

## Behaviour and Discipline Policy

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 Reviewed: John Milne Sept 2020  
 Next review date: Sept 2021

*'College' refers to Bristol International College; 'parents' refers to parents, guardians and carers.*

### CONTENTS

1.	Aims.....	2
2.	Scope and application.....	2
3.	Regulatory framework .....	2
4.	Publication and availability.....	3
5.	Definitions .....	4
6.	Responsibility statement and allocation of tasks .....	4
7.	Promoting good behaviour .....	5
8.	Minor breaches of discipline .....	5
9.	Serious breaches of discipline .....	6
10.	Parent involvement .....	7
11.	Additional needs.....	7
12.	Safeguarding .....	8
13.	Malicious allegations against staff.....	8
14.	Use of reasonable force.....	8
15.	Searching students.....	9
16.	Training .....	9
17.	Risk assessment.....	9
18.	Record keeping .....	9
19.	Version control.....	10

## **1. Aims**

- 1.1. This is the behaviour and discipline policy of Bristol International College (**College**).
- 1.2. The aims of this policy are as follows:
  - 1.2.1. to promote good behaviour amongst students;
  - 1.2.2. to actively promote and safeguard the welfare of students at the College and to protect all who come into contact with the College from harm;
  - 1.2.3. to ensure, so far as possible, that every student 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;
  - 1.2.4. to set out a clear and fair process for the proper investigation of allegations of poor behaviour and/or breaches of discipline;
  - 1.2.5. to encourage students to accept responsibility for their behaviour;
  - 1.2.6. to set out the sanctions available to the College in the event of student misbehaviour;
  - 1.2.7. to help to create a culture of safety, equality and protection.

## **2. Scope and application**

- 2.1. This policy applies to the whole College.
- 2.2. This policy (together with the College rules and all College policies on behaviour and discipline) applies to all students at the College and at all times when a student is:
  - 2.2.1. in or at College;
  - 2.2.2. representing the College;
  - 2.2.3. travelling to or from College;
  - 2.2.4. on College-organised trips; or
  - 2.2.5. associated with the College at any time.
- 2.3. This policy shall also apply to students at all times and places including out of College hours and off-school premises in circumstances where failing to apply this policy may:
  - 2.3.1. affect the health, safety or well-being of a member of the College community or a member of the public;
  - 2.3.2. have repercussions for the orderly running of the College; or
  - 2.3.3. bring the College into disrepute.

## **3. Regulatory framework**

- 3.1. This policy has been prepared to meet the College's responsibilities under:
  - 3.1.1. Education (Independent School Standards) Regulations 2014;
  - 3.1.2. Education and Skills Act 2008;
  - 3.1.3. Children Act 1989;

- 3.1.4. Childcare Act 2006;
- 3.1.5. Data Protection Act 2018 and General Data Protection Regulation (GDPR);  
and
- 3.1.6. Equality Act 2010.
- 3.2. This policy has regard to the following guidance and advice:
  - 3.2.1. [Keeping children safe in education \(DfE, September 2020\) \(KCSIE\)](#)
  - 3.2.2. Working together to safeguard children 2018 (DfE, February 2019);
  - 3.2.3. Information sharing advice for safeguarding practitioners (DfE, July 2018)
  - 3.2.4. [Behaviour and discipline in schools \(DfE, January 2016\);](#)
  - 3.2.5. [Use of reasonable force \(DfE, July 2013\);](#)
  - 3.2.6. [Searching, screening and confiscation: advice for schools \(DfE, January 2018\);](#)
  - 3.2.7. [Sexual violence and sexual harassment between children in schools and colleges \(DfE, May 2018\);](#) and
  - 3.2.8. Mental health and behaviour in schools (DfE, November 2018); and
  - 3.2.9. Relationships education and sex and relationships education (DfE, June 2019)
- 3.3. The following College policies, procedures and resource materials are relevant to this policy:
  - 3.3.1. Acceptable Use Policy for Students;
  - 3.3.2. Anti-bullying and Anti-cyber Bullying Policy;
  - 3.3.3. Policy on Smoking, Alcohol and the Misuse of Drugs and Substances;
  - 3.3.4. Online safety policy;
  - 3.3.5. Safeguarding and Child Protection Policy and Procedures;
  - 3.3.6. Risk Assessment Policy for Student Welfare;
  - 3.3.7. Policy on Special Educational Needs and Learning Difficulties;
  - 3.3.8. Disability policy;
  - 3.3.9. Exclusion and Removal Policy;
  - 3.3.10. Staff Code of Conduct Policy;
  - 3.3.11. College rules; and
  - 3.3.12. PSHE programme

