

Behaviour and Discipline Policy



Lancing College

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1. **Aims**

- 1.1 This is the behaviour and discipline policy of Lancing College.
- 1.2 The aims of this policy are as follows:
 - 1.2.1 to promote good behaviour amongst pupils;
 - 1.2.2 to actively promote and safeguard the welfare of pupils at the College and to protect all who come into contact with the College from harm;
 - 1.2.3 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;
 - 1.2.4 to set out a clear and fair process for the proper investigation of allegations of poor behaviour and / or breaches of discipline;
 - 1.2.5 to encourage pupils to accept responsibility for their behaviour;
 - 1.2.6 to set out the sanctions adopted by the College in the event of pupil misbehaviour; and
 - 1.2.7 to help create a culture of safety, equality and protection.

2 **Scope and Application**

- 2.1 This policy applies to the senior school and Sixth Form of Lancing College.
- 2.2 This policy (together with the school 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;
 - 2.2.5 associated with the College at any time.
- 2.3 This policy shall also apply to pupils at all times and places 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 2015);
 - 3.1.3 Education and Skills Act 2008;
 - 3.1.4 Children Act 1989;
 - 3.1.5 Childcare Act 2006;
 - 3.1.6 Data Protection Act 2018 and General Data Protection Regulation (GDPR); and
 - 3.1.7 Equality Act 2010.
- 3.2 This policy has regard to the following guidance and advice:
- 3.2.1 Working together to safeguard children 2018 (DfE, February 2019);
 - 3.2.2 Information sharing advice for safeguarding practitioners (DfE, July 2018);
 - 3.2.3 Behaviour and discipline in schools (DfE, January 2016);
 - 3.2.4 Use of reasonable force (DfE, July 2013);
 - 3.2.5 Searching, screening and confiscation: advice for schools (DfE, January 2018);
 - 3.2.6 Sexual violence and sexual harassment between children in schools and colleges (DfE, May 2018);
 - 3.2.7 Mental health and behaviour in schools (DfE, November 2018); and
 - 3.2.8 Keeping children safe in education (DfE, September 2019) (KCSIE).
- 3.3 The following College policies, procedures and resource materials are relevant to this policy:
- 3.3.1 [acceptable use policy for pupils](#)
 - 3.3.2 [anti-bullying policy](#);
 - 3.3.3 [policy on smoking](#);
 - 3.3.4 [policy on alcohol](#)
 - 3.3.5 [policy on drugs](#)
 - 3.3.6 [child protection \(safeguarding\) policy](#);
 - 3.3.7 [risk assessment policy and procedure](#);
 - 3.3.8 [SENDA policy including 3 years accessibility policy](#);

3.3.9 disability and learning support policy;

3.3.10 expulsion and removal: review procedure.

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 Head Master’s Assistant or the Deputies’ PA during the College 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 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 **Head** may include his Deputies.

5.1.4 References to **Parent** or **Parents** includes one or both of the parents, a 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.

5.1.5 References to the **Review** are to the review by the panel of the Head Master’s decision in accordance with the expulsion and removal: review procedure.

6 **Responsibility Statement and Allocation of Tasks**

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

6.2 To ensure the efficient discharge of its responsibilities under this policy, the Proprietor has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	Senior Deputy Head	As required, and at least annually
Monitoring the implementation of the policy, relevant risk assessments and any	Assistant Head, Pastoral	As required, and at least termly

Task	Allocated to	When / frequency of review
action taken in respect and evaluating effectiveness		
Seeking input from interested groups (such as pupils, staff, Parents) to consider improvements to the College's processes under the policy	Senior Deputy Head	As required, and at least annually
Formal annual review including effectiveness of policy and procedures in promoting good behaviour and trends relating to disciplinary measures taken	Governing Body	Annually

7 Promoting Good Behaviour

7.1 Aims

The College wishes to encourage behaviour of the highest possible standard. We see this as an important and integral part of developing the full potential of each individual. Staff are required to promote high standards, model them in terms of interactions with pupils and colleagues and encourage pupils to take pride in collective courtesy, consideration and care.

7.2 Method

In order that each member of the school community understands the expectations placed on them there is a wide range of advice and information available.

