

Behaviour and Discipline Policy

Ellesmere College



Contents

1	Policy aims	3
2	Ellesmere College school rules	3
3	Scope.....	3
4	Rewarding good behaviour.....	4
5	Breaches of College discipline	4
6	Malicious allegations against staff.....	4
7	Use of reasonable force	5
8	Searching pupils	5
9	Disciplinary power of prefects	5
10	Records	5
11	Review.....	5
Appendix 1	Rewards and Sanctions	7
1	Rewards	7
2	Sanctions.....	8
Appendix 2	Use of reasonable force	10
Appendix 3	Searching and confiscation	11
1	Prohibited items	11
2	Searching with consent.....	11
3	Searching for prohibited items	11
4	Confiscation	12
5	Searching electronic devices.....	12
6	Disposal of confiscated items	12
7	Communication with parents	13

1 Policy aims

- 1.1 The aims of this policy are:
- 1.1.1 to enable the Head to carry out his responsibilities of maintaining order and good discipline in the College;
 - 1.1.2 to promote good behaviour;
 - 1.1.3 to ensure, so far as possible, that every pupil in the College is able to benefit from and make his / her full contribution to the life of the College, consistent always with the needs of the College community;
 - 1.1.4 to authorise the school rules and any procedures necessary for implementing them.

2 Ellesmere College school rules

- 2.1 The school rules shall be set by the Head. The school rules are necessary:
- 2.1.1 for the safety and well-being of everyone at the College;
 - 2.1.2 for the reputation of the College community as a whole;
 - 2.1.3 for the protection of College property and the wider environment.
- 2.2 The school rules apply to all age groups and at all times when the pupil is:
- 2.2.1 at College, representing the College or wearing College uniform
 - 2.2.2 travelling to and from College
 - 2.2.3 associated with the College at any time.
- 2.3 Pupils are expected to know and understand the school rules and to read them through with their parents. The school rules will be amended from time to time and reinforced at assemblies and on other appropriate occasions.
- 2.4 Rules are in accordance of the DfE guidance *Behaviour in Schools – Advice for Head Teachers and School Staff (September 2022)*

3 Scope

- 3.1 The Governors and the Head intend that the school rules and the sanctions provided in them shall also, in appropriate circumstances, be capable of regulating the conduct of pupils when they are away from College premises and outside the jurisdiction of the College, for example during an exeat or half term and in the holidays. Schools have the power to discipline pupils for misbehaving outside the school premises. Sections 90 and 91 of the Education and Inspections Act 2006 say that a school's disciplinary powers can be used to address pupils' conduct when they are not on school premises and are not under the lawful control or charge of a member of school staff, but only if it would be reasonable for the school to regulate pupils' behaviour in those circumstances. When disciplining pupils for events that occur outside school, the disciplinary sanction and implementation of that sanction can only take place on the school premises or when the pupil is under the lawful control of school staff.
- 3.1.1 This will normally be where the conduct in question could have repercussions for the orderly running of the College, affects the welfare of a member or members of the College community or a member of the public, or which brings the College into disrepute.
- 3.2 This policy has regard to *Keeping Children Safe in Education 2023*.
- 3.3 This policy has regard to the College's mobile phone policy, child protection policy, e-safety policy.

4 Rewarding good behaviour

- 4.1 The College understands that rewards can be more effective than punishment in motivating pupils. The ways in which the College may reward good behaviour are set out in Appendix 1.
- 4.2 The College recognises that where challenging behaviour is related to a pupil's disability, use of positive discipline and reward methods may enable the College to manage the pupil's behaviour more effectively and improve their educational outcomes.

5 Breaches of College discipline

- 5.1 The Head may prescribe and authorise the use of any sanctions as comply with good education practice and promote good behaviour and compliance with the school rules. Examples of sanctions used at the College are set out in Appendix 1.

