



Banned Items in Lincolnshire Schools, Academies and Colleges

Context

The LSCP values the commitment of Headteachers, governors, teachers and staff within educational provisions 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 educational provisions to incidents which involve the possession of prohibited or unauthorised items, such as weapons. Indeed, some educational provisions 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 educational provision should be thoroughly considered and explored prior to any decision being made to exclude the pupil permanently.***

Educational provisions must ensure that their exclusion policy reflects the DfE statutory guidance 'Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, Including Pupil Movement¹', as appropriate. ' This places a duty on educational provisions to consider contributory factors that are identified after an incident of poor behaviour and aims that this guidance should only be utilised when strategies, practices and interventions have not been successful.

With knife-crime a growing concern, Ofsted has also issued guidance which urges educational provision 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."*²

¹ [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/671112/suspension-and-permanent-exclusion-from-maintained-schools-academies-and-pupil-referral-units-in-england-including-pupil-movement.pdf)

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

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 educational provision's behaviour policies and be found to be in possession of an inappropriate item. In all incidences of this nature, the educational provision should seek to safeguard the pupil by responding in a sensitive and supportive rather than a punitive manner. The educational provision should prioritise the long-term welfare of the young person by offering internal 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 (LA) may support the use of managed moves or Off-Site Direction in a limited number of cases where it is in the best interest of the young person and 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 supported by the Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, Including Pupil Movement guidance, educational provision can seek advice and guidance from the Pupil Reintegration Team (PRT).

The LA may consider supporting transport in line with the LA Transport Policy where they can be positive that the educational provisions are consistent in their commitment to and investment in inclusive policy.

NOTE: Where the incident is of low risk to the pupil or others, e.g., pupils who unwittingly bring a banned item into the educational provision, or those who are in possession for the purpose of self-harm, the LA **will not** support a transition to a new setting. The LSCP strongly believe that in such situations, pupils who do not meet the threshold for permanent exclusion should be managed in their current provision. With the threshold being that '**allowing the pupil to remain would seriously harm the education or welfare of the pupil or others such as staff and pupils**', a managed move under these circumstances would risk the serious criticism of off-rolling, as defined by Ofsted.³

The current educational provision 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

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

³ <https://educationinspection.blog.gov.uk/2019/05/10/what-is-off-rolling-and-how-does-ofsted-look-at-it-on-inspection/>

The LA encourages educational provisions to undertake a comprehensive risk assessment when the banned items are discovered to have been bought into the provision with the intention to cause harm. This enables the pupil to be maintained within their current setting, acknowledging that a move to another setting would not usually mitigate the risk either to the pupil or other pupils. Further to this, transitions increase vulnerability for children and young people to be exploited.

Risk reduction measures can include:

- regular searching/screening of pupil and bag/locker in line with the **DfE Searching, Screening and Confiscations advice 2023**
- spot searching
- use of a wand metal detector
- management of personal items
- restricting the pupil's movements on-site
- 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 or leaving times

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

Children in Care/ Pupils with Education Health Care Plans

If the pupil has an Educational Health Care Plan or is a Child in Care, the Headteacher and Virtual School 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 educational provisions strive to create positive learning communities in which all pupils can thrive, learn and achieve their potential. All members of the educational community, both 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 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 educational provisions 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 educational provisions 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 educational provisions’ 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.

If a member of staff in an educational provision has a concern about a particular pupil they should follow the provision’s normal safeguarding procedures, including discussing this with their Designated Safeguarding Lead, and where deemed necessary, with children’s social care. For reporting concerns or advice, please visit: [Lincolnshire County Council](#) Preventing Extremism. 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.

Weapons and Child Exploitation

One common factor known to influence young people carrying weapons is that the young person is being exploited. The duality of the young person being both an individual carrying a weapon and someone who is also vulnerable needs to be considered. Professionals must look beyond the threat of the weapon and consider the influence, coercion, pressure and control that led the young person to carry the weapon. The grooming involved in child exploitation is calculated and ensures that the young person has an attachment to the person or gang exploited that them. This can mean the young person may be defensive about their relationships, try to protect the exploiter or fear what may happen if they disclose.

