



## PUPIL BEHAVIOUR POLICY

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St Edward's is dedicated to ensuring that our school environment supports learning and the wellbeing of pupils and staff through a strong sense of community.

We work collaboratively to provide a safe school where pupils feel included in every aspect of school life and comfortable to voice their opinions.

The School is committed to equal opportunities for all as outlined in the Equality Act of 2010, and this policy should be read, interpreted and applied alongside the Equality Policy. The School rejects any use of corporal punishment.

The School recognises its duty to make reasonable adjustments for pupils who have SEND, and to ensure that no pupil at St Edward's experiences discrimination or unkindness on the basis of or in relation to any of the protected characteristics.

This policy outlines what we expect from all our pupils in terms of their behaviour. It extends to all members of our school community and is written in line with the School's values, which are based on the Christian principles on which the School was founded and which, through Chapel, remain central to the life of the School.

**Integrity:** the value of honesty to ourselves and to each other

- we seek to earn and to deserve the trust of others, by acting rightly and justly;
- we take responsibility for our words and actions;
- we acknowledge our mistakes and we learn from them;

**Kindness:** the value of love

- we feel and show compassion for others, always listening and seeking always to understand;
- we value, respect and include others without regard for differences;
- we treat others as we would have them treat us;

**Courage:** truthfulness to our values at the testing point

- we stand up for what we believe to be right, speaking up for ourselves and for others;
- we seek to bring out the best in others;
- we persevere with resilience, with forgiveness and with patience.

More generally, good behaviour and self-discipline have strong links to effective learning and are vital not just for a well-ordered community but for the development of character.

## **1 Aims**

- 1.1 This is the behaviour and discipline policy of St Edward's School (**the School**).
- 1.2 The aims of this policy are as follows:
  - 1.2.1 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;
  - 1.2.2 to create, promote and maintain high standards of behaviour amongst pupils;
  - 1.2.3 actively to promote and safeguard the welfare of pupils at the School and to protect all who come into contact with the School from harm;
  - 1.2.4 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;
  - 1.2.5 to set out a clear and fair process for the proper investigation of allegations of poor behaviour and / or breaches of discipline;
  - 1.2.6 to encourage pupils to accept responsibility for their behaviour;
  - 1.2.7 to consider how negative behaviours can be prevented or prevented from recurring;
  - 1.2.8 to enable staff to respond to incidents of misbehaviour promptly, predictably and with confidence;
  - 1.2.9 to set out the sanctions available to the School in the event of pupil misbehaviour;
  - 1.2.10 to help to promote a whole school culture of safety, equality, inclusion and protection.
- 1.3 This policy forms part of the School's whole school approach to promoting child safeguarding and well-being, which seeks to involve everyone at the School to ensure that the best interests of pupils underpin and are at the heart of all decisions, systems, processes and policies.
- 1.4 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.

## **2 Scope and application**

- 2.1 This policy applies to the whole School.
- 2.2 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:
  - 2.2.1 in or at School (to include any period of remote provision);
  - 2.2.2 representing the School or wearing School uniform;

- 2.2.3 travelling to or from School;
  - 2.2.4 on School-organised trips; or
  - 2.2.5 associated with the School at any time.
- 2.3 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:
- 2.3.1 affect the health, safety or well-being of a member of the School community or a member of the public;
  - 2.3.2 have repercussions for the orderly running of the School; or
  - 2.3.3 bring the School into disrepute.

### 3 **Regulatory framework**

- 3.1 This policy has been prepared to meet the School's responsibilities under:
- 3.1.1 Education (Independent School Standards) Regulations 2014;
  - 3.1.2 *National minimum standards for boarding schools* (Department for Education (DfE), September 2022);
  - 3.1.3 Education and Skills Act 2008;
  - 3.1.4 Children Act 1989;
  - 3.1.5 Childcare Act 2006;
  - 3.1.6 Data Protection Act 2018 and UK General Data Protection Regulation (**UK GDPR**);
  - 3.1.7 Human Rights Act 1998; and
  - 3.1.8 Equality Act 2010.
- 3.2 This policy has regard to the following guidance and advice:
- 3.2.1 Keeping Children Safe in Education 2023 (DfE, updated September 2023) (**KCSIE**);
  - 3.2.2 [Working together to safeguard children 2018](#) (DfE, updated in July 2022);
  - 3.2.3 [Information sharing advice for safeguarding practitioners](#) (HM Government, July 2018);
  - 3.2.4 [Behaviour in schools: advice for headteachers and school staff](#) (DfE, September 2022);
  - 3.2.5 [Use of reasonable force](#) (DfE, July 2013);
  - 3.2.6 [Searching, screening and confiscation: advice for schools](#) (DfE, September 2022);
  - 3.2.7 [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#) (UKCIS, December 2020);

- 3.2.8 [Mental health and behaviour in schools](#) (DfE, November 2018);
  - 3.2.9 [Equality Act 2010: advice for schools](#) (DfE, June 2018);
  - 3.2.10 [PACE Code C](#); and
  - 3.2.11 [Relationships education, relationships and sex education and health education](#) (DfE, September 2022).
- 3.3 The following School policies, procedures and resource materials are relevant to this policy:
- 3.3.1 Acceptable use policy for pupils;
  - 3.3.2 Anti-bullying policy;
  - 3.3.3 Cyber-bullying policy;
  - 3.3.4 Drugs policy;
  - 3.3.5 Alcohol policy;
  - 3.3.6 Smoking and vaping policy;
  - 3.3.7 E-safety policy;
  - 3.3.8 Safeguarding policy and procedures;
  - 3.3.9 Risk assessment policy as applicable;
  - 3.3.10 Policy on special educational needs and disability (SEND) policy;
  - 3.3.11 Permanent Exclusion and Removal: Appeal Procedure;
  - 3.3.12 Staff code of conduct;
  - 3.3.13 School rules;
  - 3.3.14 Wellbeing Policy; and
  - 3.3.15 Relationship and sex education (RSE) policy.

#### **4 Publication and availability**

- 4.1 This policy is published on the School website.
- 4.2 This policy is available in hard copy on request.
- 4.3 A copy of the policy is available for inspection from the Sub-Warden during the school day.
- 4.4 This policy can be made available in large print or other accessible formats if required.

#### **5 Definitions**

- 5.1 Where the following words or phrases are used in this policy:
  - 5.1.1 References to the **Governing Body** are references to the proprietor of the School.

- 5.1.2 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 delays.
- 5.1.3 References to the **Warden** may include the Sub-Warden.
- 5.1.4 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.
- 5.1.5 References to an **Appeal** are to the appeal by a panel of the Warden's decision in accordance with the Permanent Exclusion and Removal: Appeal Procedure.

