



## Policy on Behaviour and Discipline

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## Introduction.

This policy applies to Upper and Lower School.

This document is intended to set out the standards required to create, promote and maintain high standards of behaviour amongst pupils and to set out the sanctions available to the School in the event of pupils' misbehaviour. It has regard to the following guidance and advice: [Keeping Children Safe in Education](#) (DfE, September 2024 (KCSIE)), [Working together to Safeguard Children 2023](#) (DfE, December 2023); [Information Sharing Advice for Safeguarding Practitioners](#) (DfE, May 2024), [Behaviour in schools: advice for headteachers and school staff](#) (DfE, February 2024), [Use of Reasonable Force](#) (DfE, July 2013), [Searching, Screening and Confiscation: advice for schools](#) (DfE, July 2022, in force from September 2022), [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#) (DSIT and UKCIS, March 2024), [Mental Health and Behaviour in Schools](#) (DfE, November 2018), [Equality Act 2010: advice for schools](#) (DfE, June 2018), [PACE Code C 2019](#), [Relationships Education, Relationships in Schools](#) (DfE, September 2021) [Statutory framework for the early years foundation stage for group and school providers](#) (DfE, January 2024), [Guidance for appropriate adults](#) (Home Office, April 2003); and [Creating a school behaviour culture: audit and action planning tools](#) (DfE, April 2024).

The School appreciates that pupils mature at different rates and expectations must be tempered by an appreciation of their individual maturity. This is particularly true of pupils in Lower School.

This policy is published on the School website. A copy of the policy is available for inspection from the Main Office during the School day.

**This policy and associated documents can be made available in large print or other accessible format if required.**

This policy (together with the School rules and all school policies on behaviour and discipline) applies to all pupils at the School and at all times when a pupil is:

- in or at School (to include any period of remote provision);
- representing the School or wearing School uniform;
- travelling to or from School;
- on School-organised trips; or
- associated with the School at any time.



This policy shall also apply to pupils at all times and places including out of school hours and off-school premises in circumstances where failing to apply this policy may:

- affect the health, safety or well-being of a member of the School community or a member of the public;
- have repercussions for the orderly running of the School; or
- bring the School into disrepute.

### **Definitions.**

References to **working days** mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening School holidays, the School's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delay.

References to **Parent** or **Parents** includes one or both of the parents, or those with parental responsibility, or care of a child e.g. legal guardian or education guardian. Communications or instructions from one of the Parents, or any person with parental responsibility, shall be deemed by the School to be received from both Parents unless there is clear evidence of a contrary view. This requirement does not apply to the giving of notice for cancellation of a place or the withdrawal of a pupil from the School. The persons required to consent or give notice of cancellation or withdrawal are set out in the parent contract.

### **Policy Aims.**

- To enable the Headteacher and Lead in Lower School to carry out their responsibilities of creating, promoting and maintaining high standards of behaviour amongst pupils and setting a range of sanctions to be available to the School in the event of pupil misbehaviour.
- To encourage pupils to accept responsibility for their behaviour and to ensure, so far as possible, that every pupil in the School is able to benefit from and make their full contribution to the life of the School, consistent always with the needs of the School community.
- To actively promote and safeguard the welfare of pupils at the School and protect all who come into contact with the School from harm.
- To help to promote a whole school culture of safety, equality, inclusion and protection.
- To authorise the School rules (including bounds and uniform regulations) and any procedures necessary for implementing them.
- To set out a clear and fair process for the investigation of allegations of poor



behaviour and/or breaches of discipline.

- To create a calm, safe and supportive environment free from disruption in which pupils can thrive and flourish both in and out of the classroom and reach their full potential.
- To consider how negative behaviours can be prevented or prevented from recurring.
- To enable staff to respond to incidents of misbehaviour promptly, predictably and with confidence.

This policy forms part of the School's whole school approach to promoting child safeguarding and wellbeing, which seeks to involve everyone at the School to ensure that the best interests of pupils underpins and is at the heart of all decisions, systems, processes and policies.

Although this policy is necessarily detailed, it is important to the School that our policies and procedures are transparent, clear and easy to understand for staff, pupils, parents and carers. The School welcomes feedback on how we can continue to improve our policies.

### **Related Policies.**

The School has the following related policies:

Anti-Bullying Policy (Pupils).

Drugs Policy.

Staff Code of Conduct.

Permanent Exclusion and Removal: Review Procedure.

Acceptable Use of ICT Policy for Pupils.

Online Safety Policy.

Equal Treatment Policy (Pupils).

Risk Assessment Policy for Pupil Welfare.

Special Educational Needs Policy.

Safeguarding and Child Protection Policy.

Relationships Education, and Relationships and Sex Education Policy.

School Rules.



## **Responsibility Statement and Allocation of Tasks.**

The Proprietor has overall responsibility for all matters which are the subject of this policy.

The headteacher and Lower School Lead will:

- be highly visible, routinely engage with pupils, parents and staff on setting and maintaining the behaviour culture and an environment where everyone feels safe and supported;
- play a crucial role in making sure all staff understand behavioural expectations and the importance of maintaining them;
- make sure all new staff are inducted clearly into the School's behaviour culture to ensure they understand its rules and routines and how best to support all pupils to participate in creating the culture of the school;
- consider any appropriate training which is required for staff to meet their duties and functions within the behaviour policy;
- ensure staff have adequate training on matters such as: how certain special educational needs, disabilities or mental health needs may at time affect a pupil's behaviour;
- encourage engagement with experts e.g. educational psychologists, counsellors and mental health support teams to inform effective implementation and design of behaviour policies and this links to the whole school approach to mental health and wellbeing.

School staff will:

- play an important role in developing calm and safe environment for pupils and establish clear boundaries of acceptable pupil behaviour;
- uphold the whole-school approach to behaviour by teaching and modelling expected behaviour and positive relationships, as defined in this policy, so pupils can see examples of good habits and confident to ask for help when needed;
- challenge pupils to meet the school expectations and maintain boundaries of acceptable conduct;
- communicate school expectations, routines, values and standards both explicitly through teaching behaviour and in every interaction with pupils;
- consider the impact of their own behaviour on school culture and how they can uphold the school rules and expectations in addition to those set out in the staff code of conduct.



Task:	Allocated to:	When (frequency of review)
Keeping the policy up to date and compliant with the law and best practice.	The Headteacher, Lower School Lead and Head of Pastoral Care.	As required, and at least annually.
Reviewing induction and ongoing training for staff.	The Headteacher.	As required, and at least annually.
Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness.	The Headteacher, Lower School lead and Head of Pastoral Care.	As required, and at least annually.

Task:	Allocated to:	When (frequency of review)
Seeking input from interested groups (such as pupils, staff, parents) to consider improvements to the School's processes under the policy.	The Headteacher.	As required and at least annually.
Formal annual review including effectiveness of policy and procedures in promoting good behaviour and trends relating to disciplinary measures taken.	The Headteacher.	Annually.

## Promoting High Standards of Behaviour: Fundamental Principles.

### The Pupil Codes of Conduct.

Pupils of the School are expected to act with **responsibility** and show **consideration** at all times. They must adhere to the School's Values.

Pupils are expected to abide by School rules and the Pupil Code of Conduct.

Where appropriate an Educational Visit Code of Conduct and Behaviour will be prepared for individual Educational Visits.

