St Edmund's College & Prep School

# Behaviour Policy

## St Edmund's College

March 2026

VWV

## Contents

1 Aims ..... 3
2 Scope and application ..... 3
3 Regulatory framework ..... 3
4 Publication and availability ..... 5
5 Definitions ..... 5
6 Responsibility statement and allocation of tasks ..... 6
7 Promoting good behaviour ..... 6
8 Minor breaches of discipline ..... 7
9 Serious breaches of discipline ..... 7
10 Parent involvement ..... 9
11 Additional needs ..... 9
12 Safeguarding ..... 10
13 Malicious allegations against staff ..... 10
14 Use of reasonable force ..... 11
15 Searching pupils ..... 11
16 Staff training ..... 11
17 Risk assessment ..... 11
18 Record keeping ..... 12
19 Version control ..... 12

**Appendix**

Appendix 1 Rewards and sanctions ..... 13
Appendix 2 Investigations into serious breaches of discipline ..... 15
Appendix 3 Disciplinary meeting with the Headmaster ..... 16
Appendix 4 Searching and confiscation ..... 19

## 1 Aims

1.1 This is the behaviour policy of St Edmund's College including St Edmund's Prep School (**College**).

1.2 The aims of this policy are as follows:

1.2.1 to ensure that the pupils' experience of relationships in their daily lives promotes the Gospel maxim 'love thy neighbour as thyself''.

1.2.2 to promote good behaviour amongst pupils;

1.2.3 to actively promote and safeguard the welfare of pupils at the College and to protect all who come into contact with the College from harm;

1.2.4 to ensure, so far as possible, that every pupil in the College is able to benefit from and make his / her full contribution to the life of the College, consistent always with the needs of the College 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 set out the sanctions available to the College in the event of pupil misbehaviour;

1.2.8 to help to create a culture of safety, equality and protection.

## 2 Scope and application

2.1 This policy applies to the whole College including the Early Years Foundation Stage (**EYFS**).

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

2.2.1 in or at College;

2.2.2 representing the College or wearing College uniform;

2.2.3 travelling to or from College;

2.2.4 on College-organised trips; or

2.2.5 associated with the College at any time.

2.3 This policy shall also apply to pupils at all times and places including out of College 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 College community or a member of the public;

2.3.2 have repercussions for the orderly running of the College; or

2.3.3 bring the College into disrepute.

## 3 Regulatory framework

3.1 This policy has been prepared to meet the College's responsibilities under:

3.1.1 Education (Independent School Standards) Regulations 2014;

3.1.2 *Boarding schools: national minimum standards* (Department for Education (**DfE**), April 2022);

3.1.3 *Statutory framework for the Early Years Foundation Stage* (DfE, March 2021);

3.1.4 Education and Skills Act 2008;

3.1.5 Children Act 1989;

3.1.6 Childcare Act 2006;

3.1.7 Data Protection Act 2018 and General Data Protection Regulation (GDPR); and

3.1.8 Equality Act 2010.

3.2 This policy has regard to available guidance and advice which can be found at https://www.gov.uk/topic/schools-colleges-childrens-services/school-behaviour-attendance. This includes:

3.2.1 Keeping children safe in education (DfE, September 2023) **(KCSI**E).

3.2.2 Working together to safeguard children (DfE, July 2022)

3.2.3 Information sharing advice for safeguarding practitioners (DfE, July 2018);

3.2.4 Behaviour and discipline in schools (DfE, January 2016);

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

3.2.6 Searching, screening and confiscation: advice for schools (DfE, January 2018);

3.2.7 Sexual violence and sexual harassment between children in schools and colleges (DfE, May 2018);

3.2.8 Independent Schools Inspectorate (ISI) Regulatory Guidance;

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, June 2019)

3.3 The following College policies, procedures and resource materials are relevant to this policy:

3.3.1 IT, Internet and e-safety policy;

3.3.2 policies for the prevention of bullying;

3.3.3 prevention of cyberbullying policy;

3.3.4 mobile device policy;

3.3.5 Policy on smoking, alcohol and misuse of drugs and substances;

3.3.6 safeguarding and child protection policy and procedures;

3.3.7 risk assessment policy;

3.3.8 SEN LDD policy;

3.3.9 SENDA Policy

3.3.10 permanent exclusion and removal: review procedure;

3.3.11 staff code of conduct;

3.3.12 uniform rules;

3.3.13 PSHE policy;

3.3.14 Bus rules;

3.3.15 College rules (including the Student Handbook, Boarding Handbook and Prep School Code of Conduct); and

3.3.16 relationships and sex education policy.

## 4 Publication and availability

4.1 This policy is published on the College 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 Headmaster's Office during the school day.

