



## Behaviour Policy

Taking note of:

- 'Behaviour and Discipline in Schools' January 2016
- 'Creating a Culture' March 2017
- 'Mental health and behavior in schools' November 2018
- 'Mental health in schools Green Paper 2018'; National College Webinar

November 2018

## Legislation and statutory requirements:

This policy takes note of the Department for Education (DfE) guidance on:

- [Behaviour and discipline in schools](#)
- [Searching, screening and confiscation at school](#)
- [The Equality Act 2010](#)
- [Use of reasonable force in schools](#)
- [Supporting pupils with medical conditions at school](#)

It is also based on the [special educational needs and disability \(SEND\) code of practice](#). In addition, this policy is based on:

- Section 175 of the [Education Act 2002](#), which outlines a school's duty to safeguard and promote the welfare of its pupils.
- Sections 88-94 of the [Education and Inspections Act 2006](#), which require schools to regulate pupils' behaviour and publish a behaviour policy and written statement of behaviour principles, and give schools the authority to confiscate pupils' property.
- [DfE guidance](#) explaining that maintained schools should publish their behaviour policy online.

### 1. Context:

Students arrive at Welburn Hall School with different levels of learning ability and unique educational and medical needs. Many of our students also have pronounced social, emotional and mental health needs. We seek to develop student competence in self-regulation of behaviour, including that which promotes effective learning. It is our responsibility to establish and maintain 'good order' in school and this has to be worked for.

In order to support the development of this self-regulation in students and to encourage staff wellbeing, from September 2017 we adopted a new approach based on the latest neuroscience. 'Care to Achieve' is research-based on a mindful compassion approach to behaviour, both adult and student.

We have a common belief about behaviour which is that all behaviour is communication about how an experience is making a person feel. We understand that the environment we provide, can and does add to positive or negative feeling. However, for our students, problems are normal where:

- They are only just learning to develop their internal controls and in some cases, are testing the boundaries of what is acceptable. In our school context, this will not happen at the usual chronological age and may not happen during their school years
- They feel threatened, frightened or surprised by something in the environment including someone else's communications. Given the percentage of our students who have autism or other sensory and communication difficulties, this is particularly important to understand

- They are experiencing/have experienced high levels of trauma or stress in their life outside school
- The type of activity or method of delivery do not match the needs or ability to learn of the child or young person
- Adults do not adequately control their own behaviour and communications both verbal and non-verbal

#### Individual staff responsibility:

Adopting a mindful compassion approach, it is the responsibility of each member of staff to participate actively in the maintenance of positive behaviour throughout the school, by:

- Being a positive role-model in their approach to students and to each other.
- Giving constant care and thought to the interactions which students witness between members of staff.
- Taking individual responsibility for engagement with unacceptable behaviours, avoiding the temptation to pass on low-level issues to senior staff.
- Observing and responding early to any concerns or inappropriate behaviour, as per agreed mindful compassion approach. (Example Appendix 2)
- Ensuring that students are kept aware and, where necessary, reminded of these expectations regarding behaviour.
- Providing reinforcement and encouragement to students and groups which display positive and appropriate behaviour.
- Following guidance and training in regard to Restrictive Physical Intervention, (RPI).
- Adhering to school procedures and policies for the recording of incidents.
- Participating in meetings/forums which address individual student need in regard to behavior
- Following specific guidance resulting from such meetings or through external assessment.

All members of staff must also consider this document within the context of other relevant policies and DfE guidance, including:

- Child Protection and all Safeguarding policy - Welburn Hall School
- Intimate Care and Physical Contact - Welburn Hall School
- Code of Conduct - Welburn Hall School
- Anti-Bullying - Welburn Hall School
- Safe Working Practices (NYSCB) - Welburn Hall School
- Equalities - Welburn Hall School
- Teaching and Learning - Welburn Hall School
- SEN - Welburn Hall School

## 2. Behaviour and the School Community

2.1 A high standard of behaviour will benefit the whole school community and all parents/carers are informed that students are expected to conform to the convention of behaviour appropriate to their age and/or understanding.

2.2 The school seeks to promote positive behaviour by a number of means:

- Celebrating success, tested not by the absence of problems (being wary of under-reporting) but by the way we deal with them
- Consistent application of our own agreed values of respect, excellence and perseverance within each area of School and College and Residential, including any alternative provision or extra- curricular activities.
- Promoting the importance of high quality of relationships between staff and students, underpinned by a mindful compassion approach
- The use of learning via the curriculum, tutorial sessions and residential activities to explain about acceptable behaviour and encourage discussion and reflection.
- Finding both simple and creative ways in which to reward positive behaviour (quick to praise, use assemblies/established systems, involve parents, use whole group rewards where appropriate, use data to drive improvements/analyze needs).
- Staff should also be rewarded for outstanding practice. All staff should record staff achievements in local records, for example sparkle books.
- The use of Student Council, assemblies and other opportunities to set out in student-friendly terms, the school's expectations regarding behaviour. This includes the attendance and participation of Head Boy and Girl at FGB (full governing body) meetings.
- The use of student forums/electronic surveys to seek the views and ideas of the student body and foster positive peer-pressure.
- Simple expectations for behaviour are written in the home/school diary. In our context there is both the opportunity and the need for this to be highly individualized.

