

Behaviour and Discipline Policy

Queen's College, Taunton

October 2016 (v.1ii)

1 Policy aims

1.1 The aims of this policy are:

- 1.1.1 to enable the Head Teacher to carry out her responsibilities of maintaining order and good discipline in the School;
- 1.1.2 to promote good behaviour and support positive behaviour modification;
- 1.1.3 to actively promote and safeguard the welfare of pupils at the School;
- 1.1.4 to ensure, so far as possible, that every pupil in the School is able to benefit from and make his / her full contribution to the life of the School, consistent always with the needs of the School community;
- 1.1.5 to authorise the School rules and any procedures necessary for implementing them.

2 School rules for behaviour and discipline

2.1 The School rules and policies for behaviour and discipline shall be set by the Head. The School rules and policies for behaviour and discipline are necessary:

- 2.1.1 for the health, safety, welfare and well-being of everyone at the School;
- 2.1.2 for the reputation of the School community as a whole; and
- 2.1.3 for the protection of School property and the wider environment.

2.2 The School rules apply to all age groups and at all times when the pupil is:

- 2.2.1 at the School, representing the School or wearing School uniform;
- 2.2.2 travelling to and from the School; or
- 2.2.3 associated with the School at any time.

2.3 Pupils are expected to know and understand the School rules and policies for behaviour and discipline which include:

- 2.3.1 this policy;
- 2.3.2 IT Acceptable Use Policy for Pupils;
- 2.3.3 Anti-bullying Policy; and
- 2.3.4 Smoking, Alcohol, Drugs and Substances Policy.

2.4 The School rules and policies for behaviour and discipline will be amended from time to time and reinforced in assemblies and on other appropriate occasions.

3 Scope

3.1 The Governors and the Head intend that the School rules and policies for behaviour and discipline and the rewards and sanctions provided in them shall also, in appropriate circumstances, be capable of regulating the conduct of pupils when they are away from School premises and outside the jurisdiction of the School, for example during weekends, half term and in the holidays.

3.2 This will normally be where the conduct in question could have repercussions for the orderly running of the School, affects the welfare of a member or members of the School community or a member of the public, or which brings the School into disrepute.

4 **Rewarding good behaviour**

4.1 The School understands that rewards can be more effective than punishment in motivating pupils. The ways in which the School may reward good behaviour are set out in Appendix 1.

4.2 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.

5 **Breaches of School discipline**

5.1 The School has pastoral support systems in place to assist pupils in managing their behaviour. A range of sanctions are available for those who breach the School rules and policies for behaviour and discipline.

5.2 The Head may prescribe and authorise the use of any sanctions as comply with good education practice and promote good behaviour and compliance with the School rules. Examples of sanctions used at the School are set out in Appendix 1. A more serious sanction may be imposed if it is considered appropriate to do so, e.g. where there are persistent breaches of discipline by a pupil.

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

5.4 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.

5.5 The Head Teacher must be consulted in cases of breaches of discipline where there may be special circumstances which should be taken into consideration (see also paragraph 5.8 below).

5.6 **Serious breaches of discipline**

5.6.1 Allegations, complaints or rumours of more serious breaches of discipline should be referred to the Head Teacher.

5.6.2 The main categories of misconduct which are considered to be serious breaches of discipline include but are not limited to:

- (a) supply / possession / use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- (b) theft, blackmail, physical violence, intimidation, racism or persistent bullying
- (c) misconduct of a sexual nature; supply or possession of pornography
- (d) possession or use of unauthorised firearms or other weapons

- (e) vandalism or computer hacking
- (f) persistent attitudes or behaviour which are inconsistent with the School 's ethos
- (g) other serious 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) on or off School premises.

5.6.3 The range of sanctions for serious breaches of discipline include:

- (a) **Suspension:** A pupil may be released home for a limited period either as a disciplinary sanction or as a neutral act pending the outcome of an investigation.
- (b) **Removal:** The Head may require the Removal of a pupil from the School if, after consultation with the parents and if appropriate the pupil, the Head is of the opinion that:
 - (i) the pupil has committed a breach or breaches of School rules or discipline for which Removal is the appropriate sanction; or
 - (ii) by reason of the pupil's conduct or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities offered by the School; or
 - (iii) a parent has treated the School, members of its staff or any member of the School community unreasonably.

In these circumstances, the parents may be permitted to withdraw the pupil as an alternative to Removal being required.