## 6 **Responsibility statement and allocation of tasks**

- 6.1 The Governing Body has overall responsibility for all matters which are the subject of this policy.
- 6.2 In discharging of its responsibilities under this policy, the Governing Body expects school leaders and staff to undertake the following roles:
- 6.3 School leaders will:
  - 6.3.1 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;
  - 6.3.2 play a crucial role in making sure all staff understand behavioural expectations and the importance of maintaining them;
  - 6.3.3 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;
  - 6.3.4 consider any appropriate training which is required for staff to meet their duties and functions within the behaviour policy<sup>1</sup>;
  - 6.3.5 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; and

<sup>1</sup> The behaviour in schools guidance states schools should consider aligning this training with the new Initial Teacher Training (ITT) Core Content Framework and the Early Career Framework (ECF) together with the reformed suite of National Professional Qualifications (NPQ). However, note that eligibility to undertake some NPQs is limited to teachers and school leaders in state funded schools.

- 6.3.6 encourage engagement with experts e.g. educational psychologists, counsellors and mental health support teams to inform effective implementation and design of behaviour policies. This links to the whole school approach to mental health and wellbeing.

6.4 School staff will:

- 6.4.1 play an important role in developing a calm and safe environment for pupils and establish clear boundaries of acceptable pupil behaviour;
- 6.4.2 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 be confident to ask for help when needed;
- 6.4.3 challenge pupils to meet the School's expectations and maintain boundaries of acceptable conduct;
- 6.4.4 communicate the School's expectations, routines, values and standards (set out in Appendix 1) both explicitly through teaching behaviour and in every interaction with pupils; and
- 6.4.5 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.

6.5 In order to achieve this, the Governing Body has allocated the following tasks:

<b>Task</b>	<b>Allocated to</b>	<b>When / frequency of review</b>
Keeping the policy up to date and compliant with the law and best practice	Sub-Warden	As required, and at least termly
Reviewing induction and ongoing training for staff	Sub-Warden	As required, and at least termly
Monitoring the implementation of the policy, relevant risk assessments and any action taken in response, and evaluating effectiveness	Sub-Warden	As required, and at least termly
Seeking input from interested groups (such as pupils, staff, Parents) to consider improvements to the School's processes under the policy	Head of Communications	As required, and at least annually (triennially for parents through the formal survey of their views)



Formal annual review including effectiveness of policy and procedures in promoting good behaviour and trends relating to disciplinary measures taken	Governing Body	Annually
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## 7 Promoting high standards of behaviour

- 7.1 Pupils are educated about good behaviour through the operation of the School's academic and wellbeing curriculum, relationships education / relationships and sex education programme(s) and the School's pastoral support systems. Pupils are encouraged to act responsibly and, through the operation of this policy, to accept responsibility for their behaviour.
- 7.2 The School understands that rewards can be more effective than punishment in motivating pupils. The ways in which the School may reward good behaviour are set out in Appendix 2.
- 7.3 The School recognises that where challenging behaviour is related to a pupil's disability, use of positive discipline and reward methods may enable the School to manage the pupil's behaviour more effectively and improve their educational outcomes.
- 7.4 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.

## 8 Minor breaches of discipline

- 8.1 The School adopts a culture of openness and transparency and, where there are 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.
- 8.2 The School has pastoral support systems in place to assist pupils in managing their behaviour. A range of sanctions is available for those who breach the School rules and policies for behaviour and discipline.
- 8.3 Allegations, complaints or rumours of breaches of discipline are dealt with by staff as they occur and are flagged through the ticket system to the Director of Behaviour and Standards. Staff may carry out informal investigations and / or interviews with the pupils involved. Low level sanctions may be given following such processes (see Appendix 2 for details of possible sanctions).
- 8.4 A minor breach of discipline may be referred to a senior member of staff and external agencies (where appropriate) prior to, during or following an informal investigation. It may be taken on by the Director of Behaviour and Standards or referred via the Sub-Warden.

- 8.5 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.

## **9 Serious breaches of discipline**

- 9.1 Allegations, complaints or rumours of serious breaches of discipline should be referred to the Sub-Warden, who will act in consultation with and on behalf of the Warden.

- 9.2 The main categories of misconduct which are likely to 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:

- 9.2.1 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 policy on smoking, drugs and substances;
- 9.2.2 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;
- 9.2.3 physical violence and / or abuse (which may include but is not limited to hitting, kicking, shaking, biting and hair pulling);
- 9.2.4 behaviour in the reasonable judgement of the school that constitutes physical or emotional abuse or harassment (to include behaviour that may be categorised as "banter", "just having a laugh", "part of growing up", "boys being boys" or "girls being girls").
- 9.2.5 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);
- 9.2.6 abuse in intimate personal relationships between peers (teenage relationship abuse);
- 9.2.7 sexual violence, sexual harassment and upskirting, and other harmful and/or inappropriate sexual or sexualised behaviour;
- 9.2.8 engaging in any inappropriate sexual or sexualised behaviour at school;
- 9.2.9 consensual and non-consensual sharing of nudes and semi-nude images and / or videos;
- 9.2.10 behaviour in contravention of the School's policies on the acceptable use of technologies or online safety;
- 9.2.11 supply or possession of pornography;
- 9.2.12 behaviour which puts the pupil or other pupils or staff at risk of harm;

9.2.13 behaviour which may constitute a criminal offence, such as:

- (a) possession or use of firearms, knives or other weapons;
- (b) vandalism, defacement and / or destruction of school property;

9.2.14 persistent minor breaches of discipline, repeated failures to comply with instructions from the School and its staff, or attitudes or behaviour which are inconsistent with the School's values;

9.2.15 other 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); and

9.2.16 other misconduct specifically provided for in the School's parent contract and School rules.

9.3 Sanctions for serious breaches of discipline include:

9.4 Difference between being required to remove and permanent exclusion

9.4.1 **Fixed term exclusion:** means that the Pupil is sent or released home by the Warden or the Sub-Warden for a limited period as a disciplinary sanction or pending an Appeal to the Governors.

9.4.2 **Removal:** the Parents may be required to remove a pupil from the School if, after consultation with one or more of the Parents and if appropriate the pupil, the Warden is of the opinion that:

- (a) the pupil has committed a breach or breaches of School rules or discipline for which removal is the appropriate sanction; or
- (b) by reason of the pupil's conduct or behaviour, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the School; or
- (c) one or more of the Parents have treated the School or members of its staff or any member of the School community unreasonably.

In these circumstances and at the sole discretion of the Warden the Parents may be permitted to withdraw the pupil as an alternative to removal being required.