Bearing in mind the uniqueness of each child/child's needs, Welburn Hall School chooses to avoid extensive lists of written rules in favour of:

- Positive modelling by staff of student-centred, respectful behaviour. Recording of achievements in SIMS and shared with student, parents and staff
- Adopting 'Care to Achieve' where 'unintentional consequences' are dealt with fairly and compassionately with due regards to students' individual needs and learning ability
- Developing excellent relationships between students and staff, parents and staff, including every child or young person being allocated a keyworker on entry to School or Residential (for College Students), to improve communication
- Shared expectation that our students can achieve at the highest levels
- Recognizing that all of our Students have strengths and areas for development and that these need to be championed by staff and reinforced regularly
- Using Boxall profiling, Education and Clinical Psychologist advice, latest research and guidance to develop highly personalized targets for development of good learning behaviours.
- Be extravagant with praise, to encourage an ethos of unconditional positive regard at all times and praise students when they display good progress in their learning and behavioral skills as appropriate for each student.
- Expectations for each staff group are made clear.
- Vigilance in determining patterns of, or increases in negative behaviours.
- The collection and analysis of data relating to behaviour, which will inform policy and practice

### 2.3 Behaviours we seek to promote in the whole student community:

- Learning to self-respect and self-control
- Learning to 'self-regulate'
- Showing respect for others in everything we do
- Cooperating and being a 'team player'
- Being honest and open
- Having good manners
- Listening to adults/advice
- Attracting the attention of an adult appropriately
- Keeping safe/ following instructions
- Allowing others to speak and be heard
- Accepting both praise and criticism, building resilience and a 'can-do' attitude to life

### 2.4 Behaviours we particularly seek to promote in any learning environment:

- A positive, resilient, 'can-do' attitude to work and learning
- Effort to engage with the task
- Pride in task completion and working with others

- Moving around the class or activity appropriately

## 2.5 Additional behaviours we particularly seek to encourage in the residential setting:

- Accepting the routines of the House
- Accepting and taking part in appropriate activities
- Respect for the privacy of others
- Care of personal possessions and bed-space
- Contributing to the group and learning via domestic tasks
- A willingness to help peers and staff

## 2.6 behaviours we seek to discourage:

- Physical and verbal aggression
- Bullying in all its forms
- Foul language
- Dishonest behaviour
- Disruptive behaviour
- Making hurtful remarks
- Theft or unauthorised borrowing
- The sale or exchange of personal property

## 3 Responding to Unacceptable Behaviour

3.1 Consequences: we believe that a behaviour results in a consequence but that when they are negative we can, through a mindful compassionate approach, view these as ‘unintended consequences’. We adopt a solution-focused response, respecting all involved and seeking to promote co-existence and conflict resolution.

3.2 An unintended consequence is given (or happens) when a child or young person behaves in an unacceptable manner. The consequences must always be related to the negative behaviour, as close as possible to the time of the negative behaviour as possible. All consequences should be logged in the incident file in SIMS/Behaviour management.

3.3 Depending on the level of negative behaviour, or the safety risk, this approach may result in the following:

- Explanation and discussion with the student
- Intensifying a planned focus upon rewarding their positive behavior using approaches that are solution-focused such as MEP or other recommended approaches from the educational/clinical psychologist
- Expression of disappointment or displeasure
- Planned, appropriate and agreed ‘time-out’ for reflection
- Discussion with parents
- The setting of achievable targets for improvement using Boxall
- Counselling or clinical intervention if felt appropriate

In the case of counselling, it is essential that this is done in a planned way with agreement from parents and clear parameters set. It is not a course of action to be taken without the agreement of senior staff.

3.4 In some circumstances, it may be necessary to consider unintended consequences as a means to improving behaviour and developing the individual's understanding. These may include:

- An activity of service to the school community
- Restorative action, such as repair/replacement of damaged items, or discussion with a 'victim'
- Supervision during what would otherwise be free time
- Suspension of a specific activity for an agreed period
- A home-based consequence determined by parents/carers in discussion with the school

3.5 All concerns about behaviour should be shared with colleagues and senior staff and usually/judiciously with parents. It is essential, for future reference, that a file note is recorded in SIMS in the case of more serious incidents of negative behaviour.

3.6 There should be discussion at team meetings and, where necessary, amongst the SLT as to which consequences are appropriate to the school and its Students.

3.7 Then if it is felt necessary to impose specific consequences, these must be discussed and agreed with the relevant line manager or Headteacher before they are imposed.

3.8 A particular consequence for an individual student, in definable circumstances, may be imposed in the absence of the relevant line manager, but the relevant line manager's prior agreement should be properly recorded.

