

HIGHGATE

Behaviour Policy

Contents		
Section 1	Aims and objectives	Page 2
Section 2	Code of Conduct	Page 2
Section 3	Scope of the Behaviour Policy	Page 3
Section 4	The promotion, measurement and reward of good behaviour	Page 4
Section 5	Promoting and Rewarding good behaviour	Page 4
Section 6	School rules	Page 5
Section 7	Sanctions	Page 7
Section 8	Temporary and permanent exclusions	Page 10
Section 9	Complaints procedure and appeals	Page 14
Section 10	Monitoring and review	Page 14
Appendices		
Appendix 1	Guidance to staff carrying out investigations into incidents, complaints and allegations; including pastoral care for pupils.	Page 16
Appendix 2	Guidance to staff on Police contact and involvement	Page 17
Appendix 3	Guidance to staff on confiscation of pupil belongings	Page 24
Appendix 4	Guidance to staff on pupil searches	Page 24
Appendix 5	Guidance to staff on restraint of pupils and the use of force	Page 26

1 Aims and objectives

'The foundation of every school must be excellent behaviour... Innovative teaching and learning cannot be built on inconsistent behaviour practice.' (Paul Dix, 2017: p.6

This policy sets out the School's aim to provide a disciplined and ordered community in which all children, irrespective of ethnic or religious background, appearance, sexuality or ability, can learn and feel safe, where every member of the school feels valued and respected and all pupils are fairly and consistently treated. In particular, this policy aims to outline the measures to be taken to encourage good behaviour and to prevent all forms of bullying among pupils.

The Behaviour Policy takes account of the DfE Guidance, "Behaviour and Discipline in Schools" (September 2015 and January 2016) and also acknowledges the School's legal duties under the Equality Act 2010 and in respect of pupils with SEN. The policy should be read in conjunction with the Safeguarding and Child Protection Policy, the School's Anti-Bullying Policy, Equal Opportunities Policy and Learning Support policy.

The objectives of this policy are to promote good behaviour, self-discipline and respect and to show the place of the School's rewards and sanctions:

- by ensuring that all members of the Highgate community – pupils, staff, parents and Governors – understand their role in contributing to the creation of a stimulating, caring and secure environment where boys and girls are encouraged to realise their potential in all areas of school activity
- by making clear the standards of behaviour and commitment that the School expects from pupils
- by encouraging pupils to adopt positive attitudes and values such as consideration, honesty and respect for others
- by setting out the means by which the School will praise and reward pupils when they reach these standards and thereby help them grow into responsible members of the school community
- by giving a clear, easily understood framework in which pupils who fail to meet these standards will be told that this is the case, be given clear guidelines and expectations for improvement and issued with proportionate school sanctions as appropriate.

2 Code of Conduct

The Code of Conduct sets out the general principles which pupils are expected to apply at school. The specific rules set by each school to reflect the age of the pupils and their setting are designed to promote the Code of Conduct, safeguarding the safety, reputation, effective working and well-being of the whole school community.

*All pupils at Highgate are expected to
Show a commitment to learning
Be honest, considerate and courteous to others
Contribute with enthusiasm and to the best of their ability
Show respect for themselves and the environment*

*Promote the reputation of the School***3 The scope of the Behaviour Policy with regard to sanctions**

Pupils' behaviour should reflect favourably on Highgate. Most of the actions and expectations outlined in this policy relate to behaviour at school, both in and outside the classroom, when travelling to and from school, when engaged in a school activity (be that at school or elsewhere), when wearing school uniform or in some other way is identifiable as a member of the school community. In some circumstances, however, pupils' actions outside school may be relevant within the terms of this Behaviour Policy, whether or not the conditions outlined above apply. This may include any act by a pupil which could have repercussions for the orderly running of the School, threatens (or could potentially threaten) the wellbeing of any member of the school community or a member of the public, or conduct which is damaging or potentially damaging to the good reputation of the school. Any such misbehaviour may require a response from the School.

Where, in the School's view, the welfare, safety or continuing education of a pupil or pupils requires it, the Deputy Head (Pastoral) may conduct an inquiry into an event or alleged event arising outside of school. The Deputy Head (Pastoral) will exercise their discretion in determining what specific inquiries are proportionate and reasonable in any given circumstances. The School reserves the right to impose sanctions as described in section 7 of this policy upon the conclusion of any inquiry into an event occurring out of school.

Where pupils' actions arising out of school are the subject of a police investigation, wherever possible the school will give priority to ensuring the continuity and effectiveness of the education of all pupils. This may require pupils under investigation to be partly or entirely schooled at home, or separately from other pupils at given times. The School will endeavour to set and mark work, and provide such separate teaching as can reasonably be arranged in the circumstances.

In accordance with the school's Anti-bullying Policy, online actions (e.g. insensitive internet postings, malicious e-mails or texts) will be viewed as actions with the "potential to threaten wellbeing".

Similarly, in accordance with the Schools Peer on Peer Abuse Policy (in the Safeguarding Policy, Appendix 5), peer-on-peer abuse, in and out of school, will be viewed as actions with the "potential to threaten wellbeing".

Measures taken to Prevent Bullying

Details of the School's measures to prevent bullying, including cyberbullying, prejudice-based and discriminatory bullying are included in the Anti-bullying Policy.

They are based around the importance of preventing bullying by creating an orderly climate of respect within an inclusive community environment and by drawing having and implementing an effective anti-bullying strategy. This includes aspects of school life such as:

- Rewards, sanctions and behaviour management
- Pastoral care system
- Effective supervision in and out of class
- Online safety and monitoring

They also build on the careful recording and monitoring of bullying, including enough detail to identify patterns and challenge bullying- particularly where it includes aspects of prejudice and discrimination or involves cyber-bullying.

4 The promotion, measurement and reward of good behaviour

All members of staff are encouraged to lead by example in promoting good behaviour by fostering positive interaction between colleagues, pupils and parents based on mutual respect, self-discipline, courtesy and good humour.

All members of staff are encouraged to acknowledge, and show they value, good behaviour by pupils. Standards of good behaviour are set out in the Code of Conduct and are regularly reinforced to staff in briefings by the Head or the Principals of the Junior School and Pre-Prep School.

Opportunities for staff to endorse and acknowledge good behaviour arise in both formal and informal settings, including daily contact in corridors and classrooms, oral and written comments on submitted work and during interaction with pupils while engaged in duties outside of lessons. Each school adopts a formal structure of rewards that provides a clear framework for recognising and rewarding good behaviour by pupils.

5 Promoting and Rewarding Good Behaviour

This section describes the ways in which good behaviour is promoted.

5.1 Senior School

In the Senior School, the expectations of pupil conduct and the ethos and values espoused by the School are explicitly and implicitly reinforced in all lessons, weekly assemblies for year groups and houses, regular periods with Heads of House and Tutors, weekly religious assemblies and the PSHEE programme. In addition, there are also regular themed weeks and events throughout the year (such as Anti-Bullying Week, Charity Week).

Pupils are encouraged to engage in activities which will promote good behaviour by joining, or contributing to, the appropriate School Councils or Pupil Welfare Committees. Sixth Form pupils can also lead by example by applying to become Prefects and / or by volunteering to become a mentor within their house. Training is provided for those pupils who are appointed Prefects.

In the Senior School, a framework for the formal recognition and reward of good behaviour is published in the arrangements diary for each term, setting out the expectations for the award of Alphas (academic effort and achievement), Mallinson Points (extra-curricular involvement and community contribution) and Head 's Commendations (based on staff recommendations following the compilation of grades and reports). The Heads of Lower School, Middle School and Sixth Form also regularly recognise and reward pupil achievements and progress in their assemblies. In addition, School Colours are awarded for particularly notable achievements and excellence in sport, music, drama, charitable activities and other areas of School life.

Academic effort and achievement are marked by prize-giving ceremonies, to which parents/carers are invited, in Summer term (Y7 – 10) and Michaelmas term (Y11 – 13).

Behaviour trends among pupils are closely monitored by the Heads of Lower School, Middle School and Sixth Form and also by Head of Houses (Y9 – 13) and the School's pastoral systems are responsive and flexible in dealing with issues that affect both individuals and larger groups of pupils. This may include speaking to parents, adapting assemblies for pupils or communicating via the School's weekly email, parents' portal or website as appropriate.

