



KING EDWARD VI SCHOOL, SOUTHAMPTON

Pastoral care, Behaviour and Discipline Policy (Including use of reasonable force, power to search and exclusions)

Rationale:	This policy sets out the Schools procedures for promoting the general welfare of all pupils and how it promotes good behaviour and tackles any poor behaviour.
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Introduction

1. Aims and objectives

- a) Pastoral care is defined by OFSTED as those aspects of a school's work and structures concerned to promote the general welfare of pupils, particularly their academic, social and personal development, their attitudes and their behaviour.
- b) Pastoral care is an essential aspect of the educational provision that is given to the pupils. By stressing the importance and appreciation of each individual pupil it provides the support and reassurance that are necessary to allow each to grow to his or her maximum potential spiritually, morally, socially and academically. This is achieved on a daily basis through contact with the Tutor and other pastoral staff, through the relationships pupils develop with their teachers in class, through co-curricular activities and the PSHE programme. Pupils are not only given support via the School structure, but they are also encouraged to help each other. Each pupil has the freedom to approach any member of staff in order to ask for help or advice.
- c) The importance of example by staff and senior students cannot be over stressed; youngsters learn by watching and copying their elders. Staff are expected to treat pupils with respect and appreciation and, of course, pupils are expected to co-operate and be responsible for themselves and for others. Senior pupils are encouraged to help younger pupils, particularly through the organisation of clubs and activities. The Prepositors and Lower School Prefects are there to help younger pupils, as well as keep them in order.
- d) A fundamental characteristic of the School that we cherish is its friendliness. The genuine warmth and openness of relationships between students, parents and staff mean that the strong community spirit at King Edward's is natural and relaxed. We firmly believe that education depends on this partnership. Pupils work best in an environment where they are happy, have plenty of like-minded friends, and know and trust their teachers. We believe in educating the whole person and help individuals to manage their own time so that they can pursue both academic success and also varied co-curricular activities.
- e) The School has an important role to play in supporting the mental health and wellbeing of its pupils, by developing approaches tailored to the particular needs of their pupils, including preventing impairment of children's health or development, and taking action to enable all children to have the best outcomes. Mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. (*Reference: Mental Health and Behaviour in Schools, 2018*) Further details can be found in the School's Mental Health policy.

2. Pastoral Care Structure

- a) The core of the pastoral system is the relationship between the Tutor and the pupil. The Tutor is responsible for direct liaison with parents and academic staff relating to the performance and support of the pupil.
- b) Our major intake into the School is at 11+ and for the first year in the School the pastoral unit is a group of 20-24 pupils under the care of a Form Tutor. This system enables children to settle in easily with a small number of boys and girls of the same age. The Form Tutor is

responsible for monitoring their academic progress, keeping a close eye on social welfare and liaison with other staff and parents.

- c) After the First Year, pupils are allocated to a small tutorial group, meeting each morning for registration. These groups of between 12 and 18 contain pupils from two year groups. This allows them to develop good relationships with older pupils and ensures a degree of continuity of pastoral care. We encourage them to take responsibility for themselves and for each other, especially those who are younger.
- d) Each year is under the supervision of a Year Head. The Year Heads report to the appropriate Section Head, responsible for the Lower School (years 1-3), the Upper School (years 4-5) and the Sixth Form. There is an Assistant Head of Year in the Lower School, who oversees the 13+ intake, as well as an Assistant Head of Year in the Upper School.
- e) The Heads of Year (and assistants) meet the Head every fortnight to discuss any pastoral issues. The Section Heads are all members of Cabinet. The Assistant Head (Pastoral) has overall responsibility for the management of the pastoral system.
- f) All Tutors may be called upon to write references and Tutors in the Sixth Form are also responsible for preparing the UCAS reference and for co-ordinating the advice given to the pupil when they make an application to Higher Education. The Assistant Director of Sixth Form (HE and Careers) co-ordinates all aspects of careers and HE preparation and is a member of Cabinet.
- g) In addition, the care team provides support. The School Counsellor, the Chaplain and the School Nurses are all available to provide help to students when required.

