Behaviour and Discipline Policy

Holme Court Devon

April 2026

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1 Aims

1.1 This is the behaviour and discipline policy of Holme Court School Devon.

1.2 The aims of this policy are as follows:

1.2.1 to promote good behaviour amongst pupils;

1.2.2 to actively promote and safeguard the welfare of pupils at the School;

1.2.3 to ensure, so far as possible, that every pupil in the School is able to benefit from and make his / her full contribution to the life of the School, consistent always with the needs of the School community;

1.2.4 to identify and outline the rewards offered to pupils who perform and behave well in their school work and other activities;

1.2.5 to encourage pupils to accept responsibility for their behaviour;

1.2.6 to set out the sanctions adopted by the School in the event of pupil misbehaviour.

2 Scope and application

2.1 This policy applies to the whole School.

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

2.2.1 in or at School;

2.2.2 representing the School or wearing School uniform;

2.2.3 travelling to or from School;

2.2.4 on School-organised trips;

2.2.5 associated with the School at any time. This includes times when they are outside the School boundaries or outside normal school hours, but are evidently pupils of the School to others who may be affected by their behaviour.

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 School community or a member of the public;

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

2.3.3 bring the School into disrepute.

3 Regulatory framework

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

3.1.1 Education (Independent School Standards) Regulations 2014 (as updated 2026);

3.1.2 Education and Skills Act 2008;

3.1.3 Childcare Act 2006;

3.1.4 Data Protection Act 2018 and General Data Protection Regulation (UK GDPR) Last updated March 2023; and

3.1.5 Equality Act 2010.

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

3.2.1 Behaviour in schools (DfE, February 2024);

3.2.2 Restrictive interventions, including use of reasonable force, in schools Guidance for schools in England (April 2026);

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

3.2.4 Keeping children safe in education (DfE, September 2026) (**KCSIE**).

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

3.3.1 acceptable use policy for pupils;

3.3.2 anti-bullying policy;

3.3.3 policy on smoking, alcohol and the misuse of drugs and substances;

3.3.4 safeguarding and child protection policy and procedures;

3.3.5 risk assessment policy for pupil welfare;

3.3.6 policy on special educational needs and learning difficulties; and

3.3.7 exclusion and withdrawal review policy.

3.3.8 online safety policy.

4 Publication and availability

4.1 This policy is published on the School website.

4.2 This policy is available in hard copy on request.

4.3 A copy of the policy is available for inspection from the school office during the school day.

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

5 Definitions

5.1 Where the following words or phrases are used in this policy:

5.1.1 References to **working days** mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening School holidays, the School's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delays.

5.1.2 References to the **Head** may include deputies.

5.1.3 References to **Parent** or **Parents** includes one or both of the parents, a legal guardian or education guardian.

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

6 Responsibility statement and allocation of tasks

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

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

Task	**Allocated to**	**When / frequency of review**
Keeping the policy up to date and compliant with the law and best practice	Head	As required, and at least annually
Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness	Head	As required, and at least annually
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR	Head	As required, and at least annually
Seeking input from interested groups (such as pupils, staff, Parents) to consider improvements to the School's processes under the policy	Head	As required, and at least annually
Formal review	Proprietor	As required, and at least once every two years

7 Promoting good behaviour

7.1 Pupils are educated about good behaviour through the operation of the School's curriculum, core values, PSHE programme and the School's pastoral support systems. Pupils are encouraged to act responsibly and, through the operation of this policy, to accept responsibility for their behaviour.

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

7.3 The School recognises that where challenging behaviour is related to a pupils special educational needs and/or a disability, use of positive discipline and reward methods may

enable the School to manage the pupil's behaviour more effectively and improve their educational outcomes.

8 Minor breaches of discipline

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

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

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

9 Serious breaches of discipline

9.1 Allegations, complaints or rumours of serious breaches of discipline should normally be referred to the Head.

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

9.2.1 supply / possession / use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco;

9.2.2 theft, blackmail, physical violence, intimidation, racism or persistent bullying;

9.2.3 physical or emotional abuse;

9.2.4 harmful sexual behaviour including sexual violence and sexual harassment;

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

9.2.6 supply or possession of pornography;

9.2.7 possession or use of unauthorised firearms or other weapons;

9.2.8 vandalism of School property;

9.2.9 inappropriate use of technology which compromises the ability of others to use either the School’s hardware or IT capability in an effective way;

9.2.10 persistent attitudes or behaviour which are inconsistent with the School's ethos;

9.2.11 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) on or off School premises;

9.2.12 other misconduct specifically provided for in the School's parent contract and School rules.

