



Norfolk House School

# **Behaviour and Discipline Policy**

# Contents

| Section Number    | Section Title                                      | Page Number |
|-------------------|--|-------------|
| 1                 | Aims   | 3           |
| 2                 | Scope and application                              | 3           |
| 3                 | Regulatory framework                               | 4           |
| 4                 | Publication and availability                       | 5           |
| 5                 | Definitions  | 5           |
| 6                 | Responsibility statement and allocation of tasks   | 6           |
| 7                 | Promoting good behaviour                           | 7           |
| 8                 | Minor breaches of discipline                       | 7           |
| 9                 | Serious breaches of discipline                     | 7           |
| 10                | Parent involvement                                 | 9           |
| 11                | Additional needs                                   | 10          |
| 12                | Safeguarding                                       | 11          |
| 13                | Malicious allegations against staff                | 11          |
| 14                | Use of reasonable force                            | 12          |
| 15                | Searching pupils                                   | 12          |
| 16                | Staff training                                     | 12          |
| 17                | Risk assessment                                    | 12          |
| 18                | Record keeping                                     | 13          |
| 19                | Version control                                    | 14          |
| <b>Appendices</b> |  |             |
| 1                 | Rewards and Sanctions                              | 15          |
| 2                 | Investigations into Serious Breaches of Discipline | 16          |
| 3                 | Disciplinary Meeting with the Headmistress         | 18          |
| 4                 | Use of Reasonable Force                            | 21          |
| 5                 | Searching and Confiscation                         | 22          |

## **1. Aims**

- 1.1. This is the behaviour and discipline policy of Norfolk House School (**School**).
- 1.2. The aims of this policy are as follows:
  - 1.2.1. to promote good behaviour amongst pupils;
  - 1.2.2. to actively promote and safeguard the welfare of pupils at the School and to protect all who come into contact with the School from harm;
  - 1.2.3. to ensure, so far as possible, that every pupil in the School is able to benefit from and make his / her full contribution to the life of the School, consistent always with the needs of the School community;
  - 1.2.4. to set out a clear and fair process for the proper investigation of allegations of poor behaviour and / or breaches of discipline;
  - 1.2.5. to encourage pupils to accept responsibility for their behaviour;
  - 1.2.6. to set out the sanctions available to the School in the event of pupil misbehaviour;
  - 1.2.7. to help to create a culture of safety, equality and protection.

## **2. Scope and application**

- 2.1. This policy applies to the whole School including the Early Years Foundation Stage (**EYFS**).
- 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;
  - 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. *Statutory Framework for the Early Years Foundation Stage* (DfE, Sept 2021);

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 General Data Protection Regulation (GDPR);  
and

3.1.7. Equality Act 2010.

3.2. This policy has regard to the following guidance and advice:

3.2.1. Keeping children safe in education 2022 (DfE, updated Sept 2022) (**KCSIE**).

3.2.2. Working together to safeguard children 2018 (DfE, February 2019);

3.2.3. Information sharing advice for safeguarding practitioners (HM Government, July 2018);

3.2.4. Behaviour and discipline in schools (DfE, Oct 2022);

3.2.5. Use of reasonable force (DfE, July 2013);

3.2.6. Searching, screening and confiscation: advice for schools (DfE, July 2022);

3.2.7. Sexual violence and sexual harassment between children in schools and colleges (DfE, Sept 2021);

3.2.8. Sharing nudes and semi-nudes: advice for education settings working with children and young people (UKCIS, December 2020);

3.2.9. Mental health and behaviour in schools (DfE, November 2018); and

3.2.10. Relationships education, relationships and sex education and health education (DfE, Sept 2021)

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. Online Safety Policy;
- 3.3.4. Safeguarding and Child Protection Policy;
- 3.3.5. Risk Assessment Policy for Pupil Welfare;
- 3.3.6. Policy on Special Educational Needs and Learning Difficulties;
- 3.3.7. Disability Policy;
- 3.3.8. Expulsion and Removal: Review Procedure;
- 3.3.9. Staff Code of Conduct;
- 3.3.10. School Rules; and
- 3.3.11. Relationships Education 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.

