



THE ELMS

EST 1614

The Elms School

9a – Behaviour Policy	
Version	2024.1
Effective from	April 2024
Extent of Policy	The Elms School
Policy Owner	Deputy Head Pastoral
Authorised by	Welfare SMG
Review by	April 2025
Frequency of Audit	Annual
Circulation	Governors All Employees Parents by request
Publication	Website Teaching Staff Handbook ISI Portal

We recognise that all members of the school staff, including volunteers and peripatetic staff, share the duty of care for children at the school. We aim to ensure that the health, safety and welfare of all pupils is paramount. This policy should be read in conjunction with the school's Safeguarding policy which includes Child Protection procedures.

Good behaviour

Good behaviour is the foundation for the welfare and development of children and at The Elms we try to ensure that our standards are based on:

- the foundation of mutual respect;
- trust
- honesty
- high expectations of behaviour
- high standards of achievement both in and out of the classroom
- good manners and courtesy
- care, concern and consideration for others
- selflessness
- the appreciation of diversity
- the reward of good behaviour rather than a focus on the bad;
- consistency and fairness;
- the affirmation of good values whilst acknowledging and dealing with inappropriate behaviour;
- building confidence;
- encouraging individuality rather than mere conformity.

Some of the ways in which we aim to promote good behaviour include:

- praising individuals or groups for behaviour which is generally accepted as being good
- appointing children in positions of responsibility; Prefects, Heads and Deputy Heads of House, Heads of Academics / Music / Stables / Choir / Drama / Musical Theatre.
- commending children for good behaviour in school assembly and Chapel
- Weekly awarding of 'Citizen of the Week' tie
- using the pastoral system to encourage pupils to talk about life in school
- appointing children as guides for visiting sports teams and other visitors
- asking children to act as a guide to a child new to the school
- Individual prizes for accumulation of Green Cards (see below)
- Use of 'mentors' for pupils requiring additional support with behaviour/emotional issues.

Pupils are reminded of the importance of respecting others, whether inside or outside the school and selfish actions are discouraged. School rules are dictated by common sense and a breach of common sense would be regarded as a breach of school rules.

It is part of our policy at The Elms not to have a published set of written School Rules. Pupils are expected and encouraged to treat all children and adults who make up the school community with respect and courtesy. It is through this respect that the most effective form of discipline can be achieved. If children are well mannered, take pride in their personal appearance, are punctual, busy and well-motivated, it is hoped that they are less likely to cause serious disciplinary problems. The School Council devised and created a 'Pupils' Code of Conduct' to reflect the values of the school as a whole and promote the behaviours we all want to see (Appendix A). At The Elms, discipline is based on an understanding of what is socially acceptable in and out of the classroom. Naturally, when these standards slip it may be necessary to have a more formal system in place, in addition to a verbal admonishment which is the most common and immediate form of discipline and, for all practical purposes, the most effective. At The Elms we have a sanctions and rewards system known as "Orange and Green Cards". The overriding emphasis should be on positive rather than negative discipline.

THE CARDS

Rewards

Pupils are awarded a Green Card as a positive reinforcement of good work, good behaviour and helpfulness or for going 'above and beyond' the expectations of our School Code of Conduct. Staff issuing the Green Card record this on the school's iSAMS 'Reward & Conduct Manager' module.

For work of an exceptionally high standard for that individual, staff may award a Silver or Gold Card. The piece of work is presented to the Headmaster and 5 or 10 Green Cards are added to the House total. Pupils can also achieve a silver card if a piece of their work is included in the Fantastic Work Assembly..

At the end of each week the totals for each House are calculated and are published on a notice board or celebrated in a House meeting. The grand total for the term is calculated and the winning House receives a trophy.

At the end of each term, one pupil from each Form with the most individual number of Green Cards will be invited to the Headmaster's Lunch.

Positive Postcards. This is a school post-card sent to the parents by any member of staff, briefly outlining the child's positive contribution to school life and linked to our Code of Conduct.

On the sporting front, Colours badges, socks or ties can be awarded at Colts/U11 and 1st team level to those individuals deserving of them. Members of the Choir, shooting teams, triathlon or farm-helpers can also be eligible for a 'Colours' tie or badge. There are also Colours awarded for outstanding performance in the Arts.

Each week in assembly a tie is awarded to one boy and one girl for 'Sportsperson of the Week'. This can be awarded for outstanding play, sportsmanship, effort, improvement or support. Ties are also presented across other domains including music, drama and equestrian endeavour.

Prizes for achievement, effort and endeavour in all areas of school life are awarded annually on Prize Giving Day on the last day of the Summer Term

Sanctions and Exclusions

"We promote what we permit."

It is expected that pupils are given the opportunity to 'put it right' and that staff will give pupils a verbal 'Guidance' to correct their behaviours in the first instance. We use the phrase 'connection before correction' as part of our relational approach to pupils' behaviour.

Orange Cards must never be used by members of staff as a threat. Indeed, at The Elms, the responsibility of staff is to assist pupils in avoiding Orange Cards through clear, consistent guidance on their behaviours.

Behaviour is everyone's responsibility and every member of staff at The Elms has the authority to issue Orange Cards provided that they have received training on our Behaviour Policy. Orange Cards must be explained to the child clearly at the point of issuing.

Orange Cards are issued for misbehaviour that breaches the code of conduct. These are not given for poor academic work as this is viewed as a different issue that should be dealt with by

the individual member of staff and supported by Deputy Head Academic.

Pupils, staff and parents at The Elms School helped to co-construct the criteria for Orange Cards with clearly defined expectations over behaviours which would warrant an immediate Orange Card as well as those which they felt would benefit from a 'Guidance' discussion and offer the pupil the chance to 'put it right' – either there and then or within a short timeframe.

