

## The Emmbrook School Student Behaviour and Discipline Policy 2019

Next full review completed by: Autumn 2020

*The Emmbrook School*

*"Learning Together, Succeeding together"*

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# The Emmbrook BfL Policy FINAL for approval by FGB on 03072019

## General Principles and Introduction

All members of the school community have the responsibility to uphold the school's student behaviour and discipline policy.

The core purpose and focus of The Emmbrook School is learning. The Governors and Headteacher believe that excellent standards of behaviour and discipline underpin and create the best environment for effective and safe learning and they are central to both educational success and success in future life.

The school believes that no student has the right to disrupt the education of others.

The school encourages high rates of progress for all students supported by excellent conduct, attitudes and learning behaviours in the school and beyond.

The Emmbrook School also has wider ambitions, along with parents and others, including educating its students to contribute positively to society and to develop character, British values, non-cognitive skills, resilience, creativity, mindfulness and well-being. These ambitions are best supported by a positive behaviour ethos and high expectations. As an example, students will always be challenged around swearing and the use of derogatory language because we strive to sustain a positive and conducive environment

The Governors and Headteacher must consider the impact of any poor behaviour by individuals in the context of the impact on other students, staff and the wider community in determining appropriate consequences and disciplinary penalties and must weigh up competing interests.

## A Good school & reputation

The Emmbrook School is a Good School.

Students are expected to behave in a way which reinforces and builds the good standing of the school and must not behave in a way, in the school or elsewhere (including on the internet and on social media and other emergent technologies), which could bring the school into disrepute, could harm its standing or damage positive perceptions of the school which brings benefit to students do anything which could threaten to damage relationships between the school and others.

The Student Behaviour & Discipline Policy supports the valued ethos of the school and seeks to:

- Promote, among students, self-discipline and proper regard for authority,
- Encourage proactive good behaviour and respect for others on the part of students and, in particular, discourage and address all forms of bullying, hate or intimidation among students,
- Secure that the standard of behaviour of students is acceptable at all times and exemplary most of the time,
- Secure that students complete any tasks reasonably assigned to them in connection with their education

## Disciplinary Measures to promote outstanding behaviour & regulate student conduct

**Key Principle:** The standard of behaviour which is to be regarded as acceptable will be that determined by the Headteacher, so far as it is not determined by the Governors through this policy.

The standard of proof to be used in the context of school discipline is the civil standard '**On the Balance of Probabilities**' which means that the Headteacher and staff should consider whether it is more likely than not that what is alleged happened. This is a lower standard of proof than required in the criminal justice system so the school is not required to 'be sure beyond doubt' in determining when to apply its disciplinary penalties.

The Governors and Headteacher will determine the rules and disciplinary penalties including measures to regulate the conduct of students:

- when on the school premises,
- when elsewhere under the lawful control of a member of school staff or
- At a time when students are not on the premises of the school and are not under the lawful control of a member of the staff of the school (as far as it is reasonable for the school to regulate the student's conduct at such a time).

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'Disciplinary penalties' mean penalties imposed where a student's conduct falls below the standard which could be reasonably expected of a student at The Emmbrook School<sup>1</sup> whether because the student fails to:

- follow a school rule, or
- follow an instruction given to him/her by a member of its staff or
- comply with a penalty previously imposed on him/her or
- Act in a way which is considered detrimental to school discipline or for any other reason.

Disciplinary penalties including detentions (exclusion is addressed separately in this policy) must be lawful and they are lawful if the following three conditions are satisfied:

1. The imposition of the penalty on the student is NOT in breach of any statutory requirement or prohibition (for example in respect of disability, special educational needs, race, gender, sexual orientation, pregnancy and other equalities and human rights) and it must be reasonable in the circumstances.
2. *The decision* to impose the penalty was made by any paid member of staff of the school (unless the Headteacher has determined that the member of staff (directly or indirectly employed) is not permitted to impose the penalty on the student) or for any other member of staff to impose the penalty where the Headteacher has authorised<sup>2</sup> them to impose the penalty and it is reasonable to do so.
3. *The decision* to impose the penalty was made, and any action taken on behalf of the school to implement the decision was taken on the school premises or elsewhere at a time when the student was under the lawful control or charge of a member of staff of the school.