- (c) **Expulsion:** A pupil is liable to Expulsion for a grave breach of School discipline or a serious criminal offence. Expulsion is reserved for the most serious breaches.

5.6.4 The investigation procedures followed by the School in cases where a sanction of External Suspension, Removal or Expulsion may be imposed by the Head are set out in the Expulsion, Removal and Behaviour Policy. The Head Teacher is required to act fairly and in accordance with the principles of natural justice.

5.7 Parent involvement

- 5.7.1 The School seeks to work in partnership with parents over matters of discipline, and it is part of parents' obligations to the School to support the School rules.
- 5.7.2 Parents may be contacted to discuss any disciplinary matter which may result in suspension, or where Removal or Expulsion is being considered. Parents will also be notified of any other disciplinary sanction and may be contacted to discuss the matter if it is considered appropriate to do so.

5.8 Additional needs

- 5.8.1 The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Staff should seek advice from the SENCO if they are unsure about how to manage a pupil's behaviour where this is related to a special educational need or disability.

- 5.8.2 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 SENCO and further action in accordance with the School's Policy on Special Educational Needs and Learning Difficulties will be considered.
- 5.8.3 Where Expulsion needs to be considered, the School will ensure that a pupil with a disability or special educational needs is able to present their case fully where their disability or special educational needs might hinder this.
- 5.8.4 If behaviour and discipline matters give rise to a safeguarding concern, the School's child protection procedures will be followed (see the Child Protection and Safeguarding Policy and Procedures).

6 Malicious allegations against staff

- 6.1 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.
- 6.2 Where a parent has made a deliberately invented or malicious allegation the Head will consider whether to require that parent to remove their child or children from the School on the basis that they have treated the School or a member of staff unreasonably and compromised the requirement for mutual trust and confidence.
- 6.3 In accordance with the DfE's guidance *Keeping Children Safe in Education (2016)*, the School 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.

7 Use of reasonable force

- 7.1 Any use of force by staff will be reasonable, proportionate and lawful. Reasonable force will be used in accordance with the DfE guidance *Use of Reasonable Force (July 2013)* and as set out in Appendix 3. More detailed guidance about the use of reasonable force is provided to staff in the Code of Conduct and in the Physical Contact Policy.
- 7.2 Corporal punishment is not used at the School and force is never used as a form of punishment.

8 Searching pupils

- 8.1 **Informed consent:** School staff may search a pupil or 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 her pockets or bag. If the pupil refuses, sanctions will be applied in accordance with this policy.
- 8.2 **Searches without consent:** In relation to prohibited items, the Head, 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 4 for the School's policy on searching and confiscation. Such action will be taken in accordance with the DfE guidance *Searching Screening and Confiscation (February 2014)*.

9 Disciplinary power of prefects

- 9.1 Prefects are in place in the School and in Houses to ensure smooth running of procedures and to act as positive role models. They do not have disciplinary powers but are able to

report unsatisfactory behaviour and breaches of discipline to House staff and to the Deputy Head who will decide on appropriate sanctions.

10 Records

10.1 Administration of major punishments are recorded, with the name of the pupil concerned, the reason for the punishment including relevant dates, and the name of the person administering the punishment. This log is reviewed regularly by the Deputy Head so that patterns in behaviour can be identified and managed appropriately.

11 Review

11.1 A pupil or her parents may request a Governors' Review of the Head's decision to Expel or Remove a pupil from the School, or where the pupil is suspended from the School for 11 school days or more or where a suspension would result in the pupil missing a public examination. See the School's separate Expulsion, Removal and Review Policy.

11.2 There will be no right to a Review of other sanctions but a pupil who feels aggrieved may ask the Deputy Head to take up her concerns with the member of staff who imposed the sanction.

Effective date of the policy	1 st November 2016
SLG Responsible Member	Andrew Free, Deputy Head

Authorised by	Board of Governors
Signed	Mark Edwards, Chair of Governors
Date	1 st November 2016

Appendix 1 Rewards and sanctions

Rewards

Commendations may be awarded for any commendable action or activity in the curriculum, co-curriculum, or in the attitude or approach of any pupil from Years 7 to 11. The Head Teacher signs each card in the presence of the pupil. Book tokens are awarded for 5 green Commendations – Years 10 and 11 – and for the top performers each term in Years 7 to 9.

Prizes on Speech Day are awarded on the basis of performance and endeavour across the year.

In the Sixth Form, a Distinction may be earned for outstanding work. For 3 Distinctions, a book token is awarded.

