



Cheadle Hulme School

DISCIPLINARY INCIDENTS INVOLVING PUPILS GUIDELINES & PROCEDURES

Applicable to all pupils in the School including those in an EYFS setting.

Please follow this link for the relevant policy on the School's intranet:
Behaviour Management & Pastoral Care Policy

Introduction

This procedure contains guidelines, which will be adapted as necessary, to explain how the School will deal with pupils and liaise with parents when allegations of significant misconduct are made against a pupil or evidence emerges to suggest that a pupil has been involved in misconduct. Any suggestion or allegation of significant misconduct on the part of a pupil will be investigated.

- Reference to 'the Head' includes the Head of the Junior School, the Second Master and the Deputy Head (Pupil Progress & Welfare).
- Reference to 'parents' includes one or both parents, a legal guardian or education guardian.

[Subheadings are for ease of reading and not part of the procedures.]

Aims

These procedures are designed to reflect the School's Behaviour Management and Pastoral Care policy, to ensure fairness and justice and to promote co-operation between the School and parents in dealing with disciplinary matters involving a pupil (s) from the School. In every situation, the School will be mindful that children make mistakes and every reasonable support will be put in place to enable a pupil to move on following a disciplinary incident.

Levels of Serious Misconduct

The School recognises that misconduct, including that of a serious nature, can warrant a different response from the School dependent upon the nature and severity of that behaviour and its consequences. 'Different response' includes, but is not limited to, the seniority of those staff investigating the allegation / suggestion; whether a pupil remains in School whilst the investigation is being undertaken; the stage at which parents are informed and the level of sanction that is imposed in the event of the pupil is found to be at fault.

In order to make a distinction, the School considers there to be two levels of serious misconduct.

A. Level One Serious Misconduct:

The investigation is led by the Investigating Officer (eg Head of Year, Assistant Head of School or Deputy Head (JS)) who reports into the Deputy Head (Pupil Progress and Welfare) or Head of Junior School. Following that investigation, should a pupil be considered to be at fault, the pupil will be sanctioned by a senior member of staff (Assistant Head of School / Deputy Head). If the Investigating Officer is of sufficient seniority (Assistant Head/ Deputy) then they are able to conduct the Disciplinary Meeting that follows the investigation.

Instances of Level One misconduct might include, but are not limited to:

- Attitudes or behaviour which are inconsistent with the School's Expectations and Rules or which bring the School into disrepute either on, or off, the School's premises;
- Theft; blackmail; vandalism; physical violence; intimidation; racism or bullying;
- Abuse of the School's ICT infrastructure;
- Breach of the School ICT AUP Agreement;
- The supply, possession, sale or use of drugs/solvents (or substances intended to resemble these) or their paraphernalia, alcohol, cigarettes or e-cigarettes in School;

(This list is not exhaustive, nor is it intended to infer any hierarchy of misconduct)

B. Level Two Serious Misconduct:

The investigation is led by the Investigating Officer (eg the Assistant Head or Deputy Head) who reports into the Deputy Head (Pupil Progress and Welfare) or Head of Junior School. Following that investigation, should a pupil be considered to be at fault that pupil will be referred directly to the Head.

In these cases, the Investigating Officer may not conduct the disciplinary meeting that follows the investigation.

Instances of Level Two misconduct might include, but are not limited to:

- Persistent attitudes or behaviour which are inconsistent with the School's Expectations and Rules or which bring the School into disrepute either on, or off, the School's premises;
- Theft; blackmail; vandalism; physical violence; intimidation; racism or persistent bullying;
- Abuse of the School's ICT infrastructure;
- Breach of the School ICT AUP Agreement;
- The supply, possession, sale or use of drugs/solvents (or substances intended to resemble these) or their paraphernalia, alcohol, cigarettes or e-cigarettes in School;
- Misconduct of a sexual nature, including the supply and possession of pornography;
- Possession or use of any weapon or instrument/device intended to cause harm;

(This list is not exhaustive, nor is it intended to infer any hierarchy of misconduct)

DISCIPLINARY PROCESS

[An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures or legal representation. The proceedings will at all times be considered confidential.]

On receiving a complaint or allegation / indication of serious or extreme misconduct on the part of a pupil, the following steps will normally be taken:

1. Initial Investigation (for both Level One and Level Two)

The investigation is coordinated by an Investigating Officer (Head of Year, Assistant Head of School, Deputy Head). A pupil may be withdrawn from lessons, and placed in supervised isolation within School, to facilitate the investigation.

- 1.1 An informal meeting will be convened with the pupil, led by the Investigating Officer, to ascertain the circumstances and facts surrounding the issue in question. Also in attendance will be a Student Manager (or equivalent) who acts in a supportive role for the pupil. Such a meeting will be held with any pupil who is: the subject of an allegation of misconduct; a witness (include through social media channels) to the misconduct; an alleged victim.