Specifically, all pupils of the School are expected to:

- act with honesty and integrity and to treat all members of the school community and the public with respect, courtesy and kindness both in actual and virtual (online) interactions;



- contribute positively to the school community;
- contribute to the high quality of learning by ensuring that they:
  - ✓ arrive punctually and correctly equipped for each lesson;
  - ✓ listen carefully and use their time in class appropriately and effectively;
  - ✓ do not disturb teaching, or the learning of others.
- take responsibility for their own safety and that of others to the best of their ability and commensurate with their age and maturity. Behave sensibly when moving round the school, when waiting for lessons and when not directly supervised:
- take care of the school environment, ensuring that everybody's property is respected and safeguarded:
- take pride in their appearance, wearing uniform correctly and smartly.

Parents are expected to work with the School to ensure that their children understand (in an age appropriate manner) this policy and the school rules. This policy and the school rules, will be reinforced periodically at assemblies and at other times.

The School's expectations about behaviour will be brought to the pupils' attention throughout their time at the School. Pupils are educated about good behaviour through the operation of the School's curriculum, PSHE and assembly programme, relationships education / relationships and sex education programme(s) and the School's pastoral support systems. This includes teaching pupils explicitly what constitutes good behaviour at Kirkstone House (for example, through teaching of the Code of Conduct, School Rules / Expectations, Code of Behaviour, good habits and routines). Pupils are encouraged to act responsibly and, through the operation of this policy, to accept responsibility for their behaviour.

The Headteacher has overall responsibility for behaviour management issues. However, all staff have a responsibility for helping pupils to abide by School rules and in line with expectations.

### **School Rules.**

The School rules (including associated bounds and uniform regulations) shall be set by the Headteacher. The School rules are necessary:

- for the safety and well-being of everyone at the School;
- for the reputation of the school community as a whole; and
- for the protection of school property and the wider environment.





## **Rewards.**

The School understands that rewards are very important in motivating pupils and in raising self esteem. The ways in which the School may reward good behaviour are set out in Appendix 1.

The School recognises that where challenging behaviour is related to a pupil's special educational needs or disability, support and reward methods may enable the School to manage the pupil's behaviour more effectively and improve their educational outcomes.

Where appropriate, staff should also take account of any contributing factors that are identified after a behaviour incident has occurred e.g. if the pupil has suffered a bereavement, experienced abuse or neglect, has mental health needs, has been subject to bullying, has needs including SEND (including any not previously identified), has been subject to criminal exploitation, or is experiencing significant challenges at home.

## **Breaches of School Discipline.**

When a member of school staff becomes aware of unacceptable behaviour, they should respond in a consistent, fair, proportionate and timely manner in accordance with this policy.

The first priority will be to ensure the safety of pupils and de-escalation techniques can be used to prevent further behaviour issues arising.

The School recognises that taking disciplinary action and providing appropriate support are not mutually exclusive actions. They can and should be used at the same time.

The School adopts a culture of openness and transparency and, where pupils or parents/carers have any concerns regarding breaches of discipline, contact should be made with the School at the earliest opportunity. All concerns are taken seriously including scenarios where suspicions or breaches of discipline appear minor.

The School has pastoral support systems in place to assist pupils in managing their behaviour. A range of sanctions are available for those who breach the School rules and policies for behaviour and discipline. The sanctions used within each part of the School are detailed in Appendix 2.

Allegations, complaints or rumours of breaches of discipline are dealt with by staff as they occur. Staff should always inform the Headteacher of serious breaches of school discipline.

A serious breach of discipline may be referred to external agencies (where appropriate) prior to, during or following an informal investigation.



When considering the appropriate sanction, the risks posed to pupil welfare by an individual's behaviour will be assessed. This may include consideration of how any action taken, sanctions applied or inaction may affect that individual's welfare and, where appropriate, how it may affect other pupils' welfare and / or the School community as a whole.

### **Other Sanctions.**

Alternative sanctions other than those outlined in Appendix 2 can be considered on a case-by-case basis for any pupil where the School believes an alternative arrangement would be more effective for that particular pupil, based on their knowledge of that pupil's personal circumstances.

Where possible, staff should attempt to link the task in the sanction to the offence in order to provide the pupil with an opportunity to learn. Teachers must consult with the Headteacher if they consider a creative sanction to be more appropriate to the individual case (these must be appropriate, proportionate and not humiliating).

The School will have regard to the impact on consistency and perceived fairness overall when considering alternative arrangements.

In considering whether a sanction is reasonable in all circumstances, the School will consider whether it is proportionate in the circumstances of the case. It will also consider any special circumstances relevant to its imposition including:

- the pupil's age;
- any special educational needs or disability they may have; and
- any religious requirements affecting them.

### **Additional Needs.**

In respect of a pupil with a disability as defined by the Equality Act 2010 or Special Educational Needs, the School will make such adjustments to this policy and its implementation as it is reasonable to have to make to avoid substantial disadvantage to the pupil. In making such adjustments and considering the action to be taken under this policy (as adjusted), the School will have regard to the following:

Whether reasonable steps have been taken to understand and address the pupil's educational and or other needs or vulnerabilities;

Whether all reasonable adjustments have been made to try to manage the behaviour(s) which are under consideration;

Whether, in light of the conclusions reached the action to be taken under this policy is a proportionate means of achieving one or more of the School's legitimate aims, which include:



- The fair exercise of powers;
- Ensuring the health and safety of pupils and staff, in light of clearly identified risks (with due attention to the potential need to refer concerns arising externally as required under the School's *Safeguarding and Child Protection Policy and Procedures*;
- Maintaining academic and behaviour standards, including adherence to the School rules; and
- Ensuring the wellbeing and dignity of pupils.

If there is a concern that a pupil's behaviour is as a result of unmet educational or other needs, advice should be sought from pastoral staff and learning support staff and further action in accordance with the School's policy on special educational needs will be considered.

In most cases of poor discipline, the School will seek not only to use a sanction, but also to provide support for the pupil. This may include sessions with the class teacher, Form Tutor, Head of Pastoral Care or SENCO to help the pupil with any pastoral concerns. In addition, parents may be directed to an appropriate professional if it is felt that wider support is required. The School will try to address underlying issues rather than solely the consequence of those issues.

Where a pupil displays persistent disruptive behaviour and there is a concern about that pupil's needs, the School will liaise with parents and/or local agencies to assess those needs in accordance with the School's SEN Policy and Safeguarding and Child Protection Policy.

The School recognises that it may be difficult for pupils to make a transition into a new educational setting or to return to school following long absence. We therefore pay special attention to ensure that new pupils are supported in early days after joining.

### **Serious Breaches of School Discipline.**

Serious breaches of School discipline are those where, should the allegations be fully upheld, the outcome of the disciplinary process could result in permanent exclusion or a requirement to leave the School.

Any Allegation, complaint or rumour of a matter which could qualify as a serious breach of discipline should be referred to the Headteacher.

Allegations, complaints or rumours that a pupil may have committed a serious breach of School discipline will be dealt with in accordance with Appendices 3 and 4 of this Policy.