5.2 Serious breaches of discipline

- 5.2.1 **Suspension:** a pupil may be placed under suspension while a complaint is investigated or as a sanction in its own right.
 - 5.2.2 For serious breaches of discipline, the pupil may be asked to leave the College permanently:
 - 5.2.3 **Required Removal:** For a serious breach of College discipline falling short of one for which Expulsion is necessary, but such that the pupil cannot expect to remain a member of the College community, the pupil may be required to leave permanently. Subject to payment of all outstanding fees (the deposit being returned or credited to the account) the pupil will be given reasonable assistance in making a fresh start at another school. A boarder may be required to leave boarding without necessarily being required to leave the College.
 - 5.2.4 **Expulsion:** A pupil is liable to Expulsion for a grave breach of College discipline, for example, a serious criminal offence or some wilful act calculated to cause serious damage to the College, its community or any of its members. Formal expulsion implies that the pupil's name will be expunged from the roll of the College 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 College.
 - 5.2.5 The Head is required to act fairly and in accordance with the principles of natural justice. Please see the College's separate **Exclusion Policy**.
- 5.3 The College seeks to work in partnership with parents over matters of discipline, and it is part of parents' obligations to the College to support the school rules. Parents will, if time allows, be contacted to discuss any disciplinary matter which may result in a suspension of eleven days or more, or where required Removal or Expulsion is being considered. Parents may also be notified of any other disciplinary sanction and may be contacted to discuss the matter if it is considered appropriate to do so.
 - 5.4 The College 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 College will ensure that a pupil with a disability or special educational needs is able to present their case fully where their disability or special educational needs might hinder this. Any religious requirements affecting the pupil will also be considered.

6 Malicious allegations against staff

- 6.1 Where a pupil makes an accusation against a member of staff and there is reasonable suspicion that the accusation has been deliberately invented or malicious, the Head will consider whether to take disciplinary action in accordance with this policy.

- 6.2 Where a parent has made a deliberately invented or malicious allegation the Head will consider whether to require that parent to remove their child or children from the College on the basis that they have treated the College or a member of staff unreasonably and compromised the requirement for mutual trust and confidence.
- 6.3 In accordance with the DfE's guidance *Keeping children safe in education* (September 2023), the College will consider a malicious allegation to be one where there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.

7 Use of reasonable force

- 7.1 Any use of force by staff will be reasonable, proportionate and lawful. Reasonable force will be used in accordance with the DfE guidance *Use of reasonable force* (July 2013) and as set out in Appendix 2.
- 7.2 Corporal punishment is not used at the College and force is never used as a form of punishment.

8 Safeguarding

- 8.1 The College's Child Protection Policy covers any safeguarding issues, including child on child abuse.
- 8.2 Any relevant risk assessments/safety plans will be recorded.
- 8.3 Any behavioural issues will be dealt with under this policy.

9 Searching pupils

- 9.1 **Informed consent:** The College staff may search a pupil with their consent for any item. If a member of staff suspects that a pupil has a banned item in her possession, they can instruct the pupil to turn out her pockets or bag. If the pupil refuses, sanctions will be applied in accordance with this policy.
- 9.2 **Searches without consent:** In relation to prohibited items, the Head, and staff authorised by the Head, may search a pupil or a pupil's possessions, without their consent, where they have reasonable grounds for suspecting that a pupil has a prohibited item in their possession. Please see Appendix 3 for the College's policy on searching and confiscation. Such action will be taken in accordance with the DfE guidance *Searching, screening and confiscation* (July 2022).

10 Disciplinary power of prefects

- 10.1 Prefects will report any wrong doings to the DHP, Housemaster/mistress or Head of Section, who will investigate the matter and apply the appropriate sanction.

11 Records

- 11.1 Administration of major punishments are recorded in a suitable book with the name of the pupil concerned, the reason for the punishment, and the name of the person administering the punishment.

12 Review

- 12.1 A pupil or his / her parents may request a Review by the Governors of the Head's decision to Expel or Require the Removal of a pupil from the College. The form of application for a Review and the Review procedures will be supplied to parents on request at the time of the original decision.

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

Authorised by	The Head
Date	September 2023

Reviewed by	DHP
Date	September 2023

Appendix 1 Rewards and Sanctions

1. Rewards

1.1 The College is committed to promoting and rewarding good behaviour and may do so in some of the following ways.

Reward	Academic examples	Behavioural and Social examples	Awarded by
Compliment	Work exhibiting care and attention	A good standard of performance or the exhibition of good sense around the school.	Teacher
Compliment and report	A good piece of work or sustained performance that, whilst not warranting a Commendation, is deserving of credit.	As above but deserving of a wider audience.	Teacher
Commendation Commendations go home to parents with the next available Period Grade posting and should lead to a letter of congratulation from the HsM if 5 or more are achieved in a term.	A particularly impressive piece of academic work given the pupil's ability. Consistently good academic work.	A particularly creditable performance in sport, music, drama, CCF, DoE or other activity. Consistently good performance in one of the above.	Teacher
Credit Credits, based upon general behaviour around the school rather than 'performance' in academic, sporting or other spheres, are kept on record.		The voluntary contribution of time or expertise to allow the completion of an activity that benefits others rather than the individual. Generosity of spirit – perhaps where the individual clearly acts against his or her own interest in the interest of others. Leadership and exercising judgement that leads to a positive outcome to the benefit of the school or members of its community, or avoids what appears to be a likely negative outcome.	Teacher / Prefect
Letter home	5 or more Commendations in a term.		HoLMS
Work Prize or Improvement Prize	Performance in Period Grades		HM
Academic Prizes and Activity Prizes	Overall academic performance or service to activities.		HoDs

