



## Behaviour and Discipline Policy

Policy Approved by FGB:

12<sup>th</sup> October 2023

Review Date:

October 2024

*'Learning Together with Kind Hearts and Determined Minds'*

### Shared Vision

Borough Green Primary School is committed to creating an environment where exemplary behaviour is at the heart of productive learning. Everyone is expected to maintain the highest standards of personal conduct, to accept responsibility for their behaviour and encourage others to do the same. As members of our school community, we follow the rules of being: 'Ready, Respectful and Safe.'

### Aims

**At Borough Green Primary School, we aim to:**

- Provide a safe, comfortable and caring environment where optimum learning takes place
- Provide clear guidance for children, staff and parents of expected levels of behaviour
- Use a consistent and calm approach
- Ensure all adults take responsibility for managing behaviour and follow-up incidents personally
- Ensure all adults use consistent language to promote positive behaviour and use restorative approaches instead of punishments

### Principles

#### Purpose of the Behaviour Policy

To provide simple, practical procedures for staff and children that:

- Foster the belief that there are no 'bad' children, just 'bad choices'
- Encourage children to recognise that they can and should make 'good' choices
- Recognise individual behavioural norms and respond appropriately through use of the Zones of Regulation

- Promote self-esteem and self-discipline
- Teach appropriate behaviour through positive intervention

**All staff must:**

- Take time to welcome children at the start of the day
- Be at the door of their rooms/in their rooms at the start of each session (after play, etc.)
- Always pick up on children who are failing to meet expectations
- Always redirect children by referring to 'Be Ready, Be Respectful and Be Safe'

**Senior Leaders must:**

- Be a visible presence around the school
- Regularly celebrate staff and children whose efforts go above and beyond expectations
- Encourage use of positive praise; phone calls/notes, house points etc.
- Ensure staff training needs are identified and met
- Use bespoke positive behaviour plans to target and assess interventions
- Support teachers in managing children with more complex or challenging behaviours

**Members of staff who manage behaviour well:**

- Deliberately and persistently catch children doing the right thing and praise them in front of others
- Know their classes well and develop positive relationships with all children
- Relentlessly work to build mutual respect
- Remain calm and keep their emotion for when it is most appreciated by children
- Remain assertive
- Demonstrate unconditional care and compassion
- Co-regulate with children when needed

**Children want teachers to:**

- Give them a 'fresh start' every lesson.
- Help them be ready to learn and help them to be organised.
- Be just, fair and treat them equally.
- Follow the school's system for rewards and sanctions.
- Be kind.
- Be role models.
- Get to know them.
- Help them with behaviour and give reminders during transitions

## Equal Opportunities and Inclusion Statement

Every member of Borough Green's Community will be valued, respected and welcomed equally. Children will be taught to celebrate their differences, understand the cultural diversity and variances within their community; both locally and globally. All discrimination from any member of the school community to another will be tackled rigorously and recorded.

## Behaviour for Learning

### Our School Principles and Rules: 'Be Ready, Be Respectful and Be Safe'

We recognise that clear structure of predictable outcomes have the best impact on behaviour. Our principle sets out the rules, relentless routines and visible consistencies that all children and staff follow. It is based on the work of Paul Dix and his book 'When the Adults Change, Everything Changes'. Good behaviour is recognised sincerely rather than just rewarded. Children are praised publicly and reminded in private.

The school has 3 simple rules '**Be Ready, Be Respectful and Be Safe**' which can be applied to a variety of situations and are taught and modelled explicitly.

We also understand that for some children following our behaviour expectations are beyond their developmental level. *In this case, these children will have bespoke positive behaviour plans which may include rewards to reinforce positive behaviour. These plans will be overseen by the Inclusion Leader to ensure a clear plan that all the adults and the child know and follow.*

Our Rules	Visible Consistencies	Over and Above Recognition (may include)
1. Be Ready 2. Be Respectful 3. Be Safe	1. Daily meet and greet 2. Persistently catching children doing the right thing 3. Picking up on children who are failing to meet expectations 4. Being on the playground ready to collect the class before the children return at break times. 5. Dismissing the children at the door at the end of every day 6. Praising in public; reminding in private. 7. Consistent positive	1. Recognition boards 2. Certificates 3. Stickers 4. House Points 5. Phone call 6. Verbal praise 7. Notes home from class teacher 8. Senior Leader praise (visit, stickers, note home, etc) 9. Class Rewards (eg: GoldenTime) 10. Show work to another adults 11. Name in newsletter 12. Winning House Prize

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## Borough Green's Expectations & Recognition Boards/ Displays

Here at Borough Green, we have 6 class **expectations** that are in place to ensure all pupils achieve the best of their cognitive, moral and spiritual ability. These are consistent from Reception to Year 6 and incorporate our Learning Values but are worded differently to reflect age-related needs.

