



But as for you, be strong and do not give up, for your work will be rewarded ~ 2 Chronicles 15:7

Banned Items in Lincolnshire Schools Policy



Reviewed by:	Date:	Changes made:
LB	March 2021	Updated Lincolnshire County Council Policy
Curriculum and Standards	19 th October 2016	New Lincolnshire County Council Policy

Schools serving their communities through excellence, exploration and encouragement within the love of God

I can do all things through him who strengthens me ~ Philippians 4:13

BANNED ITEMS IN LINCOLNSHIRE SCHOOLS POLICY

CONTEXT

LSCP values the commitment of headteachers and governors in their work to provide a high quality, safe, stimulating and successful learning environment for all the pupils in their care.

The LSCP has identified that there are differing responses between schools to incidents which involve the possession of prohibited or unauthorised items, such as weapons. Indeed, some schools operate a zero tolerance policy and others a more responsive policy with greater emphasis on safeguarding, early intervention, support and restorative practice.

The LSCP seeks to address this anomaly and ensure that all Lincolnshire pupils experience a consistent and equitable response, regardless of their place of learning.

The LSCP holds the strong view that each incident is unique and therefore necessitates an individual response and that a permanent exclusion should not be the automatic response to an incident involving prohibited or inappropriate items; all options to maintain a pupil in their school should be thoroughly considered and explored prior to any decision being made to exclude the pupil permanently.

Schools and Academies must ensure that their exclusion policy reflects the DfE statutory guidance 'Exclusion from Maintained Schools, Academies and Pupil Referral Units in England 2017'. This places a duty on headteachers to consider contributory factors that are identified after an incident of poor behaviour.

With knife-crime a growing concern, Ofsted has also issued guidance which urges schools leaders to be measured in their response, considering each incident in the round. "It is not acceptable to exclude without considering the impact on and the risks to the child being excluded, especially when their behaviour does not present a risk to others.

It is a growing concern for the LCSP that some young people experiencing distress have a tendency to self-harm and may in this circumstance be particularly vulnerable to breaches of the school behaviour policy and be found to be in possession of an inappropriate item. In all incidences of this nature, the school should seek to safeguard the pupil by responding in a sensitive and supportive rather than a punitive manner. School should prioritise the long term welfare of the young person by offering internal school-based support, liaising with the family and considering referrals to external agencies such as Early Help, Healthy Minds Lincolnshire or Child and Adolescent Mental Health Services.

Within this context, it would be considered inappropriate to add to the pupil's distress and vulnerability by making a permanent exclusion.

SUPPORTED TRANSITION

The Local Authority supports the use of managed moves and suspended permanent exclusion in a limited number of cases where this will enable the young person to continue with their education without the negative experience of a permanent exclusion. Where the LA managed move protocol is followed, schools can seek the support of the Pupil Reintegration Team (PRT) for a managed move and transport funding to a new setting will be considered, in line with the LA transport policy where:

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1 <https://www.gov.uk/government/publications/school-exclusion>

2 <https://www.gov.uk/government/publications/knife-crime-safeguarding-children-and-young-people-in-education>

1. The school has implemented the Lincolnshire Ladder of Intervention
2. The pupil remains at serious risk of permanent exclusion
3. The proposed setting is within a reasonable distance from the home address
4. The school can evidence that 'Allowing the pupil to remain in school would seriously harm the education and welfare of themselves and other members of the school community'³

NOTE: Where the incident is of low risk to the pupil or others, e.g. pupils who unwittingly bring a banned item into school, or those who are in possession for the purpose of self-harm, the LA will not facilitate a managed move to a new setting. LSCP strongly believe that in such situations, pupils who do not meet the threshold for permanent exclusion should be managed in their current school. With the threshold being that 'allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school'. A managed-move under these circumstances would risk the serious criticism of off-rolling, as defined by Ofsted.⁴

The current school is best placed to provide support and interventions to address such concerns and promote positive outcomes for the pupil involved. This is particularly the case for young people with a history of self-harm or mental health issues who are already experiencing challenges which would be further compounded by a permanent exclusion.

RISK ASSESSMENTS

LSCP takes seriously the obligation placed on schools under health and safety legislation to manage incidents such that unnecessary risks are avoided.

The LA encourages schools to undertake a comprehensive risk assessment when banned items are discovered. This enables the pupil to be maintained within their current setting, acknowledging that a move to another school would not usually mitigate the risk either to the pupil or other pupils. Transitions increase vulnerability.