2 Sanctions

2.1 Sanctions that may be used at the College include those set out below.

Level of response	Academic issues	Behavioural issues	Awarded by:
Admonishment	Work not up to standard, not in on time.	Examples of silly or mindless behaviour.	Teacher
Admonishment and report	Significant failure to complete work satisfactorily or repetitions of minor failings. (Including failure to observe the classroom 'Code of Behaviour')	Repeated examples of the above or premeditated infringement of the rules. (Including the dress code).	Teacher
Punctuality Card (Very similar to a gating card)	Repeated lapses in punctuality to academic commitments	Persistent lapses in punctuality to commitments.	Teacher via Tutor
Gating Card		Breaking bounds. Failure to be in the right place at the right time, inappropriate dress or appearance.	HsM
Litter Duty		Anti-social behaviour as an additional sanction to a Lunchtime detention.	DHP/ HsMs/ HoLMS
Reporting to CR in the appropriate mode of dress	Failure to obey the dress code	Failure to dress appropriately for the activity in question.	Teacher
Withdrawal of privileges		Abuse of the environment. Irresponsible behaviour.	HsM / DHP
Departmental Detention (Run by Teachers/ HoD) Time to be decided by the department, but no more than 35 minutes at a lunch time. Pupils must have time for lunch.	Poor work ethic in the classroom. Failure to hand in prep. Repeat offenders who regularly fail to do their prep in time. When it is felt that the pupil is unlikely to complete missing or sub-standard work in his or her own time or when it is felt that something more significant is called for. (If the issue is one of lack of co-operation the pupil should be referred to HoD for a School detention.)	Poor behaviour in the classroom. Poor attitude to learning. Dress code issues to be a Lunch time detention, including jewellery. Place jewellery into envelope and return to HsMs.	Teacher / HoD Record on SIMS Recorded on CPOMS
Lunch time detention (Years 9 – 13) run by Prefects. Lower School (Year 3 – 8) Lunchtime detentions run by ALS. Pupils copy out sections of the School Rules or complete specified written work as appropriate.	Repeated premeditated infringements of the School rules including the dress code. Dress code issues to be a Lunch time detention, including jewellery. Place jewellery into envelope and return to HsMs.	Rudeness, or lack of co-operation. Repeated premeditated infringements of the School rules including the dress code. Dress code issues to be a Lunch time detention, including jewellery. Place jewellery into envelope and return to HsMs.	Teacher / HOD / HoLMS / Prefect via DHP. Record on CPOMS.

Level of response	Academic issues	Behavioural issues	Awarded by:
<p>School Detention (Years 9 – 13)</p> <p>(Tuesday, Wednesday, Thursday and Friday 4:15pm -5:15pm) run by senior staff.</p> <p>Of approximately 1-hour duration. Supervised by a member of staff. Specified written work as appropriate, set by staff.</p> <p>Lower School detentions run by HoLS/ ALS.</p>	<p>A) Following the award of any third departmental detention in any block of time equivalent to one term.</p> <p>B) Failure to attend departmental detention.</p> <p>C) Straight to School detention if warranted by HoD/HsMs.</p>	<p>A) Following the award of a third lunch time detention in any block of time equivalent to one term.</p> <p>B) Failure to attend a lunchtime detention.</p> <p>C) Repeated or more serious offences.</p> <p>D) Missing a commitment such as a lesson, games or activity, subject to HsM comment.</p>	<p>A) HoLMS</p> <p>B) HoD/HsMs/ HoLMS</p> <p>C) HoD/HsMs/ HoLMS</p> <p>D) HsMs/HoLMS Record all on CPOMS.</p>
<p>Headmaster's Detention</p> <p>Saturday morning 9.30am – 11.30am (2 hours duration) Supervised by a member of staff. To complete own work.</p>	<p>Following the award of a third School detention in any block of time equivalent to one term.</p> <p>Cannot attend a Saturday fixture at 9.30am – 11.30am, if detention is outstanding.</p>	<p>Repeated or more serious offences.</p> <p>Following the award of a third School detention in any block of time equivalent to one term.</p> <p>Cannot attend a Saturday fixture at 9.30am – 11.30am, if detention is outstanding.</p>	<p>DHP / DHA / HM or due to 'Count Up'</p>
<p>Contract of Behaviour</p>	<p>Repeated failure to meet commitments</p>	<p>Repeated breaches of the school rules.</p>	<p>HM or DHP</p>
<p>Suspension</p>	<p>Following discussion with The Headmaster / Deputy regarding repeated offences or, possibly, more than one Headmaster's Detention in a term.</p>	<p>For specified offences or, following discussion with The Headmaster / Deputy or, possibly, in the event of more than one Headmaster's Detention in a term.</p>	<p>HM / DHP/ DHA</p>
<p>Removal</p>	<p>Following discussion with The Headmaster.</p>	<p>For specified offences or following discussion with The Headmaster.</p>	<p>HM</p>
<p>Expulsion</p>	<p>Following discussion with The Headmaster.</p>	<p>For specified offences or following discussion with The Headmaster.</p>	<p>HM</p>
<p>Rustication</p>	<p>Following discussion with The Headmaster.</p>	<p>For specified offences or following discussion with The Headmaster.</p>	<p>HM</p>

