

# Madeley Nursery School

Bridle Road, Madeley, Telford TF7 5ET



## **Behaviour Policy**

### *Behaviour and Bullying Statement*

*Including the school statement on the use of restraint, the power to discipline beyond the school gate and the right to search and confiscate.*

If you require a copy of this procedure, for example in large print, please contact the school office.

### **Background**

The **aims of the school** are to create a vibrant, friendly school community for all, that engenders delight and enthusiasm in learning and confident, committed members of society through outstanding early education and care, within a culture that places well-being and safeguarding at its centre.

Our approach to teaching and learning is inspired by the preschools of Reggio Emilia and the ideas of Gregory Bateson, where children learn in groups and research the world through research projects.

Learning and teaching at Madeley Nursery School is based on deeply held principles.

These are explored, questioned, tested and our understanding developed on an on-going basis. Through these principles we develop the values of

- ❖ **Prosocial behaviours** of sharing (dividing up or bestowing), helping (acts of kindness, rescuing, removing distress), and cooperation (working together to reach a goal), showing sympathy, showing positive verbal and physical contact, showing concern, taking the perspective of another person, cooperating and social problem-solving that enables children to be in dynamic interactions with other children and adults.
- ❖ **Self-regulation** which allows us to monitor and control our own behaviour, emotions, or thoughts, altering them in accordance with the demands of the situation.
- ❖ **Collaboration:** that is crucial to successful and independent learning. Through effective collaboration we begin to understand the importance of being reflective, of cooperation, of taking turns, of respecting difference and

diversity, of friendship, of being fair, of sensitive listening, active discussion and of unity.

- ❖ **Resilience and perseverance**, to be determined to succeed, setting a goal and sticking to it. We aim to foster a willingness to take risks and an acceptance of failure. We take positives from all that we do and learn from our mistakes. We are responsible for our own learning and develop high self-esteem.
- ❖ **Equality** incorporates aspects of tolerance, inclusion and diversity. We expect children to have an awareness of the wider world, to celebrate difference and respect the rights of all individuals, both in the school community and beyond.
- ❖ **Compassion** is about kindness and concern, about friendship and love, about communicating effectively and understanding the needs of others. Through our focus on this value, we expect to develop thoughtful, considerate children who are empathetic, respectful, and kind.
- ❖ **Creativity and innovation** are the value through which we hope to inspire children to appreciate their uniqueness, to be imaginative and inquisitive. We aim to nurture originality and dynamism in meaning-making.
- ❖ **Critical thinking** using purposeful judgment which results in interpretation, analysis, evaluation, and inference and include qualities, concepts, and processes such as creativity, imagination, discovery, reflection, empathy, connecting, knowing, subjectivity, ambiguity, and inconclusiveness.
- ❖ **Confidence** to explore as active learners and to be adventurous, curious, and confident to take risks when experiencing new things.
- ❖ **Ecological awareness** and sensitivity by exploring the world to develop curiosity and respect for nature and a love for the outdoors.
- ❖ **Effective communication** that enables children to express themselves, listen and respond to the ideas and proposals of others. Independence and self-organisation to be able to work with other children, not always seeking or needing the affirmation or direction of adults.

This policy operates within the overarching principles and elements of the school which inform our daily practice and that include how we develop behaviour in the school.

### **A place of citizenship – being part of a strong community**

Our school is an integral part of the community. It is a place where every child, family and educator have both a right and responsibility to contribute to and support their community. *We define community as being both immediately located around the school and stretching out to include the global community. We believe that citizenship encompasses people and cultures as well as environments and ecologies. That as citizens, children should be creators of culture not passive consumers.*

### **The researching school – working together to question and improve**

Our school is a place where children, families and educators work together to improve the quality of learning and teaching experiences, therefore promoting high aspirations, levels of well-being, good dispositions, and achievement for all. *We believe that a researching school relies on developing a 'listening pedagogy', where all protagonists collaborate and co-operate in reflective dialogue, respecting and encouraging different opinions and ideas, being open to change and innovation.*

