

## **Queen Elizabeth's School**

### **PUPIL DISCIPLINE POLICY**

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Queen Elizabeth's School aims to teach pupils to behave well, to foster good attitudes and to promote the knowledge and skills which will sustain them in adult life. We believe that a happy personal life and good employment prospects rests on good character as much as the best academic qualifications.

Alongside setting and implementing this policy, and its associated procedures for rewarding and sanctioning pupils' behaviour, governors and staff will always seek to model good conduct by acting professionally, fairly and with the best interests of pupils in mind.

We recognise, though, that the primary responsibility for education and training lies with a pupil's parents. The School can only succeed if a pupil's family are, therefore, at least compliant partners, accepting of the system of discipline and the ethos of the School. Where pupils get strongly conflicting messages at home and at School, the outcome will be divisive. The School asks all parents/guardians to sign a Home-School Agreement. In this agreement, we emphasise the need for all parents/guardians to be aware of our policy on school discipline. Information on the School's expectations and systems for managing behaviour form part of the induction process for new pupils and parents.

At Queen Elizabeth's we aim to create an orderly and harmonious community, in which effective learning can take place and in which there is mutual respect between all members. This respect is developed further through our policy on Equal Opportunities and our bespoke Personal Development Time curriculum.

Discipline is both internal (as in self-discipline) and external (as in a system of rules for good behaviour). Good behaviour is conduct that assists the School to fulfil its mission to produce pupils who are confident, able and responsible. Bad behaviour is conduct that prevents the smooth functioning of the School, causes harm or obstructs the learning of others.

At Queen Elizabeth's, the disciplinary system places its strongest emphasis on the development of character and self-discipline through a positive approach of encouragement, praise, and reward. The School expects commitment to this system of positive reinforcement from pupils, staff and parents/guardians.

We encourage pupils behave consistently with the ethos of the School. This is enabled and reinforced through: verbal praise, merits, good notes, commendations, prizes, scholarship awards, colours awards, posts of leadership and responsibility, and involvement in the extra-curricular life of the School. The House system also plays a crucial role in the pupil's development beyond the academic curriculum and creates a sense of belonging, alongside additional opportunities for involvement and recognition.

Most pupils adopt and contribute to this ethos throughout their School careers, serving as positive role models for their peers and those younger in the School.

Regrettably, there are a few who, through an incident or pattern of poor behaviour, reject the ethos of the School. This occurs, for example, when a pupil:

- Fails to abide by dress/uniform codes;
- Adopts an inappropriate hairstyle;
- Fails to do homework or classwork;
- Persistently misbehaves in school or outside;
- Disrupts lessons;
- Rejects the authority of staff or prefects;
- Truants from school or is persistently late;

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- Behaves dangerously, especially in practical areas;
- Vandalises the property of the School or members of its community;
- Involves themselves in theft or dishonesty;
- Wastes staff time;
- Possesses, deals in or abuses prohibited substances;
- Exhibits aggression towards, assaults or bullies any member of the school community, either in person or online (specific guidance on the School's approach to bullying is contained within the Bullying Policy and Equal Opportunities Policy);
- Commits, or threatens to commit, assault or actual harm upon a member of the public;
- Misuses the School's ICT facilities and/or social media;
- Wilfully or repeatedly breaches measure in place to protect public health.

This list is not exhaustive and merely describes some examples of bad behaviour which are at odds with the ethos of the School.

Such behaviour may be identified by: direct referral to Head of Year or tutor by a member of staff, the public, prefects, parents or other pupils; a bad note; quality assurance checks conducted by senior staff, Heads of Year or Heads of Subject; reviews; profiles and parents' evenings.

