

**SCHOOL BEHAVIOUR POLICY**

**Including the use of restraint, bullying and e safety**

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**Elmwood School Behaviour Policy.**

**(Includes Physical Interventions and Anti Bullying).**

***"If we could read the secret history of those we would like to punish, we would find in each life enough grief and suffering to make us stop wishing anything more on them."* Hebrew Proverb:**

**Introduction**

The school caters for pupils within the secondary phase of education. All pupils on entry have special educational needs that relate to a wide spectrum of learning and behavioural difficulties, incorporating the categories of SEBD, ADHD, ASD, ODD, PDA associated complex needs and behavioural difficulties. Many are medicated for ADHD and some have involvement of CAHMS. After an initial integration period pupils are placed in one of our learning zones (Nurture Yr7/8, Transition Yr 9 and Pathways Yr 10/11).

Many of our pupils special needs refer to associated complex and challenging behaviours. The causes of which can relate to learning difficulties including attitudes and application to learning, medical factors, poor role models, faulty handling, negative perception of peers and adults, emotional difficulties, personal independence difficulties, institutionalised patterns of behaviour, attachment disorders and chronic difficulties e.g. Autism, ADHD and PDA etc.

This document contains suggestions about managing a complex range of needs. Our beliefs and approaches have been drawn from the school staff’s experience of good practice and some are supported by research findings and links with other schools, mainstream and special. It is a working instructional document and subject to review and amendment

**Core Values**

Core values are generated and shared by all members of the school community and are the basis of school ethos, policy and practice. These values underpin and promote the development of attitudes, skills and knowledge necessary in the understanding and management of pupils with SEMH.

**Values that underpin Ethos, Policy and Practice**

Values take cognisance of six key Outcomes

(i) To be healthy;

(ii) To stay safe and to ensure others’ safety;

(iii) To enjoy and achieve;

(iv) To make a positive contribution;

(v) To achieve economic well-being; and

(vi) To live in a society which respects their rights but one in which they are equally aware of their responsibilities.

* Behaviour generally has a purpose; it is a form of communication.
* Many behaviour problems are the result of a lack of self-regulation within the person, or a lack of knowledge of the acceptable way to do things.
* All human behaviour results from an individual’s response to complicated webs of influence e.g. their environment, prior experience and the individual’s temperament.
* Behavioural interventions which seek only to control behaviour, rather than to understand its meaning, are unlikely to support individuals in reaching their potential. As behaviour is learned, appropriate behaviour needs to be taught. Pupils need to feel secure and have a sense of belonging and acceptance in order to behave appropriately.
* “Good behaviour keeps pupils safe, reduces stress for teachers and contributes to a welcoming and caring environment in which pupils can develop as people and both pupils and teachers can do their best work”. (DE, 2001, p1).

**Vision Statement**

Elmwood School has embarked on a journey to be an outstanding provider of education services to some of Walsall’s most vulnerable young people.

Elmwood School works at the heart of the Walsall community to support young people and their families to overcome the barriers that prevent them from becoming effective citizens. We provide an integrated caring service working with other agencies to identify the needs, uphold the rights and emphasise the responsibilities of young people who have special needs.

Elmwood enables young people, who have not necessarily had a positive experience of education, to enjoy success and reach their potential in a small nurturing environment. We aim to set clear expectations and boundaries that allow pupils of all abilities equal opportunities to achieve their personal goals.

Elmwood offers a personalised curriculum that enables young people to develop physically and mentally in a happy, calm, structured and supportive environment. Our differentiated curriculum is designed to engage the disaffected with a strong emphasis on Literacy, numeracy and physical fitness alongside a range of vocational qualifications underpinned with a commitment to Outdoor Education as a way of developing the whole child. We aim to offer a wide range of appropriate qualifications which enable every learner to access further education or employment.

Elmwood values the unique nature of every individual student and is committed to them achieving their potential. We acknowledge the challenges facing those with Social and Emotional issues and a range of complex needs and are understanding and empathetic. However we have high expectations of success and believe that together as a community we can work though issues and develop independent lifelong learners with genuinely enhanced options of a healthy and productive life.

**The School Ethos**

We believe therefore that an ethos, which is ordered, structured and predictable, which promotes a positive environment and purposeful opportunities and experiences is of paramount importance in the growth, development and welfare of pupils.

As such:-

• We look for an improvement over time not instant fixes.

* We understand that behaviour is an expression of some underlying issues and that a reflective practitioner looks beyond the behaviour. for the motivation. What are the triggers? How can I deescalate before crisis? This is particularly important amongst our ‘autistic cohort’. Staff have all had autism awareness training and are ware of a range of strategies to cope with their specific needs.
* Teaching and learning is to be given a high priority, there being a commitment to provide a quality education and progression, which also affords the opportunity for the development of self-advocacy.

