



## PROMOTING GOOD BEHAVIOUR & DISCIPLINE POLICY

### Introduction

- 1.1 Malvern College is founded on principles of tolerance, courtesy, honour and individual aspiration balanced by respect, compassion and service to others. The College is committed to safeguarding and promoting the welfare of its pupils and to providing a secure, stimulating and inclusive environment in which they can realise their full potential academically, in their co-curricular pursuits and their personal development.
- 1.2 We pride ourselves on the positive relationships which exist between all members of the Malvern community and particularly between staff and pupils and the strength of our partnership with parents. Members of staff are expected to set a positive example to pupils and to establish an appropriate tone with regard, for example, to courtesy, dress, punctuality and personal conduct. Mutual respect between pupils and staff is central to the College's ethos.

## 2 Policy aims

- 2.1 The aims of this policy are:
- 2.1.1 to enable the Headmaster to carry out his responsibilities of maintaining order and good discipline in the College;
  - 2.1.2 to promote good behaviour;
  - 2.1.3 to ensure, so far as possible, that every pupil in the College is able to benefit from and make his / her full contribution to the life of the College, consistent always with the needs of the College community;
  - 2.1.4 to authorise the College Rules and any procedures necessary for implementing them.

### **3 College Rules for behaviour and discipline**

**3.1** The College Rules and policies for behaviour and discipline shall be set by the Headmaster. The College Rules and policies for behaviour and discipline are necessary:

3.1.1 for the safety and well-being of everyone at the College;

3.1.2 for the reputation of the College community as a whole;

3.1.3 for the protection of College property and the wider environment.

**3.2** The College Rules apply to all age groups and at all times when the pupil is:

3.2.1 at the College, representing the College or wearing College uniform

3.2.2 travelling to and from the College

3.2.3 associated with the College at any time.

**3.3** Pupils are expected to know and understand the College Rules and policies for behaviour and discipline which include:

3.3.1 this policy

3.3.2 the Policy on the Acceptable Use of ICT and E-Safety

3.3.3 the Anti-bullying Policy

3.3.4 the Smoking, Alcohol, Drugs and Substances Policy

The College Rules and policies for behaviour and discipline will be amended from time to time and reinforced at College Chapel and assemblies and on other appropriate occasions.

### **4 Scope**

**4.1** The College Council and the Headmaster intend that the College Rules and policies for behaviour and discipline and the sanctions provided in them shall also, in appropriate circumstances, be capable of regulating the conduct of pupils when they are away from College premises and outside the jurisdiction of the College, for example during leave-out weekends, half term and in the holidays.

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

## **5 Rewarding good behaviour**

- 5.1** The College understands that rewards can be more effective than punishment in motivating pupils. The College encourages and rewards good behaviour and members of staff are encouraged to be generous in their praise of pupils. Endeavour at every level should be recognised and it is particularly important to acknowledge improvements and achievements of those pupils who have previously had a record of poor behaviour or lower levels of achievement.
- 5.2** Positive reinforcement of good behaviour is recognized to be a central element of good practice both in and outside the classroom. Housemasters are effectively placed to recognise pupils' progress and successes and to celebrate this by individual praise or more public recognition within the House community. They are in regular contact with parents, both individually and via formal mechanisms such as newsletters and House webpages.
- 5.3** Further detail about the ways in which the College may reward good behaviour are set out in Appendix 1.
- 5.4** The College recognises that where challenging behaviour is related to a pupil's disability, use of positive discipline and reward methods may enable the College to manage the pupil's behaviour more effectively and improve their educational outcomes.

