

# **Behaviour and Discipline Policy**

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**King Edward's School, Birmingham**

## 1 Policy aims

1.1 The aims of this policy are<sup>1</sup>:

1.1.1 to enable the Chief Master to carry out his responsibilities of maintaining order and good discipline in the School;

1.1.2 to promote good behaviour;

1.1.3 to ensure, so far as possible, that every pupil in this School is able to benefit from and make his full contribution to the life of the School, consistent always with the needs of the school community;

1.1.4 to authorise the School Rules and any procedures necessary for implementing them.

## 2 School rules

2.1 The School rules shall be set by the Chief Master. The School rules are necessary:

2.1.1 for the safety and well-being of everyone at the School;

2.1.2 for the reputation of the school community as a whole;

2.1.3 for the protection of school property and the wider environment.

2.2 The School Rules apply to all age groups and at all times when the pupil is:

- at school, representing the School or wearing school uniform
- travelling to and from school
- associated with the School 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.

## 3 Scope

3.1 It is intended 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 school premises and outside the jurisdiction of the School, for example outside of School hours and during the holidays.

3.2 This will normally be where the conduct in question could have repercussions for the orderly running of the School, affects the welfare of a member or members of the School Community or a member of the public, or which brings the School into disrepute.

## 4 Rewarding good behaviour

4.1 The School understands that rewards are more effective than punishment in motivating pupils. The ways in which the School may reward good behaviour are set out in Appendix 1.

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<sup>1</sup>The school has due regard for the [DfE guidance](#) Behaviour and Discipline in Schools

4.2 The School recognises that where challenging behaviour is related to a pupil's special educational needs or disability, use of positive discipline and reward methods may enable the School to manage the pupil's behaviour more effectively and improve their educational outcomes.

## 5 Breaches of school discipline

5.1 The Chief Master 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 School are set out in Appendix 1.

### 5.2 Serious breaches of discipline<sup>2</sup>

5.2.1 For serious breaches of discipline, the pupil may be asked to leave the School permanently:

#### 5.2.2 Removal

For a serious breach of school discipline falling short of one for which Permanent Exclusion is necessary, but such that the pupil cannot expect to remain a member of the School 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.

#### 5.2.3 Permanent Exclusion

A pupil is liable to Permanent Exclusion for a grave breach of school discipline, for example, a serious criminal offence or some wilful act calculated to cause serious damage to the School, its community or any of its members. Permanent exclusion implies that the pupil's name will be expunged from the roll of the School and reference to the facts and circumstances will be made in response to every request for a reference. All outstanding fees up to and including the term of expulsion shall be payable and any deposit shall be retained by the School.

5.2.4 The Chief Master is required to act fairly and in accordance with the principles of natural justice.

5.3 The School seeks to work in partnership with parents over matters of discipline, and it is part of parents' obligations to the School to support the School Rules (available on the School website). Parents will be contacted to discuss any disciplinary matter which may result in Temporary Exclusion, or where Removal or Permanent Expulsion is being considered. Parents will 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 School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where expulsion needs to be considered, the School will ensure that a pupil with a disability or special educational needs 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.

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<sup>2</sup> See also KES Exclusion Removal and Review policy

## 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 Chief Master 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 Chief Master will consider whether to require that parent to remove their child or children from the school on the basis that they have treated the School or a member of staff unreasonably and compromised the requirement for mutual trust and confidence.
- 6.3 In accordance with the guidance *Dealing with allegations of abuse against teachers and other staff (October 2012)*, and *Keeping Children Safe in Education (September 2018)* the School will consider a malicious allegation to be one where there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.

## 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 guidance *Use of reasonable force (July 2013)* and *Keeping Children Safe in Education (September 2018)*, and as set out in Appendix 2<sup>3</sup>.
- 7.2 Corporal punishment is not used at the School and force is never used as a form of punishment.

## 8 Searching pupils

- 8.1 **Informed consent:** The School 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.
- 8.2 **Searches without consent:** In relation to prohibited items, the Chief Master, and staff authorised by the Chief Master, 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 School's policy on searching and confiscation. Such action will be taken in accordance with the guidance [Searching, screening and confiscation in schools \(Jan. 2018\)](#).

## 9 Records

- 9.1 Administration of major punishments are recorded in CPOMS, with the name of the pupil concerned, the reason for the punishment, and the name of the person administering the punishment.

## 10 Review

- 10.1 A pupil or his parents may request a Review of the Chief Master's decision to Expel or Require the Removal of a pupil from the School. 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.

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<sup>3</sup> See also KES Safeguarding policy

- 10.2 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 concerns with the member of staff who imposed the sanction.