3.9 Where a consequence has been determined to be appropriate, it must be logged in SIMS.

3.10 This example of law provides a simple and useful basis, or set of principles, upon which school staff should make decisions about appropriate consequences:

Section 91, (3) of the Education and Inspections Act 2006 stipulates that a primary condition of a 'disciplinary penalty' is that the imposition of the penalty on the pupil:

- (a) "is not in breach of any statutory requirement or prohibition
- (b) is reasonable in all the circumstance".

In defining 'reasonable', the Act, at subsection 6(b), states that the following matters must be taken into account:

- (a) "whether the imposition of the penalty constitutes a proportionate punishment in the circumstances of the case, and
- (b) any special circumstances relevant to its imposition on the pupil which are known to the person imposing it (or of which he ought reasonably to be aware) including in particular:
  - (i) the pupil's age,
  - (ii) any special educational needs he may have
  - (iii) any disability he may have, and
  - (iv) any religious requirements affecting him".

At Welburn Hall we absolutely understand at a fundamental level, which our students have

in many cases, complex needs and the recognition that some of these needs can manifest in 'unacceptable' behavior is central to any conversations around planning of provision. We are aware for instance, of recent cases in the high court, upholding parents' appeals against exclusion of their son who has an ASD. The judge ruling was very clear that it is against the law to discriminate against a child whose 'aggressive' behavior is a predictable part of his autism. Given the proportion of students with a primary or secondary diagnosis of autism/related disorders, we must always have this at the forefront of our minds when analyzing negative behaviours and finding solutions.

3.11 Whilst most consequences would come within one of the above-mentioned categories, the final consequence available is one of exclusion, either fixed or permanent. As described above, this is to be used only rarely and in response to very serious incidents which are either part of a long standing problem, where all avenues have been tried or incidents which have impacted seriously on the lives and well being of others. The school aims always to work with pupils and parents and therefore avoid the possibility of permanent exclusion, except in extreme circumstances. At all times, we will adhere to the relevant guidance such as Exclusions Guidance.

3.12 Expectations of staff managing significant incidents where students are losing control:

3.13 Sometimes we are unable to pick up on the early anxiety signals that tell us a student is not coping or is becoming aroused or anxious. This may mean that an incident escalates quickly. We are developing guidance on managing such situations through our behaviour group (from Autumn 2016), RPI training (Jan 2017, due Jan 2019) and Care to Achieve (from Autumn 2017 following 16/17 training and development). We expect that all staff observe some core principles when faced with such a situation:

- Follow the script! (Appendix 2 shows an example)
- Make a dynamic risk assessment. This means asking yourself; who is at risk? What one thing can be done to reduce the risk of this happening? Is RPI required to keep anyone safe? De-escalate the situation.
- Manage yourself - set your professional mindset - it is not you personally responding. This is where your training needs to take over (imagine an emergency services response). Check your face and body language are neutral
- Manage the environment - get support if you can to remove other children, items that might be thrown, guiding the child or young person away using simple options. This will increase the likelihood of a successful and dignified resolution.
- Focus on what you want to happen and don't respond to secondary behaviour
- Change face at the first opportunity
- Record the incident
- The need to talk following an incident is normal and indicates you are a reflective practitioner. Find any member of SLT or support within your team. All staff should be happy to help. (Care to Achieve resources will help)
- If you are a witness to an incident; help or move on. Staff flocking can escalate the student
- Find opportunity to spend time with the student as soon as possible - we need to communicate that once incidents are done they are done.
- **Every day is a new day and a fresh start: stay in the 'now'. Do not revisit old issues or in your interactions, anticipate future issues. Unconditional, positive regard for students at all times is key.**



## 4.1 Principles:

4.1.1 Welburn Hall School acknowledges that this policy must reflect its role as a special school and that it should make provision for the individual needs of its students in respect to behaviour. Some students will display types of behaviour which result from their condition, and these should be considered along with any other form of need.

4.1.2. Such particular needs must be established systematically and decisions about responses to their behaviour made by teams rather than individuals. Where necessary, a behaviour plan (see appendices for examples) will be in place for any child or young person who needs one.

4.1.3. Any member of staff may raise their concerns about the behaviour of a particular student, but the behaviour policy must be followed.

4.1.4. The teacher and key worker is at the centre of the behaviour support process, and should be informed of any concerns or possible need to convene a behaviour planning meeting.

4.1.5. The teacher has responsibility for management oversight of what must be detailed within the plan and appropriate methods of RPI identified, with support from the Headteacher, the Inclusion Manager and the Family Support Manager as well as parents/carers.

## 5 Restrictive Physical Intervention (RPI)

### 5.1 Background:

As asserted above, it is important to acknowledge the importance of good relationships and good teaching/learning, which underpin the good social/emotional development of all pupils. Therefore, this section of policy should be read in conjunction with our policies on: Equalities, Teaching and Learning and SEND.

### 5.2 Rationale:

The vast majority of pupils at Welburn Hall School behave very well and make progress in whatever the setting. However, in order to fulfil our duty of care to all pupils, prevent harm and maintain a safe /secure learning environment, as a last resort, we may, on a very small number of occasions, need to physically hold (restrain) a pupil for his /her own safety.