5.1 Junior School

In the Junior School pupils are praised and rewarded for good behaviour in a variety of ways. When giving rewards, staff are asked to give clear reasons why so that pupils understand specifically what they are receiving recognition for:

- **House Points** are awarded for good work. Several House Points can be awarded for one piece of work, if you feel it is deserved. The House Points and subject are written in the Junior School Diary and signed by the teacher (e.g. 2HP History).
- **Values Points** are awarded when pupils demonstrate application of the nine character skills. Value Points should only be awarded as a singular value and when awarded in marking written work should be highlighted by using the stamper and a written comment detailing which character skill has been demonstrated and how. The purpose of this is to encourage pupils to reflect on their personal development and understand how they are demonstrating the skill.
- **Principal's Commendations** are awarded for acts of kindness, decency and/or helpfulness. Commendations are also awarded for acts of service (reading at a public occasion or exceptional assistance at an open event). Also included in Principal's Commendations are playing in a concert, performing in a choir and/or sporting excellence/achievement. The Principal will place a stamp in the Homework Diary. Staff should not blanket award Commendations, they are given for exceptional examples of the criteria above only.
- A **Crest** is awarded by the Principal for an exceptional, and usually longer, piece of academic work on the recommendation of teachers. A record of the Crest is kept in the Homework Diary, and pupils should bring their Homework Diary to the Principal at break times to be stamped accordingly. Only one Crest can be awarded per piece of work.
- All House Points, Values Points, Crests and Commendations contribute to the School inter-House competition to help pupils develop a collective sense of achievement and contribution to their community.
- At the end of each term prizes are awarded for academic achievement and effort as well as pupils' personal development (House Hoodies) and demonstrating good character (in line with our Character Skills programme). There are also some individual subject prizes. In Year 6 all pupils receive some form of award at a formal Prize Giving occasion.

5.3 Pre-Prep School

In the Pre-Prep School pupils are praised for good behaviour in a variety of ways:

- Children are invited to share their achievements in our Friday Celebration Assemblies.
- Teachers congratulate and praise children verbally, and in writing in their workbooks.
- Teachers may send children to show their work to the Principal, teachers in other classes, or they may contact their parents.
- Children's work may be put on display
- Children are encouraged to self-assess their work and their behaviour to develop intrinsic motivation.
- Pupils may be mentioned either for effort, progress, good work or behaviour, or to acknowledge acts of kindness in school.

6 School Rules

6.1 Senior School

Senior School rules are published in the School calendar which is issued to pupils, parents/carers and staff on a termly basis.

The Senior School rules are issued to, and discussed with, all pupils new to the school as part of the induction programme. All Senior School pupils will be reminded of the school rules as part of the Senior School PSHEE and Tutorial programme. The School's Code of Conduct and specific aspects of the Rules will also form the basis of regular presentations by senior staff in the weekly assembly programme.

The Senior School recognises that effective teaching and learning and consistent classroom management are critical to promoting good behaviour and limiting opportunities for misbehaviour among pupils. Guidance and support for staff in these areas are covered in the Induction programme, the Staff handbook, weekly briefings / INSET sessions, feedback on lesson observations, departmental meetings and external INSET courses (where appropriate).

The Deputy Head (Pastoral), in conjunction with other senior pastoral staff, reviews the Senior School's rules regularly.

6.2 Junior School

For the Junior School pupils, the Code of Conduct is encapsulated as ten Golden Rules, on display in every classroom, which are discussed by Form Tutors with their classes at the start of each academic year. These Golden Rules are:

1. Be kind, honest, truthful and polite.
2. Treat all members of the school community with respect, open-mindedness and kindness.
3. Understand the rules of the School and follow them.
4. Be safe and careful as you go about the school.
5. Take responsibility for your own actions.
6. Strive to do your best at all times while understanding that making mistakes is an important part of the learning journey.
7. Respect the property of others and the fabric of the school building.
8. Listen to others as you would like to be listened to.
9. Be engaged in the life of the School and take advantage of all that is on offer.
10. Be prepared to make a difference to the School community by taking on positions of responsibility.

These Golden Rules are reinforced through PSHEE, OWL, Assemblies and behavioural target-setting.

The Junior School also promotes the development of nine Character Skills: Resilience and Effort; Independence; Cooperation; Creativity; Organisation and Focus; Reflectiveness; Good Judgement; Empathy and Persistence. These are embedded across the curriculum and reflected on in OWL, Assemblies and PSHEE. A weekly Values Certificate is given to one child in each year group for exemplary acts that embody these qualities.

6.3 Pre-Prep School

The Pre-Prep School has three core values:

- Explore our learning
- Explore our world
- Explore who we are

Each year, classes will formulate their own class charters, based around these three values. These charters will be put on display in classrooms and discussed regularly with the children. These values are also reinforced through PSHEE and assemblies.

7 Sanctions

7.1 Senior School

The system of sanctions in the Senior School is published in the School calendar on a termly basis.

The system is cumulative (to combat persistent poor conduct) and hierarchical (to escalate the severity of sanction based on the seriousness of the offence or if it is repeated) and gives each pupil a clear understanding of the consequences of any form of behaviour that contravenes the School's Code of Conduct or Rules. **It is important that where a sanction is given the teacher issuing it explains the sanction and what was wrong with the behaviour to the pupil involved.** This may be best done by linking the behaviour to our Code of Conduct expectations:

All pupils at Highgate are expected to:

- Show a commitment to learning
- Be honest, considerate and courteous to others
- Contribute with enthusiasm and to the best of their ability
- Show respect for themselves and the environment
- Promote the reputation of the School

The School Office records all Omegas and Detentions issued to pupils. In addition, the School also maintains a central record of more serious offences, such as bullying, and the disciplinary measures taken, such as a Saturday detention or a temporary or permanent exclusion.

The sanction record of pupils is reviewed each half-term by the Heads of Lower School, Middle School and Sixth Form and, in addition to any punitive sanction that may be applied, support mechanisms (such as report cards for homework, punctuality or conduct) will be discussed with the pupil and his / her parents/carers.

7.2 Junior School

The school considers that the best behaviour management is positive and pre-emptive, coming from the systems and approaches that teachers use both to engage and motivate children, and to assert positive expectations of behaviour, in classrooms and around the school. Nevertheless, there will, of course, be times when sanctions are necessary.

The school's system of sanctions is based on the principles that:

- They should be proportionate to the offence committed
- They should be applied consistently, on an escalating scale that allows for further sanctions if needed
- That communication between child, school and home ensures all parties are aware of what measures have been taken, and why
- That sanctions are recorded in a timely manner to ensure early identification of concerns thus, hopefully, preventing issues further down the line

Depending on the nature of the misdemeanor, the range of daily sanctions that we would expect to see used by teachers would include:

- verbal warning
- loss of privileges, e.g. break time
- writing a letter of apology
- acts of community service, e.g. litter picking, tidying the classroom
- a note in the Junior School Diary via the Class Teacher
- a 'Reflective Consequence' (see below)
- sending the child to the Head of Year or member of the SLT

If the behaviour of the child is significantly disrupting the learning of other pupils' in the class, then teachers are permitted to:

- send the child, with their work, to sit in another class for a short period of time
- send the child to the Head of Year or a member of the SLT

Sanctions we would not expect to see used include:

- whole-class punishments, or punishments which disadvantage children not involved
- deliberately unproductive activities, e.g. writing out lines
- punishments which disallow children access to learning, e.g. sending them to stand outside a classroom, with no work to occupy them
- any punishment which humiliates or mocks a child

Tiers of sanctions

Level One

Low levels of misconduct can and should be tackled by the teacher as a part of daily school routines and interventions, accompanied by a quiet word to the Class Teacher, if appropriate. These first-tier sanctions will typically be for instances where pupils have fallen short – e.g. through carelessness, inconsistency, forgetfulness, lack of organisation or lack of manners – and will be used as admonishments and reminders to keep pupils on track.

Level Two

Where the misdemeanor is more severe, or where there is a repeated pattern of poor behaviour, a 'Reflective Consequence' can be given. This next level of sanctions will typically be used where there is discernible intent to flout rules and expectations – e.g. through unkindness, cheekiness, rudeness, deliberate uniform infringements, recklessness in the playground – or where earlier interventions have proven unsuccessful.