Risk reduction measures can include:

- regular searching/screening of pupil and bag/locker
- spot searching
- use of a wand metal detector
- management of personal items
- restricting the pupil's movements around school
- provision of regular emotional support, mentoring, counselling
- bespoke work on risk taking behaviours
- raising of self-esteem
- developing peer support
- changes to the timetable
- special arrangements for unstructured times
- safe space, de-escalation strategies
- enhanced arrangements for arrival in school or leaving times

(A sample Risk Assessment is available from the Pupil Reintegration Team)

3 DfE Statutory Exclusions Guidance, 2017

4 <https://educationinspection.blog.gov.uk/2019/05/10/what-is-off-rolling-and-how-does-ofsted-look-at-it-on-inspection/>

LOOKED AFTER PUPILS/ PUPILS WITH EDUCATION HEALTH CARE PLANS

If the pupil has an Educational Health Care Plan or is Looked After, the headteacher must contact the relevant team at Lincolnshire Children's Services to seek further advice and guidance.

SAFEGUARDING

Governing bodies of maintained schools have a duty under section 175 of the Education Act 2002 requiring them to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. The proprietors of academies have a similar duty under paragraph 7 of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010. They must ensure that arrangements are made to safeguard and promote the welfare of pupils.

The LSCP has developed this model policy on banned items to support headteachers in managing an increasingly complex and emotionally charged area of safeguarding concerns. The document is designed to be flexible in order that it can be further developed by individual Governing Bodies/Trusts to reflect ethos and values, within the context of the legal guidance.

It is acknowledged that schools and academies strive to create positive learning communities in which all pupils can thrive, learn and achieve their potential. All members of the school community, adults and children, must feel safe and be protected. The headteacher will thoroughly assess the response to any such breaches in light of these commitments and give balanced consideration to safeguarding all staff and pupils, including the pupil involved. The impact of the incident on other pupils, members of staff and the wider school community as well as the impact on the pupil will be carefully considered before any decision to permanently exclude is made.

THE PREVENT DUTY

All schools are subject to a duty under section 26 of the Counter-Terrorism and Security Act 2015, in the exercise of their functions, to have "due regard to the need to prevent people from being drawn into terrorism". This duty is known as the Prevent duty.

In order for schools and childcare providers to fulfil the Prevent duty, it is essential that staff are able to identify children who may be vulnerable to radicalisation, and know what to do when they are identified. Protecting children from the risk of radicalisation should be seen as part of schools' and childcare providers' wider safeguarding duties, and is similar in nature to protecting children from other harms (e.g. drugs, gangs, neglect, sexual exploitation), whether these come from within their family or are the product of outside influences.

What to do if you have a concern, if a member of staff in a school has a concern about a particular pupil they should follow the school's normal safeguarding procedures, including discussing with the school's designated safeguarding lead, and where deemed necessary, with children's social care. You can also contact your local police force or dial 101 (the non-emergency number). They can talk to you in confidence about your concerns and help you gain access to support and advice.

This is the approved Banned Items Policy for Whaplode Church of England Primary School.

This policy has been drawn up in accordance with:

- DfE Guidance Screening, Searching and Confiscation (Feb, 2014)
- DfE Behaviour and Discipline in Schools (Jan, 2016)
- DfE Guidance on Exclusion from Maintained Schools, Academies and Pupil Referral Units. 2017
- Ofsted March 2019 Safeguarding children and young people in education from knife crime (ref 1900005)

This is the approved policy of Whaplode Church of England Primary School which has been produced using the Lincolnshire Children's Services.

- Drugs Policy
- Behaviour Policy
- Safeguarding Policy
- Uniform Policy
- Health and Safety Policy

All stakeholders recognise that there are a broad range of items which, if brought into a school by a pupil, could compromise the health and safety of the individual pupil and other members of the school community, including pupils, staff or visitors.

The governing body of Whaplode Church of England Primary School has a duty under section 175 of the Education Act 2002 to ensure that its functions are carried out with a view to safeguarding and promoting the welfare of children.

Lincoln Anglican Academy Trust has a duty under paragraph 7 of Schedule 1 to the Independent School Standards (England) Regulations 2010 to ensure that arrangements are made to safeguard and promote the welfare of pupils.

PROHIBITED ITEMS

The 2014 DfE Screening Searching and Confiscation Advice is the foundation for this policy and it identifies prohibited items as:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco/cigarette papers/vaping items
- fireworks
- pornographic images
- any article that is likely to be used to commit an offence, or to cause personal injury, or to damage the property of any person

Headteachers and authorised staff can also search for any item which has been identified within the school rules as a banned item that may be searched for

For the purpose of this policy

The definition of 'Knife' includes any bladed article, such as craft knife, Stanley knife, Swiss army knife, fishing knife, razor, kitchen knife etc. or any bladed item including improvised or self-made items.

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The term 'weapon' refers to any gun, including air rifle, BB gun, toy gun, pellet gun, crossbow, Taser, blow pipe, knuckleduster or any similar item and includes any item made for the purpose of assault or defence including improvised or self-made items.