Operation Insignia is a multi-agency arrangement with Lincolnshire Police, allowing for information to be shared to protect vulnerable adults and children. For more information and to make a Multi-Agency Child Exploitation referral, please visit: <https://www.lincolnshirescp.org.uk/>

Vaping

National data shows that vaping is increasing in young people. Action on Smoking and Health (2022)⁴ reports that:

- Whilst the majority of 11 to 17-year-olds (83.8%) have never tried or are unaware of e-cigarettes,
- 9% of 11 to 15-year-olds currently use e-cigarettes (increase from 6% in 2018)
- 7.0% of 11 to 17-year-olds are current users (increase from 3.3% in 2021 and 4.1% in 2020)
- 15.8% of 11 to 17-year-olds have ever tried vaping (increase from 11.2% in 2021 and 13.9% in 2020).

Further to this, the report shows:

- Children who haven't smoked are significantly more likely to report their main reason for using one was 'just to give it a try' (65.4%)
- Those who smoke are significantly more likely to report that they 'enjoy the experience' (17.5%), are 'trying to quit smoking' (10.7%) or are 'addicted to them' (10.3%)
- Since 2013 there has been an increase in the misperception that e-cigarettes are more than or equally harmful as tobacco cigarettes – 40.9% in 2022
- Only 42.1% of 11 to 17-year-olds believed that e-cigarettes were less harmful than cigarettes

Lincolnshire's Stay Safe Partnership offers a workshop for schools entitled Vaping: Having a BLAST? This workshop covers:

- Bad for you or worse than smoking?;
- Legal age to buy and illegal vapes;
- Are they all the same?;
- Safe to use?;
- Targeting youths and trendy gateway to smoking.

These can be booked via the Stay Safe Partnership. The workshop bookings are based on availability around other bookings and work commitments but are aimed to be delivered in a requested timeframe. The workshops are presented with real examples of legal and illegal vape devices and liquids, and additional worksheets and lesson plans are available to education groups wishing to do further work on the topic of vapes. Groups are also welcome to make their own use of the presentation's PowerPoint.

It is illegal for anyone under 18 to purchase vape products but it is not illegal to smoke or vape underage and consequences should be proportionate. Children under 18 should be asked where they got their vape (or cigarette) from. Complaints can be made to trading standards through the Citizens Advice online portal. Teachers should be aware that vapes could be used to exploit the most vulnerable children, as is the case with other age restricted products such as tobacco and alcohol. Children should not be excluded from school for vaping or smoking, unless it is associated with other disruptive behaviour which justifies this.

⁴ [Vaping and Tobacco Harm Reduction - ASH](#)

Model Policy for Educational Provisions

BANNED ITEMS POLICY

(Alternatively this document could be incorporated into the provision's own behaviour policy as an appendix)

This is the approved Banned Items Policy for _____

This policy has been drawn up in accordance with:

- DfE Searching, Screening and Confiscation: Advice for Schools (July 2022)
- DfE Behaviour in Schools: Advice for Headteachers and School Staff 2022 (October 2022)
- DfE Guidance on Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, Including Pupil Movement. (September 2023)
- Ofsted Knife Crime: Safeguarding Children and Young People in Education. (September 2019)

This is the approved policy of ***** educational provision which has been produced using the Lincolnshire Children's Service Recommended Model.

Date of Approval by Governing Body /Board of Trustees

Date of Review

This policy should be read in conjunction with the educational provision's published

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

(add/remove others policies which link with this document)

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

*(add/remove para for **maintained settings**)* The governing body of _____ 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.

*(add/remove para for **academies**)* The _____ 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 2022 DfE Searching, Screening 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 provision's rules .⁵

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.

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 Searching, Screening 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 provision's community.

