

Staffordshire University Academies Trust		Trust Policy Document			
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SUAT Behaviour Policy

Ethos

The Behaviour Policy for academies in the Staffordshire University Academies Trust (SUAT) is a generic statement of good practice that covers all aspects of the treatment of pupils in our academies. It contributes to the development and maintenance of good behaviour and a positive and inclusive ethos. All members of the academies are expected to help maintain an atmosphere conducive to learning, with courtesy and mutual respect as basic requirements.

Each academy is entitled to have an adapted version of this policy that is specific to their academy. This will be displayed on that academy's web site.

Aims

1. To support effective learning and teaching and to encourage adherence to an agreed set of principles of behaviour by pupils in order to ensure the academic attainment and progress and health and safety of the school community
2. To contribute to mutual respect
3. To gain the agreement and support of teachers, support staff, members of the Local Academy Councils, the Trust Board and the community

Implementation

Each academy has its own system but in general, in SUAT academies,

- A copy of the policy will be made available to parents
- A Code of Conduct will be displayed in classrooms and other parts of each academy as appropriate
- The basic code is designed to be brief and easy to learn. It will include only those rules, which our academies will enforce. The reason for each rule will be obvious
- The basic code will be capable of application to an infinite variety of situations and is designed to encourage pupils to develop responsibility for their own behaviour
- All rules and their examples will be expressed in constructive terms
- The academy's web sites will contain a link to the SUAT policy and a copy of their own policy, if applicable

The Basic Code of Conduct

1. Attend
2. Be punctual
3. Work hard and always do your best
4. Act sensibly
5. Treat everyone and everything with respect
6. Come prepared with correct equipment and materials

In Class

Make it easy for everyone to learn and for the teacher to teach.

This includes:

- Attend every lesson
- Arrive on time
- Bring all the equipment you need in a suitable bag
- Put bags and coats away

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- Begin and end the lesson in a polite and orderly way
- Listen carefully
- Follow instructions
- Work hard and always do your best
- Ask for help when you need it
- Help each other when it is appropriate but don't distract or annoy anyone
- Answer questions in a manner acceptable to the class
- Be sensible at all times
- Do your homework as well as you can and hand it in on time
- Finish eating before coming into a classroom
- Think ahead in terms of toilet visits and filling water bottles
- Mobile phones must be switched off and not used in any classroom situation
- Music players must not be used in lessons

In general,

SPEAK POLITELY TO EVERYONE

This includes:

- Using a quiet / calm voice – as shouting can be rude
- Using language which is neither abusive or offensive (in whichever language you are speaking)
- Offering to help others
- Being polite to visitors

LISTEN TO OTHERS AND EXPECT TO BE LISTENED TO

This can include:

- Trying to understand other people's point of view
- Upholding the principles of British Values
- Not interrupting anybody or being interrupted by others
- Being silent when required
- Not answering back

KEEP THE ACADEMY CLEAN AND TIDY SO THAT IT IS ALWAYS A WELCOMING PLACE, WHICH PUPILS CAN BE PROUD OF

This includes:

- Taking great care of displays
- Keeping the walls and furniture clean and unmarked
- Putting all litter in bins (even if this means carrying it until you find a bin)
- Wear the correct uniform at all times
- Respecting other people's property and equipment
- Reporting any damage to a teacher
- Using toilets and showers in an acceptable way

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Out of class:

MOVE QUIETLY AND SENSIBLY ABOUT THE ACADEMY

This includes:

- Lining up sensibly outside classrooms when required and it is safe to do so
- Walking to lessons rather than running, pushing or barging past others
- Being ready to help by opening doors
- Being ready to help by offering to carry things
- Please move safely when moving around crowded corridors and on stairways
- This pattern of behaviour should also apply outside school

Rewards Statement

SUAT considers it is important that praise and rewards should have a considerable emphasis within its academies and pupils will thus achieve recognition for a positive contribution to academy life. Such a contribution includes sound academic work and effort, good behaviour and adherence to the code of conduct. The attention of staff in our academies should not be limited to those whose academic work is outstanding or to those whose behaviour is consistently poor.

It is expected that good standards of behaviour will be encouraged through the consistent application of the code of conduct supported by a balanced combination of rewards and sanctions within a constructive academy ethos.

It is important to develop and maintain consistency in the application of the rewards system.

Aims

To develop a consistent pattern of rewards, which are known, understood and agreed to by all persons in SUAT academies.

To support the code of conduct.

Implementation

This may be achieved in the following ways:

1. To distinguish between **informal** rewards (such as giving praise for appropriate behaviour in and outside the classroom) and **formal** reward for further agreed aspects of academy life.
2. Examples of situations and circumstances in which formal rewards (such as certificates, good conduct slips) may be awarded will be reviewed, drawn up and agreed upon in consultation with staff in each academy as and when appropriate. Departments may wish to consider whether or not rewards need to be differentiated for different age groups. (You may also wish to consult and gain the agreement of pupils).
3. A list of rewards, both formal and informal, may be drawn up in consultation with pupils, in order to support the development of consistency and encourage pupil democracy.