Self-made items are those that have been crafted or adapted for the purpose of self-harm, or to threaten others, and include but is not restricted to shards of glass, mirrors, sharpened sticks, pencil sharpener blades, broken rulers.

Items used offensively refers to routine items (e.g. compass, technology equipment, aerosol, sports bat, pencil) used inappropriately to cause harm distress or intimidation.

This is not an exhaustive list and could include other bladed items, equipment or weapons not specified. The policy is not constrained by the criminal definition of an offensive weapon but refers to any item which could cause harm, injury or distress to the holder or others, or which could be used to threaten, alarm, distress or intimidate others.

For details of the response to, and management of, incidents involving any type of drug/ alcohol/tobacco/E-cigarette, please refer to the Drugs Policy - Title and Date

UNAUTHORISED ITEMS

In addition to the prohibited items identified above and detailed in the DfE Screening Searching and Confiscation Advice, there are a number of other items which could cause harm, distress or injury to pupils or persons or adversely affect good order and discipline of the school community.

Governing Body/Trust consider that the following items are inappropriate and should not be brought into school:-

<https://www.gov.uk/government/publications/searching-screening-and-confiscation>

- Chains Catapults
- Lighters, matches
- Tools (scissors, screwdriver, hammer, nails, craft blades, Stanley knife etc) Pepper sprays and gas canisters
- Any item fashioned to cause injury i.e. a sharpened stick, shard of glass Laser pens
- Dangerous chemicals (acids, hair dyes, bleaches, nail varnish remover etc) Aerosol (including deodorant and hair spray)
- E cigarettes
- Stink bombs/smoke bombs/flares Solvents
- Chewing gum Energy drinks Super Glue
- Needles (Syringes if required for medical grounds should be kept in accordance with the pupils own care plan and the schools own drugs/medical policy)
- Offensive material - pornographic, racist, homophobic, extremist material (in any medium)
- Refer to school own social media policy)
- Rope, cable ties

INCIDENTS OUTSIDE OF SCHOOL

LSCP and Governing Body/Trust consider that the above items are inappropriate and possession of such items in school, on the journey to and from school, on a school trip or any extra curriculum

activity, is unacceptable. The response to any pupil found with or believed to have possession of such items will be managed in accordance with this policy.

PUBLICATION AND AWARENESS

This policy will be actively promoted to parents, staff and pupils of school/academy by the use of:

- PHSE
- School planners
- School website
- Assemblies
- Notice boards
- Individual pupil plans
- Newsletters
- Induction processes for new admissions and with particular regard to midyear admissions

The school maintains a robust and comprehensive risk management of all legitimate items held for the purpose of pupils' education e.g. craft knives/scissors/kitchen/equipment/science equipment/chemicals/tools etc as required. This includes classroom arrangements for maintaining a safe learning environment and for monitoring and checking items.

All dangerous chemicals and equipment held in school will be stored in accordance with the COSHH guidelines including those for educational purpose and for the routine maintenance and cleaning of the school premises.

RESPONDING TO AN INCIDENT INVOLVING PROHIBITED OR UNAUTHORISED ITEMS

LSCP and the School understand that students can make poor choices and that these choices may from time to time breach the above standards of expected behaviour, or a pupil may foolishly or unwittingly bring into school an inappropriate or prohibited item.

When considering the consequences of such an event, the headteacher or designated member of staff will thoroughly investigate the circumstances and, if necessary, exclude the pupil for a fixed term period whilst this process is underway.

When considering the appropriate response to any incident involving a banned item, the head teacher will have regard to the reason for the pupil's actions, the pupil's own vulnerability, any mitigating factors or history of trauma. The headteacher will also consider any intent to use the item, and any history of intimidating or threatening behaviour from the pupil.

The following will be considered:

- Motivation and intention
- The specific item
- Pupil's awareness of the health and safety implications of the item in possession
- The pupil's own statement and rationale for possession of the item
- Any threats or intimidation made in relation to the item
- Any mitigating circumstance e.g. victim of bullying,
- Perceived or actual threats/intimidation from others towards the pupil (inside or outside of school)
- Frequency/repeated breaches

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- Manipulation/duress of the pupil by others
- Mental health of the pupil/history of self-harm
- History of trauma
- Vulnerability of the pupil
- SEND the pupil may experience

The Headteacher will thoroughly assess the response to any such breaches in light of the above and give balanced consideration to safeguarding all staff and pupils, including the pupil involved, the impact of the incident on pupils, members of staff and the wider school community, and the impact on the pupil of any decision to permanently exclude them from the School.

SCREENING

All screening, searching or confiscation will be carried out by the designated staff representative of school and in accordance with the DfE Screening Searching and Confiscations advice 2014.

The item will be confiscated and locked securely in the school office.

A photograph/photocopy of the confiscated item will be taken, including a scale to illustrate the size.

Pupil will be removed from main school activities and given the opportunity to make a statement concerning their reasons for having this item in school.