## **Appendix 1    Rewards and Sanctions**

In a school of high aspiration and high achievement, it is important that boys are recognised and rewarded for what they do, not least because praise is the most powerful of motivating factors. It is equally important that such recognition should reflect the great breadth of activity and achievement here and that it should not just be reserved for the very best in each area of school life: boys need to be praised not only for absolute excellence but for progress and for outstanding achievement in relation to their own ability. As far as possible, successes are celebrated not only at the two major public events, Speech Day in July and Founder's Day in October, but also in Lower School and Senior assemblies, particularly in the end of term assemblies. All of these events are also occasions when the best musicians have the chance to perform.

The school ensures that all of the different kinds of success are celebrated as widely as possible, through news on the website, through the termly Spokesman newsletter and the annual Chronicle, which are sent to all parents. Major successes are also shared with the schools from which our pupils came and with alumni through their website and publications.

### **Rewards**

#### **Scholarships**

Each year 5 Foundation Scholarships are awarded to the boys who are the top performers in the 11+ entrance examination. These scholarships are formally awarded at Founder's Day in October. In addition, a number of boys – between 15 and 20 each year - are awarded academic or music scholarships, normally at 11+ but also at 16+ and, very occasionally, at 13+.

In addition, King Edward's Scholarships may be awarded each year to two or three boys in both the Fourth Form and the Divisions. These are awarded to those who have had exceptional academic careers, but are not holders of a Foundation Scholarship. These scholarships are awarded at Founder's Day.

#### **Credits**

The core element of reward for academic success is the Credits system, which operates in the Shells, Removes, and Upper Middles. Credits are awarded by subject teachers on a regular basis for excellent work: a teacher will tend to award two or three credits for each piece of work set. A subject teacher will often give a credit to a boy for a piece of work which shows significant improvement. The subject teacher writes 'Credit' at the end of the boy's work, makes a note of the award in his or her mark book and signs the relevant page of the boy's planner.

When a boy has achieved ten Credits, his Form Tutor signs his planner and then the boy takes it to his Head of Year who will award him a certificate or similar. This achievement will be acknowledged with a communication home. When a boy reaches 25 Credits, his Form Tutor signs once more and then he goes to the Chief Master who will enter his name in the Golden Book and present him with an Amazon voucher. This achievement will also be acknowledged with a letter home.

Every half-term, Form Tutors check the boys' planners in their form in order to record the number of Credits each boy has achieved.

## **The Golden Book**

A subject teacher can also send a boy to the Chief Master to be entered in the Golden Book for a single piece of outstanding work. Boys who are entered in the Golden Book receive a certificate which is included in their reports and a congratulatory letter home.

## **Distinctions**

Distinctions are awarded to boys as a result of their performances in the Summer Examinations (Fourths and below). Distinctions will normally be awarded to the top three boys in a departmental order of merit, together with the boy placed top in the order of merit in each form, group or set if he has not already been awarded a Distinction as one of the top three in rank order. The exact number of Distinctions awarded each year is decided between the Director of Studies and the relevant Head of Department.

For his first three Distinctions a boy will be awarded a Distinction Prize at Founder's Day. Thereafter a boy will need an increasing number of Distinctions to win a Distinction prize, as determined by the Director of Studies. Boys are also awarded a Distinction Prize at Founder's Day if they, not having been awarded a prize via the normal Distinctions route, get 10 A\* grades or a Top Candidate award in their GCSE examinations.

## **Chief Master's Progress Prizes**

It is important that the prizes should not just go to the very best and the Chief Master's Progress Prizes are awarded to boys who have made significant progress in an academic year and shown an exemplary approach to their work. There are five Progress Prizes awarded each year to the five year groups from Shells to Fifths at Founder's Day. The boys are chosen by the Chief Master, the Director of Studies and the Heads of Year on the basis of performance and effort both in the end-of-year exams and during the year.

## **Other prizes**

A very large number of prizes are awarded at Founder's Day, which is predominantly for boys in the Lower and Middle School, and at Speech Day, which is for boys in the Upper School. On both of these occasions, there are prizes for outstanding academic achievement, for individual subjects and for making a contribution to the school community. For example, in the Shells and Removes there are Battle Prizes, awarded to the boy in each form who has contributed most in human terms to the form.

At Speech Day there are very many subject prizes, but also for Extended Essays written as part of the IB Diploma. There are also prizes for many other activities, service to the community, the CCF, music, drama and sport.

## **School Colours and other awards**

### **School Colours**

School Colours may be awarded for a variety of activities which include sport, drama, music, debating and Schools Challenge. The decision is made by the member of staff responsible for the activity, but he may do that in consultation with the Director of Sport/Chief Master. A boy who has full or half colours is entitled to wear the relevant tie and is awarded a certificate in recognition of his achievement.

