

Behaviour and Exclusions Policy



LOWER SCHOOL

Where Learning Starts

Reviewed	October 2025
Policy Status	Recommended
Review Period	Annually (October 2026)
Person Responsible	Head Teacher

1. Introduction

As a 'Values' based school, we aim to provide children with the skills to understand their own and other's behaviour and to grow to be independent, reliable and courteous members of the school and wider community. By modelling our school values, adults build positive relationships with all of our learners to understand their learning preferences, their character and the ways in which their behaviour can communicate unmet needs, challenges with their mental health or otherwise dysregulated emotions. We are committed to supporting our children, helping them flourish with clear expectations (Appendix A) that are held tightly with kindness, empathy and compassion. This policy sets out our whole school approach to positive behaviour management and is underpinned by the work of Paul Dix and the premise that 'When the adults change, everything changes'. The approach compliments our values ethos and is underpinned by three simple rules: **Ready Respect Safe**.

We aim to:

- Develop relationships that promote a child's self-esteem and ensure they are well supported to learn.
- Provide a safe and nurturing environment where lessons challenge, develop and meet the needs of all children.
- Provide tools and resources, which enable children to understand and work with their emotions such as through use of 'Zones of regulation' (Appendix B) and in conjunction with the PSHE curriculum.
- Provide clear guidance for children, staff and parents/carers and the wider school community of expected levels of behaviour and our use of relational practice.
- Use a consistent and calm approach supported by routines and scripted interventions.
- Ensure all adults take responsibility for supporting and managing behaviour and follow-up incidents personally without the use of shame, isolation or embarrassment.
- Ensure all adults use consistent language for preventative teaching & learning, positive noticing and;
- Use restorative approaches and proportionate consequences.

We achieve this through five core pillars of practice:

1. Consistent, calm adult behaviour
2. First attention to best conduct
3. Relentless routines
4. Scripted interventions
5. Restorative follow up.

2. Legislation, statutory requirements and statutory guidance

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

- Behaviour in schools: advice for head teachers and school staff
- Searching, screening and confiscation: advice for schools
- The Equality Act 2010
- Keeping Children Safe in Education
- Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement
- Use of reasonable force in schools
- Supporting pupils with medical conditions at school

In addition, this policy is based on:

- Section 175 of the Education Act 2002, which outlines a school's duty to safeguard and promote the welfare of its pupils
- Sections 88 to 94 of the Education and Inspections Act 2006, which requires schools to support and promote positive pupil behaviour and publish a behaviour policy and written statement of behaviour principles, and gives schools the authority to confiscate pupils' property
- DfE guidance explaining that maintained schools must publish their behaviour policy online

3. Roles and Responsibilities

All staff must:

- Take time to welcome children at the start of the day and start of each session. These meet and greets should be used to positively notice and remind children about the expectations for learning. For example: "I'm so glad you are here, xxx - that was very respectful waiting." or "Good morning xxx, that's it - coat off so you are ready for learning."

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- Positively notice the behaviour we expect throughout the day and give less attention to unwanted behaviours. For example: "Excellent walking through the corridor xxx. I appreciate you keeping yourself and everyone safe."
- Explicitly teach behaviour and reinforce our rules and values in everyday language.
- Model the behaviour we expect by relying on routines and scripts.
- Create conditions for excellent behaviour with adult consistency and pupil input. For example: "xxx, what can I do to help you get ready for learning?"

The Head Teacher and The Senior Leadership Team must:

- Be a visible presence around the school.
- Regularly celebrate staff and children whose efforts go above and beyond expectations.
- Encourage use of positive praise, phone calls/texts/notes home and certificates/stickers.
- Ensure staff training needs are identified and met.
- Use staff feedback and records of provision to target and assess the impact of interventions.
- Support teachers in managing children with more complex or challenging behaviours.

Parents and Carers must:

- Work with the school to ensure their children behave well and follow the rules to 'Be Ready, Be Respectful and Be Safe'.
- Ensure children have good attendance and are punctual at the start of the school day.
- Explicitly teach behaviour and reinforce the WLS rules and values.
- Model the behaviour we expect and speak to a member of staff if there are any concerns or challenges that might impact your child's behaviour at school.
- Positively notice and encourage excellent behaviour.
- Engage with the restorative conversations led by school staff when behaviour is difficult.
- Support the school by attending meetings to discuss behaviour, respecting our focus on consequences rather than punishments.
- Show respect by refraining from contacting other parents directly about incidents that have happened in school.