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Examples of informal rewards which staff are encouraged to use for achievement, appropriate behaviour and outstanding effort include:

- General praise and encouragement in lessons, which should be used as much as possible
- The Principals or other appropriate members of staff or governors be invited to praise individuals, groups or classes and being invited into classrooms as appropriate
- Recognition to be given to success of differing kinds in assemblies or in tutor time
- Pupils' work to be displayed as much as possible in order to give recognition to it
- Communication with parents to be used more frequently covering a wide variety of academic and non-academic achievements

Sanctions Statement

Pupils have a right to expect fair and consistently applied sanctions for poor behaviour and which make a clear distinction between serious and minor infringements of the code of conduct. An appropriate sanction is one which is designed to put matters right and encourage better behaviour in future. Thus it is inappropriate to punish whole groups for the misdemeanours of a few or to impose a sanction which is designed to humiliate pupils.

There is a relationship between the principles of our Equal Opportunities Policy and the sanctions system. There are existing mechanisms for dealing with racism and racial harassment within the Equal Opportunities Policy and these sanctions also have a gender based equal opportunities dimension. Thus, rebukes and sanctions, which are differentiated solely on the grounds of gender, should be avoided.

Aims

To develop a consistent pattern of sanctions, which are known, understood and agreed to by all members of the academy community.

To support the code of conduct.

Current Practice

Where sanctions become necessary the first line is the individual staff sanction. This may be followed by referral to Subject or Phase Leaders. The third line of referral is to the Year Leader or staff employed as Pastoral Coordinators.

Each academy will have its own specific processes and procedures but, in general, staff will have the following types and levels of sanctions available to them:

A Individual members of staff`

1. Detentions (exact details will be specific to an individual academy)
2. Punishments 'to fit the crime' e.g. clearing up litter and removing graffiti (appropriate Health and Safety equipment will be provided)
3. Referral letter to the Year / Phase Leader for further sanction i.e. a letter to be sent home after consultation with the Year / Phase Leader, who may wish to contact parents
4. Sending pupils to the Year Leader or other appropriate adult, by prior arrangement
5. In an emergency situation, the Behaviour Support Officer (or equivalent) or a senior member of staff may be called for

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B Year and Phase Leaders / Senior Leadership Team

1. Putting pupils on report
2. Sending letters home
3. Arranging meetings with parents
4. Removal from lessons to complete supervised work

C Principals

1. Fixed-term exclusions
2. Permanent exclusions

Searches

In some instances, it may be necessary for the Principal to agree that it is appropriate to search a pupil.

SUAT academies adhere to advice taken from 'Searching, Screening and Confiscation: Advice for Headteachers, School staff and Governing Bodies DfE 2018'. SUAT also acknowledges its legal duty to make reasonable adjustments for disabled children and children with Special Educational Needs, under the Equality Act 2010.

Authorising members of staff

The Principals of SUAT Academies decide who to authorise to use these powers. There is no requirement to provide authorisation in writing.

Staff, other than security staff, can refuse to undertake a search. The law states that Principals may not require anyone other than a member of the academy security staff to undertake a search.

Staff can be authorised to search for some items but not others; for example, a member of staff could be authorised to search for stolen property, but not for weapons or knives.

A Principal can require a member of the academy's security staff to undertake a search.

If a security guard, who is not a member of the academy staff, searches a pupil, the person witnessing the search should ideally be a permanent member of the academy staff, as they are more likely to know the pupil.

Training for school staff

When designating a member of staff to undertake searches under these powers, the Principal should consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

Confiscation

Staff in SUAT academies can seize any prohibited item found as a result of a search. They can also seize any item; they consider harmful or detrimental to academy discipline.

SUAT Academies' obligations under the European Convention on Human Rights (ECHR)

Under article 8 of the European Convention on Human Rights pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils have the right to expect a reasonable level of personal privacy.

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The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school (or any public body) must be justified and proportionate.

The powers to search in the Education Act 1996 are compatible with Article 8. Any of our academies exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8. This advice will assist our academies in deciding how to exercise the searching powers in a lawful way.

Screening

It is not the policy of SUAT to use screening but in that eventuality:

What the law allows:

Academies can require pupils to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the pupils.

Schools' statutory power to make rules on pupil behaviour (2) and their duty as an employer to manage the safety of staff, pupils and visitors (3) enables them to impose a requirement that pupils undergo screening.

Any member of staff in a SUAT Academy can screen pupils.

(2) Section 89 of the Education and Inspections Act 2006 for all maintained schools, PRUs and NMSS and the Education (Independent School Standards) (England) Regulations 2010 for academy schools and alternative provision academies

(3) Section 3 of the Health and Safety at Work etc. Act 1974

Also note:

If a pupil refuses to be screened, our academies may refuse to have the pupil on the premises. Health and safety legislation requires our academies to be managed in a way which does not expose pupils or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.

If a pupil fails to comply, and the academy does not let the pupil in, the academy has not excluded the pupil and the pupil's absence should be treated as unauthorised. The pupil should comply with the rules and attend.

This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

SUAT Academies' common law powers to search:

Academy staff can search pupils with their consent for any item.