Full colours and half colours are decided by the member of staff responsible for the activity concerned. They are usually announced and awarded at Final Assembly in each of the three terms.

Full colours will normally only be awarded to boys in the Divisions and above; half colours will normally only be awarded to boys in the Fifth Forms and above. Full colours will normally only be awarded to boys who already have half colours.

Half colours and full colours can be re-awarded to the same boy in succeeding years.

Junior Colours are awarded to boys in the Upper Middles according to the same principles.

Performances for full colours must be for the School senior team. However, it is right that half colours should be awarded to boys who have made major contributions in 2<sup>nd</sup> and 3<sup>rd</sup> teams.

The member of staff in charge will take into account not only the individual's performance but his commitment and wider contribution.

### **The Tie**

The Tie, which is different from a colours tie, is awarded by the member of staff responsible for boys who have made a contribution that lies beyond full colours through long-term or outstanding performances. In rugby, hockey and cricket, the Tie is awarded to boys who play a fixed number of matches, but, in exceptional circumstances, it can also be awarded to outstanding boys who have not reached that number.

### **The Bache Memorial Cup and the Harold Davies Games Prize**

The Bache Memorial, created in honour of Harold Bache, a footballer for West Bromwich Albion and cricketer for Warwickshire CCC who died in the First World War, is awarded to the outstanding contribution to sport in the school each year. The selection is made on the basis of the votes of all the boys in the Upper School and the name of the winner is recorded on the Honours Boards by the Gild Hall. In addition, there are two Harold Davies Games Prizes for those who are runners-up in that vote. All of these prizes are awarded at Speech Day.

### **Honorary Colours**

Honorary Colours are awarded to boys who have performed at national level in their respective activity, for example, by being selected for a national squad or by playing with the National Youth Orchestra. Honorary Colours are awarded by the member of staff responsible for the activity in consultation with the Chief Master. The names of boys who have won Honorary Colours are recorded on the Honours Boards by the Gild Hall.

### **House Colours**

Each House runs a colours system to encourage participation in events. House colours should only be awarded to boys in the Fourth Year or above and are denoted by the wearing of a House tie.

### **Prefects**

Boys who make a major contribution to school life and who could be seen as role models to others are selected as prefects by vote of their peers and of the teaching staff.



## Sanctions

There tend to be two different types of behaviour which lead to the use of sanctions, one relates to academic work and performance, the other relates to behaviour and breaches of discipline.

In the case of academic concerns, a subject teacher will inform a boy's Form Tutor of any concerns he or she has. The Form Tutor will consult the appropriate Head of Year if he or she is uncertain of what action should be taken or if the matter is serious. This may result in the boy being interviewed, possibly with parents present, by the Head of Year and his Form Tutor. In the most serious cases, the Director of Studies should be involved and the Chief Master will be informed of serious breaches of discipline.

In the case of **disciplinary** concerns, a teacher will inform a boy's Form Tutor, the Head of Year and, if appropriate the Deputy Head and the Chief Master.

## Late Homework

It is common practice for subject teachers to warn a boy in the first five years after his first late piece of homework of the term, to give him some appropriate task after the second and put him in Lower or Middle School Detention after the third offence. His Form Tutor and Head of Year will then be aware of the boy's problems and may decide to instigate suitable courses of action.

Boys in the Divisions and sixth Form who default on homework or have otherwise fallen behind with their work may be asked to attend Upper School Extra Study.

## Daily Report and Homework Watch

If a boy has been causing problems in lessons or has been making no effort in lessons or in homework, the relevant Head of Year who will provide a Daily Report or Homework Report on which a boy must seek his teachers' assessments of his performance in each lesson or homework. Parents will be informed of this decision by the school.

## Detentions

**Lower School Detention** (for Shells and Removes) and **Middle School Detention** (for Upper Middles, Fourths and Fifths) take place on Thursday from 4.20pm until 5.00pm. These detentions are for persistently late work or for misbehaviour. Parents are informed of such a detention and they are required to sign a card to that effect.

**Upper School Extra Study:** boys are placed in Extra Study by subject teachers for failure to complete work. It takes place on Thursday, 4.15pm to 5.30 pm.

**Master's Detention** takes place on a Saturday from 9.30am to 11.30am. This detention is for serious misbehaviour or for persistently bad work or lack of effort. The boy's Head of Year and the Deputy Head must be consulted if a Master's Detention is to be given and he or she may help in organising work for the boy to do. Parents will be informed by letter of the detention.

## Temporary exclusion

A pupil may be temporary excluded while a complaint is investigated or as a sanction in its own right for serious incidents. See Exclusion Removal and Review policy for more detail.

In addition, the Chief Master may prescribe and authorise the use of such other sanctions as comply with good education practice and tend to promote good behaviour and compliance with the School Rules.