Disciplinary penalties must comply with all other legislation and in particular the Equality Act 2010 in respect of safeguarding and in respect of students with special educational needs and disabilities. In particular, this means that staff should consider whether the SEN or disability is such that it would require a reasonable adjustment to the disciplinary penalty prior to it being determined or imposed. The school provides disability awareness training to staff periodically.

Teachers have statutory authority to discipline students whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction. This power applies to all paid staff (unless the Headteacher says otherwise) with responsibility for students. The Headteacher may extend the power to discipline to adult volunteers, for example parents who have volunteered to help on a school trip.

Staff should also consider whether continuing disruptive behaviour might be the result of unmet educational or other needs and whether a multi-agency assessment is appropriate.

The Emmbrook School subscribes to a 'restorative justice' approach in its day to day management of behaviour and has a range of strategies to facilitate excellent relationships between staff and students in particular, including respect for one another and respect for authority.

### **Respect**

The Emmbrook School believes that teachers have a responsibility to act with respect for students and meet the school's expectations of teachers. Similarly, The Emmbrook School expects all its students to show respect and courtesy towards self, each other, all school staff, others in authority and visitors.

The Emmbrook School expects parents to ensure their children show that respect to those in authority, expects parents to be respectful to school staff and requires parents to fully support the school's authority to discipline their children.

The rules for respectful discussion include:

- Speaking with the right tone of voice
- Speaking at an appropriate volume
- Being aware of who else may be able to hear
- Respecting the rights and sensibilities of other people in the vicinity

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<sup>1</sup> Note: Different schools will have different standards, which are determined by the Governors and Headteacher of each school. .

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- Participating in the discussion, speaking and listening in turn, but not dominating
- Choosing the right time (making an appointment where necessary)
- Demonstrating respectful body language
- Respecting personal space

Where visitors, students or parents are abusive, threatening, aggressive, or violent – in person, by phone or in writing, or make unfounded or exaggerated allegations about staff, the school may take formal action and may also issue a legal ‘exclusion order’ to prevent individuals from coming to or near the school or its staff or students or seek other restrictions such as acceptable behaviour contracts.

### **Roles and responsibilities**

Schools and their staff have the legal powers needed to provide a safe and structured learning environment in which teachers can teach and students learn. The Emmbrook School will use these powers lawfully, reasonably and proportionately to maintain very high standards of behaviour.

All staff are expected to follow the expectations as set in the staff code of conduct.

The Governors and the Headteacher intend that this policy will provide safeguards for students and staff against the impact on others of poor student behaviour and discipline.

All members of the school community have the responsibility to uphold the school behaviour and discipline policy.

Students are expected to take responsibility for their own behaviour including modelling positive behaviours. Students must also enable staff to teach and promote learning without interruption or harassment and students and teachers must be able to support others with their learning. Students also have a responsibility to ensure that incidents or potential incidents of poor behaviour, illegal activity, disruption, violence, bullying and any form of harassment are reported immediately and for contributing to a culture of safety and respect.

The Headteacher (and those to whom he delegates) is responsible for ensuring arrangements are in place for the implementation and day-to-day management of the policy and procedures and for carrying out any relevant statutory duties assigned solely to the Headteacher.

Parents, guardians and carers must work in support of the school in maintaining high standards of behaviour. Parents take responsibility for ensuring their child’s behaviour and attendance meet the standards expected by the school.

The school expects all parents/guardians to encourage their son/daughter to support the school’s authority. Parents/guardians will take responsibility for the behaviour of their child both inside and outside the school. They will be encouraged to work in partnership with the school in maintaining high standards of behaviour and will have the opportunity to raise with the school any issues arising from the operation of the policy.

