

John Port Spencer Academy



BEHAVIOUR POLICY

Behaviour Lead: Mr Tony Stephenson

Included in the policy

AIMS

ROLES AND RESPONSIBILITIES OF THE PRINCIPAL, STAFF, GOVERNORS AND PARENTS

WHAT WE EXPECT OF OUR STUDENTS

OUR GUIDING PRINCIPLES

OVERVIEW OF REWARDS, STRATEGIES AND SANCTIONS

IMPORTANT ACADEMY RULES

ANTI BULLYING STRATEGY

DRUGS AND HARMFUL SUBSTANCES

EXCLUSION ARRANGEMENTS

STANDARDS FOR GOOD SIXTH FORM BEHAVIOUR

APPENDIX 1 – Guideline Sanctions

APPENDIX 2 - Search and Confiscation Procedure

APPENDIX 3 - Agreed Behaviour Code Poster

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AIMS

John Port Spencer Academy is a values-led community, which is centred on the needs of students. Our focus is on supporting students to develop as individuals with a strong sense of moral purpose, and the resilience to thrive under challenge. We want students to be models of good behaviour, responding to adults and to their peers with manners and a respectful attitude. We want the academy to have a reputation for being strict and insistent upon good behaviour. We expect our students to recognise the need to behave in a moral and upright manner, and to recognise their duty of contributing towards the building of a cohesive community.

Students will be taught to take responsibility for their own actions and to accept the consequences of their choices. In order to be 'the best that they can be', ultimately, we aspire to our young people becoming independent, self-disciplined, self-regulating learners. We will strive to ensure the right balance of reward and sanction to achieve this.

ROLES AND RESPONSIBILITIES OF THE PRINCIPAL, STAFF, GOVERNORS AND PARENTS

The Principal will be responsible for the implementation and day-to-day management of the policy and procedures and for reporting to Governors on its impact. Behaviour and exclusion figures will be reported to the Governors at each full governor meeting, allowing governors to monitor behaviour within the academy. All staff will be responsible for ensuring that the policy and procedures are followed consistently. Mutual support amongst all staff in the implementation of the policy is essential. Staff have a key role in advising staff in senior leadership roles on the effectiveness of the policy and procedures. They also have responsibility, with the support of the Principal, for creating a high-quality learning environment and for teaching positive behaviour for learning.

The Governing Body, Principal and staff will strive to ensure that all are treated appropriately and consistently and that the concerns of students are listened to and dealt with. The Governing Body, Principal and staff acknowledge, at the same time, their duties under the Equality Act 2010 and their responsibilities to safeguard and promote the welfare of children, including those with Special Educational Needs (SEN).

Parents and carers will be expected, encouraged and supported to take responsibility for the behaviour of their child both inside and outside the academy. The academy will encourage parents and carers to work in partnership with the academy to assist it in maintaining high standards of desired behaviour and will be actively encouraged to raise with the academy any issues arising from the operation of the policy. On their entry to the academy, students agree to our standards of behaviour and parents are required to cooperate with any sanctions imposed.

WHAT WE EXPECT OF OUR STUDENTS:

- To behave in an orderly manner at all times, paying due courtesy and respect to other members of the academy: adults, other children, visitors and the public.
- To respond promptly and obediently, without questioning, to the instructions of staff.
- To be mindful: never malicious, in thought or deed, and never bearing false witness against students or staff.
- To show respect for other people's property, the academy and its environment.
- To arrive on time for the academy day, lessons and all other scheduled activities in the academy and to work to the best of their ability.
- To aspire to achieve excellent attendance each academic year.
- To always be well presented both in manner and in dress.
- To have pride in themselves and to maintain a healthy and active lifestyle.
- To comply with any sanctions.

Any infringement to the expectations of the academy is liable to punishment and sanctions, examples of which can be found in our tariff of sanctions.