### **Partnership between children, families, and school – learning in partnership**

We consider that a genuine, respectful, and active partnership between children, their families and the school are central to successful learning. *This principle is interrelated and underpins the other school principles, reflecting our relational and community ethos. Partnership involves parents, families and staff working together to benefit children in relationships where each recognises, respects and values what the other says and does. Partnership involves responsibility on both sides.*

### **A belief in the competent child – with an innate ability to learn from birth**

All children have an innate ability to learn from birth. We believe that every child has an incredible capacity to learn and develop through engagement with others and with the world. *This principle has inclusion and diversity at its heart and is made visible through the pedagogical approaches of the school. Where learning is seen as crossing the borders that separately define disciplines, curriculum, and concepts.*

## **Policy and procedure:**

### **Principles on which the behaviour policy is based.**

At Madeley Nursery School we are committed to ensuring that children are safe and feel safe; a key aspect of this is to promote good behaviour.

Through a positive approach to promoting good behaviour, co-operation, and a caring attitude, we hope to ensure that children will develop a strong sense of esteem, empathy and respect for themselves and other people.

Bullying will not be tolerated at Madeley Nursery and any instances of bullying by children or adults including, racism, sexism, bullying based on sexual orientation including homophobia and transphobia, or based on learning abilities, sensory or physical impairment, social class, faith, non-faith, or lifestyle will be challenged.

High quality, ongoing staff development creates essential understanding of child development and influencing contextual factors to guide our expectations of children's behaviour.

Behaviour is also about developing emotional literacy so that children can explore and acknowledge their own feelings and find appropriate ways to express them.

Appropriate behaviour enables individuals to become good citizens and good learners.

Good behaviour is interlinked to children's active participation and sense of agency in learning. This is achieved through the researching project approach that guides the curriculum at Madeley Nursery and that goes alongside daily routines where children actively participate in the life of the school. This is further expanded in appendix 4 with a more detailed explanation of how our curricular approach actively promotes good behaviour and, in the learning, teaching and assessment policy.

Good behaviour is the responsibility of everyone including, staff, children, parents/carers, families, and visitors. We are all expected to be:

- Courteous and respectful to others
- Caring of the nursery environment and each other's work
- To value everyone regardless of whether they have a disability, whatever their ethnicity, culture, religious affiliation, national origin, or national status, whatever their gender and gender identity and whatever their sexual identity.

**At Madeley Nursery School we are committed to:**

- ensuring the whole school community is consulted about the principles of the school behaviour policy,
- working in partnership with parents and carers to support their child's positive behaviour,
- working with parents to ensure that they send their child to nursery regularly, punctually, suitably clothed, fed, rested and ready to play and learn,
- inviting parents / carers to meetings with the key person, head teacher or other nursery staff, if requested, to discuss their child's behaviour,
- expecting children and adults to show respect and consideration towards each other and towards the nursery environment and its resources,
- improving outcomes for all children and eliminating all forms of discrimination, harassment, and bullying, as well as promoting equality of opportunity (see Equal Opportunities statement below), the welfare of children and good relations across the whole school community,
- taking all reasonable measures to protect the safety and well-being of staff and pupils, including preventing all forms of bullying and dealing effectively with reports and complaints about bullying,
- ensuring parents have any complaint they make about their child being bullied taken seriously by nursery and investigated/resolved as necessary,
- enabling children to show respect to school staff, fellow children, nursery

property and the nursery environment,

- ensuring good order in nursery where adults and children are respectful towards each other creating an environment in which learning can take place,
- ensuring staff model good behaviour and never belittle children or colleagues,
- promoting positive behaviour through active development of children's social, emotional, and behavioural skills,
- keeping parents informed of their child's progress, including issues relating to their behaviour – use appropriate methods of engaging them and, where necessary, support them in meeting their parental responsibilities,
- ensuring all children feel that their ideas and contributions made during their research project work, either in school or at home, are acknowledged, valued, and impact on subsequent planning for new learning in nursery,
- supporting and praise good behaviour and apply sanctions fairly and consistently taking account of SEN, disability and the needs of vulnerable children offering support as appropriate; praise begins with frequent use of encouraging language and gestures, so that positive behaviour is instantly recognised,
- ensuring nursery staff are aware of any SEN-related or other personal and contextual factors which may arise and impact on children's behaviour,
- working with other agencies to support families and to promote community cohesion and safety,