Parents are required to attend all relevant meetings pertaining to the successful implementation of this policy, including reintegration and review meetings.

The Governors will support the policy practically by holding hearings following exclusions, and by reviewing complaints and responses to consultations.

### **Home-School Agreement**

The Emmbrook School Agreement is a document which parents should sign following their child’s admission to the school. The Home-School Agreement states that ‘In applying for and accepting a place at The Emmbrook School, it is expected that parents/guardians accept all reasonable requirements of the school’.

Among other things, the school sets some basic expectations upon students including: Students must:

- Work to the best of their ability at all times and ask for help when needed

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- Come to school with all the equipment they need to learn
- Demonstrate thoughtful and considerate behaviour
- Show respect and kindness to others in and out of school
- Follow the school rules and take responsibility for their actions and behaviour
- Attend regularly on time, in full uniform or dress code, well-presented and ready to learn
- Co-operate with all staff and follow reasonable instructions first time, every time
- Record, complete and submit homework or coursework on time (i.e. before the deadline)
- Respect the school environment and the local community, and take a stance to ensure others do so as well
- Be responsible for taking communications to and from school
- Take pride in their school and work to make it 'excellent in all areas'
- Tell their form tutor or an adult they trust if they are worried or unhappy
- Use all electronic devices, social media and the internet safely, sensibly, legally and appropriately whether in the school or elsewhere.
- Follow reasonable instructions the first time they are delivered

The 'Home-School Agreement' sets out expectations upon parents in a similar fashion and outlines what the school commits to as well.

In class, it is important that students make it as easy as possible for everyone to learn and for the teacher to teach. Students must always ensure they are well prepared for their lessons and have the correct relevant equipment. Students must wear their school uniform with pride and remember that their appearance and behaviour influence the way the wider community perceives The Emmbrook School.

### Rules

The following are some of the main rules which must be adhered to:

1. Students should aim to be at school at 8.20 a.m. in the morning at the latest in full school uniform or dress code, well presented and ready to learn. Lateness and non-attendance, to school or lessons, may result in disciplinary penalties. The school day ends at 2.55 p.m. for most students (except those with period 6 lessons or involved in extra-curricular activity). The only proviso is if the school bus which transports you to school is late.
2. Students are responsible for ensuring they have the right equipment, materials and books for their learning. Failure to be adequately prepared for learning may result in an appropriate disciplinary penalty.
3. Students must move around the school quietly and purposefully, without loitering between lessons or at the end of breaks. Failure to behave appropriately around the school may result in disciplinary penalties.
4. Students must not engage in or facilitate betting or gambling which involves money of any kind, regardless of the level of stakes. Such betting and gambling is not allowed at any time on the school site, on the way to or from the school, on school trips or activities or at any time when in school uniform/dress code.  
Gambling and misuse of substances (which throughout this policy includes smoking) are not socially responsible and are not legal on the school site. Gambling or misuse of substances may lead to the imposition of disciplinary penalties.
5. Under no circumstances are students to invite any member of the public to or near the school without seeking permission from the Headteacher. Encouraging or condoning unwelcome or troublesome outsiders (this would include family members other than parents and guardians or carers) to come to or near the school may result in disciplinary penalties.
6. Fire and emergency procedures are on display around the school. Students and others must ensure that they are aware of what to do if the fire alarm sounds. It is an offence under the law to set off a fire alarm falsely or interfere with fire safety equipment such as fire extinguishers, as to do so can cause serious injury or death to people using the building. Any student setting off the fire alarm when there is no fire or other emergency or interfering with or damaging fire

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safety equipment will be subject to disciplinary penalties, may be vulnerable to permanent exclusion and may be subject to criminal prosecution with a fine of up to £10,000.