Staff may issue 'Guidance' and/or Orange Cards in the case of behaviour which matches the criteria table below. It is made clear to the child that an Orange Card has been issued and the reason for it – this must be recorded on iSAMS as soon as realistic and within 24hrs. The following details are recorded in the Orange Card area of iSAMS: name of the member of staff issuing the card; the nature of the misdemeanour; the date, and a code to categorise the offence.

Guidance Discussion – Escalation to Orange (Timeframe)	Immediate Oranges
Wrong Clothing (e.g. trainers instead of school shoes / incorrect coat / incorrect games socks)	Swearing – not deliberately AT an individual (deliberate swearing at another individual is a Red Card sanction)
Challenging an adult's authority	Disrespectful challenge of an adult's authority
Talking over a member of staff when they are delivering learning/information <i>(2 warnings in any one session; 3rd time equals an Orange Card)</i>	Laptop found in the changing room, anywhere around school other than trolley or on person/in bag
Talking in Chapel/Assembly/Start of lunch <i>(2 warnings in any one session; 3rd time equals an Orange Card)</i>	Wrong footwear worn on Astro / in Sports Hall (Sensible leniency offered for new pupils to the school)
Not following staff instruction leading to the disruption of learning / safety / good order <i>(2 warnings in any one session; 3rd time equals an Orange Card)</i>	Using an item without owner's permission
Lateness to class. Persistent <i>(3 times in one week)</i> or consecutive <i>(3 lessons on the trot)</i>	Being on/using the Gymnastics equipment in the Sports Hall
Not having blazer on in Chapel / Assembly / Formal Events	
Knowingly being in the wrong place without permission (e.g. changing rooms / sports hall on dry day / in dorms during day)	
Eating inside other than the kitchen without staff permission	

Behaviour - Orange Card System

There is a clear escalation procedure in relation to the issuing of Orange Card sanctions:

Step 1

Upon an Orange Card entry into iSAMS, Form Tutors House Leaders are automatically notified.

Step 2

In the instance of 3 Orange Cards in any Half-Term, a notification will be sent to the Senior Master and will result in a breaktime detention being completed. Parents will be notified of this sanction by email from the Senior Master. The purpose of the detention is to repair and restore – to discuss the behaviours that have led to the sanction and discuss ways forward to support the child in

avoiding further sanction.

Step 3

In the instance of 5 orange cards in any Half-Term, a notification will be sent to the Deputy Head Pastoral and will result in a breaktime detention being completed. Parents will be notified of this sanction by email from the Deputy Head Pastoral. The purpose of the detention is to repair and restore – to discuss the behaviours that have led to the sanction and discuss ways forward to support the child in avoiding further sanction.

Step 4

If a child exceeds 5 Orange Cards in any Half-Term, this will result in a Headmaster's detention and a Behaviour Plan formulation may then be triggered, led by the Deputy Head Pastoral and SENDCo. This is an agreement between the Parents, School and Pupil and is aimed at giving the pupil a chance to reflect and have clear instructions and guidance on how to improve.

Serious & Significant Behaviour – Red Card System

The majority of sanctions are dealt with by the Orange card system explained above. However, there are of course occasions when more serious behaviours require immediate escalation.

If deemed necessary, and in-line with the table below, a Red Card can be issued immediately by staff. This results in automatic referral to the Headmaster.

Deliberate Physical Assault	Deliberate Verbal Assault	Child-on-Child Abuse (inc. Online Bullying and Sexual Violence & Harassment)	Criminal Damage	Possession of Prohibited items (as per DfE SSC Advice – July '22
<p>Punching / kicking / slapping another pupil/ member of staff.</p> <p>Spitting deliberately at another pupil/ member of staff</p> <p>Animal cruelty.</p>	<p>Swearing deliberately at a member of staff or other adult on site.</p> <p>Aggressive / pointed verbal assault toward another pupil which may include profanity.</p>	<p>As detailed in Appendix 3 of the school's Safeguarding & Child Protection Policy.</p> <p><i>In these instances, a Red Card will only form the initial response in order to bring the matter to the attention of the Headmaster and other key personnel.</i></p>	<p>Actual deliberate damage to school property / buildings</p> <p>Actual deliberate damage to others' property</p>	<p>Possession in school of any of the prohibited items on p.7 of the guidance Searching, Screening and Confiscation (publishing.service.gov.uk)</p>

Upon receiving a Red Card, the pupil will be escorted to the Headmaster with immediate effect. The pupil must wait in the front office for the Headmaster to become available and must not return to any timetabled provision until the meeting has completed. The Headmaster will hear the details of the behaviour from the issuing member of staff before discussing with the pupil. The Headmaster will decide upon the appropriate course of action which may include:

- Headmaster's Detention;
- Suspension for a fixed period of time;
- Contact with a Local Authority Safeguarding Team;

- Contact with the other external authorities;
- Expulsion from school permanently.

The Headmaster will involve parents/carers in all cases of a Red Card incident.

Suspension: A pupil may be sent home for a period of time specified by the Headmaster. If an individual is persistently in breach of our expected standards of behaviour or their attitude and behaviour are seriously damaging to the life and welfare of others, or for a single major breach of law, rule or morality, he/she may be asked to leave the school.

Expulsion: Only for the most serious offences or for persistent occurrences of 'more serious offences' will expulsion be considered.

NB – Please see Appendix B for further details about the processes to be followed in considering exclusion.

All Red Cards are recorded by the Headmaster or the Deputy Head Pastoral on iSAMS. Amongst this the Deputy Head Pastoral keeps a record of serious sanctions (Step 4, Red Cards and their resulting sanction, including suspension or expulsion).

