**KEY SCHOOL STAFF POWERS – EDUCATION ACT 1996 & EDUCATION AND INSPECTIONS ACT 2006**

**EDUCATION ACT 1996**

**Staff (on authority of the head teacher) can search pupils for knives, blades, offensive weapons, stolen items, drugs, alcohol, fireworks, tobacco and papers, pornography, items prohibited by the school or any item used in commission of an offence, evidence of an offence or an item likely to be used to seriously harm a person or damage their property (or any such items believed to be so).**

**They can seize, retain or dispose of these items. Most of these items must be delivered to the police, unless there is a good reason to do otherwise.**

**No staff can be held liable for any loss or damage to these items**

**Mobile phones can be checked and data erased, if there is good reason.**

**Reasonable force can be used to do this.**

**EDUCATION & INSPECTIONS ACT 2006**

**Any member of staff who attends the same school as the pupil can use reasonable force to prevent a crime, injury to anybody or damage to anybody’s property or to maintain the good order and discipline of the school.**

**This is relevant when on school premises or the staff member has lawful control or charge of the pupil (i.e. school trips).**

**ANY PERSON POWERS – COMMON LAW ACT 1967**

**Force can be used, that is reasonable in the circumstances, to defend yourself, defend others, defend property, prevent crime or facilitate a lawful arrest (for an indictable offence – any offence for which a prison sentence may result).**

**Anybody can use a ‘pre-emptive’ strike (to prevent harm) and does not need to be assaulted first. As always, force must be reasonable in the circumstances.**

**The ‘circumstances’ are *as the person believes them to be*. Therefore it is a subjective test.**