The Teacher's Duty of Care

(Based on advice from SHA and Croner's The Head's Legal Guide)

1. The Nature of the Duty of Care

- a) In law, a teacher is 'in loco parentis' - that is, has the power to exercise a degree of authority over pupils equating with a parents' own right. In practice in a School this means, for example, exercising discipline in class and enforcing the School Rules in conformity with School policy.
- b) Being 'in loco parentis' also carries with it a duty of care whereby the teacher is expected to act as would 'a reasonable parent'. Effectively this means 'as a careful and prudent teacher' would act, since the teacher's relationship to a child is different from that of its parent and the teacher is working in the School context.
- c) In any teacher's duty of care, the interests of the child are paramount. The duty of care is owed to the individual child rather than to a fictional or 'reasonable' child and therefore the teacher has a duty to take account of the susceptibilities of individual children (which should be known to the teacher), provided that this does not lead the teacher into disregarding the proper interests of others. A teacher, for instance, has the disciplinary power to prevent a child from harm.

- d) The duty of care arises by virtue of the teacher's employment, by virtue of his or her specific performance and by his or her implied or deemed acceptance of the duty of care. A teacher's contract will specify the duty of care, but a duty of care may also be established by practice over time.
- e) All teachers are required to promote the well-being of pupils, safeguard their health and safety and to work under the reasonable direction of the Head.
- f) No teacher should be asked to supervise a class in which the teacher is not sufficiently skilled. Should a teacher consider the Head's request to be an 'unreasonable' requirement, e.g. an instruction to an English specialist to supervise a swimming lesson if he or she was not appropriately qualified, the teacher may refuse by explaining to his or her line manager his or her lack of capability to perform the task.
- g) However, the duty of care extends across the range of work which teachers undertake and arises not only while the teacher is working in the course of employment in the School, but also during co-curricular activities undertaken voluntarily outside School hours.

2. Fulfilling the Duty of Care

- a) In fulfilling their duty of care, teachers should use their skill to think ahead, anticipating the risks, and the needs and demands of their pupils (both generally and particularly), and planning all reasonable safeguards to minimise these risks. For example, those with responsibility for equipment and machinery are obliged to take reasonable steps to ensure they are maintained in a condition safe for use by pupils; teachers with pastoral responsibilities must show reasonable foresight for the consequences of the advice and guidance they give to pupils in their care. In anticipating risks, teachers need to have thought of circumstances which are 'reasonably foreseeable'.
- b) A teacher should take care not to take responsibility beyond their training, skill and knowledge. For example, teachers who accept first aid responsibilities should avoid administering medical treatment beyond what they have been trained to do.
- c) However, if a situation arises unexpectedly, a teacher cannot simply ignore it, whether or not he or she carries specific responsibility. If, for example, a teacher is travelling home as a private citizen on a bus where one pupil harms another, the teacher has a duty to stop that child causing harm to the other. Ignoring the situation may be deemed a breach of duty of care.

Behaviour

N.B. All aspects of the Behaviour and Discipline policies have been developed in accordance with the relevant non-statutory guidance, in this instance *Behaviour and Discipline in Schools (January 2016)*

- a) As stated in the School Regulations, a high standard of conduct and good manners is expected of all pupils both on and off the School premises. Any conduct liable to lower the good reputation of the School will be treated as a breach of the School Regulations. Students are expected to be familiar with and abide by the principles of the School Regulations and other policies and documents relating to expectations of behaviour. These include the Anti-Bullying Code, School Uniform Policy, Substance Abuse Policy, E-safety Policy and guidance

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on Computer Use by Pupils, all of which are set out in the Student Diary and/or the School website.

- b) When reviewing behaviour the School will consider whether there is any cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case the School will follow the Child Protection policy. Consideration will also be given to whether continuing disruptive behaviour might be the result of unmet educational or other needs. The School will also be mindful of their legal duties under the Equality Act 2010 and in respect of pupils with SEND. The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability.
- c) Misbehaviour by a pupil off-site may also be subject to normal School sanctions if the pupil was taking part in a School related activity, travelling to or from School, wearing School uniform or in some other way identifiable as a pupil at the School or if their behaviour poses a threat to another pupil or member of the public, could have repercussions for the orderly running of the School or could adversely affect the reputation of the School.
- d) Staff receive training in aspects of Behaviour Management through the induction process, with such topics as managing infatuations, use of sanctions and uniform policy covered. Other aspects of Behaviour Management are covered annually through the Twilight training programme.

