



THE GRAMMAR SCHOOL
AT LEEDS
Be Inspired

SERIOUS DISCIPLINE PROCEDURES AND POLICY **(including the GSAL Policy on Expulsion, Removal and Review)** **[Whole School, including EYFS]**

ISI Reference:	9a
Rationale for the Policy:	To ensure there is a route to follow when there is a serious breach of discipline in the school by a student.
Policy aim:	To outline the procedures followed and potential sanctions imposed when there is a suspicion that a student has been in serious breach of discipline.

Author:	Senior Deputy Head, Pastoral and Whole School Designated Safeguarding Lead
Agreed and Authorised by:	GSAL SLT
Date agreed:	August 2023
To be reviewed:	August 2024

Date of last review:	August 2022
Dates of interim amendments/updates:	December 2021 November 2019

Category:	Whole school: staff / parents / pupils
Circulation and publication:	Internal and external

The School runs on FREDIE principles:
Fairness, Respect, Equity, Diversity, Inclusion and Engagement

Policy Document

The Principal has the overall responsibility for the determination of this policy, its implementation and for any necessary liaison with the Governors, parents, guardians and any external agencies.

Serious breaches of discipline include but are not limited to physical violence/assault, stealing, sexual impropriety, social media misuse, vandalism or computer hacking, threatening and abusive behaviour towards a member of staff or another member of the community, malicious accusations against members of staff, persistent bullying, prejudice and discrimination of groups identified under the 2010 Equality Act, substance possession or misuse (of nicotine, alcohol, solvents or controlled drugs, including THC Tetrahydrocannabinol), possession of dangerous weapons and the falsification of documents.

This policy will ensure that all staff who are delegated to deal with such serious issues are supported appropriately.

Procedures:

1. When a member of staff considers a matter to be a serious breach of discipline, it should be reported without delay to the student's relevant pastoral leader. In the event of there being any suspicion of substance possession or misuse the matter should be reported directly to the SLT pastoral leader.
2. The SLT pastoral leader will take responsibility for consulting other members of staff, as appropriate. A timeline of events will be initiated by the relevant pastoral leader and will be added to, the more steps that occur through this procedure and policy.
3. The parents will be informed at the earliest appropriate opportunity.
4. Investigation Procedure
 - 4.1. *Gathering evidence:* An investigation of an incident or rumour which constitutes this policy to be initiated will normally be conducted by the SLT pastoral leader and will be carried out by the relevant pastoral leader and its outcome will be reported to the SLT pastoral leader. Parents will be informed as soon as reasonably practicable if a incident or rumour is under investigation and is of a nature that could result in the student being expelled or required to leave.
 - 4.2. Where appropriate, a student may be internally segregated from the School while a incident/rumour is being investigated and may be temporarily excluded from School until the investigations are complete. The student will be unavailable for school representation (e.g. trips and visits, fixtures) whilst temporarily excluded. Access to Microsoft Teams for academic learning will be confirmed but live lessons will not be available. The pastoral leader will telephone parents to briefly explain the breach of discipline (internal appendix a) and will request that parents collect their child as soon as possible and will send them a copy of this policy at this stage.
 - 4.3. *Interview:* A student will be interviewed by a member of staff with another staff member present where possible, to establish the facts of the matter. A student who is waiting to be interviewed may be segregated but made as comfortable as possible, accompanied

or visited regularly by a member of staff, and given access to a toilet and adequate food and drink. A student's personal mobile phone and laptop may be confiscated for the duration of the segregation.

- 4.4. *Search:* We may decide to search a student's space and belongings, and ask them to turn out the contents of pockets or a bag, if we consider there is reasonable cause to do so. We will always refer to government education guidance (Searching, Screening and Confiscation, DfE) in terms of following correct procedure on this. There will always be two members of staff present if there is a need to conduct a search. 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. If necessary, the police would be called.
- 4.5. *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.
5. The pastoral leader will inform the senior pastoral leader of the initial outcome of the investigation. The senior pastoral leader will decide whether further investigation is required, or whether the breach of discipline is sufficiently serious to progress directly to paragraph 8 of this policy.
6. On completion of the investigation, the student and their parents (if available) will be asked to attend a disciplinary meeting with the pastoral leader/senior pastoral leader at which the circumstances of the complaint and investigation will be explained. The student and their parents will have an opportunity to state their side of the case. If the complaint has been proved, the senior pastoral leader will outline the range of disciplinary sanctions, and will take into account any further statement which the student and/or parents wish to make, and the student's disciplinary record. Then, or at some later time, normally within 24 hours, the senior pastoral leader will give a decision and reason.
7. The available sanctions will include:
 - 7.1. **Temporary Exclusion Sufficient.** The student returns to school next day or immediately after the meeting. Exclusion under these circumstances is not referred to or recorded as a suspension. The status, terms and recording of the exclusion and return are detailed in a letter sent to the parents soon after the meeting.
 - 7.2. **Fixed Term Exclusion.** The student is suspended from School for a specified period. This could be a fixed term allowing for the temporary exclusion to be accounted for. A letter detailing the circumstances that have led to suspension, its length and status will be sent to the student's parents as soon as possible by the senior pastoral leader. It will also offer the parents the right of appeal on the suspension to the Principal. The parents must indicate their desire to appeal in writing to the Principal within seven days of the date of the letter from the senior pastoral leader. An appeal can be made on the grounds of the facts of the matter or the severity of the penalty. The student will stay away from the school during the period of any appeal.