• We strive for an atmosphere, which fosters a positive attitude

• We strive for improvement and development, complacency being actively discouraged.

• We endeavour to create an atmosphere in the school, which is relaxed yet, purposeful.

• We endeavour to foster a sense of community in which individuals have mutual trust and respect for each other.

• We ensure the Leadership Team take a firm line on discipline including the support of staff members over matters in this area.

• The school’s ethos is affected by all the activities, (inside and outside classroom) therefore within a meaningful curriculum should be a high quality of teaching and learning.

• The support and understanding of colleagues and the sharing of agreed strategies for handling difficult behaviour is important It is essential that an open forum is provided in which all staff feel comfortable to discuss personal difficulties in relation to managing behavioural problems. It is also important that INSET needs are identified and action is taken to meet them.

* In general every day is a fresh start
* We practice ‘restorative justice wherever possible. E.g. if you break something you fix it and that includes relationships.

• The ethos of the school is dependent upon the quality of relationships at all levels: between staff, between staff and students, using appropriate, understandable language and between students, by a willingness to listen and understand, by good adult modelling and a. commitment to develop self-esteem and adhere to high standards.

* The school is committed to a positive rewards based behaviour modification system. We have a learning biased points system which awards points for all sessions during the day. They get 1 point for arriving on time, 1 point for staying in lesson, Up to 2 points for cooperation and 1 for achieving some of the lesson objectives, 2 for achieving the lesson objectives and 3 for exceeding the lesson objectives. Hence 7 points per session is for exceptional performance and this is celebrated in our Friday assemblies. The pupils are awarded different status according to their points. Gold achieving 85 – 100% of the potential points, Silver 75 -84% of their points Bronze 60 -74% of their points. Below 59% results in reparation. Friday afternoons are for rewards activities which are optional as long as sufficient points have been earned. Reparation is a chance for pupils to reflect on what has gone wrong and how to improve. This is to reinforce learning. In addition there is a parallel behaviour reinforcement system whereby the pupils are self and peer assessed three time per day for Safe Body, Positive Mouth, Staying in Zone, Respecting Property, Finishing Work. They either earn or lose minutes depending upon performance. Student reward trips are offered termly depending upon student status. In addition we have a student of the week award in each base that entitles them to a meal out. Attendance certificates are awarded weekly.
* We have a limited range of sanctions. We can keep pupils back during break or lunch and can detain them after school. We do operate an internal isolation system. We do use fixed term exclusions as a means of limiting the damage undesirable behaviours cause to the community ethos and learning.

**Rules**

Our basic rules are kept to a minimum and stress a positive behaviour model

**•** Follow instructions

**•** Work hard

• Respect others and be kind

These rules are constantly reviewed and subject to change in consultation with the young people depending upon subject and circumstances.

**Reasonable Force/Physical interventions**

All Staff at Elmwood are Advanced Team, Teach trained and First Aid trained. Elmwood School uses Team Teach techniques to deescalate and if necessary physically intervene with pupils who present a threat to themselves or other pupils or staff or are damaging property. We comply with Government guidelines.

We will not accept any pupils on a non-contact basis. The school does not require parental consent to use physical force on their child. We will always inform a parent when it has been necessary to use physical interventions on their child.

**Application of Force**

* Physical intervention can take several forms. It might involve staff:
* Physically interposing between pupils;
* Blocking a pupil's path;
* Holding;
* Pushing;
* Pulling;
* Leading a pupil by the hand or arm;
* Shepherding a pupil away by placing a hand in the centre of the back; or, (in extreme circumstances) using more restrictive holds.

**Use of reasonable force Advice for head teachers, staff and governing bodies**

https://www.gov.uk/.../Use\_of\_reasonable\_force\_advice\_Reviewed\_July\_2015.pdf

**Key points**

* School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
* Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
* Senior school leaders should support their staff when they use this power.

**What is reasonable force?**

1) The term ‘reasonable force’ covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.

2) Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

3) ‘Reasonable in the circumstances’ means using no more force than is needed.

4) As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.

5) Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

6) School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

**Who can use reasonable force?**

1) All members of school staff have a legal power to use reasonable force2.

2 Section 93, Education and Inspections Act 2006

2) This power applies to any member of staff at the school. It can also apply to people whom the head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

**When can reasonable force be used?**

1) Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder.

2) In a school, force is used for two main purposes – to control pupils or to restrain them.

