

WHOLE SCHOOL BEHAVIOUR POLICY

**Independent Day School for Boys and Girls
Fairley House School**

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Named person responsible for review:	A Benkreira & J Stevens
Approved by:	Education Committee

Background

Fairley House is a school for children with specific learning difficulties (SpLD): Dyslexia and/or Dyspraxia/Developmental Co-ordination Disorder (DCD) or Specific Language Impairment (SLI), sometimes combined with Attention Deficit Disorder (ADD), Attention Deficit Disorder with Hyperactivity (ADHD) or pragmatic/social skills difficulties.

This is the whole school Behaviour Policy of Fairley House School. This policy sets out the School's approach to the promotion of good behaviour and the proper investigation and management of allegations of poor behaviour and/or breaches of discipline. Please see the Behaviour Policy for the Junior School and the Behaviour Policy for the Senior School for further details on the rewards and sanctions applicable.

Aims

The aims of this policy are:

- To teach pupils right from wrong and to encourage pupils to accept responsibility for their behaviour
- To promote good behaviour amongst pupils
- 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
- To help pupils understand the consequence of their own and others' actions
- To identify behaviour that is typical of children with specific learning difficulties so that it is not seen as misbehaviour
- to create a culture of safety, equality and protection.
- To address such behaviour appropriately to reduce its impact
- To help pupils gradually to overcome behaviours that might be seen as negative in mainstream settings so that by the time they leave they can behave in a manner that is acceptable in a mainstream classroom, enabling transition
- To apply rewards in preference to sanctions to motivate pupils and raise self-esteem and confidence
- To differentiate rewards and sanctions according to the age and stage of the child
- To set out a clear framework of rewards and sanctions so that pupils know what to do to receive rewards and what will happen if they behave poorly
- To set out a clear and fair process for the proper investigation of allegations of poor behaviour and/or breaches of discipline
- To ensure that the policy is clear to children, staff, parents and governors
- To help staff to operate a consistent framework for behaviour
- To communicate with parents if their child's behaviour is outstandingly positive or if there is cause for concern

Scope and application

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

This policy applies to the whole School all pupils at the School and at all times when a pupil is:

- in or at School;
- representing the School or wearing School uniform;
- travelling to or from School;
- on School-organised trips; or
- associated with the School at any time.

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

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

This policy is published on the website and is available in hard copy on request. A copy of this policy is made available for inspection from the Bursar during the School day.

This policy has been prepared to meet the School's responsibilities under: the Education (Independent School Standards) Regulations 2014, the Education and Skills Act 2008, the Children Act 1989, the Childcare Act 2006, the GDPR and Data Protection Act 2018 and the Equality Act 2010.

This policy has regard to the following guidance and advice: Keeping Children Safe in Education (DfE, September 2020), Working together to safeguard children (DfE, February 2019), Information sharing advice for safeguarding practitioners (DfE, July 2018), Behaviour and discipline in school (DfE January 2016), Use of reasonable force (DfE, July 2013), Searching, screening and confiscation: advice for schools (DfE, January 2018), Sexual violence and sexual harassment between children in school and colleges (DfE, May 2018), Mental health and behaviour in schools (DfE, November 2018) and Relationship education, relationships and sex education and health education (DfE, June 2019).

The following School policies and procedures are relevant to this policy:

- Behaviour Policy (Whole School)
- Behaviour Policy (Senior School)
- Behaviour Policy (Junior School)

- Safeguarding Policy
- Special Educational Needs Policy
- Expulsion Policy
- Anti-Bullying Policy
- Staff Code of Conduct
- E-safety policy

Specific learning difficulties

Those reading this policy may find the following information helpful when considering the management of allegations of poor behaviour and/or breaches of discipline:

It is widely acknowledged that SpLD causes Frustration, anxiety and low self-esteem leading to an emotional overlay and behaviours, such as work avoidance or failure to take risks, which might involve:

- being unduly quiet, not participating
- being disruptive to distract attention from the task in hand
- asking to leave the room unnecessarily “thinking”
- lengthy searches for materials
- failure to attempt the task, slow to get started or little work produced

We aim to reduce these behaviours by:

- setting manageable tasks
- giving targeted support
- raising self-esteem
- giving positive feedback verbally or through marking
- a high level of staffing
- a calm and nurturing ethos
- high expectations for each child, with appropriate support to achieve them

Specific learning difficulties in themselves result in behaviours which may cause problems in the classroom, but which are not deliberate misbehaviour.

