

PASTORAL CARE, BEHAVIOUR AND DISCIPLINE (including use of reasonable force, power to search and exclusions) POLICY

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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.

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 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.

Praise and Rewards

- a) It is right that we try to motivate pupils through appropriate praise and reward. The importance of informal comments from staff should not be underestimated. More formally, School assemblies and the School's website are just two of the forums where the work of students is showcased and achievements of individuals or groups are regularly celebrated.
- b) The Lower School Merit System is a particularly effective means of stimulating the younger pupils to achieve their best. They are not meant just for the academic who achieves high marks in every test and homework but they might also be given for improvement, sustained or extra effort, good participation or examples of good behaviour including being supportive or helpful to others. Each time a pupil gains ten merits he or she is congratulated by the Head of Year; each time a pupil reaches twenty merits the Head sees the pupil to congratulate them and sign the pupil's merit card. On the third visit to the Head a pupil will be presented with a School pen.
- c) A Head of Year's commendation or a Head's commendation may be awarded for an outstanding piece of work or project. A pupil will receive a small prize when he or she is awarded a Head's commendation.
- d) 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.
- e) Colours are awarded for excellence in and commitment to a particular strand of school life, including sport, drama, music, art, charities and house activities.

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- f) 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.
- g) 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

- a) 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.
- b) 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.
- c) 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.

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- d) 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.
- e) Discipline within the classroom is naturally the primary responsibility of the member of staff concerned, supported by his or her Head of Department and, where appropriate, by senior pastoral staff. Discipline and the maintenance of standards in general outside the classroom are the responsibility of all members of staff. Pastoral staff may refer more serious or persistent matters in the first instance to the Heads of Year, Section Heads, Heads of Department or Faculty, Assistant Head (Pastoral) or the Deputy Heads as appropriate. The most serious cases are dealt with by the Head.
- f) Additionally, the School Prepositors, aided by the Lower School Prefects, have an important role in supporting the staff in looking after the School community – the fact that their role, like that of the staff, is primarily a positive one of care is stressed to them on appointment.
- g) Guidance about classroom discipline is given in the Staff Handbook. If there are minor infringements, these should be dealt with informally and staff may choose to use the yellow card system. This is designed to inform Tutors of any concerns so that a pattern of behaviour may become apparent. Persistent breaches of uniform regulations can be dealt with through the imposition of the Uniform Report. Where work is imposed as punishment, pupils must be given positive tasks to do, not meaningless or demeaning activities such as the writing of lines. If an issue is judged to be more serious, staff may give a conduct or work detention. The procedures for this are clearly defined in the Staff Handbook.
- h) 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.
- i) Few pupils at King Edward's commit serious breaches of the regulations. However, inevitably the behaviour of some pupils will require significant correction. A serious breach of the regulations may incur a Saturday Morning Detention. This may only be given by a member of staff **after** consultation with the Tutor and the Head of Year or Section.
- j) 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.
- k) 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) 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).

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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.

- l) 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.
- m) 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.
- n) 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 the disciplinary hearing

1. The Head to inform the Chair of Governors of the incident as soon as possible.
2. At an initial meeting the parents or guardians to be informed of the nature of the allegations. They may also request further investigation, within reason, of any aspects of the allegations that they feel are unjustified or require further clarification.
3. Every effort will be made to ensure that the investigation is 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.
5. If it is found that there is a case to answer the Disciplinary Committee will be convened at the earliest opportunity and certainly no later than 15 working days after the incident.

At the 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.