4. Getting it right

Members of staff who manage behaviour will:

- Deliberately and persistently catch children doing the right thing and praise them in front of others.
- Know their classes well and develop positive, emotionally rich relationships with all children.
- Relentlessly work to build mutual respect.
- Demonstrate calm, consistent adult behaviour.
- Demonstrate unconditional care and compassion.
- Use the language of our values and rules consistently.

Children want staff to:

- Give them a 'fresh start' every lesson.
- Keep calm and consistent
- Help children learn and feel confident about themselves.
- Be fair and just with everyone.
- Have a sense of humour.

5. A whole school approach

At Westoning Lower School we are committed to inclusive education. We have high expectations of all of our pupils with simple, clear rules and values to help children easily adjust to life at WLS, achieve in their learning and excel as individuals.

We recognise that behaviour is a form of communication and can be influenced by individual preferences, cognitive differences and life experiences. We always seek to understand and support behaviour in a way that allows children to maximise their engagement with learning and develop their own emotional regulation, responsibility and sense of citizenship and belonging.

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We base our approach to behaviour on relational practice; a whole school approach that puts the relationship between adults and learners at the heart of school ethos. These relationships exist to:

- share clear expectations.
- develop a child's self-esteem and self-worth.
- understand needs and preferences.
- build rich emotional currency that can be used as a lever for positive behaviour management.

For further information on relational practice, Paul Dix or the approach we follow, please visit www.WhenTheAdultsChange.com

6. Rules, recognition and rewards

We recognise that our own behaviour as adults is the only behaviour that we can truly control. We use simple rules, consistent approaches and rewards to encourage children to make good or best choices. The rules Ready, Respectful and Safe are the three rules which underpin our expectations for behaviour both in and out of school. They can be applied and linked to most situations.

Ready	Respect	Safe
In full school uniform	Listen to others and expect to be listened to	Being in the right place at the right time
On time	Using a polite voice	Walking safely around the school
Listening	Using good manners	Being safe with our hands and feet
Looking	Looking after resources, displays and the environment	Being safe online both in and out of school
Sitting smartly	Representing WLS at its best both in and out of school	Being safe when outdoors both in and out of school

Consistent routines and approaches

- Welcome children at the beginning of the day and start of each session.
- When children are doing the right thing, notice them and let them know.

When children go over and above:

- Award them a dojo

When children go over and above as a class:

- Work towards a whole class reward by collecting a specific number of dojos.

Rewards for when children go consistently over and above or do something exceptional

- Values house stars
- Star worker of the week
- Gold awards
- Recognition notes
- Postcards home
- Phone call home

7. Language

At WLS we understand that a common and consistent use of language around behaviour is essential in creating clear boundaries that help children learn how to behave.

Language should be **calm**, **considered** and **separate** the child from the behaviour that is unwanted. We should never use our language to shame children and shouldn't use our tone of language to agitate or otherwise escalate

children's behaviour. We realise this isn't easy so ask all adults to use scripts - planned phrases and sentences that help us remain in control of our own emotions when we are attending to behaviour.

Difficult conversations will be had, and all WLS adults must be prepared, practised and able to manage difficult behaviour and follow up conversations calmly. Having respectful conversations about unwanted behaviours is an important part of developing and modelling the values and the relationships we pride ourselves upon.

8. Behaviour Pathway and Scripts

We have a clear and consistent pathway and supporting scripts to promote desired behaviour and appropriately address undesired behaviour.

Gentle Approach, use child's name, child level, eye contact, provide space, deliver message	
1. When expectations aren't being followed.	➤ I noticed you(noticed behaviour) ➤ Our expectation is ➤ Now that's how we do it at WLS. Much better (If corrected) e.g. ➤ I've noticed you running down the corridor. ➤ Our expectation is to be safe and walk ➤ Now that's how we do it at WLS. Much better.
2. Managing refusal	➤ Pause, listen, reflect ➤ Remind them of previous good effort ➤ Repeat above Mantras ➤ Provide take up time ➤ Return to notice improvement e.g. child refuses to sit on the carpet ➤ You sat beautifully in in English this morning. I was so proud. ➤ I need you to cross your legs and face the front. ➤ Our expectation is ➤ Give the child time to make a good choice. ➤ I am so impressed with how you are sitting now. Great job that is how we do it at WLS..
3. Consequence	➤ I noticed you chose to (noticed behaviour) ➤ You now need to work at another table/miss some of your playtime/miss some of your busy time (name), ➤ Playground: You now need to stand by me whilst you calm down/ have some time to reflect so no one gets hurt. ➤ I will speak to you in two minutes Example - 'I have noticed you chose to use rude words. Remember our rule about being respectful. You have now chosen to go and sit in the quiet area. I will come and speak to you in two minutes. Thank you for listening.' *DO NOT describe child's behaviour to another adult in front of the child*
4. Follow up – Repair and restore (Reflection sheet)	In a private and timely fashion: ➤ What happened? (Neutral, dispassionate language.) ➤ What were you feeling/ thinking at the time? ➤ What have you felt since? ➤ How did this make people feel? ➤ Who has XX been affected? What should we do to put things right? How can we do things differently?