3) The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

4) The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

* remove disruptive children from the classroom where they have refused to follow an instruction to do so;
* prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
* prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others; 
* prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
* restrain a pupil at risk of harming themselves through physical outbursts.
* Prevent the Commitment of a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);
* prevent damage to property (including the pupil's own property);
* prevent any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

There are a wide variety of situations in which reasonable force might be appropriate, or necessary, to control or restrain a pupil. They will fall into three broad categories:

a. where action is necessary in self-defence or because there is an imminent risk of injury;

b. where there is a developing risk of injury, or significant damage to property;

Examples could include:-

* a pupil attacks a member of staff, or another pupil;
* pupils are fighting;
* a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
* a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
* a pupil is running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure him or herself or others;
* a pupil absconds from a class or tries to leave school (N.B. this will only apply if a pupil could be at risk if not kept in the classroom or at school).

c. where a pupil is behaving in a way that is compromising good order and discipline. Examples could include:-

* pupil persistently refuses to obey an order to leave a classroom;
* a pupil is behaving in a way that is seriously disrupting a lesson.

Schools cannot:

* use force as a punishment – **it is always unlawful to use force as a punishment.**

**Practical considerations**

* Before intervening physically a teacher should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if he or she does not. The teacher should continue attempting to communicate with the pupil throughout the incident, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.
* Sometimes a teacher should not intervene in an incident without help (unless it is an emergency).
* For example, when dealing with an older pupil, or a physically large pupil, or more than one pupil,
* Or if the teacher believes he or she may be at risk of injury. In those circumstances the teacher should remove other pupils who might be at risk, and summon assistance from a colleague or colleagues,
* Or where necessary phone the Police. The teacher should inform the pupil(s) that he or she has sent for help. Until assistance arrives the teacher should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

**Recording Incidents**

* It is important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where force is used. It may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint.
* Elmwood keeps an up-to-date record of all such incidents, in a Team Teach incident book.
* Immediately following any such incident the member of staff concerned should tell the Head or a senior member of staff and complete a written Team Teach form as soon as possible afterwards. That should include:
* The name(s) of the pupil(s) involved, and when and where the incident took place;
* The names of any other staff or pupils who witnessed the incident;
* The reason that force was necessary (e.g. to prevent injury to the pupil, another pupil or member of staff);
* How the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken
* To defuse or calm the situation, the degree of force used, how that was applied, and for how long;
* The pupil's response, and the outcome of the incident;
* Details of any injury suffered by the pupil, another pupil, or a member of staff and of any damage to property.

**Power to search pupils without consent**

In addition to the general power to use reasonable force described above, head teachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”:

* knives and weapons
* Mobile phones and other electronic media
* alcohol
* illegal drugs
* stolen items
* 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 property.

The school may use a metal detector without a parent of child’s permission if there are reasonable grounds for suspicion that a prohibited item is being brought onto school premises.

Force **cannot** be used to search for items banned under the school rules. However access to the school will be denied should a refusal occur.

References to parent or parents are to fathers as well as mothers, unless otherwise stated.

**What happens if a pupil complains when force is used on them?**

1) All complaints about the use of force should be thoroughly, speedily and appropriately investigated.

2) Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.

3) When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is **not** for the member of staff to show that he/she has acted reasonably.

4) Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance (see Associated Resources section below) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.

5) Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

6) If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.

7) Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

8) As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

**What about other physical contact with pupils?**

1) It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

2) Examples of where touching a pupil might be proper or necessary:

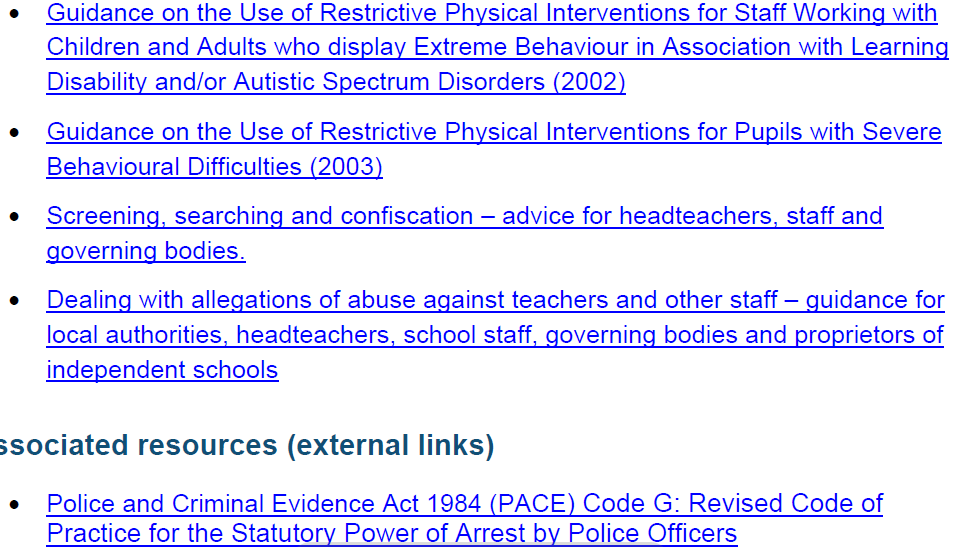
* Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
* When comforting a distressed pupil;
* When a pupil is being congratulated or praised;
* To demonstrate how to use a musical instrument;
* To demonstrate exercises or techniques during PE lessons or sports coaching; and
* To give first aid.