⁵ [Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

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

(Educational provisions should amend this list as they consider appropriate)

Chains

Catapults

Lighters/ matches

Tools (scissors, screwdriver, hammer, nails, craft blades, Stanley knives 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 pupil's own care plan and the educational provisions own drugs/medical policy)

Offensive material - pornographic, racist, homophobic, extremist material (in any medium) *Refer to educational provision's own social media policy)*

Rope/ cable ties

This is not an exhaustive list and the Head teacher may consider other items as inappropriate if they believe that the possession of the item is to cause harm, distress or injury to another.

INCIDENTS OUTSIDE OF THE EDUCATIONAL PROVISION

LSCP and _____ Governing Body/Trust consider that the above items are inappropriate and possession of such items in an educational provision, on the journey to and from the provision, on any trips 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 _____ the educational provision by the use of:

- PHSE
- Planners
- Website
- Assemblies

- Notice boards
- Individual pupil plans
- Newsletters
- Induction processes for new admissions and with particular regard to midyear admissions

The educational provision 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 the educational provision will be stored in accordance with the COSHH guidelines including those for educational purpose and for the routine maintenance and cleaning of the premises.

RESPONDING TO AN INCIDENT INVOLVING PROHIBITED OR UNAUTHORISED ITEMS

LSCP and _____ the educational provision 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 an inappropriate or prohibited item into the provision.

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 provision)
- Frequency/repeated breaches
- 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 Head 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 community, and the impact on the pupil of any decision to permanently exclude them from the educational provision

SCREENING AND SEARCHING

All screening, searching or confiscation will be carried out by the designated staff representative of _____ the educational provision and **in accordance with the DfE Searching, Screening and Confiscations advice 2022.**

Under the European Convention on Human Rights Article 8, pupils have a right for their private life. This allows pupils to expect a reasonable level of personal privacy. However, this right is not absolute and can be interfered with, if the interference is justifiable and proportionate to the situation. Therefore, the powers to search a pupil under the Education Act 1996 are compatible with Article 8.

Staff within the educational provision have a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect the pupil may have a prohibited item identified in this policy.

Staff should advise the pupil as to why the search is taking place, give the pupil time to ask questions and ask the pupil's permission to search either themselves or their items. If the pupil refuses permission, then the searcher should consider their behaviour policy and seek advice from the Headteacher, Designated Safeguarding Lead or Pastoral Lead. During this time, the pupil should remain supervised and away from other pupils. If a pupil continues to refuse to give permission, then the educational provision needs to assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use reasonable force to search for prohibited items as defined by **DfE Searching, Screening and Confiscations advice 2022** but not items identified only in the provision's policy. Please consider DfE guidance on Use of Reasonable Force in Schools⁶. Reasonable force should be assessed on an individual situation basis and should consider whether conducting the search will prevent self-harm, harming others, damaging property or causing disorder.

When exercising their powers to search, educational provisions must consider the age and needs of the pupil. Under the Equality Act 2010, there may be a need to make reasonable adjustments to ensure that the pupil is supported as needed.

The Headteacher should ensure that any staff authorised to search pupils are trained on how to search a pupil lawfully and safely, with a clear focus on how to manage a pupil when they are uncooperative.

The member of staff searching should be of the same sex as the pupil being searched and there must be another member of staff present to witness the search.

⁶ <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

The search can include a pupil's outer clothing (clothing that is not worn wholly next to the skin or immediately over a garment worn as underwear), pockets, possessions, desks or lockers. This means that the educational provision is not allowed to strip search the pupil.

Strip searches can only be carried out on an educational premise by a police officer. Whilst this is a decision of the police, the educational provision has a duty of care to the pupil and should advocate for the pupil's wellbeing at all times.

All searches will be recorded with the following information:

- The date, time and location of the search
- Name of pupil
- Who conducted the search and who witnessed it
- What was being searched for, and if any items were found
- Reasons for searching
- Any follow up actions.

Anyone with parental responsibility for the pupil should be informed

If an item is found, it will be confiscated and locked securely in the educational provision's office.