	<b>Principle in terms of Behaviour</b>	<b>Reception, Year 1 Expectation</b>	<b>Years 2,3 &amp; 4 Expectation</b>	<b>Years 5 &amp; 6 Expectation</b>
<b>Independence</b>	We work hard sothat we learn every day.	Who has thought about their learning?	Who has challenged their learning?	Who has challenged their learning and thought independently?
<b>Generosity</b>	We allow othersto work without distraction.  We are always kind and polite toothers.	Who has let other children learn?  Who has been caring to others?	Who has assisted others with their learning?  Who has been respectful and caring?	Who has facilitated learning for others? Who has been thoughtful, respectful and caring to others?
<b>Reflection for Mastery</b>	We can explain what went well with our learningand give feedback.	Who has taken care with their work?	Who has reflected on what they know to improve their work?	Who has evaluated their learning and improved it?
<b>Resilience for Mastery</b>	We can make mistakes and notgive up.	Who showed bravery to share their ideas?	Who tried a different way of doing things?	Who has chosena more challenging taskwhen they felt confident about their learning?
<b>STAR</b> <b>Sit up</b> <b>Track the speaker</b> <b>Ask and answer questions, and show Respect.</b>	We listen when someone is speaking.	Who has listened actively?	Who has listened actively and responded to the speaker?	Who has listened actively and asked questions to clarify thinking?

<b>Belonging</b>	We look after our classroom and the things in it. We are present in class and play an active part in lessons.	Who has looked after our classroom and the things in it? Have we joined in with everything in class we are expected to?	Who has looked after our classroom and the things in it? Have we tried our best to complete the tasks set?	Who has looked after our classroom and the things in it? Have we tried our best to complete the tasks set without needing reminders?
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These six aspects of the behaviour policy (come from our School Learning Values with Mastery split into two parts, and STAR for how we listen best) are placed prominently in all classes, so that children's positive behaviours are acknowledged. Children's names/photos can be moved to reflect these (see chart above).

## Rewards

When children's behaviour has a positive impact on the safety, wellbeing or learning of any member of the school community rewards are in place. One of the most common and most effective rewards is simply praise. Further reward systems are established and in place, these include house points, stickers, certificates and Golden Time. Golden Time should not exceed 15 minutes.

Every week, the winning house receives 5 minutes of extra play. Every term, the winning house get to have a non-school uniform day, and at the end of the year, they will get a special treat/bigger reward.

The rewards given are inclusive and proportionate to reflect behavioural ability, maturity, age, what the behaviour was and the frequency of the behaviour. Time is given over to sharing some of these rewards in our assemblies.

## Protocol and Procedures for Negative Behaviour

<b>Stepped Boundaries (Class Level)</b> - gentle approach, use child's name, child level, eye contact, deliver message.  Staff to be mindful of the need to make adaptation for children with SEND.	
1. REMINDER	I noticed you chose to ..... (noticed behaviour) This is a REMINDER that we need to be (Ready, Respectful, Safe) You now have the chance to make a better choice Thank you for listening Example - 'I notice that you're running. You are breaking our school rule of being safe. Please walk. Thank you for listening.'  Behaviours might include: Low-level disruption of others learning, calling out or making noises, walking around the classroom during input/learning time, running down the corridor.

<p>2. WARNING</p>	<p>I noticed you chose to ..... (noticed behaviour)  This is the second time I have spoken to you.  You need to speak to me for two minutes after the lesson.  If you choose to break the rules again, you will leave me no choice but to ask you to, (work at another table) (learner's name),  Do you remember when .....(model of previous good behaviour)? That is the behaviour I expect from you. Think carefully. I know that you can make good choices Thank you for listening / I'm glad we had this conversation  Example - 'I have noticed you are not ready to do your work. You are breaking the school rule of being ready. You have now chosen to catch up with your work at playtime. Do you remember that yesterday you started your work straight away and got it finished? That is what I need to see today. Thank you for listening.'</p> <p>Behaviours might include:  Repetition of behaviours in 1 or straight to number 2 for the following behaviours – minor defacing of school property, lack of respect, refusal to comply, mildly inappropriate language, answering back.</p>
<p>3. TIME OUT (IN CLASS)/ OR WITH TA out of class/or with another class</p>	<p>I noticed you chose to ..... (noticed behaviour)  You need to.....(go to another table, etc)  Playground: You need to ..... (Stand by other staff member/ me / Sit on the picnic bench/ <del>stand by the wall etc</del>)  I will speak to you in two minutes  Example - 'I have noticed you chose to use rude words. You are breaking the school rule of being respectful. You have now chosen to go and sit in the quiet area. I will come and speak to you in two minutes. Thank you for listening.'  If the 'time out' is with another class, children should only go to another teacher in the same year group or the year group above.</p> <p><b>DO NOT</b> describe child's behaviour to other adults in front of the child</p> <p><b>We also have other designated spaces/rooms for children who need the opportunity to work away from their peers or self-regulate or reflect –</b>  <b>The ocean room is for disregulated children.</b>  <b>The meeting room and the sensory room are for children who need the opportunity to work away from peers.</b></p> <p><b>Some children may well need extra warning allowances as long as they respond each time...</b></p>
<p>4. FOLLOW UP – REPAIR &amp; RESTORE</p>	<p>a. What happened? (neutral, dispassionate language.)  b. What were you feeling at the time?  c. What have you felt since?</p>