*Remember it's not the severity of the consequence, it's the certainty that this follow up will take place that is important.

9. When to escalate

Sometimes you may feel, using your professional judgement, a member of the Senior Leadership Team needs to be part of the follow up due to the serious nature of the behaviour. This could be when:

- Steps 1 – 4 have been applied consistently and the child's behaviour is not improving.
- Where a child's behaviour is impacting the safety and/or wellbeing of other children or staff members.

In this instance:

- Parents should be communicated with by the Class Teacher to share the behaviour that is causing concern.
- A meeting should be held to discuss the concerns raised and possible strategies to support/signpost interventions if appropriate.
- Share concerns and outcomes of parent meetings with SLT.
- If further support and intervention is required, the Head Teacher should be involved in future meetings with parents and in planning next steps. All incidents of behaviour causing concern and any meetings with parents must be recorded on CPOMs.

10. Support for children exhibiting extreme behaviours and De-Escalation techniques

At WLS we are all treated fairly and recognise that this may not be equally. Some children require more support to regulate than others and may exhibit particular behaviours based on early childhood experiences, family circumstances or their Special Educational Needs or disability. We have experienced staff, resources and access to CPD to support children identified as requiring additional support including:

- Positive handling training for staff working with children who exhibit dysregulated behaviour.
- Access to Central Bedfordshire Jigsaw service for behaviour support.
- Play therapy
- Wellbeing room
- Regulation friendly classrooms (Appendix C)

If a child does become dysregulated, follow De-Escalation techniques (Appendix D)

In exceptional circumstances, where the school has put in additional support to meet a child's needs and they are still displaying behaviours which impact the safety of themselves and others, a reduced timetable will be considered. This may be for a period of up to six weeks with increases to the time spent in school every two weeks.

11. Restrictive Physical intervention

Westoning Lower School does not advocate the routine use of physical intervention. The use of physical intervention should only ever be used as a last resort following the application of other appropriate strategies such as withdrawing the child from the situation, de-escalation and the instruction to stop.

Only the minimum force necessary to prevent injury or damage should be applied. As soon as it is safe, physical intervention should be relaxed to allow the child to regain self control.

Staff should not normally attempt to use physical intervention if they are likely to put themselves at risk of injury. It is unacceptable for staff to experience violence or abuse in the course of their work.

Every effort should be made to ensure the presence of another adult in any situation where physical intervention needs to be used.

The use of physical intervention must be clearly recorded on the appropriate form and the parent/carers must be informed.

Examples of Physical Intervention

- Standing between pupils
- Blocking a pupil's path
- Leading a pupil by the hand or arm
- Shepherding a pupil away by placing a hand in the centre of the back

For further guidance refer to our Positive Handling Policy.

12. Suspensions and Permanent exclusion

Suspension

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Some children will demonstrate a pattern of persistent and sustained incidents and/or present significant and entirely unacceptable behaviour within the school community. Whilst we strive to avoid suspension, all pupils at WLS are entitled to an education where they are protected from disruption and can learn in a safe and nurturing environment. Suspension will only be applied when a child's behaviour significantly impacts the safety of other children, staff or themselves. A pupil may be suspended for one or more fixed periods (Up to a maximum of 45 school days in a single academic year).

Circumstances that may warrant a suspension. (Please note this is not an exhaustive list):

- Physical assault against a pupil sustaining injury
- Physical assault against an adult sustaining injury
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use or threat of use of an offensive weapon.
- Leaving the classroom/school without permission and refusal to return.

If the Head Teacher makes the decision to suspend a child, the parents will be notified and asked to collect the child as soon as possible. They will be kept safe, and away from their peers during this time. Upon collection, parents will be notified of the reasons for the suspension, when the child can return to school and details of the appeal process. The Head Teacher will also be responsible for notifying the Local Authority.