## **6 Breaches of College discipline**

- 6.1** The College recognises that high standards of conduct are promoted as much by encouragement and celebration of success than by use of sanctions, but when infringements do merit formal sanctions, these are administered within the broader pastoral context and with a focus on a positive outcome for both the individual and the College community as a whole.
- 6.2** The College may prescribe and authorise the use of any sanctions as comply with good education practice and promote good behaviour and compliance with the College Rules. Examples of sanctions used at the College are set out in Appendix 2. The College may impose a more serious sanction if it considers it appropriate to do so, e.g. where there are persistent breaches of discipline by a pupil.
- 6.3** A separate strategy in the pupil's Welfare Plan may be put in place where a pupil's behaviour requires improvement and strategies are required to overcome behavioural difficulties. In such cases, the pupil's Housemaster and tutor, in consultation with the Deputy Head (Pastoral) and the pupil's parents, will prepare the strategy and all staff involved with the pupil will be made aware of it. All such plans will be kept under regular review.

## **6.4** Serious breaches of discipline

6.4.1 For serious breaches of discipline, the pupil may be asked to leave the College permanently.

6.4.2 Removal: The Headmaster may require the Removal of a pupil from the College, or from boarding, if after consultation with the parents and if appropriate the pupil, the Headmaster is of the opinion that:

- (a) by reason of the pupil's conduct or progress (which for the avoidance of doubt will include persistent breaches of discipline), the pupil is unwilling or unable to benefit sufficiently from the educational opportunities offered by the College; or
- (b) a parent has treated the College, members of its staff or any member of the College community unreasonably.

In these circumstances, the parents may be permitted to withdraw the pupil as an alternative to Removal being required.

6.4.3 Permanent Exclusion: A pupil is liable to Permanent Exclusion for a grave breach of College discipline or a serious criminal offence. Permanent Exclusion is reserved for the most serious breaches.

6.4.4 The Headmaster is required to act fairly and in accordance with the principles of natural justice. Please see the College's separate Exclusion for Misconduct: Policy and Procedures.

6.4.5 Suspension: For serious breaches of discipline, a pupil may be released home for a limited period pending the outcome of an investigation or a College Council review.

**6.5** The College seeks to work in partnership with parents over matters of discipline, and it is part of parents' obligations to the College to support the College Rules. Parents will be contacted to discuss any disciplinary matter which may result in suspension or rustication, or where Removal or Permanent Exclusion 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.

**6.6** The College will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need or disability. Where Permanent Exclusion needs to be considered, the College will ensure that a pupil with a disability or special educational needs is able to present their case fully where their disability or special educational needs might hinder this. Any religious requirements affecting the pupil will also be considered. Individual Behaviour Management Plans and Pupil Welfare Plans will be used as necessary when making reasonable adjustments. Staff should seek advice from the SENCO or Deputy Head (Pastoral) if they are unsure about how

to manage a pupil's behaviour where this is related to a special educational need or disability. The SENCO checks the behaviour management records to ensure reasonable adjustment is being made.

## **7** Malicious allegations against staff

**7.1** 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 Headmaster will consider whether to take disciplinary action in accordance with this policy.

**7.2** Where a parent has made a deliberately invented or malicious allegation the Headmaster will consider whether to require that parent to Remove their child or children from the College on the basis that they have treated the College or a member of staff unreasonably and compromised the requirement for mutual trust and confidence.

**7.3** In accordance with the DfE's guidance Keeping Children Safe in Education (2014), the College will consider a malicious allegation to be one where there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.

## **8** Use of reasonable force

**8.1** Any use of force by staff will be reasonable, proportionate and lawful. Reasonable force will be used in accordance with the DfE guidance Use of Reasonable Force (July 2013) and as set out in Appendix 3.

**8.2** Corporal punishment is not used at the College and force is never used as a form of punishment.

## **9** Searching pupils

**9.1** Informed consent: The College staff may search a pupil or his / her possessions or accommodation with their consent for any item. If a member of staff suspects that a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his/her pockets or bag. If the pupil refuses, sanctions will be applied in accordance with this policy.