4.4 This policy can be made available in large print or other accessible format if required.

## 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 Governing Body.

5.1.2 References to **working days** mean Monday to Friday, when the College is open during term time. The dates of terms are published on the College's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening College holidays, the College'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 **Headmaster** may include Headmaster of the Prep School & 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 College 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 College. 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 Headmaster's decision in accordance with the permanent exclusion 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:

| Task | Allocated to | When / frequency of review |
|---|---|---|
| Keeping the policy up to date and compliant with the law and best practice | Deputy Head Pastoral | As required, and at least annually |
| Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness | Deputy Head Pastoral | On-going |
| Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR | Executive Assistant Pastoral | On-going |
| Reacting to input from interested groups (such as pupils, staff, Parents) to consider improvements to the College's processes under the policy | Deputy Head Pastoral | On-going |
| Formal annual review including effectiveness of policy and procedures in promoting good behaviour and trends relating to disciplinary measures taken. | Proprietor | Termly report from Headmaster to full-board Governing meeting |

## 7 Promoting good behaviour

7.1 Pupils are educated about good behaviour through the operation of the College's curriculum, PSHE, relationships and sex education programme[s] and the College'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 College understands that rewards can be more effective than punishment in motivating pupils. The ways in which the College may reward good behaviour are set out in Appendix 1.

7.3 The College recognises that where challenging behaviour is related to a pupil's disability, use of positive discipline and reward methods may enable the College to manage the pupil's behaviour more effectively and improve their educational outcomes.

## 8 Minor breaches of discipline

8.1 The College has pastoral support systems in place to assist pupils in managing their behaviour. A range of sanctions are available for those who breach the College 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 College community as a whole.

## 9 Serious breaches of discipline

9.1 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 College include but are not limited to:

9.1.1 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 College policy on smoking, alcohol drugs and misuse of substances;

9.1.2 Actual or attempted theft, blackmail, physical violence, intimidation, racism or prejudice-based bullying or other potentially criminal offences including being an accessory or conspirator;

9.1.3 physical or emotional abuse or harassment;

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

9.1.5 behaviour in contravention of the College's policies on the acceptable use of technologies or online safety;

9.1.6 supply or possession of pornography;

9.1.7 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 College property

9.1.8 persistent minor breaches of discipline or attitudes or behaviour which are inconsistent with the College's ethos;

9.1.9 other misconduct which affects the welfare of a member or members of the College community or which brings the College into disrepute (single or repeated episodes); and

9.1.10 other misconduct specifically provided for in the College's parent contract and College rules.

9.2 Sanctions for serious breaches of discipline include:

9.2.1 **Suspension**: a pupil may be sent or released home for a limited period as a disciplinary sanction.

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

(a) the pupil has committed a breach or breaches of College 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 College; or

(c) one or more of the Parents have treated the College or members of its staff or any member of the College community unreasonably.

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

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

9.3 Allegations, complaints or rumours of serious breaches of discipline should be referred to the Headmaster who may delegate the investigation of this to the Head of House, Head of Year, Head of Boarding or Deputy Head Pastoral as appropriate.

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 College will act fairly and in accordance with the principles of natural justice and will ensure that where a pupil's place at the College 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 As a result of safety, welfare or behavioural related concerns that are raised as part of the disciplinary process, or in the event of a suspension, removal or exclusion the School

reserves the right to prevent the pupil from attending forthcoming educational visits or events as appropriate. Where pupil is booked on an educational visit and an appropriate replacement can not be found, any related costs will be added to the pupil's fees invoice.

9.9 If a pupil is withdrawn from the College before the conclusion of disciplinary procedures, the College reserves the right to complete the procedures, in the absence of the pupil and the Parents if necessary, and to make appropriate findings. The College 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 College seeks to work in partnership with Parents over matters of discipline, and it is part of the Parents' obligations to the College to support the College 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 (i.e. Thursday detention or more serious sanctions or persistent minor breaches such as Saturday detention); and those

10.4.2 imposed for serious breaches of discipline and any rights of review;

10.5 Parents will be consulted about the child's conduct and the application of this policy to their child where the College 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 College will make such adjustments to this policy and its implementation as it is reasonable to have to make to avoid substantial disadvantage to pupil. In making such adjustments and considering the action to be taken under this policy (as adjusted), the College 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 your 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 College'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 College's safeguarding and child protection policy and procedures);

(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 Deputy Head Pastoral / DSL / SENCO and further action in accordance with the College's SEN LDD policy 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 sexting (also known as youth produced sexual imagery);

12.1.6 initiation / hazing type violence and rituals; and

12.1.7 Gender based violence.

12.2 The College's policy and procedures with regard to peer on peer abuse are set out in the College's safeguarding and child protection 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 procedures in the safeguarding and child protection policy and procedures 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 Headmaster 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 Headmaster will consider whether to require that Parent to remove their child or children from the College on the basis that they have treated the College or a member of staff unreasonably and compromised the requirement for mutual trust and confidence.