## **Appendix 2 Use of reasonable force**

Please refer to the DfE guidance Use of Reasonable Force in Schools (June 2013) and the KES Safeguarding policy.

Reasonable force may be used to prevent a pupil from doing or continuing to do any of the following:

- committing a criminal offence
- injuring themselves or others
- causing damage to property, including their own
- engaging in any behaviour prejudicial to good order and discipline at the School or among any of its pupils, whether that behaviour occurs in a classroom or elsewhere.

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 to do so would risk his safety or lead to behaviour that disrupts the behaviour of others.

In addition, reasonable force may be used to conduct a search for 'prohibited item' (see Appendix 3).

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.

They should also consider their duties under the Equality Act 2010 in relation to making reasonable adjustments, non-discrimination and their Public Sector Equality Duty.

Where reasonable force is used by a member of staff, the DSL and 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.

Our school will, by planning positive and proactive behaviour support, for instance through drawing up individual behaviour plans for more vulnerable children, and agreeing them with parents and carers, reduce the occurrence of challenging behaviour and the need to use reasonable 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 School's policy on searching and confiscation has regard to the guidance [Searching, screening and confiscation in schools \(Jan. 2018\)](#).

### Prohibited items

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:

- knives or weapons, alcohol, illegal drugs and stolen items
- tobacco and cigarette papers, fireworks and pornographic images
- any article that a member of staff reasonably suspects has been, or is likely to be used:
  - to commit an offence or
  - to cause personal injury to, or damage to the property of, any person (including the pupil) and
- any item banned by the School rules that are identified as being items which may be searched for.

The School 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 school premises or at any time when they are in the lawful charge and control of the school (for example on a school trip).

### Searching with consent

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 be required.

If a member of staff suspects that a pupil has an item that is banned by the School 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 School's Behaviour and Discipline Policy.

### Searching for prohibited items

Where the Chief Master or an authorised member of staff have reasonable grounds to suspect that a pupil may have a prohibited item (see above), consent is not required and the search will be carried out, using reasonable force where appropriate.

Searches will be carried out only on school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on a school trip or in training settings.

When pupils travel outside England on a school 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 England.

If it is believed that a pupil has a prohibited item, it may be appropriate for a member of staff to carry out:

- a search of outer clothing and / or

- a search of school property (e.g. pupils' lockers or desks) and / or
- a search of personal property (e.g. bag or pencil case).

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.

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 of the opposite sex may carry out a search of a pupil and / or in the absence of a witness.

Where the Chief Master, or staff authorised by the Chief Master, 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.

### **Confiscation**

Under the School'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.

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 school discipline.

### **Searching electronic devices**

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.

**If the member of staff suspects there may be an issue with youth produced sexual imagery, the device should be retained and the DSL must be informed immediately. Detailed guidance for these situations is available in the Youth Produced Sexual Imagery policy.**

If other inappropriate material is found on an electronic device, the member of staff should consult the DSL or a member of the SLT. They may decide to delete the material, retain it as evidence of a breach of School discipline or criminal offence or hand it over to the police if the material is of such seriousness that police involvement is required.

### **Disposal of confiscated items**

**Alcohol:** alcohol which has been confiscated will be destroyed.

**Controlled drugs:** controlled drugs will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion of the Chief Master 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.

**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.

**Stolen items:** stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of the Chief Master 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.

**Tobacco or cigarette papers:** tobacco or cigarette papers will be destroyed.

**Fireworks:** fireworks will not be returned to the pupil. They will be disposed of safely at the discretion of the Chief Master or other authorised member of staff which may include donation to an appropriate charity.

**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 DSL will also be notified and will decide whether to make a referral to children's social care. **Guidance must be taken from the Youth Produced Sexual Imagery policy.**

Other pornographic images will also be discussed with the School's DSL. 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.

**Article used to commit an offence or to cause personal injury or damage to property:** such articles may, at the discretion of the Chief Master or authorised member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained or disposed of.

**Weapons or items which are evidence of an offence:** such items will be passed to the police as soon as possible.

**An item banned under school rules:** such items may, at the discretion of the Chief Master 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 end of the school day when it can be claimed by its owner. If a pupil persists in using a mobile phone in breach of school rules, the phone will be confiscated and must be collected by a parent.

**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 be collected by a parent or carer and the pupil may be prohibited from bringing such a device onto school premises or on school trips. In serious cases, the device may be handed to the police for investigation.

### **Communication with parents**

There is no legal requirement for the School 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 School should dispose of certain items.

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 2018. The record will include details of the disposal of items confiscated.

Complaints about searching or confiscation will be dealt with through the School's Complaints Procedure. A copy of the procedure is posted on the School website and hard copies are available on request.

The School 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 School does not accept responsibility for loss or damage to property.