OUR GUIDING PRINCIPLES

1. We will deal with any transgressions promptly and with respect for the individual.
2. We will encourage parents to work in partnership with the academy and we will do our best to ensure a good working relationship.
3. We will listen to students and respond to their concerns.
4. Good behaviour is the responsibility of all staff and students.
5. We will expect our students to be ambassadors for the academy, behaving well within the academy and when travelling to and from the academy and in the local area.

OVERVIEW OF REWARDS, STRATEGIES AND SANCTIONS (Also see APPENDIX 1)

In order that this aim is achieved, staff at John Port Spencer Academy will:

- Establish and set out formally, in various documents such as the student planners, our expectations of what constitutes good behaviour and the standards we expect.
- Publish, operate and update sanction guidelines to promote consistency.
- Strive for fairness and consistency in the management of students.
- Develop and reinforce positive attitudes towards activities that promote community cohesion.
- Celebrate and reward effort and achievement:
 - **Praise points** – an electronic reward system for students where they can earn points for effort, behaviour, manners, kindness and achievement that is over and above expectation. When a student earns 25 points, they are entered into a prize draw. Any student who has no X points during a week will also be awarded praise points that count towards this prize draw.
 - **Achievement badges** – these are awarded to the top five praise point scorers in each year group during each half term.
 - **Postcards** – postcards are sent home for students whose behaviour or progress exceeds expectation.
 - **Positive phone calls** – the Year team and faculties will phone home where students behaviour or achievement exceeds expectation.
 - **Praise certificates or letters** – praise letters are sent home by the year team for excellent behaviour, progress and achievement.
 - **Hot chocolate Friday** – Students who have gone ‘over and above’ in achievements in any discipline either in or out of school can be nominated by a teacher to have a hot chocolate with the Principal on a Friday.
- Operate a recording system to note and deter incidents of poor behaviour, facilitating a clear picture of student infringements.
 - **X system** – X’s are given to students by staff, where behaviour falls below expectation.
 - **E14 break/lunch time detention’s** – E14 detentions are issued when a student has received a negative behaviour point (X’s).
 - **After school detentions** – students who accrue two or more X points in a week will be given an after-school detention on a Thursday.
- Place students with behaviour difficulties in the Learning Support Centre and/or Referral.
 - **Referral Centre** – the referral centre is where students spend time working if they receive multiple negative behaviour points, or if they have been removed from a lesson.
 - **Learning Support Centre** – the learning support centre is for those students who need structured behavioural or emotional support before being reintegrated back into the main academy setting.
- Refer students to outside agencies where appropriate, to help them improve their behaviour.
- Give staff regular in-service training targeted at giving them the necessary behaviour management skills.
- Not allow disruptive or challenging behaviour to interrupt lessons or prevent others from learning.
- Use prefects and a peer mentoring system to model and enforce good behaviour.
- Endeavour to identify signs of extremist or radicalised behaviour and respond swiftly, by working with the relevant external agencies.
- Fixed Term and Permanent Exclusion – exclusions are issued for serious offences against the academy behaviour policy. Permanent exclusion is only used where the student's return to the academy would seriously prejudice the education of other students in the academy or where there is good reason to believe that the student's return would place the safety of other students and/or staff at serious risk.

Parents must support the sanctions imposed by the academy. We seek firm parental support in ensuring that their child conforms to all academy expectations and to recognise the right of the academy to set detentions, including after-hours detentions, in the event of these expectations not being met.

IMPORTANT ACADEMY RULES (this list is not intended to be exhaustive and applies to and from the academy).

- No illegal drugs or “legal highs”. Possession, use or dealing in drugs is likely to result in exclusion.
- No alcohol, pornography, stink bombs, lasers, fireworks, weapons or any items which can serve as weapons, stolen items, tobacco or other smoking materials, or any other items likely to cause disorder. All such items will be confiscated and possession of such items is likely to result in exclusion.
- No offensive weapons. For example, but not limited to: a knife, knife blade or razor blade; any other article that has a blade or is sharply pointed, such as a metal afro comb; anything that is made or adapted to cause injury;

any imitation or real firearms. All such items will be confiscated and possession of such items is likely to result in exclusion.