Parents will be contacted by telephone and a meeting with them will be arranged to discuss the incident and inform the headteacher's deliberations.

If necessary, a fixed term exclusion will be considered to give opportunity for the incident to be investigated by the headteacher or a senior member of the school team, including taking witness statements from other pupils and staff members.

The headteacher will consider whether appropriate to inform the Police. However, for all incidents which involve the possession of a weapon or an item used offensively, the police will be informed. (Refer to Appendix B for guidance on reporting incidents to the police)

In the event that the item has been used to intimidate, threaten or harm others, the police will be informed. (Refer to Appendix B for guidance on reporting incidents to the police)

SAFEGUARDING RESPONSE TO INCIDENT INVOLVING BANNED ITEMS

The headteacher will always give full consideration to the item and the circumstances of each incident and consider their safeguarding responsibilities arising from the discovery of a banned item. In all cases, they will discuss with the family what school based support can be made available for the pupil and what other support is available, including but not limited to offering an Early Help Assessment.

Drugs Incident - The headteacher will refer to the school/academy's drugs policy.

Self-harm Incident - The headteacher, in liaison with pupil and family, will arrange school-based support and any referral to external agencies.

Pornographic or Obscene Material or indecent images of children (in any medium) constitutes a safeguarding concern, and must be reported to the school/Academy safeguarding lead in accordance with the school/academy's own safeguarding arrangements.

Extremist Material - Any racist or extremist/material will result in a safeguarding referral to the LA, in accordance with their Prevent duties. The school will also establish internal interventions and support to address these concerns with the pupil and the wider school community.

If the item confiscated was for the purpose of bravado or perceived self-protection, school will liaise with the family and young person and will give full consideration as to the feasibility of establishing internal school interventions and a management plan to provide support to the pupil. Referrals to appropriate support agencies will be considered.

In all incidents where a banned Item has been used to threaten or intimidate or distress another person - or there is on the balance of probabilities the belief that the pupil had intent to threaten distress or intimidate others - then the headteacher will make a safeguarding referral and report the matter to the police (Refer to Appendix B for guidance on reporting incidents to the police). Staff will also meet with the pupil and family to consider what support or interventions can be implemented to reduce the risk of these behaviours being repeated. However, where the school continues to hold concerns about maintaining the pupil in their setting, the headteacher will liaise with the PRT and discuss other options.

The School will always consider a multiagency approach to addressing wider needs, including completing an Early Help Assessment.

CONSEQUENCES

Whaplode Church of England Primary School does not tolerate or condone any behaviour which places the individual pupil, or any other person at risk; a serious breach of the school's behaviour policy will result in a consequence. However, any decision to fixed term or permanently exclude the pupil will be made in line with exclusion legislation. That is, the decision will be rational reasonable, fair and proportionate.

DfE Guidance on Exclusion from Maintained Schools, Academies and Pupil Referral Units 2017 states that: 'Permanent exclusion should only be used as a last resort'. Before any decision to permanently exclude a pupil, the headteacher will:

- Thoroughly investigate the incident and take witness statements from staff and pupils
- Refer to the school/academy behaviour policy and others policies as necessary
- Enable the student to make their own statement regarding the incident
- Consult with the PRT
- Consider a referral for a restorative conversation or conference
- Complete a risk assessment to inform how the school can support the continuation of the pupil in the school
- Thoroughly consider the support and interventions school can establish in order to sustain the pupil in their current school
- Explore a managed move or suspended permanent exclusion

Whaplode Church of England Primary School promotes a restorative approach to behaviour in school and will, wherever possible, provide opportunities for the pupil to repair harm and rebuild relationships, making referral to restorative practitioners such as are available within The Behavioural Outreach Support Service to support this where appropriate.

For pupils with an Educational Health Care Plan or for Looked After Children the headteacher will also contact the relevant team at Lincolnshire Children's Services.

Following a thorough investigation the Head teacher will consider the appropriate response which could include one or a combination of:

- Letter home
- Family/school meeting
- PSP with school-based support and Interventions
- School-based sanctions

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- A period of internal isolation
- Amended timetable
- Restrictions on movement around school site
- Detentions
- Loss of privileges
- Fixed Term exclusion
- Managed Move
- Changing classes or teaching groups
- Restorative conversation
- Formal restorative conference
- Behaviour contract
- Referral to external support
- Implementation of risk assessment in school
- Work with pupil on positive choices/risky behaviours

The headteacher will consider all above options to minimise further breaches and to support the pupil's continuation in the school/academy. However, any decision made to permanently exclude the pupil will be in line with the DfE 'Exclusion from maintained schools, academies and pupil referral units 2017' -

'Permanent Exclusion should only be used as a last resort in response to a serious breach or persistent breaches of the schools behaviour policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school'