Also note:

Our academies are not required to have formal written consent from the pupil for this sort of search – it is enough for the member of staff to ask the pupil to turn out his or her pockets or if the member of staff can look in the pupil's bag or locker and for the pupil to agree.

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Our academies make clear in their own school behaviour policy and in communications to parents and pupils what items are banned.

If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the member of staff can apply an appropriate punishment as set out in that academy's behaviour policy.

A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, academies can apply an appropriate disciplinary sanction.

Location of a search

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

The powers only apply in England.

Lockers and desks

Under common law powers, SUAT academies are able to search lockers and desks for any item provided the pupil agrees. They can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not the pupil is present.

If a pupil does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the "prohibited items" listed below.

Use of force

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the school rules.

Searches with a pupil's consent

Our academies take into account the age and level of understanding of the pupil when considering consent. Staff do not need written consent from a pupil.

Each SUAT academy will have an appropriate range of sanctions available to staff for pupils who refuse to comply with reasonable requests from staff.

Searches without a pupil's consent

Establishing grounds for a search

In SUAT academies staff can only 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. Staff must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item

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or they might notice a pupil behaving in a way that causes them to suspect that the pupil is concealing a prohibited item.

In the exceptional circumstances when it is necessary to conduct a search of a pupil of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a pupil's expectation of privacy increases, as they get older.

The powers allow academy 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. Academy staff may wish to consider utilising CCTV footage in order to make a decision as to whether to conduct a search for an item.

A SUAT academy doesn't need a pupil's consent to search them if they think that a pupil has prohibited items, including:

- weapons
- alcohol
- illegal drugs
- stolen goods
- tobacco products, eg cigarettes
- pornographic images (of any kind, eg tabloid topless pictures and 'lads' mags' as well as extreme adult material)
- fireworks
- anything that has been, or is likely to be, used to cause injury or commit an offence
- anything banned in the school rules

These things can be confiscated. SUAT staff can seize any prohibited item found as a result of a search. When deciding what to do with confiscated items SUAT staff follow the guidance contained in 'Searching, Screening and Confiscation: Advice for Headteachers, School staff and Governing Bodies DfE 2018'.

Legal requirements of a search

There will normally be two members of staff present during the search - the person doing the search and the search witness. Searches should normally be done by someone the same sex as the pupil.

The search witness must also be the same sex as the pupil if possible. A pupil will not be asked to remove clothes, other than outer clothing like a coat. SUAT staff are conscious of the fact that a pupil's expectation of privacy increases as they get older. An intimate search (beyond outer clothing) is not permissible; these searches need to be carried out by a person with more extensive powers.e.g. a police officer.

If there's a risk of serious harm to a person if the search is not conducted immediately, a pupil may be searched by a person of the opposite sex and without another member of staff present.

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After the search

The power to seize and confiscate items – general

What the law allows:

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

Also note:

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

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

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

What the law says:

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

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

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

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

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

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

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

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

Where an article that has been (or is likely to be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of.

Where a member of staff finds **an item which is banned under the academy's rules** they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.

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

Statutory guidance on the disposal of controlled drugs and stolen items

It is up to staff authorised by the Principal to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police. In determining what is a "good reason" for not delivering controlled drugs or stolen items to the police the member of staff must have regard to the following guidance issued by the Secretary of State:

In determining what is a 'good reason' for not delivering controlled drugs or stolen items to the police, the member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.

Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such.

With regard to stolen items, it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases. However, SUAT staff may judge it appropriate to contact the police if the items are valuable (iPads/laptops) or illegal (alcohol/fireworks).

Statutory guidance for dealing with electronic devices

Where the person conducting the search finds an electronic device that is prohibited by the academy's rules or that they reasonably suspect has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the police. This power applies to all SUAT academies and there is no need to have parental consent to search through a young person's mobile phone if it has been seized in a lawful 'without consent' search and is prohibited by the academy rules or is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.

The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a "good reason" for examining or erasing the contents of an electronic device.

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In determining a 'good reason' to examine or erase the data or files the staff member should 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.

If an electronic device that is prohibited by the academy's rules has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police.(4)

If a staff member does not find any material that they suspect is evidence in relation to an offence, and decides not to give the device to the police, they can decide whether it is appropriate to delete any files or data from the device or to retain the device as evidence of a breach of school discipline.

All SUAT staff should be aware that behaviours linked to sexting put a child in danger. The Trust Board ensures that sexting and the SUAT Academies' approach to it is reflected in the Safeguarding Policy, which is based on the current KCSIE document. SUAT has a separate 'Responding to Texting' policy.

(4) Section 62 of the Coroners and Justice Act 2009 defines prohibited images of children. Section 63 of the Criminal Justice and Immigrations Act 2008 defines extreme pornographic images.

Also note:

Members of staff should also take account of any additional guidance and procedures on the retention and disposal of items that have been put in place by the individual SUAT Academy.

Telling parents and dealing with complaints

SUAT academies are not required to inform parents before a search takes place or to seek their consent to search their child. They may choose to do so.

There is no legal requirement to make or keep a record of a search.

SUAT Academies will inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.

Complaints about screening or searching should be dealt with through the normal SUAT Complaints Procedure.