- 1.2 At that meeting:

- (i) written statements may be taken and these may be used as part of the evidence for any disciplinary meeting which follows. In most cases, the

anonymity of pupils acting as witnesses or who are potential victims will be preserved.

- (ii) if appropriate, mobile devices will be temporarily confiscated from a pupil. With the consent, and in the presence of the pupil, the contents of the mobile device may be examined. The School does not search mobile devices to gain further information. However if the School has serious cause for concern about the content of a phone we will seek advice from the Police via the Public Protection and Investigation Unit about gathering evidence;
- (iii) in some circumstances, and only with reasonable cause, the School may feel it necessary to search a pupil's clothes, belongings or locker space. Pupils may be required to turn out the contents of their pockets or bag(s). A more thorough search of clothing will only be carried out with the permission of the pupil and once that clothing has been removed by the wearer. Care will be taken to ensure reasonable privacy. (These procedures do not authorise an intimate search or physical compulsion in removing clothing. If necessary, the Police would be called to facilitate a search.)

1.3 Following that initial, informal meeting:

- (i) if it is felt that the continued presence of a pupil(s) in the School potentially impacts upon the personal safety or well-being of themselves, or any member of the CHS community, or jeopardises the effectiveness of the investigation, the School reserves the right to send the pupil(s) home whilst the investigation is undertaken. **This is a neutral act, not implying guilt, and is minimized to avoid excessive loss of schooling.**
- (ii) if it is not possible for the pupil to return home before the formal end to the School day, s/he will be withdrawn from all School activities for the remainder of the day and will remain under the supervision of a member of staff (NB the supervision may be 'remote' in that the pupil is held adjacent to a room occupied by that member of staff). If the investigation continues into further days, the pupil is required to remain at home and may not come into School.
- (iii) if the time required by a pupil is for more than two days, work is provided for the pupil to do at home. This work will be co-ordinated by the Student Manager.

- 1.4 Parents of any pupil who is being investigated for alleged misconduct will be notified of the nature of the allegation / incident on the day, following the initial, informal meeting which gathers the facts / evidence.

2. Disciplinary Process following an Initial Investigation

If the Investigating Officer feels that there is insufficient evidence of wrongdoing, parents and pupil will be informed and the issue discussed to ensure all parties are satisfied. The School reserves the right to note the allegation (unsubstantiated) on the pupil's file for internal purposes. The allegation would not however be included or referred to in any external reference for the pupil.

If the Investigating Officer feels that there is sufficient evidence that a pupil (s) has been involved in an incident of Serious Misconduct then the following will happen:

Level One Misconduct:

- 2.1 Parents and pupil will be asked to attend a meeting with the Assistant Head / Deputy Head to discuss the matter in hand with the purpose of reaching a satisfactory resolution as quickly as possible. This resolution will include the imposition of an appropriate sanction and, just as importantly, support for the pupil to bring closure and enable them to move forward to make their time at CHS, and that of any others

involved, happy and successful. A Student Manager or Head of Year will be present at the meeting in a supportive capacity for the pupil. The School takes a solution-focused approach, which seeks to address the misconduct, the reasons for it and then agree strategies for improvement or change in behaviour.

- 2.2 Following discussion, the Investigating Officer may conclude the investigation with either a:
- (i) Verbal Warning – This is an internal disciplinary measure used within the School to signal to the pupil that the misconduct is serious and needs to cease. Guidance will also be given on what change is expected. It will be recorded on the pupil's disciplinary record that a Verbal Warning has been issued and for how long it remains in effect;
 - (ii) Written Warning – This is an internal disciplinary measure used within the School to indicate that the misconduct is more serious and change is needed immediately. The letter will state what change is expected on the part of the pupil and how long the Warning remains in effect. A copy of the letter will be kept on the pupil's file;
In addition, if it is felt to be appropriate, Options (i) & (ii) may be accompanied by a sanction from the [Senior School Sanctions Procedures & Guidelines](#).