'INTERVENTION'	d. How did this make people feel? e. Who has been affected? What should we do to put things right? How can we do things differently?
Remember it is not the severity of the sanction; it is the certainty that this follow up will take place that is important.	
Removal from class should be used for the following reasons: a) To maintain the safety of all pupils and to restore stability following an unreasonably high level of disruption; b) To enable disruptive pupils to be taken to a place where education can be continued in a managed environment, and; c) To allow the pupil to regain calm.	
<p><b>Beyond this, children to be seen by a senior leader, for behaviours that might include:</b>  Inappropriate language towards another person, minor fighting or physical violence, deliberate vandalism, biting, minor premeditated violence, minor bullying or cyber-bullying, stealing</p> <p><b>The Headteacher or Deputy Head should always be seen in the event of:</b>  Racism, fighting/ physical violence not considered minor, premeditated violence, serious or repeated cyberbullying (including malicious communications), bullying where another senior leader has already been involved.</p>	

## Sanctions:

### Sanctions should

1. Make it clear that unacceptable behaviour affects others and is taken seriously.
2. Not apply to a whole group for the activities of individuals.
3. Be consistently applied by all staff to help to ensure that children and staff feel supported and secure
4. Be mindful of the need to make adaptation for children with SEND.

### Sanctions need to be in proportion to the action

It should also be made very clear that it is the behaviour that is unacceptable, and any sanction should address this, not be made personal to the child.

Possible sanctions include

**Missed Play** – this may be used for children who have misbehaved or interrupted learning for others. It can be used if children have been warned as per the above plan but refused to complete their work. It can also be used as a sanction for poor behaviour in a previous playtime. Ideally, it should not be all play time; alternatively, an opportunity for the child to play with a friend for a shorter time could also be used.

If staff are any doubt that their use of missed play or any other sanction may be disproportionate, or that they are using it in a different way than other teachers, then they should check with the HT or DH first. This will ensure fairness and consistency across the school.

## **Adult Strategies to Develop Excellent Behaviour**

IDENTIFY the behaviour we expect  
Explicitly TEACH behaviour  
MODEL the behaviour we expect  
PRACTISE behaviour  
NOTICE excellent behaviour  
CREATE conditions for excellent behaviour

## **Language around Behaviour**

At our school, we understand that a common and consistent use of language around behaviour is essential in creating clear boundaries to learn how to behave. Phrases such as 'naughty', 'kicked off' or 'screaming fit' are unhelpful in these instances; we should remain professional and calm at all times. Conversations should follow a script and behaviours should be discussed as the behaviours they are, and not be made personal to the child.

Conversations around behaviour should be conducted, in the first instance, by the staff member taking the class/ group. Incidents where Step 3 & 4 from above have happened should be logged on CPOMS alerting either the KS1 or KS2 behaviour group.

## **Behaviour pathway**

Reminder

Warning

Time Out – in class wherever possible or if the 'time out' is with another class, children should only go to another teacher in the same year group or the year group above.

Follow up/Reparative Conversation

*Should you feel, using your professional judgement, a senior member of staff needs to be part of the Follow-up /Reparative Conversation then follow the guidelines below:*

1. Sent to Phase Leader/Inclusion Lead/ DHT/Executive Head in that order
2. Parents phoned
3. Parents called to school
4. Seclusion (children staying away from other children for a short period of time)
5. Internal exclusion with a senior leader.