13.3 The College 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 College 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 the Restraints Policy.

## 15 Searching pupils

15.1 **Informed consent**: College staff may search a pupil or their possessions or accommodation with their consent for any item[1]. 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 Headmaster, and staff authorised by the Headmaster (including the Prep School Deputy Headteacher, Senior Deputy Head, Deputy Head Pastoral, Assistant Head Pastoral, Assistant Head Wellbeing and Safeguarding, Head of Boarding), 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 4 for the College's policy on searching and confiscation and the definition of prohibited items

## 16 Staff training

16.1 The College 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 College 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 College'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 College's approach to promoting pupil welfare will be systematic and pupil focused.

17.3 The Deputy Head Pastoral 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 Assistant Head Pastoral 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 College's policies that apply to the retention and destruction of records.

18.2 The College 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;

18.2.5 identifying whether these are relating to boarding.

18.3 This record is reviewed regularly by the Deputy Head Pastoral 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 College has a number of privacy notices which explain how the College will use personal data about pupils and Parents. The privacy notices are published on the College's website. In addition, staff must ensure that they follow the College's data protection policies and procedures when handling personal data created in connection with this policy. This includes the College's data retention policy.

## 19 Version control

| | |
|---|---|
| Date of adoption of this policy | 4th March 2021 |
| Date of last review of this policy | Lent Term 2026 |
| Date for next review of this policy | Lent Term 2027 |
| Policy owner (SLT) | Deputy Head Pastoral |
| Reviewed by | Deputy Head Pastoral, Assistant Deputy Head Pastoral, Head of Prep School |
| Policy owner (Proprietor) | Governing Body |
| Sub-Committee reviewed at: | Education Sub-Committee |

## Appendix 1 Rewards and sanctions

1 **Rewards**

1.1 **Prep School**

1.1.1 Verbal praise

1.1.2 Showing work to class

1.1.3 HPL House points/stars stickers

1.1.4 HPL Lunches with the Headmaster

1.1.5 Puppy pass to visit school dog

1.1.6 Showing work to another member of staff

1.1.7 Privilege time/choice/Pre Prep Sunshine of the Week

1.1.8 Visit to Headmaster for Commendation and praise., announced in assembly

1.1.9 Newsletter picture and story/ Parents informed

1.1.10 Performing Arts Colours or Sports Colours awarded for excellence and commitment to either field throughout a term

1.1.11 Awards/Prizes at annual Prep Prize Giving

1.1.12 Roles of responsibility throughout the school including House Captains, Chaplaincy Group, Prefects, Playground Friends, Sports Captains, Eco Ambassadors, Arts Ambassadors and School Council representatives

1.2 **College**

1.2.1 **Verbal Praise**

1.2.2 **High Performance Learning (HPL) Awards** - Teachers will award these HPLs on our school systems and parents can see the latest awards via the Parent Portal.

1.2.3 **Commendation certificates**

1.2.4 **Signing the Headmaster's Book**

1.2.5 **Golden Ticket for trips** – Students with excellent behavioural records for the preceding year are awarded a "golden ticket" giving them priority access to trips which are oversubscribed.

1.2.6 **House Colours -** House Colours are available at four levels: bounds, quarter, half and full. They are an outward recognition of the fact that the pupil has proved to be a credit to the House and the College and as such should be worn with pride.

1.2.7 **Sport/Art/Music/Drama Colours -** Half and full colours are awarded for commitment, performance and commitment to College life in the areas of Sport, Arts, Music and Drama.

1.2.8 **Prizes at Prizegiving**

## 2 Sanctions

2.1 In addition to the particular sanctions set out in this Appendix 1, the Headmaster may prescribe and authorise the use of such other sanctions as comply with good education practice and promote good behaviour and compliance with the College rules.

### 2.2 Prep School

2.2.1 Verbal Warning, Yellow sticker, Reflection time, after school detention including a form of community service, report card, loss of/suspension from areas of responsibilities (house captaincy, sports captaincy, chorister, playground friend, prefect, walking back from refectory), a ban (length to be agreed) from activity where poor behaviour took place, not representing the school in fixtures or concerts, removal from lessons for the remainder of the day.

2.2.2 extended loss of privileges, internal suspension (exclusion from lessons for agreed period), not being proposed for progression to College, external suspension (fixed term exclusion), possible expulsion (permanent exclusion).

### 2.3 College

2.3.1 Reprimand

2.3.2 Learning Conversations

2.3.3 Detentions - College detention, Thursday evening detention and Saturday morning detention

2.3.4 Suspension

2.3.5 Permanent exclusion

### 2.4 Boarding

2.4.1 in addition to the College sanctions, boarding may also impose sanctions as required such as:

(a) House Community Service

(b) Confiscation of technology (e.g. mobile phone, tablet and/or laptop)

(c) Boarding Detention

(d) Gating for 1-3 days

## Appendix 1 Investigations into serious breaches of discipline

1 The Headmaster 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 Headmaster 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, or on behalf of, the interviewing member of staff.