The School attempts to deal with poor behaviour by working closely with parents/guardians and by taking appropriate actions such as:

- Mentoring by a Form Tutor, Head of Year, assigned peer or staff mentor or SENCo. (Behavioural support for pupils with Special Educational Needs will be guided by the School's SEN Policy and take into account a pupil's needs as identified in their inclusion report.)
- Telephoning, writing to or meeting parents/guardians to discuss management strategies.
- Involving outside agencies or professionals such as the School Counsellor, Educational Psychologists, Social Services, or Police, as appropriate to the individual circumstances.
- Enhanced monitoring of work, special report book or card, and/or individual quality assurance checks.
- Sanctions such as: reprimands; bad notes; detentions at lunchtimes, after school or on Saturdays; withdrawal from some or all non-statutory provision such as extra-curricular activities and/or school trips; withdrawal from lessons under supervision of the Head of Year (internal suspension); suspension; or, in very serious circumstances, permanent exclusion.

#### **Detention**

Detentions are used as a sanction in response to punctuality, lack of or poor effort in classwork, lack of or poor effort in homework, persistent non-adherence to the Uniform Policy, and behaviour concerns.

When issuing a detention, staff will consider whether the pupil's parents should be informed. For instance, advance notice may not be necessary for a short after-school detention where the pupil can get home safely, or for a lunchtime detention. There is no legal limit to how long schools can detain pupils after school without informing parents, however the School will give a notice period to the pupil and his parents or guardians to allow sufficient time to make alternative arrangements for after school travel, where necessary.

Departmental detentions for poor attitude with respect to academic work will take place either at lunchtime or after school. If these issues are not resolved at the departmental stage, they may be escalated to a Head of Subject detention after school on a Friday.

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Form tutor detentions, at lunchtime or after school, will deal with poor behaviour or issues related to punctuality. Behavioural or disciplinary issues may result in an end of term or Saturday detention, as instructed by Heads of Year or the Headmaster, whereby these issues are ongoing or more serious in nature.

#### **Suspensions/exclusions**

The School will adhere to current legislation, including the Equality Act 2010, and is obliged to have regard to DfE guidance on suspensions/exclusions.

If the pattern of bad behaviour persists or if an incident is particularly serious (for example involvement with prohibited substances, an assault on a member of staff, incitement of racial conflict), and where allowing a pupil to remain in the School would seriously harm the education or welfare of the pupils or others, the pupil may have to be suspended or permanently excluded from School. Suspensions and permanent exclusions are conducted with reference to published guidance. Only the Headmaster or an appointed acting Head can suspend or exclude a pupil. Before any decision is taken to suspend/exclude a pupil, the Headmaster will:

- Ensure that an appropriate investigation has been carried out;
- Allow the pupil to give their version of events, wherever possible;
- Consider all the evidence available to support the allegations, taking into account the School's Pupil Discipline and Equal Opportunities Policies;
- Check whether there is any mitigation, for example if the incident may have been provoked by bullying or harassment;
- If necessary, consult with others - but not anyone who will have a role in reviewing the Headmaster's decision, for example a member of the Governing Body's disciplinary panel.

If the Headmaster is satisfied, on the balance of probabilities, that the pupil did what was alleged to have happened, and, after taking into account all the relevant factors, the Headmaster is satisfied that suspension or exclusion is lawful, reasonable, fair and proportionate, then he may suspend or permanently exclude the pupil.

The Headmaster will inform parents/guardians in writing and without delay of:

- The reasons for the suspension/exclusion;
- The period of a fixed term suspension or, for a permanent exclusion, the fact that it is permanent;
- The parents' right to make representations about the suspension/exclusion to the Governing Body and, for a permanent exclusion, how the pupil may be involved in the review process;
- How representations should be made; and
- If there is a legal requirement for the Governing Body to consider the suspension/exclusion, that parents have a right to attend the meeting and be represented (at their own expense) and to bring a friend.

If the pupil has a social worker or is a looked-after child, the Headmaster will also inform their social worker or Virtual School Head, as applicable.

The Headmaster will notify the local authority, without delay, of:

- A permanent exclusion (including where a fixed term suspension is followed by a permanent exclusion);
- Suspensions, irrespective of the length of the suspension.

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The Headmaster will report suspensions and exclusions to the full Governing Body on at least a termly basis. The Discipline Committee will be notified, without delay, of a decision to exclude a pupil permanently, or where a suspension is for more than five school days, where it means the pupil will have been suspended for more than 15 school days in a single term, or where a pupil will miss a public exam by virtue of the suspension.