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

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

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, 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 internal 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 educational provision's drugs policy.
- Self-harm Incident - The Headteacher, in liaison with pupil and family, will arrange internal 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 Designated Safeguarding Lead in accordance with the educational provision'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 educational provision will also establish internal interventions and support to address these concerns with the pupil and the wider community.
- If the item confiscated was for the purpose of bravado or perceived self-protection, educational provision will liaise with the family and young person and will give full consideration as to the feasibility of establishing internal 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 educational provision continues to hold concerns about maintaining the pupil in their setting, the Headteacher will liaise with the PRT and discuss other options.
- The educational provision will always consider a multiagency approach to addressing wider needs, including completing an Early Help Assessment.

CONSEQUENCES

The educational provision does not tolerate or condone any behaviour which places the individual pupil, or any other person at risk; a serious breach of the educational provision's behaviour policy will result in a consequence. However, any decision to suspend or permanently exclude the pupil will be made in line with exclusion legislation. That is, the decision will be lawful, reasonable, fair and proportionate.

DfE Guidance on Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, Including Pupil Movement 2023 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 educational provision's behaviour policy and other 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 educational provision can support the continuation of the pupil in the provision
- Thoroughly consider the support and interventions educational provision can establish in order to sustain the pupil in their current provision
- Explore a managed move to another setting on a permanent basis or consider a direction off site for an agreed period of time and as part of that planning consider alternative options once the time limit has been reached.

The educational provision promotes a restorative approach to behaviour in educational provision 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 or Virtual School 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/educational provision meeting
- PSP with educational provision-based support and Interventions
- Educational provision-based sanctions
- A period of internal isolation
- Amended timetable
- Restrictions on movement around educational provision site
- Detentions
- Loss of privileges
- Suspension
- Managed Move on a permanent basis
- Changing classes or teaching groups
- Restorative conversation
- Formal restorative conference
- Behaviour contract
- Referral to external support
- Implementation of risk assessment in educational provision
- 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 educational provision. However, any decision made to permanently exclude the pupil will be in line with the DfE Guidance on Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, Including Pupil Movement. (September 2023) -

'Permanent Exclusion should only be used as a last resort in response to a serious breach or persistent breaches of the educational provision's behaviour policy

and

where allowing the pupil to remain in educational provision would seriously harm the education or welfare of the pupil or others such as staff or pupils in the educational provision'

Appendix A – Review of an Incident Involving Banned Items

To assist educational provisions and the LA in assessing the appropriate, proportionate response to any incident involving a banned item, the following assessment tool will be completed by the educational provision and then discussed with the LA (PRT) to review the situation. Where it is not evidenced that allowing the pupil to remain in educational provision would seriously harm the education and welfare of others, the LA will offer advice support and guidance to educational provisions to enable them to successfully maintain the pupil in their educational provision. A managed move will not be supported since this would meet the Ofsted definition of off-rolling, as well as being outside the spirit of this guidance, which seeks to put the child first.

Discrimination and Protected Characteristics

When considering the response to an incident, the Headteacher must consider whether:

- The pupil has needs which impact on their understanding or behaviour e.g. ADHD, ASD
- The pupil has or may have anxiety or mental health needs which are impacting on their behaviour

If the pupil has or may have a protected characteristic, the Headteacher must ensure that the educational provision's policy and their decision does not discriminate and that due consideration has been given to the pupil's situation and circumstances.

TABLE ONE - ASSESSMENT TOOL FOR SELF HARM

For all incidents of possession of banned item for the purpose of self-harm:

The pupil made a premeditated decision to bring the item into educational provision intending to self-harm	Yes /No
It was a premeditated decision to take from or make the item at educational provision	
The item was in pupil's possession at educational provision for the purpose of self-harm	

The pupil used the item to self-harm	
The pupil has a history of self-harm	
The pupil is remorseful/distressed/upset/worried by their actions	
The pupil is known/believed to have anxiety/mental health issues	
The educational provision have been supporting the pupil with managing self-harm issues	