The main categories of misconduct which could be considered to be serious breaches of discipline and which may therefore result in permanent exclusion or a requirement to leave the School include but are not limited to:

- supply which means providing or sharing (whether or not for money or other consideration) or facilitation of supply (e.g. sale, exchange or sharing (which includes promotion / advertisement or facilitating supply) / possession / use of drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco as prohibited by the School's policy on drugs and substances and the School's rules on smoking/vaping;
- actual or attempted theft, blackmail, intimidation, cyber-based bullying, prejudice-based bullying, discriminatory-based bullying or other potentially criminal offences including being an accessory or conspirator; physical violence and / or abuse (which may include but is not limited to hitting, kicking, shaking, biting and hair pulling); Physical or emotional abuse or harassment (to include behaviour that may be categorised as "banter", "just having a laugh", "part of growing up" or "boys being boys");
- initiation / hazing type violence and rituals (which may include but is not limited to activities involving harassment, abuse or humiliation used as a way of initiating a person into a group);
- abuse in intimate personal relationships between peers (teenage relationship abuse);
- sexual violence, sexual harassment and upskirting and other harmful/inappropriate sexual behaviour;
- consensual and non-consensual sharing of nudes and semi-nude images and / or videos;
- behaviour in contravention of the School's policies on the acceptable use of technologies or online safety;
- bullying which is persistent or severe;
- supply or possession of pornography;
- behaviour which may constitute a criminal offence, such as possession or use of firearms, knives or other weapons, or vandalism, defacement, computer hacking or serious misuse of the School's IT network and / or destruction of School property;
- persistent breaches of discipline or attitudes or behaviour which are inconsistent with the School's values;
- other serious misconduct which affects the welfare of a member or members of the School community or which brings the School into disrepute (single or repeated episodes) on or off school premises;
- any form of abuse or unlawful discrimination on the grounds of sex, race, religion/belief, disability, special educational needs, sexual orientation and gender reassignment etc;



- persistent or serious breach of the School's Health and Safety guidance;
- other misconduct specifically provided for in the School's parent contract and School rules.

It is for the School to determine whether a breach of discipline is serious or not, and therefore which part of the disciplinary process will be followed. In making this determination the School will act in a reasoned and reasonable manner including paying due attention to context.

The Proprietor has authorised the following sanctions for serious breaches of discipline.

### **Permanent Exclusion.**

A pupil may be permanently excluded from the School if it is proved on the balance of probabilities that they have committed a serious breach of school discipline or a criminal offence. Permanent exclusion is reserved for the most serious breaches. For the avoidance of doubt, a pupil may also be permanently excluded from the School for persistent lower level breaches.

### **Removal.**

The parents may be required to remove a pupil permanently from the School if, after consultation with the Parents and if appropriate, the pupil, the Headteacher is of the opinion that:

- the pupil has committed a breach or breaches of School rules or discipline for which removal is the appropriate sanction; or
- by reason of the pupil's conduct or behaviour or progress the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and/or the community life offered by the School; or
- if one or both of the Parents have behaved unreasonably including, but not limited to, if they have treated the School or members of its staff or any member of the School community unreasonably.

Subject to payment of all outstanding fees, which remain payable, the pupil will be given reasonable assistance in making a fresh start at another school.

### **Exclusion.**

A pupil may be excluded as a neutral act while a complaint is investigated and for up to a further ten school days as a disciplinary sanction in its own right.

Removal or exclusion sanctions will form part of the pupil's school permanent disciplinary record, but will not usually be used in references.

An allegation, complaint or rumour of a serious breach of discipline will be investigated in accordance with the procedures set out in Appendix 3.



Complainants will be taken seriously and the School will carefully discharge its duty of care to both complainants and those pupil(s) accused. Reporting concerns is encouraged by the School.

If the findings of fact of the investigation, on the balance of probabilities, sufficiently support the allegation, complaint or rumour of a serious breach of discipline (i.e. that permanent exclusion or a requirement to leave the School remain a disciplinary meeting will be held in accordance with the procedures set out in Appendix 4.

If a pupil is withdrawn from the School before the conclusion of these disciplinary procedures, the School reserves the right to complete the procedures, in the absence of the pupil and the parents if necessary, and to make appropriate findings. The School reserves the right to report these findings to regulators and / or local authorities / police and / or to refer to such disciplinary action in references provided for the pupil.

The School will act fairly and in accordance with the principles of natural justice and will ensure that where a pupil's place at the School is at risk, the Parents and the pupil are provided with sufficient information about the allegations to understand them and the factual findings made in the investigation; and will have an opportunity to make representations about:

- the factual findings made;
- whether or not they constitute serious misconduct; and
- the sanctions under consideration.

Sanctions imposed will be fair and proportionate to the breach.

The School's aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. Pupils and their parents must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. A pupil and/or their parents must not make electronic recordings of any meeting conducted under this procedure and doing so may be treated as a separate disciplinary matter. The School may take steps to protect the identity of witnesses if we believe their identity should remain confidential.

### **Intervention, Support and Reintegration.**

The School will, as far as practicable, adopt a range of initial intervention strategies to help pupils manage their behaviour and reduce the likelihood of fixed-term and permanent exclusion. The School has a system in place to ensure leaders are aware of pupils whose behaviour is a cause for concern.

The range of intervention strategies that the School may put in place include as appropriate, but are not limited to:



- frequent and open engagements with parents;
- providing mentoring and coaching;
- short-term behaviour report cards or longer-term behaviour plans; and
- engaging with local partners and agencies to address specific challenges such as poor anger management, a lack of resilience and difficulties with peer relationships and social skills.

Where the School has serious concerns about a pupil's behaviour it will consider appropriate interventions, including but not limited to, whether an assessment of a pupil's SEND is appropriate; where a pupil has an Education, Care and Health Plan, whether an emergency review is appropriate and/or whether a multi-agency assessment is appropriate.

Following a sanction, the School will consider appropriate strategies to help the pupil(s) involved understand how to improve their behaviour and meet the behaviour expectations of the School. As far as reasonably practicable, this support will be delivered by appropriately trained designated staff.

The School will consider and apply appropriate strategies for the reintegration of a pupil, for example, following removal from the classroom, or fixed-term exclusion.

### **The Role of Parents.**

The School seeks to work in partnership with parents over matters of discipline, and it is part of the parents' obligations to the School to support the School values, conventions and rules and this policy.

Parents will normally be informed as soon as reasonably practicable of any suspicion that their child has been involved in serious misconduct but the School may be prevented from doing so immediately e.g. by the police if they are involved.

All Parents will be notified of any pending disciplinary hearing.

Parents will be notified of disciplinary sanctions:

- imposed for significant breaches of discipline (i.e. gating or more serious sanctions or persistent minor breaches such as demerits); and those
- imposed for serious breaches of discipline and any rights of review, as required and / or within School reports.

Parents will be consulted about the child's conduct and the application of this policy to their child where the School considers, in its professional judgement, that these give rise to significant concern about pupil welfare.





## **The Role of Pupils.**

Every pupil will be made aware of the school behaviour standards, values, expectations, pastoral support and the school's approach to a failure to meet required standards. Pupils will be taught they have a duty to follow the school behaviour policy and uphold the school rules and should contribute to the School culture.

Pupils should be asked about their experience of behaviour and asked to provide feedback on the School's behaviour culture. Every pupil will be supported to achieve the behaviour standards, including an induction process that familiarises them with the School behaviour culture.