Other rewards include colours, medals and trophies for sporting, musical or dramatic success and Awards for the completion of the Duke of Edinburgh's Award scheme.

The appointment to School Prefect, Assistant School Prefect or House Prefect is also a reward and recognition of service to the College.

Sanctions

In addition to the particular sanctions set out in this Appendix, 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.

On Report - A pupil may be required to get a signature and a comment from those who teach him/her as a sign of good behaviour and/or progress at the end of every lesson. This sanction would not normally be employed for more than two weeks at a time.

Detention - Another sanction for inadequate academic effort is detention and staff will set extra work prior to imposing this. Detention may be carried out by class teachers, Heads of Department or the Senior Academic Staff. Detentions should be recorded with the Senior Academic Staff and the Academic Administrator.

Community Service Duties - Poor behaviour or the contravention of College or House rules may lead to a duty which will be administered by a School or House Prefect or MOD. Duties may be given by teachers but are limited in extent and in their nature and overseen and recorded by the Deputy Head. Tutors or House Parents should also be informed when a duty is given.

Gating is a sanction imposed by House Parents for more serious offences such as breaking bounds and persistent lateness which do not warrant referral to the Head Teacher.

Suspension or Exclusion are the preserve of the Head Teacher and are only arrived at with the involvement of the parents. The Chair of Governors is informed of suspensions and approves exclusions. Where it is more appropriate for a pupil to be given an 'Internal Suspension' rather than being sent home, s/he will be isolated for a period from other pupils and given academic work and other tasks to ensure their time is filled meaningfully. Parents will be informed.

Please see separate Expulsion, Removal and Review Policy.

Appendix 2 Investigation

- 1 An allegation, complaint or rumour about a serious breach or breaches of School rules or discipline or cases in which the Head considers that a pupil is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the School or parents have treated the School, members of its staff or any member of the School community unreasonably will be investigated.
- 2 The Head will be informed and will appoint the Deputy Head to carry out an investigation.
- 3 Parents will be informed as soon as reasonably practicable after it becomes clear that the pupil may face formal disciplinary action, unless the School is prevented from doing so by the police, if they are involved.
- 4 An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.
- 5 A pupil may be suspended from the School while a complaint is being investigated or while an investigation is suspended (see paragraph 8 below). 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. 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 placed under a segregated regime on School premises.
- 6 A pupil's space or 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.
- 7 If the pupil is interviewed formally about an allegation, complaint or rumour, arrangements will be made for him / her to be accompanied by a member of staff of his / her choice. 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.
- 8 It may be necessary to suspend an investigation, for example where external agencies such as the police or social services are involved and have advised that this is necessary. A decision to suspend an investigation will take into account advice from appropriate external agencies and will be subject to periodic review. If considered necessary, the School may make arrangements for legal representation for the pupil to be funded entirely at the parents' expense.
- 9 The outcome of the investigation will be reported to the Head. If the findings of the investigation support the allegation, complaint or rumour, a disciplinary meeting will be held in accordance with the procedures in the Expulsion, Removal and Review Policy.

Appendix 3 Use of reasonable force

- 1 Reasonable force may be used to prevent a pupil from doing or continuing to do any of the following:
 - 1.1 committing a criminal offence
 - 1.2 injuring themselves or others
 - 1.3 causing damage to property, including their own
 - 1.4 engaging in any behaviour prejudicial to good order and discipline at the School or among any of its pupils, whether that behaviour occurs in a classroom or elsewhere.
- 2 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 her to do so would risk her safety or lead to behaviour that disrupts the behaviour of others.
- 3 In addition, reasonable force may be used to conduct a search for certain "prohibited items" (see Appendix 4 below).
- 4 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.
- 5 Where reasonable force is used by a member of staff, the 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. In the EYFS setting, the pupil's parents will be informed about any use of force on the day of the incident or as soon as reasonably practicable.

Appendix 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 guidance published by the DfE, *Searching, Screening and Confiscation* (February 2014).

1 Prohibited items

1.1 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 2012:

1.1.1 knives or weapons, alcohol, illegal drugs, legal highs and stolen items

1.1.2 e-cigarettes, tobacco and cigarette papers, fireworks and pornographic images

1.1.3 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

1.1.4 any item banned by the School Rules that are identified as being items which may be searched for.

1.2 The School 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 School premises or at any time when they are in the lawful charge and control of the School (for example on an educational visit).