This policy covers those situations where incidents are foreseeable and school has planned interventions which are agreed and supported by parents /carers; and are monitored through Care Plans or Behaviour Support Plans.

It does not cover emergency situations which cannot reasonably be planned for in advance, however in these circumstances we will at all times follow statutory guidance.

### 5.3 Principles:

We may restrain a pupil, if that pupil is at risk of:

- causing significant harm to himself /herself,
- or to other pupils /adults
- causing a significant disruption to learning
- causing serious destruction of school property.

Staff should also refer to LA/DfE Guidance. There is no legal definition of when it is reasonable to restrain a pupil; that will always depend on the precise circumstances of the individual pupil. However, to be lawful, the force used needs to be the minimum necessary and be in proportion to the consequences that it is intended to prevent.

5.3.1 We must always take account of any SEND that a pupil may experience. We will comply with the two key duties under the Equalities Act 2010:

- a) not to treat a disabled pupil less favourably, for a reason relating to his/her disability, than someone to whom that reason does not apply, without justification, and
- b) to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled (reasonable adjustments duty).

5.3.2 Trained staff may use physical prompts and guides to lead a student from one area of the school to another to prevent a situation from escalating or to ensure the learning of the majority is not significantly disrupted.

The staff to which this power applies are defined in section 95 of the Education and Inspections Act 2006. They are:

- a) any teacher who works at our school, and
- b) any other person whom the Head Teacher has specifically authorized, which in Welburn Hall is all teaching assistants, Care staff and Business Support staff.

5.4 It is the responsibility of each member of staff to make an assessment of the particular circumstances. Staff will need to know the contents of this policy and decide whether they feel they are capable of managing the situation alone and if physical intervention is required. Wherever possible, clearly and calmly, explain to the student what action you intend to take. **Never personalize the challenging behavior or the action.**

5.5 Where it is possible, more than one member of staff should be involved

5.6 Ideally where a member of staff is physically managing a pupil of the opposite sex, a member of staff of the same sex as the pupil should be present from the earliest time possible.

5.7 At the conclusion of any incident, the pupil and member/s of staff involved should be offered support to reflect on the circumstances and mediate a best way forward with the pupil.

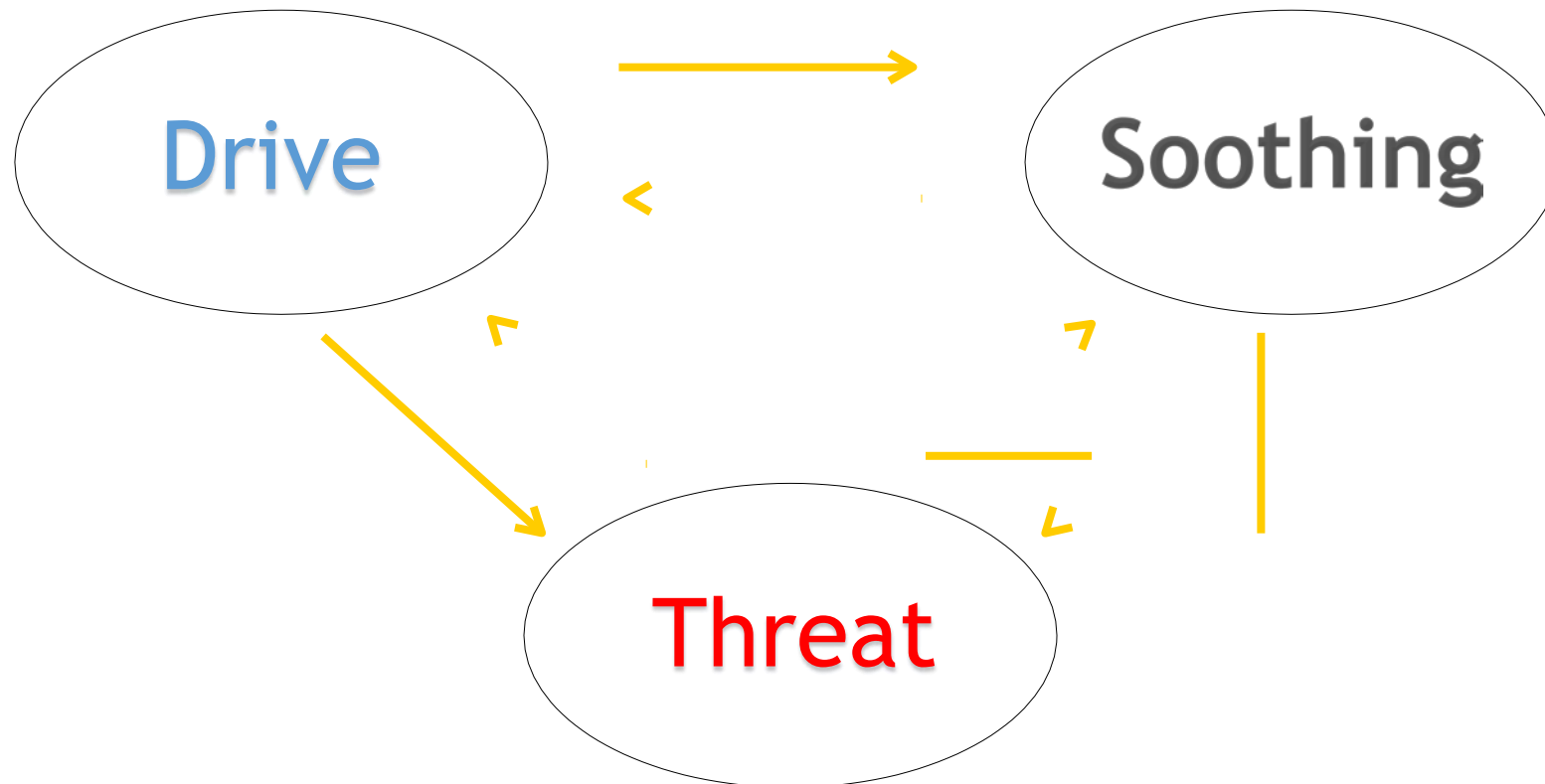
5.8 All incidents of restraint will be recorded in school's physical intervention log and if needed, serious incident book and in SIMS, be reported to parents as soon as reasonably possible, but always within 24 hours, and monitored regularly (half termly) by the Headteacher and reported on to the governing body each term.