Dyslexic children may:

- have poor listening skills and memory, resulting in apparent disregard for instructions
- literal interpretation of language resulting in inappropriate responses
- Word finding difficulties resulting in slow responses that lack fluency, both orally and in writing

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Strategies for dealing with these behaviours include:

- chunking instructions and presenting information visually as well as verbally
- Metacognitive (thinking about thinking) strategies for memory (visualising, rehearsal)
- teaching children how to listen
- teacher sensitivity to what has been misunderstood
- allowing time for the child to formulate a response

Dyspraxic (DCD) children may:

- have low or poor muscle tone, resulting in fidgeting
- have low stimulus level, necessitating regular movements and postural changes. These present as unnecessary fiddling, tapping, rocking or even humming or chanting.

Strategies for dealing with these behaviours include:

- Specific instruction in good sitting and good listening and encouragement to increase the amount of time children can manage this.
- Seating advice from an occupational therapist e.g. use of Move 'n' Sit cushion or Dycem.
- Occupational Therapy/PE to strengthen muscle tone
- OT provided objects to fiddle with rather than fiddling with everything that comes to hand
- Having only essential items for the task on the desk
- Setting a baseline, for a given behaviour then setting targets, negotiated with the child, for reducing occurrences below the baseline.

SLI children may:

- Not understand what is required
- Not be able to explain clearly what they want to say

Strategies for dealing with these behaviours include:

- Simplifying explanations
- Support from a speech and language therapist
- Alternative means of communication such as drawing a picture rather than writing or talking

Dyslexic and Dyspraxic children and those with SLI may:

- Process information slowly, resulting in withdrawal, inattention, poor understanding of cause and effect.

Strategies include:

- giving one instruction at a time
- Reminders for good sitting and good listening to gain attention before the teacher speaks

ADD/ADHD

Children are only admitted to FHS with these conditions if they can be managed effectively by behaviour modification and/or medication. However, there are times, for instance when medication is wearing off or 'a bad day', that the following behaviours may be seen:

- hyperactivity/hypoactivity
- impulsivity lack of concentration/attention
- disruption

Strategies include:

- a short period of 'time out' e.g. in the office following a phone call to the office by staff or in a designated spot just outside the classroom

Pragmatic difficulties

- lack of understanding of boundaries for behaviour
- inappropriate register in speaking to an adult
- lack of social awareness
- lack of understanding of another's view point

Strategies include:

- explicit teaching of interpersonal skills
- teacher explanations
- use of the peer group to support the child

There are core principles which apply across sites but different rewards and sanctions may apply according to each school (see the Behaviour Policy for the Junior School and the Behaviour Policy for the Senior School).

All rewards and sanctions for each child are logged on PASS so that a record of individual conduct is kept and so that patterns can be discerned, particularly for misbehaviour.

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The role of the class teacher/form tutor

- To take a special interest in each child in the class/form and provide good pastoral care, including being an advocate for the child if necessary
- To have good communication with parents through phone, email, diary and face to face meetings
- To be the key person who keeps parents informed if behaviour is concerning
- To liaise with other members of staff who may have concerns
To provide accurate and clear information on behaviour for external parties such as references for future schools or information for safeguarding agencies if they have concerns

Rewards

Pupils are educated about good behaviour through the operation of the School's curriculum, PSHEE programme and the School's pastoral support systems. Pupils are encouraged to act responsibly and, through the operation of this policy, and through the operation of the School's behaviour policies to accept responsibility for their behaviour. The School considers that rewards:

- Should be applied liberally
- For younger children should be immediate
- Should be applied fairly to all who deserve them and not reserved for those the teacher wishes to encourage because of poor behaviour or low levels of achievement
- Should be concrete (e.g. credits recorded in the diary for seniors and for the junior a PHP) Personal House Points will be recorded on the PHP house charts. These are entered weekly into PASS and the top scorers are mentioned during Assembly)

Once recorded in PASS: all PHPs and Credits are collated in forms and Houses which result in an extra reward at the end of the term, or start of the following term.