#### Suspensions

Suspensions may result from behaviour including, but not limited to:

- Bullying;
- Verbal, physical or online abuse;
- Using grossly offensive or discriminatory language;
- Theft;
- Persistent serious disruptive behaviour;
- Having prohibited items or substances;
- Inappropriate use of IT or social media;
- Wilfully and repeatedly breaching measures in place to protect public health, or actions which endanger the safety of others;
- Bringing the School into disrepute.

Suspensions can run from 1 to 45 days and should not exceed 45 days in a school year. As a rule we suspend for the shortest time necessary and when deciding upon the duration of the suspension the Headmaster will consider the following factors in relation to the behaviour:

- The age of the pupil;
- The pupil's previous record at the School;
- Any particular circumstances unique to the pupil that might sensibly be taken into account in connection with the behaviour, e.g. SEND, traumatic domestic situations, or the extent to which parental, peer or other pressure may have contributed to the behaviour;
- The degree of severity of the behaviour, the frequency of its occurrence and the likelihood of it recurring;
- Whether or not the behaviour impaired or will impair the normal functioning of the pupil or other pupils in the School;
- Whether or not the behaviour occurred on School premises or when the pupil was otherwise in the charge of School staff, or when the pupil was on the way to or from School. The extent to which behaviour away from the School had a serious impact on the life of the School is relevant, but, for the avoidance of doubt, serious behaviour outside of School can be grounds for suspension;
- The degree to which the behaviour was a violation of one or more rules contained in the School's policy on behaviour, and the relative importance of the rule(s);
- Whether the incident was perpetrated by the pupil on their own or as part of a group (using one pupil as a scapegoat should always be avoided); and
- Whether consideration has been given to seeking the support of other agencies..

For a suspension of 5 days or less in a term if the parent/carer submits representations, the Governing Body must consider them. The Governing Body can agree to a meeting if the parent/guardian wants to meet but no meeting is required.

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For a suspension of 6-15 days in a term, if the parent/guardian makes representations and requests a meeting, a panel of the Governing Body's Discipline Committee should then meet to consider representations within 50 school days after receiving notice of the suspension.

For suspensions of more than 15 days in a term, a hearing of a panel of the Governing Body's Discipline Committee is called. At the hearing, the School's case is put to a panel of governors and the pupil and parent/guardian have the opportunity to ask questions of the School. If the pupil and parent/guardian are in attendance, their case is also put to the panel and the School has the opportunity to ask questions of the pupil/family. Whilst it is not a legal requirement that a pupil attend, it is helpful for the governors if the pupil attends the hearing in person. Pupils should wear their School uniform. If the pupil does not attend, then they should be invited to submit a written statement for inclusion in the papers for the meeting. The panel then decides whether to reinstate the pupil or uphold the Headmaster's decision and whether to make recommendations for further action to monitor or support the pupil. Where reinstatement would make no practical difference because, for example, the pupil has already returned to School following the expiry of the suspension, or the parents make clear they do not want their son reinstated, the panel must still consider whether the pupil should be officially reinstated.

The decision of the panel of the Governing Body will be given in writing and without delay and will give the reasons for the decision.

The parents/guardians will be invited to the School as close to the date of the pupil's re-instatement as is convenient to both the parents/guardians and the Headmaster, to discuss the incident or pattern of behaviour to enable the pupil to be reintegrated back into the School and discuss how to manage the pupil's future behaviour. The Headmaster may stipulate conditions as a pre-requisite for their child's return to normal school routine. Should the pupil fail to meet these requirements, he may risk further suspension.

Where re-instatement does not occur, for example if the parents/guardians exercise their right to withdraw their son from the School, the reasons for this will be made known to the Governing Body and the local authority.