#### **4. Publication and availability**

- 4.1. This policy is published on the College website.
- 4.2. This policy is available in hard copy on request.

- 4.3. A copy of the policy is available for inspection from the school office during the working day.
- 4.4. This policy can be made available in large print or other accessible format if required.

## 5. Definitions

- 5.1. Where the following words or phrases are used in this policy:
  - 5.1.1. References to the **Proprietor** are references to Bristol International College Limited.
  - 5.1.2. References to **working days** mean Monday to Friday, when the College is open during term time. The dates of terms are published on the College's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening College holidays, the College's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delays.
  - 5.1.3. References to the **Principal** may include deputies.
  - 5.1.4. References to **Parent** or **Parents** includes one or both of the parents, a legal guardian or education guardian.
  - 5.1.5. References to a **Review** are to the review by a panel of the Head's decision in accordance with the expulsion and removal: review procedure.

## 6. Responsibility statement and allocation of tasks

- 6.1. The Proprietor has overall responsibility for all matters which are the subject of this policy.
- 6.2. To ensure the efficient discharge of its responsibilities under this policy, the Proprietor has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	John Milne Rhian Welch	As required, and at least annually
Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness	John Milne Rhian Welch	As required, and at least annually
Maintaining up to date records of all information created in relation to the policy and its	John Milne Rhian Welch	As required, and at least annually

implementation as required by the GDPR		
Seeking input from interested groups (such as students, staff, Parents) to consider improvements to the College's processes under the policy	John Milne Rhian Welch	As required, and at least annually
Formal annual review including effectiveness of policy and procedures in promoting good behaviour and trends relating to disciplinary measures taken.	Proprietor	Annually

## 7. Promoting good behaviour

- 7.1. Students are educated about good behaviour through the operation of the College's curriculum, PSHE, Relationships and Sex Education programmes and the College's pastoral support systems. Students are encouraged to act responsibly and, through the operation of this policy, to accept responsibility for their behaviour.
- 7.2. The College understands that rewards can be more effective than punishment in motivating students. The ways in which the College may reward good behaviour are set out in [Appendix 1](#).
- 7.3. The College recognises that where challenging behaviour is related to a student's disability, use of positive discipline and reward methods may enable the College to manage the student's behaviour more effectively and improve their educational outcomes.

## 8. Minor breaches of discipline

- 8.1. Minor breaches of discipline are separately defined in the College rules and parent contract.
- 8.2. The College has pastoral support systems in place to assist students in managing their behaviour. A range of sanctions are available for those who breach the College rules and policies for behaviour and discipline. The College rules are set out in the Guide for Parents and Students and in the Parent Contract.
- 8.3. Allegations, complaints or rumours of minor breaches of discipline are dealt with by staff as they occur. Staff may carry out informal interviews with the students involved. Low level sanctions may be given (see [Appendix 1](#) for details of possible sanctions).