Individual circumstances will always be taken into account when punishments are issued. Individual dispensation and discretion will be used when dealing with any pupil who has SEN or a disability that may affect their behaviour. Depending on individual circumstances a Consistency Plan may be in place that specifies appropriate and suitable ways of handling a particular pupil. These cases will be carefully considered on a case-by-case basis, but with consideration of any like precedents that have been set.

Behaviour Plan

If a child meets Step 4 (above), their conduct would trigger a 'Behaviour Plan'. This is created by the Deputy Head Pastoral alongside key staff, the pupil and parents. This would normally last for a week but can be continued for a longer period if it is felt necessary. The aim of a Behaviour Plan is to avoid any Red Card offences and possible suspension or expulsion.

This policy is generally written and enforced for behaviour within school or whilst under the care of the school (e.g. off site visits or residential trips). However, action may be required if a pupil's behaviour and conduct outside the school's care and supervision has a detrimental and on-going effect on the school, its pupils or staff.

BOARDING DISCIPLINE

Green cards are given to children both in and outside of the classroom, and this should be no exception in the dorms. Children who have made a special effort to help another child in their dorm, have been helpful to a member of staff or who regularly have tidy bed areas might, for example, be eligible for a green card. Any dorm that has been seen to be especially helpful to matrons, domestic and House staff may be rewarded with a dorm prize.

With regards to discipline, no pupil should give out any kind of punishment to another child. All problems with children should be reported to a member of staff and it is they who are required to deal with any situation. When appropriate a punishment will be issued and may be recorded on the night report and reported to Deputy Head (Pastoral).

- Verbal admonishment
- Orange Card
- Early bedtime

- Community Service such as helping House staff with chores e.g making beds, laying up for breakfast.
- Removal of tuck
- Missing break
- Staying in dorm during little tea break, supervised by staff
- Removal from the dorm for a short period of time, allowing for quiet reflection and others to settle
- Letter of apology
- A night in Sick Bay (if not occupied)

No member of staff may issue unacceptable, excessive or idiosyncratic punishments. The following punishments are entirely unsuitable;

- Punishments intended to cause pain, anxiety or humiliation,
- corporal punishments
- deprivation of food and drink,
- enforced eating and drinking,
- prevention of contact with parents, independent listeners or helpline
- Requirement to wear distinctive clothing (or night-clothes as a day punishment)
- With-holding of medical, optical or dental treatment
- Deprivation of sleep
- Locking in a room

The Deputy Head Pastoral reviews the weekly boarding meeting minutes to ensure they are aware of any issues/events during boarding times (although it is usual that issues are discussed as and when they arise and may also be raised in the daily staff briefing).

Any individuals who are causing concerns will be raised at the weekly boarding meeting and/or at the daily and weekly Staff Briefing / Meeting.

4

BEHAVIOUR TOWARDS CHILDREN AND ACCEPTABLE RESTRAINT

Annual inset training is given by the Deputy Head on our policy regarding acceptable restraint of children.

Much of the following is taken from the DfE *Use of reasonable force: Advice for headteachers, staff and governing bodies*. July 2013

- Staff are expected to behave in accordance to the legal requirements of Child Protection legislation.
- The over-riding guideline for best practice at The Elms School, is that staff should mirror the family values which reflect the ethos of our school.
- Within the guidelines of the family values, members of staff are permitted to use what in their professional judgement is necessary physical restraint of a child or other adult, should they deem it so to be necessary in order to avoid harm or damage of any description (to a person or property) taking place. Examples of this must always be recorded, in writing, and reported without delay to the Headmaster or Deputy Head. We would endeavour to inform parents on the same day or as soon as is reasonably practical should any incident

take place. For disabled children or those with SEN staff should make reasonable adjustment if there is a need for the use of force.

Key points

- School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
- Senior school leaders should support their staff when they use this power.

What is reasonable force?

1. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
2. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
5. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
6. Elms staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

Who can use reasonable force?

- All members of Elms School staff have a legal power to use reasonable force.
- This power applies to any member of staff at the school. It can also apply to people whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

When can reasonable force be used?

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupils or to restrain them.
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil 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; and
- restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

- use force as a punishment – it is always unlawful to use force as a punishment.

POSITIVE HANDLING POLICY

The Elms does not sanction corporal punishment and it **must not** be used on a child. Staff must not threaten corporal punishment, and must not use or threaten any punishment which could adversely affect a child's well-being (refer to Discipline Policy and Sanctions).

The Elms School acknowledges that staff must only ever use physical intervention as a last resort, and that at all times it must be the minimal force necessary to prevent injury to themselves or others or damage to property. A person will not be taken to have used corporal punishment (and therefore will not have committed an offence), where physical intervention was taken for the purposes of averting immediate danger or personal injury to any person (including the child) or to manage a child's behaviour if absolutely necessary. A record must be kept of any occasion where physical intervention is used, and parents and/or carers must be informed on the same day or as soon as reasonably practicable.

Staff acknowledge that physical intervention of a nature that causes injury or distress to a child may be considered under safeguarding children or disciplinary procedures.

Staff are trained in the school's Acceptable Restraint and Positive Handling policy annually.

EARLY YEARS APPENDIX TO DISCIPLINE POLICY (3 – 6 YRS)

We feel that even in the Early Years (3 - 6yrs):

- All pupils and staff have the right to be respected.
- Unacceptable behaviour can be changed – 2-3 weeks is a realistic amount of time at this age although every child is unique and with some children this may need less time but with others it may be longer.
- Good discipline is best promoted by role modelling.

At the Elms and in the Early Years we aim to provide:

- Good adult role models and we encourage children and peers to model caring, co-

operative behaviour.

- Positive reinforcement of good behaviour
- Expectations of children's behaviour in line with the developmental stages of the EYFS (Early Years Foundation Stage Sept 2012) based on the child's IEP.
- Celebration of a wide range of achievement
- A staff who demonstrate the responsibility for maintaining a good standard of discipline and promoting the school's ethos of being a caring community, which helps children to extend their skills and develop talents.