Praise and Rewards

- a) As of September 2021, the Merits system will be replaced by Credits, with the intention of making the Credit a universal system of reward across the School. In its first year Credits will be awarded to all year groups in the Lower School, then will roll over into the Fourth Year the following year and onwards until they are awarded to every year group.
- b) A Credit can be awarded for a particularly good piece of work, for showing progress in an academic subject, for kind and helpful behaviour or for any single action that is worthy of praise.
- c) Up to 3 Credits can be awarded for any single task or action. All Credits are awarded via iSams.
- d) When a student reaches 20 Credits, the relevant Head of Year will send home a congratulatory postcard. Upon being awarded their third postcard, the student will be invited to a Head's breakfast, where they will be given a commendation and a school pen.
- e) A tally will be kept on a termly basis of how many Credits have been awarded to each House. These tallies will be read as part of Monday morning assemblies. At the end of each term, points will be awarded to each house that contribute to the Allen Grant trophy, according to their final position in the tally. The tally starts again at zero for the new term.
- f) A pupil in the Lower or Upper School may also be awarded a Digniora for a piece of exceptional work on the recommendation of the Head of Department and a Dignissima for comparable work completed in the Sixth Form. Each of these awards is also worth 5 Credits.
- g) Colours are awarded for excellence in and commitment to a particular strand of school life, including sport, drama, music, art, charities and house activities.

- h) The School participates in a number of external competitions and events, offering pupils an opportunity to perform at the highest level in a variety of arenas and gain wider recognition.
- i) A large number of prizes are presented to pupils each year at Prize Giving. There is an array of prizes which recognise academic excellence, examination performance, personal integrity and outstanding contribution to School life.

Discipline and Sanctions

It is the expectation that most pupils will be motivated to do well and will abide by the School Regulations. However, it is inevitable that some will make mistakes and although most, with advice, will learn from these without the need for formal sanctions, some will not.

Sanctions: The School's system of sanctions provides a structured way of dealing with pupils who fail to co-operate academically or socially, deliberately or otherwise. The School's current policies on sanctions may undergo reasonable change from time to time but will not authorise any form of unlawful activity. Sanctions may include a requirement to undertake menial but not degrading tasks on behalf of the School or external community, detention for a reasonable period, withdrawal of privileges, temporary exclusion, or alternatively being removed or expelled.

Any sanction should be appropriate to the age and stage of development of the pupils concerned, and account must be taken of any special educational needs or disability they may have or any religious requirement affecting them. Sanctions should be applied consistently by all staff, fairly to all pupils. Please note that there is no corporal punishment at King Edward's.

Yellow Cards and Detentions

- a) Just as the Credit is the basic unit of reward, so the Yellow Card is the basic unit of sanction. Some examples of actions for which students should be awarded a Yellow Card are as follows: a missed deadline (as outlined below), disruptive behaviour in class, repeated failure to bring the correct equipment to class, repeated lateness to class, rude or unkind behaviour, anti-social behaviour, swearing, littering, intentional damage to property, chewing gum, uniform infringements.
- b) A fortnightly report will be sent to each Head of Year totalling Yellow Cards awarded to their year group. When students reach ten Yellow Cards they will likely be awarded a Detention by their Head of Year, although this is within the discretion of the Head of Year and pastoral factors may affect this decision.
- c) If the behaviour of a student is sufficiently serious then a member of staff may give a Detention straight away. Both Yellow Cards and Detentions are given via iSams.
- d) Academic detentions occur twice a week, on Mondays and Wednesdays. Conduct detentions occur on Tuesdays and Thursdays.

Saturday Detentions

A student may incur a Saturday detention for a number of different reasons:

- a) The first occurrence of a serious breach of the School regulations, such as bullying, using offensive or discriminatory language or wilful damage to another's property. These types of offences will typically only result in a Saturday detention once. Should a student commit such an act again they are likely to be temporarily excluded.
- b) A student may incur a Saturday detention for an accumulation of more minor offences. A student who incurs a high number of detentions in a short period of time may be told that a further minor offence will result in a Saturday detention. Alternately, a student who incurs a high number of detentions to all be sat at the same time may have them all rolled into a Saturday detention.

Saturday detentions happen between 9am-10am on alternate Saturday mornings. More serious offences, which do not yet warrant a temporary exclusion, may incur a Head's detention. Head's detentions happen between 9-11am and are supervised by the Head. Those serving a Head's detention should consider themselves on a last warning before a temporary exclusion.