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.

Timetable monitoring

If there is considerable concern about a child's behaviour s(he) may be issued with a blank timetable to carry to all lessons, so each teacher can record a comment. This often has the effect of modifying behaviour, but if not, it allows

us to monitor exactly what is happening. Staff will be informed in Briefing if a child is being monitored.

Alternatively, a specific target may be set, and its success monitored through the timetable system. A clear target such as 'Put hand up to answer questions' would only need a tick and initials to indicate success. However, some targets may require a comment. The timetable will have explicit instructions/targets for teachers and the child at the top.

At going home time, the Headmaster/Senior Teacher will see the pupil's timetables and award a star or credit for a good day or targets met. Timetables are normally sent home for parents to initial each day to encourage good homeschool liaison. Parents are normally informed when a child begins timetable monitoring.

Occasionally this system operates without the child's knowledge. In this case, staff put comments into a timetable blank on the computer, rather than the child carrying the timetable from lesson to lesson.

Self-monitoring

A suggested strategy for pupils with ADD, ADHD is to ask the child to self-monitor his or her attention/behaviour against a rating scale, aiming to match the teacher's rating. Self-monitoring is intended to increase the child's selfawareness and responsibility with the ultimate aim of improving attention/behaviour.

Circle Time

Circle Time is a part of the PSHEE curriculum to be used at the teacher's discretion. The teacher may wish to raise a concern about the way in which the class is interacting or behaving. Pupils are expected to take turns speaking and to listen to others respectfully. Some circles pass around an object and only the person holding it may speak. Part of the Circle Time philosophy is to offer pupils Golden Time (a free choice of activities) weekly as a reward for good behaviour. Golden Time is offered to younger pupils in the Junior School but not in the Senior School.

Circle Time may be helpful at the start of the year to help the class to gel. Frequency of sessions thereafter is at the discretion of the class teacher. The school has Circle Time books and resources in the staff room. The purpose of the meeting is to try to find solutions to problems, or to celebrate successes.

Sanctions

It is the aim of this policy to circumvent or prevent trouble by, for example staff:

- teaching that engages all children

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- avoiding confrontation with children
- pre-empting problems if possible e.g. separating children who are having a disagreement
- making polite requests to children and expecting good manners from children in return
- providing a clear structure for what is expected (e.g. the going home procedure)
- reminding children of the rules regularly e.g. by rewarding a child who is following the rules
- following a reminder and warning for low level misbehaviour (e.g. talking at the wrong time)
- responding immediately to serious misbehaviour (e.g. violence, swearing)
- ensuring that sanctions are applied fairly and consistently
- Recording incidents of misbehaviour appropriately

Solution Circle

Solution circles are for pupils causing concern who are discussed in staff briefing, with the aim being to avoid dwelling on the problem, to find exceptions to the problem and to seek solutions or effective strategies and the circumstances which bring them about. We believe that the staff have the resources, expertise and ingenuity to find solutions to unacceptable or worrying behaviour by thinking through problems as a group and sharing suggestions for positive change.

Ground Rules for Discussing Children in Staff Meetings/Briefing

1. One person to present the problem
2. Avoid dwelling on the problem
3. Look for situations where child performs well/exceptions to the problem
4. Discussion should be solution focused
5. Keep discussion objective
6. Use professional language
7. Consider the child's specific strengths/interests that might be further cultivated to motivate or encourage
8. Consider what realistic outcome we are trying to achieve

Mentoring for children

Children requiring additional use of the pastoral system may be appointed a member of staff as a mentor. Children are usually allowed to select the member of staff they wish to have as a mentor. Regular appointments are made for the child to discuss any problems. The Head and Deputy are available to discuss children with any staff who feel they need help as a mentor.

Interpersonal skills

Where particular aspects of behaviour cause concern, such as regular difficulty with social interaction, friendship problems or pragmatic difficulties, interpersonal skills may be included in the IEP. Sessions may be run by an Occupational Therapist, Speech and Language Therapist, a particular member of staff that pupil may have a good rapport with or may be in the classroom led by the class teacher and a therapist working together. Pupils have access to the Head at all times should they prefer to speak to him.

