



# Serious Disciplinary Cases Procedure

Policy date:	March 2023
Date of next review:	March 2024
Owner:	Deputy Bursar
SLT committee responsible:	-
Intended audience:	All pupils, parents and staff
Location:	School portal and website

## 1. Purpose of procedure

- 1.1 The School must maintain good discipline and conduct in order for it to function effectively and for pupils to thrive.
- 1.2 The School's Terms and Conditions require pupils to comply with the School's rules and procedures which are set out in the following documents:
  - the Parent and Pupil Handbook; and
  - the School's codes of conduct, policies and procedures as published on the School website and the School Portal, and as updated from time to time.
- 1.3 Most disciplinary and behavioural matters will be dealt with under the School's **Rewards, Behaviour and Sanctions Policy** which is on the School's website. That policy sets out the standard of behaviour expected of pupils. It explains the rewards available to pupils for good behaviour, and it sets out the sanctions which may be imposed if behaviour is not to the expected standard.
- 1.4 However, when alleged behaviour is serious, i.e. it could potentially result in permanent exclusion, this **Serious Disciplinary Cases Procedure** will apply. Such cases will normally be dealt with by the Master and this policy sets out the procedure which should be followed. Whether or not an alleged offence is sufficiently serious to trigger this procedure is entirely at the Master's discretion.
- 1.5 It is the School's policy to ensure that any disciplinary matter is dealt with fairly; that steps are taken to establish the facts; and that pupils have the opportunity to respond fully to any allegations before any sanction is imposed. It is also the School's policy to ensure that this process is carried out in a way which does not discriminate against any party on the grounds of any protected characteristic. The Master may, at his discretion, vary or amend the following procedure to ensure that a fair disciplinary hearing takes place.
- 1.6 References in this procedure to "parents" include parents and guardians.

## 2. Confidentiality

- 2.1 The School's aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All pupils and their parents must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.
- 2.2 Pupils, parents, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.
- 2.3 To preserve the confidentiality of all School pupils, the names of any pupils whose evidence is relied on in disciplinary proceedings will not normally be disclosed, unless the Master considers such disclosure to be necessary or appropriate in the circumstances.

## 3. Investigation

- 3.1 The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations. A pupil against whom allegations have been made will normally be informed of the allegations at an appropriate point in the investigation process, unless providing this information would prevent a fair investigation.

- 3.2 The extent of the investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from pupils or reviewing relevant documents. The Master will appoint a member of staff to carry out the investigation. This will usually be the Proctor (who is responsible for behavioural matters at Haileybury) or the Deputy Master.
- 3.3 Pupils must co-operate fully and promptly in any investigation. This will include informing the investigating staff member of the names of any relevant witnesses and attending investigative interviews if required. A pupil will normally be accompanied at any interview by their Housemaster, Housemistress, Tutor or Matron.
- 3.4 The investigating staff member's role is to investigate and report on the facts. Once the investigation is concluded, the investigating staff member will then submit a report to the Master in writing setting out their findings. The Master will not be involved in the investigation and no decision will be taken by the Master until a disciplinary hearing has been held.

#### **4. Suspension**

- 4.1 The Master has the right at his absolute discretion to temporarily suspend from school a pupil against whom allegations have been made, while the investigation or disciplinary procedure is underway. Such suspension will be for as short a period as possible and is not a disciplinary sanction. It does not imply that any decision has been made. It is purely for the purpose of carrying out a proper investigation and for ensuring a fair disciplinary procedure can take place.

#### **5. Notification to parents**

- 5.1 A staff member, (usually the Master, Deputy Master, Proctor or HM) will, when appropriate, contact the parents of the pupil involved to inform them of the allegations and to explain the process.

#### **6. Pastoral support**

- 6.1 During the process, the pupil's Housemaster or Housemistress will keep the pupil and their parents informed, as appropriate. The Housemaster/Housemistress will be available to support the pupil through the process, acting in loco parentis whilst the pupil is at School.
- 6.2 The School will provide appropriate pastoral support to all pupils affected by a serious disciplinary issue, including the pupil who is subject to this disciplinary process. Support will be available from the School Counsellors, the School GPs, the Chaplain, and the Deputy Head (Pastoral), amongst others. Where appropriate, external support and advice will be signposted. An example of where this may be appropriate is where a disciplinary issue arises from misuse of drugs or alcohol.