- ensuring staff are well informed about cultural differences in behaviour and their implications,
- supporting newly arrived children and their families in understanding and following the behaviour policy,
- applying sanctions consistently and fairly.

We will monitor the overall impact of their sanctions by age, ethnicity, gender, special educational needs, and disability (which would not mean monitoring every individual sanction, however small, but rather taking reasonable steps to get a picture of whether overall any groups of pupils are disproportionately affected). Such information is required as part of nursery's equality scheme. The leadership team will analyse any patterns revealed which raise concerns about the application of the policy against the principles and values of the nursery which will trigger a review and possible amendments to practice.

Strategies for more vulnerable children include,

- making sure that every child has a key person in school who knows them well, has good links with the home, and can act as a reference point for all staff when they are unsure about how to apply the disciplinary framework,
- planning proactively how the school's disciplinary framework should be applied for each pupil,
- ensuring that all those in contact with the pupil know what has been agreed,
- ensuring that all staff are aware of appropriate referral procedures to other agencies.

This policy applies to everyone. Everyone is of equal value and will be valued equally regardless of whether they have a disability, whatever their ethnicity, race, culture, religious affiliation, belief, non-belief, national origin, or national

status, whatever their gender and gender identity, and social class.

**Governors will:**

- review the general principles to guide the head teacher in determining measures to promote good behaviour; and notify the head teacher and give them related guidance if the governing body wants the school's behaviour policy to include measures or address issues.
- the General Purposes Committee in partnership with the Curriculum Committee of the governing body, must make final decisions about the principles and any notifications and guidance. These responsibilities cannot be delegated to an individual.

**Equal Opportunities**

Equal opportunities is about ensuring that every member of the school community is regarded as being of equal worth and importance, irrespective of culture, race, gender, transgender, sexual orientation, religion, learning abilities, sensory or physical impairment, social class or lifestyle; it is about recognising differences, meeting individual needs and taking positive action, so that everyone has equal access to the educational opportunities offered by the school; it is also about regularly monitoring that each child has the opportunity to achieve.

**Statement on Bullying and Harassment**

Young children aged 2, 3, 4 and 5 years old are evolving their social, emotional, behavioural and language skills and they are at many different levels of development. Therefore, we are building foundations for lifelong well-being that includes good mental health, social competence and kindness that underpin effective pro-social skills and self-regulation. Our policy acknowledges that children are vulnerable to being bullied or to developing bullying behaviour if



strong foundations that include good behaviour and self-esteem are neglected or undervalued. The young children who attend our nursery school live in their own families unique and different cultural and social contexts. However, our shared culture and social context in nursery promotes equalities for all and actively challenges stereotyping based on gender, race, or ethnicity.

The aspects of learning from the EYFS (2021) in which knowledge, skills and understanding are developed are self-regulation, building relationships, managing self, people, culture, and communities, listening, attention and understanding and speaking.

### **Strategies to address bullying**

- At nursery children will have opportunities to appreciate and celebrate differences, and to understand how it feels and how important it is to belong to a group.
- They will have begun to learn that bullying can happen when one person is unkind to another, and when someone has more power (for example, if they are bigger, or have a toy that everyone wants).
- They will recognise common forms of unkindness that could lead to bullying, such as name-calling, leaving people out, and intimidation.
- They will have revisited uncomfortable feelings, such as fear and sadness, associated with bullying and unkindness through various learning experiences.
- Children will have had opportunities to appreciate how someone might feel when they are called names or are left out and will have thought about this in terms of fairness.
- The importance of telling an adult will have been reinforced and modelled by all staff.