**9.2** Searches without consent: In relation to prohibited items, the Headmaster, and staff authorised by the Headmaster (authorised staff include the Senior Deputy Head, Deputy Head (Pastoral) and every Housem), 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 4 for the College's policy on searching and confiscation. Such action will be taken in accordance with the DfE guidance Searching Screening and Confiscation (February 2014).

## **10** Records

- 10.1** Administration of major punishments are recorded, with the name of the pupil concerned, the reason for the punishment including relevant dates, and the name of the person administering the punishment. This log is reviewed regularly by the Deputy Head (Pastoral) so that patterns in behaviour can be identified and managed appropriately.

## **11** Review

- 11.1** A pupil or his / her parents may request a Review by the College Council of the Headmaster's decision to Permanently Exclude or Remove a pupil from the College. See the College's separate Exclusion for Misconduct: Policy and Procedures.
- 11.2** There will be no right to a Review of other sanctions but a pupil who feels aggrieved may ask the Deputy Head: Pastoral (or the Senior Deputy Head where the Deputy Head (Pastoral) imposed the sanction) to take up his / her concerns with the member of staff who imposed the sanction.

## **Appendix 1 Rewards**

In order to reinforce a positive environment in which pupils develop qualities in line with College aims, rewards are an essential part of our daily interaction, and deliberately outnumber sanctions.

Rewards include:

- oral and written praise
- Merits
- Commendations
- Distinctions
- report card grades
- House Colours (full and half)
- School Colours (full, half, junior and Team Awards)
- Commemoration Day Prizes

The aims of rewarding good behaviour and achievement are:

- to reward consistently good effort
- to encourage every pupil to work to his/her best ability across the curriculum
- to raise academic standards in the College by according conspicuous value to outstanding effort and achievement.

### **ACADEMIC REWARDS**

Academic awards are intended to recognise and encourage achievement.

Merits may be awarded to a pupil who has produced a very good piece of work, has shown significant effort in a piece of work or activity, or has demonstrated praiseworthy personal qualities either in or outside the classroom (e.g. resilience, persistence, positive leadership, consideration of others, creativity, courage, self-reliance, systematic self-improvement). Merits may be awarded for sport and co-curricular participation when the pupil has made a significant contribution to the team or College's performance.

A total of ten Merits will earn one Commendation. These will be recorded on the MIS system by the awarding member of staff.

Commendations may be awarded by subject teachers for a piece of work which is well above the standard usually shown by the pupil concerned or for an exceptional level of effort. A Commendation should not be awarded just for getting full marks in a test or Hall, unless that achievement is far above a pupil's normal performance or in itself reflects exceptional effort. Commendations may be awarded at any level of the school.

Distinctions are to be awarded for a piece of work which is of exceptional quality for a pupil in that year group. They can be awarded in the Lower School as well as Sixth Form, but they should be awarded very sparingly. The subject teacher should consult his/her Head of

Department in awarding a Distinction to ensure consistency in awarding this prestigious accolade.

### **How to award Merits, Commendations and Distinctions**

Subject teachers should inform the pupil receiving the reward, and record it on THE MIS SYSTEM. The tutor should record the reward in the Pupil Diary. A Report Card Commendation may be awarded by a pupil's House.

### **Academic Honour Roll**

The criteria for getting onto the Honour Roll are as follows:

1. The pupil must have an average quality grade of "A Grade" standard. IB pupils must have an average quality grade higher than 6.5. Criteria for effort grade requirements are reviewed by the Deputy Head: Academic.

*AND*

2. The pupil must be a just and fitting recipient of the term Honour Roll Pupil; pupils with a poor disciplinary record may be withheld from the Honour Roll.  
Presentation of Commendation & Distinction Prizes  
Near the end of term, the Headmaster

Or his nominee will present an Amazon voucher to pupils who have amassed 50 merits, five Commendations or a single Distinction. The Deputy Heads Academic and Pastoral will write home to acknowledge the achievement of a high number of merits.