9.4.3 **Permanent exclusion:** a pupil may be expelled from the School for a serious breach of discipline as defined in [9.2](#)

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

9.6 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. A complainant is not creating a problem by reporting an allegation, complaint or rumour, and should not feel ashamed or embarrassed for making a report.

9.7 If the findings of the investigation, on the balance of probabilities, support the allegation, complaint or rumour of a breach of discipline sufficiently serious for permanent exclusion to

be recommended, a permanent exclusion hearing will be held in accordance with the procedures set out in [Appendix 4](#).

- 9.8 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:

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

- 9.9 Sanctions imposed will be fair and proportionate to the breach.

- 9.10 If a pupil is withdrawn from the School before the conclusion of 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 disciplinary procedures and findings in references provided for the pupil.

## 10 **The role of Parents**

- 10.1 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 conventions and rules and this policy.

- 10.2 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.

- 10.3 If it is necessary for a pupil to be interviewed by Children's Services or the Police, the School will ensure that, subject to the advice of Children's Services or the Police, parents are informed as soon as possible and that the pupil is supported during the interview by an appropriate adult. If the pupil is over 18 years old, the School will still request that the pupil is supported by an appropriate adult, but this may be refused by external agencies including the Police.

- 10.4 All Parents will be notified of any pending disciplinary hearing in accordance with paragraph [9.8](#).

- 10.5 Parents will be notified of disciplinary sanctions:

- 10.5.1 imposed for significant minor breaches of discipline (i.e. gating or more serious sanctions or persistent minor breaches leading to multiple Tickets); and those

- 10.5.2 imposed for serious breaches of discipline against which there are rights of appeal;

as required and / or within school reports.

- 10.6 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.

## **11 The role of pupils**

- 11.1 Every pupil will be made aware of the school behaviour standards, 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 behaviour policy, uphold the school rules and contribute to the school culture.
- 11.2 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.

## **12 Additional needs**

12.1 In respect of a pupil with a disability as defined by the Equality Act 2010, 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:

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

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

12.1.3 whether in the light of conclusions reached in respect of 12.1.1 and 12.1.2, 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:

- (a) ensuring that education, benefits, facilities and services are targeted at those who most need them;
- (b) the fair exercise of powers;
- (c) 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 policy and procedures);
- (d) maintaining academic and behaviour standards; and
- (e) ensuring the wellbeing and dignity of pupils.

12.2 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 the Warden /Sub-Warden Academic /SENCO and further action in accordance with the School's policy on special educational needs and disabilities (SEND) policy will be considered.

## **13 Safeguarding and child-on-child abuse**

13.1 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 to abuse in order to prevent harm to pupils. Safeguarding issues can manifest themselves via child-on-child abuse. This includes, but is not limited to:

- 13.1.1 bullying (including cyber-bullying, prejudice-based and discriminatory-based bullying);
  - 13.1.2 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);
  - 13.1.3 sexual violence and / or sexual harassment (which may include an online element which encourages sexual violence);
  - 13.1.4 causing somebody to engage in sexual activity without consent;
  - 13.1.5 upskirting and / or attempts to commit upskirting;
  - 13.1.6 consensual and non-consensual sharing of nudes and semi-nudes images and or videos (also known as sexting or youth produced sexual imagery); and
  - 13.1.7 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 which may also include an online element).
- 13.2 Child-on-child abuse can occur both inside and outside the 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, with pupils accepting it as normal and not coming forward to report it.
- 13.3 Technology is a significant component in many safeguarding and wellbeing 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.
- 13.4 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 policy and procedures. 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 Designated Safeguarding Lead (DSL) (or a deputy) should take a leading role in decision making and the procedures in the safeguarding policy and procedures will take priority.
- 14 **Malicious allegations**
- 14.1 Where a pupil makes an allegation which is determined to be unsubstantiated, unfounded, false or malicious, the Designated Safeguarding Lead will consider whether the pupil is in need of help or may have been abused by someone else, and whether this might be a cry for help. A referral to external agencies may be appropriate in these circumstances. The Sub-

Warden will also consider whether to take disciplinary action against the pupil in accordance with this policy.

- 14.2 Where a Parent has made a deliberately invented or malicious allegation, the Warden 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.

- 14.3 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 where, by the same test, there is sufficient evidence that there has been a deliberate act to deceive.

## **15 Use of reasonable force**

- 15.1 Corporal punishment is not used at the School and force must never be used as a form of punishment.

- 15.2 Any use of force by staff will be reasonable, proportionate and lawful. Reasonable force will be used as set out in [Appendix 5](#). More detailed guidance about the use of reasonable force is provided to staff in the Staff Code of Conduct.

## **16 Searching pupils**

- 16.1 School staff may search a pupil or their possessions and boarding accommodation 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.

- 16.2 If a pupil refuses to co-operate with a search, the Warden, and any staff authorised by the Warden, 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 6](#) for the School's policy on searching and confiscation and the definition of prohibited items.

## **17 Staff training**

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

17.1.1 how staff can support pupils in meeting high standards of behaviour;

17.1.2 how staff can ensure that this policy and sanctions are applied in a way that is consistent, fair, proportionate and predictable; and

17.1.3 where applicable, to reflect the needs of particular pupils.

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

- 17.3 The School maintains written records of all staff training.



## **18 Risk assessment**

- 18.1 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.
- 18.2 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 (including Education Health and Care Plans, as appropriate). Regardless of the form used, the School's approach to promoting pupil welfare will be systematic and pupil focused.
- 18.3 The Sub-Warden has overall responsibility for ensuring that matters which affect pupil welfare are adequately assessed and for ensuring that the plans are implemented, monitored and evaluated as required.
- 18.4 Day to day responsibility to carry out risk assessments under this policy will be delegated to the Deputy Head Pastoral and the Deputy Head Safeguarding who have been properly trained in, and tasked with, carrying out the particular assessment.

## **19 Record keeping**

- 19.1 All records created in accordance with this policy are managed in accordance with the School's policies that apply to the retention and destruction of records.
- 19.2 The School will keep a separate record for:
  - 19.2.1 allegations and concerns reported in respect of:
    - (a) sexual harassment or sexual violence;
    - (b) bullying, discriminatory and prejudiced behaviour, either directly related or indirectly related, including racist, sexist, disability and homophobic / biphobic / transphobic bullying, use of derogatory language and racist incidents
  - 19.2.2 The School will keep a separate record of exclusions, pupils taken off roll, incidents of poor behaviour, use of internal exclusion and sanctions imposed for serious misbehaviour. The record will include:
    - (a) the name and year group of the pupil concerned;
    - (b) the nature and date of the offence;
    - (c) the sanction imposed and reason for it;
    - (d) the name of the person imposing the sanction; and
- 19.3 This record is reviewed regularly by the Sub-Warden so that patterns in behaviour can be identified and managed appropriately. This will also help if / when responding to any complaints about the way a case has been handled by the School.
- 19.4 The records created in accordance 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 on its website privacy notices which explain how the School will use personal data.