7.2.1 The School Rules are published in multiple locations, including but not limited to the Blue Book, the staff handbook; the termly calendar; all of which are available on the VLE;

7.2.2 New pupils are issued with a copy of The Pupil's Charter and a New Pupil Booklet on entry to the College.

7.2.3 The classroom code of conduct and the Anti-Bullying Digest are on display in classrooms, and house notice boards.

7.2.4 House meetings and Year Group Assemblies include appropriate models of behaviour.

7.2.5 Guidance is given to staff on how best to promote good behaviour as well as how best to deal with poor behaviour in multiple ways. This includes but is not limited to the staff induction programme, departmental and House mentoring, Child Protection training, delivered to all staff and volunteers and through a range of CPD and the appraisal system;

7.2.6 Parents receive a copy of the School Rules in the Joining Instructions and a copy of the Pupils' Charter that they may discuss with their son/ daughter prior to their arrival in the College. They also receive a termly copy of the calendar and, via the Parents' Portal, key communications;

7.2.7 Senior pupils are appointed as House Captains and School Prefects so that their example will encourage younger pupils. Pupils from across the range of years are given the opportunity to serve on committees reflecting and promoting the views and aspirations of the pupil body. Year Councils of elected pupils feed into a School Council which meets regularly with the Head Master and other senior staff. Within this they are given the opportunity to discuss and indeed to shape codes of conduct, to respond to issues and to consider positive conduct and interaction within and beyond Lancing.

7.3 Responsibility

7.3.1 The College aims that all members of the community take responsibility for themselves and for each other and that they understand how to raise issues affecting themselves or others and how to express their concerns if they feel that they have been unfairly treated.

7.3.2 Pupils are educated about good behaviour through the curriculum, PSHE programme, [relationship education/relationship and sex education] programme(s) and the College's pastoral support systems.

7.4 Rewards

The College understands that rewards can be more effective than punishment in motivating pupils. Staff guidance focuses on the Rewards, both formal and informal, available to members of staff in their interactions with pupils and staff are encouraged to recognise that rewards play a vital role in the education and welfare of pupils. (See Appendix 1 for details of possible rewards) 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 school rules and policies for behaviour and discipline.

8.2 Allegations, complaints or rumours of minor breaches of discipline are dealt with by staff as they occur. Staff may carry out informal investigations and/or interviews with the pupils involved. Low level sanctions may be given following such processes (see Appendix 1 for details of possible sanctions).

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

9 Serious Breaches of Discipline

- 9.1 Allegations, complaints or rumours of serious breaches of discipline should be referred to the Head Master.
- 9.2 The main categories of misconduct which are likely to be considered to be serious breaches of discipline and which may therefore result in expulsion or a requirement to leave the College include but are not limited to:
- 9.2.1 supply which means providing or sharing (whether or not for money or other consideration) or facilitation of supply e.g. sale, exchange or sharing (which includes promotion / advertisement or facilitating supply)/ possession / use of drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco;
 - 9.2.2 actual or attempted theft, blackmail, physical violence, intimidation, racism or prejudice-based bullying or other potentially criminal offences including being an accessory or conspirator;
 - 9.2.3 physical or emotional abuse or harassment;
 - 9.2.4 harmful/inappropriate sexual behaviour including sexual violence, sexual harassment and upskirting;
 - 9.2.5 behaviour in contravention of the College's policies on the acceptable use of technologies or online safety;
 - 9.2.6 supply or possession of pornography;
 - 9.2.7 behaviour which may constitute a criminal offence, such as:
 - (a) possession or use of unauthorised firearms, knives or other weapons;
 - (b) vandalism, defacement and/or destruction of school property;
 - 9.2.8 persistent minor breaches of attitudes or behaviour which are inconsistent with the College's ethos;
 - 9.2.9 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) on or off College premises;
 - 9.2.10 other misconduct specifically provided for in the College's parent contract and school rules.
- 9.3 The range of sanctions for serious breaches of discipline include:
- 9.3.1 **Suspension:** a pupil may be sent or released home for a limited period either as a disciplinary sanction or as a neutral act pending the outcome of an investigation or pending a Review.
 - 9.3.2 **Removal:** the Parents may be required to the remove a pupil from the College if, after consultation with one or more of the Parents and if appropriate the pupil, the Head is of the opinion that:

- (a) the pupil has committed a breach or breaches of school rules or discipline for which removal is the appropriate sanction; or
- (b) by reason of the pupil's conduct, behaviour or progress, 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 Head, the Parents may be permitted to withdraw the pupil as an alternative to removal being required.

9.3.3 **Expulsion:** a pupil may be expelled from the College for a very grave breach of discipline or a serious criminal offences and for the avoidance of doubt, for persistent lower level breaches. Expulsion is reserved for the most serious breaches.

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

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

9.6 The School will act fairly and in accordance with the principles of natural justice and will ensure that where a pupil's place at the 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.

Sanctions imposed will be fair and proportionate to the breach.

9.7 If a pupil is withdrawn from the College before the conclusion of these 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 Parental 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 school rules.