'Reflective Consequences' are logged on CPOMs and Class Teachers are able to see these when monitoring pupils' rewards and sanctions. The number of Reflective Consequences awarded will be monitored by Heads of Year, Heads of House and the Deputy Principals. This monitoring system does not negate, however, the teacher's responsibility to discuss the sanction/s given with the relevant pastoral managers, following the principle of passing up the concern. As a result of these discussions, other strategies may be put in place to help and support the child in getting on track, as appropriate. If the awarding of a Reflective Consequence proves contentious with a parent, then the Senior Leadership Team will support the teacher and deal with the concerns of the parent.

Level Three

After three Reflective Consequences within one half-term or, where a repeated pattern of behaviour is identified over time (i.e. repeated unkindness), a pupil receives a Reflection Time. Should a child receive a second Reflection Time in one half-term, parents are to be informed, and they will have a Principal's detention. If the school sanction system reaches this level of intervention, it is to be expected that there will already be a record of communication between home and school, with all relevant pastoral managers involved.

There will, of course, be occasions where the offence is so severe – for example, theft, bullying, dangerous behavior or continually disrupting the learning of others – that it is inappropriate to begin at a lower level of sanction. Incidents where pupils have shown unkindness to someone based on one of the 9 Protected Characters, will be dealt with at this level. Here, the Principal and Deputy Principals will take responsibility for managing the situation, following the relevant policies – e.g. Anti-Bullying Policy – as appropriate.

Reflection Time is usually sat at 4pm – 5pm on Friday afternoons and supervised by the Deputy Principal or another member of SLT.

7.3 Pre-Prep School

The Pre-Prep School employs a restorative justice approach to sanctions. If a child's behaviour is unacceptable the following action is taken:

1. First Reminder: The adult (teacher, EYP or TA) will tell the child their behaviour is unacceptable; they will ask them to stop behaving in this way and will remind them of what they expect from the child.
2. Second Reminder: If the behaviour continues, the steps described above are repeated.
3. Restore: If the behaviour continues the child must work through the four restorative questions, identifying what they need to do to make it right. This is also recorded on CPOMS.

The four restorative questions are:

1. What happened? What was I thinking/am I now thinking?
2. Who has been affected?
3. What needs to happen to put this right? Restorative Act
4. What will I do differently next time? If this happens again, what do I think should happen?

If a child's behaviour is causing concern and they have received a number of 'Restores', the Principal should be informed, and the matter should also be discussed with the child's parents.

If at any point in the above process a child's behaviour causes significant concern (for example; deliberately hurting another child or deliberately vandalising property) they should receive an immediate 'Restore' and may be sent to the Principal to discuss the matter. If necessary, the child's parents should be called into school at the earliest possible opportunity to discuss the issue and strategies to support the child in class.

The above procedure can be adapted for children who are experiencing on-going difficulties with behaviour, either as a result of a special educational need or other factors at home or at school.

All reported serious incidents of misbehaviour are recorded on CPOMS.

8 Temporary and Permanent Exclusions

8.1 Context

Exclusion from School, in accordance with the School's Terms and Conditions, can be a temporary withdrawal for a fixed term or a permanent exclusion. The School's procedures for dealing with temporary and permanent exclusions are mindful of the guidance "Behaviour and Discipline in Schools" (DfE, January 2020) and "Exclusion from maintained schools, academies and pupil referral units in England" (DfE, September 2017). The Head may, at his discretion, require parents to remove or suspend a child from the School, if he considers that the child's attendance, academic commitment (see paragraph 8.3.1) or behaviour (including behaviour outside school) is seriously unsatisfactory and in the reasonable opinion of the Head removal is in the School's best interests or those of the child or of other children.

Only the Head and the Senior Deputy Head have the authority, after proper consideration, to exclude from School any pupil for a single serious incident or a repeated failure to observe the School's Code of Conduct or the School's Rules, whose attendance or work or academic progress is unsatisfactory and to judge on the acceptability of variations not covered. The Principal of Junior School and the Principal of the Pre-Prep School may also make recommendations to the Head about any pupil for whom exclusion may be appropriate.

8.2 Behaviour and Conduct:

The following list is not exhaustive or exclusive but provides an indication of the sort of behaviour or offence that the School would consider serious enough to merit consideration of a temporary or permanent exclusion from School:

- physical assault against pupils or adults
- verbal abuse of, threatening behaviour towards or malicious allegations against pupils or adults
- peer-on-peer abuse, including, bullying, including cyber-bullying
- involvement in nudes or semi-nudes (also referred to as 'Sexting') or online psychological or sexual harassment
- racism
- sexual misconduct
- drug and alcohol misuse
- damage to property
- theft
- any conduct that facilitates, encourages or makes possible, any of the offences listed above
- persistent disruptive behaviour
- persistent lack of punctuality
- and any conduct that significantly harms the reputation of the School

8.3 Work and academic progress

8.3.1 Senior School

A pupil may encounter difficulties with his/her academic work either through an unsatisfactory and unscholarly attitude, evinced by a lack of effort and an unwillingness to engage with his/her studies; or by a lack of academic ability.

a) Difficulties caused by and unsatisfactory and unscholarly attitude.

The School will contact parents if a pupil causes concern with regard to their attitude towards academic work. The following list is not exhaustive or exclusive but provides an indication of the sort of unsatisfactory approach to school work and lessons which will be considered serious enough to trigger a review of a pupil's suitability to progress to the next year or the school's willingness to permit the pupil to continue in the school. The list relates to a pupil's attitude towards school work and learning and assumes a pupil can do better. In such circumstances, pupils and parents will receive notice of what a pupil must do to improve; and indication of the timeframe during which improvement must happen, and the guidance which will be offered to the pupil. In such cases it is likely that issues will relate to a number of examples in the list below and that the pupil will not have responded satisfactorily or at all to the guidance and encouragement provided:

- *a persistent pattern (i.e. over two or more terms) of learning reviews or reports that highlight unsatisfactory academic attitude: i.e. reviews which show 5 or more '1' grades (requires improvement; particularly in focus, participation and organisation) for failing to participate positively in lessons)*
- *at learning review and reporting points, receiving very unsatisfactory assessments in one or more subjects (Sixth Form) or in a third or more of subjects (Lower and Middle Schools)*
- *either a persistent pattern of low-level disruptive behaviour in lessons or single instances of very disruptive behaviour in lessons, reflected in the learning reviews and grades above or in Departmental and School sanctions*
- *a persistent pattern of receiving sanctions for unsatisfactory classwork (insufficient quality or length; not revising or preparing for routine tests; repeatedly handing homework in late or not handing in at all) or for not preparing for lessons or bringing equipment to lessons*
- *very unsatisfactory performance in end-of-year examinations or in public examinations (performance relative to a pupil's ability as gauged by national base-line scores and other evidence)*
- *a persistent lack of interest in, or commitment to, school work; in particular not responding to academic monitoring and support, not working independently or not working in a way that goes beyond the needs of public examinations*
- *a serious instance of plagiarism or a record of passing off, or seeking to pass off, others' work as one's own*
- *a pupil absenting himself or herself from lessons without good cause*

b) Difficulties arising from a lack of ability to do well and to benefit from the method of teaching at Highgate: i.e. that he/she struggles with the nature of the work or with the pitch and pace of lessons.

Parents/carers and pupils will be informed of the problem and given clear guidance as to what needs to be done to ensure that the pupil is in reasonable control of the content and methodology of his/her subjects. Such a pupil will be given reasonable extra support from teachers. Indications of persistent concern, when such reasonable support has not led to improvement, are:

- *being awarded grade RI (Requires improvement) or below in more than half of his/her subjects over two or more terms*
- *very unsatisfactory performance in end-of-year examinations or in public examinations (performance relative to a pupil's ability as gauged by national base-line scores and other evidence)*

In order to progress into the Sixth Form at Highgate there is an expectation that pupils will gain at least six grade 7s (an A or an A* in the old system of grading) in their I/GCSE examinations, in addition to securing grade 7 or above in the subjects that they wish to study in the Sixth Form. Pupils in Year 10 and 11 will be closely supported to reach their academic potential and in selecting the programme of Sixth Form study that best suits their strengths and future aspirations.