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2. It is usual that a parent will be invited to attend the hearing.
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.
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

- a) Parents may ask for a Governors' Review of a decision to expel or require the removal of a pupil from the School, but not a decision to temporarily exclude a pupil unless the temporary exclusion is for 11 School days or more, or would prevent a pupil taking a public examination. If a parent wishes to request a Governors' Review they must write to the Chair of Governors and he/she will convene the Governing Body's Review Panel. The request must be made as soon as possible and in any event within seven days of the decision being notified to the parents. The parents will be entitled to know the names of the Governors who make up the Review Panel. However, the Head will normally have discussed complaints with the Chair of Governors before making a decision to expel or require the removal of a pupil and therefore the Review Panel will not include the Chair.
- b) The role of the Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Head's decision or refer the decision back to him with recommendations so that he may consider the matter further.
- c) The Head will advise the parents of the procedure (current at the time) under which such a review will be conducted. The Parents will be invited to attend the review and will be informed of the independent panel member nominated by the School (such as a representative from Global Mediation). This appointment will be subject to the parents' approval, however, such approval must not be unreasonably withheld. If the parents request a Governors' Review, the pupil will be suspended from the School until the decision to expel or remove has been upheld or a reconsidered decision made. While suspended, the pupil shall remain away from the School and has no right to enter the School's premises during that time without written permission from the Head. It should be recognised that the parents may not be satisfied with the outcome of the review panel and it may only be possible to establish the facts and make recommendations that will satisfy the parents that their request for a review has been given a fair hearing.

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- d) The Clerk to the Governors will set the date, time and venue of the hearing, ensuring that these are convenient to all parties and that the venue and proceedings are accessible. The meeting will take place at the School premises, normally within fifteen School days of the parents' application being received. If the parents or the pupil have any special needs or disabilities which call for additional facilities or adjustments, these should be made known to Clerk so that appropriate arrangements can be made.
- e) A Governors' Review will not normally take place during school holidays. The parents and the Head will be asked to submit any documents they wish to refer to at the meeting to the Clerk to the Governors and a single bundle will be circulated to the Panel and the parties simultaneously at least three days before the meeting. On receipt of new information not previously available to the Head before his decision was made, the Clerk should contact the Chair of Governors who will decide whether:
- i. to include the new information in the bundle; or
 - ii. to omit the information if not relevant to the grounds for Review; or
 - iii. to make further enquiries of the parents or the pupil about the information; or
 - iv. to refer the information to the Head for his consideration as to whether the decision should be revisited.
- f) The hearing will be held in private and all those who are concerned in it are required to keep its proceedings confidential, subject to law. Every effort will be made to put individuals at their ease and to ensure that the proceedings are as welcoming as possible. Particular care will be taken if any of the pupils in the School are involved at this stage.
- g) The parents may be accompanied by a friend or relation. The meeting is not a legal proceeding and so legal representation is not necessary. The Clerk to the Governors must be given seven days' notice if the friend or relation is legally qualified and the parents should note that the Review Panel will wish to speak to them directly and this person will not be permitted to act as an advocate.
- h) The Head will provide the parents with a copy of the current Review procedure if requested. The Panel will consider each of the points raised by the pupil or his/her parents and any documentation they wish to rely on so far as relevant to:
- i. whether the decision was fair procedurally and / or substantively - whether the facts of the case were sufficiently proved when the decision was taken to expel or remove the pupil. The civil standard of proof, namely, "the balance of probability", will apply and
 - ii. whether the sanction was proportionate - that is whether it was warranted in respect of the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the School's policy in that respect.

The requirements of natural justice will apply. If for any reason the pupil or his / her parents are dissatisfied with any aspect of the meeting they must inform the Chair of the Panel at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

- i) The parents will be invited to explain the reason they have requested a Review. The Head may question both the parents and other witnesses after each has spoken.

The Head will then state the School's case and the parent may question the Head and any other witnesses. The Panel may ask questions at any point. The parent and the Head will be invited to sum up at the end of the proceedings and then both parties will leave the panel to confer and to take its decision. The Clerk to the Governors will take minutes of the hearing and notify all parties of the Panel's decision and any recommendations in writing within a given period of time, normally no longer than a week.