## **Safeguarding and Child-on-Child Abuse.**

Some behaviour by a pupil towards another may be of such a nature that safeguarding concerns are raised. The School will adopt a zero -tolerance approach in order to prevent harm to pupils. Safeguarding issues can manifest themselves via child-on-child abuse. This includes, but is not limited to:

- bullying (including cyber-bullying, prejudice-based and discriminatory-based bullying);
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (which may include an online element which facilitates, threatens and/or encourages physical abuse);
- sexual violence and / or sexual harassment (which may include an online element which encourages sexual violence);
- causing somebody to engage in sexual activity without consent;
- consensual and non-consensual sharing nudes and semi nudes images and or videos (also known as youth produced sexual imagery);
- upskirting and/or attempts to commit upskirting; and
- initiation / hazing type violence and rituals (which may include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element.

Child-on-child abuse can occur both inside and outside of School and may be taking place whilst not being reported. A one size fits all approach is not appropriate for all pupils, and a contextualised approach for more vulnerable pupils, victims of abuse and pupils with special educational needs and disabilities may be required. Certain behaviours, for example dismissing sexual harassment as “just banter”, “just having a laugh”, “part of growing up” or “boys being boys” can lead to a culture of unacceptable behaviours and create an unsafe environment for pupils. In worst case scenarios, dismissing sexual harassment can lead to a culture that normalises abuse and pupils accepting it as normal and not coming forward to report it.





Technology is a significant component in many safeguarding and well-being issues. Pupils are at risk of abuse online as well as face to face. This can take the form of abusive, harassing, and misogynistic messages, the non-consensual sharing of indecent images, especially around chat groups, and the sharing of abusive images and pornography.

In line with the School's aims and culture of openness and encouragement to report, the School's policy and procedures with regard to child-on-child abuse are set out in the School's *Safeguarding and Child Protection Policy*. If behaviour and discipline matters give rise to a safeguarding and child protection concern, either in relation to the alleged victim(s) or perpetrator(s) or, more widely, in relation to ensuring the safety and welfare of pupils and/or staff, the DSL (or a deputy) should take a leading role in decision making and the procedures in the School's *Safeguarding and Child Protection Policy* and procedures will take priority.

### **Corporal Punishment and use of Reasonable Force.**

Corporal punishment is not used at the School and force must never be used as a form of punishment. Staff, or any person living or working on the premises, must not give corporal punishment to any pupil or threaten corporal punishment or any form of punishment which could have an inappropriate impact on the pupil's well-being. So far as they are able they should ensure that no one on the premises threatens or uses corporal punishment to any pupil.

There are exceptional circumstances when it could be appropriate for staff to use reasonable force to safeguard pupils. Any use of force by staff must be reasonable, proportionate, lawful and in accordance with the guidance given in DfE publication [Use of Reasonable Force \(Advice for Headteachers, Staff and Governing Bodies\)](#).

Reasonable force will be used only when immediately necessary and for the minimum time necessary to prevent a pupil from doing or continuing to do any of the following:

- committing a criminal offence;
- injuring themselves or others;
- causing damage to property, including their own;
- engaging in any behaviour prejudicial to good order and discipline at the School or among any of its pupils, whether that behaviour occurs in a classroom or elsewhere.

In these circumstances, force can only be used for two main purposes: to control pupils or to restrain them. Reasonable force may be used, for example, to restrain a pupil at risk of harming themselves or another individual or to prevent a pupil leaving a classroom where allowing them to do so would risk their safety or lead to behaviour that disrupts the behaviour of others.



In addition, reasonable force may be used to conduct a search for certain “prohibited items” (see Appendix 5, Searching and Confiscation).

In these circumstances, "reasonable" means using no more force than is needed. Force will not be used as a punishment.

In deciding whether reasonable force is required, the needs and particular vulnerabilities of individual pupils will be considered and reasonable adjustments will be made for pupils with special educational needs or disabilities.

The School will establish proactive and positive behaviour support strategies for pupils with particular needs, in consultation with their parents, to aim to reduce the occurrence of challenging behaviour and the need to use reasonable force.

Where reasonable force is used by a member of staff, the Head must be informed of the incident and it will be recorded in writing. The pupil's Parents will be informed about serious incidents involving the use of force.

### **Searching Pupils.**

School staff may search a pupil and their possessions and accommodation on trips for any item if the pupil agrees. If a member of staff suspects that a pupil has a banned item in their possession, they can instruct the pupil to turn out their pockets or bag. If the pupil refuses, sanctions will be applied in accordance with this policy.

If a pupil refuses to co-operate with a search the Headteacher, and staff authorised by the Headteacher (see below), may use reasonable force to search a pupil or a pupils' possessions where they have reasonable grounds for suspecting that a pupil has a prohibited item in their possession. Please see Appendix 5 for the School's policy on searching and confiscation including the definition of prohibited items for which force may be used.

The Headteacher has authorised the following staff to carry out searches and to retain or dispose of items in accordance with Appendix 5 of this policy:

- Deputy Head;
- Head of Pastoral Care;
- Lower School Lead;
- Form Tutors;
- Trip Leaders.

### **Staff Training.**

The School ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles. This includes:



- how staff can support pupils in meeting high standards of behaviour;
- how staff can ensure that this policy and sanctions are applied in a way that is consistent, fair, proportionate and predictable; and
- where applicable to reflect the need of particular pupils.

The level and frequency of training depends on the role of the individual member of staff.

## **Records.**

All records created in accordance with this policy are managed in accordance with the School's Records Management Policy and Records Retention Schedule.

The School will establish and maintain a strong and effective system for data recording including all parts of behaviour culture that is collected from a range of sources and that is regularly objectively analysed and monitored by appropriately skilled staff.

The School will keep a separate record of exclusions, pupils taken off roll, incidents of poor behaviour, use of internal isolation and sanctions imposed for serious misbehaviour. The record will include the date and nature of the offence, name and year of the pupil concerned, the sanction imposed and the reason for it, and the name of the person administering the sanction as follows:

Upper School and Lower School - in the Behaviour Management records on C-POMS and Engage.

The School will keep a record of any search by a member of staff for a 'prohibited item' and all searches conducted by police officers. This will be recorded in the School's safeguarding reporting system.

The records of sanctions for serious misbehaviour are reviewed regularly by the Head of Pastoral Care in Upper School and by the Lower School Lead in Lower School so that any patterns in behaviour can be identified. This will also help if/when responding to any complaints about the way a case has been handled by the School.

The School will keep a separate record for:

Allegations and concerns reported in respect of:

- sexual harassment or sexual violence;
- bullying, discriminatory and prejudiced behaviour, either directly or indirectly, including racist, sexist, disability and homophobic / biphobic / transphobic bullying, use of derogatory language and racist incidents.

The records created in connection with this policy may contain personal data. The School's use of this personal data will be in accordance with data protection law. The School has published privacy notices on its website which explain how the School will use personal data.



Overall statistics are made available to the Independent School's Inspectorate (ISI) on an annual basis.

### **Malicious Allegations**

Where a pupil makes an allegation which is determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider whether the pupil is in need of help or may have been abused by someone else and this is a cry for help. A referral to external agencies may be appropriate in these circumstances. The Headteacher will also consider whether to take disciplinary action against the pupil in accordance with this policy.

Where a Parent has made a deliberately invented or malicious allegation, the Headteacher will consider whether to require that Parent to remove their child or children from the School on the basis that they have treated the School or a member of staff unreasonably and compromised the requirement for mutual trust and confidence.

