



## MGC BEHAVIOUR POLICY

### 1. Introduction

At Manor Green College, Every Child Matters and so has a right to feel safe, stay healthy and to learn in a motivating and enriching learning environment that promotes individual success. We are committed to addressing all incidents of negative behaviour, including disruption of learning, disrespect, verbal and physical abuse and bullying.

At the heart of our approach are the two core beliefs that, wherever possible, students can be taught to understand the underlying causes of their negative behaviour, to recognise triggers, to take responsibility for their actions, and to learn the skills necessary to manage, their own behaviour.

Secondly, that where students can be helped to develop the confidence to feel proud of who they are and what they can achieve, their need to express anger or frustration will reduce.

### 2. Purpose

1. The purpose of this policy is to promote high standards of behaviour within the College and to deter negative behaviours, especially all forms of bullying.
2. The College recognises the duty under DDA legislation to ensure that no student is subject to discrimination as a result of the implementation of this policy.

### 3. Principles:

1. Everyone who attends, visits or works at MGC has the right to be treated with respect and courtesy at all times.
2. We have a duty to ensure all students and adults are kept safe and that every student has a right to access learning without disruption.
3. All adults are part of a whole College team and so no-one should feel isolated or alone when managing negative behaviours.
4. The college is committed to working closely with parents/carers and other agencies, as required.
5. Positive behaviours should be recognised, celebrated and rewarded
6. That each student is managed as an individual, with consistency, by all adults, and that this is achieved by high quality written and verbal communication
7. That all adults adopt a 'no blame' approach to dealing with inappropriate behaviour:

**We address the behaviour without judging the person.**

8. That the underlying causes of negative behaviour are a complex mix of emotional, social/environmental and developmental factors.
9. That all students should learn to respect and respond to accepted social boundaries and expectations.
10. We encourage positive behaviour because simply suppressing negative behaviour (external control) does not give students the chance to understand and learn their own long term strategies (internal control) to help them manage in the community.
11. Wherever possible, students should learn to become responsible for managing their own behaviour:

**Internal (or self) control is better than external control**

12. A policy consistent with the SEAL framework will best achieve these aims.

### 4. Our aims are that:

1. Every student feels confident and positive about themselves, and is proud of who they are and what they can achieve.
2. Every adult at the College has a deep understanding of the underlying causes of negative behaviour, is able to recognise these for individual students and is able to modify their management approach accordingly, with long term sustainable progress in mind.
3. Through early identification and intervention of low level behaviours, escalation is reduced, and behaviour is managed to ensure the uninterrupted learning and safety of others.
4. All students are able to understand and recognise accepted social boundaries and expectations.
5. Where students have the cognitive capacity to understand their behaviour, they are taught to recognise their feelings and emotions as drivers of negative behaviour, and given strategies and support to self manage and control their potential behavioural reactions.
6. Where students do not have the cognitive capacity to understand their behaviour, or their behaviour is 'hard wired' because of post natal or congenital developmental difficulties, continual and consistent reinforcement of positive expectations will take place, over a sufficient period of time, so that behaviours are modified and re-learned.

**5. To achieve these aims, every member of the staff team must:**

1. Actively promote, communicate and model high standards and expectations of good behaviour to all students at all times.
2. Provide regular and routine positive feedback to students to reinforce their good behaviour.
3. Use the 5 levels of Intervention framework where students are experiencing significant behavioural barriers to learning.
4. Commit to open, continuous discussion with colleagues, learn from each other, and help identify those students whose behaviour requires routine management,
5. Discuss and agree within the relevant KS team, on a case by case basis, management strategies, rewards and sanctions, so contributing to the evolution of effective Student Improvement Plans.
6. Apply a consistent approach to the management of individual student behaviour, by taking into account the individual needs and differences of each student. The strategies in the SIP should be adhered to by all staff.
7. Take responsibility for monitoring all student attitudes, social interactions and behaviour.
8. Take responsibility for taking immediate positive action whenever standards of student behaviour and language fall short of expectations. **Pick up on everything and follow it through.** Ensure, by your commitment and actions, that students see every member of staff as being responsible for managing poor behaviour:

**The certainty of the sanction is more important than the severity**

9. Ensure student participation in rule and boundary setting.
10. Ensure students are given information and guidance about their behaviour, based on rights and responsibilities
11. Help students to recognise and manage their strong emotions and feelings, especially anger, frustration and anxiety, and so make positive choices about their behaviour.
12. Discuss behavioural difficulties with students in order to encourage reflection about causes and consequences and to develop longer term goals for improvement:

**A behavioural outburst can provide an important learning opportunity.**

13. Recognise the difference between 'conscious/deliberate' behaviour and 'unconscious/ irrational/non deliberate' behaviour, and address it accordingly.
14. Build positive relationships between adults and students, to encourage respect and empathy for others.

15. Develop in students the capacity to feel proud of achievements and success, both their own and others, and to encourage a sense of optimism about their futures.

#### 6. For students who are experiencing more extreme difficulties

1. Parents should be involved at an early stage of worsening difficulties.
2. Any student for whom a Physical Intervention has either been used, or may be required, should have a Positive Handling Plan discussed and agreed between relevant College staff, parents or carers. Other agency professionals should be included as required.
3. The strategies in the PHP should be adhered to by all staff.
4. Where planning is required to manage very difficult behaviour, staff teams must discuss and review planning on a regular and routine basis.
5. Management strategies, rewards and sanctions should be discussed and agreed on a case by case basis by the relevant team.
6. Fixed Term Exclusion will be considered by the Headteacher, on an individual case basis, where there has been either the threat of, or actual, violence, or other extreme circumstance. Exclusion will only be authorised where there is a clear and beneficial purpose for doing so.
7. Where Physical Intervention is required, the Headteacher delegates, through this policy, authority to all staff at the College to use Physical Intervention:
  - only as a *last resort option* to prevent harm, injury or damage to students, adults or property
  - by staff who have been Team Teach trained if they are immediately available, or if unavailable, any member of the College staff team, using a *minimum of force* (reasonable and proportionate) for a *minimum of time*.

(see appendix The use of Physical Intervention at MGC)
8. All staff are expected to respond to a request for help from a colleague when managing very difficult behaviour.
9. All staff must participate in bi-annual refresher training in Team Teach and Safeguarding.

#### 7. The Use of reasonable Force

1. All members of school staff have a legal power to use reasonable force (Section 93, Education and Inspections Act 2006).
2. This power applies to any member of staff at the school. It can also apply to people whom the Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit (see Appendix 1 - 'Extracts from Department for Education Guidance on the use of reasonable force' for more details).

#### 8. Pupils behaviour outside the school premises

1. Teachers have a statutory power to discipline pupils for misbehaving outside of the school premises. Section 89(5) of the Education and Inspections Act 2006 gives Headteachers a specific statutory power to regulate pupils' behaviour in these circumstances "to such extent as is reasonable".
2. The College will apply appropriate sanctions to regulate off-site behaviour whenever there is a need. Such activities include school trips, work experience, further education courses or other courses organised as part of the pupils' school programme and sports events.

#### 9. Abuse or intimidation of staff outside school



Members of College staff have the same rights of protection from threat as any citizen in a public place. The College will not tolerate incidents of abuse or intimidation of its staff including unacceptable conduct by pupils when not on the College site, and when not under the lawful control or charge of a member of staff of the school. The College will always take seriously reports of such behaviour and apply appropriate sanctions when the pupil is next in school.

## 10. Accusations against School Staff

1. An accusation made against a member of staff will be dealt with by the school according to its nature of application of the relevant school policy giving due regard to the statutory guidance from the Department for Education.
2. Where pupils are found to have made malicious allegations the school will apply an appropriate sanction. This could include fixed-term or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).

## 11. SECLUSION

Manor Green college uses 3 calming rooms to support children experiencing behaviour which presents a significant challenge.

Removal to a withdrawal room is a recognised strategy used within the range of restrictive practice. At Manor Green, we believe that the use of our calming rooms by pupils should be in a proportion to the consequences it intends to prevent.