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

## **9. Serious breaches of discipline**

- 9.1. Allegations, complaints or rumours of serious breaches of discipline should be referred to the Principal.
- 9.2. The main categories of misconduct which are considered to be serious breaches of discipline and which may therefore result in expulsion or a requirement to leave the College include but are not limited to:
- 9.2.1. Supply (including any promotion/ advertisement or facilitating supply) / possession / use of drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco as prohibited by the school policy on smoking, drugs and substances ;
  - 9.2.2. Actual or attempted theft, blackmail, physical violence, intimidation, racism or bullying or other potentially criminal offences including being an accessory or conspirator;
  - 9.2.3. physical or emotional abuse or harassment;
  - 9.2.4. harmful sexual behaviour including sexual violence, sexual harassment and upskirting;
  - 9.2.5. behaviour in contravention of the College's policies on the acceptable use of technologies or online safety;
  - 9.2.6. supply or possession of pornography;
  - 9.2.7. vandalism or
  - 9.2.8. computer hacking;
  - 9.2.9. persistent minor breaches of discipline or attitudes or behaviour which are inconsistent with the College's ethos;
  - 9.2.10. cheating in examinations or coursework;
  - 9.2.11. other misconduct which affects the welfare of a member or members of the College community or which brings the College into disrepute (single or repeated episodes); and
  - 9.2.12. other misconduct specifically provided for in the College's Parent Contract and College rules.
- 9.3. Sanctions for serious breaches of discipline include:
- 9.3.1. Suspension: a student may be sent or released home for a limited period as a disciplinary sanction.
  - 9.3.2. Removal: Parents may be required to remove a student from the College if, after consultation with one or more of the Parents and if appropriate the student, the Principal is of the opinion that:
    - a) the student has committed a breach or breaches of College rules or discipline for which removal is the appropriate sanction; or

- b) by reason of the student's conduct or behaviour, the student is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the College; or
- c) one or more of the Parents have treated the College or members of its staff or any member of the College community unreasonably.

In these circumstances (and at the sole discretion of the Principal) the Parents may be permitted to withdraw the student as an alternative to removal being required.

- 9.3.3. Expulsion: a student may be expelled from the College for a serious breach of discipline as defined, criminal offence or persistent lower level breaches. Expulsion is reserved for the most serious breaches.
- 9.4. An allegation, complaint or rumour of a serious breach of discipline will be investigated in accordance with the procedures set out in [Appendix 2](#).
- 9.5. If the findings of the investigation, on the balance of probabilities, support the allegation, complaint or rumour of a serious breach of discipline, a disciplinary meeting will be held in accordance with the procedures set out in [Appendix 3](#).
- 9.6. The College will act fairly and in accordance with the principles of natural justice.
- 9.7. If a student is withdrawn from the College before the conclusion of these disciplinary procedures, the College reserves the right to complete the procedures, in the absence of the student and the Parents if necessary, and to make a finding. The College reserves the right to report findings to regulators and/or local authorities / police and / or refer to disciplinary procedures and findings in references provided for the student.

## **10. Parent involvement**

- 10.1. The College seeks to work in partnership with Parents over matters of discipline, and it is part of the Parents' obligations to the College to support the College rules and this policy.
- 10.2. Parents will normally be informed as soon as reasonably practicable after it becomes clear that the student may face disciplinary action for a serious breach of discipline but may be prevented from doing so, e.g. by the police if they are involved.
- 10.3. Parents will also be notified of disciplinary sanctions for minor breaches of discipline and may be contacted to discuss the matter if it is considered appropriate to do so.

## **11. Additional needs**

- 11.1. Consistent with the College's overriding legitimate aim of protecting the needs, well-being and interests of the whole College community, the College will make reasonable adjustments for managing behaviour which is related to a student's disability and ensure that the College's response to such behaviour is proportionate. Staff should seek advice from the Principal if they are unsure about how to manage a student's behaviour where this is or may be related to a disability.
- 11.2. If there is a concern that a student's behaviour is as a result of unmet educational or other needs, advice should be sought from the Principal and SENCO and further action in accordance with the College's Policy on Special Educational Needs and Learning Difficulties will be considered.

- 11.3. Where Expulsion or Removal needs to be considered, the College will make such adjustments as are reasonable so as to assist a student with a disability or special educational needs to present their case fully where their disability or special educational needs might hinder this.

