of view is given.

Involvement of Parents

Parents will be involved in discipline cases as appropriate. There will be a compulsory reintegration meeting for all pupils following a fixed term exclusion.

Involvement of Staff

The working of the school's policies and procedures will be discussed regularly at staff meetings and on specified training days.

Permanent exclusion will only ever be used as a last resort and in line with statutory guidance, taking account of the child's needs and any safeguarding concerns. The Trust and its schools do not engage in 'off-rolling', and every exclusion will be subject to statutory review procedures.

10. Screening, Searching and Confiscation

See Appendix 3

Telling parents and dealing with complaints

- Schools are not required to inform parents before a search takes place or to seek their consent to search their child.
- There is no legal requirement to make or keep a record of a search.
- Schools should inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- Complaints about screening or searching should be dealt with through the normal school complaints procedure.

Links to other policies or documents

This Behaviour and Positive Handling policy is linked to our:

- Anti-Bullying Policy
- Complaints Policy
- Child protection & Safeguarding Policy
- Confidentiality Policy
- E-Safety Policy

- Acceptable Use Policies (AUP)
- RSHE Policy (Autumn 2020)
- School individual Uniform Policy

Appendix 1

Points of Discussion – Parent and Child

Parents should discuss this with their child

- The Principal now has the power to search pupils and their possessions. This power is delegated to all staff, including the Senior Leadership Team. The power to search will be used if there is a concern about the safety of other pupils.
- The legal provisions on school discipline also provide members of staff with the power to use *reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom.
- The term `reasonable force` covers the broad range of actions used by most teachers that involves a degree of physical contact with pupils. 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 pupil needs to be restrained, to prevent violence or injury. Staff should complete records on CPOMS to record any incidents that involve the need for physical restraint.
- School staff will 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.
- Under the Education Act (2011), school reserves the right to take disciplinary action against any student that, in the view of the Principal, based on the evidence before him or her, has made a serious malicious allegation against a member of staff which is unproven.

Appendix 2 Behaviour Element of the Principals' Report (Primary)

Behaviour Update			
Has the Behaviour Policy been reviewed in the last 12 month?			Yes/No
Is there a method of recognising and praising good behaviour that helps to foster an ethos of high expectations?			Yes/No
Has a Learner voice survey been completed in the last 12 months?			Yes/No
Summary of behaviour incidents recorded since the last report			
Exclusions - Fixed Term		Physical Interventions	
Exclusions - Permanent		Race / Hate Incidents	
Bullying Incidents		Sexual Harassment	
Notes, comments, observations or supporting narrative:			

Appendix 3. Searching

School staff can search a pupil for any item if the pupil agrees. The ability to give consent may be influenced by the child's age or other factors.

Principals and staff authorised by them have a statutory power to search pupils or their possessions, **without consent**, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. Prohibited items are:

- knives or weapons
- pornographic images
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- Vapes/e-cigarettes or vaping paraphernalia
- Psychoactive substances

any article that the member of staff reasonably suspects has been, or is likely to be, used:

- to commit an offence, or
- to cause personal injury to, or damage to the property of, any person (including the pupil)

Principals and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Confiscation

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

Schools' obligation under the European Convention on Human Rights (ECHR)

- Under article 8 of the European Convention on Human Rights pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils have the right to expect a reasonable level of personal privacy
- The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school (or any public body) must be justified and proportionate
- The powers to search in the Education Act 1996 are compatible with Article 8. A school exercising those powers lawfully should have no difficulty in demonstrating that it has also

acted in accordance with Article 8. This advice will assist schools in deciding how to exercise the searching powers in a lawful way

Screening

What the law allows:

- Schools can require pupils to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the pupils
- Schools' statutory power to make rules on pupil behaviour and their duty as an employer to manage the safety of staff, pupils and visitors enables them to impose a requirement that pupils undergo screening
- Any member of school staff can screen pupils

Also note:

- If a pupil refuses to be screened, the school may refuse to have the pupil on the premises. Health and safety legislation require a school to be managed in a way which does not expose pupils or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.
- If a pupil fails to comply, and the school does not let the pupil in, the school has not excluded the pupil and the pupil's absence should be treated as unauthorised. The pupil should comply with the rules and attend.
- This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

Searching with consent

School staff can search pupils with their consent for any item.