Minor breaches of discipline

A range of sanctions are available for those who breach the School rules and policies for behaviour and discipline.

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 the Behaviour Policy for the Senior School and the Behaviour Policy for the Junior School for details of possible sanctions).

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.

Serious breaches of discipline

Allegations, complaints or rumours of serious breaches of discipline should be referred to the Headmaster.

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

- Supply which means providing or sharing (whether or not for money or other consideration) or facilitation of supply e.g. sale, exchange or sharing (which includes promotion / advertisement or facilitating supply) / possession / use of drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco as prohibited by the school policy on smoking, drugs and substances;

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- Actual or attempted theft, blackmail, physical violence, intimidation, racism or prejudice-based bullying or other potentially criminal offences including being an accessory or conspirator;
- physical or emotional abuse or harassment;
- harmful / inappropriate sexual behaviour including sexual violence, sexual harassment and upskirting;
- behaviour in contravention of the School's policies on the acceptable use of technologies or online safety;
- supply or possession of pornography;
- behaviour which may constitute a criminal offence, such as
- possession or use of firearms, knives or other weapons;
- vandalism, defacement and / or destruction of school property
- persistent minor breaches of discipline or attitudes or behaviour which are inconsistent with the School's ethos;
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
- other misconduct specifically provided for in the School's parent contract and School rules.

Sanctions for serious breaches of discipline include:

Suspension (Internal)

An 'Internal' is a suspension held within the school, these are issued if a pupil has gained 5 detentions in one term (Senior School), 5 Yellow cards in a half term (Junior School years 2-5) or 5 lunch time detentions (year 6) . The 'Internal' will remove the pupil from class for a half day or whole day, age depending. The pupil will do work as normal but will be sat with the Headmaster or a member of the Leadership Team.

If a pupil's behaviour is such that they are upset and are unable to control themselves then the pupil may sit with a member of the leadership team to calm down and when this has occurred will be returned to class as normal. If a pupil gains two internals in a term, then it will be left to the Headmaster to decide if the pupil's behaviour warrants a fixed term suspension (see below).

Suspension (Fixed Term)

The Headmaster reserves the right to suspend the pupil for a fixed term, usually for one to three days. See the Behaviour Policy for the Junior School and Senior School for further detail.

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 Headmaster is of the opinion that:

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

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

Expulsion

The Headmaster reserves the right to expel pupils for a serious breach of discipline as set out above, suspected criminal offences and for the avoidance of doubt, for persistent lower level breaches.

Prior to expulsion a plan will be devised to try to avoid permanent exclusion. The plan is devised in a meeting between the Headmaster and Deputy Head, parents and the child. The meeting will make clear the risk of expulsion and expulsion should not come as a surprise to any of the parties. The plan is likely to incorporate measures proposed by the whole staff in a meeting about the child (Solution Circle). It will be put in writing for parents and staff and will incorporate clear targets for the child and strategies for staff. The child's response to the plan will be regularly reviewed, at first weekly, when possible in a meeting between the child, parents and the Headmaster or Deputy. There should be good communication with parents where a child is at risk of expulsion.

An allegation, complaint or rumour of a serious breach of discipline will be investigated in accordance with the procedures set out in Appendix 1.

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 2.

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:

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- the factual findings made;
- whether or not they constitute serious misconduct; and.
- the sanctions under consideration.
- Sanctions imposed will be fair and proportionate to the breach.

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.

Parent involvement

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.

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.

All parents will be notified of any pending disciplinary hearing in accordance with the paragraph above regarding sanctions.

Parents will be notified of disciplinary sanctions:

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

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

Additional needs

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 pupil. In making such adjustments and considering the action to be taken under this policy (as adjusted), the School will have regard to the following:

- Whether reasonable steps have been taken to understand and address the pupil's educational and or other needs or vulnerabilities.
- Whether all reasonable adjustments have been made to try to manage the behaviour(s) which are under consideration.
- Whether in the light of your conclusions in respect of the two preceding paragraphs 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 :-
 - ensuring that education, benefits, facilities and services are targeted at those who most need them;
 - the fair exercise of powers;
 - ensuring the health and safety of pupils and staff, in light of clearly identified risks (with due attention to the potential need to refer concerns arising externally as required under the School's Safeguarding Policy;

- maintaining academic and behaviour standards; and
- ensuring the wellbeing and dignity of pupils.