## **12. Safeguarding**

- 12.1. Some behaviour by a student towards another may be of such a nature that safeguarding concerns are raised. Safeguarding issues can manifest themselves via peer on peer abuse. This includes, but is not limited to:
  - 12.1.1. bullying (including cyber-bullying);
  - 12.1.2. physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
  - 12.1.3. sexual violence and / or sexual harassment;
  - 12.1.4. upskirting and/or attempts to commit upskirting;
  - 12.1.5. sexting (also known as youth produced sexual imagery); and
  - 12.1.6. initiation/hazing type violence and rituals.
- 12.2. The College's policy and procedures with regard to peer on peer abuse are set out in the College's safeguarding and child protection policy and procedures. If behaviour and discipline matters give rise to a safeguarding and child protection concern, the procedures in the safeguarding and child protection policy and procedures will take priority).

## **13. Malicious allegations against staff**

- 13.1. Where a student makes an accusation against a member of staff and there is reasonable suspicion that the accusation has been deliberately invented or malicious, the Principal will consider whether to take disciplinary action against the student in accordance with this policy.
- 13.2. Where a Parent has made a deliberately invented or malicious allegation, the Principal 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.
- 13.3. The College will consider whether the police should be asked to consider if action might be appropriate against the person responsible for the allegation.
- 13.4. The College will consider a malicious allegation to be one where there is sufficient evidence on the balance of probabilities to disprove the allegation and that, by the same test there is sufficient evidence that there has been a deliberate act to deceive.

## **14. Use of reasonable force**

- 14.1. Any use of force by staff will be reasonable, proportionate and lawful. Reasonable force will be used as set out in [Appendix 4](#). More detailed guidance about the use of reasonable force is provided to staff in the Staff code of conduct.
- 14.2. Corporal punishment is not used at the College and force must never be used as a form of punishment.



## **15. Searching students**

- 15.1. Informed consent: College staff may search a student or their possessions or accommodation with their consent for any item. If a member of staff suspects that a student has a banned item in their possession, they can instruct the student to turn out their pockets or bag. If the student refuses, sanctions will be applied in accordance with this policy.
- 15.2. Searches without consent: the Principal, and staff authorised by the Principal, may search a student or students' possessions, without their consent, where they have reasonable grounds for suspecting that a student has a prohibited item in their possession. Please see [Appendix 5](#) for the College's policy on Searching and Confiscation.

## **16. Training**

- 16.1. The College ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.
- 16.2. The level and frequency of training depends on the role of the individual member of staff. Student training is contained within the PSHE and curriculum policies.
- 16.3. The College maintains written records of all staff training.

## **17. Risk assessment**

- 17.1. Where a concern about a student's welfare is identified, the risks to that student's welfare will be assessed and appropriate action will be taken to reduce the risks identified.
- 17.2. The format of risk assessment may vary and may be included as part of the College's overall response to a welfare issue, including the use of individual student welfare plans (including Education Health and care plans, as appropriate). Regardless of the form used, the College's approach to promoting student welfare will be systematic and student focused.
- 17.3. The Principal has overall responsibility for ensuring that matters which affect student welfare are adequately assessed and for ensuring that the plans are implemented, monitored and evaluated as required.
- 17.4. Day to day responsibility to carry out risk assessments under this policy will be delegated to Ms Rhian Welch who has been properly trained in, and tasked with, carrying out the particular assessment. (See Risk Assessment for Student Welfare Policy)

## **18. Record keeping**

- 18.1. All records created in accordance with this policy are managed in accordance with the College's policies that apply to the retention and destruction of records.
- 18.2. The College will keep a separate record of sanctions imposed for serious misbehaviour. Their record includes:
  - 18.2.1. the name and year group of the student concerned;
  - 18.2.2. the nature and date of the offence;

- 18.2.3. the sanction imposed and reason for it; and
  - 18.2.4. the name of the person imposing the sanction.
- 18.3. This record is reviewed regularly by the Principal so that patterns in behaviour can be identified and managed appropriately.
- 18.4. The records created in accordance with this policy may contain personal data. The College has a number of privacy notices which explain how the College will use personal data about students and Parents. The privacy notices are published on the College's website. In addition, staff must ensure that they follow the College's data protection policies and procedures when handling personal data created in connection with this policy. This includes the College's Data Protection Policy and Information Security Policy.

