

Queen Elizabeth's School

PUPIL DISCIPLINE POLICY

Our objective is to teach pupils to behave well, to foster good attitudes and to promote the knowledge and skills which will sustain them in adult life. We believe that happy family life and good employment prospects rest on good character as much as the best academic qualifications.

We recognise that the primary responsibility for education and training lies with the family. We can only succeed if the pupil's family are at least compliant partners accepting the system of discipline and ethos of the School. Where pupils get strongly conflicting messages at home and at school, the outcome must be divisive. In accordance with Department for Education (DFE) requirements, we ask all parents/guardians to sign a Home-School Agreement. In this agreement, we emphasise the need for all parents/guardians to be aware of our policy on school discipline.

At Queen Elizabeth's we aim to create an orderly and harmonious community, in which effective learning can take place and in which there is mutual respect between all members. This latter element is developed further through our policy on Equal Opportunities. Discipline is both internal (as in self discipline) and external (as in a system of rules for good behaviour). Good behaviour is conduct which assists the School to fulfil its function, to produce pupils who are responsible, able and confident. Bad behaviour is conduct which prevents the smooth function of the School and obstructs the learning of others.

At Queen Elizabeth's, the disciplinary system places its strongest emphasis on the development of identity, character and self discipline through a positive approach of encouragement, praise, and reward. The School expects commitment to this system of positive reinforcement from both pupils and parents/guardians.

We encourage pupils to build an identity which is in harmony with the ethos of the School through a wide variety of inputs and opportunities including: verbal praise, merits, good notes in personal organisers, commendations, prizes, scholarship awards, colours awards, individual tutoring, posts of responsibility, sports, clubs, drama and music. Many of these take place within the House system which plays a crucial role in the pupil's development beyond the academic curriculum. Most pupils adopt and contribute to this ethos throughout their school careers.

Regrettably there are a few who, through an incident or pattern of poor behaviour, reject the ethos of the School. This occurs, for example, when a pupil:

- fails to abide by dress/uniform codes
- adopts an inappropriate hairstyle
- fails to do homework or classwork
- persistently misbehaves in school or outside
- disrupts lessons
- rejects the authority of staff or prefects
- truants from school or is persistently late
- behaves dangerously, especially in practical areas
- vandalises the property of the School or members of its community
- involves himself in theft or dishonesty
- wastes staff time
- possesses, deals in or abuses prohibited substances
- exhibits aggression towards, assaults or bullies any member of the school community (specific guidance on the School's approach to bullying is contained within the Bullying Policy and Equal Opportunities Policy)
- misuse of the School's ICT facilities and social media. (Specific guidance on the School's approach to bullying is contained within the ICT Policy)

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This list is not exhaustive and merely describes some examples of bad behaviour which are at odds with the ethos of the School.

Such behaviour may be identified by the following routes: direct referral to Head of Year or tutor by a member of staff, the public or prefects, a note in a homework diary or personal organiser, quality assurance checks conducted by senior staff, Heads of Year or Heads of Subject, reviews, profiles and parents' evenings.

The School attempts to deal with these manifestations by working closely with parents/guardians and by taking the following actions:

- Counselling by Head of Year, Tutor, assigned mentor or SENCO. (Behavioural support for pupils with Special Educational Needs will be guided by the School's SEN Policy.)
- Telephoning, writing to or meeting parents/guardians to discuss a common approach and strategy.
- Involving outside agencies or professionals such as the ESW, School Psychological Service, Police, Juvenile Bureau or Social Services.
- Monitoring work via the homework diary or personal organiser, special report book or card or individual quality assurance checks.
- Punishments such as: reprimands; bad notes; detention at lunchtimes, after school or on Saturdays; withdrawal from lessons under supervision of the Head of Year (internal exclusion); or withdrawal from some or all non-statutory provision such as extra-curricular activities and/or school trips.

Detention

Detentions are used as a sanction in response to punctuality, lack of or poor effort in classwork, lack of or poor effort in homework, persistent non-adherence to the uniform policy, and behaviour concerns.