**Associated resources**

<http://www.team-teach.co.uk/>

[**https://www.gov.uk/.../Use\_of\_reasonable\_force\_advice\_Reviewed\_July\_2015.pdf**](https://www.gov.uk/.../Use_of_reasonable_force_advice_Reviewed_July_2015.pdf)

[**https://www.gov.uk/.../Behaviour\_and\_Discipline\_in\_Schools\_-\_A\_guide\_for\_headte**](https://www.gov.uk/.../Behaviour_and_Discipline_in_Schools_-_A_guide_for_headte)**.**

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**Anti Bullying Policy**

**Mission Statement**

Everyone has the right to learn and work in an environment free from harassment or discrimination and where they feel safe.

Bullying has far reaching effects on their emotional health, well-being, attendance, educational successes and subsequent life chances.

This school aims to work with staff, pupils and parents to create an inclusive school community where bullying is not tolerated. We are a TELLING school as bullying continues when it is not reported or when it is not acted upon. Therefore Elmwood will as far a practicable endeavour to proactively deal with the effects of bullying.

**What is bullying?**

Bullying is behaviour by an individual or group, repeated over time, that intentionally hurts another individual or group either physically or emotionally. Bullying can take many forms (for instance, cyber-bullying via text messages or the internet), and is often motivated by prejudice against particular groups, for example on grounds of race, religion, gender, sexual orientation, or because a child is adopted or has caring responsibilities. It might be motivated by actual differences between children, or perceived differences. Stopping violence and ensuring immediate physical safety is obviously a school’s first priority but emotional bullying can be more damaging than physical; teachers and schools have to make their own judgements about each specific case.

**Safeguarding children and young people**

Under the Children Act 1989 a bullying incident should be addressed as a child protection concern when there is ‘reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm’. Where this is the case, the school staff should report their concerns to their local authority children’s social care. Even where safeguarding is not considered to be an issue, schools may need to draw on a range of external services to support the pupil who is experiencing bullying, or to tackle any underlying issue which has contributed to a child engaging in bullying. offence for a person to send an electronic communication to another person with the intent to cause distress or anxiety or to send an electronic communication which conveys a message which is indecent or grossly offensive, a threat, or information which is false and known or believed to be false by the sender.

**Bullying outside school premises**

Head teachers have a specific statutory power to discipline pupils for poor behaviour outside of the school premises. Section 89(5) of the Education and Inspections Act 2006 gives head teachers the power to regulate pupils’ conduct when they are not on school premises and are not under the lawful control or charge of a member of school staff. This can relate to any bullying incidents occurring anywhere off the school premises, such as cyber bullying, on school or public transport, outside the local shops, or in a town or village centre.

Where bullying outside school is reported to school staff, it should be investigated and acted on. The head teacher should also consider whether it is appropriate to notify the police or anti-social behaviour coordinator in their local authority of the action taken against a pupil. If the misbehaviour could be criminal or poses a serious threat to a member of the public, the police should always be informed.

**Cyber-bullying**

The rapid development of, and widespread access to, technology has provided a new medium for ‘virtual’ bullying, which can occur in or outside school. Cyber-bullying is a different form of bullying and can happen at all times of the day, with a potentially bigger audience, and more accessories as people forward on content at a click.

The wider search powers included in the Education Act 2011 give teachers stronger powers to tackle cyber-bullying by providing a specific power to search for and, if necessary, delete inappropriate images (or files) on electronic devices, including mobile phones. Separate advice on teachers’ powers to search (including statutory guidance on dealing with electronic devices) is available – see below for a link to this document.

For more information on how to respond to cyber-bullying and how pupils can keep themselves

**The Law**

Elmwood school endeavours to comply with the legal requirements placed on schools and governing body to determine detailed measures (rules, rewards, sanctions and behaviour management strategies) that ‘’encourage good behaviour and respect for others on the part of pupils and in particular preventing all forms of bullying among pupils’’ Education and Inspections Act 2006 , section 89. The school will exercise its legal powers (as outlined in section 89/5) and (section 91, Education and Inspections Act 2006) as deemed appropriate and practicable.