The School will consider a malicious allegation to be one where there is sufficient evidence on the balance of probabilities to disprove the allegation and that, by the same test there is sufficient evidence that there has been a deliberate act to deceive.

### **Risk Assessment.**

Where a concern about a pupil's welfare is identified, the risks to that pupil's welfare will be assessed and appropriate action will be taken to reduce the risks identified.

The format of risk assessment may vary and may be included as part of the School's overall response to a welfare issue, including the use of individual pupil welfare plans (such as behaviour, healthcare and education plans, as appropriate). Regardless of the form used, the School's approach to promoting pupil welfare will be systematic and pupil focused.

The Upper School Headteacher has overall responsibility for ensuring that matters which affect pupil welfare in each school are adequately risk assessed and for ensuring that the relevant plans are implemented, monitored and evaluated as required.

Day to day responsibility to carry out risk assessments under this policy will be delegated to the relevant staff, who have been properly trained in, and tasked with, carrying out the particular assessment.

### **Proprietors' Review.**

Parents may request a Review of the Head's decision:

- to permanently exclude or remove a pupil from the School; or
- where the pupil is excluded from School for 11 working days or more; or
- where exclusion would result in the pupil missing a public examination.



There will be no right to a proprietors' review of other sanctions. Please refer also to the School's *Permanent Exclusion and Removal: Review Procedure*.

### **Version Control.**

Date of adoption of this policy:	10 <sup>th</sup> November 2024.
Date of last review of this policy:	November 2023.
Date for next review of this policy:	August 2025.
Policy owner:	Mrs C L Jones (Headteacher).

*Cosmin Jones*

Authorised by:	Mr E G Wyman.
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Circulation:	Proprietors, Teaching Staff, All Staff, Parents, Pupils (on request).
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Published on the School web-site and available in the School Office (on request).

Status:	Complies with the Education (Independent School Standards) Regulations 2014 (SI2014/3283), EYFS, Education and Skills Act 2008, Data Protection Act 2018 and UK General Data Protection Regulation, Human Rights Act 1998 and Equality Act 2010.
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## **Appendix 1**

### **Upper School Awards.**

#### **Verbal Praise.**

Teachers and Form Tutors are encouraged to positively reinforce good deeds.

#### **Recognition of Good Work.**

Staff who wish to commend pupils for work of a high quality or for significant improvement can:

- make an appropriate comment in a pupil's planner and on short and full reports;
- award the pupil a merit;
- Recommend the pupil for an end of year prize.

#### **Merits.**

The Merit system applies to Years 7-11. The purpose of the Merit system is to help to encourage excellence, hard work and improvement among pupils by recognising and rewarding their achievements in a more immediate way than end of term reports allow.

Merits are awarded for work or conduct that falls into one of the following four broad categories. A comment usually accompanies the merit, which is displayed to the student by email, and copied in to the tutor.

- **Academic** - all aspects of good academic work (relative to the ability of a particular student), improved effort, super-curricular engagement, improved attainment etc.
- **Extra-Curricular** - Recognising aspects of extra-curricular contribution e.g. sport, music, drama, clubs, charitable fund raising, houses, etc.
- **Community** - Recognising general acts around school, or outside the school, which benefit others.
- **Other** - Any conduct which falls outside the three main categories above.

Merits are awarded across the whole of our ability range and focus on motivating pupils to do the best they can across all areas of school life.

#### **Mention / Award in Assembly.**

The Headteacher awards Form Tutor and Headmistress' Commendation Certificates to pupils in assembly for having achieved a number of merits. Subject teachers may also award certificates for Excellence.

#### **School Colours.**

Colours are prestigious awards for positive extra-curricular participation. Colours and half Colours are presented annually at Speech Day.



## **Prizes**

Prizes are awarded at special assemblies and at Speech Day in the Summer Term.

## **Lower School Awards.**

## **Housepoints**

It is always important to reward good behaviour and good work. The School operates a system of **Housepoints** as its main way of rewarding good effort on the part of pupils.

There are no strict criteria when giving a Housepoint - it is left to the judgement of the individual member of staff. However, they are usually given for:

- Good work in any area of the curriculum.
- A positive approach to organisation.
- Achievements in extra-curricular areas of school life.
- A pleasing attitude.
- Helpful behaviour inside and outside the classroom.
- Kind actions.

Positive learning behaviours are rewarded with Housepoints/class dojo points to be tallied for the Housepoint Cup, and as a class, for class rewards termly, and certificates for increments of 25 points.

Housepoints may be lost for negative learning behaviours on occasion. A positive approach to behaviour management is used to reinforce a desired learning behaviour and an element of working as either a house team, class team or lower school team to earn rewards.

Pupils are very keen to earn Housepoints, both for their own sense of achievement and because they contribute to the overall House total, details of which are announced at Year Group or Friday assemblies along with the presentation of certificates.





## **Appendix 2.**

### **Upper School Sanctions.**

The following sanctions are used within the Upper School:

- Permanent exclusion, removal or exclusion in the case of a serious breach of discipline.
- A verbal reprimand.
- A verbal reprimand with demerit. This will be received by the pupil's tutor for further discussion if appropriate.
- Lunchtime supervision or detention: for pupils who have failed to follow School rules or who have been involved in serious misdemeanours. During these supervision sessions, an opportunity will be taken to discuss the matter with the pupil involved. In this way any underlying issues can be identified. Pupils will be given reasonable time to eat their lunch, have a drink and to go to the toilet.
- School based community service or imposition of a task (e.g. helping clear up the lunch hall, picking up litter or tidying a classroom).
- Head's Detention: for serious offences, repeated offences and persistent misbehaviour.
- Fixed-term exclusions: for serious offences or repeated offences (these are discussed with the Headteacher before they are used). In most circumstances the fixed-term exclusion requires the pupil to be off-site for a specified time with work to complete in that time. For one-day fixed-term exclusions the pupil may be given the option of being on-site but out of lessons for the day (this offer is at the discretion of the Headteacher).

Staff must ensure that they state clearly to a pupil that a detention is being given and the reason. Staff seek to help pupils understand what can be learnt from the misdemeanour and how they can approach a similar situation more positively in the future

### **Weekly Report**

Pupils in the Years 7 to 11 who are having particular difficulties with behaviour or work ethic may be placed on weekly report by their Form Tutor. The pupil has to produce the report booklet at the beginning of each lesson and staff may add a comment. The parents also see the booklet.

### **Bullying**

The School records all allegations and confirmed cases of bullying. These records are kept in a folder in the office of Head of Pastoral Care and sanctions may be given in line with those detailed in this document. Further details of how the School deals with bullying can be found in the School's *Anti-Bullying Policy (Pupils)*.





## **Lower School Sanctions.**

It is our aim to resolve most issues involving poor behaviour in a direct and constructive way, for example problems can often be solved with a sincere apology, either verbal or written. It is, however, important that time is taken to help the pupil reflect on their conduct and to learn how to manage situations differently in the future.

All behaviour is a form of communication and we are mindful that repeated poor behaviour may be linked to a variety of factors outside a child's control. Poor behaviour can also be a conscious choice and we must be able to distinguish between behaviour which is under a child's control and behaviour which is not.