When issuing a detention, staff will consider whether the pupil's parents should be informed, for instance, advance notice may not be necessary for a short after-school detention where the pupil can get home safely. There is no legal limit to how long schools can detain pupils after school without informing parents, however, the School will give a notice period to the pupil and his parents or guardians to allow sufficient time to make alternative arrangements for after school travel where necessary.

Departmental detentions for poor attitude with respect to academic work will take place either at lunchtime or after school. If these issues are not resolved at the departmental stage they may be escalated to a Head of Subject detention after school on a Friday.

Form tutor detentions, at lunchtime or after school, will deal with poor behaviour or issues related to punctuality. Behavioural or disciplinary issues may result in an end of term or Saturday detention, as instructed by Heads of Year or the Headmaster, whereby these issues are ongoing or more serious in nature.

Exclusions

The School will adhere to current legislation, including the Equality Act 2010, and is obliged to have regard to DfE guidance on exclusions.

If the pattern of bad behaviour persists or if an incident is particularly serious (for example involvement with prohibited substances, an assault on a member of staff, incitement of racial conflict), and where allowing a

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pupil to remain in the School would seriously harm the education or welfare of the pupils or others, the pupil may have to be excluded from School. Exclusions are conducted with reference to published guidance. Only the Headmaster or the most senior teacher acting in that role can exclude a pupil. Before any decision is taken to exclude a pupil, the Headmaster will:

- ensure that an appropriate investigation has been carried out;
- allow the pupil to give their version of events;
- consider all the evidence available to support the allegations, taking into account the School's Pupil Discipline and Equal Opportunities Policies;
- check whether the incident may have been provoked, for example, by bullying or by racial or sexual harassment;
- if necessary consult with others, but not anyone who will have a role in reviewing the Headmaster's decision, for example a member of the Governing Body's disciplinary panel;

If the Headmaster is satisfied, on the balance of probabilities, that the pupil did what was alleged to have happened, and, after taking into account all the relevant factors, the Headmaster is satisfied that exclusion is lawful, reasonable, fair and proportionate, then he may exclude the pupil.

The Headmaster will inform parents/guardians in writing of:

- the reasons for the exclusion;
- the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
- the parents' right to make representations about the exclusion to the Governing Body and how the pupil may be involved in it;
- how representations should be made; and
- if there is a legal requirement for the Governing Body to consider the exclusion, that parents have a right to attend the meeting and be represented (at their own expense) and to bring a friend.

The Headmaster will notify the Governing Body and the LA of:

- a permanent exclusion (including where a fixed period exclusion is followed by a permanent exclusion);
- exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes in a term); and
- exclusions which would result in the pupil missing a public examination or national curriculum test.

For all other exclusions, the Headmaster will notify the Governing Body once a term.

Fixed term exclusions

Fixed term exclusions may result from behaviour including, but not limited to:

- bullying;
- verbal, physical or online abuse;
- using grossly offensive or discriminatory language;
- theft;
- persistent serious disruptive behaviour;

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- bringing the School into disrepute.

Fixed term exclusions can run from 1 to 45 days and should not exceed 45 days in a school year. As a rule we exclude for the shortest time necessary and when deciding upon the duration of the exclusion the Headmaster will consider the following factors in relation to the behaviour:

- the age of the pupil;
- the pupil's previous record at the School;
- any particular circumstances unique to the pupil which might sensibly be taken into account in connection with the behaviour, e.g. strained or traumatic domestic situations, the extent to which parental, peer or other pressure may have contributed to the behaviour;
- the degree of severity of the behaviour, the frequency of its occurrence and the likelihood of it recurring;
- whether or not the behaviour impaired or will impair the normal functioning of the pupil or other pupils in the School;
- whether or not the behaviour occurred on School premises or when the pupil was otherwise in the charge of School staff, or when the pupil was on the way to or from school. An important consideration in cases of doubt is the extent to which behaviour away from the School had a serious impact on the life of the School;
- the degree to which the behaviour was a violation of one or more rules contained in the School's policy on behaviour, and the relative importance of the rule(s);
- whether the incident was perpetrated by the pupil on their own or as part of a group (using one pupil as a scapegoat should always be avoided); and
- whether consideration has been given to seeking the support of other agencies, such as the Education Welfare Service or Educational Psychology Service.