Parents will be guided as to where to access work for their child to complete during the period of the suspension. At the end of the suspension parents will be invited to attend a return from suspension meeting to discuss the incident and positive next steps.

Permanent exclusion

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

- In response to a serious breach or persistent breaches of the school's behaviour policy: and
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

When making the decision to suspend or permanently exclude a pupil, the following guidance will be followed and adhered to: DFE Suspension and Permanent Exclusion from Maintained schools, academies and pupil referral units in England, including pupil movement.

13. Bullying

Often there is confusion around poor behaviour choices and bullying. Sometimes young children can have numerous fallouts and it would not necessarily be seen as bullying, rather developmental, emotional or other factors.

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

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

Bullying can include:

Type of Bullying	Definition
Emotional	Being unkind, excluding, tormenting
Physical	Hitting, kicking, pushing, taking another's belongings, any use of violence
Prejudice-based and discriminatory, including: ● Racial ● Faith-based	Taunts, gestures, graffiti or physical abuse focused on a particular characteristic (e.g. gender, race, sexuality)

● Gendered (sexist) ● Homophobic/biphobic ● Transphobic ● Disability-based	
Sexual	Explicit sexual remarks, display of sexual material, sexual gestures, unwanted physical attention, comments about sexual reputation or performance, or inappropriate touching
Direct or indirect verbal	Name-calling, sarcasm, spreading rumours, teasing
Cyber-bullying	Bullying that takes place online, such as through social networking sites, messaging apps or gaming sites

Please see the school's Anti-Bullying Policy for further information.

14. Training

WLS has an expectation that all staff will follow the processes and guidance as outlined in this policy. Training and support both internal and external is available for any member of staff according to their needs and those of the children they are supporting. Behaviour management will also form part of continuing professional development.

15. Monitoring arrangements

This behaviour policy will be reviewed by the Head Teacher and Local Governing Committee.

16. Links with other policies

This behaviour policy is linked to the following policies:

- Child protection and safeguarding Policy
- SEND Policy
- Positive Handling Policy
- Anti-Bullying Policy

17. Behaviour Policy Summary:

As a 'Values' based school, we use a positive approach to behaviour management; modelling our values and focusing our practice on relational and restorative approaches.

In approaching behaviour we recognise pupils as individuals and use skilled practitioners to support neurodiversity, social, emotional mental health needs and learning difficulties. When it is required, we give pupils time and space to regulate their emotions, but our focus is always on giving every pupil an inclusive learning opportunity and helping them behave in ways that facilitate that.

Our behaviour policy is based on five core pillars of practice.

1. Consistent, calm adult behaviour
2. First attention to best conduct
3. Relentless routines
4. Scripted interventions
5. Restorative follow up

We follow 3 simple rules:

- To be ready
- To be respectful
- To be safe

We use scripted, predictable and rehearsed language to blend these rules into preventative teaching & learning at WLS. We model, teach and notice these behaviours at all times. At WLS we are committed to developing children's self-esteem. We notice, praise and reward positive behaviour and extraordinary effort.

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We will not damage a child's self-esteem or self-worth with the use of shame.

We use scripted interventions, restorative conversations and proportionate consequences. Unless children cause safeguarding concerns or pose a threat to the wellbeing of themselves or others, they will always be given the opportunity to regulate their emotions, reset their behaviour and return to class.

Appendix A – Expectations

Behaviour expectations

Introduction

The aim of this document is to provide clear guidelines of the expectations that we all need to introduce, embed and apply consistently at WLS.

Expectations should be introduced and then revisited regularly through class discussions, assemblies and at opportune times throughout the day so that they become routine and everyone has an understanding that: **'This is how we do it at WLS'**

As with safeguarding, we need to ensure that we develop a culture whereby **'Behaviour is everybody's responsibility'**

The Expectations

The beginning of the day

EXPECTATION
Dismount from wheeled vehicles when entering school grounds
Arrive punctually at 8:50am.
Wear the correct school uniform,
Walk calmly around the school.
Show respect by following STEPS: Say good morning; Thank you; Excuse me; Please; Smile
Stop and listen when someone is talking to you.

Playtime

EXPECTATION
Adults encourage children to join in and play games.
Sports leaders are used as role models to support children in their play.
Children stand still when the whistle is blown.
When the second whistle sounds, children walk to their lines and line up in line order.
An adult from each class is ready to greet the children.
Children walk calmly back into class.