10.2 Parents will be informed as soon as reasonably practicable after 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 Parents will also 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 breaches of discipline, i.e. gating, or more serious sanctions or persistent minor breaches such as demerits; and those
 - 10.4.2 imposed for serious breaches of discipline and any rights of review;
- as required and / or within school reports.
- 10.5 Parents will be consulted about the child's conduct and the application of this policy to their child where the 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 child protection (safeguarding) 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 Head Master, his Deputies or the Head of Learning Support and further action in accordance with the College's SENDA 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); and
 - 12.1.6 initiation / hazing type violence and rituals.
- 12.2 The College's policy and procedures with regard to peer on peer abuse are set out in the [College's Child Protection \(Safeguarding\) Policy](#) and procedures. If behaviour and discipline matters give rise to a safeguarding and child protection concern, either in relation to the alleged victim(s) or perpetrator(s) or, more widely, in relation to ensuring the safety and welfare of pupils and /or staff, the procedures in the Child Protection (Safeguarding) 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 Head will consider whether to take disciplinary action in accordance with this policy.
- 13.2 Where a Parent has made a deliberately invented or malicious allegation the Head will consider whether to require that Parent to remove their child or children from the 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 to disprove the allegation and there has been a deliberate act to deceive.

14 **Use of Reasonable Force**

- 14.1 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.
- 14.2 Corporal punishment is not used at the College and force is never used as a form of punishment.

15 **Searching Pupils**

- 15.1 **Informed consent:** College staff may search a pupil or his / her possessions or accommodation with their consent for any item. If a member of staff suspects that a pupil has a banned item in her possession, they can instruct the pupil to turn out his / her pockets or bag. If the pupil refuses, sanctions will be applied in accordance with this policy.

15.2 **Searches without consent:** in relation to prohibited items, the Head Master and staff authorised by the Head, may search a pupil or a pupil's possessions, without their consent, where they have reasonable grounds for suspecting that a pupil has a prohibited item in their possession. Please see Appendix 5 for the College's policy on searching and confiscation and the definition of prohibited items.

16 **Disciplinary Power of Prefects**

16.1 Prefects have no powers to apply disciplinary sanctions and all disciplinary action must take place through the staff. Prefects receive training in their roles as mentors, role models and conduits between staff and pupils and this emphasises that the passing on of praise is always welcome.

17 **Training**

17.1 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.

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

17.3 The College maintains written records of all staff training.

18 **Risk Assessment**

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

18.2 The format of risk assessment may vary and may be included as part of the 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.

18.3 The Senior 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.

18.4 Day to day responsibility to carry out risk assessments under this policy will be delegated to The Assistant Head (Pastoral) who has been properly trained in, and tasked with, carrying out the particular assessment. Please see the College's risk assessment policy and procedures.

19 **Record-keeping**

19.1 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.

19.2 A record is kept of sanctions imposed for serious misbehaviour. The record includes:

19.2.1 the name and year group and status (Day/ Boarding) of the pupil concerned;

19.2.2 the nature and date of the offence;

19.2.3 the sanction imposed and reason for it; and

19.2.4 the name of the person imposing the sanction

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

20 **Version Control**

Date of adoption of this policy	July 2020
Date of last review of this policy	March 2022
Date for next review of this policy	March 2023
Policy owner (SMT)	HRD

Appendix 1 Rewards and Sanctions

1 Rewards

- 1.1 Academic rewards include Merits, Distinctions and Head Master's Commendations. Exceptional performance in examinations and in work across a term is rewarded with formal prizes and recognition. Through formal praise (Head Master's Assembly) and informal recognition; through the Team of the Week dining at a clothed table each Friday; through mention in school-generated publications and through diurnal contact with interested and caring staff, all pupils have the opportunity to access guidance and rewards.

2 Sanctions

- 2.1 The College recognises that individuals will make errors of judgement and, as a school, we have a responsibility to educate our pupils as well as to protect them and others from harmful actions. For this reason, school sanctions are often graded in 'ladders', e.g. see Level 1 to 4 in the College's Policy on Smoking, Section 5.5 of the Staff Handbook, and various responses are open to staff depending upon the incident.
- 2.2 In addition to the particular sanctions set out in this Appendix 1, the Head may prescribe and authorise the use of such other sanctions as comply with good education practice and promote good behaviour and compliance with the school rules.
- 2.3 Appropriate disciplinary responses range from verbal admonishment to suspension. Sanctions include detentions (class -teacher led, Departmental and Formal Academic Detentions); Extra Duties (in reparation for minor instances of poor behaviour outside the academic sphere); Gating, Head Master's Detentions and Suspension (which shall not exceed two weeks as a disciplinary response). Formal sanctions are set out in the Staff Handbook, as are the process that may lead to the imposition of such sanctions, e.g. should a class teacher's efforts to resolve an issue not be successful that teacher may refer the matter to the Head of Department who may in turn need to seek the support and guidance of the Assistant Head (Academic) or the Deputy Head. The Senior Deputy Head keeps a record of all serious disciplinary offences.