#### **5. Definitions**

- 5.1. Where the following words or phrases are used in this policy:
  - 5.1.1. References to the **Proprietor** are references to the Board of Directors of Norfolk House School Limited.
  - 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 **Headmistress** may include deputies.
  - 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 a **Review** are to the review by a panel of the Head's decision in accordance with the Expulsion and Removal: Review Procedure.

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

- 6.1. The Proprietor has overall responsibility for all matters which are the subject of this policy.
- 6.2. To ensure the efficient discharge of its responsibilities under this policy, the Proprietor 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  | Head of Pastoral Care                              | As required, and at least termly   |
| Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness                  | " "  | As required, and at least termly   |
| Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR                    | " "  | 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             | " "  | 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. | Proprietor, Headmistress and Head of Pastoral Care | Annually                           |

## **7. Promoting good behaviour**

- 7.1. Pupils are educated about good behaviour through the operation of the School's curriculum, PSHCE, the relationships education programme 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 1.
- 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.

## **8. Minor breaches of discipline**

- 8.1. 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.
- 8.2. Allegations, complaints or rumours of minor breaches of discipline are dealt with by staff as they occur. Staff may carry out informal investigations and / or interviews with the pupils involved. Low level sanctions may be given following such processes (see Appendix 1 for details of possible sanctions).
- 8.3. 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 Headmistress.
- 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 the exclusion or required removal of the pupil 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, physical violence, intimidation, racism or prejudice-based bullying or other potentially criminal offences including being an accessory or conspirator;

9.2.3. physical or emotional abuse or harassment;

9.2.4. harmful / inappropriate sexual behaviour including sexual violence, sexual harassment and upskirting;

9.2.5. behaviour in contravention of the School's policies on the acceptable use of technologies or online safety;

9.2.6. supply or possession of pornography;

9.2.7. 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

9.2.8. persistent minor breaches of discipline or attitudes or behaviour which are inconsistent with the School's ethos;

9.2.9. 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

9.2.10. other misconduct specifically provided for in the School's parent contract and School Rules.

9.3. Sanctions for serious breaches of discipline include:

9.3.1. **Fixed Term Exclusion:** a pupil may be sent or released home for a limited period as a disciplinary sanction.

9.3.2. **Required 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 Headmistress 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.<sup>1</sup>

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

9.3.3. **Permanent Exclusion:** a pupil may be permanently excluded from the School for a serious breach of discipline as defined in paragraph 9.2, suspected, criminal offences and for the avoidance of doubt, for persistent lower level breaches.

9.4. An allegation, complaint or rumour of a serious breach of discipline will be investigated in accordance with the procedures set out in Appendix 2.

9.5. If the findings of the investigation, on the balance of probabilities, support the allegation, complaint or rumour of a serious breach of discipline, a disciplinary meeting will be held in accordance with the procedures set out in Appendix 3.

9.6. 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:

9.6.1. the factual findings made;

9.6.2. whether or not they constitute serious misconduct; and

9.6.3. the sanctions under consideration.

9.7. Sanctions imposed will be fair and proportionate to the breach.

9.8. 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 refer to disciplinary procedures and findings in references provided for the pupil.

## 10. Parent involvement

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 may be prevented from doing so immediately e.g. by the police if they are involved.
- 10.3. All Parents will be notified of any pending disciplinary hearing in accordance with paragraph 9.6.
- 10.4. Parents will be notified of disciplinary sanctions:
  - 10.4.1. imposed for significant minor breaches of discipline; and those
  - 10.4.2. imposed for serious breaches of discipline and any rights of review; as required and / or within School reports.
- 10.5. 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. Additional needs**

- 11.1. 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:
  - 11.1.1. Whether reasonable steps have been taken to understand and address the pupil's educational and or other needs or vulnerabilities.
  - 11.1.2. Whether all reasonable adjustments have been made to try to manage the behaviour(s) which are under consideration.
  - 11.1.3. Whether in the light of the conclusions in respect of 11.1.1 and 11.1.2, 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 and Child Protection Policy);
    - (d) maintaining academic and behaviour standards; and

(e) ensuring the wellbeing and dignity of pupils.

- 11.2. 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 Headmistress / SENCO and further action in accordance with the School's Policy on Special Educational Needs and Learning Difficulties will be considered.