#### Permanent exclusions

The decision to exclude a pupil permanently is a serious one and is usually the final step in a process of dealing with disciplinary incidents after a range of other strategies have been tried without success. The permanent exclusion is therefore an acknowledgement by the School that all available strategies have been exhausted. There will however be exceptional circumstances where in the Headmaster's judgement, it is appropriate to exclude a pupil for a 'one off' or first offence.

These might include:

- Serious actual or threatened violence towards another pupil, member of staff or member of the public;
- Sexual harassment, assault or abuse;
- Supplying or bringing onto the School premises an illegal substance;
- Carrying an offensive weapon; or
- In any other way seriously endangering the health, safety or wellbeing of a member (or members) of the School community.

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These instances are not exhaustive but indicative of the severity of the incident and the impact on the wellbeing and order of the School community.

For permanent exclusions a meeting of a panel of the Governing Body's Discipline Committee is called. At the hearing, the School's case is put to a panel of the Governing Body and the pupil and parent/carer have the opportunity to ask questions of the School. If the pupil and parent/carer are in attendance, their case is also put to the panel and the School has the opportunity to ask questions of the pupil/family. Whilst it is not a legal requirement that a pupil or parents attend, it is helpful for the governors if the pupil attends the hearing in person. Pupils should wear their School uniform. If the pupil does not attend, then they should be invited to submit a written statement for inclusion in the papers for the meeting. The panel then decides whether to reinstate the pupil or uphold the Headmaster's decision and whether to make recommendations for further action to monitor or support the pupil. Where reinstatement would make no practical difference because, for example, the parents make clear they do not want their son reinstated, the panel must still consider whether the pupil should be officially reinstated.

The decision of the panel of the Governing Body will be given in writing and without delay and will give the reasons for the decision.

Where the panel of the Governing Body has upheld the decision of the Headmaster to exclude parents/guardians have the right to ask for the decision to be reviewed by an independent review panel (IRP). The IRP can review the decision, but cannot compel the School to reinstate the pupil.

If they wish to do so they must make that application within 15 school days from the date they receive notice in writing of the Governing Body's decision. They should submit their application to the Clerk to the Governing Body (care of the School) setting out the grounds on which it is being made and to include, where appropriate, a reference to how the pupil's SEN are considered to be relevant to the exclusion. In addition, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require the School to appoint an SEN expert to advise the review panel.

Parents also have a right to bring an Equality Act claim for discrimination to the First Tier Tribunal (for disability discrimination) or to the County Court (for other forms of discrimination).

The Headmaster may cancel an exclusion that has not been reviewed by the Governing Body. This practice is sometimes known as withdrawing or rescinding a suspension or permanent exclusion. If this occurs, parents, governors and the local authority should be notified, and if relevant, the social worker and VSH.

#### **Managed moves**

A managed move is used to initiate a process that leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. This may be appropriate where other in-school interventions have failed and it is in the best interests of the pupil to move to a new school. With full disclosure to the destination school, a managed move can, in exceptional circumstances, be an alternative form of intervention and support to permanent exclusion.

#### **Right to search**

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School staff (which includes a teacher or someone who has lawful control or charge of the child) may search a pupil with their consent for any item. The School will have due regard to current guidance when searching pupils and/or confiscating items.

The Headmaster or any member of staff authorised by the Headmaster may search pupils or their possessions (including bags, lockers, desks etc.), without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. Prohibited items include:

- Knives or weapons;
- Alcohol;
- Illegal drugs;
- Stolen items;
- Tobacco, vaping machines and cigarette papers;
- Matches, lighters and lighter fuel;
- Fireworks;
- Pornographic images;
- Any article that the Headmaster or member of staff reasonably suspects has been, or is likely to be used:
  - i. to commit an offence; or
  - ii. to cause personal injury to, or damage to the property of, any person (including the pupil).

The Headmaster or authorised staff member can also search for any item banned by the School rules and which the School has identified as an item which may be searched for.

In the event that a search is required, the following guidelines should be followed where possible:

- Searches should only be carried out in the presence of at least one member of the Senior Leadership Team;
- There should be at least one member of staff present of the same sex as the pupil;
- Any prohibited items found will be marked in an envelope and placed in a secure location;
- At the Headmaster's discretion any illegal substance will either be disposed of or passed on to the police;
- Weapons, knives, controlled drugs or child pornography must be handed over to the police.