Appendix 2 Investigations into Serious Breaches of Discipline

1. The Head will 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 Head 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, arrangements will be made for him / her to be accompanied by their HMM (or in their absence their Assistant HMM). A minute of the interview will be recorded in writing by the interviewing member of staff. The pupil may be asked to confirm any statement made or minute taken to be true and accurate.
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 College 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, the pupil may be offered a segregated regime on College premises.
4. A pupil's space or belongings may be searched during the course of the investigation. See Appendix 5 of this policy for the College's policy on searching and confiscation.
5. It may be necessary to delay an 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.
6. If considered 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 school roll.
7. The outcome of the investigation, where delegated to a member of staff or third party, will be reported to the Head. If the findings of the investigation appear to support the allegation, complaint or rumour, a disciplinary meeting will then be convened in accordance with the procedures in Appendix 3 of this policy.

Appendix 3 Disciplinary Meeting with the Head

1. Where the findings of the investigation into an allegation, complaint or rumour of a serious breach of discipline appears to support the allegation, complaint or rumour, a disciplinary meeting with the Head or his nominated Deputy will take place.
2. **Attendance**
 - 2.1 The pupil and his / her Parents (if available) will be asked to attend the disciplinary meeting with the Head. The pupil will also be accompanied by an adult member of staff, usually their Housemaster/ Housemistress. Where the complaint concerns the behaviour of the Parents, the pupil will not generally be expected to attend the meeting and this procedure applies to the Parents only.
 - 2.2 The person who oversaw the investigation will be in attendance to explain the circumstances of the complaint and his / her investigation and findings. An additional member of staff will be present to minute the meeting
 - 2.3 If the Parents or the pupil have any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Head 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 Documents available at the disciplinary meeting with the Head may include:
 - 3.1.1 a statement setting out the allegations regarding the pupil or, where applicable, the Parents;
 - 3.1.2 written statements and notes of the evidence supporting the allegations, and any relevant correspondence;
 - 3.1.3 the investigation report;
 - 3.1.4 the pupil's College file and (if separate) conduct record;
 - 3.1.5 the relevant College policies and procedures.
 - 3.2 The Head will consider the allegations and the evidence, including statements made by and / or on behalf of the pupil or, where applicable, the Parents.
 - 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 The Head will inform the pupil and his / her Parents of the range of disciplinary sanctions which the Head considers are open to him / her if the allegation, complaint or rumour is sufficiently proved.

3.5 Unless the Head 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 to inform them.

4. **Decision**

4.1 The Head 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 Head may expel or remove a pupil or impose any other sanction he / she considers to be appropriate in accordance with this policy.

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

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

5. **Review**

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

5.1.1 to expel 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 a suspension would result in the pupil missing a public examination.

5.2 A request for a Review must be made within five working days of the date of the Head'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 expulsion 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 expelled or removed, his / her leaving status will be one of the following: expelled, removed or, if the offer is made by the Head 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 College;
 - 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; refunded of prepaid fees.

Appendix 4 Use of Reasonable Force

1. Any use of reasonable force will be in accordance with the DfE guidance Use of reasonable force (DfE, July 2013).
2. Reasonable force may be used to prevent a pupil from doing or continuing to do any of the following:
 - 2.1 committing a criminal offence;
 - 2.2 injuring themselves or others;
 - 2.3 causing damage to property, including their own;
 - 2.4 engaging in any behaviour prejudicial to good order and discipline at the College or among any of its pupils, whether that behaviour occurs in a classroom or elsewhere.
3. In these circumstances, force will be used for two main purposes: to control pupils or to restrain them. Reasonable force may be used, for example, to restrain a pupil at risk of harming themselves or another individual or to prevent a pupil leaving a classroom where allowing him / her to do so would risk his /her safety or lead to behaviour that disrupts the behaviour of others.
4. In addition, reasonable force may be used to conduct a search for certain "prohibited items" (see Appendix 5 below).
5. In these circumstances, 'reasonable' means using no more force than is needed.
6. In deciding whether reasonable force is required, the needs of individual pupils will be considered and reasonable adjustments will be made for pupils with special educational needs or disabilities. The College will establish proactive and positive behaviour support strategies for pupils with particular needs, in consultation with their Parents, to reduce the occurrence of challenging behaviour and the need to use reasonable force.
7. Where reasonable force is used by a member of staff, the Senior Deputy Head must be informed of the incident and it will be recorded in writing. The pupil's Parents will be informed about serious incidents involving the use of force.