- 7.3. **Fixed Term Exclusion with Final Warning.** The student is suspended from School for a specified period with a final warning about the consequences of further misbehaviour. This may relate to a repetition of the category of misconduct in the first breach or may relate more generally to any further serious misconduct. A final warning will normally remain in place for a period of one year and will be recorded in the letter, written by the senior pastoral leader, to the parents. An appeal can be made on the same grounds as under paragraph 7.2. A breach of discipline by a student under a final warning is likely to result in the School initiating procedures directly from paragraph 8.

On return to school after any of these sanctions, the student will have a reintegration meeting with the form tutor and/or the pastoral leader (see internal appendix b) before re-entering back into the school community.

- 7.4 If a complaint is sufficiently serious, the senior pastoral leader may decide to invoke the School policy on expulsion review. If this is the case, the Chair of Governors and Principal will be informed. This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a student may be expelled from the School, or required to leave permanently for misconduct or other reasons. The Policy applies to all students at the School but does not cover cases when a student has to leave because of ill-health, non-payment of fees, or withdrawal by parents.
- 7.5 *Interpretation.* References to the *Vice-Principal* include deputies. *“Parents”* includes one or both of the parents, a legal guardian or education guardian. *“Expulsion”* means a dismissal from the School in disgrace, formally recorded. *“Removal”* means that a student has been required to leave, but without the stigma of expulsion. *“Exclusion”* means that a student is temporarily sent home or segregated within the school. Subheadings are for ease of reading and not part of the policy.

8. Policy on Expulsion or Review

Aims: The aims of this policy are:

- 8.1. To support the School's code of conduct.
 - 8.2. To ensure procedural fairness and natural justice.
 - 8.3. To promote co-operation between the School and parents when it is necessary for a student to leave the School earlier than expected.
9. *Misconduct:* The main categories of misconduct which for which pupils should expect the result to be 'expulsion' are:
- 9.1 Supply/possession/use of certain drugs and solvents, or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.
 - 9.2. Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
 - 9.3 Misconduct of a sexual nature; supply and possession of pornography.

- 9.4. Possession or use of unauthorised firearms or other weapons including imitation weapons.
- 9.5. Vandalism and computer hacking.
- 9.6. Persistent attitudes or behaviour which are inconsistent with the School's ethos.
- 9.7. Other serious misconduct, including social media misuse or misconduct towards a member of the school community or which brings the School into disrepute (single or repeated episodes) on or off school premises.
- 9.8. *Other Circumstances.* A student may be required to leave if, after all appropriate consultation, the Vice Principal is satisfied that it is not in the best interests of the student, or of the School, that they remain at the School.

10. Investigation Procedure

There may be a need to carry out further investigations. Should this be the case, point 4 of the policy will be repeated where necessary.

11. Disciplinary Meeting

Preparation: The Chair of Governors and Principal will be informed of the investigation. Documents available at the disciplinary meeting before the Vice Principal will include:

- 11.1. A statement setting out the points of complaint against the student.
- 11.2. Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
- 11.3. The senior pastoral leader's Investigation Report including a timeline of events.
- 11.4. The student's school file and conduct records.
- 11.5. The relevant school policies and procedures.
- 11.6. *Attendance:* The student and their parents (if available) will be asked to attend the disciplinary meeting with the Vice Principal at which the senior pastoral leader will explain the circumstances of the complaint and the investigation. The student and their parents will have an opportunity to state their side of the case. The student may also have the opportunity to have a member of staff of their choice to give a character reference (see internal appendix c). This member of staff is selected in advance of the scheduled meeting. The selected and requested member 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 students will be preserved. A student's behavioural record will also be made available for the meeting and should be referred to in the meeting before making a decision outcome.