Schools are required to comply with the new equality duty ‘The Equality Act 2010’. The public sector equality duty has three aims:

* Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
* Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and

Foster good relations between people who share a protected characteristic and people who do not share it.

**Criminal law**

Although bullying in itself is not a specific criminal offence in the UK, it is important to bear in mind that some types of harassing or threatening behaviour – or communications – could be a criminal offence, for example under the Protection from Harassment Act 1997, the Malicious Communications Act 1988, the Communications Act 2003, and the Public Order Act 1986.

If school staff feel that an offence may have been committed they should seek assistance from the police. For example, under the Malicious Communications Act 1988, it is an

**Reporting and recording incidents of bullying**

Pupils and parents are encouraged to report bullying to any member of staff or student council members. Pupils can either fill in the Blue bullying forms or go on line and report it using either the Sharp site. http://elmwood.thesharpsystem.com/ or Tootoot <https://tootoot.co.uk>; Incidents are in the first instance referred to the pupil’s Form Tutor to be investigated, appropriate action taken and parents will be informed promptly using usual school procedures. Pupil voice is important at Elmwood and the view that Elmwood School is a TELLING school is reinforced via assemblies, Anti-Bullying Week, PSCHE and during form time. A log will be maintained of racist incidents and information on incidents of bullying. The school is aware of guidelines that indicate that some bullying may be recorded as age appropriate play and that some ‘bullying’ may be due to pupils’ statemented condition. This policy will be reviewed annually by a member of the school leadership team and feedback from pupils will be considered when amending this policy.

**Tackling Bullying**

Elmwood School has developed this policy in accordance with the principles set out in the DfE Preventing and tackling bullying Advice for head teachers, staff and governing bodies 2012

This policy should also be viewed in light of other school policies such as the Behaviour Policy and PSCHE policy. The aim of any anti-bullying intervention is to safeguard and support the victim, discipline and modify the behaviour of the bully with a view to prevent, de-escalate and stop further incidents of harmful behaviour.

**Strategies for dealing with bullying**

* Ensuring that there is a promotion of an open and honest anti-bullying ethos in the school
* Investigate all allegations of bullying
* PSHCE programme that discuss’ issues such as diversity and anti-bullying messages
* Calendared anti- bullying week
* Poster and leaflet campaigns – designed and written by pupils
* Assemblies whole school that promote a sense of community
* Class discussions and role plays in Drama, English and Theme that draw out anti – bullying messages
* Acceptable Internet Use policy is signed by all and e-safety are discussed in lessons.
* Ongoing staff induction and training programme
* Adequate staff supervision at lunch and break times as well as
* Clear and consistently applied policies for Behaviour and Uniform
* A phased approach; A word privately with the bully, a more formal meeting, getting the bully to meet with victim, phone calls home, a Home school agreement signed by all pupils and parents, fixed term exclusion, Police involvement, Permanent exclusion.
* All pupils complete an annual questionnaire to assess the extent of the problem.

**Strategies for dealing with the bully**

* Disciplinary sanction imposed either exclusion or period of time in the inclusion room
* Engage promptly with parents to ensure their support and involvement
* Restorative justice approaches taken as appropriate
* One to one interviews with staff or peer mentors
* Counselling offered
* Work with the educational psychologist
* Anger management strategies discussed

**Strategies to support a victim**

* Disciplinary sanctions as appropriate applied to the bully
* Counselling offered
* Mediation
* Out of lesson support passes issued
* Short term modification of school timetable
* One to one parental interview parental support and involvement
* Private diaries given
* Self assertive strategies discussed

This policy has been devised in consultation with Elmwood School Council and with reference to the following documents:

* Preventing and tackling bullying Advice for head teachers, staff and governing bodies 2012
* Preventing and Tackling Bullying 2011
* The Equality Act 2010

This policy should be read in conjunction with the school’s Behaviour, E-Safety, Equal Opportunities and Child Protection Policies.

[www.education.gov.uk/schools/pupilsupport/behaviour/bullying](http://www.education.gov.uk/schools/pupilsupport/behaviour/bullying)

[www.education.gov.uk/f0076899/preventing-and-tackling-bullying](http://www.education.gov.uk/f0076899/preventing-and-tackling-bullying)

[www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-RR098](http://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-RR098)

[www.kidscape.org.uk/cyberbullying/](http://www.kidscape.org.uk/cyberbullying/)

**School Policy : Electronic Devices -Acceptable use Searching & Deletion**

Introduction

The changing face of information technologies and ever increasing student use of these technologies has meant that the Education Acts have had to change in an attempt to keep pace. Within Part 2 of the Education Act 2011 (Discipline) there have been changes to the powers afforded to schools by statute to search pupils in order to maintain discipline and ensure safety. Schools are required to ensure they have updated policies which take these changes into account. No such policy can on its own guarantee that the school will not face legal challenge, but having a robust policy which takes account of the Act and applying it in practice will however help to provide the school with justification for what it does.