Appendix 2 Use of reasonable force

- 1 Reasonable force may be used to prevent a pupil from doing or continuing to do any of the following:
 - 1.1 Committing a criminal offence
 - 1.2 Injuring themselves or others
 - 1.3 Causing damage to property, including their own
 - 1.4 Engaging in any behaviour prejudicial to good order and discipline at the College or among any of its pupils, whether that behaviour occurs in a classroom or elsewhere.
- 2 In these circumstances, force will be used for two main purposes: to control pupils or to restrain them. Reasonable force may be used, for example, to restrain a pupil at risk of harming themselves or another individual or to prevent a pupil leaving a classroom where allowing him / her to do so would risk his / her safety or lead to behaviour that disrupts the behaviour of others.
- 3 In addition, reasonable force may be used to conduct a search for "prohibited item" (see Appendix 3).
- 4 In deciding whether reasonable force is required, the needs of individual pupils will be considered and reasonable adjustments will be made for pupils with special educational needs or disabilities.
- 5 Where reasonable force is used by a member of staff, the Deputy Head must be informed of the incident and it will be recorded in writing. The pupil's parents will be informed about serious incidents involving the use of force.

Appendix 3 Searching and confiscation

All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so. The College's policy on searching and confiscation has regard to guidance published by the Department for Education (DfE), *Searching, screening and confiscation* (July 2022).

1 Prohibited items

- 1.1 The following are "prohibited items" under Section 550ZA(3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulations 2012:
 - 1.1.1 knives or weapons, alcohol, illegal drugs and stolen items
 - 1.1.2 tobacco and cigarette papers, fireworks and pornographic images
 - 1.1.3 any article that a member of staff reasonably suspects has been, or is likely to be used:
 - (a) to commit an offence or
 - (b) to cause personal injury to, or damage to the property of, any person (including the pupil) and
 - 1.1.4 any item banned by the school rules that are identified as being items which may be searched for.
- 1.2 The College has banned items that are reasonably believed to be likely to cause harm or disruption. Pupils must not have these items in their possession on College premises or at any time when they are in the lawful charge and control of the College (for example on a trip).

2 Searching with consent

- 2.1 Before any search is undertaken the pupil will usually be asked to consent. In seeking consent, the age and maturity of the pupil will be taken into account together with any special needs the pupil may have. Written consent will not usually be required.
- 2.2 If a member of staff suspects that a pupil has an item that is banned by the College they can instruct the pupil to turn out his or her pockets or bag. If the pupil refuses, disciplinary action may be taken in accordance with the College's Behaviour and Discipline Policy.

3 Searching for prohibited items

- 3.1 Where the Head or an authorised member of staff have reasonable grounds to suspect that a pupil may have a prohibited item, consent is not required and the search will be carried out, using reasonable force where appropriate.
- 3.2 Searches will be carried out only on College premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on a trip or in training settings.
- 3.3 When pupils travel outside the UK on a trip, they will be required as a condition of participating in the trip to confirm their consent in writing to any search that may be considered necessary by an authorised member of staff during the period in which pupils are outside of the UK.
- 3.4 If it is believed that a pupil has a prohibited item, it may be appropriate for a member of staff to carry out:
 - 3.4.1 a search of outer clothing and / or
 - 3.4.2 a search of College property (e.g. pupils' lockers or desks) and / or

- 3.4.3 a search of personal property (e.g. bag or pencil case).
- 3.5 Searches will be conducted in such a manner as to minimise embarrassment or distress. Any search of a pupil or their possessions will be carried out in the presence of the pupil and another member of staff. Where a pupil is searched, the searcher and the second member of staff present will be the same gender as the pupil.
- 3.6 Where it is reasonably believed that serious harm may be caused if the search is not carried out immediately and it is not practicable to summon another member of staff, a member of staff may carry out a search of a pupil of the opposite sex and / or in the absence of a witness.
- 4.4 Where the Head, or staff authorised by the Head, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item in accordance with this policy.