5.9 Responding to complaints:

The use of RPI can lead to allegations of inappropriate or excessive use. In the event of a complaint being received in relation to the use of force by staff, the matter should be dealt with in accordance with agreed procedures for handling allegations against members of staff, (Ref: Child Protection Policy).

- Please refer to LA Guidance on the Use of RPI (September 2012, pg.21-23) for further guidance).
- Please refer to appendix on searching, screening and confiscation and link above

The 3 Circles: a mindful compassion approach



PHOTO

Form Tutor:  
 Care Team K/Wkr:  
 Date of plan:  
 For review:

**1. Behaviour/Situations**  
 Describe common behaviours/situations which are known to have led to positive handling being required. When is such behaviour likely to occur?

**2. Topography of Behaviour:**  
 Describe what the behaviour looks/sounds like

**3. Agreed Supportive Strategies:**  
 Describe what the behaviour looks/sounds like

Verbal advice and support <input type="checkbox"/>	Transferring adult(s) <input type="checkbox"/>	Humour <input type="checkbox"/>
Reassurance <input type="checkbox"/>	Contingent touch <input type="checkbox"/>	Distraction <input type="checkbox"/>
C.A.L.M. talking & stance <input type="checkbox"/>	Time out directed <input type="checkbox"/>	Presenting choices <input type="checkbox"/>
Planned ignoring <input type="checkbox"/>	Time out offered <input type="checkbox"/>	Arranging consequences <input type="checkbox"/>

Techniques known to be effective:

**How likely is the need for positive physical intervention:**  
 (If *LIKELY* or *POSSIBLE*, always complete Section 4).      UNLIKELY       POSSIBLE       LIKELY

**4. Preferred Handling Strategies:**

Single Elbow - stood & seated <input type="checkbox"/>	Double Elbow-stood & seated <input type="checkbox"/>
Friendly Hold <input type="checkbox"/>	Jaw Release <input type="checkbox"/>
Figure of Four <input type="checkbox"/>	Wrap <input type="checkbox"/>
Inside Double Elbow <input type="checkbox"/>	Shield <input type="checkbox"/>

Comments and reasons for use, stating numbers of staff to be involved:

**5. De-briefing Process Following Incidents:**  
 What after care is to be provided to support the Young Person?

**6. Health Check:**

**7. Recording of Incidents & Interventions:**

**8. Plan agreed by:**

<i>Role:</i>	<i>Signature:</i>	<i>Date:</i>
Head of Care	.....	.....
Parent/Carer	.....	.....