The particular changes we deal with here are the added power to search for items ‘banned under the school rules’ and the power to ‘delete data’ stored on seized electronic devices.

Items banned under the school rules are determined and publicised by the Headteacher (section 89 Education and Inspections Act 1996).

An item banned by the school rules may only be searched for under these new powers if it has been identified in the school rules as an item that can be searched for. It is therefore important that there is a school policy which sets out clearly and unambiguously the items which:

• are banned under the school rules; and

• are banned AND can be searched for by authorised school staff

The act allows authorised persons to examine data on electronic devices if they think there is a good reason to do so. In determining a ‘good reason’ to examine or erase the data or files the authorised staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or could break the school rules.

Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

The Head Teacher must publicise the school behaviour policy, in writing, to staff, parents / carers and students at least once a year. (There should therefore be clear links between the search etc. policy and the behaviour policy).

DfE advice on these sections of the Education Act 2011 can be found in the document: “Screening, searching and confiscation – Advice for head teachers, staff and governing bodies”

http://www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies/f0076897/screening-searching-and-confiscation

Relevant legislation:

• Education Act 1996

• Education and Inspections Act 2006

• Education Act 2011 Part 2 (Discipline)

• The School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012

• Health and Safety at Work etc. Act 1974

• Obscene Publications Act 1959

• Children Act 1989

• Human Rights Act 1998

• Computer Misuse Act 1990

This is not a full list of Acts involved in the formation of this advice. Further information about relevant legislation can be found via the above link to the DfE advice document.

Responsibilities

The Headteacher is responsible for ensuring that the school policies reflect the requirements contained within the relevant legislation. The formulation of these policies may be delegated to other individuals or groups. The policies will normally be taken to Governors for approval. The Headteacher will need to authorise those staff who are allowed to carry out searches.

This policy has been written by and will be reviewed by Simon Hubbard

The Headteacher has authorised all Elmwood staff as instructed to carry out searches for and of electronic devices and the deletion of data / files on those devices:

Training / Awareness

Members of staff should be made aware of the school’s policy on "Electronic devices – searching and deletion":

• at induction

• at regular updating sessions on the school’s online safety policy

Members of staff authorised by the Headteacher to carry out searches for and of electronic devices and to access and delete data / files from those devices should receive training that is specific and relevant to this role.

Specific training is required for those staff who may need to judge whether material that is accessed is inappropriate or illegal.

E Behaviour Policy Statements

Search:

The school Behaviour Policy refers to the policy regarding searches with and without consent for the wide range of items covered within the Education Act 2011 and lists those items. This policy refers only to the searching for and of electronic devices and the deletion of data / files on those devices.

Students are allowed to bring mobile phones or other personal electronic devices to school and use them only within the rules laid down by the school.

If students breach these roles:

The sanctions for breaking these rules can be found in the Behaviour Policy.

Authorised staff (defined in the responsibilities section above) have the right to search for such electronic devices where they reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.

• Searching with consent - Authorised staff may search with the pupil’s consent for any item

• Searching without consent - Authorised staff may only search without the pupil’s consent for anything which is either ‘prohibited’ (as defined in Section 550AA of the Education Act 1996) or appears in the school rules as an item which is banned and may be searched for

In carrying out the search:

The authorised member of staff must have reasonable grounds for suspecting that a student is in possession of a prohibited item i.e. an item banned by the school rules and which can be searched for.

The authorised member of staff should take reasonable steps to check the ownership of the mobile phone / personal electronic device before carrying out a search.

The authorised member of staff should take care that, where possible, searches should not take place in public places e.g. an occupied classroom, which might be considered as exploiting the student being searched.

The authorised member of staff carrying out the search must be the same gender as the student being searched; and there must be a witness (also a staff member) and, if at all possible, they too should be the same gender as the student/ pupil being searched.

There is a limited exception to this rule: Authorised staff can carry out a search of a student of the opposite gender including 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.

Extent of the 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 hats; shoes; boots; coat; blazer; jacket; 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.

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.

Use of Force – force cannot be used to search without consent for items banned under the school rules regardless of whether the rules say an item can be searched for.

Electronic devices

An authorised member of staff finding an electronic device may access and examine any data or files on the device if they think there is a good reason to do so

The examination of the data / files on the device should go only as far as is reasonably necessary to establish the facts of the incident. Any further intrusive examination of personal data may leave the school open to legal challenge.