12. *Proceedings:* There are potentially three distinct stages of a disciplinary meeting:

- 12.1. *The complaints* – the Vice Principal will consider the complaint/s and the evidence, including statements made by and/or on behalf of the student. Unless the Vice Principal considers that further investigation is needed, they will decide whether the complaint has been sufficiently proved. The standard of proof shall be the civil standard, ie, the *balance of probabilities*. Appropriate reliance may be placed on hearsay evidence but the Vice Principal will not normally refer to the student's disciplinary record at this stage.
- 12.2. *The sanction* – if the complaint has been proved the Vice Principal will outline the range of disciplinary sanctions which are available. The Vice Principal will take into account any further statement which the student and/or others present on his/her behalf wish to make. The student's disciplinary record will be taken into account. Then, or at some later time, normally within 24 hours, the Vice Principal will give a decision with reasons. If a student returns on a final warning and a further breach of the policy is proven then the student can expect to be required to leave the school.
- 12.3. *Leaving status* – if the Vice Principal decides that the student must leave the School, they will clarify with a parent before deciding on the student's leaving status (see point 16 below).
13. *Delayed Effect:* A decision to expel or remove a student shall take effect 72 hours after the decision was first communicated to a parent. Until then, the student shall remain excluded and away from school premises. If within 72 hours the parents have made a written application for Review by the Governors, the student shall remain excluded until the Review has taken place.
14. Leaving Status

Explanation: If a student is expelled or required to leave, his/her leaving status will be one of the following: "expelled", "removed", or "withdrawn by parents".
15. *Detail:* Additional points of leaving status include:
 - 15.1. The form of letter which will be written to the parents and the form of announcement in the School that the student has left.
 - 15.2. The form of reference which will be supplied for the student.
 - 15.3. The entry which will be made on the school record and the student's status as a leaver.
 - 15.4. Arrangements for transfer of any course and project work to the student, their parents or another school.
 - 15.5. Whether (if relevant) the student will be permitted to return to school premises to sit public examinations.
 - 15.6. Whether (if relevant) the School can offer assistance in finding an alternative placement for the student.
 - 15.7. Whether the student will be entitled to leavers' privileges.

- 15.8. Whether the student will be eligible for membership of the Alumni Association and if so from what date.
- 15.9. The conditions under which the student may re-enter school premises in the future.
- 15.10. Financial aspects: payment of any outstanding fees and extras: refund of prepaid fees.

Governors' Review

- 16. *Request for Review:* A student or their parents, aggrieved at the Vice Principal's decision to expel or require a student to leave, may make a written application for a Governors' Review. The application must be received by the Clerk to the Governing Body within 72 hours of the decision being notified to a parent, or longer by agreement.
- 17. *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.
- 18. *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 student or parents and will not normally include the Chair of Governors. Selection of the Review Panel will be made by the Clerk to the Governing Body. 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.
- 19. *Review Meeting:* The meeting will take place at the school premises, normally between 3 and 10 days after the parents' application has been received. A Review will not normally take place during school holidays. 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.
- 20. *Attendance:* Those present at the Review Meeting will normally be:
 - 21.1. Members of the Review Panel and the Clerk to the Governing Body.
 - 21.2. The Principal and any relevant member of staff whom the student or their parents have asked should attend and whom the Principal considers should attend in order to secure a fair outcome.
 - 21.3. The student together with their parents and, if they wish, a member of the school staff who is willing to speak on the student's behalf. The parents may be accompanied by a friend or relation. The Clerk to the Governing Body must be given 7 days notice if the friend or relation is legally qualified.
- 21. *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 tape-recorded without the consent of both the Chair of the Panel and a parent and any tape-recording will be used only to assist the panel members in reaching their decision and formulating their reasons and will belong to the School. The Clerk to the Governing Body 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 of the Panel 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 of the Panel may at his discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.

22. *Procedure:* The Panel will consider each of the questions raised by the student or his/her parents so far as relevant to:
 - 22.1 Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove of the student. The civil standard of proof, namely, "*the balance of probability*" will apply; and
 - 22.2 Whether the sanction was warranted, that is, whether it was proportionate to 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.
 - 22.3 The requirements of natural justice will apply. If for any reason the student or their parents are dissatisfied with any aspect of the meeting they must inform the Chair of the Panel at the time and ask the Clerk to the Governing Body to note their dissatisfaction and the reasons for it.
23. *Identification:* If the Principal considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chair of the Panel may require that the name of that person and the reasons for withholding it be written down and shown to the Panel Members. The Chair of the Panel at his discretion may direct that the person be identified, or not as the case may be.
24. *Student's Character:* Up to two members of the school staff may speak generally about the student's character, conduct and achievements at the School if they are willing to do so.
25. *Leaving Status:* If, having heard all parties, the Panel is minded to confirm the Principal's earlier decision, it is open to the Panel, with agreement of the Principal, the student and his/her parents to discuss the student's leaving status with a view to reaching agreement.
26. *Decision:* When the Chair of the Panel decides that all issues have been sufficiently discussed and if by then there is no consensus, s/he may adjourn the meeting; alternatively the Chair of the Panel may ask those present to withdraw while the Panel considers its decision. In the absence of a significant procedural irregularity, the decision of the Review Panel will be final. It will be notified, with reasons, to the parents by the Chair of the Panel or the Principal by letter within three days of the meeting.