This policy links with our Online Safety/Cyber Bullying, Equalities, Relationships and Child Protection and Safeguarding policies.

The following are development aims for all children in the Early Years Foundation Stage and the curriculum offer in school supports progress towards them.

- Listen attentively and respond to what they hear with relevant questions, comments, and actions ..... during whole class discussions and small group interactions.
- Make comments about what they have heard and ask questions to clarify their understanding.
- Hold conversation when engaged in back-and-forth exchanges with their teacher and peers.
- Participate in small group, class, and one-to-one discussions, offering their own ideas, using recently introduced vocabulary.
- Offer explanations for why things might happen.
- Show an understanding of their own feelings and those of others and begin to regulate their behaviour accordingly.
- Set and work towards simple goals, being able to wait for what they want and control their immediate impulses when appropriate.
- Give focused attention to what others say, responding appropriately even when engaged in activity.
- Be confident to try new activities and show independence, resilience, and perseverance in the face of challenge.
- Explain the reasons for rules, know right from wrong and try to behave accordingly.
- Work and play cooperatively and take turns with others.
- Form positive attachments to adults and friendships with peers.
- Show sensitivity to their own and to others' needs.

Therefore, a child will be able to demonstrate that:

- I know I belong in my school.
- I like the ways we are all different and can tell you something special about me and about some of my friends.
- I can tell you about some ways in which children can be unkind to others.
- I can tell you how it feels when someone bullies you. I can be kind to children who have been bullied.
- I know who I could talk to in school if I was feeling unhappy or worried.
- I know what to do if I am bullied.

### **Strategies**

Nursery rules are simple, and several are based on common sense and health and safety considerations. These rules are explained to children when they enter Nursery and regularly reinforced.

The main rules are:

- Walk inside Nursery, do your running outside.
- Quiet voices inside Nursery, loud ones outside.
- Listen when someone is talking to you, be it another child or adult, the converse of this is that you can expect people to listen to you when you are talking.
- Only you have the right to touch your work, you must ask before touching other people's work.
- Be kind to one another, no fighting or unkind words.
- Remember to share.
- Take care of things in our nursery environment inside and outdoors.
- Chairs are for sitting on, and tables are to work at not for climbing on.

When children are asked not to do something the request will be accompanied by a developmentally appropriate explanation of why the request was made.

Differences of opinions that arise between children e.g. over sharing a toy etc. are resolved by the process of negotiation facilitated by a member of staff with the children involved.

Sometimes the Nursery uses timers or other visual supports as a fair system of allocating turns with toys and this is readily accepted by the children who quickly become accustomed to regulating the system for themselves.

Adults actively encourage children who have been upset by another child to speak confidently and assertively to the child who has upset them and tell them not to do it.

Girls and boys are treated in the same way and the expectations for all are for children to be self-confident and assertive as well as considerate and sensitive to others.

There are certain situations where sanctions would be applied. Each situation is assessed individually considering the context and the child/children involved. Sanctions usually involve spending some time alongside an adult. Below are some examples of situations that would warrant sanctions and the sanctions that may be taken.

Persistent talking during a listening time, usually group or register.

The child would be sat next to an adult who will provide support for the rest of the group session.

Persistent 'not hearing' of requests when working outside.

The child would be sent in for a specified amount of time. The member of staff responsible for inside will be informed and the child will be supported in an alternative activity.

Outbursts of uncontrollable emotion where child and others could be at risk. The child would be removed to a safe area, (in extreme cases the office space) to reduce likelihood of child hurting themselves or others. An adult will stay with the child until they become calm. If necessary, a trained adult will hold the child in a secure hold to prevent them hurting themselves or others. (See appendix 1. what is physical restraint?).