For a fixed term exclusion of 5 days or less in a term if the parent/carer submits representations, the Governing Body must consider them. The Governing Body can agree to a meeting if the parent/guardian wants to meet but no meeting is required.

For a fixed term exclusion of 6-15 days in a term if the parent/guardian makes representations and requests a meeting, the Governing Body's Discipline Committee should then meet to consider representations within 50 school days after receiving notice of the exclusion.

For fixed term exclusions of more than 15 days in a term a hearing of the Governing Body's Discipline Committee is called. At the hearing the School's case is put to a panel of Governing Body and the pupil and parent/carer have the opportunity to ask questions of the School. If the pupil and parent/carer are in attendance, their case is also put to the panel and the School has the opportunity to ask questions of the pupil/family. Whilst it is not a legal requirement that a pupil attend, it is helpful for the governors if the pupil attends the hearing in person. Pupils should wear their School uniform. If the pupil does not attend, then a written statement should be included in the papers for the meeting. The panel then decides whether to reinstate the pupil or uphold the Headmaster's decision and whether to make recommendations for further action to monitor or support the pupil. Where reinstatement would make no practical difference because, for example, the pupil has already returned to School following the expiry of the fixed-term exclusion, or the parents make clear they do not want their son reinstated, the panel must still consider whether the pupil should be officially reinstated.

The decision of the panel of the Governing Body will be given in writing and without delay and will give the reasons for the decision.

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Unless the exclusion is a permanent one, the parents/guardians will be invited to the School as close to the date of the pupil's re-instatement as is convenient to both the parents/guardians and the Headmaster, to discuss the incident or pattern of behaviour to enable the boy to be reintegrated back into the School and discuss how to manage the boy's future behaviour. The Headmaster may stipulate conditions as a pre-requisite for their son's return to normal school routine. Should the boy fail to meet these requirements, he may risk further exclusion.

Where re-instatement does not occur, for example if the parents/guardians exercise their right to withdraw their son from the School, the reasons for this will be made known to the Governing Body and the LA.

Permanent exclusions

The decision to exclude a pupil permanently is a serious one and is usually the final step in a process of dealing with disciplinary incidents after a range of other strategies have been tried without success. The permanent exclusion is therefore an acknowledgement by the School that all available strategies have been exhausted. There will however be exceptional circumstances where in the Headmaster's judgement, it is appropriate to exclude a pupil for a 'one off' or first offence.

These might include:

- serious actual or threatened violence towards another pupil or member of staff;
- sexual assault or abuse;
- supplying or bringing onto the School premises an illegal substance;
- carrying an offensive weapon; or
- in any other way seriously endangering the health, safety or wellbeing of a member (or members) of the School community.

These instances are not exhaustive but indicative of the severity of the incident and the impact on the well-being and order of the School community.

For permanent exclusions a meeting of the Governing Body's Discipline Committee is called. At the hearing the School's case is put to a panel of the Governing Body and the pupil and parent/carer have the opportunity to ask questions of the School. If the pupil and parent/carer are in attendance, their case is also put to the panel and the School has the opportunity to ask questions of the pupil/family. Whilst it is not a legal requirement that a pupil or parents attend, it is helpful for the governors if the pupil attends the hearing in person. Pupils should wear their School uniform. If the pupil does not attend, then a written statement should be included in the papers for the meeting. The panel then decides whether to reinstate the pupil or uphold the Headmaster's decision and whether to make recommendations for further action to monitor or support the pupil. Where reinstatement would make no practical difference because, for example, the parents make clear they do not want their son reinstated, the panel must still consider whether the pupil should be officially reinstated.

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Where the panel of the Governing Body has upheld the decision of the Headmaster to exclude parents/carers have the right to ask for the decision to be reviewed by an independent review panel (IRP). The IRP can review the decision, but cannot compel the School to reinstate the pupil.

If they wish to do so they must make that application within 15 school days from the date they receive notice in writing of the Governing Body's decision. They should submit their application to the Clerk to the Governing Body (care of the School) setting out the grounds on which it is being made and to include, where appropriate, a reference to how the pupil's SEN are considered to be relevant to the exclusion. In addition, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require the School to appoint an SEN expert to advise the review panel.