We provide a safe environment where children can make mistakes and be supported to learn from them. Classroom teams are consistent in their approach, investigating circumstances sensitively and with an active, listening ear. The children are supported to learn from their mistakes whilst also understanding their feelings and the feelings of others. Children will need positive behaviour management and positive reinforcement as the mainstay of the behaviour curriculum.

The following consequences are used within school, both during the school day, at extra-curricular clubs. For low level behaviour which falls below the expected standard the following consequences will be used incrementally.

- A verbal reminder of expected behaviour.
- Reflection time / Consequence.
- Visit to the Headteacher, Parents informed.
- Serious breaches of discipline will involve the Headteacher and parents will be informed.

In addition to the above, a discussion is always held with the pupil to fully investigate and move forward positively. An apology is given where appropriate to the relevant person. Consequences for repeated behaviour which fall below the expected standards may include:

- Reflection time at playtime.
- Reflection time at special time or golden time.
- An apology in person, in a note or a letter.
- Time spent in a different classroom or space.
- Helping to tidy up or fix a problem.

Special educational Needs and specific circumstances are ALWAYS taken into account when applying sanctions.

## **Bullying**

The School records all allegations and confirmed cases of bullying. These records are kept in a folder in the Lower School Lead's Office and sanctions may be given in line with those detailed in this document. Further details of how the School deals with bullying can be found in the School's *Anti-Bullying Policy (Pupils)*.



### **Appendix 3.**

#### **Investigations into Serious Breaches of Discipline.**

1. Initial information will be gathered to establish the nature / extent of any incident.
2. If the initial information suggests a serious breach of discipline has occurred, then the Head will usually appoint a senior member of staff (the investigating officer) to carry out an investigation of an allegation, complaint or rumour of serious breaches of discipline but if appropriate, the Head may instruct an appropriate third party to undertake the investigation. The Head will provide the investigator with a written brief for the investigation. The purpose of such an investigation is to make findings of fact on the balance of probabilities, where possible, as to what has happened. The investigator should not have had any prior involvement in the management of any of the matters under investigation.
3. If the pupil leaves the school before the investigation is concluded the investigations may not be able to progress. The school cannot require cooperation from any person who is not a current pupil.
4. If the incident involves a complainant, a formal statement will be required from the complainant. It will be made clear to them that the allegations will be shared with the alleged perpetrator(s) in order that the pupil(s) can respond to the allegations. The same principle will apply to witness statements. A pupil may withdraw consent to share at any time, but they should be aware that this will affect the ability to complete the disciplinary process. It is likely that accounts will be redacted before being shared with the pupil, for example: on the basis of pupil safety.
5. The pupil will be provided with all allegations relating to them in writing. Should additional allegations arise in the course of the investigation, these will be shared with the pupil and they will have an opportunity to respond to them.
6. For all formal interviews as part of the investigation, consideration will be given as to whether the pupil should be accompanied by a parent or member of staff and in any event a note of the interview will be made by the interviewing member of staff. Pupils will be given the opportunity to write their own witness statements which should always be signed and dated.
7. Parents will be informed as soon as reasonably practicable after it becomes clear that the pupil may face disciplinary action for a serious breach of discipline, unless the School is prevented from doing so by the police and/or social care if they are involved.
8. An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.



9. Arrangements may be made for a pupil to be taught outside of their normal cohort\* or a pupil may be excluded from the School as a neutral act pending the outcome of a disciplinary process. This would usually be for safeguarding reasons or that their presence is likely to compromise the disciplinary process - the basis of the decision will be underpinned by a risk assessment. Should an exclusion continue for a period of more than five School days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil and will keep the terms of the exclusion under regular review. The Headteacher will co-ordinate these arrangements with the pupil's parents or guardians. Parents should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set. Alternatively, and at the discretion of the Headteacher, the pupil may be offered a segregated arrangement on School premises.

*\*This course of action is applicable following allegations or reports of sexual violence / harm whilst matters are being investigated. The advice in Part 5 of KCSIE, the School's safeguarding and child protection policy and its risk assessment for pupil welfare will inform the correct approach to take when investigating allegations and reports of this nature.*

10. A pupil's space or, following appropriate risk assessment, belongings may be searched during the course of the investigation. See Annex 5, Searching and Confiscation and *Acceptable Use of ICT Policy for Pupils*.
11. It may be necessary to delay the School's investigation or put it on hold, for example, where external agencies such as the police or social services are involved and have recommended this. A decision to suspend an investigation will take into account advice from appropriate external agencies and will be subject to periodic review. In relation to alleged sexual violence or sexual harassment, the School will have regard to KCSIE and the School's Designated Safeguarding Lead (or a deputy) will take a leading role in decisions.
12. Where a group of pupils have been involved and it is not immediately clear as to where the blame lies, all members of that group (unless they have clearly attempted to stop the incident happening or have removed themselves from the group - (i.e. to clearly and actively dissociate from the group)) may be subject to investigation by the school.
13. Regardless of delays caused by a police or other external agency investigation, the School will provide appropriate pastoral and other support for all pupils (including the victim and/or the perpetrator(s)) affected by the allegations under investigation while they remain on the School roll.
14. Where the pupil is the subject of a police investigation, the DSL will liaise with the Headteacher to inform them of issues relating to the police investigations and the statutory requirements for children to have an appropriate adult. The role of the appropriate adult is to safeguard the rights, entitlements and welfare of juveniles to whom the provisions of [PACE Code C](#) and any other code of practice apply.



15. The outcome of the investigation, where delegated to a member of staff or other third party, will be reported to the Headteacher. If the findings of the investigation appear to support the allegation, complaint or rumour, a disciplinary meeting will then be convened in accordance with the procedures in Annex 4 of this policy.

16. Considerations when there is suspected criminal behaviour.

Before investigating an incident, the School will consider whether a criminal offence may have been committed and should be reported to the Police.

- The School will carry out the minimum investigation required to be able to establish this, and before making a decision, will consider its duty to safeguard the pupils of the School (including any victims or alleged perpetrators) by assessing and balancing the risk of reporting the matter to the Police on the mental health and wellbeing of the pupil and others, as well as the risk of not making a report to the Police.
- Where a report is made to the Police, the School will not act in a way which could prejudice a criminal investigation.
- Depending on the individual circumstances of the case, and usually having liaised with the Police, the School may decide to continue its investigation and impose sanctions.
- The School will follow its *Safeguarding and Child Protection Policy* and procedures at all times, and when making a report to the Police it may also be appropriate to make a report to Children's Social Care Services, usually led by the DSL.



## **Appendix 4.**

### **Disciplinary Meeting with the Headteacher.**

Where the findings of the investigation into an allegation, complaint or rumour of a serious breach of discipline appear to support the allegation, complaint or rumour, a disciplinary meeting with the Head will take place.

#### **Attendance**

- The pupil and their parents (if available) will be invited to attend the disciplinary meeting with the Head. Where the complaint concerns the behaviour of the Parents, the pupil will not generally be entitled to attend the meeting and this procedure applies to the Parents only.
- The person or persons who undertook the investigation will be in attendance to explain the circumstances of the complaint, their investigation and findings, and an additional member of staff will be present to minute the meeting.
- If the parents or the pupil have any special educational needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Head as soon as reasonably practicable so that appropriate arrangements can be made.
- If a parent is unable to attend because of, for example, travel and working commitments, the School will make reasonable alternative arrangements to ensure the parent can be involved, remotely if necessary, with the disciplinary process and their child's education.
- In complex cases, or cases involving multiple pupils, the Head reserves the right, at their discretion, to arrange for a Governor and/or a Deputy Head to assist in hearing the case.

