

## Removing Personal Effects (including jewellery):

It is important to have a clear and consistently applied policy for the removal of personal effects. The following guidance, as with all procedures, are only effective if applied consistently by all staff teaching Physical Education, School Sport & Physical Activity (PESSPA) at the start of every lesson/session.

Many schools simplify the situation by having a no jewellery whole school policy. This means that physical education, active lunchtimes and extra – curricular activities are not a problem as there is already no jewellery present.

Where schools do not have a whole school policy, all personal effects should be removed for all physical education, school sport and structured physical activity. Staff should always give a verbal reminder to pupils and, where necessary, visually monitor the group and/or individuals. Particular vigilance may be required when dealing with body jewellery. If items cannot be removed, staff need to take action to try to make the situation safe. In most cases, this may mean adjusting the activity in some way or, where a risk assessment allows, making the item in question safe.

**Earrings should be removed** - however, on the rare occasion when this is not possible for physical education lessons, the following points should be considered (NB: **all jewellery, including earrings, must always be removed before a pupil engages in competitive activity** such as intra & inter school fixtures, tournaments or festivals)

- Pupils unable to remove earrings should be required to make them safe by taping, front and back, which may offer a measure of protection. The taping should be sufficient to prevent the stud post penetrating the bone behind the ear should an unintentional blow be received (e.g. from someone or from equipment such as a ball). **Taping is a temporary control measure** and should not be viewed as a permanent solution – 6-8 weeks is the usual period of time needed following the piercing.
- **Taping is not suitable in any activity where contact (with either another person or equipment) is highly likely to, or will, occur**
- **Taping should not be used when swimming & all earrings should be removed**
- Temporary taping may be done at home for younger children or prior to the lesson for older pupils. **Staff are not required to remove or tape earrings for pupils.**
- Where temporary taping is utilised, the teacher supervising the group maintains the legal responsibility to ensure the taping is effective for purpose. Where staff consider the taping to be unsatisfactory to permit safe participation, they will need to consider **alternative involvement in the lesson for the pupil.**
- The use of retainers (flat studs that retain the piercing when earrings or studs are removed) is becoming more common as a form of acceptable substitution where total removal is not possible. Provided these are flat and cannot cause damage if a blow or ball hits the side of the head, the level of risk is clearly reduced but should also be temporarily taped. Again, **these are not suitable in any activity where contact (with either another person or equipment) is highly likely to, or will, occur**
- Expander earrings are worn by some pupils. These are generally hollow circles used to stretch the piercing, making a large hole in the ear lobe. These are clearly not safe for close-contact physical activity, and should be temporarily taped effectively as described above. It will almost certainly also be necessary to modify the pupil's participation in the lesson.
- A more recent development is for pupils to have piercings through the ear cartilage. This is particularly problematic as the healing process for this is significantly longer, and there is a general belief that taking these piercings out for even a short period of

time can result in them healing up. However, **a teacher cannot allow a pupil to participate if they believe there is a likelihood of injury so the principles outlined above still remain.**

Knowing that removing jewellery (especially earrings) is a source of potential conflict, it is good practice to work with pupils and parents before the event. Staff need to provide clarity that ears should not be pierced at a time that will impact on lesson participation, as it could result in pupils being unable to take part fully in physical education, school sport and physical activity for a considerable period of time. Education and communication are key to involving the pupils in safe practice. A pro-active approach by all staff will ensure piercings form part of a readily available and unambiguous school policy on personal effects, including jewellery and cultural or religious adornments. Clearly understood protocols will ensure pupils and parents are aware of school expectations.

Religious items need to be removed or made safe. Health and safety law would usually take precedence over equality law because of the implication of the 'safety of others' and the specific duty set out in the Health and Safety at Work etc. Act 1974. Case law relating to human rights legislation has established that a student does not have the right to manifest their belief at any time and place they choose at school, and this includes the wearing of jewellery. However, wherever possible, to respect religious sensitivities, we would recommend that schools enter into discussion with local faith leaders and parents to establish and maintain constructive communication with them and the local community, and to establish an inclusive school policy. In the situation where removal of religious items proves to be extremely contentious and agreement for removal in PESSPA sessions cannot be achieved, the activity and involvement of the wearer needs to be suitably modified to mitigate undue risk. In practice this could mean an alternative physical activity or task. It should not mean the pupil being excluded from progressive learning.

Clearly, the best model is no jewellery which makes it easier in a PESSPA setting as it is part of a whole school policy.

### **Case Study 1**

***R (ex parte Roberts) v the Chair and Governors of Cwnfelinfach Primary School (2001);***

***Schools are entitled to adopt policies in relation to the wearing of jewellery for PE, school sport and physical activities and to enforce those policies where students or their parents fail to observe them. Consideration may, however, need to be given to policy adjustments in the case of jewellery with religious significance***

### **Case Study 2**

***R (on the application of Begum) v the Head Teacher and Governors of Denbigh High School (2006)***

***While a school has a right to set and enforce a uniform policy, it is important that uniform, including clothing for PE and school sport, seeks to respect religious & cultural beliefs without compromising health and safety standards***

### **Case Study 3**

***Watkins-Singh v the Governing Body of Aberdare High School and Rhondda Cynon Taff Unitary Authority (2008)***

***While schools are entitled to have uniform policies, they should remain flexible enough to allow appropriate exceptions to be made where it is safe and reasonable to do so but that health and safety concerns should not be compromised***