#### **7. After the investigation**

- 7.1 If, once the investigation is complete and the Master has received the investigation report, he considers that there is no case to answer, no further steps will be necessary. The Master will confirm this to the parents in writing.
- 7.2 If, however, the Master considers that there is a case to answer, a disciplinary hearing will be arranged as soon as reasonably practicable. The Master will inform the parents of the date, time and place of the disciplinary hearing and will provide them with a copy of the investigation findings, together with any statements or any other relevant written evidence. Pupils and parents will be given reasonable notice of any hearing.

- 7.3 If pupils or their parents wish to produce their own evidence, including documents or witness statements, they should provide copies to the Master as soon as possible before the hearing.
- 7.4 If a pupil or their parent cannot attend the hearing, they should inform the School immediately and an alternative time will be arranged. A hearing will not normally be rearranged more than once. Parties must make every effort to attend the hearing, and failure to attend without good reason may result in a decision being taken in a party's absence based on the available evidence.

## **8. The disciplinary hearing**

- 8.1 The disciplinary hearing will be conducted by the Master. A member of administrative support staff will be present to take notes. Parents may be present to accompany the pupil if they wish. The investigating staff member may be asked by the Master to attend the hearing to answer any questions relating to the investigation. Pupils who have provided evidence in the investigation will not usually be required to attend the disciplinary hearing. Their evidence will be submitted by way of a written statement. Attendance of parties at the hearing is at the Master's discretion.
- 8.2 The disciplinary hearing is not a legal hearing. The role of the Master is to establish the facts in order to determine what disciplinary sanction, if any, is appropriate. The parties will not therefore be permitted to bring legal representatives to the hearing. At the start of the hearing, the Master will explain to the parties that his role is to try to establish an accurate picture of what took place so that he can decide what sanction, if any, is appropriate in the case.
- 8.3 The pupil and/or their parent(s) will have the opportunity to respond to the investigation findings and present any evidence of their own. They will be given the opportunity to respond to any information provided by a witness. However, parties will not be permitted to cross-examine witnesses.
- 8.4 Parents for whom English is not their first language may be permitted to bring an interpreter. In such cases, permission should be requested from the Master in advance.
- 8.5 The Master may adjourn the disciplinary hearing if he considers there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new matters raised. Parties will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 8.6 When all evidence has been heard, and questioning has been completed, the Master will withdraw to consider his decision. The Master may decide to deliver a decision in person after an adjournment, or alternatively, may inform the parents of his decision in writing after the hearing, in which case the written decision will be provided as soon as is reasonably practicable.
- 8.7 The Master will confirm:
- a. the Master's decision in relation to the allegations;
  - b. the sanction to be applied and when it takes effect;
  - c. the reasons for the decision; and
  - d. in the case of exclusion, the right of appeal (including to whom, when and how an appeal should be made).
- 8.8 In the event that the Master is unable to conduct the disciplinary hearing due to absence or if he considers it inappropriate that he should conduct the hearing, the Master can, in his absolute discretion, substitute another senior member of staff to conduct the hearing and the substitute shall take the place of the Master for the purposes of this procedure.

## **9. Disciplinary sanctions**

- 9.1 Where the Master decides that the disciplinary allegations are upheld, the Master may impose a disciplinary sanction including a period of suspension or permanent exclusion.
- 9.2 Permanent exclusion will normally take place in the following cases:
- a. a single offence which is very serious in nature; or
  - b. a repeated offence following a written warning by the Master that a further offence may result in permanent exclusion.
- 9.3 The Master retains absolute discretion as to whether or not the permanent exclusion of a pupil is appropriate.