3 A pupil may be suspended from the College as a neutral act (pending the outcome of a disciplinary process.) Should a suspension continue for a period of more than five school days, the College will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil and will keep the terms of the suspension 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 Headmaster, the pupil may be offered a segregated regime on College premises.

4 A pupil's space or, following appropriate risk assessment, belongings may be searched during the course of the investigation. See Appendix 4 of this policy for the College's policy on searching and confiscation.

5 It may be necessary to delay the College'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 College will have regard to the DfE guidance *Sexual violence and sexual harassment between children in schools and colleges (May 2018)* and the College’s designated safeguarding lead (or a deputy) will take a leading role on decisions, in accordance with the College’s Safeguarding and Child Protection Policy.

6 In extreme circumstances where it is absolutely necessary, the College 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 College will provide appropriate pastoral and other support for all pupils affected by the allegations under investigation while they remain on the College roll.

7 The outcome of the investigation, where delegated to a member of staff or other third party, will be reported to the Headmaster. 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 2 Disciplinary meeting with the Headmaster

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 Headmaster 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 Headmaster. 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 his / her 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 Headmaster 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 College 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 At the disciplinary meeting :

3.1.1 the Headmaster will set out the allegations regarding the pupil or, where applicable, the Parents;

3.1.2 A summary of the investigation and evidence that has been gathered will be provided by the member of staff or person appointed to lead the investigation.

3.1.3 Relevant documents may also be provided, including:

(a) the pupil's conduct record;

(b) the relevant College policies and procedures.

3.2 The Headmaster will inform the pupil and his / her Parents of the range of disciplinary sanctions which the Headmaster 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 Headmaster considers that further investigation is needed, he will close the meeting and inform the pupil and the Parents that they will be notified of his decision in writing or verbally inform them.

## 4 Decision

4.1 The Headmaster 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 Headmaster may permanently exclude or remove a pupil or impose any other sanction he considers to be appropriate in accordance with this policy.

4.3 The Headmaster will notify the Parents of his decision in writing, with reasons, within three working days of the disciplinary meeting.

4.4 A decision to permanently exclude or remove a pupil shall take effect within five working days of the date of the Headmaster's letter confirming his decision. Until then, the pupil may remain suspended and away from College premises.

## 5 Review

5.1 The Parents or the pupil may request a Review of the Headmaster's decision

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

5.1.2 where the pupil is suspended from the College for 11 working days or more or

5.1.3 where suspension would result in the pupil missing a public examination.

5.2 A request for a Review must be made in writing within five working days of the date of the Headmaster's letter confirming his decision.

5.3 If such a request is made, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld, or a reconsidered decision made.

5.4 See the **Permanent Exclusion and 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 leaving status will be one of the following: permanently excluded, removed or, if the offer is made by the Headmaster 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 College;

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 College 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 pupil will be permitted to return to College premises to sit public examinations;

6.2.6 whether (if relevant) the College 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 College 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 3 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 College'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 College 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 College 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 College premises or at any time when they are in the lawful charge and control of the College.

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 College 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 College at the time.

4.3 If the pupil refuses to provide consent, disciplinary action may be taken in accordance with the College's behaviour policy.

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## 5 Searching for prohibited items

5.1 Where the Headmaster 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 College 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 College property (e.g. pupils' lockers or desks, bed, studies or dormitories); 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 member of staff 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 Headmaster, or staff authorised by the Headmaster, 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.

## 6 Confiscation

6.1 Under the College'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 College 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 College 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.

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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 College 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 College 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 UKCCIS sexting advice (for schools and colleges).

## 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 Headmaster 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 Headmaster 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.

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 Headmaster 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.

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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 Headmaster 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 College rules**: such items may, at the discretion of the College 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 College rules, the device will be kept safely until the end of the school day when it can be claimed by its owner, unless the Headmaster 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 College 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 College 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 (in the case of a boarder, see 8.13 below) and the pupil may be prohibited from bringing such a device onto College premises or on educational visits. In serious cases, the device may be handed to the police for investigation. See 7.3 above.

8.13 In the case of a boarder, where a parent is unable to collect the device, the Head of Boarding will liaise with the parent or guardian regarding return of the device and will decide, as appropriate, whether it should be kept safely by staff, returned to the pupil or sent to a Parent. See 7.3 above.

## 9 Communication with Parents

9.1 There is no legal requirement for the College 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 College 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 College's parental complaints policy and procedures.

9.4 The College 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 College does not accept responsibility for loss or damage to property.

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