Lunchtime

EXPECTATION
Nursery and Reception children go to lunch at 11.45am. Children line up in line order and are taken into the hall and settled by the Class teacher or Teaching Assistant.
Year 1 go to lunch at 12 noon, Year 2-4 go to the big playground and play until they are called in.
Children collect lunchboxes and go to the hall to eat when directed - NO WATER BOTTLES IN THE HALL.
Children ask lunchtime supervisors to come inside for the toilet - an adult to stand near gate to monitor this.
Lunchtime supervisors are trained so they know what they need to do and when.
Adults encourage children to join in and play games.

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Sports leaders are used as role models to support children in their play.

Children stand still when the whistle is blown.

When the second whistle sounds, children walk to their lines and line up in line order.

An adult from each class is ready to greet the children.

Children walk calmly back into class.

Assembly

EXPECTATION

Children line up in line order.

A member of staff leads children into the hall.

Children sit in two rows facing the front.

Everyone is quiet. Any necessary adult interventions should be whispered and discrete.

Members of staff stay in assembly on Fridays. Other assemblies as required.

Classroom

EXPECTATION

The class teacher is at the door in the morning to 'meet and greet' the children

Children hang their coats up, waiting if there is no space

Resources – are to be treated with respect. Lids are to be put on pens and tables are to be tidied at the end of each session.

Children are clear about what they should do and where they should be at the beginning and end of lessons.

Carpet sessions – children have set places in which to sit and show respect by having legs crossed, hands on laps and eyes looking.

Clear routines are in place to support children to transition from the carpet to their activities.

Clear routines are in place to support children to give out white boards and other resources

Children line up in line order.

Children know when they can go to the toilet.

Children know when it is appropriate to have a drink.

Clear systems are used to indicate to the children that they need to stop and listen.

Clear routines are in place to support children to get ready for the end of the day.

Clear routines are in place for dismissing the children

Relentless Routines

Wonderful Walking
means no talking

Lovely Lines

Mealtime Manners

Appendix B – Zones of Regulation

Supplementary Reproducible E for Elementary Ages



The ZONES of Regulation

Blue Zone Sad Bored Tired Sick	Green Zone Happy Focused Calm Proud	Yellow Zone Worried Frustrated Silly Excited	Red Zone overjoyed/Elated Panicked Angry Terrified

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The Four Zones

The **Red Zone** is used to describe extremely heightened states of alertness and intense emotions. A person may be elated or experiencing anger, rage, devastation, or terror when in the Red Zone.

The **Yellow Zone** is also used to describe a heightened state of alertness and elevated emotions, however one has more control when they are in the Yellow Zone. A person may be experiencing stress, frustration, anxiety, excitement, silliness, the wiggles, or nervousness when in the Yellow Zone.

The **Green Zone** is used to describe a calm state of alertness. A person may be described as happy, focused, content, or ready to learn when in the Green Zone. This is the zone where optimal learning occurs.

The **Blue Zone** is used to describe low states of alertness and down feelings such as when one feels sad, tired, sick, or bored.

In addition to addressing self-regulation, students gain an increased vocabulary of emotional terms, skills in reading other people's facial expressions, perspective about how others see and react to their behaviour, insight into events that trigger their behaviour, calming and alerting strategies, and problem solving skills.

Appendix C – Regulation Friendly classrooms

In a regulation friendly classroom, you will find:

A whole class visual timetable that is used throughout the day

Zones of regulation display (Appendix B)

Regulation toolkits displayed by the names and displayed by the regulation space

At least 1 regulation space for children where they can also access regulation tools

Our regulation friendly classrooms are inclusive.

You might see doodling or fiddling but this may be a child coping, regulating or focusing. The children you see may be neurodiverse. Between 30% and 40% of the UK population are thought to be neurodiverse.