## 20 Version control

<b>Date of adoption of this policy</b>	31 August 2023
<b>Date of last review of this policy</b>	May 2023
<b>Date for next review of this policy</b>	August 2024
<b>Policy owner (SMT)</b>	Sub-Warden
<b>Policy owner (Governing Body)</b>	Governing Body

## **Appendix 1      School Rules for the Academic Year 2023/24**

The School Rules are intended to ensure the safety, welfare and good order of the School. The Rules apply to individuals, groups or teams at matches and on expeditions away from the School whether during term time or in the holidays, and to those travelling to or from the School by public or private transport. The School Rules are derived from its current policies, procedures and codes of conduct.

They are also covered to a substantial extent in the Pupil Manual, which sets out the School's expectations for pupils and the following provides a summary. The School Rules are also briefed to pupils at the beginning of each term by HMs in Houses.

### **ACADEMIC**

All pupils are expected to work honestly and to the best of their ability. All forms of plagiarism, lateness and cutting lessons will be reported to the pupil's HM in the first instance. If a teacher is ten minutes late for a lesson, pupils must inform the Head of Department or, in his or her absence, another teacher in the same Department. Appropriate work will then be set for the class. Pupils should not leave the Department.

### **EXPECTATIONS FOR PUPILS' DRESS AND APPEARANCE**

#### **Clothing**

- At all times clothing must fit well, be in good repair, clean and smart and worn properly, including shoes.
- All pupils must remain in School Dress until after the end of the last timetabled lesson each day, even if they themselves have finished lessons. This rule also applies if pupils have a study period.
- During sport the official school sports kit must be worn.
- At other times casual dress may be worn. However, casual dress must be appropriate for those representing the School and it should not draw attention to pupils.
- Pupils must wear full School Dress, a suit, full sports kit or casual dress: it is never acceptable to wear a combination of different dress codes.

#### **General Appearance**

- Top buttons must be done up.
- shirts must be tucked in.
- Hair must be tidy, naturally coloured (i.e. black, brown, red, blond etc., not primary colours) and should not be extreme in style (for clarity, a 'mullet' haircut is extreme in style).
- Boys must be clean-shaven, unless for a medical condition or another reason permitted by their HM.
- Nail varnish should not be worn.
- Makeup should not be noticeable (i.e. no excessive eyeliner, no coloured lipstick or eyeshadow).
- Jewellery must be kept to a minimum; pupils may have their ears pierced and can wear earrings that are not excessive on ear lobes and ear cartilage. For example, they may wear simple stud earrings, huggie earrings and hoops not more than 20mm in diameter. .
- Necklaces, chains and bracelets should be no more than 4mm in thickness and pendants should be discreet or hidden under shirts.
- Simple rings may be worn.
- Pupils should expect to remove all jewellery and tie up long hair both for sports and for practical lessons.
- Excessive jewellery may be confiscated by teachers around the school campus and handed in to the Director of Behaviour and Standards.
- Pupils should not have face piercings (e.g. nostril, septum), body piercings or tattoos.
- Headphones are not to be worn with School Dress, or school sports kit, unless permitted by a member of staff.
- Headphones should never be used unless a pupil is sitting or standing still.

### **School Uniform and Religious Belief**

- Any pupils who believe that they cannot adhere to the Schools uniform and appearance rules on the grounds of health or religious beliefs must speak to the relevant HM who may ask for supporting evidence before permission can be granted by the Sub-Warden.
- The School reserves the right to insist that pupils adhere to school dress and appearance regulations where the detail in questions relates to a cultural aspect of a religion rather than a doctrinal requirement of their faith.

### **BEHAVIOUR AND CONDUCT**

The St Edward's community aims to ensure the best possible environment for pupils and staff. The following activities are therefore not acceptable and are expressly forbidden.

- All forms of bullying, harassment or intimidating behaviour as outlined in the School's antibullying policy, including using another pupil's property (e.g. books, clothes) without their permission;
- Attempting to film and/or subsequently distribute and/or store images of bullying-type behaviour;
- Engaging in sexual activity deemed inappropriate; the School is guided by Brook's Sexualised Behaviours Traffic Light Tool;
- Pupils may not engage in sexual activity with another pupil when they are at school; this applies to both boarding and day school pupils on all school property and at all times, including on school trips and excursions;
- Entering the study/room of someone of the opposite gender;
- Entering the study/room of someone of the same gender, with whom the pupil is known to have a same-sex relationship
- Engaging in public displays of affection with another pupil;
- Possession, distribution or use of unauthorised or illegal drugs as well as new psychoactive substances (formerly known as legal highs);
- Possession of prescribed or non-prescription drugs such as painkillers, without the express permission of the pupil's HM and the Senior Nurse;
- Possession of air fresheners in aerosol form and more than two aerosol deodorant canisters;
- Smoking, buying or possessing cigarettes, tobacco or e-cigarettes within School, including the related equipment.
- Being in another pupil's individual room in their absence or being in a shared room without the presence of at least one of the occupants;
- Unauthorised drinking of alcohol;
- Visiting a public house;
- Possession of or the creation of obscene or offensive material in any form;
- Betting and gambling;
- Taking food and drink out of dining venues on the campus; the exceptions being when pupils take food out of venues to consume in house, such as fruit or paninis, and carrying a bottle of water. Such food and drink should never be consumed whilst walking around the campus.
- Going off-site during the school day, unless into Summertown when permitted to do so.
- Any form of bad manners on the campus or outside the campus such as in Summertown (e.g. loitering in groups, crowding the pavement, inconsiderate use of a zebra crossing, shouting out of windows);
- Any form of careless, thoughtless or dangerous behaviour on or near public roads;
- Damaging or defacing School property;
- Giving information or contributing articles, letters, etc. to any journalist or publication other than an official school publication without the Warden's specific permission;
- Cutting your own or another pupil's hair;
- Chewing gum (including on school trips off campus);
- Playing ball games in and around the Quad;
- Being in Summertown outside of the following times:
  - For Shell pupils, between 2.30pm and 5.45pm on a Tuesday and Thursday.

- For Fourth and Fifth Form pupils, between 2.30pm and 5.45pm on a Tuesday, Thursday and Saturday after Games and other commitments.
- For Lower Sixth pupils, between 2.30pm - 5.45pm on a Tuesday, Thursday and Saturday after Games and other commitments AND, additionally, after school commitments, such as lessons and co-curricular activities, on a Monday, Wednesday and Friday, up to 5.45pm.
- For Upper Sixth pupils, after lunchtime callover until 5.45pm on a Tuesday, Thursday and Saturday after Games and other commitments AND, additionally, after school commitments, such as lessons and co-curricular activities, on a Monday, Wednesday and Friday, up to 5.45pm.
- When off games without the expressed permission of the HM. Summertown is defined as being the built-up area north of Oakthorpe Road and south of South Parade.