## **12. Safeguarding**

- 12.1. Some behaviour by a pupil towards another may be of such a nature that safeguarding concerns are raised. Safeguarding issues can manifest themselves via peer on peer abuse. This includes, but is not limited to:

12.1.1. bullying (including cyber-bullying and prejudice-based bullying);

12.1.2. physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;

12.1.3. sexual violence and / or sexual harassment;

12.1.4. upskirting and / or attempts to commit upskirting;

12.1.5. sharing nude and semi nude images and or videos (also known as sexting or youth produced sexual imagery); and

12.1.6. initiation / hazing type violence and rituals.

- 12.2. The School's policy and procedures with regard to peer on peer 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 procedures in the Safeguarding and Child Protection Policy will take priority).

## **13. Malicious allegations against staff**

- 13.1. Where a pupil makes an accusation against a member of staff and there is reasonable suspicion that the accusation has been deliberately invented or malicious, the Headmistress will consider whether to take disciplinary action against the pupil in accordance with this policy.

- 13.2. Where a Parent has made a deliberately invented or malicious allegation, the Head 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.

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

#### **14. Use of reasonable force**

- 14.1. Corporal punishment is not used at the School and force must never be used as a form of punishment.
- 14.2. Any use of force by staff will be reasonable, proportionate and lawful. Reasonable force will be used as set out in Appendix 4. More detailed guidance about the use of reasonable force is provided to staff in the Staff Code of Conduct.

#### **15. Searching pupils**

- 15.1. **Informed consent:** School staff may search a pupil or their possessions or accommodation with their consent (or that of their parents if they are of insufficient age or understanding to be able to give informed consent) for any item. 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.
- 15.2. **Searches without consent:** the Headmistress, and staff authorised by the Headmistress, may search a pupil or a pupils' possessions, without their consent, 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 and the definition of prohibited items.

#### **16. Staff training**

- 16.1. 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.
- 16.2. The level and frequency of training depends on the role of the individual member of staff.
- 16.3. The School maintains written records of all staff training.

#### **17. Risk assessment**

- 17.1. 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.

- 17.2. 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.
- 17.3. The Headmistress 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.
- 17.4. Day to day responsibility to carry out risk assessments under this policy will be delegated to the Head of Pastoral Care who has been properly trained in, and tasked with, carrying out the particular assessment.

## **18. Record keeping**

- 18.1. 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.
- 18.2. The School will keep a separate record of sanctions imposed for serious misbehaviour. The record includes:
  - 18.2.1. the name and year group of the pupil concerned;
  - 18.2.2. the nature and date of the offence;
  - 18.2.3. the sanction imposed and reason for it; and
  - 18.2.4. the name of the person imposing the sanction;
- 18.3. This record is reviewed regularly by the Headmistress and the Head of Pastoral Care so that patterns in behaviour can be identified and managed appropriately.
- 18.4. The records created in accordance with this policy may contain personal data. The School has a number of privacy notices which explain how the School will use personal data about pupils and Parents. The privacy notices are published on the School's website. In addition, staff must ensure that they follow the School's data protection policies and procedures when handling personal data created in connection with this policy. This includes the School's Data Protection Policy.

## 19. Version control

|                                     |                       |
|-------------------------------------|-----------------------|
| Date of adoption of this policy     | 17.5.21               |
| Date of last review of this policy  | 11.10.22              |
| Date for next review of this policy | 11.10.23              |
| Policy owner (SLT)                  | Head of Pastoral Care |

## Appendix 1: Rewards and Sanctions

|                      | REWARDS                                | SANCTIONS                      |
|----------------------|--|--------------------------------|
| <b>EYFS</b>          | Name on Rainbow                        | Name on rain cloud             |
|                      | Stamp in book                          | Photo on sad face              |
|                      |  | Thinking time                  |
| <b>KS1 &amp; KS2</b> | Positive verbal comments               | Verbal reprimand               |
|                      | Positive comments in book              | Missed break                   |
|                      | Stickers                               | 2 minute sit out (PE)          |
|                      | House points                           | Move seat within the classroom |
|                      | PE Star of the Week                    | Move to different class        |
|                      | Mathemagician of the Week              | Stand by fence at break time   |
|                      | Headmistress Award                     | Demerit                        |
|                      | Line Leader                            |                                |
|                      | Email to parents                       |                                |
|                      | Speak to parents at the end of the day |                                |
| <b>KS1</b>           | Golden Time                            |                                |
|                      | Extra playtime                         |                                |
|                      | Note home                              |                                |
|                      | Phonics phase certificates             |                                |
|                      | Spelling certificates                  |                                |
| <b>KS2</b>           | Good writing certificates              | Time out at break time         |
|                      | Good reading certificates              |                                |
|                      | Pen licence                            |                                |
|                      | Language rewards                       |                                |