At The Elms and in the Early Years we expect the children to be:

- Kind
- Considerate
- Tolerant
- Polite

Management of Unacceptable Behaviour

(This list gives an indication of levels of seriousness but is not exhaustive)

We accept that these incidents will occur at some stage as part of a child's development and it is their way of expressing emotions at a stage when they are learning to speak.

- Hurting another child (biting, scratching, hitting).
- Disrupting another child's work or play.
- Destroying equipment.

When the incident arises staff will discuss a plan of action based on the following policy:

- Staff will verbalise what has happened and express their concern about the behaviour.
- Staff will monitor the child and follow the ABC plan to understand the cause of the behaviour.
- Staff will distract the child and help them modify their behaviour in order to gain a positive result.
- Staff may decide to 'shadow' the child for a period of time.
- Staff will be aware of the child to whom the negative behaviour is being addressed.
- The child will be asked to say 'sorry' for his/her actions.
- Parents of the child who has been hurt will be notified that day.
- Parents of the child whose behaviour is being monitored will be asked to help create the action plan to ensure continuity of care.
- Head of Early Years will liaise with Headmaster to ensure plan is acceptable.
- Where there has been no progress, Head of Early Years and child's key worker will meet with parents to discuss a plan of action.
- If there continues to be no progress Head of Early Years and Headmaster will meet with parents to discuss a period of 'time-out'.
- If this does not help the situation and on return to The Elms the child is still putting other children at risk of being hurt, the Headmaster will consult with parents as to whether The Elms is the right environment for child.

Appendix A



THE ELMS
EST 1614

Pupils' Code of Conduct

- 1) *Treat others as you want to be treated.*
- 2) *Use your common sense (think before you act!)*
- 3) *Be polite and respectful to all pupils, staff and visitors.*
- 4) *Speak positively about and to others.*
- 5) *Be tolerant of other people and your differences, even when you don't always see eye to eye.*
- 6) *Try your hardest at everything and don't be afraid to try something new.*
- 7) *Care for property belonging to pupils and school.*
- 8) *Help others.*
- 9) *Be punctual.*
- 10) *Always have good manners.*

Appendix B

The Elms School

Exclusions Policy

Introduction

1 *Scope:* This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be permanently excluded from the School, or required to leave permanently for misconduct or other reasons. The policy applies to all pupils at the School whether or not in the care of the School but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by his/her parents.

2 *Interpretation:*

References to the *Headmaster* include Deputy Head (Pastoral) if authorised to act on his behalf.

"*Parent*" includes one or both of the parents, a legal guardian or education guardian.

"*Permanent Exclusion*": A pupil may be formally and permanently excluded from the School if it is proved on the balance of probabilities that the pupil has committed a very grave breach of discipline or a serious criminal offence. Permanent exclusion is reserved for the most serious breaches. Permanent exclusion may also be commonly referred to as 'expulsion'.

"*Removal*": Parents may be required to remove a pupil permanently from the School 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, behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and / or the community life offered by the School; or

(b) if the parents have treated the School, members of its staff or any member of the School community unreasonably.

"*Suspension*": In this policy, unless otherwise stated, suspension is a neutral act whereby the pupil is sent home pending the outcome of an investigation or a Governors' Review. Suspension is also used as a disciplinary sanction.

Subheadings are for ease of reading and not part of the policy.

3 Timescales for the procedure are set out below. When we refer to **working days**, we mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website.

4 This policy is based on a high level of co-operation between the School in the form of Housemaster/mistress, Deputy Head (Pastoral) and Headmaster, and parents, in all disciplinary matters. This will be the background for the management of serious misconduct.

Policy statement

- 5 *Aims:* The aims of this policy are:
 - 5.1 To support the School's behaviour and discipline code.
 - 5.2 To ensure procedural fairness and natural justice.
 - 5.3 To promote co-operation between the School and parents when it is necessary for the School to require a pupil to leave earlier than expected.
- 6 *Misconduct:* The main categories of misconduct which may result in permanent exclusion or removal include but are not limited to:
 - 6.1 Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco.
 - 6.2 Theft, blackmail, physical violence, intimidation, racism or persistent bullying.
 - 6.3 Misconduct of a sexual nature; supply or possession of pornography.
 - 6.4 Possession or use of unauthorised firearms or other weapons.
 - 6.5 Vandalism and computer hacking.
 - 6.6 Persistent attitudes or behaviour which are inconsistent with the School's ethos.
 - 6.7 Other serious misconduct which affects the welfare of a member or members of the School community or which brings the School into disrepute (single or repeated episodes) on or off School premises.
- 7 *Other Circumstances:* A pupil may be required to leave if, after all appropriate consultation, the Headmaster is satisfied that it is not in the best interests of the pupil, or of the School, that he/she remains at the School.
- 8 *Equality:* The School will make reasonable adjustments for managing behaviour which is related to a pupil's special educational need and/or disability. Where permanent exclusion needs to be considered, the School will ensure that a pupil with a disability or special educational needs and/or his/her parents are 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. A consultation with the DSL about any safeguarding considerations before any sanctions are applied will also be undertaken.

Procedure

- 9 **The procedure:** The procedure followed by the School in cases where a sanction of permanent exclusion or removal may be imposed by the Headmaster are summarised in the flowchart at Appendix 1 to this Policy. The three stages of this procedure are as follows:
 - 9.1 **Investigation Procedure** – further details of the procedures to be followed at this stage are set out at paragraphs 10 to 15.

- 9.2 **Disciplinary Meeting with the Headmaster** – further details of the disciplinary meeting are set at paragraphs 16 to 21.
- 9.3 **Governors' Review** – further details of the Review are set out at paragraphs 22 to 30.