## Extreme Behaviours: The Use of Reasonable Force

Some children exhibit particular behaviours based on early childhood experiences and family circumstances. As a school we recognise that their behaviour is their way of communicating their emotions. We also understand that for many children they need to feel a level of safety before they stop exhibiting extreme behaviours. Where possible, we use our most skillful staff to build relationships with each individual child. These children may also have a separate risk assessment which may include a bespoke positive handling plan.

There are circumstances when it is appropriate for staff to use reasonable force to safeguard children and other adults.

Before 'reasonable force' is used, school staff will always give a clear, verbal instruction to "stop". School can use reasonable force to:

- Prevent a child behaving in an unsafe way at a school event or on a trip;
- Prevent a child leaving the classroom or school where allowing the pupil to leave would risk their safety or lead to behaviour that puts others or them at risk of being unsafe;
- Prevent a child attacking a member of staff or another child, or to stop a fight in the playground;
- Positively handle a child who is at risk of hurting themselves;
- Conduct a search for prohibited or banned items if a child resists.

We work on the principle of 'minimum handling' and that this will be the very last resort. Wherever possible or planned, then this will only be carried out by trained staff and a senior leader should be called for when reasonable force is being used or has been used. Where reasonable force has been used, this will be reported to parents on the same day.

### **A significant number (25) of the school staff are fully trained in PROACT-SCIPr- UK**

**Trained interventions that can be used as a part of SCIP intervention and are not reportable are:**

- Assertive Commands
- Stance
- Protective Stance
- Front Arm Catch

(These all enable staff to defend themselves should they need to do so)

- Touch support (1 and 2 person)

**Trained interventions that can be used as part of a SCIP intervention and are reportable are:**

- 1 Person escort
- 1 Person escort with Touch support

(These are designed to enable staff to quickly move a child to a safe space, when they judge that to leave the child in their current space is unsafe for the child or others.)

The school will record all serious behaviour incidents and any occurrences of positive handling/ reasonable force on CPOMS alerting the KS1 or KS2 behaviour group.

## **Searching and Banned/ Prohibited Items**

The SLT have the statutory power to search pupils or their possessions, without consent, where they suspect a pupil has certain prohibited items. The items can be searched for under this power are knives, weapons, alcohol, illegal drugs and stolen items. School staff can seize any banned or prohibited item found as a result of a search or is considered to be harmful or detrimental to school discipline. See Appendix 1 for further information and a list of items which are prohibited or banned.

**Exclusion or suspension** will occur following extreme incidents at the discretion of the Executive Head Teacher or Deputy Headteacher. An exclusion or suspension will be enforced under these conditions:

The child needs time to reflect on their behaviour

- To give the school time to create a plan which will support the child better
- The child being at home will have a positive impact on future behaviour

If these conditions are not met, other options may include a day seclusion with an appropriate adult in school.

We understand that throughout this process, it is imperative that we explain to parents what is happening and why it is happening and arrange meetings to discuss.

## **Physical Attacks on Adults**

At Borough Green School, we take incidents of violence toward staff very seriously. We also understand that staff are the adults in the situation and can use a 'common sense' approach to keep themselves and the child safe to manage the situation effectively. Staff can use 'reasonable measures' to protect themselves and should call for support if needed. They have all had the opportunity to undertake SCIP training.

All staff should report incidents directly to the EHT or DH(if they are not available) and they should be recorded on CPOMS. We appreciate these incidents can cause distress for the adults involved, therefore all staff are entitled to take some time away from the classroom to recover their composure. In extreme cases, the member of staff may be allowed to go home by a senior leader.

Whilst incidences of violence towards staff are wholly unacceptable, we must remember that we are a nurturing school that values each child under our care. It is important for us as adults to reflect on the situation and learn from our actions. Children who attack adults may do this for several reasons but as adults we need to still show compassion and care for the child.

Where a repeating pattern emerges then this makes the child unlikely to be able to remain at the school, as the pattern needs to be broken, and because it is not something that we can accept for our staff.

## Exclusion or Out of School Transfer

Exclusion is an extreme step and will only be taken in cases where:

- Long term misbehaviour is not responding to the strategies and the safety and learning of others is being seriously hindered.
- The pupil will be considered to have Special Educational Needs that are not those we can meet under our procedures for meeting those needs are set out in our SEN policy.
- The risk to staff and other children is too high
- The impact on staff, children and learning is too high.
- The pupil needs a fresh start as their pattern of behaviour needs to be broken for them to access learning and succeed in school.

Exclusion will be a last resort and the school will endeavour to work with the family to complete a managed transfer to a more suitable setting. In all instances, what is best for the child will be at the heart of all our decisions.

## Beyond the School Gate and Out of School Behaviour

Whilst this behaviour policy refers mainly to the behaviours of pupils within school premises, the school reserves the right to discipline beyond the school gate.