## **Appendix 2: Investigations into Serious Breaches of Discipline**

1. The Headmistress will generally appoint a senior member of staff to carry out an investigation of an allegation, complaint or rumour of serious breaches of discipline, but if appropriate, the Headmistress may investigate matters themselves or instruct a third party to undertake the investigation. 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, 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.
3. 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 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. Alternatively, and at the discretion of the Headmistress, the pupil may be offered a segregated regime on School premises.
4. A pupil's space or following appropriate risk assessment belongings may be searched during the course of the investigation. See Appendix 5 of this policy for the School's policy on searching and confiscation.
5. 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 the DfE guidance [Sexual violence and sexual harassment between children in schools and colleges \(May 2018\)](#) and the School's designated safeguarding lead (or a deputy) will take a leading role on decisions.
6. If considered necessary, the School may make arrangements for legal representation for the pupil to be funded entirely at the Parents' expense. Regardless of delays caused by a police or other external agency investigation, the School will provide appropriate pastoral and other support for all pupils



affected by the allegations under investigation while they remain on the school roll.

7. The outcome of the investigation, where delegated to a member of staff or other third party, will be reported to the Headmistress. 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 Appendix 3 of this policy.

### **Appendix 3: Disciplinary Meeting with the Headmistress**

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, a disciplinary meeting with the Headmistress will take place.

2. **Attendance**

- 2.1. The pupil and his / her Parents (if available) will be invited to attend the disciplinary meeting with the Headmistress. 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 and his / her investigation and findings. 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 Headmistress 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 disciplinary process and their child's education.

3. **Meeting**

- 3.1. Documents available at the disciplinary meeting with the Headmistress 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 Headmistress will inform the pupil and his / her Parents of the range of disciplinary sanctions which the Head considers are open to them.

- 3.3. The pupil and his / her Parents will have an opportunity to make representations on:
  - 3.3.1. the investigator's findings;
  - 3.3.2. whether they constitute serious misconduct;
  - 3.3.3. the appropriate sanction to be imposed.
- 3.4. Unless the Headmistress considers that further investigation is needed, she will close the meeting and inform the pupil and the Parents that they will be notified of her decision in writing.

#### 4. **Decision**

- 4.1. The Headmistress 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 misconduct; 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 Headmistress may permanently exclude or require the removal of a pupil or impose any other sanction she considers to be appropriate in accordance with this policy.
- 4.3. The Headmistress will notify the Parents of her decision in writing, with reasons, within three working days of the disciplinary meeting.
- 4.4. A decision to permanently exclude or require the removal of a pupil shall take effect within five working days of the date of the Head's letter confirming her decision. Until then, the pupil may remain excluded on a fixed term basis and away from School premises.

#### 5. **Review**

- 5.1. The Parents or the pupil may request a Review of the Headmistress' decision
  - 5.1.1. to exclude permanently or require the removal a pupil from the School; or
  - 5.1.2. to exclude the pupil for a fixed term of 11 working days or more.

- 5.2. A request for a Review must be made in writing within five working days of the date of the Headmistress' letter confirming her decision.
- 5.3. If such a request is made, the pupil shall remain excluded on a fixed term basis until the Review has taken place and either the sanction is upheld or a reconsidered decision made.
- 5.4. See the **Exclusion and Required Removal: Review Procedure** for further information about requesting a Review and the detail of the procedure.

## 6. **Leaving status**

- 6.1. If a pupil is permanently excluded or removed, his / her leaving status will be one of the following: permanently excluded; required to be removed; or, if the offer is made by the Headmistress 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, his / her Parents or another school;
  - 6.2.5. whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil;
  - 6.2.6. whether the pupil will be entitled to leavers' privileges;
  - 6.2.7. the conditions under which the pupil may re-enter School premises in the future; and
  - 6.2.8. financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

## **Appendix 4: 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 5 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 Headmistress 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. In the EYFS setting, the pupil's Parents will be informed about any use of force on the day of the incident or as soon as reasonably practicable.