Investigation Procedure

- 10 *Complaints:* A complaint or rumour about serious misconduct or cases in which the Headmaster considers that a pupil is unwilling or unable to benefit sufficiently from the educational opportunities and/or the community life offered by the School or parents have treated the School, members of its staff or any member of the School community unreasonably will be investigated. This investigation will normally be co-ordinated by the Deputy Head (Pastoral), and its outcome will be reported to the Headmaster. Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the pupil being permanently excluded or removed from the School.
- 11 *Suspension:* A pupil may be suspended from boarding and/or from the School and required to live at home or with his education guardian while a complaint is being investigated or while an investigation is suspended (see paragraph 15 below). Should a suspension continue for a period of more than five working days, the School will take reasonable steps to put in place arrangements to ensure the continuing education of the pupil. Parents or guardians should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set. Alternatively, he/she may be placed under a segregated regime on School premises.
- 12 *Search:* The School may decide to search a pupil's space and belongings, and ask him/her to turn out the contents of pockets or a bag, if it considers there is reasonable cause to do so. Clothing will not be searched until it has been removed from the wearer and care will be taken to ensure reasonable privacy. This policy does not authorise an intimate search or physical compulsion in removing clothing. Only outer clothing will be searched. If necessary, the police would be called. See also the School's policy on searching and confiscation in the Teaching Staff Handbook. This would include the use of an 'Appropriate Adult' in line with the Police and Criminal Evidence Act 1984 (PACE Code C)
- 13 *Interview:* A pupil may be interviewed informally by a member of staff to establish whether there are grounds for a formal investigation. If the pupil is then interviewed formally about a complaint or rumour, arrangements will be made for him/her to be accompanied by a member of staff of his/her choice and/or by a parent (if available at the relevant time). A minute of the interview will be recorded in writing by the interviewing member of staff.
- 14 *Ethos:* An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.
- 15 *Suspension of an investigation:* It may be necessary to suspend an investigation, for example where external agencies such as the police or Children's Services are involved and have advised that this is necessary. A decision to suspend an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.

Disciplinary Meeting

- 16 *Preparation:* The Chairman of Governors will be informed of the investigation. Documents available at the disciplinary meeting before the Headmaster will include:
- 16.1 A statement setting out the points of complaint against the pupil or, where applicable, the parents.
 - 16.2 Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
 - 16.3 The Deputy Head (Pastoral) Investigation Report.
 - 16.4 The pupil's School file and (if separate) House file and conduct record.
 - 16.5 The relevant School policies and procedures.

- 17 *Attendance:* The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Headmaster at which the Deputy Head (Pastoral) will explain the circumstances of the complaint and his investigation. The pupil may also be accompanied by a member of staff of his/her choice. Where the complaint concerns the behaviour of the parents, the pupil will not generally be expected to attend the meeting and this procedure then applies to the parents only.

The pupil and his/her parents will have an opportunity to state their side of the case. Members of staff will be on hand to join the meeting if needed, and their statements will be disclosed but, in most cases, the anonymity of pupils will be preserved.

If the parents or the pupil have any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Headmaster or Deputy Head (Pastoral) so that appropriate arrangements can be made.

If a parent is unable to attend because of, for example, travel and working commitments, the School will make reasonable alternative arrangements to ensure the parent can be involved, remotely if necessary, with the disciplinary process and their child's education.

- 18 *Proceedings:* There are potentially three distinct stages of a disciplinary meeting:
- 18.1 *The complaints* - the Headmaster will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil or, where applicable, the parents. Unless the Headmaster considers that further investigation is needed, he will decide whether the complaint has been sufficiently proved. The standard of proof shall be the civil standard, i.e. the *balance of probabilities*. Appropriate reliance may be placed on hearsay evidence but the Headmaster will not normally refer to the pupil's disciplinary record at this stage.
 - 18.2 *The sanction* - if the complaint has been proved the Headmaster will outline the range of disciplinary sanctions which he considers are open to him. He will take into account any further statement which the pupil and/or others present on his behalf wish to make. The pupil's disciplinary record will be taken into account where the complaint concerns the conduct of the pupil. Then, or at some later time, normally within 24 hours, the Headmaster will give his decision, with reasons.
 - 18.3 *Leaving status* - if the Headmaster decides that the pupil must leave the School, he will consult with a parent before deciding on the pupil's leaving status (see below).

- 19 *Delayed Effect:* A decision to permanently exclude or remove a pupil shall take effect five days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from School premises. If within five days the parents have made a written application for a Review of the decision by the Governors, the pupil shall remain suspended until the Review has taken place and either the sanction is upheld or a reconsidered decision made.

Leaving status

- 20 *Explanation:* If a pupil is permanently excluded or removed, his/her leaving status will be one of the following: "permanently excluded ", "removed" or, if the offer is made by the Headmaster and accepted by the parents, "withdrawn by parents".

- 21 *Detail:* Additional points of leaving status include:

21.1 The form of letter which will be written to the parents and the form of announcement in the School and House that the pupil has left.

21.2 The form of reference which will be supplied for the pupil.

21.3 The entry which will be made on the School record and the pupil's status as a leaver.

21.4 Arrangements for transfer of any course and project work to the pupil, his/her parents or another school.

21.5 Whether (if relevant) the pupil will be permitted to return to School premises to sit public examinations.

21.6 Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.

21.7 Whether the pupil will be entitled to leavers' privileges.

21.8 The conditions under which the pupil may re-enter School premises in the future.

21.9 Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refund of prepaid fees.