## MOBILE PHONES

It is the School's view that to be constantly connected to a mobile device detracts from the wellbeing of our pupils. In relation to mobile phones, therefore, pupils must not:

- Have more than one mobile phone at school;
- Have more than one laptop;
- Use a mobile device whilst in school uniform or games kit whilst outside of their own House;
- Use earphones and airpods when moving around the campus in uniform;
- Use a mobile phone outside of the times stated in the mobile phone policy.
- Use Virtual Private Networks.

This means that pupils can use a mobile device when in their own clothes in all areas of school, the only exception being in dining venues at mealtimes, when devices may never be used. Phones may also be used when pupils are invited to do so by a member of staff, such as in a lesson.

## HEALTH AND SAFETY

To ensure the safety of all, the following are forbidden:

- Possessing articles which may constitute a fire risk such as cigarette lighters, matches, candles or incense;
- Tampering with electrical equipment and lithium batteries, which may constitute a fire risk;
- Using or possessing any potentially harmful weapon, ammunition, or explosive, including any sort of knife, fireworks, BB guns and laser pens;
- Possessing appliances with a heating element such as toasters, electric fires and fan heaters, although pupils may have and use hair dryers, and hair straighteners provided that they have their HM's expressed permission and that the appliances are subject to annual PAT testing;
- Using the Woodstock Road to access Summertown or the Quad Side of the campus
- Going into the Memorial Building, maintenance areas within the School, the kitchens, on the roof of any school building, all grass in the Quad area;
- Entering any building works;
- Going on any of the fields on the Field Side of the campus either when dark or past 5.45pm each evening when light without a member of staff accompanying (e.g. House football);
- Keeping of any animals on-site;
- Keeping privately owned cars or motorcycles in or near the School during term time;
- Driving a car or riding a motorcycle in or near the School grounds, or giving a lift to others;
- Riding a bicycle on school grounds. A helmet MUST be worn if a bicycle is ridden outside of the school grounds.

Bicycles must be left in the designated areas. They should always be left locked. The School can accept no responsibility for pupils' bicycles.

## **AT HMS' DISCRETION**

The following require specific permission from HMs on each occasion:

### **Bounds**

- Visiting any licensed restaurant for sit-down meals or for take-aways, or licensed premises if 18 years old. This includes having a meal with parents or other relatives. Pupils must not at any time be in the restaurant without the adults with whom they were given permission to go or go to a restaurant with the parents of another pupil without their own HM's permission;
- Visiting any private home, even if the parents of a pupil request it;
- To be out of the House after supper;
- To go into Summertown or Oxford after brunch on a Sunday, or for Upper Sixth pupils to go into Oxford on a Saturday evening. Oxford is defined as the city centre.

### **Meals**

- Missing any mealtime in one of the dining venues, except for tea, which is voluntary.

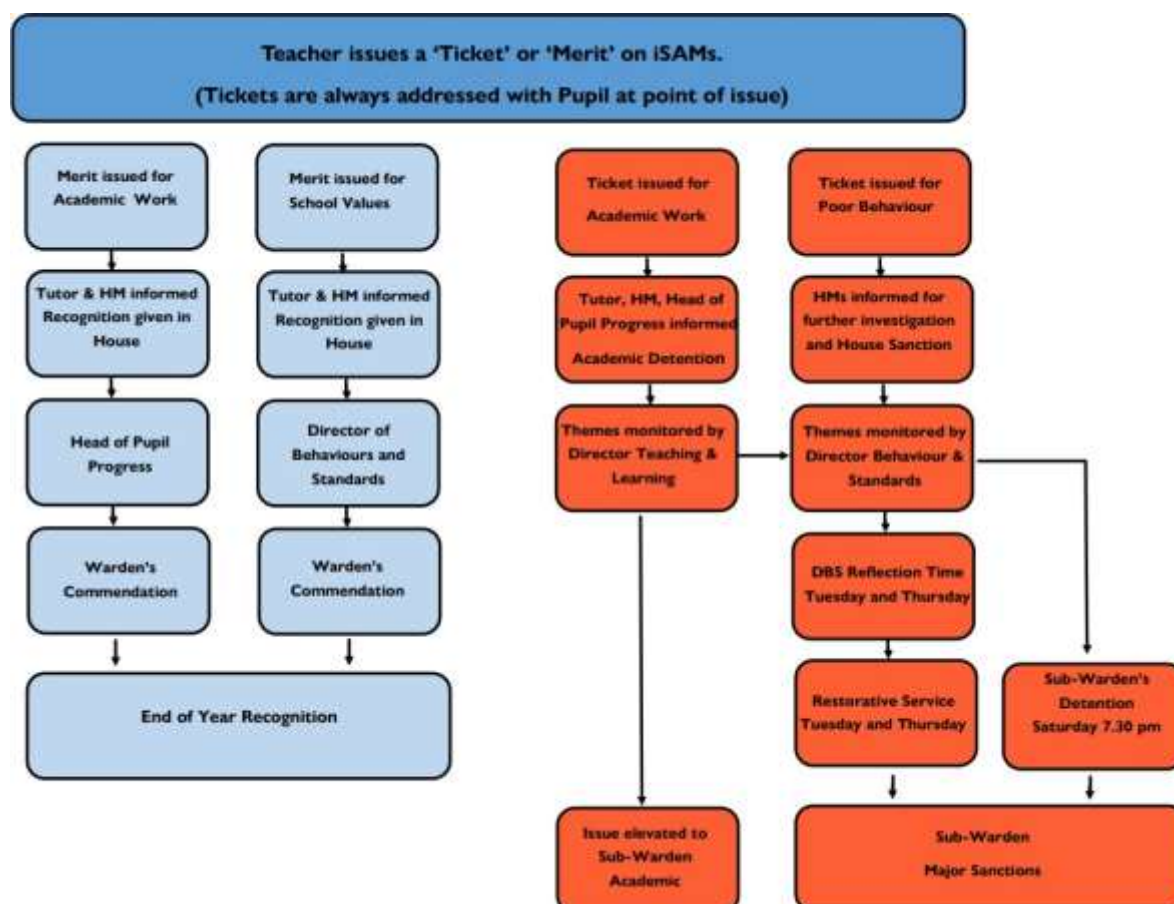
### **Leave of Absence**

- Leave of absence for interviews, family occasions or other individual reasons must be obtained by parents or guardians from the HM and Sub-Warden. At least 72 hours' notice must be given.