In all the above situations parents/carers would be informed of what had happened and the resulting action.

Behaviour rules can be negotiated with children for new learning and play experiences.

The ethos of the Nursery is based on consideration for others and positive reinforcement of good and acceptable behaviour. It is made clear to children that a rejection of bad behaviour is not a rejection of themselves.

### **Peer on peer abuse**

All staff are aware that children can abuse other children we refer to this as peer on peer abuse. This can happen inside or outside of our setting and online. If staff have any concerns regarding peer on peer abuse, even if there are no reports in our setting, they should still speak to the Designated Safeguarding Lead (or deputy).

All staff are expected to challenge inappropriate behaviours between peers, many of which are listed below, that are actually abusive in nature.

Downplaying certain behaviours, for example "just having a laugh", "part of growing up" or "boys being boys" can lead to a culture of unacceptable behaviours, an unsafe environment for children and in worst case scenarios a

culture that normalises abuse, leading to children accepting it as normal and not coming forward to report it.

At Madeley Nursery School peer on peer abuse is most likely to include, but may not be limited to:

- bullying (including cyberbullying, prejudice-based and discriminatory bullying);
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an element of online which facilitates, threatens and/or encourages physical abuse);
- causing someone to engage in sexual activity without consent, such as forcing someone to expose themselves, touch themselves, or to engage in sexual activity.

All staff will be trained in our settings policy and procedures with regards to peer on peer abuse and the important role they have to play in preventing it and responding where they believe a child may be at risk from it.

We will actively seek to raise awareness of and prevent all forms of peer on peer abuse by:

- educating all governors, senior leadership team, and staff, about this issue;
- educating children in such a way as to develop respect and empathy with others and self-confidence contributing towards developing understanding of consent later on;
- engaging parents on these issues;
- working with governors, senior leadership team, and all staff, students and parents to address equality issues, to promote positive values, and to

encourage a culture of tolerance and respect amongst all members of the school community;

- creating conditions in which our students can aspire to, and realise safe and healthy relationships fostering a whole-school culture;
- responding to cases of peer on peer abuse promptly and appropriately; and ensuring that all peer on peer abuse issues are fed back to the DSL and deputy so that they can spot and address any concerning trends and identify anyone who may be in need of additional support.

The positive relationships our setting has built with partner agencies is essential to ensuring that we are able to prevent, identify early, and appropriately handle cases of peer on peer abuse. The DSL (or deputy) will regularly review behaviour incident logs which can help to identify any changes in behaviour and/or concerning patterns or trends at an early stage.

We recognise that any child can be vulnerable to peer on peer abuse due to the strength of peer influence, and staff should be alert to signs of such abuse amongst all children. Individual and situational factors can increase a child's vulnerability to abuse by their peers.

### **Pastoral care for school staff**

If an employee is accused of misconduct and pending an investigation, the governing body will instruct the Headteacher to draw on the advice in the 'Dealing with Allegations of Abuse against Teachers and Other Staff' guidance when setting out the pastoral support school staff can expect to receive if they are accused of misusing their powers.

### **Physical Intervention**

The use of physical intervention is very rare and is, wherever possible avoided.

There may be occasions where the use of physical restraint is appropriate; for example, if a child is hurting themselves and/or others. Any intervention used will always be minimal and in proportion to the circumstances of the incident. (See appendix 1 for guidance).

### **The power to discipline beyond the school gate**

Disciplining beyond the school gate covers the school's response to all non-criminal bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the school. The governing body must be satisfied that the measures proposed by the headteacher are lawful. (See appendix 2 for guidance).

### **Searching and confiscation**

The Headteacher and Deputy Headteacher have statutory power to search pupils or their possessions, without consent, where they suspect the pupil has certain prohibited items. The items that can be searched for under this power are knives or weapons, alcohol, illegal drugs, and stolen items. School staff can seize any banned or prohibited item found because of a search or it is harmful or detrimental to school discipline. (See appendix 3 for guidance).