Our policy covers any inappropriate behaviour when children are:

- taking part in any school organised or school related activity
- travelling to or from school
- wearing school uniform

The school is committed to ensuring our pupils act as positive ambassadors for us. Taking the above into account, we expect the following:

- ❓ Good behaviour to and from school, on educational visits or during learning opportunities in other schools
- ❓ Positive behaviour which does not threaten the health, safety or welfare of our pupils, staff, volunteers or members of the public.
- ❓ Reassurance to members of the public about school care and control over pupils in order to protect the reputation of the school.
- ❓ Protection for individual staff and pupils from harmful conduct by pupils of the school when not on the school site.
- ❓ The same behaviour expectations for pupils on the school premises apply to off-site behaviour.

As a result of any of negative behaviours reported to school, the Executive Head or Deputy Head will collect witness statements from both adults and children who witnessed the event. The parents of the child involved will be contacted and invited to the school to discuss the matter. Sanctions issued will follow those of issued by the school for behaviour in school. Parental support will be sought for sanctions which they are able to administer outside of the school day. Following any incident, the Executive Head or Deputy Head will consider whether it is appropriate to notify the police or Community Support Officer of the actions taken. If the behaviour is criminal or poses a threat to a member of the public, the police will always be

informed. If there is any concern that the behaviour may be linked to the child suffering, or being likely to suffer, significant harm, safeguarding procedures would be followed.

## **Application**

This Behaviour Policy is for our whole school community. If it is to be effective, everyone must use it with confidence and consistency.

Other Policies Related to this policy:

Other Policies that support behaviour in our school: Anti-Bullying, SEND, Child Protection

## **Appendix 1 - Banned or Prohibited Items, Searching and Confiscating**

Important - Please note, that where the word 'search' is used then this means the following:

The power to search 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. If a search is conducted by a police officer then a member of staff must be present.

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). The Headteacher and the leadership team 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).

Confiscation

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

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

## Searching without 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 and for the pupil to agree. If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate consequence/ sanction. If a pupil refuses to co-operate when instructed by a member of staff – schools can apply an appropriate discipline.

What the law says:

What can be searched for?

Knives or weapons, alcohol, illegal drugs and stolen items; and Tobacco and cigarette papers, fireworks and pornographic images; and

Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury, or damage to property; and

Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

How should a search be conducted?

You must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if possible, they should be the same sex as the pupil being searched.

You can carry out a search of a pupil of the opposite sex to you and / or without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

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.

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.

Banned items include:

chains catapults

lighters and matches

tools (scissors, hammer, nails, etc) pepper sprays and gas canisters

E-cigarettes stink bombs solvents chewing gum energy drinks super Glue

needles (syringes if required for medical grounds should be kept in accordance with school protocols)

Any item fashioned to cause injury i.e. a sharpened stick, shard of glass laser pens

dangerous chemicals (acids, hair dyes, bleaches, nail varnish remover, etc) aerosol (including deodorant and hair spray)

offensive material - pornographic, racist, homophobic, extremist material (in any medium) rope, cable ties

mobile devices and SMART watches with internet access

Location of a search

Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on school trips in England or in training settings.

During the search

Extent of the search – clothes, possessions and desks/ trays. 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, jumpers, gloves and scarves.

‘Possessions’ means any goods over which the pupil has or appears to have control – this includes desks, trays 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.

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.

After the search

The power to seize and confiscate items – general - What the law allows: Schools’ general power to discipline, as circumscribed by Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil’s property as a disciplinary penalty, where reasonable to do so.

Also note:

The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a ‘with consent’ search so long as it is reasonable in the circumstances. Where any article is reasonably suspected to be an offensive weapon, it must be passed to the police.

Staff have a defence to any complaint or other action brought against them. The law protects members of

staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

Items found as a result of a 'without consent' search

What the law says:

A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

Where a person conducting a search finds alcohol, they may retain or dispose of it. This means that schools can dispose of alcohol as they think appropriate but this should not include returning it to the pupil.

Where they find controlled drugs, these must be delivered to the police as soon as possible but may be disposed of if the person thinks there is a good reason to do so.

Where they find other substances, which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.

Where they find stolen items, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so.

Where a member of staff finds tobacco or cigarette papers they may retain or dispose of them. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the pupil.

Fireworks found as a result of a search may be retained or disposed of but should not be returned to the pupil.

If a member of staff finds a pornographic image, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable.

Where an article that has been (or is likely to be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of. Where a member of staff finds an item which is banned under the school rules they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.

Any weapons or items which are evidence of an offence must be passed to the police as soon as possible.