**My Plan  
Example.pub**

**Appendix 3a**



**My Plan Blank.pub**

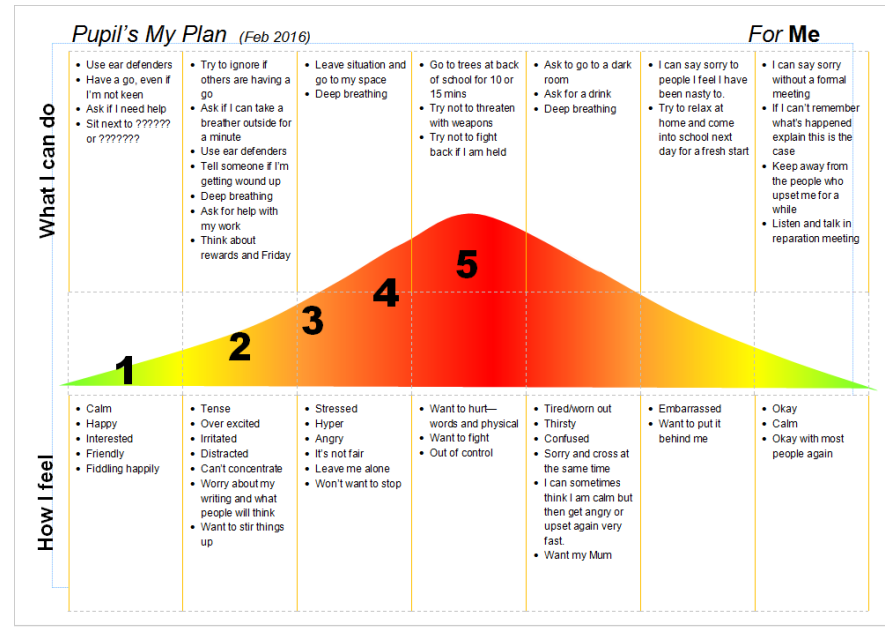
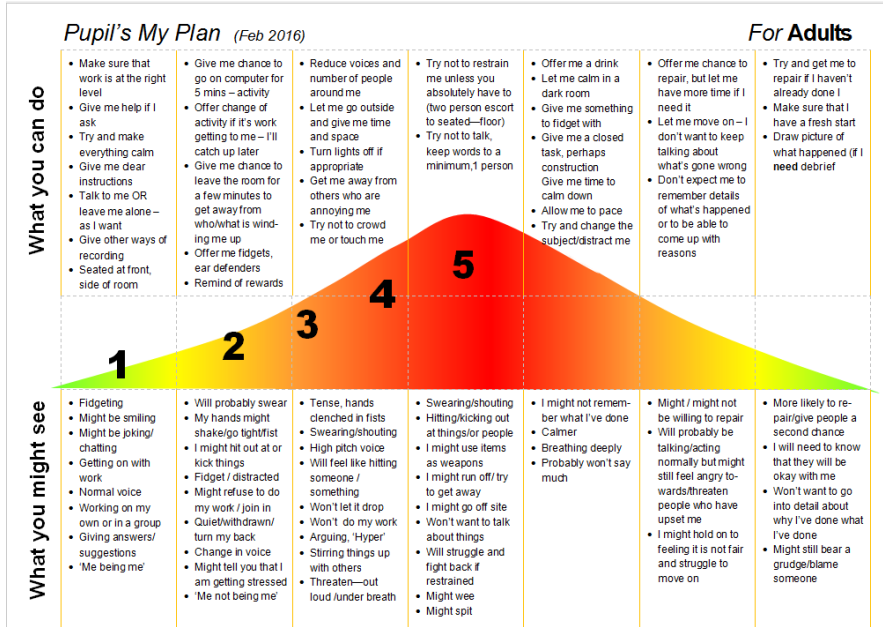
**Appendix 3b**



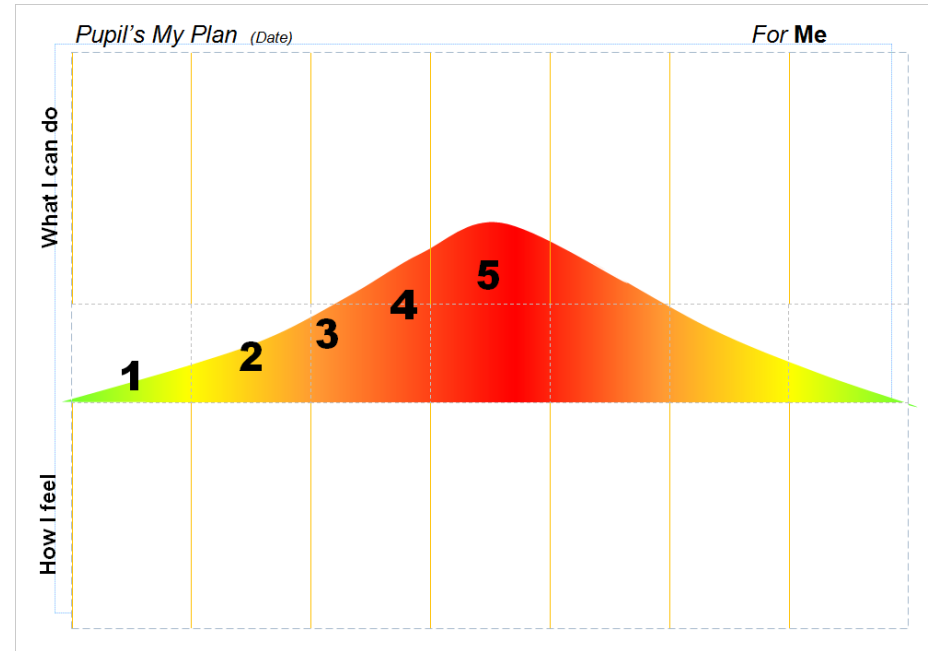
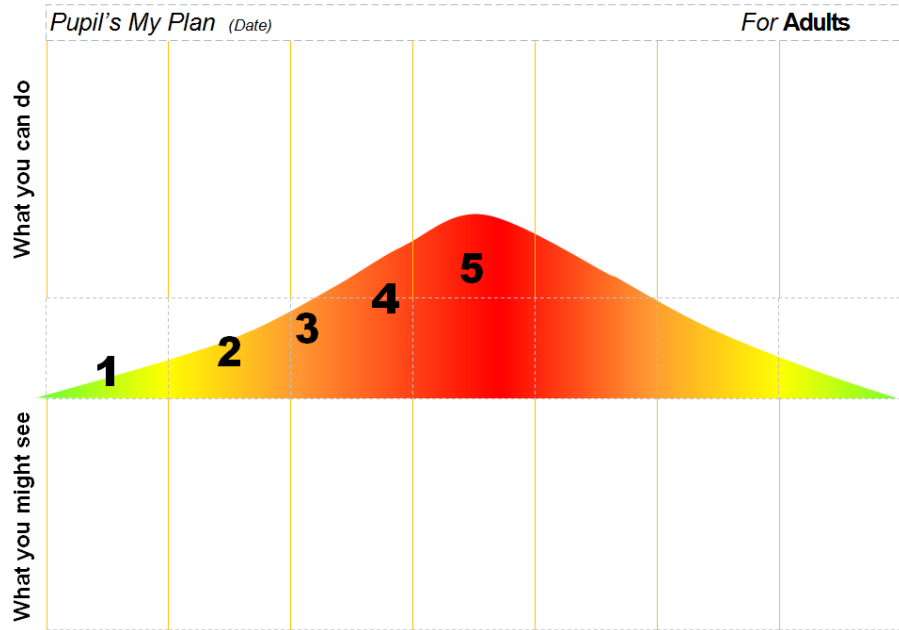
**Emotional needs  
slide.pub**