Level Two Misconduct:

- 2.3 Parents will be contacted by telephone and/or email and asked to attend a Disciplinary Meeting with their child in School which will be chaired by the Head. Also present at that meeting will be the Investigating Officer, a member of staff to support the pupil and a Minute-Taker.
- 2.4 Prior to the Meeting, the School's [Behaviour & Management Policy](#), the School's [Expectations and Rules](#) and the School's [Disciplinary Procedures](#) will be emailed to parents. These documents will also be made available at the Meeting.
- 2.5 At the Meeting, the Investigating Officer will outline the circumstances and conclusions of the investigation with reference to the evidence found. In order to protect the identities of other pupils involved, copies of written or verbal statements will not normally be provided at the meeting. If parents wish to see all statements, **this will need to be requested prior to the Disciplinary Meeting**, on the understanding that statements will be appropriately redacted to protect other pupils' privacy and identity.
- 2.6 Members of staff may be invited to join the Meeting if necessary.
- 2.7 Both pupil and parents will be given the opportunity to ask questions and/or state their side of the incident.
- 2.8 The Head will consider the complaint(s) / allegation(s) and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head considers that further investigation is needed, a decision will be made as to whether the complaint(s) / allegation(s) 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 Head will not normally refer to the pupil's disciplinary record at this stage.
- 2.9 If the complaint(s) / allegation(s) has been proved, the Head will outline the range of disciplinary sanctions available. In most cases, the sanctions will be from amongst the following:
- Written Warning:
 - ◆ this is an internal disciplinary measure used within the School to indicate that the misconduct is serious and change is

needed immediately. The letter will state what change is expected on the part of the pupil and how long the Warning remains in effect. A copy of the letter will be kept on the pupil's file and will be referred to on any reference provided for the pupil during the period of the Warning being in effect.

- Final Written Warning:
 - ◆ this is an internal disciplinary measure used within the School to indicate that the misconduct is extremely serious and change is needed immediately. Any further misconduct on the part of the pupil will result automatically in a further Disciplinary Meeting with the Head, at which point Exclusion is a likely outcome.
 - ◆ The letter will state what change is expected on the part of the pupil and how long the Warning remains in effect. A copy of the letter will be kept on the pupil's file and will be referred to on any reference provided for the pupil during the period of the Warning being in effect.
- Fixed Term Exclusion
 - ◆ This can be for up to a maximum of 5 days. If a pupil has been sent home in accordance with item 1.3 (i) above, these days will be taken into account;
 - ◆ Work would be provided for the pupil during the Exclusion, coordinated by the Student Manager;
 - ◆ Fixed Term Exclusions are recorded on the pupil's disciplinary file and would be referred to in any reference (with the exception of UCAS);
- Permanent Exclusion
 - ◆ The pupil is required to leave CHS with immediate effect.
 - ◆ References for the pupil for alternative schooling would record the exclusion and the circumstances surrounding it.

2.10 In deciding on the sanction, the Head will take into account any further statement which the pupil and/or others present wish to make. The pupil's disciplinary record will also be taken into account at this point.

2.11 At the end of the Disciplinary Meeting, or at some later time within 24 hours, the Head will communicate her decision on the sanction, giving her reasons, to parents and pupil. This will be a verbal communication which will be followed up with a formal, written notification.

2.12 If the Head believes that the complaint(s) / allegation(s) has not been sufficiently proved, and that further investigation is not warranted, the Disciplinary Meeting will be concluded with no sanction. However, a note of the nature of the complaint(s) / allegation(s) will be made on the pupil's file for internal purposes. It will not be referred to on any reference request for the pupil.

3. Fixed or Permanent Exclusion

Exclusion is a measure used only rarely in certain closely-defined situations; pupils are not removed from the School, temporarily or permanently, unless there is a significant, proportionate justification. If the Disciplinary Meeting has been chaired by a Deputy, any case for permanent exclusion must be made to the Head.

In very rare circumstances where a pupil has committed the most serious misconduct, or has shown consistent failure to meet expectations, a proportionate decision may be taken to permanently exclude a pupil from the School. The decision depends upon a judgment balancing the best interests of the pupil with the best interests of the School community. If the Head decides that permanent exclusion is the appropriate sanction, she will consult with the parent(s) before deciding on the pupil's leaving status. Parents are usually offered the option of withdrawal of their son or daughter before a decision of required withdrawal is taken.

Support is offered to the pupil and parents in gaining a place at another school.

In order to safeguard the rights of each pupil, in all cases of temporary or permanent exclusion the Head will take into account any special educational needs, disabilities, gender and cultural differences that may be relevant to the case.

4. Concerns, Complaints and Appeals

If parents wish to raise a concern or complaint about the way the School has handled the investigation, they have recourse to do so through the Policy and Procedures for Handling Parental Complaints Against the School which can be found on the School's website.

If parents wish to appeal the decision for Fixed or Permanent Exclusion, the explanation of how to do this can be found in the Procedures for Handling Parental Complaints Against the School (Stage 3 Complaint).

Date of approval by Head & Second Master:	June 2017
Proposed review date:	June 2018
SLT member responsible:	Deputy Head Pupil Progress & Welfare
Relevant policy:	Behaviour Management Policy & Pastoral Care