Governors' Review

- 22 *Request for Review:* A pupil or his / her parents may request a Review by the Governors of the Headmaster's decision to permanently exclude or Remove a pupil or where a decision has been made to impose the disciplinary sanction of suspension on a pupil for 11 School days or more or where such suspension would prevent a pupil from taking a public examination. The application must be made in writing using the Request Form at Appendix 2 and received by the Clerk to the Governors within seven days of the Headmaster's decision being notified to a parent, or longer by agreement. If the parents or the pupil have any special needs or disabilities which call for additional facilities or adjustments, these should be made known to Clerk so that appropriate arrangements can be made.

- 23 *Grounds for Review:* In their application the parents must state the grounds on which they are asking for a review and the outcome which they seek. For the avoidance of doubt, a mere disagreement with the decision of the Headmaster will not of itself be grounds sufficient for a Review.

- 24 *Review Panel:* The Review will be undertaken by a three member sub-committee of the Board of Governors. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not normally include the Chairman of Governors. Selection of the Review Panel will be made by the Clerk to the Governors. With the exception of the Chairman of Governors, those Governors not appointed to the Panel will not be provided with information about the case. Parents will be notified in advance of the names of the Panel members. Fair consideration will be given to any bona fide objection to a particular member of the Panel. The Panel may, if requested by the parents, include an independent member who has no connection with the management or running of the School.
- 25 *Role of the Panel:* The role of the Panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Headmaster's decision or refer the decision back to him with recommendations so that he may consider the matter further.
- 26 *Review Meeting:* The meeting will take place at the School premises, normally within ten working days of the parents' application receipt. A Review will not normally take place during School holidays.

The parents and the Headmaster will be asked to submit any documents they wish to refer to at the meeting to the Clerk to the Governors and a single bundle will be circulated to the Panel and the parties simultaneously at least three days before the meeting. On receipt of new information not previously available to the Headmaster before his decision was made, the Clerk should contact the Chairman of Governors who will decide whether:

- 26.1 to include the new information in the bundle; or
- 26.2 to omit the information if not relevant to the grounds for Review; or
- 26.3 to make further enquiries of the parents or the pupil about the information; or
- 26.4 to refer the information to the Headmaster for his consideration as to whether the decision should be revisited.

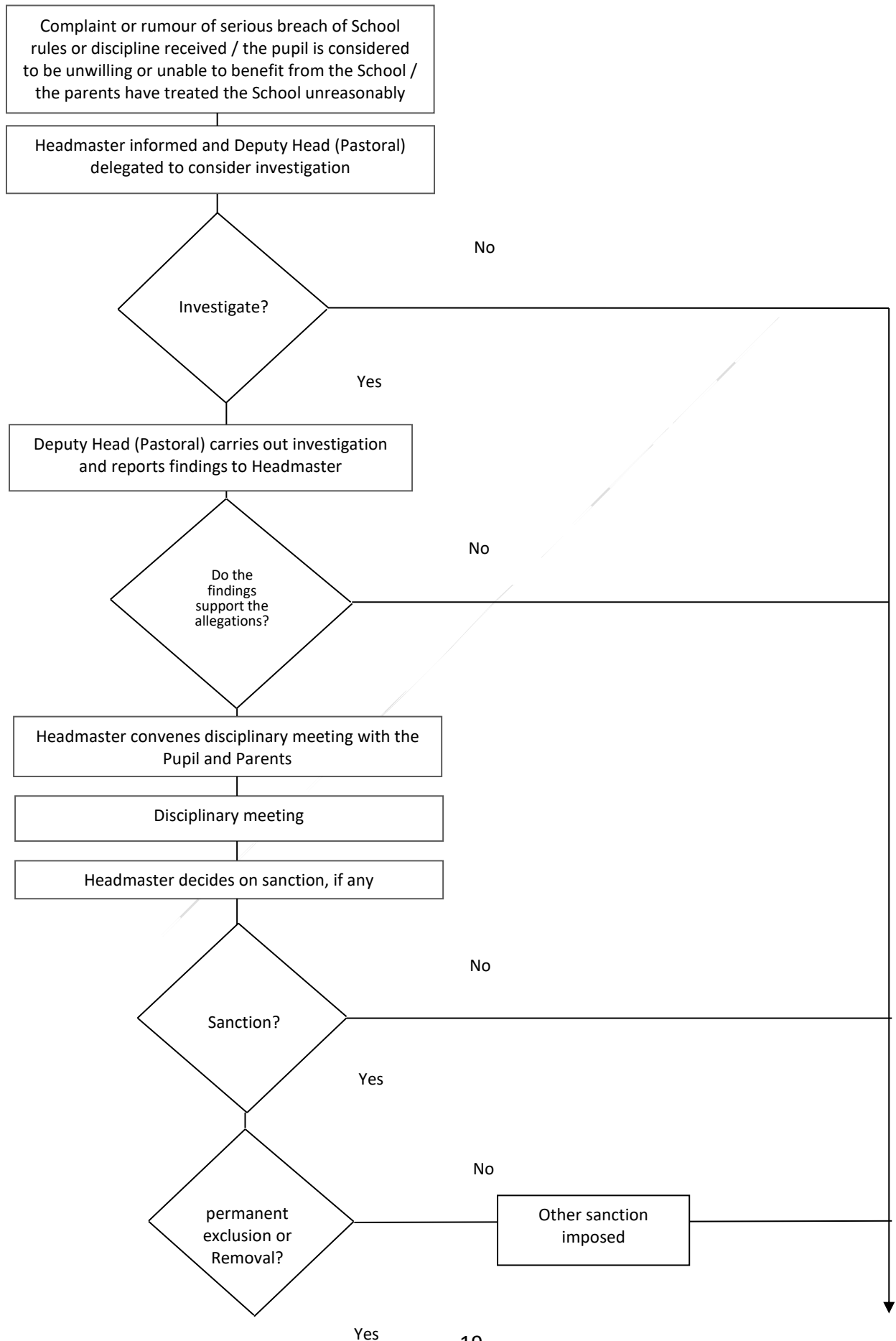
A Review Meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