9.3 The range of sanctions for serious breaches of discipline include a variety of potential exclusions from the School for a period of time:

9.3.1 **Suspension (Temporary Exclusion):** 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 **Withdrawal**: the parents may be required to withdraw a pupil from the School if, after consultation with 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 School; or

(c) 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 Head, the Parents may be permitted to withdraw the pupil as an alternative to removal being required.

9.3.3 **Permanent Exclusion**: a pupil may be permanently excluded from the School for a very grave breach of discipline or a serious criminal offence. Permanent exclusion 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 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 Head is required to act fairly and in accordance with the principles of natural justice.

9.7 If a pupil is withdrawn from the School before the conclusion of these 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 a finding. The School reserves the right to refer to such disciplinary action in references provided for the pupil.

10 Parent involvement

10.1 The School seeks to work in partnership with Parents over matters of discipline, and it is part of the Parents' obligations to the School to support the School rules, as is made clear in the Parent Contract Terms and Conditions which apply to all parents upon their child entering the School.

10.2 Parents will be informed as soon as reasonably practicable after it becomes clear that the pupil may face disciplinary action for a serious breach of discipline, unless the School is prevented from doing so by the police, social services or other external agencies if they are involved.

10.3 Parents will also be notified by email or telephone of any significant disciplinary sanctions for particular breaches of discipline and may be contacted to discuss the matter if it is

considered appropriate to do so. Parents are asked to acknowledge receipt of the notification by return.

11 Special Educational needs

11.1 Many of our pupils may experience difficulties in understanding and managing their emotions, which can make it challenging for them to build and maintain relationships with both peers and adults. These emotional and social challenges often lead to feelings of anxiety, fear, or being misunderstood. We understand that all behaviour is a form of communication and caused by a number of factors, including but not exhaustive to, sensory overload, responses to trauma or attachment difficulties, frustration from speech and communication barriers and underlying mental health problems. We believe that a restorative approach is key. The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational needs and/or a disability. However, it is not possible to allow pupils with special educational needs and/or a disability to have a negative impact upon the learning or safety of others without challenging this. Staff should seek advice from the Head/SENDCo if they are unsure about how to manage a pupil's behaviour where this is related to their special educational needs and/or a disability.

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/SENDCo and further action in accordance with the School's policy on special educational needs and learning difficulties will be considered.

11.3 Where Exclusion or Withdrawal needs to be considered, the School will ensure that a pupil with a disability or special educational needs or advocate e.g. Parent (where a child is unable to do so for themselves) is able to present their case fully where their disability or special educational needs might hinder this.

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 child on child abuse. This includes, but is not limited to:

12.1.1 bullying (including cyber-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 sexual harassment;

12.1.4 sexting (also known as youth produced sexual imagery); and

12.1.5 initiation / hazing type violence and rituals.

12.2 The School's policy and procedures with regard to child on child abuse are set out in the School's safeguarding and child protection policy and procedures. If behaviour and discipline matters give rise to a safeguarding concern, the procedures in the safeguarding and child protection policy and procedures will be followed.

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

13.3 The School will consider whether the police should be asked to consider if action might be appropriate against the person responsible for the allegation.

13.4 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.

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 4. 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 School and force is never used as a form of punishment. Corporal punishment by school staff is illegal in all circumstances.

15 Searching pupils

15.1 **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.

15.2 **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 5 for the School's policy on searching and confiscation.

16 Training

16.1 The School ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.

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

16.3 The School maintains written records of all staff training.

17 Risk assessment

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

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

behaviour, healthcare and education plans, as appropriate). Regardless of the form used, the School's approach to promoting pupil welfare will be systematic and pupil focused.

17.3 The Head has overall responsibility for ensuring that matters which affect pupil welfare are adequately risk assessed and for ensuring that the relevant findings are implemented, monitored and evaluated.

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

18 Record keeping

18.1 All records created in accordance with this policy are managed in accordance with the School's policies that apply to the retention and destruction of records.

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

18.2.1 the name and year group of the pupil concerned;

18.2.2 the nature and date of the offence;

18.2.3 the sanction imposed and reason for it; and

18.2.4 the name of the person imposing the sanction.

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

18.4 The records created in accordance with this policy may contain personal data. The School has a number of privacy notices which explain how the School will use personal data about pupils and parents. The privacy notices are published on the School's website. In addition, staff must ensure that they follow the School's data protection policies and procedures when handling personal data created in connection with this policy.