2 Searching with consent

2.1 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.

2.2 The consent of the pupil must be obtained for searches for items that are not "prohibited items" as listed in section 1 above. The consent of the pupil must be sought even if she is not at the School at the time. If a member of staff suspects that a pupil has an item that is banned by the School they can instruct the pupil to turn out her pockets or bag.

2.3 If the pupil refuses to provide consent disciplinary action may be taken in accordance with the School's Behaviour and Discipline Policy.

3 Searching for prohibited items

3.1 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 will be carried out, using reasonable force if necessary (such force may not be used in searches for items included in 1.1.4 above).

3.2 Searches will be carried out only 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.

- 3.3 If it is believed that a pupil has a prohibited item, it may be appropriate for a member of staff to carry out:
- 3.3.1 a search of outer clothing and / or
 - 3.3.2 a search of School property (e.g. pupils' lockers or desks, bed studies or dormitories) and / or
 - 3.3.3 a search of personal property (e.g. bag or pencil case).
- 3.4 Searches will be conducted in such a manner as to minimise embarrassment or distress. Any search of a pupil or their possessions will 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 gender as the pupil.
- 3.5 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 another member of staff, a member of staff may carry out a search of a pupil of the opposite sex and / or in the absence of a witness.
- 3.6 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.

4 **Confiscation**

- 4.1 Under the School's general power to discipline, a member of staff may confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.
- 4.2 Confiscation of an item may take place following a lawful search, as set out above, or however the item is found if the member of staff considers it to be harmful or detrimental to School discipline.

5 **Searching electronic devices**

- 5.1 An electronic device such as a mobile phone or a tablet computer may be confiscated in appropriate circumstances in accordance with this policy. If there is good reason to suspect that the device has been, or could be used to cause harm, to disrupt teaching or break School Rules, any data or files on the device may be searched and, where appropriate, data or files may be erased before the device is returned to its owner. Any search of an electronic device should be conducted in the presence of a member of the IT staff.
- 5.2 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.
- 5.3 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 of such seriousness that police involvement is required.

6 **Disposal of confiscated items**

- 6.1 **Alcohol:** alcohol which has been confiscated will be destroyed.
- 6.2 **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.

- 6.3 **Other substances:** substances which are not believed to be illegal drugs but which are harmful or detrimental to good order and discipline (for example "legal highs") 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.
- 6.4 **Stolen items:** stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of the Head or authorised member of staff, there is good reason to do so, stolen items may be returned to the owner without the involvement of the police. This is likely to apply to items of low value, such as pencil cases.
- 6.5 **Tobacco or cigarette papers:** tobacco or cigarette papers will be destroyed.
- 6.6 **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 which may include donation to an appropriate charity.
- 6.7 **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 has been abused, the Designated Safeguarding Lead will also be notified and will decide whether to make a referral to Somerset children's social care.
- 6.8 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.
- 6.9 **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.
- 6.10 **Weapons or items which are evidence of an offence:** such items will be passed to the police as soon as possible.
- 6.11 **An item banned under School Rules:** such items may, at the discretion of the School or authorised member of staff taking all the circumstances into account, be returned to its owner, retained or disposed of. Where staff confiscate a mobile phone that has been used in breach of School rules to disrupt teaching, the phone will be kept safely until the end of the school day when it can be claimed by its owner, unless the Head considers it necessary to retain the device for evidence in disciplinary proceedings in accordance with 6.12 below. If a pupil persists in using a mobile phone in breach of School Rules, the phone will be confiscated and must be collected by a parent.
- 6.12 **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 or carer 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.

7 Communication with parents

- 7.1 There is no legal requirement for the School to inform parents before a search for banned or prohibited items takes place or to seek their consent to search their child and it will not generally be practicable to do so. In appropriate cases we will inform parents on how the School will dispose of certain items.
- 7.2 We will keep a record of all searches carried out, whether the search is with or without the consent of the pupil, which can be inspected by the parents of the pupil(s) involved subject to any restrictions under the Data Protection Act 1998. The record will include details of any disposal of items confiscated.
- 7.3 Complaints about searching or confiscation will be dealt with through the School's Complaints Procedure. A copy of the procedure is posted on the School's website and hard copies are available on request.
- 7.4 The School will take reasonable care of any items confiscated from pupils. However, unless negligent or guilty of some other wrongdoing causing injury, loss or damage, the School does not accept responsibility for loss or damage to property.