### 7. Lunch / Break Times

- a. Students must queue at the correct time and in an orderly way where there is an expectation to queue (e.g. in the canteen facilities, when waiting to enter classrooms, in fire drills, etc.). Failure to behave appropriately in such circumstances may result in disciplinary penalties being imposed.
  - b. Students must take special care to behave courteously towards those in authority including Canteen Supervisors, Caretakers, Cleaners and other staff. Inappropriate behaviour or rudeness may incur disciplinary penalties.
  - c. Taking food or drink without paying for it will be treated as theft. Theft will result in disciplinary penalties
  - d. Theft, criminal damage (including to school property and/or learning materials and/or student work) and any other crime may be reported to the Police and could result in arrest, caution, prosecution and/or permanent exclusion.
  - e. Having another person use a student's money or credit to pay for food or drink may be treated as bullying. Bullying will be addressed in accordance with the school's Anti-bullying Policy.
  - f. No food or drink is to be consumed anywhere other than in the designated areas (canteen or main hall). Disciplinary penalties may be applied where consumption occurs outside of designated areas. Bottled water may, however, be consumed throughout the school day.
  - g. Do not leave litter – please use the bins provided. Disciplinary penalties, including community service, may be imposed for littering.
  - h. Anti-social behaviours such as swearing, spitting, vandalism, graffiti, play-fighting, arguing, racist and homophobic language, misuse of substances, etc. will not be tolerated and disciplinary penalties may be imposed.
  - i. Students in Year 7 – 11 must remain on school site at break/lunchtimes and sixth formers must abide by the equivalent restrictions that apply to them. Truancy at any time will incur disciplinary penalties and encouraging others to truant will incur additional sanctions.
8. Students must not go out of bounds on the school site. This means students must not exceed the designated area of the school field and students in Years 7-11 should not enter the boundaries of those areas designated for use by staff or sixth formers only.
9. Under no circumstances may 'Prohibited' or 'Banned items' be brought on or near the school site, on school trips, etc. or their procurement or transporting facilitated in any way. The school may impose a disciplinary penalty, including permanent exclusion, where a student does so.
10. Illegal behaviour will normally be sanctioned within the school as well as being reported to the police.

Other serious misbehaviour such as:

- a. being involved in gang behaviours inside or outside of the school, or acting in a way which supports such behaviour, or coercing or encouraging others to do so,
- b. possessing, using or providing weapons (including replica weapons), offensive weapons or coercing or encouraging others to do so,
- c. possessing, using, providing drugs or coercing or encouraging others to do so,
- d. humiliation (e.g. pulling down clothing) or coercing or encouraging others to do so,
- e. sexual misconduct at the school, elsewhere or on social media,
- f. Bullying and intimidation of others, or coercing or encouraging others to do so,
- g. interfering with religious clothing, or coercing or encouraging others to do so,
- h. making inappropriate allegations, or coercing or encouraging others to do so,
- i. damaging school property or premises, or coercing or encouraging others to do so,

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- j. possessing, using or providing alcohol or drugs, or coercing or encouraging others to do so,
- k. possessing or providing illegal items (including those on the prohibited items list), or coercing or encouraging others to do so,
- l. Extortion or threats and persistent & defiant misbehaviour which affects the learning or safety of others, or coercing or encouraging others to do so, etc.
- m. Racist and homophobic abuse and insults

The list above are examples (not an exhaustive list) of poor behaviour, which may result in permanent exclusion from The Emmbrook School.

### Lesson routines

Students are expected to follow these basic routines in class, plus any additional routines determined by the class teacher. The routines are displayed and used as reminders. All staff will expect the same basic standards of good behaviour in each class.