8.3.2 Junior School

It is assumed that pupils in this age range will usually wish to complete work to the best of their ability: sanctions for late or incomplete or scruffy work may be applied for persistent offences, but only after discussion with parents or carers. Parents and carers are expected to support their children's learning in a number of ways and to check that their children complete homework on time.

8.3.3 Pre-Preparatory School

Unsatisfactory work is only very rarely a result of a younger child's unwillingness to complete it and sanctions are rarely applied in this context. Parents and carers will need to support their children's learning (e.g. in listening to their children read, or supervising homework, or helping children to choose and prepare 'show and tell' presentations or to learn songs or lines for a play) and will be asked to cooperate with the school in this and other ways.

8.4 Temporary Exclusion

In the event of temporary exclusion of a pupil being deemed appropriate, the parents of the excluded pupil can expect the following:

Communication with the Principal of the Junior School, Pre-Prep or the Deputy Head (Pastoral) or another senior member of staff, as appropriate, providing details of the breach of the School rules (or the particular incident) and the basis for the decision to consider excluding temporarily.

In most instances, it will be appropriate to hold a meeting with the pupil and parents concerned so that the member of staff who conducted the investigation can present the information that has been gathered and to give an opportunity for the pupil and parents to comment on the offence and the evidence relating to it.

Depending on the nature of the offence, it may be necessary to suspend a pupil temporarily from school while the investigation is being carried out. It may also be necessary for the School to contact the Police or Social Services.

A formal letter to confirm the temporary exclusion will follow within two school working days of the meeting and the subsequent decision to exclude, clearly stating: the reasons for the temporary exclusion; the length of the exclusion; the date on which the excluded pupil is permitted to return to school.

Depending on the circumstances and seriousness of the situation, the School will decide if temporary exclusions will be served in school or at home. Temporary exclusions usually range from one to five

days' duration but the School reserves the right to temporarily exclude for a longer duration if they feel it is appropriate to do so.

Work will be provided for the duration of any temporary exclusion. This work will be marked and returned as appropriate, usually via the pupil's Head of House or Form Tutor.

Any pupil who has been temporarily excluded will be required to attend a re-entry interview with a senior member of staff on his / her return to School. Parents are welcome to attend this meeting where strategies for returning to normal school life, expectations for conduct and potential consequences of further breaches will be established.

In the Senior School, pupils placed in three Saturday Detentions in a period of twelve months or less will have their conduct reviewed and the School may consider further sanctions such as temporary exclusion from School.

8.5 Permanent Exclusion

Permanent exclusion from School is regarded as a last resort and will usually be considered in response to a history of persistent disruptive behaviour, persistent unkindness, of unsatisfactory academic progress or work or of poor attendance where other strategies and sanctions to modify the conduct, progress or work or attendance of the pupil have proved to be ineffective or in response to an extremely serious breach of the School Rules.

The same process for Temporary Exclusion outlined above will apply, with the addition of the additional stage of a formal hearing with the Head or Senior Deputy Head.

The Hearing will take place after the investigation has been completed; pupil and parents have had an opportunity to meet with senior pastoral staff, including those who conducted the investigation, to hear details of the allegation / offence and the pertinent evidence and there has been an adequate opportunity for pupil and parents to provide any further evidence or submissions that may have a bearing on the final decision. Ideally, such documentation should be in place five working days before the date of the hearing but this may be reduced depending on the nature of the offence and with the mutual consent of both parties.

The Hearing will be chaired by the Senior Deputy Head or Head and will be attended by the pupil, parents, a note-taker and any other person required (usually the Deputy Head (Pastoral) with knowledge of the pupil and the relevant incident, or, when academic commitment and progress is involved, the Deputy Head (Academic)). The School will present its case and pupils and parents will then have the opportunity to ask questions and present their case. The Chair's objective is to establish all the relevant facts to allow them to reach a fair decision. At the adjournment of the Hearing the Chair will indicate when they expect to be able to consider all the evidence and reach a decision. Ideally, this will be within two school working days and the decision will be confirmed in writing.

In reaching the decision to permanently exclude, the Chair will review the evidence available, including mitigating and aggravating factors relating to any incident, medical or SEN considerations, the academic, extra-curricular and disciplinary record of the pupil concerned to establish if the behaviour might be the result of unmet educational or other needs. Representations from senior pastoral staff and a meeting with the pupil and his / her parents will also be taken into account.

Parents/carers should refer to the School's Terms and Conditions for details of the financial implications of a permanent exclusion.

9 Complaints Procedure and Appeals

This information should be read in conjunction with the School's Complaints Policy.

When a decision is taken to temporarily exclude a pupil from School, parents and pupils may contact the Head if they have concerns about the process the School has followed or the fairness of the conclusion reached.

A formal appeal to Governors is not part of the temporary exclusions procedure, but parents may enact the complaints procedure if they have any concerns about the decision or the process by which it was reached.

Should permanent exclusion occur, the School has laid down procedures which include a mechanism for a review of the process and the School's decision by an appeal panel involving members of the Governing body and a person independent to the School. Details of this process are available on request from the Head's Secretary.

10 Monitoring and review

The School rules and the system for sanctions and rewards are, as a minimum, reviewed on an annual basis by the Deputy Head (Pastoral), the Principals of the Junior and Pre-Prep Schools and other senior members of pastoral staff, to monitor their effectiveness in promoting the School's Code of Conduct and to ensure fairness and equitability for pupils of all ages, genders and race. Parents/carers will be reminded of the policy at least once per academic year, and it will be made available electronically on the Parent Portal or by hard copy, upon request to the School Office.

In the Senior School pupils may contribute to regular reviews by representations to the regular meetings of the School Council for Y7&8, Y9-11 or Y12&13 or by speaking to the Head of Lower School, Middle School, Sixth Form or Head of House at any time.

School rules and the systems for sanctions and rewards are subject to amendment by the Senior Deputy Head or Head at any time if necessary and the basis for, and nature of, such amendments will be notified to pupils, parents/carers, staff and Governors.

11 COVID-19 (September 2020)

The policy has been updated to reflect *Checklist for school leaders to support full opening: behaviour and attendance DfE, July 2020*.

The changes to School operations relating to COVID-19 have presented a range of challenges in terms of behaviour. This section reflects the plans in place to ensure high standards of behaviour are maintained.

Behaviour and Safety

All pupils are expected to follow instructions that are necessary to keep everyone safe with re-opening. These include, but are not limited to:

- Not attending school if they display symptoms
- Regular handwashing or sanitising
- Following catch it, bin it, kill it routine
- Following arrival, break and lunchtime routines
- Social distancing – in particular from others outwith their bubble and members of staff
- Letting us know if they feel unwell

If pupils persistently ignore health and safety instructions and routines this should be highlighted to the relevant Head of Section in Senior School (or Deputy Head in Junior School/Pre-Prep) who will follow up with pupils and parents/carers and consider sanctions.

If a pupil deliberately places another member of the School community at risk, this should be highlighted to the relevant Head of Section in Senior School (or Deputy Head in Junior School/Pre-Prep) who immediately who will follow up with pupils and parents/carers. It will be treated as a serious disciplinary issue.

Re-establishing Expectations and Routines

It is crucial that expectations and boundaries are re-established quickly as pupils fully return to school. Key behaviour messages will be discussed with staff during INSET. Key behaviour messages will be discussed with pupils in their first-year groups assemblies. Staff will be expected to be rigorous and consistent in enforcing our expectations and routines.

Pastoral Support

Pupils behaviour will be closely monitored by the pastoral team and misbehaviour followed up. Support will be given and the wider wellbeing of the child, including their mental health considered. Behaviour and attendance concerns will be reviewed and discussed by the Heads of Section and the Deputy Head (Pastoral) in Senior School (and relevant pastoral staff in Junior School and Pre-Prep) weekly.

Remote Learning

Pupils and parents have received copies of our remote learning Codes of Conduct. These were in place throughout the shutdown but would also apply to any pupils who had to isolate and learn remotely, or in the case of a second shutdown.

Attendance

The government has made it clear it expects all pupils to return to school and normal attendance procedures, including those to follow up children missing from education, to be followed up.