Also note:

- Schools are not required 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 or locker and for the pupil to agree.
- 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 behaviour policy.
- 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.

Searching without consent

What can be searched for?

- Knives or weapons, alcohol, illegal drugs and stolen items; and
- Tobacco and cigarette papers, fireworks and pornographic images; and
- Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury, or damage to property; and
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for.
- The search can be undertaken by any member of school staff if authorised by the Principal.
- The staff member must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if possible, they should be the same sex as the pupil being searched.
- There is a limited exception to this rule. We can carry out a search of a pupil of the opposite sex to you and / or without a witness present, but only where you reasonably believe that

there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

Authorising members of staff

- Principals can decide who to authorise to use these powers. There is no requirement to provide authorisation in writing.
- Staff, other than security staff, can refuse to undertake a search.
- Staff can be authorised to search for some items but not others; for example, a member of staff could be authorised to search for stolen property, but not for weapons or knives.

Training for school staff

- When designating a member of staff to undertake searches under these powers, the Principal should consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

Establishing grounds for a search

- Teachers can only 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 suspect that the pupil is concealing a prohibited item.
- In the exceptional circumstances when it is necessary to conduct a search of a pupil of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a pupil's expectation of privacy increases, as they get older.
- 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.
- School staff may wish to consider utilising CCTV footage in order to make a decision as to whether to conduct a search for an item.

Searches for items banned by the school rules

- An item banned by the school rules may only be searched for under these powers if it has been identified in the school rules as an item that can be searched for.
- The school rules must be determined and publicised by the Principal in accordance with the School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012.
- Under section 89 and the School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012 the Principal must publicise the behaviour policy, in writing, to staff, parents and pupils at least once a year.

Location of a search

- 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, for example on school trips in England or in training settings.

During the search

Extent of the search – clothes, possessions, desks and lockers

What the law says:

- The person conducting the search may not request 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 desks, lockers and bags.
- A pupil's possessions can only be searched in the presence of the pupil and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

Also note:

- The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

After the search

The power to seize and confiscate items – general

What the law allows:

- Schools' general power to discipline, as circumscribed by 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.

Also note:

- 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 reasonably suspected to be an offensive weapon, it must be passed to the police.
- 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

What the law says:

- A person 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.
- Where a person conducting a search finds alcohol, they may retain or dispose of it. This means that schools can dispose of alcohol as they think appropriate but this should not include returning it to the pupil.
- Where they find controlled drugs, **these must be delivered to the police as soon as possible** but may be disposed of if the person thinks there is a good reason to do so.
- 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. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.
- Where they find 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 the person thinks that there is a good reason to do so.

- Where a member of staff finds tobacco or cigarette papers they may retain or dispose of them. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the pupil.
- Fireworks found as a result of a search may be retained or disposed of but should not be returned to the pupil.
- If a member of staff finds a pornographic image, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable.
- Where an article that has been (or is likely to be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of.
- 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, retain it or dispose of it.
- Any weapons or items which are evidence of an offence must be passed to the police as soon as possible.

Statutory guidance on the disposal of controlled drugs and stolen items

It is up to the teachers and staff authorised by them to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police. In determining what is a "good reason" for not delivering controlled drugs or stolen items to the police the member of staff must have regard to the following guidance issued by the Secretary of State:

- In determining what is a 'good reason' for not delivering controlled 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.
- Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such.
- 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).

Statutory guidance for dealing with electronic devices

- Where the person conducting the search finds an electronic device that is prohibited by the school rules or that they reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the police. This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone if it has been seized in a lawful 'without consent' search and is prohibited by the school rules or is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.
- 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 staff member should 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 a staff member does not find any material that they suspect is evidence in relation to an offence, and decides not to give the device to the police, they can decide whether it is appropriate to delete any files or data from the device or to retain the device as evidence of a breach of school discipline.
- All school staff should be aware that behaviours linked to sexting put a child in danger. 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

Also note:

- Teachers should also take account of any additional guidance and procedures on the retention and disposal of items that have been put in place by the school. s