The behaviour policy will be reviewed every year.



Appendix 1.

### **What is physical restraint?**

(i) Restraint occurs whenever a member of staff, using intentional force, physically restricts a child's movement against his or her will, as a last resort.

*Physical restraint does not include the use of gentle physical prompting or guidance where the child is happy to comply, and the aim is to assist him or her to participate appropriately in activities.*

*There are other situations where physical contact may be necessary e.g., demonstrating physical movement in lessons; administering first aid; or offering comfort to a distressed child. This does not constitute restraint, but staff should be conscious of children's perceptions and recognise that for some children touching may be unwelcome and misinterpreted despite good intentions.*

(ii) It is a procedure for dealing with an unsafe or crisis-situation.

(iii) It must not be used as a form of punishment and must not be used when a less severe response might have effectively resolved the situation.

(iv) Deliberate use of physical contact to punish a child, cause pain or injury or humiliation is unlawful, regardless of the severity of the child's behaviour or the degree of provocation.

(v) Parents will be given opportunity to participate in discussion about the Nursery policy on behaviour, discipline, and restraint procedures so that they are fully aware of the actions that may be taken if their child is involved in an incident.

### **The use of physical restraint**

(i) Restraint should only be used in circumstances where there are good grounds for believing that the child is placing him/herself or other people in immediate danger or where there is a likelihood of significant damage to property. Restraint should be used rarely to secure compliance with staff instructions; other methods should always be considered first.

(ii) If Nursery is aware that a pupil is likely to behave in a way that may require physical restraint by a trained member of staff, we will plan how to respond, should such a situation arise. This plan will be shared with parents and other staff taking account of the school policy and legislation. If physical restraint is likely to be necessary, this should be included in the child's Individual Education Plan (IEP) together with information on de-escalation strategies; the way the child will be held; how support can be summoned if needed; any medical factors to be considered.

## **Type of Restraint**

Restraint occurs whenever a member of staff, using intentional force, physically restricts a child's movement against the child's will. This may mean restraining a child or moving him/her by physical means. The procedures of restraints apply to children of either sex or of any age.

Restraint in Nursery will be partial restricting and preventing particular movements.

- Restraint Training relevant to the Early Years will be accessed through the Local Authority
- Partial Restraint covers a wide range of techniques which can be applied in degrees to meet circumstances. It may involve:

1. Physically moving a child from a situation where there is an imminent risk of a violent incident and where the child has refused to respond to a reasonable verbal request.
2. Holding pupils to restrict their movements.
3. Retaining a pupil in a confined area to prevent individuals or property being damaged. (It is illegal to lock a pupil in a room or cupboard which they cannot leave of their own volition).

## Appendix 2

### **The power to discipline beyond the school gate**

Disciplining beyond the school gate covers the school's response to all non-criminal bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the school. The governing body must be satisfied that the measures proposed by the head teacher are lawful.

Any bad behaviour when the child is:

- taking part in any school-organised or school-related activity or
- travelling to or from school or
- wearing school uniform or
- in some other way identifiable as a pupil at the school.

Or, misbehaviour at any time, whether or not the conditions above apply, that:

- could have repercussions for the orderly running of the school or
- poses a threat to another pupil or member of the public or
- could adversely affect the reputation of the school.

As a result of any of these behaviours, the Headteacher will collect witness statements from both adults and children who have witnessed the event. The parents of the child involved will be contacted and invited into school to discuss the matter. Sanctions for the bad behaviour will follow those issued by the school for bad behaviour during the school day. Parental support will be sought for sanctions which they are able to administer outside the school day.

Following any incident, the Headteacher will consider whether it is appropriate to notify other agencies. If there is any concern that the behaviour may be linked to the child suffering, or being likely to suffer, significant harm, Safeguarding procedures will be followed.