- No smoking or vaping.

We reserve the right to search students where it is suspected that a student is in the possession of a banned item in the academy – please see Appendix 2 (Search and Confiscation Procedure) for further details.

- No incitement to violence, threatening and/or aggressive behaviour (in severe or repeat cases this may lead to permanent exclusion).
- Photographing or recording of staff or students without permission is strictly prohibited and may lead to exclusion.
- No swearing, inappropriate language or defiance.
- Mobile phones are not to be used within the academy for any reason without permission (in the first instance the phone will be confiscated and handed back at the end of the day, further instances could result in the mobile phone being kept at home by parents for a specified amount of time).
- Chewing gum is prohibited.
- Keep to the left on stairs and corridors moving around the building.
- Uniform to be worn properly and conventionally.
- No hooded sweatshirt tops.
- Earrings should be small gold or silver studs or sleepers, one pair only to be worn. No other piercings or tattoos. Religious jewellery is accepted in moderation. No other jewellery except a plain watch.
- Excessive make up is not permitted in the academy. Nail varnish and false nails are also not permitted in the academy.
- Hairstyles must be conventional: not exaggerated, lined, or coloured.
- Books and equipment should be carried in a strong bag capable of being closed with a zip or buckle.
- Students should keep a reading book.
- Only small amounts of money (less than £10) should be brought to the academy in normal circumstances, though it is preferred that students bring no money at all. Money must not be lent or borrowed and there must be no buying or selling between peers.

ANTI BULLYING STRATEGY

For students to learn effectively they need a secure, happy and friendly environment. Bullying is entirely unacceptable at John Port Spencer Academy and will always be treated seriously. We define bullying as **“A wilful, conscious, and often systematic desire to physically or emotionally hurt another person or to put her or him under stress”**.

Students are encouraged to talk to their Form Tutor, Head of Year, Pastoral Manager or any other adult they feel confident with in respect of any/every incident. If students find it difficult to report any bullying concerns directly to a member of staff they can send an anonymous email to ‘antibullying@johnport.derbyshire.sch.uk’ (or just ‘antibullying’ if sent in the academy). The safeguarding team will act upon information received by email. All parents, via students, receive a booklet in Year 7 on how to recognise symptoms, advice on what to do and who to go to if their child has a problem. Parents may also report any incidents of bullying to their child’s Form Tutor, Head of Year or Pastoral Manager.

All staff are requested to report any significant instance of bullying to the Head of Year or Pastoral Manager. The Head of Year and/or Pastoral Manager will forward the information to the safeguarding team to be entered in the “Alleged Bullying Incidents Log”.

An “Agreed Behaviour Code” has been developed by students and staff for issues including bullying. This is posted in every classroom and is also in student planners. The Agreed Behaviour Code is reviewed periodically (please see Appendix 3). Students are reminded of the academy behaviour code in assemblies on a regular basis. In addition, each form develops its own anti-bullying code, which is signed by all students in the form and displayed on the noticeboard in the form room.

Bullying behaviour is often, but not necessarily, premeditated and usually forms a sustained pattern of behaviour, rather than being an isolated incident. As there are many forms of bullying and our aim is to examine each incident individually and decide on the appropriate action in each case. We are very aware that incidents at the academy often have consequences that occur outside academy hours and off academy premises. Please be reassured that we will deal with all cases of alleged bullying if they involve our students. Sanctions will extend to permanent exclusion in the most severe or repeated cases.

We recognise that bullying also takes place using mobile phones and the internet. This is equally unacceptable. The enrichment programme covers such forms of bullying and specific assemblies are used to emphasise the issue. Parents are always encouraged to contact the police if cyber bullying persists. We have also taken steps as an academy to minimise this potential form of bullying by introducing a 'personal electronic devices' ban during the academy day.