**19. Version control**

Date of adoption of this policy	July 2019
Date of last review of this policy	First version
Date for next review of this policy	September 2021
Policy owner (SMT)	John Milne (Principal)
Policy owner (Proprietor)	Bristol International College Limited

## Appendix 1 Rewards and sanctions

### 1. Rewards

We aim to reward good behaviour at every opportunity and teachers and boarding staff will communicate this informally to the student's tutor who can then reinforce appreciation in the tutorial session and pass this on to colleagues and parents.

More formally there are various mechanisms within the organisation to recognise student achievement:

#### 1.1. Tutor Commendations:

Tutors will nominate students to receive a Tutor Commendation Certificate at the end of each half term. Students eligible for this must demonstrate outstanding commitment and levels of application in all their subjects. Nominations are made in the penultimate week of term. Once approved the Principal presents the student with a Tutor Commendation Certificate.

#### 1.2. Reports:

Tutors will discuss the regular reports with students and provide an overall report to parents highlighting significant achievements and involvement in extracurricular activities.

### 2. Sanctions

2.1. In addition to the particular sanctions set out in this [Appendix 1](#), the Principal may prescribe and authorise the use of such other sanctions as comply with good education practice and promote good behaviour and compliance with the College rules.

#### 2.2. Sanctions may include:

- Removal of privileges, including in the boarding house
- Report card for academic progress or behavioural issues
- Review sessions with the College Principal

## Appendix 2 Investigations into serious breaches of discipline

1. The Principal will generally appoint a senior member of staff to carry out an investigation, but if appropriate, the Principal may investigate matters herself or instruct a third party to undertake the investigation. The investigator should not have had any prior involvement in the management of any of the matters under investigation.
2. Parents will be informed as soon as reasonably practicable after it becomes clear that the student may face disciplinary action for a serious breach of discipline, unless the College is prevented from doing so by the police if they are involved.
3. A student may be suspended from the College as a neutral act while a complaint is being investigated or while an investigation is on hold (see paragraph 6 below). Should a suspension continue for a period of more than 5 College days, the College will take reasonable steps to put in place arrangements to ensure the continuing education of the student and to keep the terms of the suspension under regular review. Parents should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set. Alternatively, and at the discretion of the Principal, the student may be offered a segregated regime on College premises.
4. A student's space or following appropriate risk assessment belongings may be searched during the course of the investigation. See [Appendix 5](#) of this policy for the College's policy on searching and confiscation.
5. If the student is to be interviewed as part of the investigation, arrangements will be made for him / her to be accompanied by a member of staff of his / her choice and /or by a Parent or their representative (if available at the relevant time). A minute of the interview will be recorded in writing by the interviewing member of staff. The student may be asked to confirm any statement made or minute taken to be true and accurate.
6. It may be necessary to delay the College's investigation or put it on hold, for example where external agencies such as the police or social services are involved and have recommended this. A decision to suspend an investigation will take into account advice from appropriate external agencies and will be subject to periodic review. In relation to alleged sexual violence or sexual harassment, the College will have regard to the DfE guidance [Sexual violence and sexual harassment between children in schools and colleges \(May 2018\)](#) and the College's designated safeguarding lead (or a deputy) will take a leading role on decisions. If considered necessary, the College may make arrangements for legal representation for the student to be funded entirely at the Parents' expense. Regardless of delays caused by a police or other external agency investigation, the College will provide appropriate pastoral and other support for all students affected by the allegations under investigation.
7. The outcome of the investigation, where delegated to a third party, will be reported to the Principal. If the findings of the investigation appear to support the allegation, complaint or rumour, a disciplinary meeting will be held in accordance with the procedures in [Appendix 3](#) of this policy.