## **DAY PUPILS**

All School Rules apply to day pupils except where obviously inappropriate. If a day pupil is found breaking a school rule with a boarder, for example on a Saturday evening or a Sunday, then the day pupil should expect to receive the same punishment as the boarder.

## Appendix 2 Rewards and sanctions



### 1 Rewards

2 The reward for considerate and positive behaviour in line with the school values are the approval and encouragement of others and the knowledge that one is making a positive contribution to school life. Positive behaviour brings its own rewards to the quality of life and relationships that pupils build among themselves and with the staff. The reward for honesty, loyalty and service is the bestowal of trust and positions of responsibility both in school and in Houses: School or House Prefects, Peer Listeners, Heads of House, and other leadership positions, for example in sport or in the CCF.

3 Staff are encouraged to recognise and praise good behaviour in the pupils. Often, the most effective praise is face-to-face and heartfelt. When pupils demonstrate contributions in any area of school life that exceed the norm then rewards may be given. Rewards will be recorded on a pupil's record on ISAMS.

### 4 Academic rewards

#### 4.1 Merits recorded on ISAMS

4.1.1 Merits will be awarded to pupils when their work or their approach to work is worthy of credit. Merits are recorded on ISAMS and a pupil's Tutor and

HM will be alerted. HMs will often read out the weekly Merits count to their Houses or find other ways of recognising individual successes publicly. If a Merit count is particularly impressive, or even an individual blue flag, then parents may be informed by the Tutor or HM.

#### **4.2 Departmental rewards**

4.2.1 Many departments run their own systems of rewards for the pupils such as personalised postcards, or subject leaders of the month. Tutors, HMs and, as appropriate, members of the academic management team are made aware of these successes so that they can also praise the individual's success.

#### **4.3 Head of Pupil Progress recognition**

4.3.1 The Head of Pupil Progress will celebrate, with a personal note or email, pupils who have demonstrated significant effort in their studies. This can happen after grade cards, or when a pupil has done something particularly noteworthy.

#### **4.4 Sub-Warden Academic recognition**

4.4.1 The Sub-Warden Academic may also write to individual pupils to recognise success or effort, and school assembly will be used to celebrate academic success, be it individual or collective.

#### **4.5 A Warden's Commendation**

4.5.1 When a pupil produces exceptional work, a teacher can give them a Warden's Commendation. The pupil is to take their work and meet the Warden to discuss it on a Friday morning at 8am. Tutors and HMs will also be informed of the Commendation.

#### **4.6 Departmental prizes at Gaudy**

4.6.1 At the end of each academic year, departments agree and nominate individual pupils from each year group to receive end of year subject prizes at Gaudy, subject to the approval of the Prizes Committee.

4.6.2 All of these rewards and means of recognition are recorded on ISAMS.

### **5 Community rewards**

5.1 Rewards will also be given to pupils for good behaviour in the community and for excellence and effort in the co-curriculum. In sport, colours are available, as well as annual prizes at the Sports Awards Dinner. Similarly, in CCF, promotions and awards are given for outstanding and persistent service, and recognised on Inspection Day.

5.2 Houses also find innovative ways of celebrating and promoting good behaviour. These might be done regularly, such as in weekly assemblies or in the awarding of House colours, or at the end of term. HMs will keep a record of these rewards and



inform parents where possible. These rewards will also be kept on a pupil's record on ISAMS.

### **5.3 Merits for upholding the School's values**

5.3.1 When a pupil is seen to be upholding the School's values, then teachers can reward them with a Merit. These are also recorded on ISAMS, and HMs will look to promote these further in their house assemblies.

### **5.4 Community Awards**

5.4.1 Any pupil that gains three Merits for upholding the community values will be recognised by way of a Warden's Commendation on a Friday morning at 8am.

### **5.5 Major prizes in Gaudy**

5.5.1 Prizes are available at Gaudy for pupils who have excelled at school. The major prizes tend to be awarded to Upper Sixth pupils as they are often the culmination of a school career, but there are prizes available to other year groups. The Prizes Committee meets in the Summer Term to determine the award of prizes. Major prizes include the following:

- (a) Richard Harrison Cup for outstanding contribution to the life of the School.
- (b) Sophie Wilsdon Prize for a strong all-round contribution to school life.
- (c) Arthur Banks Prize for tenacity and fortitude. Named after an OSE, it was originally awarded for bravery but is now given to someone who has conquered serious adversity.
- (d) Finnis Prize for a major project.
- (e) Eric Friedmann Prize for the most improved Fifth Form pupil.
- (f) Lodge Prize, which will be for a member of the Sixth Form who has shown care and consideration for others or who has given support to those in difficulty or distress and who has shown honesty in all things as well as setting a good example in daily conduct.
- (g) Thomas Chamberlain Prize for a sustained, positive influence on school life.
- (h) Wade Leadership Trophy, awarded for outstanding extra-mural leadership in CCF, DofE or Public Service Activities.
- (i) Derek Roe Essay Prize for EPQ and EE.
- (j) Ed Dingwall prize, given to a pupil in any year group who the Common Room feels has consistently demonstrated commitment, encouragement and kindness.

5.6 St Edward's Award

- 5.6.1 Pupils will work towards the achievement of the St Edward's Award in the Shell, in the Middle School, and in the Sixth Form. Gold and Blue Awards will be presented at Gaudy according to pupils' levels of engagement and achievement against the criteria set out in the Award, as updated from year to year and available on request from the Sub-Warden's office.

6 **Sanctions**

- 6.1 In addition to the particular sanctions set out in this [Appendix 2](#) the Warden may prescribe and authorise the use of such other sanctions as comply with good education practice and promote good behaviour and compliance with the School rules.
- 6.2 Taking disciplinary action and providing appropriate support are not mutually exclusive actions. They can and should happen at the same time.
- 6.3 Examples of sanctions may include:
- 6.3.1 a verbal reprimand and reminder of the expectations of behaviour;
  - 6.3.2 the setting of written tasks such as an account of their behaviour;
  - 6.3.3 loss of privileges e.g. the loss of prized responsibility or the removal of mobile phone privileges for a set duration;
  - 6.3.4 restorative service;
  - 6.3.5 House sanctions;
  - 6.3.6 House gating card;
  - 6.3.7 detention;
  - 6.3.8 regular reporting including early morning reporting; scheduled uniform checks; or being placed 'on report' for behaviour monitoring;
  - 6.3.9 internal exclusion;
  - 6.3.10 fixed-term exclusion;
  - 6.3.11 Final Warning; and
  - 6.3.12 in the most serious of circumstances, permanent exclusion.
- 6.4 Only the Sub-Warden and the Warden may impose an internal exclusion or a fixed-term exclusion.
- 6.5 The Sub-Warden may recommend to the Warden that a Final Warning should be imposed, but its imposition will be at the discretion of the Warden. Final Warnings may be in relation to specific breaches of the school rules or general in scope and will be communicated to the parents in writing.
- 6.6 The imposition of a Final Warning means that, if during the following twelve-month period, there were to be a further breach, the terms of which will have been

outlined in a letter confirming the Final Warning, their place at the School would be at risk. Final Warnings may be imposed indefinitely or for a period of twelve months, at the end of which they will be reviewed and either re-imposed or rescinded.