Whilst there is no legal duty to inform parents of searches, the School will try to notify parents/guardians if their child has been subject to a search. A record of any search will be kept, with its outcome.

However, if the Headmaster feels that there is a risk of serious harm to a person if the search is not conducted as a matter of urgency, and it is not reasonably practical to wait for a member of staff of the same sex as the pupil or another member of staff to act as a witness, then a search may be carried out without the presence of another member of staff.

The designated safeguarding lead (or a deputy) should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item. The staff member should also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk. If the designated safeguarding lead (or deputy) finds evidence that any pupil is at risk of harm, they should make a referral to children's social care services immediately.

Complaints about searching should be dealt with through the School's normal complaints procedure.

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#### **Confiscation**

The School's staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline, or is evidence in relation to an offence.

A person who seizes an item that is a prohibited item must either:

- Deliver the item to the Police as soon as reasonably practicable;
- Return the item to its owner or via the parent/guardian (i.e. mobile phones);
- Retain the item; or
- Dispose of the item (e.g. cigarettes, alcohol, chewing gum).

With regards to electronic devices, the person who seized the item may examine any data or files on the device, if the person thinks there is a good reason to do so. Following an examination, if the person has decided to return the item to its owner, retain it or dispose of it, the person may erase any data or files from the device if the person thinks there is a good reason to do so. This will only be carried out with the full knowledge and consent of the Headmaster. Any material on an electronic device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted and the device should be given to the Police at the earliest practicable opportunity.

Controlled drugs, weapons and stolen items should also be given to the Police at the earliest opportunity.

Staff are able, where reasonable, to confiscate, retain or dispose of a pupil's property as a disciplinary penalty.

The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

#### **Use of reasonable force**

Physical restraint must only be used as a last resort when other strategies have failed. It must serve to de-escalate or prevent a violent or potentially violent situation. It must not be used purely to force compliance with staff instructions when there is no immediate risk to people or property. Staff may use reasonable force to:

- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground;
- Restrain a pupil from harming themselves through physical outbursts;
- Prevent a pupil from damaging property;
- Remove disruptive pupils 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, 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.

Where possible, staff should take steps in advance to avoid the need for physical restraint, e.g. through dialogue and diversion, and the pupil should be warned orally that physical restraint will be used and why it is being used unless he desists.



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Physical restraint must not be used in anger. When it becomes apparent that the pupil is not responding to verbal instructions and a violent incident is imminent, the member of staff, wherever possible, should call for assistance before engaging in physical restraint.

When it becomes necessary to restrain a pupil, the member of staff must, if possible, continue to talk to the pupil in a calm manner, offering choices and time for the pupil to become calm.

The age and competence of the pupil must be taken into account in deciding what degree of intervention is necessary. Reasonable adjustment should be made when dealing with pupils who are disabled or have a Special Educational Need.

Only the minimum force necessary, to prevent physical injury or damage, should be applied. Particular care must be taken to avoid inflicting any unnecessary pain or injury. Restraint must not involve deliberately painful or dangerous procedures. It must not:

- Interfere with breathing, blood supply or genital areas;
- Hold the head or throat.

The hold must be discontinued as soon as the situation is deemed safe. The restraint must be gradually relaxed as the pupil regains self-control.

The School will never ask a pupil to restrain another pupil.

Parents/guardians will be informed when physical restraint has been used and will be given the opportunity to discuss the matter with the School.

#### **Bullying**

The School will not tolerate any form of bullying, be it verbal or physical, in School or online. Respect for others in the Elizabethan community and society at large is of central importance to the culture and ethos of the School. Pupils and parents should report bullying at the earliest opportunity, so that staff can take swift and firm action. Any pupil found to be bullying another person will be subject to sanction under this policy. Cases where bullying is based upon prejudice towards those with a characteristic protected under the Equality Act 2010, will be of particular seriousness. However, staff will also try to understand what has caused such behaviour, in order to provide support as required. Through PDT, the academic curriculum, co-curricular activities, partnerships with other schools and guest speakers, the School tries to build understanding and foster good relations.