Procedure in the event of missing work

It is part of the expectation of students at the School that they should keep up to date with work set for them on their planner. If a student knows in advance that they will struggle to meet a deadline, they should let their teacher know as soon as possible and renegotiate the deadline. There is no penalty for this and is part of a healthy student-teacher relationship. Sanctions should be given for missed deadlines that fall outside of this expectation, as below:

- a) If a student has missed a deadline and has no homework to give in on the day, they should be given a 24-hour extension and a Yellow Card. The teacher should check whether the student needs any extra help at this stage
- b) If work is not submitted within 24 hours, the student should be given an after-school detention
- c) It is essential that the class teacher keeps an accurate record of when pupils have missed deadlines, and informs their Head of Department of pupils who are regularly failing to do so.

N.B.

New students in their first half term at the School should be allowed some leeway on yellow cards and detentions, especially First Year students.

A teacher should always consider whether a student has not produced a piece of work because of lack of understanding. If this is the case then extra support should be offered, at a time convenient for both student and teacher.

All teachers should exercise their professional judgement as to whether to suspend disciplinary measures for a student should there be a sensitive pastoral reason why a student is struggling to produce work on time.

Sending A Student Out of Class

If a student is being persistently disruptive, and a teacher has exhausted possible sanctions, the student may be sent to the school office, where the appropriate year team or member of the Senior Leadership Team will deal with the issue.

The member of staff dealing with the student will use their professional judgement as to whether to try to return the student to their class, or whether they should go to the library and complete work there. In so doing they will speak to the classroom teacher as to which they would prefer. Both members of staff will also then agree if a further sanction is then warranted.

Serious Breaches of School Regulations

Terminology

- a) Suspension: means that a pupil has been sent or released home for a limited period pending the outcome of an investigation or a Governors' Review.
- b) Temporary Exclusion: means that the Pupil is sent or released home for a limited period as a disciplinary sanction.
- c) Removal in other circumstances: Parents may be required, during or at the end of a term, to remove the pupil, permanently from the School, if, after consultation with the pupil and/or the parents, the Head is of the opinion that 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 if the parents have treated the School or members of the staff unreasonably. In these circumstances, parents may be permitted to withdraw the pupil as an alternative to removal being required. The Head shall act with procedural fairness in all such cases, and shall have regard to the interests of the pupil and parents as well as those of the School.
- d) Expulsion: A pupil is liable to Expulsion for a grave breach of school discipline, for example, a serious criminal offence or some wilful act calculated to cause serious damage to the School, its community or any of its members. Formal Expulsion implies that the pupil's name will be expunged from the roll of the School and reference to the facts and circumstances will be made in response to every request for a reference. All outstanding fees up to and including the term of Expulsion shall be payable and any deposit shall be retained by the School.

The different stages in this structure indicate the increasing seriousness of the offence and punishment imposed. The most serious penalties are, of course, only appropriate for serious offences or for those who have already been repeatedly disciplined at a lower level. It is usual for temporary exclusions to be stepped up for a series of significant offences that do not merit immediate expulsion. The maximum temporary exclusion is usually for 5 days and carries with it the caveat that a repetition of any further serious disciplinary offence will put the pupil's position at the School in jeopardy.

Report Cards

A student may be placed on report card if their behaviour in lessons is poor and needs to be improved. This may be because they are disruptive in lessons, or because they struggle to organise themselves and hand in work on time. Report cards are primarily a supportive measure and are typically only deployed for short periods of time,

In extreme cases of a pupil underperforming in their academic studies, the Head may require an additional report to be collated on the pupil, probably after a further half term has elapsed. Significant improvements in performance and/or conduct will be expected.

Physical Restraint

In very rare cases it may be necessary for a member of staff to physically restrain a pupil. Please see the appendix to this policy for the School's Use of Reasonable Force and the Power to Search Policy.

Temporary Exclusions

Very serious cases, e.g. serious bullying, the inability or refusal to comply with a range of rules or malicious allegations against staff, are dealt with by the Assistant Head (Pastoral) or the Head after discussion with the appropriate members of staff. Pupils may then, where appropriate, receive a reprimand from either the Assistant Head (Pastoral), Senior Deputy Head or the Head; they may be given a formal warning, be temporarily excluded from the School for a period or, in extreme cases, required to leave. Initial one-day temporary exclusions may be carried out by the Assistant Head (Pastoral). In exceptional cases this decision will be passed to the Head for review. A first Head's temporary exclusion will be for up to three days and a final Head's temporary exclusion will be for five days. Drugs offences, sexual relations in School or repetition of a temporary exclusion offence are always referred to the Head, and may result either in the removal of the child from the School, or, for the most serious offences, in expulsion. In the absence of the Head, temporary exclusions will be dealt with by the Senior Deputy Head.