- 6.7 The Sub-Warden may recommend to the Warden that a pupil should be permanently excluded. A decision on permanent exclusion will only be taken by the Warden following a Permanent Exclusion Hearing (see Appendix 4).
- 6.8 Alternative arrangements for sanctions 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.
- 6.9 The school will have regard to the impact on consistency and perceived fairness overall when considering alternative arrangements.
- 6.10 In considering whether a sanction is reasonable in all circumstances, the School will consider whether it is proportionate in the circumstances of the case.
- 6.11 It will also consider any special circumstances relevant to its imposition including;
  - 6.11.1 the pupil's age;
  - 6.11.2 any special educational needs or disability they may have; and
  - 6.11.3 any religious requirements affecting them.

### **Appendix 3 Investigations into serious breaches of discipline**

- 1 The Warden will generally delegate their authority for investigating allegations, complaints or rumours of serious breaches of discipline to the Sub-Warden, who will either investigate themselves or in turn delegate responsibility for the investigation to a senior member of staff (including the Director of Behaviour and Standards, the Deputy Head Safeguarding and/or Deputy Head Pastoral as appropriate) The purpose of such an investigation is to make findings 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.
- 2 If the pupil is to be interviewed as part of the investigation, they will normally be accompanied by their HM or another member of the resident house team. They will also ordinarily be offered the opportunity to be accompanied and supported in addition by another member of staff of their choice. A note of the interview will be made by the interviewing member of staff.
- 3 Arrangements may be made for a pupil to be taught outside of their normal cohort<sup>2</sup> or a pupil may be excluded from the School on a fixed-term basis as a neutral act pending the outcome of a disciplinary process. Should a fixed-term 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 fixed-term exclusion under regular review. 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.
- 4 There may be exceptional circumstances or cases of significant complexity, where a pupil has committed multiple breaches of the school rules in quick succession. In these circumstances, it may not be possible to conclude one disciplinary process before beginning another and any delay to the further disciplinary process would constitute a serious risk to the community. In these cases, the School reserves the right to begin a new disciplinary process before concluding the previous process. It may also consider increasing the seriousness of the sanction(s) to be applied so that they are commensurate with the breaches in their totality and to reflect their aggregate impact on the school community.
- 5 A pupil's space or, following appropriate risk assessment, belongings may be searched during the course of the investigation. See [Appendix 6](#) of this policy for the School's policy on searching and confiscation.
- 6 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.
- 7 If considered necessary, the School may ask the Parents to make arrangements for legal representation for the pupil entirely at the Parents' expense or the school may make those arrangements directly. 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.

- 8 Where the pupil is the subject of a police investigation, the DSL will liaise with the Warden 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

<sup>2</sup> This course of action is applicable following allegations or reports of sexual violence / harm whilst matters are being investigated. The advice in Part 5 KCSIE guidance, safeguarding and child protection policy and risk assessment for pupil welfare will inform the correct approach to take when investigating allegations and reports of this nature.

the rights, entitlements and welfare of juveniles to whom the provisions of PACE code C and any other code of practice apply.

- 9 The outcome of the investigation, where delegated to a member of staff or other third party, will be reported to the Sub-Warden or Warden. If following investigation, the pupil's behaviour is found to be, on the balance of probabilities, in breach of the school rules, a sanction will be imposed.

## **Appendix 4 Permanent Exclusion Procedure**

- 1 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 to a sufficient extent and of sufficient seriousness that the Sub-Warden has recommended permanent exclusion, a permanent exclusion hearing will take place.

### **2 Attendance**

- 2.1 The pupil and their Parents will be invited to attend the permanent exclusion hearing with the Warden . 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.
- 2.2 The person 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.
- 2.3 If the Parents or the pupil have any special 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 Warden as soon as reasonably practicable so that appropriate arrangements can be made.
- 2.4 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 permanent exclusion hearing

### **3 Meeting**

- 3.1 Documents<sup>3</sup> available at the permanent exclusion meeting with the Warden may include:
  - 3.1.1 a statement setting out the allegations regarding the pupil or, where applicable, the Parents;
  - 3.1.2 relevant documents including:
    - (a) the investigation report;
    - (b) the pupil's conduct record;
    - (c) the relevant School policies and procedures.
- 3.2 The pupil and their Parents will have an opportunity to make representations on:
  - 3.2.1 the investigator's findings;
  - 3.2.2 whether they constitute serious misconduct on balance of probabilities;

<sup>3</sup> Drafting note: we suggest all documents are included in order for all relevant evidence to be considered as part of the process. This is likely to minimise the risk of challenge that relevant matters were not taken into account e.g. mitigating factors / disability.

3.2.3 the appropriate sanction to be imposed.

3.3 Unless the Warden considers that further investigation is needed, he will close the meeting and inform the pupil and the Parents that they will be notified of their decision in writing or verbally inform them.

#### 4 **Decision**

4.1 The Warden will consider:

4.1.1 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;

4.1.2 whether the findings constitute serious breach of discipline; and

4.1.3 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).

4.2 The Warden may permanently exclude or remove a pupil or impose any other sanction they consider to be appropriate in accordance with this policy.

4.3 The Warden will notify the Parents of their decision in writing, with reasons, within five working days of the permanent exclusion hearing.

4.4 A decision to permanently exclude or remove a pupil shall take effect within two working days of the date of the Warden's letter confirming their decision. Until then, the pupil may remain excluded for a fixed-term and away from School premises.

#### 5 **Appeal**

5.1 The Parents or the pupil may request to Appeal the Warden's decision:

5.1.1 to permanently exclude or remove a pupil from the School, or

5.1.2 where the pupil is excluded from the School for a fixed term of 11 working days or more; or

5.1.3 where the fixed-term exclusion would result in the pupil missing a public examination.

5.2 A request for an Appeal must be made in writing within five working days of the date of the Warden's letter confirming their decision. If such a request is made, the pupil shall remain excluded on a fixed-term basis until the Appeal has taken place and either the sanction is upheld or a reconsidered decision made.

5.3 See the **Permanent Exclusion and Removal: Appeal Procedure** for further information about requesting an Appeal and the detail of the procedure.