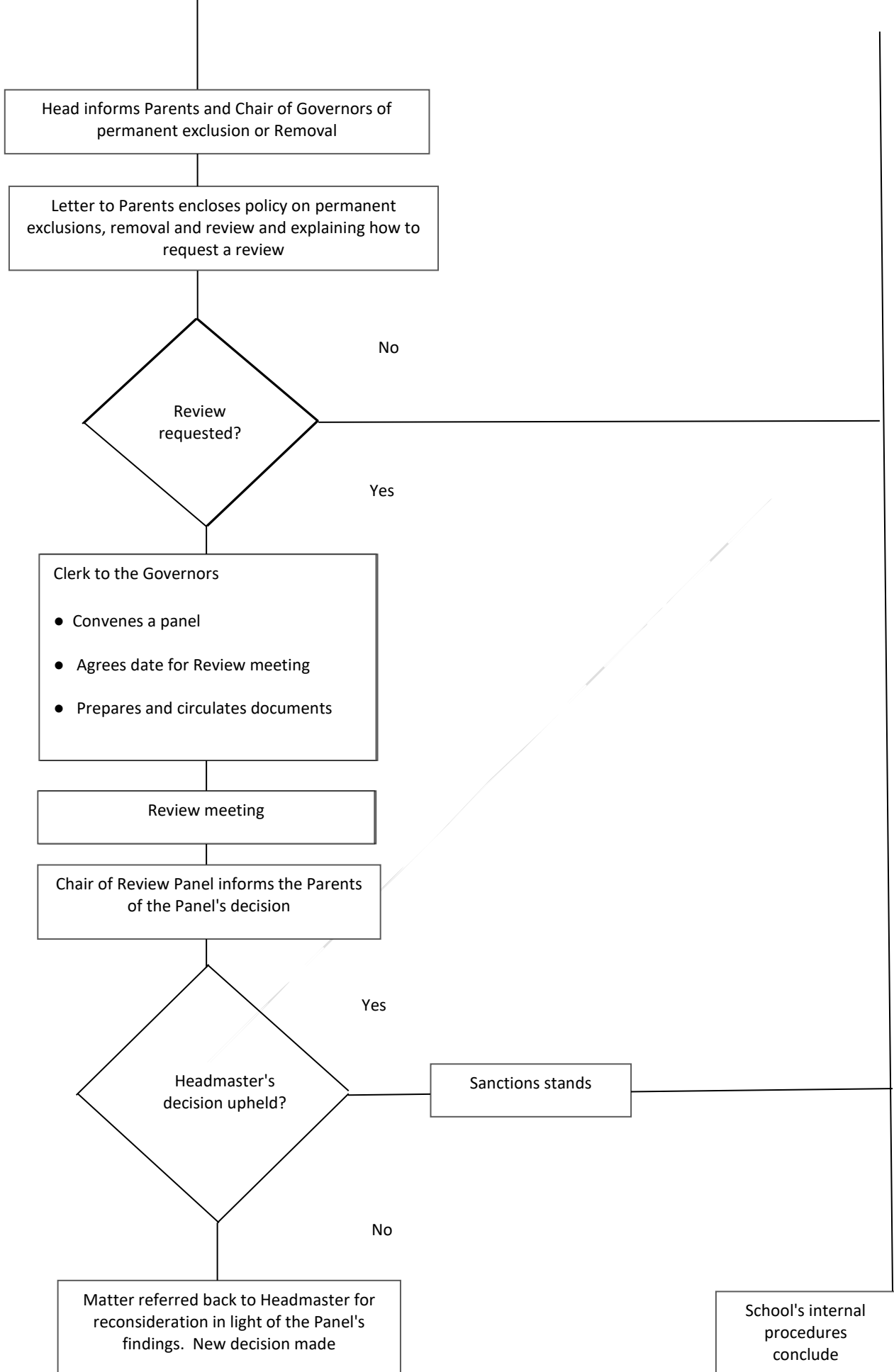
- 27 *Attendance:* Those present at the Review Meeting will normally be:
- 27.1 Members of the Review Panel and the Clerk to the Governors or his/her deputy.
 - 27.2 The Headmaster and any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Headmaster considers should attend in order to secure a fair outcome.
 - 27.3 The pupil together with his/her parents and, if they wish, a member of the School staff who is willing to speak on the pupil's behalf. If the complaint concerns the behaviour of the parents, the pupil will not be expected to attend. The parents may be accompanied by a friend or relation. The meeting is not a legal proceeding and so legal representation is not necessary. The Clerk to the Governors must be given five working days' notice if the friend or relation is legally qualified and the parents should note that the Review Panel will wish to speak to the parents directly and this person will not be permitted to act as an advocate or to address the meeting unless invited to do so by the Chair of the Panel.

- 28 *Conduct of Meeting:* The meeting will be chaired by one member of the Review Panel and will be conducted in a suitable room and in an informal manner. All statements made at the meeting will be unsworn. The proceedings will not be recorded but the Clerk will be asked to keep a hand-written minute of the main points which arise at the meeting. All those present will be entitled, should they wish, to write their own notes. The meeting will be directed by the Chair who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chair may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.
- 29 *Procedure:* The Headmaster will provide the parents with a copy of the current Review procedure if requested. The Panel will consider each of the questions raised by the pupil or his/her parents and any documentation they wish to rely on so far as relevant to:
- 29.1 **Whether the decision was fair procedurally and/or substantively** - whether the facts of the case were sufficiently proved and an appropriate procedure followed when the decision was taken to permanently exclude or remove of the pupil. The civil standard of proof, namely, "*the balance of probability*" will apply; and
- 29.2 **Whether the sanction was proportionate**, that is, whether it was warranted in respect of the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the School's policy in that respect.
- 29.3 The requirements of natural justice will apply. If for any reason the pupil or his/her parents are dissatisfied with any aspect of the meeting they must inform the Chair at the time and ask the Clerk to note their dissatisfaction and the reasons for it.
- 30 *Decision:* When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he will conclude the meeting and the Panel will consider its decision and recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Headmaster and the parents by the Chair of the Review Panel or the Chairman of Governors within three working days of the meeting. The Headmaster will provide his response to those recommendations, if appropriate, in writing within 24 hours. In the absence of a significant procedural irregularity, the Headmaster's decision will be final.