19 Version control

Date of adoption of this policy	April 2026
Date of last review of this policy	April 2026
Date for next review of this policy	April 2027
Policy owner (School)	Head

Appendix 1 Rewards and sanctions

1 **Rewards**

1.1 Rewards and examples of behaviours that will attract a reward are as follows:

Following school rules, polite manners / being courteous and considerate

hard work, effort, positive contributions, reflective learning

1.1.1 **Verbal praise:** Kindness to others, improvement in behaviour, positive contributions to class

1.1.2 **Emails home**

1.1.3 **Class points:** Work that shows good effort, achievement and/or progress, being a role-model, co-operative behaviour, selfless behaviour, contribution to classroom and school community

1.1.4 **Public whole school recognition (e.g. Newsletter):** Weekly celebration of recipients of Class and Head Awards, special mentions for extracurricular achievements, parent notified

1.2 In addition to the above rewards we also have positions of responsibilities that are either evenly distributed (e.g. class monitors) or chosen by the staff on the basis of agreed criteria.

2 **Sanctions**

2.1 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.

2.2 Sanctions may include:

A short period of thinking out to reflect in a calm area with a practitioner supporting and helping to understand behaviour and labelling emotions.

2.3 In cases where there have been significant concerns expressed about a pupil's behaviour, parents will be formally contacted, and it is usual that they will be invited to meet with the Head and member of staff. If it is thought to be helpful, a formal Behaviour Plan will be created for the pupil, with targets and emphasised expectations.

2.4 The Behaviour Plan will be reviewed on a regular basis and adapted if appropriate. Failure to meet the Behaviour Plan will be considered a serious breach of discipline.

Appendix 2 Investigations into serious breaches of discipline

1 In cases of serious breaches of discipline, the Head will appoint a senior member of staff to carry out an investigation. The person appointed will be expected to investigate the matter of concern, and to provide guidance to the Head on the recommended next steps. The Head will be responsible for considering the best course of action and will therefore not be the person who carries out the investigation.

2 Parents will be informed as soon as reasonably practicable after it becomes clear that the pupil may face disciplinary action for a serious breach of discipline, unless the School is prevented from doing so by the police or any other external agencies if they are involved.

3 An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.

4 A pupil may be suspended from the School while a complaint is being investigated or while an investigation is on hold (see paragraph 7 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, and in cases where the Head considers that this is a feasible alternative, the pupil may be offered a segregated regime on School premises.

5 A pupil's space or belongings may be searched during the course of the investigation. See Appendix 5 of this policy for the School's policy on searching and confiscation.

6 If the pupil is to be interviewed as part of the investigation, arrangements will be made for him / her to be accompanied by a member of staff of his / her choice and /or by a Parent (if available at the relevant time). A minute of the interview will be recorded in writing by the interviewing member of staff, including details of the date and time of the interview. The pupil may be asked to confirm any statement made or minutes taken to be true and accurate by signing to acknowledge the accuracy of the minutes.

7 The School may determine that the most appropriate way for matters to be correctly recorded is by the digital recording of any interview. In this case, the School will be responsible for sharing a digital file of the whole recording with all parties concerned for their record. 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 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. 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.

8 The outcome of the investigation will be reported to the Head. If the findings of the investigation appears to support the allegation, complaint or rumour, a disciplinary meeting will be held 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 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 may also be accompanied by a member of staff of his / her choice. 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 undertook the investigation will be in attendance to explain the circumstances of the complaint and his / her investigation and an additional member of staff will be present to minute the meeting.

2.3 The School may determine that the most appropriate way for matters to be correctly recorded is by the digital recording of any interview. In this case, the School will be responsible for sharing a digital file of the whole recording with all parties concerned for their record.

2.4 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 so that appropriate arrangements can be made.

2.5 If a Parent is unable to attend because of, for example, travel and working commitments, the School will make reasonable alternative arrangements to ensure the Parent can be involved, remotely if necessary, with the disciplinary process and their child's education.

3 **Meeting**

3.1 Documents available at the disciplinary meeting with the 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 school file and (if separate) conduct record;

3.1.5 the relevant School 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 state their side of the case.

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 / she will close the meeting and inform the pupil and the Parents that they will be notified of his / her decision in writing.

4 **Decision**

4.1 The Head 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. The pupil's disciplinary record will be taken into account where the complaint concerns the conduct of the pupil.

4.2 The Head may permanently exclude or require the removal of 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 / her decision in writing, with reasons, within three working days of the disciplinary meeting.

4.4 A decision to permanently exclude or require the removal of a pupil shall take effect five working days of the date of the Head's letter confirming his / her decision. Until then, the pupil shall remain suspended and away from School premises.