Appendix 5 Searching and Confiscation

1. All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.
2. The 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" under Section 550ZA(3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulations (SI 2012/951):
 - 3.1.1 knives or weapons, alcohol, illegal drugs and stolen items;
 - 3.1.2 tobacco and cigarette papers, fireworks and pornographic images;
 - 3.1.3 any article that a member of staff reasonably suspects has been, or is likely to be used:
 - (a) to commit an offence; or
 - (b) to cause personal injury to, or damage to the property of, any person (including the pupil); and
 - 3.1.4 any item banned by the school rules that are identified as being items which may be searched for. [Note: items banned may include such things as vaping devices and the paraphernalia of smoking or vaping.]
 - 3.2 The College has banned items that are reasonably believed 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 (for example on an educational visit).
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.
 - 4.2 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.
 - 4.3 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.
 - 4.4 If the pupil refuses to provide consent, disciplinary action may be taken in accordance with the College's behaviour and discipline policy.

5. **Searching for Prohibited Items**

- 5.1 Where the Head 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 and the second member of staff present will be the same sex as the pupil.
- 5.5 Where it is reasonably believed that serious harm may be caused if the search is not carried out immediately and it is not practicable to summon the pupil, or another member of staff, a member of staff may carry out a search in any event.
- 5.6 Where the Head, or staff authorised by the Head, 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 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 an authorised member of the IT staff.

- 7.2 Any data or files will only be erased if there is good reason to suspect that the data or files have been, or could be used to cause harm, to disrupt teaching or break school rules.
- 7.3 Subject to 7.4 below and the requirements set out in KCSIE 2020, if inappropriate material is found on an electronic device, the member of staff may delete the material, retain it as evidence of a breach of 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 Head or authorised member of staff, the drugs may be destroyed without the involvement of the police if there is good reason to do so. All relevant circumstances will be taken into account and staff will use professional judgement to determine whether the items can be safely disposed of. They will not be returned to the pupil.
- 8.3 **Other substances:** substances which are not believed to be illegal drugs but which are harmful or detrimental to good order and discipline may be confiscated and destroyed. Where it is not clear whether or not the substance seized is an illegal drug, it will be treated as though it is illegal and disposed of as above.
- 8.4 **Stolen items:** stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of the Head or authorised member of staff, there is good reason to do so, stolen items may be returned to the owner without the involvement of the police. This is likely to apply to items of low value.
- 8.5 **Tobacco or cigarette papers:** tobacco or cigarette papers will be destroyed.
- 8.6 **Fireworks:** fireworks will not be returned to the pupil. They will be disposed of safely at the discretion of the Head or other authorised member of staff.
- 8.7 **Pornographic images:** pornographic images involving children or images that constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008 will be handed to the police as soon as practicable. As possession of such images may indicate that the pupil is at risk of harm, the Designated Safeguarding Lead will also be notified and will decide whether to make a referral to children's social care.
- 8.8 Other pornographic images will also be discussed with the Designated Safeguarding Lead. The images may then be passed to children's social care for consideration of any further action. If no action is to be taken by the local authority the images will be erased after a note has been made for disciplinary purposes, confirming the nature of the material.
- 8.9 **Article used to commit an offence or to cause personal injury or damage to property:** such articles may, at the discretion of the Head or authorised member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained or disposed of.

- 8.10 **Weapons or items which are evidence of an offence:** such items will be passed to the police as soon as possible.
- 8.11 **An item banned under school rules:** such items may, at the discretion of the 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 school rules to disrupt teaching, the device will be kept safely until the end of the College day when it can be claimed by its owner, unless the Head or his designated deputies considers it necessary to retain the device for evidence in disciplinary proceedings in accordance with 8.12 below. If a pupil persists in using a mobile electronic device in breach of school rules, the device will be confiscated and must be collected by a Parent.
- 8.12 **Electronic devices:** if it is found that a mobile phone, laptop or tablet computer or any other electronic device has been used to cause harm, disrupt teaching or break school rules, including carrying out cyberbullying, the device will be confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded the device must be collected by a Parent and the pupil may be prohibited from bringing such a device onto College premises or on educational visits. In serious cases, the device may be handed to the police for investigation.

9. **Communication with Parents**

- 9.1 There is no legal requirement for the 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.