The academy also participates in wider initiatives such as National Anti-Bullying Week in the month of November. The academy Enrichment and Citizenship programmes include the theme of bullying and explore the concepts of rights and responsibilities, including Human Rights. Other curriculum areas also contribute to the anti-bullying message.

By applying fair and consistent sanctions to those who offend against the rights of others at John Port Spencer Academy, we have developed a system of dealing with bullying that seeks to empower the victim and which is appropriate to the problem. Incidents of violent behaviour, cultural, racial, sexual and psychological harassment are not tolerated from anyone. Appropriate sanctions will be deployed.

By offering support and counselling for both victim and bully, we seek to modify attitudes and behaviour. To ensure that the bully understands the feelings of the bullied, both parties are usually brought together. We appreciate that there may be circumstances when this is not always desirable. Parents of both the 'victim' and the 'perpetrator(s)' will be informed that there is an issue even where there is insufficient evidence to enable specific action to be taken. Peer counselling can also be organised for any student who feels they need additional support.

DRUGS AND HARMFUL SUBSTANCES

The term drugs and harmful substances refers to those categorised in law as illegal or controlled (e.g. Class A, B and C drugs), those which are not illegal but age restricted (for example, but not limited to: Tobacco, Vape, Alcohol, Solvents etc.) and novel psychoactive substances or "legal highs".

Schools are subject to the same smoke-free legislation as other premises. Students who are smokers will be provided with access to support e.g. smoking cessation classes. Persistent smokers will be given incremental sanctions, which may include fixed-term exclusions. This includes tobacco and electronic cigarettes. Students found to have tobacco or electronic cigarettes in their possession will have them confiscated. Parents who wish them to be returned may collect them from the academy. *On 1 October 2015, it became illegal for retailers to sell electronic cigarettes (e-cigarettes) or e-liquids to someone under 18.*

Alcohol is not permitted on academy premises neither are any psychoactive novel drugs ('legal highs'). Possession of such items could lead to severe sanctions including exclusion. The misuse of drugs normally classed as medicines will similarly be dealt with severely. *The police will not normally need to be involved in incidents involving legal drugs, but schools may wish to inform trading standards about the inappropriate sale of tobacco, alcohol or volatile substances to students.*

Legal Obligations

Under the Misuse of Drugs Act it is an offence for staff to allow academy premises to be used for the use, administration, production or supply of controlled drugs. Academy premises includes the temporary base for students e.g. a field study centre etc. The law requires that if staff become aware of the use, administration, production or supply of controlled drugs on academy premises, they must take prompt and reasonable action to prevent this continuing.

If staff know that young people, parents/carers or anyone else are in possession of (or have been using or supplying) illegal drugs, they do **not** have a legal obligation to inform the police. It is an offence, however, for staff to abet a crime or obstruct the police by, for example, hiding drugs or by helping a young person to avoid arrest. At John Port Spencer Academy, the preferred course of action is to communicate with the Police, although this may not involve the disclosure of names unless compelled to do so to assist in a criminal investigation.

John Port Spencer Academy takes very seriously its responsibility to safeguard members of its community against the hazards and dangers brought about by the use of drugs and harmful substances and will do everything in its power to ensure that the site remains free of such substances.