#### **Meeting.**

Documents available at the disciplinary meeting with the Head may include (but will not be limited to):

- a statement setting out the allegations regarding the pupil or, where applicable, the parents;
- written statements and notes of the evidence supporting the allegations, and any relevant correspondence;
- the investigation report;
- a summary of the pupil's school file including the pupil's conduct records;
- the relevant School policies and procedures; and
- victim impact statements if relevant and available.



Any documents considered at the disciplinary meeting may be redacted or a summary provided for reasons of confidentiality and/or data protection.

Pupils and/or their parents will be given an opportunity to submit a written statement prior to the disciplinary meeting on the investigator's findings, whether they constitute serious misconduct and the appropriate sanction to be imposed. Such statements should be submitted at least 24 hours before the meeting.

The Headteacher will consider the allegations and the evidence, including statements made by and/or on behalf of the pupil or, where applicable, the parents.

The pupil and their parents will have an opportunity to state their side of the case.

The Headteacher will inform the pupil and their parents of the range of disciplinary sanctions which the Head considers are open to them.

Unless the Headteacher considers that further investigation is needed, they will close the meeting and inform the pupil and the parents that they will be notified of their decision in writing.

### **Decision.**

The Head will consider:

- whether the allegation, complaint or rumour has been sufficiently proved. The standard of proof shall be the civil standard, i.e. the balance of probabilities;
- whether the findings constitute serious misconduct; and
- the appropriate sanction to be imposed (and the pupil's disciplinary record will be taken into account where the complaint concerns the conduct of the pupil).
- The Head may permanently exclude or remove a pupil or impose any other sanction they consider to be appropriate in accordance with this policy.
- The Head will usually notify the parents of their decision in writing, with reasons for the decision, within five working days of the disciplinary meeting. If the matter is particularly complex, or if further investigation is required, the timeframe can be extended up to a further five working days. If further investigation is required the Head will try and conclude matters as soon as is reasonably practical.
- A decision to permanently exclude or remove a pupil shall take effect from the date of the Head's letter confirming their decision. Until then, the pupil may remain excluded and away from School premises.



## **Review.**

The parents or the pupil may request a review of the Head's decision:

- to permanently exclude or remove a pupil from the School; or
- where the pupil is excluded from the School for 11 working days or more; or
- where exclusion would result in the pupil missing a public examination.

There will be no right to a Proprietors' review of other sanctions.

- The request must be made in writing within five working days of the date of the Head's letter confirming their decision.
- If such a request is made, the pupil shall remain excluded until the review has taken place and either the sanction is upheld or a reconsidered decision made.
- See the Permanent Exclusion and Removal: Review Procedure for further information about requesting a Review and the detail of the procedure.

## **Leaving status.**

If a pupil is permanently excluded or removed, their leaving status will be one of the following: permanently excluded, removed or, if the offer is made by the Headteacher and accepted by the parents, withdrawn by parents.

Additional points of leaving status to be considered may include:

- the form of letter which will be written to the parents and the form of announcement in the School;
- the form of reference which will be supplied for the pupil;
- the entry which will be made on the School record and the pupil's status as a leaver;
- arrangements for transfer of any course and project work to the pupil, their parents or another school;
- whether (if relevant) the pupil will be permitted to return to School premises to sit public examinations;
- whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil;
- whether the pupil will be entitled to leavers' privileges; the conditions under which the pupil may re-enter School premises in the future; and
- financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.





## **Appendix 5.**

### **Searching and Confiscation.**

1. All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.
2. The School's policy on searching and confiscation has regard to the DfE guidance *Searching, screening and confiscation: advice for schools* (DfE, July 2022).

#### **3. Prohibited items.**

The following are "prohibited items":

*under Section 550ZA(3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulations (SI 2012 / 951):*

- a) knives or weapons, alcohol, illegal drugs and stolen items;
- b) tobacco and cigarette papers, fireworks and pornographic images;
- c) any article that a member of staff reasonably suspects has been, or is likely to be used:
  - to commit an offence; or
  - to cause personal injury to, or damage to the property of, any person (including the pupil); and
  - any item banned by the School Rules that are identified as being items which may be searched for.

Please note that the School will never use force to search for these items.

#### **4. Searching pupils.**

Under common law, school staff have the power to search for any item if a pupil agrees. The member of staff undertaking the search should ensure the pupil understands the reason for the search and how it will be conducted so their agreement is informed.

When exercising these powers, the School must consider the age and needs to pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability.

If a pupil refuses to co-operate with a search for a "prohibited item" as listed in section 3 above, a member of staff should assess whether it is appropriate to use such force as is reasonable to conduct the search.





The decision to use reasonable force in a search for a “prohibited item” should be made on a case-by-case basis. Consideration will be given as to whether conducting the search will prevent the pupil harming themselves or others, damaging property or causing disorder. Force will never be used to search for other items banned under the School rules, as set out in section 3 above.

Where a pupil is not willing to co-operate with a search and is not deemed to have sufficient maturity or understanding of the situation then a parent's co-operation will be sought.

If a pupil refuses to co-operate with a search for items that are not "prohibited items" as listed in section 3 above, disciplinary action may be taken in accordance with the School's Behaviour and Discipline policy.

If a search is considered necessary, but not required urgently, the advice of the Headteacher / DSL and/or The Head of Pastoral Care should be sought. During this time the pupil should be supervised and kept away from other pupils.

Searches will be carried out on School premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on an educational visit or in training settings.

The power to search a pupil on an educational visit only applies in England. When pupils travel outside England on a school trip, they may only be searched without consent if allowed by the law of that country.

If it is believed that a pupil has a prohibited item, it may be appropriate for a member of staff to carry out:

- a search of outer clothing; and / or
- a search of School property (e.g. pupils' lockers or desks; and / or
- a search of accommodation on an educational visit; and / or
- a search of personal property (e.g. bag or pencil case).

Searches will be conducted in such a manner as to minimise embarrassment or distress. Staff will be the same sex as the pupil being searched and there will be a witness (also a staff member) who, if possible, will be the same sex as the pupil being searched. As a limited exception to this rule, staff can carry out a search of a pupil of the opposite sex and / or without a witness present, but only where staff reasonably believe that there is a risk that serious harm will be caused to a person if a search is not carried out as a matter of urgency and in the time available it is not reasonably practicable to summon another member of staff.

A pupil's possessions can only be searched in the presence of the pupil and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably



practicable to summon another member of staff.

Where the Headteacher, or staff authorised by the Headteacher, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item in accordance with this policy. The staff member should also alert the designated safeguarding lead (DSL) or deputy and the pupil will be sanctioned in line with the school's *Behaviour and Discipline Policy* to ensure consistency of approach.

### **5. Strip searching.**

A strip search is a search involving the removal of more than outer clothing and can only be carried out on school premises by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with PACE Code C. More information is contained within the DfE advice to schools on Searching, Screening and Confiscation (July 2022).

While the decision to undertake a strip search itself and its conduct are police matters, school staff retain a duty of care to the pupil(s) involved and should advocate for pupil wellbeing at all times.