Appendix D – De-escalation Strategies and Techniques

Act calm even if you're not	Say 'Let's talk about this later'	Use humour to lighten the mood
Lower your voice	Give a choice	Walk away
Ask 'What would help you right now?'	Change the subject to a positive one	Give personal space
Say 'I see where you are coming from'	Distract with a photo of something they like	Show that you are listening
Remove the audience	Say 'I want to help you'	Talk about something they like
Make a joke	Encourage the person	Remind them of something amazing they did
Say 'You can do this'	Call another adult for help	Say 'Let's call xxx I think they can help'
Be willing to find a solution	Offer to change the way you are doing something	Re-state what the person is saying
Validate their thoughts, acknowledge their feelings	Avoid overreacting	Use active listening
Offer a solution	Let the person talk without interrupting	Say 'I see your point'
Offer to take a walk with the person	Clarify expectations	Remind them of something they love
Apologise for something you did wrong or the way it was taken	Invite them to do a preferred activity	Ask if they can explain more about how they are feeling
Try to understand the person's perspective	Slow yourself down to avoid getting worked up	Say 'So you're upset because xxx right?'
Don't say 'calm down'	Show empathy	Encourage the person to use a coping strategy
Don't take items or personal property from them	Encourage the person to take a walk or get a drink	Give the person an 'out', i.e. letting them walk away
Ask 'Would it help if xxx?'	Keep escape routes open to the door	Coach the person with positive remarks
Acknowledge where you agree with the person	Remind the person 'You're not in trouble'	Tell the person 'I'm here for you'
Say 'Talk to me' then listen	Tell the person to take a minute to themselves	Ignore the behaviour
Distract by saying 'Hey, let's go xxx'	Be respectful in your tone	Ask them to draw a picture of what happened
Avoid needing to get the last word	Spend time de-briefing after the incident to identify ways to improve	

Appendix E – Searching and Confiscation

Key points

Searching

- School staff can search a pupil for any item if the pupil agrees.
- Headteachers 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
 - alcohol
 - illegal drugs
 - stolen items
 - tobacco and cigarette papers
 - fireworks
 - pornographic images
 - 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).

Headteachers 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' obligations 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 behaviours 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 requires 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

Schools' common law powers to search:

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.
- Schools should make clear in their school behaviour policy and in communications to parents and pupils what items are banned.
- If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.
- 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 the law says:

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.

1. Can I search?

- Yes, if you are a head teacher or a member of school staff and authorised by the head teacher.

2. Under what circumstances?

- You 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. You 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.

3. When can I search?

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

Also note:

- The law also says what must be done with prohibited items which are seized following a search.
- The requirement that the searcher is the same sex as the pupil and that a witness is present will continue to apply in nearly all searches. Where it is practicable to summon a staff member of the same sex as the pupil and a witness then the teachers wishing to conduct a search must do so.

4. Authorising members of staff

- Head teachers should 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. The law states that head teachers may not require anyone other than a member of the school security staff 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.
- A head teacher can require a member of the school's security staff to undertake a search.
- If a security guard, who is not a member of the school staff, searches a pupil, the person witnessing the search should ideally be a permanent member of the school staff, as they are more likely to know the pupil.

5. Training for school staff

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

6. 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.

7. 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 head teacher in accordance with section 89 of the Education and Inspections Act 2006 in maintained schools. In the case of academy schools and alternative provision academies, the school rules must be determined in accordance with the School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012. Separate advice on school rules is available in 'Behaviour and Discipline – advice for head teachers and school staff' via the link under Associated Resources.
- Under section 89 and the School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012 the head teacher must publicise the school behaviour policy, in writing, to staff, parents and pupils at least once a year.

8. 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.
- The powers only apply in England.

During the Search

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

What the law says:

- The person conducting the search may not require the pupil to remove any clothing other than outer clothing.
- 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.
- 'Possessions' means any goods over which the pupil has or appears to have control – this includes 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.

10. Lockers and desks

- Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not the pupil is present.
- If a pupil does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the "prohibited items" listed above.

11. Use of force

- 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 and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the school rules.
- Separate advice is available on teachers' power to use force – see Associated Resources section below for a link to this document.

After the search

12. 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.

13. 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.

14. 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).

15. 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.⁴
 - 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. 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 Section 62 of the Coroners and Justice Act 2009 defines prohibited images of children. Section 63 of the Criminal Justice and Immigration Act 2008 defines extreme pornographic images. (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.

16. 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.

Further sources of information

Associated resources (external links)

- Use of Reasonable Force - advice for headteachers, staff and governing bodies Behaviour and Discipline in Schools
- Behaviour and Discipline in Schools - advice for head teachers and school staff
- Information Commissioner for advice on the Data Protection Act
- Keeping children safe in education statutory guidance for schools and colleges
- UK Council for Child Internet Safety- UKCCIS Sexting in schools and colleges - responding to incidents and safeguarding young people

Legislative links

- The Education Act 1996
- Education and Inspections Act 2006
- Education (Independent School Standards) (England) Regulations 2010

WLS Behaviour and Exclusions Policy

- The Schools (Specification and Disposal of Articles) Regulations 2012
- School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012
- Health and Safety at Work etc Act 1974