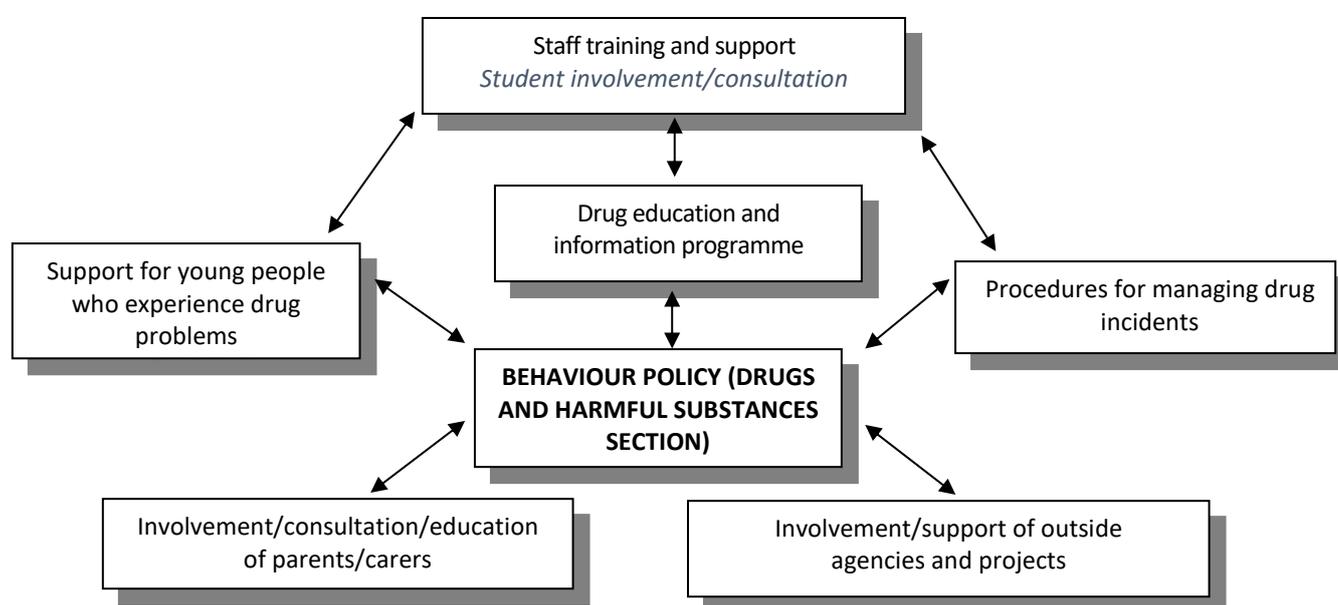
The Governors, Principal and staff will not tolerate:

- students bringing drugs and harmful substances into the academy
- students using drugs and harmful substances in the academy
- students dealing in drugs and harmful substances in the academy (dealing is defined as the passing on and receiving of an illegal substance without coercion. Money or goods do not need to change hands).

Where students are alert to the dangers of drug and substance abuse they are less likely to partake in it. Drugs education is structured into the curriculum but the academy will also be flexible in adopting campaigns and making presentations in the face of particular challenges. Drug education will be delivered and developed within the context of:

- The Enrichment programme
- Appropriate support, training and resourcing of staff

The academy maintains an awareness of the changing dynamics of the 'drug scene' through its connections with external agencies and the police via its monthly 'Multi Agency' meetings. The academy will educate students on a regular basis [via assemblies, enrichment days and other means] to the dangers regarding drugs, emphasising that, under no circumstances, should drugs be brought onto the site. The model below shows the main components of our whole academy approach to drug education.



Support for Students experiencing Problems with Drugs or Harmful Substances

Students who are known to be experiencing problems with drugs or harmful substances will be offered support via dedicated and specialist organisations and agencies. These are to be accessed via the Early Help Team (EHT) or School Health Team. These are the most efficient routes to access services commissioned by the NHS or the Derbyshire Recovery Partnership. Whilst it is desirable and often beneficial to engage parents in supporting the young person the right to confidentiality needs to be observed as with all medical issues.

Managing 'Controlled' Drug Incidents in the Academy

The academy will deal with drug related incidents in a firm and considered manner. If a student is found in possession of any controlled substance (or dealing in it) the matter should be reported immediately to a member of the Senior Leadership team who will organise an investigation. Under no circumstances should the student be left alone.