- a) Removal or expulsion can be imposed only by the Head after consultation with the Chair of Governors. A pupil may be formally expelled from the School if it is proved on the balance of probabilities that the pupil has committed a very grave breach of School discipline or a serious criminal offence. The School will be expected to have adopted appropriate strategies for preventing pupils from getting into trouble and alternatives to removal or expulsion will have been considered where appropriate. Advice will normally be given about what is required to sustain academic progress during the period of the exclusion.
- b) In any but the most trivial cases pastoral staff should be in touch with parents by telephone and/or letter and should keep the Head informed. In cases of temporary exclusion, removal or expulsion, the Head, Senior Deputy Head or Assistant Head (Pastoral) deals with the pupils and parents and written confirmation of any action taken will be sent to the parents concerned. However, parents only have the right to be informed about the specific disciplinary outcome for their own child, and will not be given details of any other student facing a sanction.
- c) The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where expulsion needs to be considered, the School will ensure that a pupil with a disability or special

educational needs and/or his/her parents are able to present their case fully where their disability or special educational needs might hinder this.

- o) All incidents and details of any action taken should be recorded and dated on iSAMS and in the pupil's file. All serious matters must be recorded in the Head's files as well as in the pupil files.

Procedures for an internal disciplinary hearing to consider the removal or expulsion of a pupil

Prior to a pupil disciplinary hearing

1. The Head will have informed the Chair of Governors of the incident as soon as possible.
2. The parents or guardians will be informed of the nature of the allegations usually by a member of the pastoral team and that the Heads' PA will arrange a disciplinary hearing with the Head. This will be at the earliest opportunity and certainly no later than 15 working days after the incident
3. Every effort will be made to ensure that any investigation will have been carried out in a fair and unbiased manner.
4. The pupil may be temporarily suspended at this stage so that further inquiries can be made.

At the pupil disciplinary hearing

1. The Disciplinary Committee is chaired by the Head and is composed of the Senior Deputy Head and other members of staff as required.
2. The parent or guardian will be invited to attend the hearing with their child.
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 or Senior Deputy Head so that appropriate arrangements can be made.
4. The Head will explain the purpose of the hearing to the parents and the pupil concerned. The Head will outline the School's powers.
5. The Head will outline the reasons for the possible removal or expulsion of the pupil from the School.
6. Member (s) of staff will be invited to give a resume of the actual incident and comment upon the pupil's previous disciplinary record.
7. The parents are invited to question the Head and member (s) of staff about the facts as stated.
8. The pupil is invited to make a statement.
9. The parents are invited to make a statement.
10. Committee members are invited to question the parents and pupil.
11. Following the question period the parents and pupil are asked to retire.
12. The parents and pupil will be invited back to hear the Head's decision which will be confirmed later in writing. If the Head deems that further investigations are needed, they will be completed within 5 working days of the meeting, and a final outcome communicated to parents in writing.
13. The Head will also outline the Governors' Review procedure should the parent or pupil wish to request a review of the decision made.

Governors' Review

Any appeal of a decision taken by the Head to exclude or require the removal of the pupil will be governed by Stage 3 of the School's Complaints Procedure¹. In such circumstances, the Panel may only uphold the complaint and ask the Head to reconsider his/her decision if they consider, having regard to the process followed by the Head, that the Head's decision to exclude / require the removal of the pupil was not a reasonable decision for the Head to have taken.

¹ An appeal of this nature will not be deemed a complaint.

Appendix 1: Use of Reasonable Force and the Power to Search Policy

1. The School does not operate a no-touching policy as this may obstruct the School's duty of care towards a pupil but staff must ensure that any form of physical contact with a pupil is appropriate for the circumstances. Through the Parent Contract, parents give their consent to such physical contact as may accord with good practice and be appropriate and proper for teaching and instruction and for providing comfort to a pupil in distress or to maintain safety and good order, or in connection with the pupil's health and welfare.
2. Any form of physical punishment or coercion of pupils (cuffing, smacking, punching, striking, arm-locking, kicking and the like) is absolutely unacceptable. It is not merely a direct contravention of School policy, but is illegal; it would render anyone who did it liable to prosecution for assault. Force should therefore not be used except in the circumstances described below.
3. The Education and Inspections Act 2006 introduced a statutory right for school staff to use such force as is reasonable in the circumstances to prevent a pupil from:
 - committing an offence or engaging in conduct that could be an offence
 - causing injury to themselves or others
 - damaging property
 - prejudicing good order and discipline at the school or among pupils receiving education at the school

The power applies where the pupil (including a pupil from another school) is on school premises or any other place where s/he is in the lawful control or charge of the school staff member. This means that the power extends to school trips.