G J Robertson
Deputy Head (Pastoral)

Behaviour Policy Appendices

Appendix 1 – Good practice guidance to staff on carrying out investigations into incidents, complaints and allegations; including pastoral care for pupils

Appendix 2 – Good practice guidance to staff on Police contact and involvement

Appendix 3 – Statutory guidance to staff on confiscation of pupil belongings

Appendix 4 – Statutory guidance to staff on pupil searches

Appendix 5 – Statutory guidance to staff on restraint of pupils and the use of force

Appendix 1 – Investigation Procedure and Pastoral Care

Incidents, complaints and allegations: Investigation of an incident/complaint/allegation or rumour about serious pupil misconduct will normally be coordinated by the Deputy Head (Pastoral) in the Senior School or the Principals of the Junior and Pre-Prep Schools. Other senior colleagues (provided he or she is independent of the complaint) may be nominated by the Deputy Head (Pastoral) or the Principals to carry out the investigation. The outcome of the investigation will be reported to the Head who will, in the most serious cases, decide on next steps in accordance with the Behaviour Policy.

The Head and Parents will be informed as soon as reasonably practicable if an incident, complaint or allegation under investigation is of a nature that could result in a major sanction, such as a temporary exclusion or permanent exclusion from School. Unless the circumstances of the matter or the investigation suggest it would be inappropriate to do so, this will usually be as soon as possible and certainly on the same working day.

Pupil Interviews: If it is clear that the alleged pupil misconduct is of a serious nature, investigating members of staff will ask another member of staff to be present. Ideally, the nominated member of staff will have an established pastoral or teaching relationship with the pupil (s) concerned but this may not always be possible. Pupils should be interviewed, or wait to be interviewed, in a suitable and discreet location. As with academic lessons, pupils should not use their mobile phones unless they have permission from staff and there is good reason for doing so. A pupil may be asked, if it is deemed proportionate to do so, to show his / her mobile phone to a member of staff to look at identifiable material which may be relevant to the investigation in hand. Alternatively, the phone may be stored (without being viewed by School staff) to avoid compromising further investigation in the event that it is necessary to view it at a later stage.

The nominated member of staff will act as an advocate for the pupil during the investigation process and will be responsible for ensuring that pupils are made as comfortable as possible; they may need to be accompanied throughout, located in areas where staff are present or visited regularly by a member of staff (particular consideration needs to be given to these requirements if the pupil(s) is segregated from other pupils). They will be given access to a toilet (accompanied if necessary) and, depending on the circumstances and timing of the incident, the provision of food and drink should be considered. If the investigation takes place over an extended period of time during the School day then the pupils should be provided with appropriate space and materials to carry on with appropriate academic work.

Notes may be taken during investigation meetings and it is good practice for staff conducting interviews to regularly recap and summarise in order to ensure as much clarity as possible in the

information recorded. Pupils when interviewed should be provided appropriate support. Any questioning should be fair, open-minded and sensitively conducted. It is important to establish facts, where they can be established, in a non-leading manner and to keep an open mind. During an initial investigation it is not a requirement that notes should be signed by those present.

Ethos: An investigation is an information gathering exercise and will be conducted fairly and with an open-mind. Interview questions should be open and not attempt to influence or lead pupils. Staff interviewing and supervising pupils should be mindful of maintaining an approach that, while formal, prioritises the well-being of the pupil and is not overly legalistic in tone. If the nature of the school day, the timing of the incident or other unforeseen circumstances means that appropriate staff are not available to conduct the interviews or provide suitable pastoral and welfare support for the pupils then the process should be paused or postponed until such time as adequate staffing is in place.

Safeguarding and Welfare: If the incident, complaint or allegation involves safeguarding, child protection issues or the Prevent duty the School's Safeguarding and Welfare policy procedures should be followed. The appropriate Designated Safeguarding Lead will record the matter and refer it without investigation to children's social care or the Local Authority Designated Officer (LADO), in accordance with the School's Safeguarding and Welfare policy.

Temporary Exclusion: A pupil may be suspended from the School and required to stay at home while an incident, complaint or allegation is being investigated by the school or other agencies, such as the Police. Alternatively, they may be placed under a segregated regime at School. This is noted in the Behaviour Policy, Section 8.4.

Staff training: All staff appointed to a senior pastoral responsibility will receive training on conducting investigations during their induction programme with the Deputy Head (Pastoral), the Principals or other designated senior staff with appropriate experience. The training will be refreshed regularly with scenario training at termly pastoral team meetings, including lessons learned from recent incidents.

Key priorities for staff conducting investigations into serious disciplinary incidents:

- Investigate without undue delay.
- Ensure that an adequate number of appropriate staff are available to support the investigation process.
- A member of staff should be given specific responsibility for the pastoral care and welfare of the pupils involved in the investigation.
- The Head and parents of the pupils involved should be informed as soon as is practicable when the details of the alleged incident are established.
- Ensure that notes are taken and stored safely for reference.

Appendix 2: Guidance to staff on Police Contact and Involvement

In general, the School will seek to investigate most incidents and allegations involving pupils as internal matters before considering contacting the Police though this may not be possible with more serious allegations, such as abuse of substances, sexual offences and serious violence (particularly incidents involving offensive weapons), or if an incident takes place that a member of staff judges an immediate emergency response is required.

Emergency situations may include:

- An unidentified person or intruder on the School site
- Report of a mugging, assault or other street crime that may cause harm to a member of the School community
- Unidentified persons approaching, photographing or filming children during the School day, or on the journey to and from School
- Serious disturbances on, or threats to, the school site
- Any other incident or event where, in the professional opinion of a member of staff, a Police presence would reduce the risk of additional harm to children, staff, property and the fabric of the School. This principle also applies to off-site educational visits and sports fixtures.

In cases that are less time sensitive, the School will investigate an allegation as thoroughly as possible (in accordance with the guidance in Appendix 1) to establish the facts of the situation. The information gathered by investigating staff will be critically evaluated by the Deputy Head (Pastoral) or the Principals of the Junior School and the Pre-Prep School, in consultation with other senior staff, before making a recommendation to the Head to proceed as an internal matter or, due to the seriousness of the allegation, to involve the Police. The Bursar may also be consulted. The final decision to contact the police will rest with the Head. In the absence of the Head or if the Head cannot be contacted, the decision will be made by the Senior Deputy Head.

The School will avoid any circumstances where it could be considered that any information was inappropriately withheld from Police. However, it is acknowledged that members of staff are not trained in investigating criminal matters that might result in prosecution: as such, ordinarily, once the decision has been made to call the Police, members of staff will cease to investigate the allegation unless and until the Police ask for assistance.

The procedure to follow after Police have been contacted; pupils as victims or witnesses of criminal activity:

The Head, the Principal of the Junior School, the Principal of the Pre-Prep School or their Deputies should be informed as soon as is practicable that contact has been made with the Police and the circumstances for doing so.

If the Police decide to visit the school site, the Head, the Principal of the Junior School, the Principal of the Pre-Prep School or their Deputies should meet with them, along with any other staff or pupils who may be involved.

If pupils are required to assist Police with their enquiries (as witnesses) then this should be considered by the Head, the Principal of the Junior School, the Principal of the Pre-Prep School or their Deputies and parents or carers should be immediately informed as to the circumstances. Parental agreement for a child to assist police should be sought if it is appropriate in dealing with an emergency situation. Alternatively, parents or carers will be encouraged to attend School as soon as possible to provide support for their child.

The School will designate a member of staff with specific pastoral responsibility for supporting a child while helping the Police with their enquiries. Duty of care for the child will usually pass to the parent or carer if and when they arrive at School but a designated member of staff will remain available to support pupils and parents during the process.

Pupils subject to allegations of criminal activity:

If pupils are required to assist Police with their enquiries (as being potentially responsible for an illegal action) then this should be considered by the Head, the Principal of the Junior School, the Principal of the Pre-Prep School or their Deputies. The School will, as far as possible, seek to assist the authorities in their enquiries, while being mindful of our pastoral responsibilities to each pupil.