School staff will always consider whether introducing the potential for a strip search through police involvement is absolutely necessary and should always ensure that other appropriate, less invasive approaches have been exhausted.

In order to ensure pupil's wellbeing, the school may wish to involve an appropriate adult as a matter of course during all searches conducted by police in school.

### **6. After a search.**

Whether or not any items have been found as a result of any search the school will consider whether the reasons for the search or outcome give cause to suspect whether a pupil is suffering or likely to suffer harm and whether any specific support is needed.

Where appropriate school staff will follow the school's *Safeguarding and Child Protection Policy* and procedures and speak to the designated safeguarding lead about possible pastoral support, early help intervention or a referral to children's social care.

### **7. Recording searches.**

Any search by a member of staff for a prohibited item listed in section 3 above, items banned by the school rules and all searches conducted by police officers will be recorded in the school's safeguarding reporting system, including whether or not an item is found. This will allow the DSL or deputy to identify possible risks and initiate a safeguarding response if required.



Records of the search will include:

- the date, time and location of the search;
- which pupil was searched;
- who conducted the search and any other adults or pupils present;
- what was being searched for;
- the reason for searching;
- what items, if any, were found; and
- what follow-up action was taken as a consequence of the search.

The school will analyse any data gathered to consider whether searching falls disproportionately on any group/or groups and whether any actions should be taken to prevent this.

### **8. Confiscation.**

Under the School's general power to discipline, a member of staff may confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.

Confiscation of an item may take place following a lawful search, as set out above, or however the item is found if the member of staff considers it to be harmful or detrimental to School discipline.

### **9. Searching electronic devices.**

An electronic device such as a mobile phone or a tablet computer may be confiscated in appropriate circumstances in accordance with this policy. If there is good reason to suspect that the device has been, or could be used to cause harm, to disrupt teaching or break School rules, any data or files on the device may be searched and, where appropriate, data or files may be erased before the device is returned to its owner. Any search of an electronic device should be conducted in the presence of a member of the IT staff who will be able to assist in searching appropriate data and files and, if necessary their permanent erasure.

Devices owned by and provided by the School to pupils are constantly monitored via School monitoring platforms. IT staff, in conjunction with pastoral staff may request the School device for further investigation if there is good reason to believe that the device has been, or could be used to cause harm, to disrupt teaching or break School rules.

Any data or files will only be erased, if there is good reason to suspect that the data or files have been, or could be used to cause harm, to disrupt teaching or break School rules.



Subject to the requirements set out in KCSIE 2024, if inappropriate material is found on an electronic device, the member of staff may delete the material, retain it as evidence of a breach of School discipline or criminal offence or hand it over to the police if the material is suspected to be evidence relevant to an offence.

Staff should consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect will put a person at risk.

Staff should not view or forward illegal images of a child. When viewing an image is unavoidable staff should follow the School's policy on sharing nudes and semi-nudes images or videos as set out in Appendix 1 of the *Safeguarding and Child Protection Policy* / consult the advice set out in the *Searching, screening and confiscation advice* (for schools) and UKCIS guidance *Sharing nudes and semi-nudes: advice for education settings working with children and young people*.

The School will comply with data protection law in relation to any search of an electronic device.

## **10. Disposal of Confiscated Items.**

**Alcohol:** alcohol which has been confiscated will be destroyed.

**Controlled drugs:** controlled drugs will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion of a senior member of staff, the drugs may be destroyed without the involvement of the police if there is good reason to do so. All relevant circumstances will be taken into account and staff will use professional judgement to determine whether the items can be safely disposed of. They will not be returned to the pupil.

**Other substances:** substances which are not believed to be controlled drugs but which are harmful or detrimental to good order and discipline may be confiscated and destroyed. Where it is not clear whether or not the substance seized is a controlled drug, it will be treated as such and disposed of as above.

**Stolen items:** stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of a senior member of staff, there is good reason to do so, stolen items may be returned to the owner without the involvement of the police. In taking into account the relevant circumstances, the member of staff should consider: the value of the item; whether the item is banned by the school; whether retaining or returning the item may place any person at risk of harm; and whether the item can be disposed of safely.

**Tobacco, Vapes or cigarette papers:** tobacco, vapes or cigarette papers will be destroyed.

**Fireworks:** fireworks will not be returned to the pupil. They will pass to the School's Health and Safety Officer for safe storage and disposal.

**Pornographic images:** pornographic images involving children or images that constitute "extreme pornography" under section 63 of the Criminal Justice and



Immigration Act 2008 will be handed to the police as soon as practicable.

As possession of such images may indicate that the pupil is at risk of harm, the Designated Safeguarding Lead for the Relevant School (as identified in the Key School Contacts section at the beginning of the School's *Safeguarding and Child Protection Policy*) will also be notified and will decide whether to make a referral to Local Authority children's social care.

Other pornographic images will also be discussed with the Designated Safeguarding Lead for the Relevant School. The images may then be passed to the Local Authority children's social care for consideration of any further action. If no action is to be taken by the local authority the images will be erased after a note has been made for disciplinary purposes, confirming the nature of the material.

**An article that has been (or could be) used to commit an offence or to cause personal injury or damage to property:** such articles may, at the discretion of a senior member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained or disposed of. In taking into account all relevant circumstances the member of staff should consider: whether it is safe to dispose of the item; and whether and when it is safe to return the item.

**Weapons or items which are evidence of an offence:** such items will be passed to the police as soon as possible.

**An item banned under School rules:** such items may, at the discretion of the School or a member of staff taking all the circumstances into account, be returned to its owner, retained or disposed of. In taking into account all relevant circumstances, the member of staff should consider: the value of the item; whether it is appropriate to return the item to the pupil or parent; and whether the item is likely to disrupt learning or the calm, safe and supportive environment of the school.

Where staff confiscate a mobile electronic device that has been used in breach of School rules to disrupt teaching, the device will be kept safely until the end of the school day when it can be claimed by its owner, unless the Head considers it necessary to retain the device for evidence in disciplinary proceedings. If a pupil persists in using a mobile electronic device in breach of School rules, the device will be confiscated and must be collected by a Parent or carer.

**Electronic devices:** if it is found that a mobile phone, laptop or tablet computer or any other electronic device has been used to cause harm, disrupt teaching or break School rules, including carrying out cyber-bullying, the device will be confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded the device must be collected by a Parent or carer and the pupil may be prohibited from bringing such a device onto School premises or on educational visits. In serious cases, the device may be handed to the police for investigation.



## **11. Communication with Parents.**

**The School aims to work with parents:** There is no legal requirement for the School to inform Parents before a search for banned or prohibited items takes place or to seek their consent to search their child and it will not generally be practicable to do so.

Parents should always be informed of any search for a prohibited item listed in Appendix 5, paragraph 3 that has taken place and the outcome of the search as soon as practicable. A member of staff should inform parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.

In some circumstances it might also be necessary to inform parents of a search for an item banned by the school rules.

We will keep a record of all searches carried out, in accordance with section 7 above.

Complaints about searching or confiscation will be dealt with through the School's parental complaints policy and procedures.

The School will take reasonable care of any items confiscated from pupils. However, unless negligent or guilty of some other wrongdoing causing injury, loss or damage, the School does not accept responsibility for loss or damage to property.