## **Appendix 3    Disciplinary meeting with the Principal**

1. Where the findings of the investigation into an allegation, complaint or rumour of a serious breach of discipline appear to support the allegation, complaint or rumour, a disciplinary meeting with the Principal will take place.
2. Attendance
  - 2.1. The student and his / her Parents (if available) will be invited to attend the disciplinary meeting with the Principal. The student may also be accompanied by a member of staff of his / her choice. Where the complaint concerns the behaviour of the Parents, the student will not generally be expected to attend the meeting and this procedure applies to the Parents only.
  - 2.2. The person who undertook the investigation will be in attendance to explain the circumstances of the complaint and his / her investigation and an additional member of staff will be present to minute the meeting.
  - 2.3. If the Parents or the student 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 Principal as soon as reasonably practicable so that appropriate arrangements can be made.
  - 2.4. If a Parent is unable to attend because of, for example, travel and working commitments, the College will make reasonable alternative arrangements to ensure the Parent can be involved, remotely if necessary, with the disciplinary process and their child's education.
3. Meeting
  - 3.1. Documents available at the disciplinary meeting with the Principal may include:
    - 3.1.1. a statement setting out the allegations regarding the student or, where applicable, the Parents;
    - 3.1.2. written statements and notes of the evidence relevant to the allegations, and any relevant correspondence;
    - 3.1.3. the investigation report;
    - 3.1.4. the student's College file and (if separate) conduct record;
    - 3.1.5. the relevant College policies and procedures.
  - 3.2. The Principal will consider the allegations and the evidence, including statements made by and / or on behalf of the student or, where applicable, the Parents.
  - 3.3. The student and his / her Parents will have an opportunity to state their side of the case.
  - 3.4. The Principal will inform the student and his / her Parents of the range of disciplinary sanctions which the Principal considers are open to him / her if the allegation, complaint or rumour is sufficiently proved.

- 3.5. Unless the Principal considers that further investigation is needed, he / she will close the meeting and inform the student and the Parents that they will be notified of his / her decision in writing or verbally inform them.

#### 4. Decision

- 4.1. The Principal will consider whether the allegation, complaint or rumour has been sufficiently proved. The standard of proof shall be the civil standard, i.e. the balance of probabilities. The student's disciplinary record will be taken into account where the complaint concerns the conduct of the student.
- 4.2. The Principal may expel or remove a student or impose any other sanction she considers to be appropriate in accordance with this policy.
- 4.3. The Principal will notify the parents of her decision in writing, with reasons, within 3 working days of the disciplinary meeting.
- 4.4. A decision to expel or remove a student shall take effect within 5 working days of the date of the Principal's letter confirming her decision. Until then, the student may remain suspended and away from College premises.

#### 5. Review

- 5.1. The parents or the student may request a review of the Principal's decision to expel or remove a student from the College, or where the student is suspended from the College for 11 working days or more or where suspension would result in the student missing a public examination. The request must be made within 5 working days of the date of the Principal's letter confirming her decision.
- 5.2. If such a request is made, the student shall remain suspended until the review has taken place and either the sanction is upheld or a reconsidered decision made.

#### 6. Leaving status

- 6.1. If a student is expelled or removed, his/her leaving status will be one of the following: expelled, removed or, if the offer is made by the Principal and accepted by the parents, withdrawn by parents.
- 6.2. Additional points of leaving status to be considered may include:
  - 6.2.1. the form of letter which will be written to the parents and the form of announcement in the College;
  - 6.2.2. the form of reference which will be supplied for the student;
  - 6.2.3. the entry which will be made on the College record and the student's status as a leaver;
  - 6.2.4. arrangements for transfer of any course and project work to the student, his/her parents or another school;
  - 6.2.5. whether (if relevant) the student will be permitted to return to College premises to sit public examinations;
  - 6.2.6. whether (if relevant) the College can offer assistance in finding an alternative placement for the student;
  - 6.2.7. whether the student will be entitled to leavers' privileges;

- 6.2.8. the conditions under which the student may re-enter College premises in the future; and
- 6.2.9. **financial aspects:** payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