In taking temporary possession and disposing of suspected controlled drugs, schools are advised to:

- Ensure that a second adult witness is present throughout;
- Seal the sample in a plastic bag and include details of the date and time of the seizure/find and witness present;
- Store it in a secure location, such as a safe or other lockable container with access limited to senior members of staff;
- Notify the police immediately, who will collect it and then store or dispose of it. The law does not require a school to divulge to the police the name of the young person from whom the drugs were taken however, the school must co-operate with any legitimate police requests during a criminal inquiry.
- Record full details of the incident, including the police incident reference number.

- Inform parents/carers as soon as possible, unless this is not in the best interest of the young person. The Child Protection Officer needs to be informed in case a referral to Social Service is necessary.
- In the case of being in a remote situation (e.g. a foreign trip), it may be more advisable to dispose of the item by flushing it down the toilet. A second witness is required for this action and a record should be kept of having taking the action.

Any student caught in possession or discovered to have used or be using a controlled substance whilst on the academy premises or on any journey visit organised by the academy will face sanctions that include the possibility of exclusion. The response of the academy will be governed by the nature of the incident and the impact on the wider student body. The DFE advises that exclusion should not be the automatic response to a drug incident and permanent exclusion should only be used in serious cases. However, for any student found to be dealing in drugs on the academy premises or on any journey/visit organised by John Port Spencer Academy, permanent exclusion will be the normal sanction. (Please note the earlier definition of dealing).

Parents of students caught in possession, using or dealing controlled substances will be informed of external agencies or groups who may offer support to the family. If students disclose that they are using drugs off the academy site, a professional judgement will be made about informing parents. In every case, students will be encouraged to talk to parents and seek help where necessary. Disciplinary action against students under these circumstances will not apply.

Search and Confiscation Procedure (See APPENDIX 2)

The Education Act gives the power to schools to search students without consent for any dangerous or banned items. John Port Spencer Academy will exercise this right only if there is a clear indication that a student is carrying such items and that the student has not complied with a request to voluntarily turn out their pockets and/or bags. Searches on behalf of the academy should be carried out by two members of staff, one of whom should be on the Senior Leadership Team.

When a search is requested by the Police the academy must comply with that request, as it would be an offence to impede the Police in their investigations. The academy will offer to provide an appropriate adult to be present to ensure that a student's safeguarding requirements are observed. Schools are not required to inform parents before a search takes place or to seek their consent to search their child.

Training

Training will be provided to staff on an "at need" basis. Key staff notably members of the Senior Leadership Team, Heads of Year and their teams, the Academy First Aider, members of the Site Management Team, Midday Supervisors and cleaning services team will receive priority.

EXCLUSION ARRANGEMENTS

The Principal (or a member of the Senior Leadership Team (SLT) under the direction of the Principal) hold the right to exclude students for what it considers to be transgressions of the behaviour code or behaviour that falls below academy expectations. There are two types of exclusion available to the academy. These, and typical reasons for their use, are:

- **Fixed term**
 - to provide a "cooling off" period following a particularly disruptive incident
 - a punishment following a serious offence or at the culmination of a series of offences against the academy code of behaviour
 - a serious breakdown in relationships between a student and the academy
- **Permanent**
 - where the Principal determines that the student's return to the academy would seriously prejudice the education of other students in the academy or where there is good reason to believe that the student's return would place the safety of other students and/or staff at serious risk
 - where the behaviour/s are significant enough to permanently exclude a student.

The Principal should ensure that a clear distinction is made between fixed term and permanent exclusions. At the time of the exclusion, the academy must inform those who have parental responsibility;

- That the student has been excluded from the academy.
- The reasons for the exclusion.
- Whether the exclusion is for a fixed period (which must be specified) or permanent.

- Whether the exclusion will result in the student losing an opportunity to take any public examination.
- Of the parent's right to make representations to the Discipline Committee of the Governing Body.
- That any representations to the Discipline Committee of the Governing body should initially be made in writing to the Principal, who may keep a copy before passing the representations to the Discipline Committee.
- That any representations made by them to the Discipline Committee of the Governing Body will be included with a record of the student's exclusion, on the student's academy record.