### **SCHOOL PRIZES**

The Headmaster, Heads of Department and other staff responsible for specific areas of achievement award Prizes at Commemoration each year in the Summer term. They are primarily academic but other contributions to College life are also celebrated.

There will be a dinner, Cena Meritorum, for those pupils who have been awarded the most Merits and Commendations during the academic year in celebration of the positive contributions they have made to the College Community.

Academic Colours are awarded to pupils receiving honorary academic awards either on entrance to the College or as a result of excellent work once at the College. Pupils who demonstrate outstanding levels of academic engagement and achievement will be added to the termly Honour Roll.

### **SCHOOL AND HOUSE COLOURS**

Arts Colours are awarded by the Directors of Art, Drama, Music and the teacher i/c Debating for a significant contribution to the relevant area of the performing or visual arts.

Sports Colours are awarded for effort and achievement in a particular game, sport or activity according to criteria established by the Games Committee.

House Colours are awarded by the Housemaster at his/her discretion for a major contribution to the activities undertaken by the House, be they sporting, cultural or organisational.

### **CHAPEL ANNOUNCEMENTS**

Where a pupil has done something particularly noteworthy (sport, D of E, Music, Debating, Art, charity et al.) the Headmaster makes a suitable announcement during morning, weekday Chapel. Such announcements are often accompanied by applause.

## **Appendix 2 Sanctions**

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

### **ACADEMIC SANCTIONS**

WEEKLY DETENTION is given after due warning (or after Catch up – Long Room on Mondays, Wednesdays, Thursdays at 5.30pm – an extension on a deadline which involves having to report to hand in work – has been given) for failure to complete work, for consistently poor work or as part of the sanction for missing a lesson.

1. Detention takes place in Big School and lasts 90 minutes from 19:00 until 20:30 on Saturdays.
2. Pupils must attend detention wearing school uniform.
3. If, at the Housem's discretion, it is deemed impossible for a day pupil to attend at the above times, the Housem may make alternative arrangements in the House at a convenient time after lessons or CCA commitment; notifying the Deputy Head: Pastoral.
4. If a pupil does not return on time from an away match, he or she must report to the Housem who will inform the teacher on duty and will make alternative arrangements, notifying the Deputy Head: Pastoral.
5. The sanction for missing a detention is an interview with the Deputy Head: Pastoral, Gating and another Detention.
6. Any pupil set weekly detention three times in a term will be gated for at least three days.
7. Detention may not be served concurrently with behavioural detention.

Given by: teachers.

SUNDAY AFTERNOON DETENTION is given as an additional sanction (i.e. as well as a weekly detention) for missing a lesson, or if a pupil has both behavioural detention and weekly detention on the same Saturday evening.

1. Detention takes place in a designated House from 14:00 and may last up to four hours.
2. Pupils will work under supervision.
3. Pupils may, of course, take toilet and drinks breaks.

### **ACADEMIC SANCTIONS WHICH MAY BE RECOMMENDED BY MEMBERS OF STAFF**

SATIS A pupil may be put on SATIS when Housem, Head of Year and Tutor have agreed this is the best course of action in the light of poor academic performance. Teachers comment on academic performance in lessons on THE MIS SYSTEM, The Tutor monitors these comments

and discusses them with the pupil. The Head of Year also monitors the comments and liaises with the Tutor and the House.

**LOSS OF PRIVILEGES** The pupil will lose the Sixth Form Centre and/or Up-Town privileges. It might involve loss of study periods in the House which would then be taken in the Grundy or in supervised study sessions.

Given by: Housems in conjunction with Tutors.

### **NON-ACADEMIC SANCTIONS**

**TARDY** is given for arriving late to a lesson, to registration or another commitment or for minor misdemeanours such as being inappropriately dressed or returning late to House.

Boarders will report to the College Porter at his desk in School Dress Monday to Saturday between 07:20 and 07:30. Day pupils will report to General Office Monday to Saturday at 10:50.