Parents also have a right to bring an Equality Act claim for discrimination to the First Tier Tribunal (for disability discrimination) or to the County Court (for other forms of discrimination).

Right to search

School staff (which includes a teacher or someone who has lawful control or charge of the child) may search a pupil with their consent for any item.

The Headmaster or any member of staff authorised by the Headmaster may search pupils or their possessions (including bags, lockers, desks etc), without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. Prohibited items include:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- matches, lighters and lighter fuel
- fireworks
- pornographic images
- any article that the Headmaster or member of staff reasonably suspects has been, or is likely to be used:
 - i. to commit an offence; or
 - ii. to cause personal injury to, or damage to the property of, any person (including the pupil).

The Headmaster or authorised staff member can also search for any item banned by the School rules and which the School has identified as an item which may be searched for.

In the event that a search is required the following guidelines should be followed where possible:

- searches should only be carried out in the presence of at least one member of the Senior Leadership Team;
- there should be at least one member of staff present of the same sex as the pupil;
- any prohibited items found will be marked in an envelope and placed in a secure location;
- at the Headmaster's discretion any illegal substance will either be disposed of or passed on to the police;

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- weapons or knives or child pornography must be handed over to the police;

Whilst there is no legal duty to inform parents of searches, the School will try to notify parents/guardians if their child has been subject to a search.

However, if the Headmaster feels that a pupil may be at a risk of serious harm as a matter of urgency then a search may be carried out without the presence of another member of staff.

Complaints about searching should be dealt with through the normal school complaints procedure.

Confiscation

The School's 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.

A person who seizes an item that is a prohibited item must either:

- deliver the item to the police as soon as reasonably practicable;
- return the item to its owner or via the parent/guardian (i.e. mobile phones);
- retain the item;
- dispose of the item (cigarettes, alcohol, chewing gum);
- with regards to electronic devices, the person who seized the item may examine any data or files on the device, if the person thinks there is a good reason to do so. Following an examination, if the person has decided to return the item to its owner, retain it or dispose of it, the person may erase any data or files from the device if the person thinks there is a good reason to do so. This will only be carried out with the full knowledge and consent of the Headmaster. Any material on an electronic device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted and the device should be given to the Police at the earliest practicable opportunity.

Use of reasonable force

Physical restraint must only be used as a last resort when other strategies have failed. It must serve to de-escalate or prevent a violent or potential violent situation. It must not be used purely to force compliance with staff instructions when there is no immediate risk to people or property. Staff may use reasonable force to:

- remove disruptive pupils from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event, trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground;
- restrain a pupil from harming themselves through physical outbursts;
- prevent a pupil from damaging property.

Where possible, staff should take steps in advance to avoid the need for physical restraint, e.g. through dialogue and diversion, and the pupil should be warned orally that physical restraint will be used and why it is being used unless he desists.

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Physical restraint must not be used in anger. When it becomes apparent that the pupil is not responding to verbal instructions and a violent incident is imminent, the member of staff, wherever possible, should call for assistance before engaging in physical restraint.

When it becomes necessary to restrain a pupil, the member of staff must, if possible, continue to talk to the pupil in a calm manner, offering choices and time for the pupil to become calm.

The age and competence of the pupil must be taken into account in deciding what degree of intervention is necessary. Reasonable adjustment should be made when dealing with pupils who are disabled or have a Special Educational Need.

Only the minimum force necessary, to prevent physical injury or damage, should be applied. Particular care must be taken to avoid inflicting any unnecessary pain or injury. Restraint must not involve deliberately painful or dangerous procedures. It must not:

- interfere with breathing, blood supply or genital areas;
- hold the head or throat.

The hold must be discontinued as soon as the situation is deemed safe. The restraint must be gradually relaxed as the pupil regains self-control.

The School will never ask a pupil to restrain another pupil.

Parents/guardians will be informed when physical restraint has been used and will be given the opportunity to discuss the matter with the School.

Bullying

For more information on how the School deals with bullying, consult the Bullying Policy and Equal Opportunities Policy.