If inappropriate material is found on the device it is up to the authorised member of staff to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police. Examples of illegal activity would include:

• child sexual abuse images (including images of one child held by another child)

• adult material which potentially breaches the Obscene Publications Act

• criminally racist material

• other criminal conduct, activity or materials

Deletion of Data

Following an examination of an electronic device, if the authorised member of staff has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

If inappropriate material is found on the device, it is up to the authorised member of staff to decide whether they should delete that material, retain it as evidence (of a possible criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

A record should be kept of the reasons for the deletion of data / files.

Care of Confiscated Devices

School staff are reminded of the need to ensure the safe keeping of confiscated devices, to avoid the risk of compensation claims for damage / loss of such devices

However whist reasonable care will be taken to look after confiscated property the school does not accept liability for loss or damage to items brought into school against school rules and subsequently confiscated and will not be liable for loss or damage claims.

Audit / Monitoring / Reporting / Review

The responsible person Mr Hubbard will ensure that full records are kept of incidents involving the searching for and of mobile phones and electronic devices and the deletion of data / files.

These records will be reviewed by ( Online Safety Committee / Online Safety Governor) annually.

This policy will be reviewed by the head teacher and governors annually and in response to changes in guidance and evidence gained from the records.

DfE guidance can be found at: https://www.gov.uk/government/publications/searching-screening-and-confiscation

Social Media Behaviour Policy

Social media (e.g. Facebook, Twitter, LinkedIn) is a broad term for any kind of online platform which enables people to directly interact with each other. However some games, for example Minecraft or World of Warcraft and video sharing platforms such as You Tube have social media elements to them.

Elmwood school recognises the numerous benefits and opportunities which a social media presence offers. Staff, parents/carers and students are actively encouraged to find creative ways to use social media. However, there are some risks associated with social media use, especially around the issues of safeguarding, bullying and personal reputation. This policy aims to encourage the safe use of social media by Elmwood School, its staff, parents, carers and children.

Scope

This policy is subject to the school’s Codes of Conduct and Acceptable Use Agreements.

This policy:

• Applies to all staff and to all online communications which directly or indirectly, represent the school.

• Applies to such online communications posted at any time and from anywhere.

• Encourages the safe and responsible use of social media through training and education

The school respects privacy and understands that staff and students may use social media forums in their private lives. However, personal communications likely to have a negative impact on professional standards and/or the school’s reputation are within the scope of this policy.

Professional communications are those made through official channels, posted on a school account or using the school name. All professional communications are within the scope of this policy.

Personal communications are those made via a personal social media accounts. In all cases, where a personal account is used which associates itself with the school or impacts on the school, it must be made clear that the member of staff is not communicating on behalf of the school with an appropriate disclaimer. Such personal communications are within the scope of this policy.

Personal communications which do not refer to or impact upon the school are outside the scope of this policy.

Digital communications with students are also considered.

Organisational control

Roles & Responsibilities

• SLT

o Facilitating training and guidance on Social Media use.

o Developing and implementing the Social Media policy

o Taking a lead role in investigating any reported incidents.

o Making an initial assessment when an incident is reported and involving appropriate staff and external agencies as required.

o Receive completed applications for Social Media accounts

o Approve account creation

• Administrator / Moderator

o Create the account following SLT approval

o Store account details, including passwords securely

o Be involved in monitoring and contributing to the account

o Control the process for managing an account after the lead staff member has left the organisation (closing or transferring)

• Staff

o Know the contents of and ensure that any use of social media is carried out in line with this and other relevant policies

o Attending appropriate training

o Regularly monitoring, updating and managing content he/she has posted via school accounts

o Adding an appropriate disclaimer to personal accounts when naming the school

Process for creating new accounts

The school community is encouraged to consider if a social media account will help them in their work, e.g. a history department Twitter account, or a “Friends of the school” Facebook page. Anyone wishing to create such an account must present a business case to the School Leadership Team which covers the following points:-

• The aim of the account

• The intended audience

• How the account will be promoted

• Who will run the account (at least two staff members should be named)

• Will the account be open or private/closed

Following consideration by the SLT an application will be approved or rejected. In all cases, the SLT must be satisfied that anyone running a social media account on behalf of the school has read and understood this policy and received appropriate training. This also applies to anyone who is not directly employed by the school, including volunteers or parents.

Monitoring

School accounts must be monitored regularly and frequently (preferably 7 days a week, including during holidays). Any comments, queries or complaints made through those accounts must be responded to within 24 hours (or on the next working day if received at a weekend) even if the response is only to acknowledge receipt. Regular monitoring and intervention is essential in case a situation arises where bullying or any other inappropriate behaviour arises on a school social media account.