## Appendix 3

### **Searching and confiscation**

The Headteacher, Deputy Headteacher and two senior members of staff have a statutory power to search pupils or their possessions, without consent, where they suspect the pupil has certain prohibited items. The items that can be searched for under this power are knives or 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.

#### Searching with consent

Schools' common law powers to search:

School staff can search pupils with their consent for any item which is banned by the school rules.

#### Searching without consent

What the law says:

##### *What can be searched for?*

1. Knives or weapons, alcohol, illegal drugs and stolen items (referred to in the legislation as 'prohibited items').

##### *Can I search?*

2. Yes, if you are the Headteacher, Deputy headteacher.  
But there must be a witness (also a staff member).

##### *When can I search?*

3. If you have reasonable grounds for suspecting that a pupil is in possession of a prohibited item.

#### Authorising members of staff

The Headteacher, Deputy Headteacher are authorised to use these powers.

1. Teachers can only request a senior member of staff to undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The teacher must decide in each case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.

2. The powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

## Location of a search

1. 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.
2. The powers only apply in England.

## During the search

Extent of the search – clothes, possessions, and 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; gloves and scarves. 'Possessions' means any goods over which the pupil has or appears to have control – this includes bags. A pupil's possessions can only be searched in the presence of the pupil and another member of staff. The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets.

If a pupil does not consent to a search then it is possible to conduct a search without consent but only for the "prohibited items" listed above.

## Use of force

Reasonable force may be used by the person conducting the search (see appendix 1).

## After the search

The power to seize and confiscate items – general

## 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.

1. 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.
2. 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 because 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 (that is a weapon/knife; alcohol; illegal drugs or stolen items) or is evidence in relation to an offence.
- Where a person conducting a search finds alcohol, they must retain it for return to the parent.
- Where they find controlled drugs, these must be delivered to the police as soon as possible.
- 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.
- Where they find stolen items, these must be delivered to the police or returned to the owner, providing it is safe to do so.
- Any weapons or items which are evidence of an offence must be passed to the police as soon as possible.
- It is school policy to always deliver stolen items or controlled drugs to the police. If the owners of the items are known and do not pose a threat to the pupil, these will be returned to the owner.

### Telling parents and dealing with complaints

Schools are not required to inform parents before a search takes place or to seek their consent to search their child.

1. There is no legal requirement to make or keep a record of a search, however as good practice a written record will be completed whenever a search and/or confiscation has taken place.

2. The school will always inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found along with any other banned items which might be found.

3. Complaints about screening or searching will be dealt with through the normal school complaints procedure.

## Appendix 4

### **The 'Power of Small Gestures', how the development of behaviour and learning are interrelated**

At Madeley Nursery School we believe that engagement in learning and feeling a sense of agency in the classroom and wider school are the most effective ways of improving and sustaining improved behaviour.

#### Constructing learning together – social learning

The notion of educators and children working together in groups is a very important aspect of our work; listening and responding to each other child to child, child to educator and educator to educator. We believe knowledge is co-constructed in these contexts and is constantly shaped, interrogated, re-considered, and elaborated by those who participate in them.

Collaborative group work offers opportunities to deepen curiosity and questioning and can stimulate new ways of thinking. It encourages and values creativity as the fruits of collaboration.

The use of pedagogical documentation to support ideas in children's learning has been very powerful. They can be used to make visible the impact of the educator's evident and explicit interest upon the confidence and interests of the children.

A range of strategies are used, and valuable contexts encouraged to raise 'the voice' of children within the group. For example.

- educators explain to individuals and groups how their ideas or work has influenced what has been offered in the classroom, their ideas have a direct impact on planning,
- children sit alongside peers and use them a support for their own ideas,
- children's work, ideas and words are shared at group time or reflection times,
- children see themselves and their ideas valued in the pedagogical documentation generated in school,
- Ideas and offerings made from home through discussion when bringing or collecting children, through email, Celebration Books or closed social media groups are celebrated to the whole group and visibly impact on the planned opportunities for learning,

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