If any of the answers to the questions above is 'Yes', the LA advises that **this is a safeguarding matter and not a disciplinary issue**. Educational provisions are advised to follow their safeguarding procedures, liaise with pupil and family about developing further support to introduce safer coping mechanisms. This could include a Child and Family Early Help Assessment. Additionally, the educational provision should develop a risk assessment and Pastoral Support Plan for the pupil

TABLE 2 - ASSESSMENT TOOL POSSESSION OF WEAPON / BANNED ITEM (not self-harm related)

1	Do you have reasonable grounds to believe that item was in the pupils' possession?	Y	N STOP
2	Was the item brought into educational provision by mistake or for 'innocent purposes' e.g., show and tell/repairing bike/hobby or craft activities?	N 1	Y 0 N/A 0
3	Did the pupil make a premeditated decision to bring the item into educational provision?	N 0	Y 1 N/A 0
4	Had the pupil previously stated that they would bring in the item?	Y 2	N 0
5	Was it a premeditated decision to take from/ make the item in educational provision?	Y 1	N 0 N/A 0
6	The Items only legitimate purpose/use is to cause harm/intimidate/distress (e.g., knuckleduster, BB Gun shard of glass/improvised item)	Y 1	N 0
7	The pupil intended to use the item for its designated purpose (e.g. scissors to cut, multi tool to fix, craft knife for art)	Y 0	N 1
8	Did the pupil have more than one banned item in possession?	Y 2	N 1
9	Was the pupil carrying the item for the purpose of perceived self-protection?	Y 1	N 1
10	Has the pupil been subject to bullying /threats from others?	Y 1	N 2
11	Has the pupil had ongoing conflict/friction with peers (in or outside educational provision)?	Y 2	N 0
12	Has the pupil got a positive friendship group in educational provision?	Y 0	N 1
13	Did the pupil confirm their intention to use the item to threaten intimidate or distress others?	Y 1	N 0

14	Did the pupil use the item to threaten, intimidate or distress others?	Y 2	N 0
15	Did the pupil use the item to injure another individual?	Y 3	N 0
16	Did the pupil confirm their intention to injure other individual?	Y 3	N 1
17	Has the pupil a history of making threats (including on social media)?	Y 1	N 0
18	Has the pupil a history of aggressive behaviour towards staff/peers?	Y 1	N 0
19	Was the item seen by /shown to other pupils?	Y 1	N 0
20	Did the pupil willingly hand over the item to staff?	Y 0	N 1
21	Did the pupil cooperate with the educational provision investigation?	Y 0	N 1
22	Did the pupil come forward to inform staff about the item?	Y 0	N 1
23	Has the pupil been warned about similar behaviour previously?	Y 1	N 0
24	Does the pupil understand that possession of this item is against educational provision rules?	Y 1	N 0
25	Has the pupil shown remorse /distress/regret about their actions or the incident?	Y 0	N 2
26	Does the pupil have Special Educational Needs?	Y 2	N 0

Score / 36max

Low Scoring (below 15)

The LA view is that the threshold - allowing the pupil to remain in educational provision would seriously harm the education and/or welfare of others - is not met. The educational provision should seek ways to support the pupil to remain in the provision. The PRT can offer support and guidance to the educational provision in developing a robust and supportive plan.

Incidents which result in a score within the mid to high range require further consideration as to appropriate next steps. However:

Permanent exclusion should never be the automatic consequence to any incident.

Wherever possible, the educational provision should seek to maintain the pupil in their existing educational provision. Permanent exclusion may 'remove' the pupil from the educational provision but the pupil continues to have a right to education provision and the risks move with them, and in many cases are compounded by a change of environment. Fear of the unknown, feelings of rejection, the stresses of transition all compound risk and increase vulnerability. The welfare of the pupil and ongoing risks to others are more manageable when staff know the pupil well and planned support and interventions are quickly put in place within the familiar setting where the pupil feels safe.

The PRT team can provide support and guidance to educational provisions in developing these plans.