**Appendix 3c**

# My Plan Example - Appendix 3a

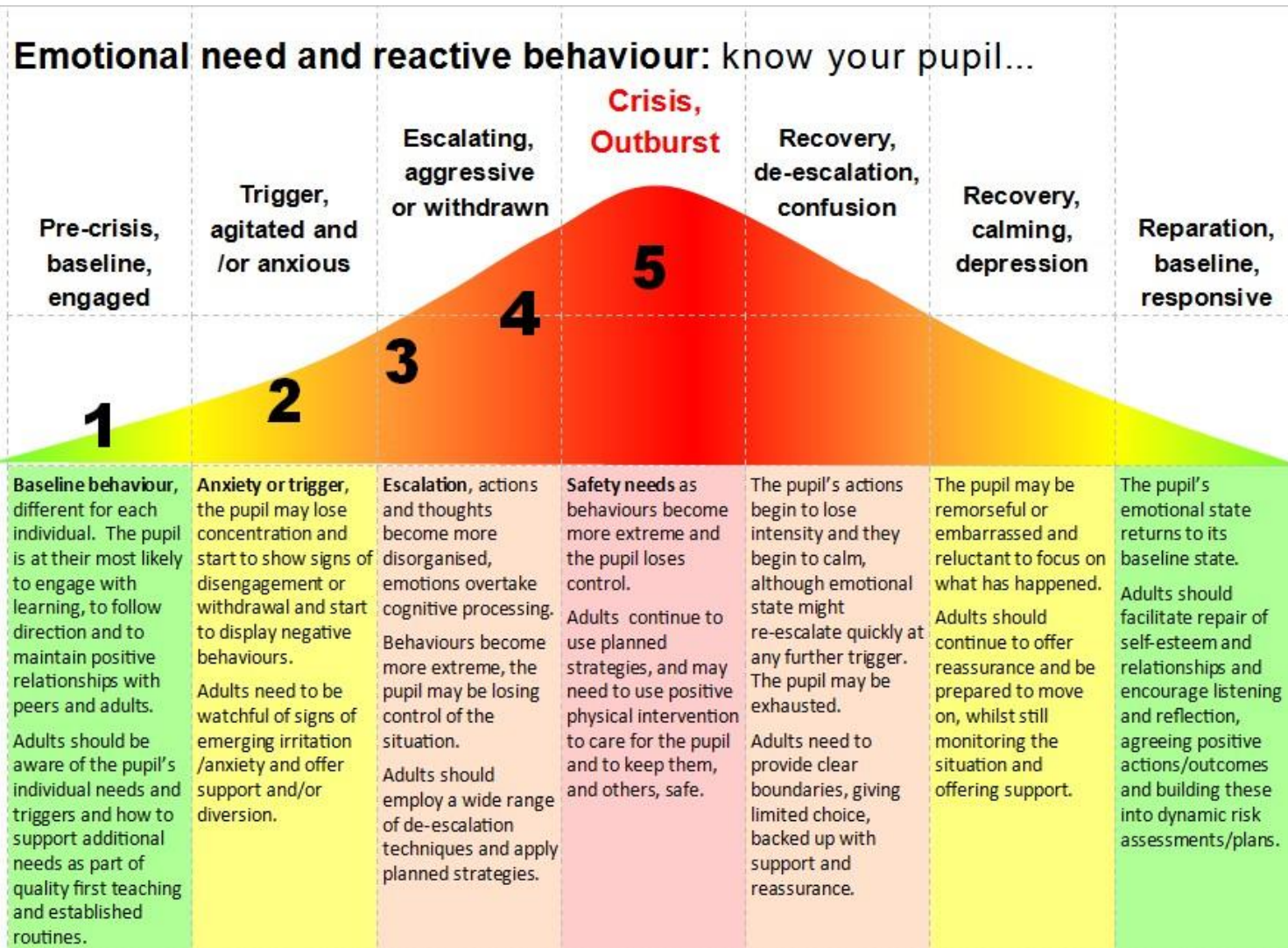


# My Blank Plan - Appendix 3b





## Emotional Needs - Appendix 3c



## HELP SCRIPT - example

## Helping a student:

Behaviour is a language. Our function is to provide help for students and for each other. This help script is aimed at lowering/defusing anger or anxiety in our services users.

1. **“John.”** Use the child’s name, it will help make a connection and engage their attention.
2. **“John. I can see you are upset.”** Choose your words carefully. Recognition of their feelings is fine, but avoid words such as; anger or annoyed, as this may escalate the situation.
3. **“I am here to help.”** This is a statement of your intention, simply, you are there to help. It’s worth remembering that a conscious effort must be made to ensure your para verbal and body language give the same message.
4. **“How can I help? What do you need right now”**
5. **“Talk and I will listen.”** This statement begins to provide the student with some direction together with securing our function.
6. **“John. Come with me, let’s go to the...”** Continue to provide the service user with some direction. Removing them to an area of neutrality to discuss the issue and continue the calming process.

If the student is pacing, staff should avoid walking back and forth, shadowing the young person. This can feel extremely intimidating. CALM stance and body language is essential, as is awareness of staff’s proximity to the services user’s personal/dangerous space. You should be at least your arm’s length away from the student, unless it is necessary to engage with them physically. Remember to speak clearly & confidently and remain calm.

**Helping a colleague** Seeking help should always be considered as a sign of professional strength. Moreover, as professionals we should allow others to offer and accept help, particularly at times when our own interventions may be unsuccessful.

The words **“help”** and **“more”** should act like flash cards for staff. It has to be established within the culture of the setting, that help & support framework is something we all do for each other, staff & students.

- 1) **“Mr Smith, I am available to help”** The member of staff makes a clear statement announcing they are there to help.
- 2) **“Thank you Ms. Jones, you can help by..!”** This member of staff then has the opportunity to give directions as to what type of help they require (i.e. help by watching, or help by looking after the rest of the class). But more importantly they at this point retain autonomy over the situation.
- 3) **“Mr. Smith, I am available for more help.”** The word ‘more’ should provide a pause point for the member of staff currently dealing with the student (in this example, Mr. Smith). At times, as professionals we need to recognise that some interventions are unsuccessful, and/or may escalate situations. Therefore, the professional judgments and support of our colleagues should be accepted.
- 4) **“What do you suggest Ms Jones?”** The focus here should be on team help, autonomy is passed over allowing the member of staff to suggest an alternative strategy.