Tardies given on Saturday are completed on Monday. Failure to complete the Tardy on the correct day will result in not being allowed uptown. Pupils who fail to complete the Tardy in one week will have a Behavioural Detention. Accruing 10 Tardies in a Half Term will lead to a Behavioural Detention.

Given by: teachers and House staff.

Notified: on THE MIS SYSTEM.

**BEHAVIOURAL DETENTION 'SINBIN'** is given to pupils where there is perceived to be a need for a Saturday evening restriction of movement. It may be given for failure to fulfil CCA commitments, anti-social behaviour or rudeness, failure to return library books, missing Chapel, failure to attend a College commitment without proper notice amongst other misdemeanours. Pupils will report to Big School at 19:00 and be under supervision either until 20:00 or until 21:00 as notified.

Given by: Senior Deputy Head, Deputy Head: Pastoral, Deputy Head: Logistics or Housem.

Notified: on THE MIS SYSTEM.

**CONFISCATION** Using mobile phones and other devices inappropriately or in lessons without permission during the school day will lead to a four-day confiscation.

**GATING** is given for offences of importance which do not merit a rustication and may include, depending on the circumstances alcohol-related offences, smoking, being uptown without a chit, unpleasant or anti-social behaviour, receiving three Detentions during any one term.

The pupil will be confined to the House after lessons/activities with a gating card to be signed at regular intervals. The pupil will be banned from the Sixth Form Centre but will be allowed to go off-campus for school activities of a non-social nature.

Implemented by: Senior Deputy Head, Deputy Head: Pastoral, Housem or recommended by any member of staff.

Notified: by the Deputy Head: Pastoral on the Common Room noticeboard and on THE MIS SYSTEM.

In the following rubrics, the definition of the term 'serious' is at the discretion of the Headmaster or his nominee.

RUSTICATION is associated with serious offences or for persistent gating offences, and may include, depending on the circumstances, serious alcohol misuse, buying alcohol for other pupils, theft, bullying, repeated smoking, vandalism, possession of pornography, inappropriate sexual conduct, serious misuse of the Internet/intranet, serious car offences, persistent unauthorised absence. The pupil will be sent home or to an education guardian for a specified period of time.

Implemented by: the Senior Deputy Head.

Notified by: the Senior Deputy Head on the MIS System.

In addition, the Headmaster 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 College Rules.

SUSPENSION A pupil may be released home pending the outcome of an investigation or a College Council Review (as set out in paragraph 6.3.5 of this policy) or where it is considered that the pupil will benefit from some time away from the College.

### **SMOKING-RELATED SANCTIONS**

Pupils who are found smoking on campus, Uptown or associating with smokers are subject to the sanctions below:

- i. First offence: interview with the Deputy Head: Pastoral 3 days' gating, a letter sent to parents from the Deputy Head: Pastoral.
- ii. Second offence: interview with the Deputy Head: Pastoral, one week's gating, Sin bin, a letter sent to parents from the Deputy Head: Pastoral. Pupils will be strongly encouraged to attend the Medical Centre for counselling on giving up smoking.
- iii. Third offence: interview with the Headmaster or Senior Deputy Head. The pupil must expect to be rusticated.

Smoking is not allowed anywhere within the Malvern College grounds.

Pupils who smoke in boarding houses must expect to be rusticated.

### **HOUSE SANCTIONS**

There are a number of frequently occurring daily misdemeanours within the House for which standardised sanctions have been agreed:

Late for registration	Tardy as appropriate
Persistently untidy room	Tardy as appropriate or community service
Not signing out/in (also visitors)	Tardy
Not doing duties	Repeat duties
Lower School out after Hall	Gated 2 days
Noisy during Hall	Work in dining room
Using mobile phone after lights out in shared rooms	Confiscate for four days
Disrespect to House Staff	Community Service or Sin Bin
Uniform issues	Uniform tardy. Persistent offenders report to SGA for uniform report card
Late back at Lock Up	Come back earlier the next night
Food Orders at 'illegal' times	Confiscate food
Lower School persistently late to bed	Tardy
Missing Chapel	One hour Behavioural Detention (sinbin)
Repeatedly missing meals	House report
Watching DVD / playing games on laptop /other electronic device after lights out	Confiscate for four days
Using inappropriate language in front of others	Mobile phone confiscated for at least one day