**The 2010 Guidance, referring to the 2002 Guidance principal states;**

*The use of seclusion (where a person is forced to spend time on their own against their will) is a form of physical intervention and should only be considered in exceptional circumstances. The right to liberty is protected by criminal and civil law and seclusion outside the Mental Health Act should always be proportionate to the risk presented by the pupil.*

The calming rooms should NOT be used as a sanction and must only be used in 'exceptional' circumstances. These circumstances can be defined as:

- The pupil's behaviour being so persistent and targeted that the only way to maintain their safety and that of others is to remove them to a place where risk can be reduced and the individual supported
- This is done when, despite a high staff to pupil ratio, it is not possible to avoid injury
- The calming rooms are used as a remedy of last resort when a team of highly trained staff can no longer maintain a safe environment

It is essential that children are observed at ALL times whilst using the calming room and that, if possible and safe to do so, the door is open to a degree. The length of seclusion is largely dependent on the level of risk being presented by the pupil. Seclusion preferably should be for no more than 10 minutes, however, some pupils at Manor Green can demonstrate behaviour which presents as significant aggression and violence and therefore present a heightened risk of significant injury to themselves or others. Period of seclusion MUST be documented with clear detail as to the reasons why this was necessary.



## 12. SAFE SPACE

At Manor Green College we employ the use of a Safe Space, a multi-purpose environment that can be used as a therapy and sensory space for pupils with complex needs. It can be used as a 'chill out' space in order to provide a low stimulation area for pupils to calm and to support self-regulation.

In certain situations it may be appropriate to move a pupil to the safe space in order to support them to be safe when their behaviour becomes challenging and unsafe. At no time should a pupil be left unsupervised whilst using the space and they must be observed at all times. The use of the safe space must only be used as part of an agreed positive handling plan with specific strategies detailed in its use.

*Please also refer to the College's E-Learning Policy*

This policy was formally agreed and ratified by the Governing Body on 22.5.19

Signed: *John Drury*

Mr J Drury

Chair of Governors

Date of next Review: Summer Term 2020

## Appendix 1 - Use of reasonable force from Department for Education July 2013

### What is reasonable force?

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

### Who can use reasonable force?

- All members of school staff have a legal power to use reasonable force<sup>2</sup>.
- This power applies to any member of staff at the school. It can also apply to people whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

<sup>2</sup> Section 93, Education and Inspections Act 2006

### When can reasonable force be used?

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

**Schools can use reasonable force to:**

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

**Schools cannot:**

- use force as a punishment - it is always unlawful to use force as a punishment



## Appendix 2 - Searching, screening and confiscation - Guidance from Department of Education February 2014

This advice is intended to explain schools' powers of screening and searching pupils so that school staff have the confidence to use them. In particular it explains the use of the power to search pupils without consent. It also explains the powers schools have to seize and then confiscate items found during a search.

### Key points

#### 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).

#### 1 The ability to give consent may be influenced by the child's age or other factors

- 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, however found, which 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 behaviour<sup>2</sup> and their duty as an employer to manage the safety of staff, pupils and visitors<sup>3</sup> enables them to impose a requirement that pupils undergo screening.
- Any member of school staff can screen pupils.

2 Section 89 of the Education and Inspections Act 2006 for all maintained schools, PRUs and NMSS and the Education (Independent School Standards) (England) Regulations 2010 for academy schools and alternative provision academies

3 Section 3 of the Health and Safety at Work etc. Act 1974

### 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 to, 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 headteacher or a member of school staff and authorised by the headteacher.

#### 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 at all 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 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

- Headteachers 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 headteachers 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 headteacher 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 headteacher 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 be suspicious.
- 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 can view 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 headteacher 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 Headteachers 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 headteacher 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 set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.

#### 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 thought to be a 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 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. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police.
- Where an **article that has been (or could be) used to commit an offence or to cause personal injury or damage to property** is found 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 teachers 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 they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.
- The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a "good reason" for examining or erasing the contents of an electronic device:
- In determining a 'good reason' to examine or erase the data or files the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.
- If inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

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.