When informing parents about an exclusion it is necessary to include not only the person with whom the child lives but also each person known to the academy as having parental responsibility (providing there is no court order prohibiting such involvement). Following the Education & Inspections Act 2006, parents are now responsible for keeping children indoors during exclusions. Parents of children found in a public place during academy hours, without reasonable justification can be subject to a fixed penalty notice.

John Port Spencer Academy follows the statutory guidance produced by the Department of Education 2017 entitled *Exclusions from maintained schools, academies and pupil referral units in England*. The full guidance document can be found here: <https://www.gov.uk/government/publications/school-exclusion>

STANDARDS FOR GOOD SIXTH FORM BEHAVIOUR

When entering the Sixth Form of John Port Spencer Academy, students must appreciate that they are joining a learning community. The academy expects our Sixth Formers to understand that the academy is a place of work and learning, which should occur in a quiet and civilised manner. This recognises the rights of other members of our academy community to work without interruption and distraction.

When Sixth Formers are not taking part in timetabled lessons private study will take place. Sixth Formers are expected to use their time effectively.

Sixth Formers should also actively seek to become ambassadors within the academy, becoming prefects, mentors and positive role models to the younger academy community.

The Sixth Form will follow the same behaviour systems as the rest of the academy. If a Sixth Form student persistently fails to meet academy expectations, that student may no longer be permitted to continue with their course of studies at John Port Spencer Academy.

APPENDIX 1
Guideline Sanctions

EXAMPLES OF ACTION TO CORRECT POOR BEHAVIOUR (this list is not intended to be exhaustive).

Action Taken	↑ ↓	Implemented by
<ul style="list-style-type: none"> Non-verbal communication Word of correction Reminder of normal rules Change of seats Confiscation (confiscated items may be returned at the Principal's discretion at a time determined by her) Warning of the consequence of repeated poor behaviour Task to help teacher Use of planner Teacher Detention Sent to Pastoral Manager, Head of Year or Senior Leadership Phone call home Letter home Referral to Head of Faculty Isolation within the Faculty Faculty Detention Community Service or imposition of a task or tasks Issuing of an X and subsequent detention 	↑ ↓	<p>Any staff member can and should implement these sanctions where appropriate</p>
<ul style="list-style-type: none"> Use of daily On Report system Litter picking Head of Faculty meeting with Family Referral to Head of Year or Pastoral Manager Thursday/Friday after school detention Head of Year or Pastoral manager Detention Exclusion from academy activities Head of Year or Pastoral Manager meeting with Family Referral to Mr Stephenson Pastoral Support Plan Referral to SEN 	↑ ↓	<p>Middle Managers and Senior Leadership can and should implement these sanctions, where appropriate</p>
<ul style="list-style-type: none"> Placement in Learning Support Centre Placement In Referral Centre Referral to Vice Principal Referral to Head of academy Senior Leadership Meeting with Family 	↑ ↓	<p>Senior Leadership implementation</p>
<ul style="list-style-type: none"> Fixed Term Exclusion with Re-Integration Meeting Alternative Provision (other education providers) 	↑ ↓	<p>Principal and Vice Principal</p>
<ul style="list-style-type: none"> Appearance before Governors' Disciplinary committee Permanent Exclusion 	↑ ↓	<p>Principal and Governors</p>

APPENDIX 2

Search and Confiscation Procedure

In this procedure, the term “member of academy staff” means any teacher who works at the academy, and any other person who with the authority of the Principal has lawful control or charge of students for whom education is being provided at the academy.

Why conduct a search and what can be searched for?

The Principal and any member of staff authorised by the Principal may conduct a search where it is suspected that a student is in the possession of the following (or similar - this list is not exhaustive):

- Knives or weapons, alcohol, illegal drugs and stolen items; and/or
- Tobacco and cigarette papers, vape, fireworks and pornographic images; and/or
- 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/or
- Any item banned by the academy rules that has been identified in the rules as an item which may be searched for
- Academy staff can view CCTV footage in order to decide as to whether to conduct a search for an item. In doing so academy staff must ensure they act in accordance with current Data Protection legislation.