The power is to use such force as is reasonable in the circumstances, which means using no more force than is needed.

4. **Members of the teaching staff have a duty and power to act** when there is a need on School premises or elsewhere when he or she has charge of the pupil(s) concerned. The same power applies to any other person who, with the Head's consent, has charge of pupils. Students do not have this power.

If a member of staff does act, he or she should write a short report explaining what they did and why they did it and this should be passed to the Head immediately. Parents will be informed of all incidents involving restraint.

5. **The decision to use force**
There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force would need to be in proportion to the consequences it is intended to prevent. Even with the guidance, it will always be difficult to judge when force is necessary. The School also acknowledges the legal duty to make reasonable adjustments for disabled children and children with SEN.

Wherever possible the teacher or staff member should try to avoid using force. This may mean talking to the pupil in a calm way, making clear to him or her that if s/he does not stop what s/he is doing force will be used. It should be made clear that force is not being used as a punishment and that the use of force will stop as soon as the situation has been resolved.

Force is usually used either to control or restrain and is likely to be required in a wide variety of situations. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention. Where the situation allows, the staff member should weigh up the risks arising from the behaviour against the risk that force may cause distress or injury to the pupil, staff member or other pupils.

When force may be necessary

Situations include:

- where a pupil attacks a member of staff or another pupil
- a pupil is damaging property or is about to do so
- a pupil's behaviour is likely to cause an accident with injury or damage
- where a pupil attempts to leave a classroom or the school. Situations justifying force to prevent a child from leaving are those where allowing the pupil to leave would create a risk to that pupil's or others' safety, or where allowing the pupil to leave would disrupt other classes in the school
- where a pupil has been asked to leave the classroom for disciplinary reasons and refuses to do so
- where a pupil is seriously disrupting a lesson
- a pupil is seriously disrupting a school event or visit

Reasonable force will be used in accordance with the DfE guidance *Use of reasonable force* (July 2013).

5. The power to search

These regulations are in accordance with the DfE guidance *Searching, Screening and Confiscation* (January 2018)

Searching with consent

Under common law powers, schools are able to search lockers for any item provided the pupil agrees. At King Edward VI School, pupils have a locker on the understanding that staff have consent to search the locker at any time. Any member of staff may search pupils with their consent for any item banned by the School rules. In this situation the teacher can ask the pupil to turn out his or her pockets or ask to look in the pupil's bag or locker.

Searching without consent

The School can undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. Prohibited items include knives or weapons, alcohol, illegal drugs, stolen items, tobacco or cigarette papers, fireworks, pornographic images or any article that the member of staff reasonably suspects has been, or is likely to be used to commit an offence or to cause personal injury to, or damage to the property of, any person (including the pupil). The search may be a personal search or may be a search of the pupil's bag or locker. It is a condition of having a locker that pupils consent to their locker being searched by staff as necessary, whether or not they are present.

Electronic devices, including mobile phones, can be searched and their data/files can be searched/erased 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. If inappropriate material is

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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.

Only the Head and staff authorised by the Head may carry out a search without consent. The following members of staff are authorised by the Head to search with appropriate and reasonable force:

Deputy Heads
Assistant Heads
Heads of Section and Heads of Year

Searches without consent can only be carried out on the School premises or where the member of staff has lawful control or charge of the pupil. It should be noted that the powers only apply in England.

Any search must, if at all possible, be made in a suitable room with appropriate regard for privacy.

The searcher must be of the same gender as the person being searched. There must also be a witness (also a member of staff) and, if at all possible, the witness should be the same gender as the pupil being searched. There is a limited exception to this rule. A search can be carried out by a person of the opposite gender and without a witness present but only when it is reasonably believed that there is a risk that serious harm will be caused to a person if the search is not conducted immediately and it is not reasonably practicable to summon another member of staff.