- j) Note that the Review Panel may not introduce new reasons for any disciplinary action taken, that evidence (oral or written) can be provided by anyone directly or indirectly involved, including the pupil and any alleged victim/s, that any written statements must be signed, dated and witnessed, that the Panel cannot compel anyone to attend and that pupil witnesses appear voluntarily and with parental consent.
- k) On receipt of the Panel's decision, the Head will, if appropriate, notify all parties of his response to the Panel's decision, in writing, within 5 working days. In the absence of procedural irregularity, the Head's decision will then be final.

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).

6. 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 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.

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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

Trans Students at KES

Introduction

The School is committed to supporting students of all genders and sexualities, including transgender and transsexual students. For the purpose of this policy such students will be referred to as 'trans students', with 'trans' being the preferred term within the LGBTQ community at the time of writing.

Key Principles

At the heart of this policy is a recognition that every trans student will have different needs, and so a prescriptive action plan that aims to cover all eventualities is not appropriate. The School also recognises that resolving issues that may occur as a result of a student declaring a trans identity will be a matter of conversations between the student, their family and the School. This policy seeks to set down guidance, for both staff and students alike, as to what those conversations may involve.

The key principles that should guide conversations and decisions regarding trans students are as follows:

- A commitment to equality for every student
- Creating a tailored response to meet the individual's needs
- Working closely with the family of the trans student and providing support where appropriate

Conversations with the School

Trans students may wish to make either a 'social' or a 'medical' transition to their chosen gender identity. This policy deals with the aspects of a social transition, medical transitions are generally not performed until a student is 18 years of age. Should a student wish to make a medical transition whilst still attending secondary education then the School should be part of any discussions that take place and be kept informed at all times.

Should a student wish to make a social transition then ideally a series of conversations will have to take place:

- In the first instance the student should discuss the transition with their Head of Year and the relevant medical staff
- The School will ask for a GP letter to confirm that there is no reason why the transition should not take place. A student's GP is the most important point of access for support; the letter from the GP is a means to confirm that contact has been made in this regard.
- Once a GP letter has been received, the School will meet with parents and student; the successful outcome of this meeting will be written consent for social transition
- The School recognises that there may be circumstances in which such a meeting does not take place

Specific Areas

It might be perceived that certain specific areas of the school might be problematic for a trans student. These areas will require considered and sensitive discussion when making decisions and some of the areas for discussion are outlined below:

KING EDWARD VI SCHOOL, SOUTHAMPTON

School Facilities

- Provision of gender neutral toilets, changing and showers
 - Some trans students may want to use the facilities provided for their chosen gender identity, some trans students may want to use these facilities at different times to other students, some trans students may want to use facilities that are not shared with other students at all

School Uniform

- A choice of uniform traditionally worn by either boys or girls
 - Trans students may wear whichever uniform that they prefer
 - Aspects of boys' and girls' uniforms should not be mixed, if a decision is made to switch uniforms then it should be one uniform or the other and for the remainder of the school year

School Curriculum

- All subjects are available to any student. However:
 - A trans student may wish to attend the small number of PSHE sessions specifically designed for either just boys or just girls
 - A trans student may wish to participate in Games options for their chosen gender identity and may wish to compete in a sport for their chosen gender identity
 - In some sports the relevant Governing body may have to be contacted before competitive sport can be made available to a trans student

School Trips

- The School would wish that trans students will be able to participate in all school trips and residential visits
 - There will need to be discussion over sleeping arrangements, according to the individual needs of the student and the specific circumstances at the planned accommodation
 - There may be circumstances outside of the School's control which mean full participation is not possible.

This policy is available to parents and pupils on the School's website and on request. It has been compiled with regard to the DfE publication 'Behaviour and discipline in schools' and related documents.

Reviewed November 2017

Reviewed and endorsed by Governors: February 2018

Reviewed November 2018

Related Policies:

Anti-Bullying

Child Protection

Confiscation

E-Safety

Inclusion

Substance Abuse

Uniform