#### 6 **Leaving status**



- 6.1 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 Warden and accepted by the Parents, withdrawn by parents.
- 6.2 Additional points of leaving status to be considered may include:
  - 6.2.1 the form of letter which will be written to the Parents and the form of announcement in the School;
  - 6.2.2 the form of reference which will be supplied for the pupil;
  - 6.2.3 the entry which will be made on the School record and the pupil's status as a leaver;
  - 6.2.4 arrangements for transfer of any course and project work to the pupil, their Parents or another school;
  - 6.2.5 whether (if relevant) the pupil will be permitted to return to School premises to sit public examinations;
  - 6.2.6 whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil;
  - 6.2.7 whether the pupil will be entitled to leavers' privileges;
  - 6.2.8 the conditions under which the pupil may re-enter School premises in the future; and
  - 6.2.9 **financial aspects:** payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

## Appendix 5 Use of reasonable force

- 1 There are circumstances when it is appropriate for staff to use reasonable force to safeguard pupils. Any use of reasonable force will be in accordance with the DfE guidance *Use of reasonable force* (DfE, July 2013).
- 2 Reasonable force may be used to prevent a pupil from doing or continuing to do any of the following:
  - 2.1 committing a criminal offence;
  - 2.2 injuring themselves or others;
  - 2.3 causing damage to property, including their own;
  - 2.4 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.
- 3 In these circumstances, force will 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.
- 4 In addition, reasonable force may be used to conduct a search for certain "prohibited items" (see [Appendix 6](#) below).
- 5 In these circumstances, "reasonable" means using no more force than is needed.
- 6 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 reduce the occurrence of challenging behaviour and the need to use reasonable force.
- 7 Where reasonable force is used by a member of staff, the Sub-Warden 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.

## **Appendix 6 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, September 2022).

### **3 Prohibited items**

#### **3.1 The following are "prohibited items"**

##### **3.1.1 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:
  - (i) to commit an offence; or
  - (ii) to cause personal injury to, or damage to the property of, any person (including the pupil); and

##### **3.1.2 any item banned by the School rules that are identified as being items which may be searched for.**

- (a) Vaping apparatus
- (b) Second mobile phone or fake mobile phone.
- (c) Alternative laptop.

#### **3.2 The School has banned these items as it reasonably believes them to be likely to cause harm or disruption. Pupils must not have these items in their possession on school premises or at any time when they are in the lawful charge and control of the School.**

### **4 Searching pupils**

- 4.1 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.
- 4.2 When exercising these powers the school must consider the age and needs of pupils being searched or screened. This includes the individual needs to learning difficulties of pupils with Special Educational Needs (SEN) and consideration will be given to any reasonable adjustments that may be necessary where a pupil has a disability.

- 4.3 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.
- 4.4 The decision to use reasonable force 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.
- 4.5 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.
- 4.6 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.
- 4.7 If a search is considered necessary, but not required urgently, the advice of the Warden / Sub-Warden / DSL and /or pastoral member staff should be sought. During this time the pupil should be supervised and kept away from other pupils.
- 4.8 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<sup>4</sup>.
- 4.9 If it is believed that a pupil has a prohibited item, it may be appropriate for a member of staff to carry out:
  - 4.9.1 a search of outer clothing; and / or
  - 4.9.2 a search of School property (e.g. pupils' lockers or desks, bed, studies or dormitories); and / or
  - 4.9.3 a search of personal property (e.g. bag or pencil case).
- 4.10 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.
- 4.11 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.
- 4.12 Where the Warden, or staff authorised by the Warden, 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

<sup>4</sup> The power to search a pupil on an educational visit only applies in England. When on a trip outside England, the law of that country should be followed.

also alert the designated safeguarding lead (DSL) or deputy and the pupil will be sanctioned in line with the School's behaviour policy to ensure consistency of approach.

## **5 Strip searching**

- 5.1 A strip 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).
- 5.2 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.
- 5.3 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.
- 5.4 In order to ensure pupil's wellbeing, the School may wish to involve an appropriate adult as a matter of course during all searches and conducted by police in school.

## **6 After a search**

- 6.1 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.
- 6.2 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**

- 7.1 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.
- 7.2 Records of the search will include
  - 7.2.1 the date, time and location of the search;
  - 7.2.2 which pupil was searched;
  - 7.2.3 who conducted the search and any other adults or pupils present;
  - 7.2.4 what was being searched for;

7.2.5 the reason for searching;

7.2.6 what items, if any were found; and

7.2.7 what follow up action was taken as a consequence of the search.

7.3 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**

8.1 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.

8.2 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**

9.1 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.

9.2 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.

9.3 Subject to 9.5 below and the requirements set out in KCSIE 2022, 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.

9.4 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.

9.5 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 Safeguarding / 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*.

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

## **10 Disposal of confiscated items**

- 10.1 **Alcohol:** alcohol which has been confiscated will be destroyed.
- 10.2 **Controlled drugs:** controlled drugs will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion of the Warden or authorised 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.
- 10.3 **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.
- 10.4 **Stolen items:** stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of the Warden or authorised 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.
- 10.5 **Tobacco or cigarette papers:** tobacco or cigarette papers will be destroyed.
- 10.6 **Fireworks:** fireworks will not be returned to the pupil. They will be disposed of safely at the discretion of the Warden or other authorised member of staff.
- 10.7 **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 will also be notified and will decide whether to make a referral to children's social care.
- 10.8 Other pornographic images will also be discussed with the Designated Safeguarding Lead. The images may then be passed to 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.
- 10.9 **Article used to commit an offence or to cause personal injury or damage to property:** such articles may, at the discretion of the Warden or authorised 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.
- 10.10 **Weapons or items which are evidence of an offence:** such items will be passed to the police as soon as possible.
- 10.11 **An item banned under School rules:** such items may, at the discretion of the School or authorised 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; whether the item is likely to disrupt learning or the calm, safe and supportive environment of the school.

- 10.12 Where staff confiscate a mobile electronic device that has been used in breach of School rules, the device will be kept safely until the end of the school day on which it can be claimed by its owner, unless the Warden considers it necessary to retain the device for evidence in disciplinary proceedings in accordance with 10.13 below. 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.
- 10.13 **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 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

- 11.1 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.
- 11.2 Parents should always be informed of any search for a prohibited item listed in 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 sanction applied.
- 11.3 In some circumstances it might also be necessary to inform parents of a search for an item banned by the school policy.
- 11.4 The School will keep a record of all searches carried out, in accordance with paragraph 7 above.
- 11.5 Complaints about searching or confiscation will be dealt with through the School's parental complaints policy and procedures.
- 11.6 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.