If there is a concern that a pupil's behaviour is as a result of unmet educational or other needs, advice should be sought from the SENCO and further action in accordance with the School's Special Educational Needs Policy will be considered.

Safeguarding

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:

- bullying (including cyber-bullying and prejudice-based bullying). Please see the Anti-Bullying Policy for further details;
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexual violence and / or sexual harassment;
- upskirting and / or attempts to commit upskirting; • sexting (also known as youth produced sexual imagery); and
- initiation / hazing type violence and rituals.

The School's policy and procedures with regard to peer on peer abuse are set out in the School's Safeguarding 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, the procedures in the Safeguarding Policy will take priority).

Malicious allegations against staff

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.

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 School on the basis that they have treated the School or a member of staff unreasonably and compromised the requirement for mutual trust and confidence.

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

Use of reasonable force

Under section 131 of the School Standards and Framework Act corporal punishment is prohibited. Corporal punishment does not in any way fit the ethos of the school. The emphasis should be on encouraging good behaviour through rewards, raising self-esteem and motivating and teaching children to behave well. Sanctions should never involve corporal punishment and should never humiliate or frighten pupils. The ban on corporal punishments extends to education offsite such as residential or day trips.

Any use of force by staff will be reasonable, proportionate and lawful. Reasonable force will be used as set out in Appendix 3. More detailed guidance about the use of reasonable force is provided to staff in the Staff code of conduct.

Searching pupils

Informed consent: School staff may search a pupil or their possessions or accommodation with their 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.

Searches without consent: The Headmaster, and staff authorised by the Headmaster, 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 School's policy on searching and confiscation and the definition of prohibited items.

How do people know about the policy?

The Headmaster or a Senior Teacher goes through the policy with new members of staff to ensure it is understood, as part of induction. If the policy is amended following review, a revised copy of the policy is given to all members of staff.

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

The Parent Guide contains the main points of the School's behaviour policies and is sent to all new parents. Teachers ensure that all pupils in their class/form know the rules and how the system of rewards and sanctions works, at the beginning of the year and if new pupils start during the year. There is a meeting

in September for all parents with their child's new class teacher/form tutor and rewards and sanctions are explained. New parents also meet the child's class teacher for the same purpose.

Risk assessment

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

The format of risk assessment may vary and may be included as part of the School's overall response to a welfare issue, including the use of individual pupil welfare plans (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.

The Deputy Head 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.

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

Record keeping

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.

The School will keep a separate record of sanctions imposed for serious misbehaviour in the Record of Sanctions for Serious Disciplinary Offences. The record includes:

- the name and year group of the pupil concerned;
- the nature and date of the offence;
- the sanction imposed and reason for it; and
- the name of the person imposing the sanction;

This record is reviewed regularly by the Deputy Head so that patterns in behaviour can be identified and managed appropriately.

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 GDPR Information and Records Retention Policy.

Appendix I Investigations into serious breaches of discipline

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.

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.

A pupil may be suspended from the School 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 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 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 School premises.

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 School's policy on searching and confiscation.

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.

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.

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 2Appendix 2 of this policy.

Appendix 2 Disciplinary meeting with the Headmaster

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.

Attendance

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.

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.

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.

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. **Meeting**

Documents available at the disciplinary meeting with the Headmaster may include:

- a statement setting out the allegations regarding the pupil or, where applicable, the parents;
- relevant documents including:
 - the investigation report;
 - the pupil's conduct record;
 - the relevant School policies and procedures.

The Headmaster will inform the pupil and his / her parents of the range of disciplinary sanctions which the Headmaster considers are open to them.

The pupil and his / her parents will have an opportunity to make representations on:

- the investigator's findings;
- whether they constitute serious misconduct;
- the appropriate sanction to be imposed.

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.

Decision

The Headmaster will consider

- whether the allegation, complaint or rumour has been sufficiently proved. The standard of proof shall be the civil standard, i.e. the balance of probabilities;
- whether the findings constitute serious misconduct; and
- the appropriate sanction to be imposed (and the pupil's disciplinary record will be taken into account where the complaint concerns the conduct of the pupil).