However, it is acknowledged that such incidents can be of a serious nature and many other factors need to inform the ultimate outcome. For situations that are mid to high scoring, Headteachers should also consider:

- Are there any environmental factors which must be considered (and what are the determining factors) E.g., has/does the pupil live with domestic violence?
- Does the pupil's home environment mean having the item is a 'normal' daily event (e.g., parent is carpet fitter/hairstylist/farming/building trade)?
- Is there any history of trauma?
- Is the pupil vulnerable to being set up/coerced by others to carry item?
- Does the pupil hold extreme views/vulnerable to grooming for extremism?
- Where did the incident occur? Was it in a public place e.g., bus stop? Were members of the public involved? How did this impact on the wider community?
- Are the police involved – are they taking any direct action?
- Were there any victims of the incident? What is the level of upset, anxiety of victims?

RESTORATIVE RESOLUTION

Many educational provisions follow a restorative approach to peer-to-peer conflict and this can be a very constructive and effective response to such incidents. Allowing and providing the pupil with the opportunity to repair and make good any harm caused by their actions is a significant factor in reducing future risk and helping the pupil understand the impact and consequences of their actions on others.

SUPPORTED TRANSITION

Occasionally, seeking a transition to another mainstream setting on a permanent basis via a managed move may be a positive option, when it is deemed to be in the young person's best interests. Alternatively, an off-site direction to another educational provision for a time limited period could also be a consideration.

However, before this is explored it is appropriate to consider:

- Why or how could the situation be managed in another setting?
- If the pupil can successfully transition to a new mainstream educational provision - why is it not tenable for them to continue in their current educational provision?
- What will be needed to make a successful transition?
- Why is it not possible to put that in place within their current educational provision?

Where there is a clear rationale that it is untenable to sustain the pupil in their current setting, head teachers are advised to liaise with the PRT regarding the possibility of a supported transition to another setting.

NOTE, The LA will not facilitate or support a move to another setting where the incident relates to self-harm, or the scoring on table 2 is below 15, and educational provision cannot evidence

that allowing the pupil to remain in educational provision would seriously harm the education and welfare of the pupil or others.

It is strongly advised that Headteachers discuss any such incident with the PRT team prior to making any decision to consider a change of provision or permanently exclude.

APPENDIX B - Guidance from Police on Reporting Incidents

All incidents involving a knife or offensive weapon **MUST** be reported to police.

NPCC (National Police Chiefs' Council) guidance released in November 2023 defines how youth knife offences should be outcomed. This guidance applies to both knives and other bladed or pointed articles. Admitted knife offences will continue to be referred to Joint Diversionary Panel (JDP) but they will be gatekept to see if one of several pre-determined outcomes needs to be applied (Non-admitted offences will continue to be progressed to CPS by Police for a charging decision).

Any matter referred will need to be outcomed via a Report for Summons (charge) decision, without progressing to JDP, if any of the following criteria apply:

- The referral is for a knife-enabled offence other than simple possession.
- Young person has any previous violent offences (proven and progressed to point of positive disposal).
- Young person has any previous weapons or knife offences (proven and progressed to point of positive disposal).

If the above automatic charge criteria do not apply, then the progression pathway will be determined by the young person's age.

For young people aged 10-15:

Outcome will be a Youth Conditional Caution (without progressing to JDP) **unless both** of the below criteria apply, if they do both apply the matter will progress to JDP for decision making.

**Knife was not brandished.*

**There are no previous weapons concerns on the young person's police record (Validated by NICHE and PNC checks, PND will also be checked where there are indications that young person has spent time out of one of the counties where NICHE is used).*

For young people aged 16-17:

Outcome will still be charge **unless both** of the above criteria apply; if they do both apply the outcome will be a Youth Conditional Caution.

In addition, staff within educational provision should inform the child/young person's Social Worker / Early-Help Worker (If Applicable) at the first opportunity. There should be an opportunity for the child or young person to express their views in relation to the incident and consider what support can be put in place for the child/young person to avoid this happening again.