## Appendix 3 Use of reasonable force

- 1 Reasonable force may be used to prevent a pupil from doing or continuing to do any of the following:
  - 1.1 committing a criminal offence
  - 1.2 injuring themselves or others
  - 1.3 causing damage to property, including their own
  - 1.4 engaging in any behaviour prejudicial to good order and discipline at the College or among any of its pupils, whether that behaviour occurs in a classroom or elsewhere.
- 2 In these circumstances, force will be used for two main purposes: to control pupils or to restrain them. Reasonable force may be used, for example, to restrain a pupil at risk of harming themselves or another individual or to prevent a pupil leaving a classroom where allowing him / her to do so would risk his / her safety or lead to behaviour that disrupts the behaviour of others.
- 3 In addition, reasonable force may be used to conduct a search for certain "prohibited items" (see Appendix 4 below).
- 4 In deciding whether reasonable force is required, the needs of individual pupils will be considered and reasonable adjustments will be made for pupils with special educational needs or disabilities.
- 5 Where reasonable force is used by a member of staff, the Deputy Head: Pastoral 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.
- 6 Additional guidance for staff on the use of reasonable force and the procedures to follow should physical intervention be necessary is set out in the College's Positive Handling Policy in the Staff Handbook.

## Appendix 4 Searching and confiscation

All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so. The College's policy on searching and confiscation has regard to guidance published by the DfE, Searching, Screening and Confiscation (February 2014).

### 1 Prohibited items

1.1 The following are "prohibited items" under Section 550ZA(3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulations 2012:

1.1.1 knives or weapons, alcohol, illegal drugs and stolen items

1.1.2 tobacco and cigarette papers, fireworks and pornographic images

1.1.3 any article that a member of staff reasonably suspects has been, or is likely to be used:

(a) to commit an offence or

(b) to cause personal injury to, or damage to the property of, any person (including the pupil) and

1.1.4 any item banned by the College Rules that are identified as being items which may be searched for.

1.2 The College has banned items that are reasonably believed to be likely to cause harm or disruption. Pupils must not have these items in their possession on College premises or at any time when they are in the lawful charge and control of the College (for example on an educational visit).

### 2 Searching with consent

2.1 Before any search is undertaken the pupil will usually be asked to consent. In seeking consent, the age and maturity of the pupil will be taken into account together with any special needs the pupil may have. Written consent will not usually be required.

2.2 The consent of the pupil must be obtained for searches for items that are not "prohibited items" as listed in section 1 above. The consent of the pupil must be sought even if he / she is no at the College at the time. If a member of staff suspects that a pupil has an item that is banned by the College they can instruct the pupil to turn out his or her pockets or bag.

**2.3** If the pupil refuses to provide consent disciplinary action may be taken in accordance with the College's Behaviour and Discipline Policy.

### **3** Searching for prohibited items

**3.1** Where the Headmaster or an authorised member of staff have reasonable grounds to suspect that a pupil may have a prohibited item, consent is not required and the search will be carried out, using reasonable force if necessary (such force may not be used in searches for items included in 1.1.4 above).

**3.2** Searches will be carried out only on College premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on an educational visit or in training settings.

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

3.3.1 a search of outer clothing and / or

3.3.2 a search of College property (e.g. pupils' lockers or desks, bed studies or dormitories) and / or

3.3.3 a search of personal property (e.g. bag or pencil case).

**3.4** 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 (one of whom should be the pupil's Housem). Where a pupil is searched, the searcher and the second member of staff present will be the same gender as the pupil.