The Headmaster may expel or require the removal of a pupil or impose any other sanction he considers to be appropriate in accordance with this policy.

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

A decision to expel 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 School premises.

Review

The parents or the pupil may request a Review of the Headmaster's decision to expel or remove a pupil from the School.

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.

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.

See the Expulsion and Removal: review procedure for further information about requesting a Review and the detail of the procedure.

Leaving status

If a pupil is expelled or removed, his/her leaving status will be one of the following: expelled, removed or, if the offer is made by the Headmaster and accepted by the parents, withdrawn by parents.

Additional points of leaving status to be considered may include:

- the form of letter which will be written to the parents and the form of announcement in the School;
- the form of reference which will be supplied for the pupil;
- the entry which will be made on the School record and the pupil's status as a leaver;

- arrangements for transfer of any course and project work to the pupil, his / her parents or another school;
- whether (if relevant) the pupil will be permitted to return to School premises to sit public examinations;
- whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil;
- whether the pupil will be entitled to leavers' privileges;
- the conditions under which the pupil may re-enter School premises in the future; and
- **financial aspects:** payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

Appendix 3 Use of reasonable force

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).

Reasonable force may be used to prevent a pupil from doing or continuing to do any of the following:

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

In these circumstances, force 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.

In addition, reasonable force may be used to conduct a search for certain "prohibited items". See Appendix 4 below.

In these circumstances, 'reasonable' means using no more force than is needed.

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.

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

Appendix 4 Searching and confiscation

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.

The School's policy on searching and confiscation has regard to the DfE guidance Searching, screening and confiscation: advice for schools (DfE, January 2018).

Prohibited items

The following are "prohibited items"

- under Section 550ZA(3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulations (SI 2012 / 951):
 - (a) knives or weapons, alcohol, illegal drugs and stolen items;
 - (b) tobacco and cigarette papers, fireworks and pornographic images;
 - (c) any article that a member of staff reasonably suspects has been, or is likely to be used:
 - (i) to commit an offence; or
 - (ii) to cause personal injury to, or damage to the property of, any person (including the pupil); and
- any item banned by the School rules that are identified as being items which may be searched for. [Note: items banned may include such things as vaping devices and the paraphernalia of smoking or vaping]

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

Searching with consent

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 the Prohibited Items section 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.

The consent of the pupil must be obtained for searches for items that are not "prohibited items" as listed in the Prohibited Items section above. The consent of the pupil must be sought even if he / she is not at the School at the time.

If the pupil refuses to provide consent disciplinary action may be taken in accordance with the School's behaviour and discipline policy.

Searching for prohibited items

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

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.

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

- a search of outer clothing; and / or
- a search of School property (e.g. pupils' lockers or desks, bed, studies or dormitories); and / or
- a search of personal property (e.g. bag or pencil case).

Searches will be conducted in such a manner as to minimise embarrassment or distress. 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.

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.

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.

Confiscation

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

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

Searching electronic devices

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

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

Subject to the paragraph below and the requirements set out in the DfE's Keeping Children Safe in Education (September 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.

Staff should not view or forward illegal images of a child. When viewing an image is unavoidable staff should follow the School's policy on sexting as set out in the Safeguarding Policy and consult the advice set out in the Searching screening and confiscation advice (for schools) and UKCCIS sexting advice (for schools and colleges).

Disposal of confiscated items

- **Alcohol:** alcohol which has been confiscated will be destroyed.
- **Controlled drugs:** controlled drugs will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion of 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.
- **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.
- **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, such as pencil cases.
- **Tobacco or cigarette papers:** tobacco or cigarette papers will be destroyed.
- **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.
- **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.
- 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.
- **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.

- **Weapons or items which are evidence of an offence:** such items will be passed to the police as soon as possible.
- **An item banned under School rules:** such items may, at the discretion of the School or 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 Headmaster considers it necessary to retain the device for evidence in disciplinary proceedings in accordance with the paragraph below on electronic devices. 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.
- **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.

Communication with Parents

There is no legal requirement for the School to inform parents before a search for banned or prohibited items takes place or to seek their consent to search their child and it will not generally be practicable to do so. In appropriate cases we will inform parents on how the School will dispose of certain items.

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.

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

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