For more information on how the School deals with bullying, consult the Bullying Policy and Equal Opportunities Policy.

#### **Child-on-child abuse**

The School will remain cognisant of the potential for young people to cause harm to each other. This form of abuse is when there is any kind of physical, sexual, emotional or financial abuse, or coercive control, exercised between children people, both on and offline. Such incidents will be treated seriously under this policy, including lower-level behaviours, which if left unchecked could escalate to cause significant harms. Staff will not downplay certain behaviours, for example dismissing sexual harassment as “just banter”, “just having a

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laugh", "part of growing up" or "boys being boys" and pupils and parents are encouraged to serve as active bystanders, and call-out or report such behaviour where they encounter it. There are safeguarding procedures in place within the School's Safeguarding Policy to guide the management of cases of child-on-child abuse.

#### **Conduct outside of school**

The School may discipline pupils in line with this policy, where the pupils have been involved in non-criminal bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the School. This includes any bad behaviour when the pupil is:

- Taking part in any school-organised or school-related activity;
- Travelling to or from School;
- Wearing School uniform; or
- In some other way identifiable as a pupil at the School.

The School may also discipline pupils for misbehaviour at any time, whether or not the conditions above apply, that:

- Constitutes a serious criminal offence;
- Could have repercussions for the orderly running of the School;
- Poses a threat, verbal, physical, online, or otherwise, to another pupil, member of staff or member of the public; or
- Could adversely affect the reputation of the School.

In each instance, the Governing Body will consider whether the measures proposed by the Headmaster are lawful.

In all of these circumstances, the Headmaster will also consider whether it is appropriate to notify the police of the actions taken against a pupil. If the behaviour is criminal or poses a serious threat to a member of the public, the police will always be informed. In addition, School staff should consider whether the misbehaviour may be linked to the child suffering, or being likely to suffer, significant harm. In this case the school staff follows its Safeguarding Policy.

#### **Pastoral care for staff**

The School will deal with staff conduct in accordance with the Staff Disciplinary Procedure. Any accusation of misconduct will be investigated. The staff member in question will not automatically be suspended during this process. The Headmaster will consider published guidance when determining the appropriate support staff can expect to receive if they are accused of misusing their powers.

Where pupils are found to have made malicious accusations against a member of staff that are proved to be unfounded, the School may suspend or exclude the pupil concerned. Depending on the severity of the accusation and the distress caused, this exclusion may be permanent.

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## Queen Elizabeth's School PUPIL DISCIPLINE POLICY

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*LINKED  
POLICIES*

- ❑ Bullying Policy
- ❑ Drugs Policy
- ❑ Equal Opportunities Policy
- ❑ Health and Safety Policy
- ❑ Home-School Agreement
- ❑ Information and Communication Technology Policy
- ❑ Safeguarding Policy
- ❑ Special Educational Needs and Disability Policy
- ❑ Staff Disciplinary Procedure
- ❑ Uniform Policy

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*LINKED  
LEGISLATION  
AND  
REFERENCE  
MATERIALS*

- ❑ Behaviour in Schools: Advice for headteachers and school staff, DfE (September 2022)
  - ❑ Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement: Guidance for maintained schools, academies, and pupil referral units in England, DfE (September 2022)
  - ❑ School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
  - ❑ Education Act 2002 (Section 52)
  - ❑ Computer Misuse Act 1990
  - ❑ Regulation of Investigatory Powers Act 2000 (as amended)
  - ❑ Equality Act 2010
  - ❑ Use of reasonable force: Advice for headteachers, staff and governing bodies, DfE (July 2013)
  - ❑ Searching, screening and confiscation: advice for schools, DfE (September 2022)
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Approved by the Governing Body on 3 November 2022

Signed.....

B.R. Martin, Chairman of the Governing Body