Conduct outside of school

The School will also discipline pupils in line with this policy, where the pupils have been involved in non-criminal bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the School. This includes any bad behaviour when the pupil is:

- taking part in any school-organised or school-related activity; or
- travelling to or from School; or
- wearing School uniform; or
- in some other way identifiable as a pupil at the School.

Or misbehaviour at any time, whether or not the conditions above apply, that:

- could have repercussions for the orderly running of the School; or
- poses a threat, verbal, physical, online, or otherwise, to another pupil or member of the public; or
- could adversely affect the reputation of the School.

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In each instance, the Governing Body will consider whether the measures proposed by the Headmaster are lawful.

In all of these circumstances the Headmaster will also consider whether it is appropriate to notify the police of the actions taken against a pupil. If the behaviour is criminal or poses a serious threat to a member of the public, the police will always be informed. In addition, School staff should consider whether the misbehaviour may be linked to the child suffering, or being likely to suffer, significant harm. In this case the school staff follows its Safeguarding Policy.

Pastoral care for staff

The School will deal with staff conduct in accordance with the Staff Disciplinary Procedure. Any accusation of misconduct will be investigated. The staff member in question will not automatically be suspended during this process. The Headmaster will consider published guidance when determining the appropriate support staff can expect to receive if they are accused of misusing their powers.

Where pupils are found to have made malicious accusations against a member of staff that are proved to be unfounded, the School may exclude the pupil concerned. Depending on the severity of the accusation and the distress caused, this exclusion may be permanent.

LINKED POLICIES

- ❑ Bullying Policy
- ❑ Drugs Policy
- ❑ Equal Opportunities Policy
- ❑ Health and Safety Policy
- ❑ Home-School Agreement
- ❑ Information and Communication Technology Policy
- ❑ Safeguarding Policy
- ❑ Special Educational Needs and Disability Policy
- ❑ Staff Disciplinary Procedure
- ❑ Uniform Policy

LINKED LEGISLATION AND REFERENCE MATERIALS

- ❑ Department for Education: School Discipline and Exclusion Guidance [<https://www.gov.uk/government/publications/school-exclusion>]
 - ❑ Department for Education: Exclusion from maintained schools, Academies and pupil referral units in England (2017)
 - ❑ Education Act 2002 (Section 52)
 - ❑ Department for Education: Use of reasonable force in schools (2013)
 - ❑ Computer Misuse Act 1990
 - ❑ Regulation of Investigatory Powers Act 2000 (as amended)
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- Equality Act 2010
 - Department for Education: Searching, screening and confiscation - advice for headteachers, school staff and governing bodies (2018)
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Temporary Addendum: additions to the policy relevant to the period of the response to the Covid-19 pandemic

All pupils should continue to adhere to the principles outlined in the School's Pupil Discipline Policy. In particular, pupils should be aware of the following:

Working Remotely

- Pupils' behaviour and comments should be exemplary, reflecting how they would behave in a school-based lesson.
- Pupils must be respectful to others and courteous at all times.
- Pupils should address teachers and refer to peers as they would do in a classroom setting.
- Pupils should never attempt to contact staff via social media or make comments about staff on social media platforms.
- Any online bullying towards other pupils, or peer-on-peer abuse that is disclosed to the School, will be deemed as a serious disciplinary matter.

Working in School

- Pupils will be expected to follow and respect the isolation, social distancing and hygiene rules provided by the Headmaster and senior staff, at all times.
- Pupils will be expected to respond immediately to any changes to normal routines outlined to them by their Head of Year or a member of senior staff.
- All pupils will respect the facilities provided by the School; any action which disrespects those facilities, thus affecting other pupils, will be deemed as a serious disciplinary matter.
- Any action taken by a pupil which endangers the wellbeing of a staff member, or fellow pupils, will be deemed a serious disciplinary matter.
- In the case of a significant breach of any protocol introduced to safeguard the School community during the time of the Covid-19 outbreak, the Headmaster would decide on the most appropriate action to take. This may draw upon any of the sanctions, up to and including permanent exclusion, listed in the main part of this policy.

Approved by the Governing Body on 5 November 2020

Signed

B.R. Martin, Chairman of the Governing Body