Behaviour

• The school requires that all users using social media adhere to the standard of behaviour as set out in this policy and other relevant policies.

• Digital communications by staff must be professional and respectful at all times and in accordance with this policy. Staff will not use social media to infringe on the rights and privacy of others or make ill-considered comments or judgments about staff. School social media accounts must not be used for personal gain. Staff must ensure that confidentiality is maintained on social media even after they leave the employment of the school.

• Users must declare who they are in social media posts or accounts. Anonymous posts are discouraged in relation to school activity.

• If a journalist makes contact about posts made using social media staff must follow the school media policy before responding.

• Unacceptable conduct, (e.g. defamatory, discriminatory, offensive, harassing content or a breach of data protection, confidentiality, copyright) will be considered extremely seriously by the school and will be reported as soon as possible to a relevant senior member of staff, and escalated where appropriate.

• The use of social media by staff while at work is not currently permitted and all such sites are blocked.

• The school will take appropriate action in the event of breaches of the social media policy. Where conduct is found to be unacceptable, the school will deal with the matter internally. Where conduct is considered illegal, the school will report the matter to the police and other relevant external agencies, and may take action according to the disciplinary policy.

Legal considerations

• Users of social media should consider the copyright of the content they are sharing and, where necessary, should seek permission from the copyright holder before sharing.

• Users must ensure that their use of social media does not infringe upon relevant data protection laws, or breach confidentiality.

Handling abuse

• When acting on behalf of the school, handle offensive comments swiftly and with sensitivity.

• If a conversation turns and becomes offensive or unacceptable, school users should block, report or delete other users or their comments/posts and should inform the audience exactly why the action was taken

• If you feel that you or someone else is subject to abuse by colleagues through use of a social networking site, then this action must be reported using the agreed school protocols.

Tone

The tone of content published on social media should be appropriate to the audience, whilst retaining appropriate levels of professional standards. Key words to consider when composing messages are:

• Engaging

• Conversational

• Informative

• Friendly (on certain platforms, e.g. Facebook)

Use of images

School use of images can be assumed to be acceptable, providing the following guidelines are strictly adhered to.

• Permission to use any photos or video recordings should be sought in line with the school’s digital and video images policy. If anyone, for any reason, asks not to be filmed or photographed then their wishes should be respected.

• Under no circumstances should staff share or upload student pictures online

• Staff should exercise their professional judgement about whether an image is appropriate to share on school social media accounts. Students should be appropriately dressed, not be subject to ridicule and must not be on any school list of children whose images must not be published.

• If a member of staff inadvertently takes a compromising picture which could be misconstrued or misused, they must delete it immediately.

Personal use

• Staff

o Personal communications are those made via a personal social media accounts. In all cases, where a personal account is used which associates itself with the school or impacts on the school, it must be made clear that the member of staff is not communicating on behalf of the school with an appropriate disclaimer. Such personal communications are within the scope of this policy.

o Personal communications which do not refer to or impact upon the school are outside the scope of this policy.

o Where excessive personal use of social media in school is suspected, and considered to be interfering with relevant duties, disciplinary action may be taken

• Pupil/Students

o Staff are not permitted to follow or engage with current or prior pupils/students of the school on any personal social media network account.

o The school’s education programme should enable the students to be safe and responsible users of social media.

o Students are encouraged to comment or post appropriately about the school. Any offensive or inappropriate comments will be resolved by the use of the school’s behaviour policy

• Parents/Carers

o The school has an active parent/carer education programme which supports the safe and positive use of social media. This includes information on the website.

o Parents/Carers are encouraged to comment or post appropriately about the school. In the event of any offensive or inappropriate comments being made, the school will ask the parent/carer to remove the post and invite them to discuss the issues in person. If necessary, refer parents to the school’s complaints procedures.

Monitoring posts about the school

• As part of active social media engagement, it is considered good practice to pro-actively monitor the Internet for public postings about the school.

• The school should effectively respond to social media comments made by others according to a defined policy or process.

Appendix

Managing your personal use of Social Media:

• “Nothing” on social media is truly private

• Social media can blur the lines between your professional and private life. Don’t use the school logo and/or branding on personal accounts

• Check your settings regularly and test your privacy

• Keep an eye on your digital footprint

• Keep your personal information private

• Regularly review your connections – keep them to those you want to be connected to

• When posting online consider; Scale, Audience and Permanency of what you post

• If you want to criticise, do it politely.

• Take control of your images – do you want to be tagged in an image? What would children or parents say about you if they could see your images?

• Know how to report a problem