Who Can Search?

- Under normal circumstances and especially in the case of a search without the student’s consent the search should be conducted by the Principal or staff authorised by the Principal so to do.
- The DfE guidance states that any member of staff can search a student who has given their consent. Good practice at John Port Spencer Academy is that the Principal or Designated Safeguarding Lead should be consulted prior to such a search taking place unless there is an urgent and immediate need for that search.
- The member of staff must be the same gender as the student being searched; and there must be a witness (also a staff member) and, if possible, they should be the same gender as the student being searched.
- There is a limited exception to this rule. The member of staff can carry out a search of a student of the opposite gender and without a witness present, but only where it is reasonably believed that 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.

Where a search can be conducted

Searches without consent can only be carried out on the academy premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on academy trips or in training settings. Searches should be carried out in a private and discreet place e.g. a senior leader’s office to afford privacy and confidentiality to the student as well as to the process.

What are the limits of a search?

The person conducting the search may not require the student 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. Outer clothing includes (but is not limited to) blazers; hats; shoes; boots; gloves and scarves.

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

Lockers and Desks

Under common law powers, school and academies are able to search lockers and desks for any item provided the student agrees to this. Schools and academies can also make it a condition of having a locker or desk that the student consents to have these searched for any item whether or not the student is present. If a student 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.

Searching a student with their consent

There is no DfE recommendation that two persons of the same gender should be present where a student readily agrees to a search or a request to demonstrate that she/he is not in possession of something that should not be in the academy. However, academy recommendations are that there should be two persons of the same gender unless the exceptional circumstances referred to previously apply. All of the restrictions regarding the limits and extent of a search still apply.

Searching a student without their consent

Where possible students should be encouraged to co-operate with a request to search by an invitation to show that she/he is not in possession of something that they should not have. The Principal or member of staff authorised by the Principal can search a student without consent where there are reasonable grounds for suspecting that a student is in possession of a prohibited item.

The Use of Force

See the academy policy on Physical Restraint. The governors advise against the use of anything other than the use of minimum force and only in exceptional circumstances. The DfE advise that 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 not described above that are banned under the academy rules.

Confiscation

- Academy staff can seize any prohibited item found because of a search. They can also seize any item, however found, which they consider harmful or detrimental to academy discipline.
- The school's 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 student's property as a disciplinary penalty, where reasonable to do so.
- The member of staff may use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable 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.

Police Requests to Search

- The academy always meets its legal obligations to co-operate with the police with any criminal investigation. Should the police request that they search a student or students in the academy this request, on official police headed notepaper or from the official police "PNN" email address and preferably from an officer of the rank of Inspector or above, must be forwarded to the Principal for consideration.
- Before agreeing to such a request, the Principal will base the decision on the necessity of the search taking place in the academy rather than away from the academy. The Principal will discuss the issue with the Chair of Governors unless a legitimate request from the police limits the number of persons who should know of the search in advance.
- The academy will provide an appropriate adult (usually a member of the Senior Leadership Team or the Safeguarding Team) of the same gender as the student to be present during the search to assure that the wellbeing of that student is maintained.

Telling parents and dealing with complaints

Schools and academies are not required to inform parents before a search takes place or to seek their consent to search their child. Although it is not a requirement to inform parents, the academy regards it as a common courtesy to make parents aware that a search has taken place.

There is no legal requirement to make or keep a record of a search however, the academy recommends that such a record should be kept in a student's file and logged by the Safeguarding Team. Schools and Academies should inform the individual student'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 academy complaints procedure.

APPENDIX 3
Agreed Behaviour Code Poster



In ___ we agree to be aware of the different forms of bullying above and will try to actively prevent them from happening. We understand the different forms of bullying and the anti-bullying techniques we can use below. We agree that everyone who comes to John Port School should feel safe and happy to be here.