- Students must enter the classroom in a safe, calm, quiet and orderly fashion, in proper uniform or dress, well-presented and ready to learn.
- Students must, without challenge, sit in their allocated seating plan place, as determined by the teacher.
- Students must set out all the equipment, planner and books needed for the lesson on their desk and start learning as quickly as possible once they are seated (commencing any starter activity immediately).
- Students must safeguard the school's equipment and books to prevent damage.
- Students must be in proper uniform or dress code throughout, take off coats and outdoor clothing and put bags on the floor in a safe place where they do not represent a trip hazard (for example under the desk).
- Students must not lean the chair back on 2 legs, not sit on tables or desks, not put feet up on furniture or damage the classroom furniture or displays in any way.
- Students must be quiet whilst an accurate register is taken.
- Students should raise their hand to show that they can answer a question or if they need help.
- Students should support each other in their learning.
- Students must not have prohibited or banned items and must not eat, chew or drink (except water). Students must be respectful and co-operative at all times, to each other and to those in authority.
- Students should, when the teacher instructs, tidy the classroom, tuck in chairs and put any rubbish collected in the bin before leaving the classroom.
- Students must not leave the classroom earlier than the lesson changeover time/buzzer.
- Students should leave the class in a calm, quiet and orderly manner after having been dismissed by the teacher.

### Beyond the classroom routines

Students are expected to follow these routines around the school site and respect the rules and expectations of each particular area of the school.

'Beyond the classroom' rules include:

- Keep your hands and feet to yourself at all times.
- Line up sensibly and quietly when required e.g. in eating areas, before lessons, at the bus stop, entering assemblies, etc.
- Walk safely in corridors and on staircases
- Speak quietly inside the building and on the concourse.
- Do not go out of bounds.
- Speak politely without swearing or cussing around the school.
- Walk calmly in corridors at lesson changeover.
- Do not loiter on your way to lessons and arrive to lessons on-time.

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### **'Measures' & 'Disciplinary Penalties' to promote 'outstanding' behaviour & regulate conduct.**

Measures and disciplinary penalties with a view to regulating the conduct of students at The Emmbrook School, in no particular order, include:

- Congratulations
- Positive comments when marking
- Firm routines and clear rules
- Praise
- Rewards trips
- Certificates
- Nominations celebrated in an assembly
- Inclusion in events
- Responsibilities
- Acknowledgement of positive changes in behaviour
- 'Restorative Justice' conversations
- Annual Prize Giving
- Trophies, prizes and badges
- Gain or loss of privileges
- Appropriate communication with home (good or bad) including letters, emails, calls, texts, postcards.
- Detentions
- Verbal reprimands
- Community service (school based and/or in the wider community)
- Catch-up sessions with staff
- Change of class (temporary or permanent)
- Change of seating plan
- Curriculum change (rare)
- Seclusion (Isolation)
- 'Extended Day' placement
- Managed Transfer (where possible and appropriate) or other available alternative to permanent exclusion
- Exclusion, temporary or permanent (Decision by Headteacher only)
- On-report for behaviour, attendance, punctuality, progress, etc.
- Parental meeting
- Parenting Contract or Parenting Order and/or Fixed Penalty Notice
- Early reporting for school
- Screening
- Personal searching
- Police searching
- Referral to police or other agencies
- 'Random' uniform, equipment, behaviour, mobile phone or other audits or checks
- Restrictions on future activity
- Referral for in-house support
- Behaviour contract and/or targets
- Notes in the student planner
- Confiscation, retention and disposal of prohibited, banned or other items detrimental to school discipline
- Interrogation of seized electronic devices
- Written Warning
- Final Warning where appropriate
- Situation discussed at a management meeting (e.g. Behaviour Meeting, Attendance and punctuality meeting, Subject or Year Group meeting, etc.)

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- Multi-agency referral
- Mediation
- Consideration of assessment for a Statement of SEN, Statement review or an Education, Health and Care plan
- Behaviour contract
- Referral to learning support
- Involvement of police
- LADO consultation
- CAF referral
- Referral to off-site or alternative provision
- Referral to the School Counsellor
- Referral to Health (School nurse, CAMHS, etc.)
- Referral to Family Support Worker
- Mentoring by Year Manager, Teaching Assistant or others
- Note on school record
- Supporting police investigations

### Detention

Detention of students outside of school sessions is one of the measures taken at The Emmbrook School with a view to regulating the conduct of students. Detention is a disciplinary penalty and does not generally require consultation or consent from the parent or student.