Only outer clothing may be removed. Essentially this excludes shirts, blouses, trousers and skirts. Only reasonable force may be used and then only on reasonable suspicion.

Members of staff should not put themselves at risk and if resistance to the search is met, or suspected to be likely, then the school should call the police.

School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to School discipline. Any item that has been seized will be passed to the Assistant Head (Pastoral) to be dealt with appropriately.

Appendix 2: Confiscation Policy

Schools' general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so. There are no DfE guidelines available to describe what is meant by 'reasonable'; however, they do state that a member of staff may seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to School discipline. This means that any item that is forbidden by School regulations or the use of any item to disrupt a School activity or which may be dangerous may be confiscated. For example, if a mobile phone or other electronic device is being misused in a lesson a member of staff is within his or her rights to confiscate the item. Similarly, if a pupil is wearing jewellery prohibited under the School Uniform Regulations then a member of staff may confiscate the jewellery.

Confiscation may take place on School premises or elsewhere where the pupil is under staff supervision.

Confiscation must be 'proportionate' to the offence committed and the member of staff must have regard for the pupil's age, gender, religion, special educational needs and disabilities or any other group as set out in the School's Inclusion Policy. No force may be used to obtain the item from the pupil although, if a pupil refuses to hand the item to a member of staff after a reasonable request, the matter should be reported to the Head of Year and /or the Assistant Head (Pastoral).

Any item confiscated should be given to the Head of Year in an envelope with a written explanation as to why it was confiscated, the name of the owner of the item, the initials of the member of staff and the date. If the item is to be returned to the owner the Head of Year will ensure that the item is securely stored and will decide when it is to be returned to the pupil. If the item is not to be returned to the pupil then the item will be passed to the Assistant Head (Pastoral) to be dealt with appropriately. Wherever practicable we would aim to make available at the end of the day a mobile phone that has been confiscated so that the pupil may have their phone with them as they travel home.

Care should be taken to avoid damage to any pupil's property at all times although, under the Education and Inspections Act 2006, staff now enjoy some protection from liability for claims for loss or damage provided that appropriate procedures have been followed. The guidance says that: 'Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully'.

Appendix 3: School refusal Policy

School Refusal occurs when a pupil refuses to attend school, or lessons, on a regular basis. For the purposes of this policy, the School will be concerned about a pupil's attendance when it goes below 90% for a term, and will treat as School Refusal a pupil whose attendance is typically below 75% without medical documentation.

The School recognises that School Refusal is often the consequence of poor mental health. This may be because of a general anxiety or because of something more specific, such as an approaching deadline in a particular subject. School Refusal may also be the result of a specific incident, such as peer unkindness.

The School also recognises that School Refusal is not the same as Truancy. Most pupils who School Refuse are well-behaved, able and keen to do well in their education but have an underlying fear of attending some or all lessons or even being on the School grounds.

Pupils who spend significant time away from School will often request for work to be sent home. Whilst work will be sent home in the short-term to keep pupils up to date, this is not a long-term solution. Time spent studying at home is not an adequate substitute for attending lessons.

The following process represents best practice in most situations of School Refusal. However, the School reserves the right to waive any and all parts of this process according to specific circumstances.

Step One

The School will work with the parents/guardians and take all reasonable measures to alleviate the cause of the anxiety. A plan will be formulated for increasing attendance of the pupil and targets set for future attendance. This will be reviewed on a regular basis.

Step Two

If, following the implementation of Step One, a pupil's termly attendance continues to be below 75%, then a meeting will be scheduled to discuss the impact on the curriculum. A raft of measures will be discussed, possibly including dropping subjects to alleviate pressure points, especially during public examination years. It may be suggested at this stage that the pupil will have to repeat their current year of schooling if attendance does not increase to above 75%, or in the case of Fifth Year pupils that their place in the Sixth Form will be in jeopardy without such an increase.

Step Three

Pupils who reach Step Three will typically have had less than 75% attendance for a year or longer, and often their attendance will be much lower. By this stage it is possible that the Local Authority will have been contacted, as per the School's Child Protection Policy and Children Missing In Education.

If a pupil reaches this point then they are unlikely to be able to access the education that the School is providing. This means that they may have to repeat a year of schooling or leave the School. If the pupil leaves the School the Registrar will inform the Local Authority. In the case that a student is in receipt of a bursary the conditions of bursary policy will be followed.