**3.5** Where it is reasonably believed that serious harm may be caused if the search is not carried out immediately and it is not practicable to summon another member of staff, a member of staff may carry out a search of a pupil of the opposite sex and / or in the absence of a witness.

**3.6** Where the Headmaster, or staff authorised by the Headmaster, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item in accordance with this policy.

### **4** Confiscation

**4.1** Under the College's general power to discipline, a member of staff may confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.

**4.2** Confiscation of an item may take place following a lawful search, as set out above, or however the item is found if the member of staff considers it to be harmful or detrimental to College discipline.

## **5 Searching electronic devices**

- 5.1** An electronic device such as a mobile phone or a tablet computer may be confiscated in appropriate circumstances in accordance with this policy. If there is good reason to suspect that the device has been, or could be used to cause harm, to disrupt teaching or break College Rules, any data or files on the device may be searched and, where appropriate, data or files may be erased before the device is returned to its owner. Any search of an electronic device should be conducted in the presence of a member of the IT staff.
- 5.2** Any data or files will only be erased, if there is good reason to suspect that the data or files have been, or could be used to cause harm, to disrupt teaching or break College Rules.
- 5.3** If inappropriate material is found on an electronic device, the member of staff may delete the material, retain it as evidence of a breach of College discipline or criminal offence or hand it over to the police if the material is of such seriousness that police involvement is required.

## **6 Disposal of confiscated items**

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

- 6.7** Pornographic images: pornographic images involving children or images that constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008 will be handed to the police as soon as practicable. As possession of such images may indicate that the pupil has been abused, the Designated Safeguarding Lead will also be notified and will decide whether to make a referral to Worcestershire children's social care.
- 6.8** Other pornographic images will also be discussed with the Designated Safeguarding Lead. The images may then be passed to Worcestershire children's social care for consideration of any further action. If no action is to be taken by the local authority the images will be erased after a note has been made for disciplinary purposes, confirming the nature of the material.
- 6.9** Article used to commit an offence or to cause personal injury or damage to property: such articles may, at the discretion of the Head or authorised member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained or disposed of.
- 6.10** Weapons or items which are evidence of an offence: such items will be passed to the police as soon as possible.
- 6.11** An item banned under College Rules: such items may, at the discretion of the Headmaster 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 College 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, unless the Headmaster considers it necessary to retain the device for evidence in disciplinary proceedings in accordance with 6.12 below. If a pupil persists in using a mobile phone in breach of College Rules, the phone will be confiscated and must be collected by a parent.
- 6.12** Electronic devices: if it is found that a mobile phone, laptop or tablet computer or any other electronic device has been used to used to cause harm, disrupt teaching or break College Rules, including carrying out cyberbullying, the device will be confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded the device must be collected by a parent or carer and the pupil may be prohibited from bringing such a device onto College premises or on educational visits. In serious cases, the device may be handed to the police for investigation.

## **7 Communication with parents**

- 7.1** There is no legal requirement for the College to inform parents before a search for banned or prohibited items takes place or to seek their consent to search their child and it will not generally be practicable to do so. However, where appropriate and possible, we will inform parents of any search that has taken place and provide details

of any items that have been found. In appropriate cases we will consult parents on how the College should dispose of certain items.

- 7.2** We will keep a record of all searches carried out, whether the search is with or without the consent of the pupil, which can be inspected by the parents of the pupil(s) involved subject to any restrictions under the Data Protection Act 1998. The record will include details of any disposal of items confiscated.
- 7.3** Complaints about searching or confiscation will be dealt with through the College's Complaints Procedure. A copy of the procedure is posted on the College website and hard copies are available on request.
- 7.4** The College will take reasonable care of any items confiscated from pupils. However, unless negligent or guilty of some other wrongdoing causing injury, loss or damage, the College does not accept responsibility for loss or damage to property.