A detention can be imposed during any school day, for example during a break without notice.

A detention can also be imposed:

- On a school day, other than a day when a student has been authorised by the Headteacher to be absent,
- On a day (whether or not in term time) which is set aside wholly or mainly for the performance of duties by members of staff of the school other than teaching, other than such a day which is excluded by regulations made by the Secretary of State.
- A detention may be scheduled at other times by agreement with the parent (or student over the age of 18). However parental consent does not relate to no-notice 'out of hours' detentions. Parental consent is not required for these detentions.

Staff may issue no-notice 'out of hours' detentions but are advised to provide parents with a minimum of 24 notice, communicated by any effective method. The main form of no notice 'out of hours' detentions, are afterschool detentions, and these are run between 3pm – 4pm on a daily basis. Parental consent is not required for students to serve these detentions.

### Exclusion

The exclusion of students (for fixed term(s) or permanently) is one of the measures taken at The Emmbrook School with a view to regulating the conduct of students. **The use of exclusion should be in accordance with the prevailing regulations at the time of exclusion and will have regard to the Department for Education's guidance 'Exclusion from maintained schools, Academies and student referral units in England (1 September 2012)' or its subsequent versions.**

The Student Disciplinary Committee of the Governors should have regard to the guidance provided by the Secretary of State.

The decision to exclude can only be taken by the Headteacher following an investigation.

### The use of reasonable force

The school does not have a 'no-contact' policy. Friendly, respectful and non-intimate touching (such as shaking hands, pats on the back, guiding and shepherding, etc.) is considered as part of the normal interaction between students and staff, can be important in teaching, particularly in practical subjects and is often an essential element of the duty of care towards students.

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The term 'reasonable force' covers the broad range of actions used by most staff at some point in their career that involves a degree of physical contact with students to control or restrain. The use of reasonable force does not require parental consent.

Restraint means holding back physically or pushing or pulling to bring a student under control, for example when two students are fighting and refuse to separate without physical intervention or where a student is restrained to prevent violence or injury. More extreme behaviour may justify more restrictive holds.

'Reasonable' in this context means the minimum force deemed necessary to resolve the situation that require the use of force and normally where other strategies such as instructing the student have been tried and failed.

All members of staff may use such force as is reasonable in the circumstances for the purpose of preventing a student from doing (or continuing to do) any of the following when on the school premises of the school in question or they are elsewhere and the member of staff has lawful control or charge of the student concerned, namely

- Committing any offence,
- Causing personal injury to, or damage to the property of, any person (including the student himself or herself, other students, staff or visitors), or
- Prejudicing the maintenance of good order and discipline at the school or among any students receiving education at the school, whether during a teaching session or otherwise.

### **Screening Students and their belongings**

Surveillance will be undertaken in and around the school site in accordance with legislation (including data protection and GDPR requirements) using technology and monitoring equipment which may include CCTV.

Screening involves little or no physical contact. It may involve the turning out of pockets (but not reaching into them) and the removal of outer garments or bags for searching away from the person. It does not involve 'patting down'. Screening is generally carried out publicly.

Screening of groups of students may also be used in situations such as classrooms when, for example, an item has gone missing during a lesson and no-one admits to having taken the item.

Any member of staff can screen students but only authorised staff can then conduct a search in accordance with the school guidance on searching.

Refusal to be screened would not normally, on its own, justify the use of reasonable force but reasonable force may be appropriate, for example, if there was a reasonable suspicion that the student was in possession of a knife or weapon and poses a serious risk of harm to themselves or others.

If a student refuses to be screened, staff **MUST** refuse to have the student on the premises (until they agree to be searched or screened) but may also call the police, for example, if the student is believed to be carrying a knife or weapon and poses a serious and on-going danger to themselves or others.