5 **Review**

5.1 The Parents or the pupil may request a Review of the Head's decision to permanently exclude or require the removal of a pupil from the School, or where the pupil is suspended from the School for 11 working days or more or where a suspension would result in the pupil missing a public examination. The request must be made within five working days of the date of the Head's letter confirming his / her decision.

5.2 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.

5.3 See the Exclusion and Withdrawal Review policy for further information about requesting a Review and the detail of the procedure. This policy is available from the school on request.

6 **Leaving status**

6.1 If a pupil is permanently excluded, his / her leaving status will be one of the following: permanently excluded or, if the offer is made by the Head and accepted by the Parents, withdrawn by parents.

6.2 Additional points of leaving status may include:

6.2.1 the form of letter which will be written to the Parents and the form of announcement in the School;

6.2.2 the form of reference which will be supplied for the pupil;

6.2.3 the entry which will be made on the School record and the pupil's status as a leaver;

6.2.4 arrangements for transfer of any course and project work to the pupil, his / her Parents or another school;

6.2.5 whether (if relevant) the pupil will be permitted to return to School premises to sit public examinations;

6.2.6 whether (if relevant) the School 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 School premises in the future;

Appendix 4 Use of reasonable force

7 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 on Restrictive interventions, including use of reasonable force, in schools Guidance for schools in England (April 2026). This policy is centred around the aim that staff will use de-escalation techniques as a routine part of daily practice to negate the need for the use of reasonable force, and that such reasonable force will only be used in rare and extreme examples when all de-escalation techniques have failed to emotionally regulate students. Staff will continue to use de-escalation techniques if reasonable force is required to help students to emotionally regulate as quickly and safely as possible.

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

8.1 committing a criminal offence;

8.2 injuring themselves or others;

8.3 causing damage to property, including their own;

8.4 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.

9 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.

10 In addition, reasonable force may be used to conduct a search for certain "prohibited items" (see Appendix 5 below).

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

12 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.

13 Where reasonable force is used by a member of staff, the 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. The pupil's Parents will be informed about any use of force on the day of the incident or as soon as reasonably practicable.

Appendix 5 Searching, screening and confiscation

1 All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.

2 The School's policy on searching and confiscation has regard to the DfE guidance Searching, screening and confiscation: advice for schools (DfE, July 2022).

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, vaping equipment and contents;

3.1.3 fireworks;

3.1.4 pornographic images;

3.1.5 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

3.1.6 any item banned by the School rules that are identified as being items which may be searched for. This includes mobile phones which are to be handed in on arrival and kept securely on school site.

3.2 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).

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 The consent of the pupil must be obtained for searches for items that are not "prohibited items" as listed in section 3 above. The consent of the pupil must be sought even if he / she is not at the School at the time. 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 his / her pockets or bag.

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

5 Searching for prohibited items

5.1 Where the 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 3.1.63.1.5(b) above).

5.2 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.

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

5.3.1 a search of outer clothing; and / or

5.3.2 a search of School property (e.g. pupils' lockers or desks/drawers); 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. 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 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 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.

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

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

7 Searching electronic devices

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

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 If inappropriate material is found on an electronic device, the member of staff may delete the material, retain it as evidence of a breach of School discipline or criminal offence or hand it over to the police if the material is suspected to be evidence relevant to an offence.

7.4 Staff should not view or forward illegal images of a child. When viewing an image is unavoidable staff should follow the School's policy on sexting as set out in Appendix 1 of the Safeguarding and Child Protection Policy and Procedures.

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, such as pencil cases.

8.5 **Tobacco or cigarette papers**: tobacco or cigarette papers, vaping equipment and contents 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 which may include donation to an appropriate charity.

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 School or authorised member of staff taking all the circumstances into account, be returned to its owner, retained or disposed of. Where staff confiscate a mobile electronic device that has been used in breach of School rules to disrupt teaching, the device will be kept safely until the end of the school day when it can be claimed by its owner, unless the Head considers it necessary to retain the device for evidence in disciplinary proceedings in accordance with 8.12 below. If a pupil persists in using a mobile electronic device in breach of School rules, the device will be confiscated and must be collected by a Parent.

8.12 **Electronic devices**: if it is found that a mobile phone, laptop or tablet computer or any other electronic device has been used to cause harm, disrupt teaching or break School rules, including carrying out cyberbullying, the device will be confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded the device must be collected by a Parent and the pupil may be prohibited from bringing such a device onto School premises or on educational visits. In serious cases, the device may be handed to the police for investigation.

9 Communication with Parents

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

9.2 We will keep a record of all searches carried out, including whether the search is with or without the consent of the pupil. The record will include details of any disposal of items confiscated.

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

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