Parents or carers will be immediately informed when it appears that their child is, or may be, subject to a Police investigation. If the pupil or pupils are suspects in any alleged offence, parents or carers should be present if pupils are to be interviewed by the Police. Police officers in attendance should be made aware that the School's policy is that parents should be present in such circumstances. If parents are not able to come to school, are not contactable and / or the attending officers wish to proceed without undue delay, then alternative approaches should be considered (see final bullet point below).

If, in the reasonable view of the Head, the Principal of the Junior School, the Principal of the Pre-Prep School or their Deputies, the proposed actions of the Police are disproportionate or may have a detrimental impact on the welfare of the child (for example, interviewing as suspects without parents being present, arrest and / or removal from the school site to a Police Station) then reasonable welfare considerations or alternative courses of action should be discussed with the attending officers. For example:

- The possibility of using officers with appropriate training and experience in dealing with pupils of a particular age or gender or of particular criminal allegations
- Encouraging attending officers to be mindful of the age, special educational needs, emotional maturity and any other relevant welfare issues, including any relevant medical information if known, related to the pupil(s)
- Using knowledge of pupils' character to encourage proceeding in proportion to the cooperative response of the pupils, the seriousness of the allegation and the level of perceived risk posed by the pupil (s)
- Advocating discretion in meeting with pupils and parents and being mindful of transportation arrangements, avoiding certain times and certain locations, to minimize potentially negative reputational impact on the individuals involved
- Offering School support in making appropriate arrangements (eg time off lessons) to make pupils available for any follow-up enquiries
- Reminding the arresting officer of alternative police powers to immediate arrest on School premises, such as (1) voluntary attendance at a police station to be interviewed, either immediately or by arrangement at a future date and time (s29 of the Police and Criminal Evidence Act (PACE) 1984) or (2) granting bail after arrest ('street bail') to attend a Police Station at an agreed time (s30 and s30A PACE 1984)

If the Head, the Principal of the Junior School, the Principal of the Pre-Prep School or their Deputies has any doubt in their dealings with the Police that the correct course of action is not being followed then they should make this clear to the attending officers and, if possible and practicable, seek a reasonable pause in the process so that senior colleagues can be consulted and, if necessary, legal advice can be obtained from the School's lawyers.

Relevant Police powers:

S24 PACE 1984 confers on a constable a statutory power of police arrest. A lawful arrest requires two elements: (1) A person's involvement or suspected involvement or attempted involvement in the commission of a criminal offence¹ AND (2) reasonable grounds for believing that the person's arrest is necessary². Both elements must be satisfied. It can never be necessary to arrest a person unless there are reasonable grounds to suspect them of committing an offence. The second element is only satisfied if any of the criteria in s24 (5) PACE 1984 are satisfied³. With regard to a School setting, the only applicable arrest condition is s24 (5)(e): to allow the prompt and effective investigation of the offence or of the conduct of the person in question. This is a matter in the discretion of an arresting officer who must act proportionately.

In addition to the statutory powers set out in PACE, police operate under PACE Codes of Practice. These cover, inter alia, stop and search (Code A); search (Code B) and power of arrest under s24 PACE 1984 (Code G). Staff should note the following extract from Code G relating to the constables exercise of his discretion under s24 (5)(e):

"This may arise when it is thought likely that unless the person is arrested and then either taken in custody to the police station or granted 'street bail' to attend the station later, further action considered necessary to properly investigate their involvement in the offence would be frustrated, unreasonably delayed or otherwise hindered and therefore be impracticable. Examples of such actions include: (i) interviewing the suspect on occasions when the person's voluntary attendance is not considered to be a practicable alternative to arrest, because for example: • it is thought unlikely that the person would attend the police station voluntarily to be interviewed."

The Codes of Practice include 'Notes for Guidance'. Whilst these notes are not provisions of the code, they might assist staff in their dealings with the Police. In particular:

- Note 1B states: *"Juveniles should not be arrested at their place of education unless this is unavoidable. When a juvenile is arrested at their place of education, the principal or their nominee must be informed"*
- Note 2C states: *"For a constable to have reasonable grounds for believing it necessary to arrest, he or she is not required to be satisfied that there is no viable alternative to arrest. However, it does mean that in all cases, the officer should consider that arrest is the*

¹ Under s24(1) PACE 1984, a constable may arrest without warrant anyone who is about to commit an offence, anyone who is in the act of committing an offence, anyone whom the constable has reasonable grounds for suspecting to be about to commit an offence or anyone whom the constable has reasonable grounds for suspecting to be committing an offence. Under s24(2) PACE 1984, if a constable has reasonable grounds for suspecting that an offence has been committed, the constable may arrest without warrant anyone whom the constable has reasonable grounds to suspect of being guilty of it. Under s24(3) PACE 1984, if an offence has been committed, a constable may arrest without warrant anyone who is guilty of the offence or anyone whom the constable has reasonable grounds for suspecting to be guilty of it.

² S24(4) PACE 1984.

³ The reasons are (a) to enable the name of the person in question to be ascertained (in the case where the constable does not know, and cannot readily ascertain, the person's name, or has reasonable grounds for doubting whether a name given by the person as his name is his real name); (b) correspondingly as regards the person's address; (c) to prevent the person in question: (i) causing physical injury to himself or any other person; (ii) suffering physical injury; (iii) causing loss of or damage to property; (iv) committing an offence against public decency (subject to subsection (6)); or (v) causing an unlawful obstruction of the highway; (d) to protect a child or other vulnerable person from the person in question; (e) to allow the prompt and effective investigation of the offence or of the conduct of the person in question; (f) to prevent any prosecution for the offence from being hindered by the disappearance of the person in question.

practical, sensible and proportionate option in all the circumstances at the time the decision is made.”

- Note 2F states: *“An officer who believes that it is necessary to interview the person suspected of committing the offence must then consider whether their arrest is necessary in order to carry out the interview. The officer is not required to interrogate the suspect to determine whether they will attend a police station voluntarily to be interviewed but they must consider whether the suspect’s voluntary attendance is a practicable alternative for carrying out the interview. If it is, then arrest would not be necessary.”*
- Note 2J states: *“Having determined that the necessity criteria have been met and having made the arrest, the officer can then consider the use of street bail on the basis of the effective and efficient progress of the investigation of the offence in question. It gives the officer discretion to compel the person to attend a police station at a date/time that best suits the overall needs of the particular investigation.”*

All engagement between staff and attending Police officers should be done in a constructive and professional fashion in the best welfare interests of the pupils so that it cannot be considered that the School is seeking to unduly delay or obstruct the Police from carrying out their duties. Its purpose is, where necessary, to help staff reassure themselves that the police have appropriately considered reasonable cause for arrest and that they are exercising their discretion as to whether arrest is necessary having considered all relevant facts and/or appropriate alternatives.

The School will designate a member of staff with specific pastoral responsibility for supporting a child helping the Police with their enquiries. Duty of care for the child will usually pass to the parent or carer when they arrive at School but a designated member of staff will remain available to support pupils and parents during the process. Relevant matters to be considered with the parent or carer is whether the designated member of staff attends the Police station with the pupil and/or appropriate engagement with the parents once the pupil has been interviewed. This will include making the Police aware of any relevant pupil welfare information, including medical, allergy or dietary needs of the pupil concerned and recording contact details for follow-up communication.