## **10. Appeal**

- 10.1 In the event of a permanent exclusion or suspension of four weeks or more, the pupil's parents have the right to appeal to the School's Governing Council for the Master's decision to be reviewed on the following grounds:
- a. whether the Master's decision was justified on the evidence and information before him; and/or
  - b. whether the procedure followed by the Master in reaching his decision was appropriate.
- 10.2 Any complaint relating to action taken under this Serious Disciplinary Policy will be dealt with as an Appeal under this Policy, as opposed to under the School's Complaints Procedure. New issues and evidence can only be introduced with the permission of the Appeal Panel (see below).
- 10.3 An appeal should be set out in writing, stating the full grounds of appeal, and sent to Mrs Catrin Mills, Deputy Bursar at [c.mills@haileybury.com](mailto:c.mills@haileybury.com) within five working days of the date of notification of the exclusion or suspension. The Deputy Bursar will formally acknowledge the appeal within a further five working days. The Deputy Bursar will be available to provide information to the pupil's parents in relation to the appeal procedure, and to answer any queries they may have during this process.
- 10.4 On receipt of an appeal, the Chair of Governors will appoint an Appeal Panel to consider the appeal. The Appeal Panel shall comprise either three Council Members, or two Council Members and an independent member appointed by the Chair of Governors in their absolute discretion. The Chair of Governors shall appoint one of these members as Chair of the Appeal Panel. The members of the Appeal Panel should not have been directly involved in the matter previously.
- 10.5 When an Appeal Panel has been constituted, the Deputy Bursar shall notify the parents of the names of the Appeal Panel members and of a date, time and place for the appeal hearing. The hearing will be convened as soon as reasonably practicable, taking account of term dates, and the availability of staff and Appeal Panel members.
- 10.6 If the pupil's parents wish to submit additional documents for consideration at the appeal hearing which are relevant to the Grounds of Appeal, these must be sent to the Deputy Bursar no later than seven days before the hearing.
- 10.7 The Master may submit a report in response to the grounds of appeal. Such a report will be provided to the pupil's parents no later than seven days before the appeal hearing, together with any documents referred to in that report.

- 10.8 No later than five days before the hearing, the Deputy Bursar will provide to the Appeal Panel a copy of all relevant papers, which will include:
- a. the Master's letter setting out the disciplinary decision;
  - b. the grounds of appeal document and any supporting documents;
  - c. the Master's report in response to the appeal, and copies of any documents referred to in that report.

## **11. The appeal hearing**

- 11.1 The appeal hearing will be conducted by the Appeal Panel. The Chair of the Appeal Panel may, at their discretion, vary or amend the appeal procedure as necessary to ensure that a fair hearing takes place.
- 11.2 As in the case of the disciplinary hearing, parents may be present to accompany the pupil if they wish, but the appeal hearing is not a legal hearing. The parties will not be permitted to bring legal representatives. The pupil and their parent(s) will have the opportunity to make submissions and present any evidence relevant to the Grounds of Appeal. The Master will attend the hearing as appropriate to answer any questions. Pupils who have provided evidence in the investigation will not usually be required to attend the appeal hearing. The Deputy Bursar will be present at the hearing to take notes and to ensure a fair process is followed.
- 11.3 The Appeal Panel will review the Master's decision and may ask questions of any parties attending. Parties will not be permitted to cross-examine others present.
- 11.4 Parents for whom English is not their first language may be permitted to bring an interpreter. In such cases, permission should be requested from the Appeal Panel in advance by contacting the Deputy Bursar.
- 11.5 The format of the appeal hearing will normally be as follows:
- a. The pupil/parent(s) will make any opening submissions, and present their evidence. The Appeal Panel may ask any questions of the pupil/parent(s).
  - b. The Master's report will be taken as read and the Master will respond to any questions put to him by the Appeal Panel.
  - c. The parties will have the opportunity to make any closing remarks before the hearing is concluded.
- 11.6 The Appeal Panel may adjourn the hearing if they consider there is a need to carry out any further investigations in the light of any new matters raised. The parties will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

## **12. The appeal decision**

- 12.1 When all evidence has been heard, and questioning has been completed, the Appeal Panel will withdraw to consider their decision. The Panel may decide to deliver a decision on the same day in person after an adjournment, or alternatively, may inform the parents of their decision in writing after the hearing. In either case, the Panel's decision will be confirmed in writing as soon as is reasonably practicable and the Appeal Panel's decision is final.
- 12.2 The Appeal Panel may:
- a. uphold the Master's decision in full; or

- b. uphold the Master's decision and substitute a greater sanction if appropriate; or
- c. overturn the Master's decision and substitute a lesser sanction if appropriate; or
- d. overturn the Master's decision in full.

**13. Recording and monitoring**

Details of any exclusion or suspension will be recorded on the School's Sanctions Register, which is held, and kept updated by the Master's PA.

<b>Version history</b>		
<b>Date</b>	<b>Reviewed by</b>	<b>Notes</b>
October 2020	CM/MARC/SLT	Reviewed and updated
December 2021	CM/MARC/SLT	Reviewed and updated
March 2023	CM/SLT/Nominations and Governance Committee	Reviewed and updated