Appendix 1

Procedural flowchart





Appendix 2

The Elms School

Request for a Governors' Review of a decision by the Headmaster to permanently exclude or require a pupil to leave

To: The Clerk to the Governors of The Elms School, The Bursary, The Elms School, Colwall, WR13 6EF

Name of Pupil:

I/WE REQUEST that a sub-committee ("Panel") of the Board of Governors carries out a review of the Headmaster's decision to permanently exclude or require removal of the above named pupil. I/we agree that the Review will be carried out in accordance with the Review Procedure supplied to us with this form and I/we agree to abide by the terms of that Procedure and in particular that the proceedings are and will remain confidential and that the Governors' Review will be final, subject to such (if any) legal rights as may exist.

I/WE CONFIRM that I/we have parental responsibility for the above named pupil and that I/we have consulted the pupil who wishes the Review to be undertaken.

I/WE UNDERSTAND that the Panel will be concerned with the fairness and proportionality of the Headmaster's decision in accordance with the School's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

I/WE UNDERSTAND that I/we may be accompanied at the Review Meeting by a friend or relation and that I/we may ask up to two members of the School staff to attend the meeting and speak on behalf of the pupil if they are willing to do so. If I/we wish to bring a friend or relation who is legally qualified I/we will provide [•5] working days' notice as required.

I/WE WILL INFORM the Clerk to the Governors if I/we have any special needs or disabilities requiring additional facilities or adjustments.

THE GROUNDS upon which we seek a Review and the matters which we wish to discuss at the Review and to ask the Panel to take into account are as set out in a statement attached to this sheet.

(Two signatures required where practicable)

First Signature.....

Second Signature

Full Name.....

Full Name.....

Relationship to Pupil

Relationship to Pupil.....

Address:

Address:

.....

.....

Telephone Numbers

Telephone Numbers

Daytime:

Daytime:.....

Evening:

Evening:.....

Date:

Date:

Appendix 3

Exclusions Policy – Action Points

UNDERTAKING	BY WHOM
<ul style="list-style-type: none"> Investigate a complaint or rumour about serious misconduct and report the outcome of the investigation to the Headmaster 	Headmaster/Deputy Head (Pastoral)
<ul style="list-style-type: none"> Inform the parents as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the pupil being permanently excluded or required to leave 	Headmaster/Deputy Head (Pastoral)
<ul style="list-style-type: none"> Clothing will only be searched after it has been removed from the wearer, and care will be taken to ensure privacy 	Headmaster/Deputy Head (Pastoral)
<ul style="list-style-type: none"> Make arrangements for a pupil subject to formal interview about a complaint or rumour to be accompanied by a member of staff of his/her choice and/or a parent (if available at the relevant time) 	Headmaster/ Deputy Head (Pastoral)
<ul style="list-style-type: none"> Inform the Chairman of Governors of the investigation 	Headmaster/Deputy Head (Pastoral)
<ul style="list-style-type: none"> Provide documents to the Headmaster for the disciplinary meeting including statement of the points of complaint, written statements and notes of evidence supporting the complaint, the Deputy Head (Pastoral)'s investigation report, pupil's School and House file, any relevant School policies and procedures 	Headmaster/Deputy Head (Pastoral)
<ul style="list-style-type: none"> The pupil and his/her parents will be asked to attend the disciplinary meeting, at which the pupil may be accompanied by a member of staff of his/her choice 	Headmaster
<ul style="list-style-type: none"> The Deputy Head (Pastoral) will explain the circumstances of the complaint and his investigation, and the pupil and his/her parents will have the opportunity to state their side of the case 	Headmaster/Deputy Head (Pastoral)
<ul style="list-style-type: none"> Consider the complaint/s and evidence, and decide whether the complaint has been sufficiently proved 	Headmaster
<ul style="list-style-type: none"> Outline the disciplinary sanctions available should the complaint be proved 	Headmaster
<ul style="list-style-type: none"> When making his decision, take into account any further statement which the pupil and/or others present on his/her behalf wish to make, and also the pupil's disciplinary record 	Headmaster
<ul style="list-style-type: none"> Give his decision within 24 hours 	Headmaster
<ul style="list-style-type: none"> If an application for review is received within seven days of the decision being notified, form a Review Panel of three members of the Governing Body who have no previous knowledge of the case or of the pupils/parents, and excluding the Chairman 	Clerk to the Governors
<ul style="list-style-type: none"> Notify the parents in advance of the names of the panel members 	Clerk to the Governors
<ul style="list-style-type: none"> Conduct a review meeting at the School premises, within ten working days of the application being received 	Review Panel
<ul style="list-style-type: none"> Conduct the meeting so that all present have a reasonable opportunity to ask questions and make appropriate comment 	Chair of Review Panel
<ul style="list-style-type: none"> Consider each questions raised by the pupil or his/her parents so far as relevant 	Review Panel
<ul style="list-style-type: none"> Notify the parents of the decision within three working days of the meeting, either by letter or telephone, giving reasons for the decision. In the absence of significant procedural irregularity, the decision of the Review Panel will be final. 	Chair of Review Panel or Chairman of Governors