Where there is 'Immediate Need', the member of staff may need to call the police on '999'. Otherwise permission to call the police requires authorisation from the Headteacher.

A refusal to admit a student under these circumstances does not require exclusion and will be recorded as 'Unauthorised Absence' and the Attendance Officer should be informed. The aim will be to resolve the impasse to the school's satisfaction, do so in the shortest possible time, get the student back into school and apply any additional measures or disciplinary sanctions that are deemed appropriate.

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### Searching students

School Staff, authorised by the Headteacher, may undertake same-gender searches of a student's person and their belongings. The school provides written guidelines on searching and makes available training and support for those authorised to undertake searches.

All qualified teachers employed by the school on a contract who have undertaken training at The Emmbrook School are normally authorised and certified (normally at induction) to undertake searches in accordance with this guidance, unless prohibited by the Headteacher.

Support staff and unqualified teachers are individually authorised and certified by the Headteacher to conduct personal searches.

Any teacher or member of support staff can carry out an 'Immediate Search' if they deem it necessary, but must report doing so to the Headteacher without delay afterwards. Those that are not authorised by the Headteacher to undertake a personal search should consider carefully whether there is really no alternative before they themselves carry out an immediate search.

Students can be searched for any item (not just those on the lists of prohibited and banned items in this policy) but only if they give their consent.

There is no need for formal written consent of the student (or parent). Parents do not need to be informed of routine searches, before or after the personal search.

Parents have no authority to refuse or interfere with the rights to search, screen or confiscate items from students on the school site or elsewhere where the member of staff has lawful control or charge of students, for example on school trips in England or in training settings.

### Prohibited Items

Students can be legally searched without their consent, by the Headteacher and staff authorised by him, where there are reasonable grounds for suspecting a student may have any of the following prohibited items:

- ✓ Knives or weapons (including make-shift and imitation weapons including BB, nerf, cap or pellet guns for example). ☒  
Alcohol.
- ✓ Illegal drugs.
- ✓ Stolen items.
- ✓ Tobacco and cigarette papers (for e-cigarettes consult with the Headteacher).
- ✓ Fireworks.
- ✓ Pornographic images (this would include any indecent image of a child/student under 18 years of age including themselves or other students).
- ✓ Any article that staff reasonably suspects has been, or is likely to be, used to commit an offence.
- ✓ Any article that staff reasonably suspects has been, or is likely to be, used to cause personal injury, or damage to the property of, any person (including the student themselves). Banned items
- ✓ Any item banned by the school rules and identified as an item which may be searched for and confiscated.

**Banned items** that can be searched for and confiscated include:

- Non-uniform items (e.g. hoodies, steel capped boots and other non-uniform footwear, T-shirts, visible vests, coloured sweatshirts, make-up, jewellery, bandanas, baseball caps, excessive layers of clothing, etc.)
- Excessive amounts of cash
- Video or audio recording devices and covert technologies.
- Other banned electronic devices such as music players, games consoles, e-cigarettes and computer games.
- Legal 'highs', solvents or medicines (prescription and non-prescription).

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- Racist, Sexist or Homophobic material.
- Stimulant drinks.
- Chewing gum.
- Materials which may be used for or to facilitate gambling or betting.
- Valuables or quantities of money.
- Aerosols or any propellants.
- Glass/ceramic bottles and containers.
- Stink bombs.
- Laser pens, laser pointers or similar.
- Water propelling devices.
- Drones and radio controlled devices.
- Balloons and water bombs.
- Catapults or similar projecting devices
- Any other items considered as sharp, dangerous, offensive, inappropriate or that may compromise safety, learning or be detrimental to school discipline.

Students do not have a right to choose who searches them or who acts as the witness except in the case of non-binary / transgender students who may only choose the gender of the searcher/witness and not a particular person.

Any student who refuses to co-operate with a personal search would lead to the application of disciplinary penalties in the same way as refusal to follow any reasonable instruction or request. Some circumstances (for example, where there is reasonable suspicion that a prohibited item is being concealed) may justify the use of reasonable force and/or the involvement of the police.