School Policies and Police Involvement:

There are four School policies that refer to the potential for Police involvement; Substances, Behaviour, Anti-Bullying and Safeguarding Policy:

- **Substance Abuse Education and Management Policy: Section 7** – ‘Any pupil who is found to have offered (for sale or otherwise) harmful or illegal substances will usually be referred to the Police’
- **Behaviour Policy: Section 3** – The Scope of the behaviour policy regarding sanctions: ‘Where pupils’ actions outside of school are the subject of a police investigation, wherever possible the school will give priority to ensuring the continuity and effectiveness of the education of all pupils. This may require pupils to be partly or entirely schooled at home, or separately from other pupils at any given time’
- **Behaviour Policy: Appendix 3 – Confiscation of pupil belongings** – ‘Where any item is thought to be a weapon, a controlled substance or stolen goods the Police will be informed and it may be passed to them’
- **Behaviour Policy: Appendix 4 – Pupil Searches:** ‘If it is felt necessary for a pupil to be subject to an intimate search for say illegal drugs or stolen property, or if staff feel that they

will encounter any resistance from the pupil, then the School will ensure such searches are carried out according to agreed protocols by the Police, following notification to parents'

- **Anti-Bullying Policy: Section 2 - Definitions:** 'Cyber activity is included in this scope for investigation by the School, including referral to the police if an offence may have taken place.'
- **Anti-Bullying Policy: Section 5 - The Role of the School:** 'Work with the wider community such as the Police and Children's Social Services (when there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm') (Children Act, 1989)' and 'While bullying is not a specific criminal offence, there are criminal laws which apply to harassment, threatening behaviour and communications: for example, under the Protection from Harassment Act 1997; the Malicious Communications Act 1988; the Communications Act 2003, the Public Order Act 1986. If the Deputy Head (Pastoral) feel that an offence may have been committed, they will consult with the Head and may seek assistance from the Police.'
- **Safeguarding Policy: Appendix 5 - Peer on Peer Abuse Policy, Responding to Concerns:** 'If a pupil is in immediate danger, or at risk of significant harm, a referral to children's social care and/or the Police will be made immediately. Staff are aware that anyone can make a referral. Where referrals are not made by the DSL, the DSL should be informed as soon as possible that a referral has been made;'
- **Safeguarding Policy: Appendix 5 - Peer on Peer Abuse Policy, Risk and Needs Assessment:** 'A key consideration for DSLs, alongside progressing the safeguarding report and process, will be the important question of the victim and alleged abuser sharing classes and space at School, taking into account the School's duties to both safeguard children and to educate them. These decisions are likely to be complex and difficult and will be considered on a case-by-case basis. Whilst the school establishes the facts of the case and starts the process of liaising with children's social care and the police, the alleged perpetrator(s) should be removed from any classes they share with the victim;

Where there is an allegation of rape, assault by penetration or sexual assault between peers at Highgate the alleged abuser may be temporarily excluded from School, pending further investigation by the Police and School. This may be in the best interests of both children and should not be perceived to be a judgement on the guilt of the alleged offender. Appropriate academic and pastoral support will be provided by the School during this period of temporary exclusion;

The School will continue to liaise with the Police and Children's Social Care and adjust the risk assessment as necessary; it may be possible for the School to fulfil its duty to educate by removing the alleged abuser to alternative classes and activities from those that they share with the victim. Consideration would also be given to the circulation and routines of the children involved in order to keep them apart, as far as possible, on the School site (including during any before and after school activities) and on the journey to / from School;'

- **Safeguarding Policy: Appendix 5 - Peer on Peer Abuse Policy, How will the DSL team respond to allegations of peer-on-peer abuse?:** 'Where the DSL and other senior pastoral staff confirm, consider or suspect that the behaviour in question might be rape, assault by penetration or a sexual assault and an offence may have been committed, the DSL will contact the local Safeguarding Partner, and with their support refer to the police.'

D – Report to the Police

Any report to the police will generally be in parallel with a referral to children's social care (as above). Where a report of rape, assault by penetration or sexual assault is made, the

starting point is this should be passed on to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach. At this stage, we will generally inform parents or carers unless there are compelling reasons not to, for example, if informing a parent or carer is likely to put a child at additional risk. In circumstances where parents or carers have not been informed, it will be especially important we are supporting the child in any decision they take. This should be with the support of children's social care and any appropriate specialist agencies.

Where a report has been made to the police, we will consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator(s) and their parents or carers. We will also discuss the best way to protect the victim and their anonymity.

In some cases, it may become clear very quickly, that the police (for whatever reason) will not take further action. In such circumstances, it is important that the school or college continue to engage with specialist support for the victim and alleged perpetrator(s) as required. While continuing to proceed with an internal investigative process, in accordance with the School's Behaviour policy.

If the allegation is progressed through the criminal justice system, the School will not wait for the outcome (or even the start) of the Police investigation to offer appropriate support to the children involved. Whilst protecting the children and / or taking any steps in accordance with the School's Behaviour policy, the DSLs will continue to work closely with the local Safeguarding partners to ensure that any actions taken by the School do not jeopardise the Police investigation. If we have any questions we will ask the police who will do as much as they can to help (within the constraints of any legal restrictions).

- **Safeguarding Policy: Appendix 5 - Peer on Peer Abuse Policy, Handling online concerns:** 'In some cases, it may be more appropriate to confiscate any devices to preserve any evidence and hand them to the police for inspection.
- **Safeguarding Policy: Appendix 6 - Sharing Nudes and semi-nudes: how to respond to an incident: advice for education settings working with children and young people. 'What do we mean by sharing nudes and semi-nudes?'**

In the latest advice for schools and colleges (UKCIS, 2020), this is defined as the sending or posting of nude or semi-nude images, videos or live streams online by young people under the age of 18. This could be via social media, gaming platforms, chat apps or forums. It could also involve sharing between devices via services like Apple's AirDrop which works offline. Alternative terms used by children and young people may include 'dick pics' or 'pics'. The motivations for taking and sharing nude and semi-nude images, videos and live streams are not always sexually or criminally motivated. This advice does not apply to adults sharing nudes or semi-nudes of under 18-year olds. This is a form of child sexual abuse and must be referred to the police as a matter of urgency. '

- The Safeguarding and Promoting the Welfare of Children (Child Protection Policy) also contains a variety of references to the Police, their role and our work with them to support pupils in the school.

According to the circumstances of any given incident, the Head or his delegated representative, in consultation with senior colleagues, will decide on the course of action required in accordance with the policy guidance and, if necessary, will seek to work with Police, parents and pupils in determining the most appropriate way forward.

Appendix 3: Guidance on confiscation of pupils' belongings

Confiscation

The Guidance for Schools on "Screening, Searching and Confiscation" (DfE, February 2014), provides that confiscation is an appropriate disciplinary measure when applied in a reasonable and proportionate way. Any member of Highgate staff may confiscate, retain or dispose of a pupil's property in order to enforce the School's Code of Conduct, School rules and to maintain an environment conducive to learning, where the rights of all pupils to be educated in a safe and orderly environment are safeguarded. Such circumstances may include:

- an item that poses a threat to others: for example, a laser pen is being used to distract and possibly harm other pupils or staff
- an item that poses a threat to good order for learning: for example, a pupil uses a personal music-player or mobile phone in class
- an item that is against school uniform rules: for example, a pupil refuses to take off an unauthorised item of clothing (such as a hooded top) on entering a classroom
- an item that poses a health or safety threat: for example, a pupil wearing large ornate rings in SpEx may present a safety threat to other pupils
- an item which is counter to the ethos of the school: for example, material which might cause tension between one community and another or is illegal for a child to have: for example, racist or pornographic material, alcohol, illegal substances
- any other prohibited or dangerous items as detailed by the School's rules

In general, items should be confiscated for the duration of a lesson or until the completion of the same school day. The basis for confiscations of a longer duration should be discussed and approved by an appropriate senior member of staff. Where any item is thought to be a weapon, a controlled substance or stolen goods the Police will be informed and it may be passed to them.

Pupils have a right to expect that confiscated items, especially those of monetary or emotional value, will be stored safely until they can be returned and staff should present such items to the School Office in an envelope with the details of the pupil and agreed arrangements for return so that the item can be deposited in the School's safe. In addition, a brief explanation of the confiscation should be sent to an appropriate senior member of staff.

Particular care should be taken when deciding whether to confiscate items of clothing or jewellery, with appropriate regard to whether the item in question has religious or cultural significance to the pupil. When confiscating items, staff should avoid physical contact or interference with pupils' clothing of a kind that might give rise to child abuse allegations. In order to minimise such risks in these circumstances, staff should seek to ensure that another staff member (preferably of the same gender as the pupil) is present where possible. Confiscation of any item that would leave the pupil only partly dressed must be avoided.

Appendix 4: Pupil Searches

Guidance issued by the DfE (January 2018) makes it lawful for the Head (or staff designated by him) to search pupils for any item banned under the School rules, with their consent. There is also a statutory power to search pupils or their possessions without consent where there are reasonable grounds to believe that the pupil has certain prohibited items. Reasonable grounds may include

overhearing pupils talking about an item or a pupil behaving in an unusual or suspicious manner. School staff can confiscate any banned or prohibited item found as a result of a search which they consider to be harmful or detrimental to School discipline. The law also allows the School to require pupils to undergo electronic screening, though the School currently has no plans to introduce this facility.