4 Confiscation

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

5 Searching electronic devices

- 5.1 An electronic device such as a mobile phone or a tablet computer may be confiscated in appropriate circumstances in accordance with this policy. If there is good reason to suspect that the device has been, or could be used to cause harm, to disrupt teaching or break school rules, any data or files on the device may be searched and, where appropriate, data or files may be erased before the device is returned to its owner. Any data or files will only be erased, if there is good reason to suspect that the data or files have been, or could be used to cause harm, to disrupt teaching or break school rules.
- 5.2 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 College discipline or criminal offence or hand it over to the police if the material is of such seriousness that police involvement is required.

6 Disposal of confiscated items

- 6.1 **Alcohol:** alcohol which has been confiscated will be destroyed.
- 6.2 **Controlled drugs:** controlled drugs will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion of the Head or authorised member of staff, the drugs may be destroyed without the involvement of the police if there is good reason to do so. All relevant circumstances will be taken into account and staff will use professional judgement to determine whether the items can be safely disposed of. They will not be returned to the pupil.
- 6.3 **Other substances:** substances which are not believed to be illegal drugs but which are harmful or detrimental to good order and discipline (for example "legal highs") may be confiscated and destroyed. Where it is not clear whether or not the substance seized is an illegal drug, it will be treated as though it is illegal and disposed of as above.
- 6.4 **Stolen items:** stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of the Head or authorised member of staff, there is good reason

to do so, stolen items may be returned to the owner without the involvement of the police. This is likely to apply to items of low value, such as pencil cases.

- 6.5 **Tobacco or cigarette papers:** tobacco or cigarette papers will be destroyed.
- 6.6 **Fireworks:** fireworks will not be returned to the pupil. They will be disposed of safely at the discretion of the Head or other authorised member of staff which may include donation to an appropriate charity.
- 6.7 **Pornographic images:** pornographic images involving children or images that constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008 will be handed to the police as soon as practicable. As possession of such images may indicate that the pupil has been abused, the College's Designated Person for Child Protection will also be notified and will decide whether to make a referral to Shropshire children's social care.
- 6.8 Other pornographic images will also be discussed with the College's Designated Person for Child Protection. The images may then be passed to Shropshire children's social care for consideration of any further action. If no action is to be taken by the local authority the images will be erased after a note has been made for disciplinary purposes, confirming the nature of the material.
- 6.9 **Article used to commit an offence or to cause personal injury or damage to property:** such articles may, at the discretion of the Head or authorised member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained or disposed of.
- 6.10 **Weapons or items which are evidence of an offence:** such items will be passed to the police as soon as possible.
- 6.11 **An item banned under school rules:** such items may, at the discretion of the Head or authorised member of staff taking all the circumstances into account, be returned to its owner, retained or disposed of. Where staff confiscate a mobile phone that has been used in breach of school rules to disrupt teaching, the phone will be kept safely until the following school day (or longer as determined by the DHP) when it can be claimed by its owner, unless the Head considers it necessary to retain the device for evidence in disciplinary proceedings in accordance with 6.12 below. If a pupil persists in using a mobile phone in breach of school rules, the phone will be confiscated and must normally be collected by a parent.
- 6.12 **Electronic devices:** if it is found that a mobile phone, laptop or tablet computer or any other electronic device has been used to cause harm, disrupt teaching or break school rules, including carrying out cyberbullying, the device will be confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded the device must normally be collected by a parent or carer and the pupil may be prohibited from bringing such a device onto College premises or on trips. In serious cases, the device may be handed to the police for investigation.

7 Communication with parents

- 7.1 There is no legal requirement for the College to inform parents before a search for banned or prohibited items takes place or to seek their consent to search their child and it will not generally be practicable to do so. However, we will inform parents of any search that takes place and provide details of any items that have been found. In appropriate cases we will consult parents on how the College should dispose of certain items.

- 7.2 We will keep a record of searches carried out which can be inspected by the parents of the pupil(s) involved subject to any restrictions under the Data Protection Act 1998. The record will include details of the disposal of items confiscated.
- 7.3 Complaints about searching or confiscation will be dealt with through the College's Complaints Procedure. A copy of the procedure is posted on the College website and hard copies are available on request.
- 7.4 The College will take reasonable care of any items confiscated from pupils. However, unless negligent or guilty of some other wrongdoing causing injury, loss or damage, the College does not accept responsibility for loss or damage to property (Section 94 of the Education & Inspections Act 2006).