All searches must normally have another member of staff as a witness. This person should also normally be of the same gender as the student.

In the case of an 'Immediate Search' being necessary and no other staff being present, the searcher may be able to call upon another suitable person or proceed without a witness present if it is not practical to summon one in time.

The police may agree to support or undertake a search under certain circumstances where a student refuses to be searched or whenever an intimate search may be necessary. A member of staff of the same gender as the student must be present throughout a police search as a witness and to act as the child's advocate in *loco parentis*.

An 'Immediate Search' or 'Immediate Need' is defined for these purposes as a search where the staff member reasonably believes that there is a risk serious harm will be caused to a person if the search is not conducted immediately. This must be reported to the Headteacher afterwards and without undue delay.

In exceptional circumstances, a search of a student could be carried out by a member of staff of the opposite gender and without a witness but only where the staff member reasonably believes that there is a risk of serious harm will be caused to a person if the search is not conducted immediately and where it is not practical to summon another member of staff (or other suitable person) in time.

### **Confiscation. Retention and Disposal of Seized Items**

Confiscation, retention and/or disposal of items seized from students are measures taken at The Emmbrook School as disciplinary penalties with a view to regulating the conduct of students.

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In most cases, the confiscated item will be retained and will be returned towards the end of the academic year or following academic year if confiscated in July or when the student leaves the school. However, prohibited items will not be returned and may be safely disposed of or given to the police.

School staff can seize (confiscate) from students any prohibited item, any banned items or any item which the Headteacher or authorised staff consider harmful or detrimental to school discipline, irrespective of whether the item is 'owned' by the student, their parents or others.

The school reserves the right to withdraw permission for any student to bring in mobile phones at its discretion. The school may also confiscate phones or other pieces of equipment that are used inappropriately, e.g. for bullying or threatening others, for rude or offensive messages, for creating inappropriate videos, etc. This may also apply to misuse out of school, for example if this may impact negatively on other students, staff, health and safety or standards of behaviour & discipline within the school.

There are circumstances in which school staff also have the right to access, view, download and copy data and images (including video clips), for example, to maintain good order and discipline or investigate alleged indiscipline. Some matters may require referral to outside agencies such as the police where for example there may be evidence of a crime and/or to social care where serious safeguarding issues are uncovered.

### **Anti-Bullying and Anti-Harassment**

Bullying & Harassment will not be tolerated at The Emmbrook School. Every student has the right to be safe, be respected and to learn.

The aim of The Emmbrook School Anti-bullying and Anti-Harassment Policy is to raise awareness to students and staff that bullying is always unacceptable.

### **Allegations against or aggression towards staff**

The Governors and the Headteacher will deal with allegations against staff in a timely fashion, objectively and fairly to protect students against harm and protect staff.

The school, in consultation with the Education 'Local Authority Designated Officer' (LADO) and other agencies as necessary, will follow its safeguarding procedures and/or, as necessary, confidential HR procedures.

The school will also deal firmly with unfounded, malicious, libellous, baseless, exaggerated or deliberately disproportionate allegations by students, parents or others.

Allegations of this nature made by students will be considered as very serious matters and will result in strong disciplinary action which could include a decision by the Headteacher to permanently exclude the student.

### **Parenting Contracts and Orders**

The school knows that the vast majority of our parents provide excellent support for their children, the school and its staff. In the rare circumstances where parents are not supporting their children and the school well, the school will offer all available help, guidance and support and, in some cases, use the legal powers available to it, for example, to seek a parenting order, issue fixed penalties and/or involve the police, social care and other agencies.

### **Serious incident handling**

Please refer to the incident handling policy.

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**Day –to-Day management and protocol for staff**

The staff handbook details what staff should do when dealing with situations, both in-class and outside. The protocols have been presented in a format which ensure that each member of staff applies the principles of the behaviour policy (this document) consistently.