Prohibited or banned items could include:

- Knives
- Weapons
- Alcohol
- Tobacco and cigarette papers
- Vapes
- Substances that could be abused, such as illegal drugs, solvents or so-called “legal highs”
- Stolen items
- Fireworks and/or smoke bombs
- Pornography
- Inflammatory material of a religious, political, racist, homophobic or sexist nature
- Face masks, headwear or clothing that prevents an individual’s identity being readily established
- Any electronic equipment that could be used to breach the School’s ICT Acceptable Use Policy
- Any other item that it could be reasonably assumed may be used, or mis-used, to disrupt effective learning and good order in the School or environs or to commit an offence, cause personal injury or damage to property

The power to search pupils with consent allows a teacher to ask a pupil to turn out his / her pockets, bag or locker. If a pupil refuses to co-operate then, under the terms of the Behaviour Policy, they will be treated in the same fashion as a pupil who refuses to comply with instructions from staff and they will be temporarily excluded from lessons until an appropriate investigation by the appropriate Principal, Deputy Head (Pastoral) or Head of Section in the Senior School can take place.

The power to search pupils without consent, with the authorisation of the Head, should be carried out by a staff member who is the same sex as the child. There must always be a witness (also a member of staff) to the search and, if at all possible, they should also be of the same gender as the pupil. The power to search without consent extends to a personal search involving the removal of outer garments and searching of pockets, bags and lockers.

If it is felt necessary for a pupil to be subject to an intimate search for (say) illegal drugs or stolen property, or if staff feel that they will encounter any resistance from the pupil, then the School will ensure such searches are carried out according to agreed protocols by the Police, following notification to parents.

Items found as a result of a without consent search: alcohol may be retained and disposed of appropriately, controlled substances (or suspected controlled substances) will be delivered to the Police in accordance with the School's Substance Abuse policy, the School will judge if stolen items also need to be reported to the Police and, when appropriate, the goods will be returned to their rightful owner.

The School is not required by law to inform parents before a search takes place or to seek their consent to search their child. However, Highgate will seek to inform parents of any serious disciplinary incident that may involve a search of their child as soon as is practicable.

Appendix 5: Restraint of pupils and the use of force

Highgate does not use corporal punishment. Reasonable force will never be used as a punishment for a child – this is unlawful and unacceptable. The School also acknowledges its duty to make reasonable adjustments in the potential use of reasonable force for disabled children or pupils with SEN.

DfE guidance, "Use of reasonable force", (July 2013) enables school staff to use such force as is reasonable to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.

The DfE guidance offers the following list, which is not exhaustive, of occasions when reasonable force can be used:

- Removing children from the classroom where they have refused to follow an instruction to do so
- Prevent a pupil from behaving in a way that disrupts a school event or a school trip or visit
- Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground or school environs
- Restrain a pupil at risk of harming themselves through physical outbursts

All members of the teaching and support staff have a legal power to use reasonable force for the reasons outlined above and this power may temporarily extend to people authorised by the Head to take charge of pupils, such as unpaid volunteers or parents accompanying pupils on School activities.

Detailed written records of serious incidents, including those requiring physical intervention by staff, will be maintained by the School and reported to senior pastoral staff, including the Designated Safeguarding Leads (DSLs). Parents will also be informed as soon as possible. All injuries will be recorded according to the School's Health and Safety policy.

The historical frequency and severity of such incidents at Highgate is low and the projected risk of such situations occurring in the future is correspondingly low. The provision of specific additional training for staff in the use of force or restraint will be considered if these circumstances change or if a specific risk assessment for a particular pupil requires it.

Nevertheless, the School seeks to minimise the circumstances whereby such intervention would be necessary by:

- Creating a disciplined and orderly atmosphere in School and providing pupils with a clear framework for good conduct
- Providing guidance and encouragement for pupils, in both lessons and other forums, to manage conflict and strong feelings in a way that does not escalate the situation
- Fostering positive working relationships between staff and pupils, creating an atmosphere of tolerance, respect and trust that is conducive to good order
- Appointing designated pastoral staff that pupils can approach in difficult circumstances and who can help resolve and de-fuse situations
- Planning carefully to avoid circumstances that could make a conflict situation more likely and advising staff of potential difficulties and strategies that could be employed to resolve them

All staff members are made aware of the Critical Incident Protocol, with procedures to be followed in the event of an emergency and a contact telephone number for senior members of staff on duty who will be able to provide advice and support. In circumstances where the member of staff believes that he or she may be at the risk of injury, staff should not intervene without additional support or should immediately telephone the emergency services.

However, the appropriate and proportionate use of force or restraint may be necessary based on the age of the pupil, the specific circumstances and seriousness of the situation. Thus, the Junior School and the Pre-Prep School may issue additional protocols and guidance on the appropriate use of force based on the age and setting of their pupils.

Staff must decide upon their actions based upon the potential for injury, damage or serious disorder should they decide not to intervene, the chances of achieving the desired results by other means and the relative risks of physical intervention compared to other means. The use of force or restraint would be reasonable if it is clear that the behaviour, or the consequences of that behaviour, was sufficiently dangerous or disruptive and could not have been effectively dealt with by other means.

Before using force, staff should (wherever practicable) tell the pupil / pupils to stop misbehaving and communicate in a calm and measured manner that the use of force may be necessary. Staff should make it clear that their physical intervention will stop as soon as it ceases to be necessary. Staff should attempt to intervene in such a way that their actions cannot be interpreted as being motivated by anger, frustration or is sexually inappropriate.

Circumstances that could justify intervention include:

- Immediate risk of death or injury, such as a pupil running into a busy road or preventing a pupil threatening another with a dangerous object
- A pupil attacks a member of staff, or another pupil
- Pupils are fighting, causing risk of injury to themselves and others
- A pupil is committing, or is on the verge of committing, deliberate damage to property
- A pupil is causing, or is at risk of causing, injury or damage by accident, by rough play, or by misuse of an object or materials

- A pupil absconds from a lesson or school (this, in itself, is not sufficient to justify the use of force) and their actions potentially threaten their own safety, that of other staff / pupils or the good order and discipline of other classes
- A pupil persistently refuses an instruction to leave a classroom, is behaving in a way that seriously disrupts a lesson or a school event

Types of physical intervention that a member of staff could consider:

- Passive physical contact, e.g. standing between pupils and/or blocking a pupil's path
- Active physical contact, e.g. leading a pupil by the arm, ushering a pupil away with a hand on their back or shoulder or, in extreme circumstances, using appropriate restrictive holds

Following the incident:

- Investigate thoroughly and make a record of the incident, in accordance with the requirements of the School's Health & Safety policy and the Safeguarding and Welfare policy
- The physical well-being of pupils and staff involved will be a priority, with appropriate medical care
- Seek to provide emotional and psychological support to all concerned where necessary
- Apply appropriate sanctions where necessary, according to the School's Behaviour policy

All complaints regarding the use of force by staff will be investigated thoroughly and speedily, in accordance with the School's Complaints procedure.

Where a member of staff has acted within the law in using reasonable force, DfE guidance (July 2013) states that the onus is on the person making the complaint to prove that his / her allegations of excessive force are true – it is not for the member of staff to show that he / she has acted reasonably.

Suspension of the member of staff during the investigation into the complaint will not be an automatic response by the School. Careful consideration will be given by the Head and his senior colleagues to each individual case and its particular circumstances to decide the most appropriate course of action.

If a decision is made to suspend a member of staff then the School will ensure that it fulfils its duty of care to that colleague and options for appropriate pastoral care will be offered, along with access to a named contact to provide support.

Change Log			
Section	Change	Owner	Date
School Policies and Police Involvement	The reference to additional Policies and the description of the Police involvement added	GJR	May 2021
Junior School sections	Revised to reflect current practice	SMJ/PS	May 2021
Pre-Prep School sections	Revised to reflect current practice	GZ	May 2021 and Aug 2021
All sections	Update from KCSIE and DFE Peer-on-Peer updates Sep 2021- all focused on peer-on-peer abuse.	GJR	Sept 2021