## **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, January 2018).
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.[Note: items banned may include such things as vaping devices and the paraphernalia of smoking or vaping]
  - 3.2. The School has banned these items as they 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 with consent**
  - 4.1. Before any search is undertaken the pupil will usually be asked to consent. In seeking consent, the age and maturity of the pupil will be taken into account together with any special needs the pupil may have. Written consent will not usually be required. If items are "prohibited

items" as listed in section 3 above, the School is not required to seek consent, but the pupil will be asked in any event. Where a pupil is not deemed to have sufficient maturity or understanding or to be fit to give informed consent themselves, then consent will be sought from a parent.

- 4.2. The consent of the pupil must be obtained for searches for items that are not "prohibited items" as listed in section 3 above. The consent of the pupil must be sought even if he / she is not at the School at the time.
- 4.3. If the pupil refuses to provide consent disciplinary action may be taken in accordance with the School's behaviour and discipline policy.

## 5. **Searching for prohibited items**

- 5.1. Where the Headmistress or an authorised member of staff has reasonable grounds to suspect that a pupil may have a prohibited item, consent is not required and the search can be carried out, using reasonable force if necessary
- 5.2. 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.
- 5.3. If it is believed that a pupil has a prohibited item, it may be appropriate for a member of staff to carry out:
  - 5.3.1. a search of outer clothing; and / or
  - 5.3.2. a search of School property (e.g. pupils' desks, storage areas etc.); and / or
  - 5.3.3. a search of personal property (e.g. bag or pencil case).
- 5.4. Searches will be conducted in such a manner as to minimise embarrassment or distress. Searches of a pupil or their possessions will generally be carried out in the presence of the pupil and another member of staff. Where a pupil is searched, the searcher and the second member of staff present will be the same sex as the pupil.
- 5.5. Where it is reasonably believed that serious harm may be caused if the search is not carried out immediately and it is not practicable to summon the pupil, or another member of staff, a member of staff may carry out a search in any event.
- 5.6. Where the Headmistress, or staff authorised by the Headmistress, finds 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.

## 6. **Confiscation**

- 6.1. 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.
- 6.2. 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.

## 7. **Searching electronic devices**

- 7.1. 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 SLT and with the advice of the School's IT Consultant.
- 7.2. 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.
- 7.3. Subject to 7.4 below and the requirements set out in KCSIE 2020, 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.
- 7.4. Staff should not view or forward illegal images of a child. When viewing an image is unavoidable staff should 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.

## 8. **Disposal of confiscated items**

- 8.1. **Alcohol:** alcohol which has been confiscated will be destroyed.
- 8.2. **Controlled drugs:** controlled drugs will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion of the Headmistress 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.

- 8.3. **Other substances:** substances which are not believed to be illegal 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 an illegal drug, it will be treated as though it is illegal and disposed of as above.
- 8.4. **Stolen items:** stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of the Head 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. This is likely to apply to items of low value, such as pencil cases.
- 8.5. **Tobacco or cigarette papers:** tobacco or cigarette papers will be destroyed.
- 8.6. **Fireworks:** fireworks will not be returned to the pupil. They will be disposed of safely at the discretion of the Head or other authorised member of staff. .
- 8.7. **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.
- 8.8. 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.
- 8.9. **Article used to commit an offence or to cause personal injury or damage to property:** such articles may, at the discretion of the Headmistress or authorised member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained or disposed of.
- 8.10. **Weapons or items which are evidence of an offence:** such items will be passed to the police as soon as possible.

- 8.11. **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. 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 in accordance with 8.12 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.
- 8.12. **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 cyberbullying, 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.

## 9. **Communication with Parents**

- 9.1. 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. In appropriate cases we will inform Parents on how the School will dispose of certain items.
- 9.2. We will keep a record of all searches carried out, including whether the search is with or without the consent of the pupil. The record will include details of any disposal of items confiscated.
- 9.3. Complaints about searching or confiscation will be dealt with through the School's parental complaints policy and procedures.
- 9.4. 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.