## Appendix 4 Use of reasonable force

1. There are circumstances when it is appropriate for staff to use reasonable force to safeguard students. Any use of reasonable force will be in accordance with the DfE guidance [Use of reasonable force \(DfE, July 2013\)](#).
2. Reasonable force may be used to prevent a student from doing or continuing to do any of the following:
  - 2.1. committing a criminal offence;
  - 2.2. injuring themselves or others;
  - 2.3. causing damage to property, including their own;
  - 2.4. engaging in any behaviour prejudicial to good order and discipline at the College or among any of its students, whether that behaviour occurs in a classroom or elsewhere.
3. In these circumstances, force will be used for two main purposes: to control students or to restrain them. Reasonable force may be used, for example, to restrain a student at risk of harming themselves or another individual or to prevent a student leaving a classroom where allowing them to do so would risk their safety or lead to behaviour that disrupts the behaviour of others.
4. In addition, reasonable force may be used to conduct a search for certain "prohibited items" (see [Appendix 5](#) below).
5. In these circumstances, 'reasonable' means using no more force than is needed.
6. In deciding whether reasonable force is required, the needs and particular vulnerabilities of individual students will be considered and reasonable adjustments will be made for students with special educational needs or disabilities. The College will establish proactive and positive behaviour support strategies for students with particular needs, in consultation with their Parents, to reduce the occurrence of challenging behaviour and the need to use reasonable force.
7. Where reasonable force is used by a member of staff, the Principal must be informed of the incident and it will be recorded in writing. The student's parents will be informed about serious incidents involving the use of force.



## Appendix 5 Searching and confiscation

1. All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a student's property as a disciplinary penalty where it is reasonable to do so.
2. The College's policy on searching and confiscation has regard to the DfE guidance [Searching, screening and confiscation: advice for schools \(DfE, January 2018\)](#).
  - 1.1.1.1. Prohibited items
    - 2.1. The following are "prohibited items" under Section 550ZA(3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulations (SI 2012/951):
      - 2.1.1. knives or offensive weapons, alcohol, illegal drugs and stolen items;
      - 2.1.2. tobacco and cigarette papers, fireworks and pornographic images;
      - 2.1.3. 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 student); and
      - 2.1.4. any item banned by the College rules that are identified as being items which may be searched for. Note: items banned may include such things as vaping devices and the equipment of smoking or vaping.
    - 2.2. The College has banned items that are reasonably believed to be likely to cause harm or disruption. Students 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.
  3. Searching with consent
    - 3.1. Before any search is undertaken the student will usually be asked to consent. In seeking consent, the age and maturity of the student will be taken into account together with any special needs the student may have. Written consent will not usually be required.
    - 3.2. The consent of the student must be obtained for searches for items that are not "prohibited items" as listed in section 3 above. The consent of the student must be sought even if he/ she is not at the College at the time. If a member of staff suspects that a student has an item that is banned by the College they can instruct the student to turn out his/her pockets or bag.
    - 3.3. If the student refuses to provide consent disciplinary action may be taken in accordance with the College's behaviour and discipline policy.
  4. Searching for prohibited items

- 4.1. Where the Principal or an authorised member of staff has reasonable grounds to suspect that a student may have a prohibited item, consent is not required and the search will be carried out, using reasonable force if necessary.
- 4.2. Searches will be carried out only on College premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on an educational visit or in training settings.
- 4.3. If it is believed that a student has a prohibited item, it may be appropriate for a member of staff to carry out:
  - 4.3.1. a search of outer clothing; and/or
  - 4.3.2. a search of College property (e.g. students' lockers or desks, bed, studies or dormitories); and/or
  - 4.3.3. a search of personal property (e.g. bag or pencil case).
- 4.4. Searches will be conducted in such a manner as to minimise embarrassment or distress. Any search of a student or their possessions will be carried out in the presence of the student and another member of staff. Where a student is searched, the searcher and the second member of staff present will be the same sex as the student.
- 4.5. Where it is reasonably believed that serious harm may be caused if the search is not carried out immediately and it is not practicable to summon another member of staff, a member of staff may carry out a search of a student of the opposite sex and/or in the absence of a witness.
- 4.6. Where the Principal, or staff authorised by the Principal, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item in accordance with this policy.