- 5) **“How about if I sit with John.....and I’ll catch up with you later.”** This example provides us a subtle way of helping a colleague out of a situation with respect and dignity. It is important that we “catch up with” them later, to provide feedback and discuss outcomes.

## SEARCHING, SCREENING AND CONFISCATION

### Power to Search without Consent

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 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.

Staff may only search a pupil's belongings without consent if there is good reason to believe that a pupil has in their possession any item which are 'prohibited items' or has the potential to cause harm to themselves or others i.e.:

- knives and weapons
- alcohol
- illegal drugs
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to school property
- any item banned by the school rules which has been identified in the rules as an item which may be searched for.
- Does not belong to him/her e.g. stolen items.

Permission must be obtained from the Head of Care or Principal before any search is carried out. They must be satisfied that failure to carry out the search will put at risk the welfare of the child, or others and will decide when the pupil is to be informed of the search.

School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item

Staff should seek permission from the young person and allow them to be present when the search is made (unless to do so would compromise safety.) At least two members of staff must be present during any search, one of whom should be a member of the school's senior leadership group or during the evening the Head of Care or team leader.

Section 10.1 Residential Care Policy - 9

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. Staff conducting a personal search should be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the pupil being searched. The person conducting the search may not require the pupil to remove any clothing other than outer clothing. 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.

'Possessions' means any goods over which the pupil has or appears to have control - this includes wardrobes, desks, lockers and bags.

### **What the law allows:**

Schools' general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.

The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances.

### **Where any article is thought to be a weapon it must be passed to the police.**

Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

Following the search the Principal or Head of Care will decide whether any further action is necessary. However, legislation sets out what must be done with prohibited items as a result of a search. 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 member of staff believes them to be harmful or detrimental to good order and discipline. 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 they find weapons and knives and extreme pornography must always be handed over to the police**, otherwise it is for the senior leader to decide if and when to return a confiscated item.