## 6. Confiscation

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

## 7. Searching electronic devices

- 7.1. An electronic device such as a mobile phone or a tablet computer may be confiscated in appropriate circumstances in accordance with this policy. If there is good reason to suspect that the device has been, or could be used to cause harm, to disrupt teaching or break College rules, any data or files on the device may be searched and, where appropriate, data or files may be erased before the device is returned to its owner. Any search of an electronic device should be conducted in the presence of a member of the IT staff.
- 7.2. Any data or files will only be erased, if there is good reason to suspect that the data or files have been, or could be used to cause harm, to disrupt teaching or break College rules.
- 7.3. Subject to 7.4 below and the requirements set out in KCSIE, 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 suspected to be evidence relevant to an offence.

- 7.4. Staff should not view or forward illegal images of a child. When viewing an image is unavoidable staff should follow the College's policy on sexting as set out in Appendix 1 of the Safeguarding and Child Protection Policy / consult the advice set out in the [Searching screening and confiscation advice \(for schools\)](#) and [UKCCIS sexting advice](#) (for schools and colleges).

## 8. Disposal of confiscated items

- 8.1. Alcohol: alcohol which has been confiscated will be destroyed.
- 8.2. Controlled drugs: controlled drugs will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion of the Principal 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 student.
- 8.3. Other substances: substances which are not believed to be illegal drugs but which are harmful or detrimental to good order and discipline may be confiscated and destroyed. Where it is not clear whether or not the substance seized is an illegal drug, it will be treated as though it is illegal and disposed of as above.
- 8.4. Stolen items: stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of the Principal or authorised member of staff, there is good reason to do so, stolen items may be returned to the owner without the involvement of the police. This is likely to apply to items of low value, such as pencil cases.
- 8.5. Tobacco or cigarette papers: tobacco or cigarette papers will be destroyed.
- 8.6. Fireworks: fireworks will not be returned to the student. They will be disposed of safely at the discretion of the Principal or other authorised member of staff which may include donation to an appropriate charity.
- 8.7. Pornographic images: pornographic images involving children or images that constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008 will be handed to the police as soon as practicable. As possession of such images may indicate that the student is at risk of harm, the Designated Safeguarding Lead will also be notified and will decide whether to make a referral to children's social care.
- 8.8. Other pornographic images will also be discussed with the Designated Safeguarding Lead. The images may then be passed to children's social care for consideration of any further action. If no action is to be taken by the local authority the images will be erased after a note has been made for disciplinary purposes, confirming the nature of the material.
- 8.9. Article used to commit an offence or to cause personal injury or damage to property: such articles may, at the discretion of the Principal or authorised member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained or disposed of.

- 8.10. Weapons or items which are evidence of an offence: such items will be passed to the police as soon as possible.
- 8.11. An item banned under College rules: such items may, at the discretion of the College or authorised member of staff taking all the circumstances into account, be returned to its owner, retained or disposed of. Where staff confiscate a mobile electronic device that has been used in breach of College rules to disrupt teaching, the device will be kept safely until the end of the College day when it can be claimed by its owner, unless the Principal considers it necessary to retain the device for evidence in disciplinary proceedings in accordance with [8.12](#) below. If a student persists in using a mobile electronic device in breach of College rules, the device will be confiscated and must be collected by a Parent.
- 8.12. Electronic devices: if it is found that a mobile phone, laptop or tablet computer or any other electronic device has been used to cause harm, disrupt teaching or break College rules, including carrying out cyberbullying, the device will be confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded the device must be collected by a parent and the student may be prohibited from bringing such a device onto College premises or on educational visits. In serious cases, the device may be handed to the police for investigation.

## 9. Communication with Parents

- 9.1. There is no legal requirement for the 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. In appropriate cases we will inform parents on how the College will dispose of certain items.
- 9.2. We will keep a record of all searches carried out, including whether the search is with or without the consent of the student. The record will include details of any disposal of items confiscated.
- 9.3. Complaints about searching or confiscation will be dealt with through the College's parental complaints policy and procedures.
- 9.4. The College will take reasonable care of any items confiscated from students. 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.