



## **LEICESTER GRAMMAR SCHOOL TRUST**

### **SERIOUS DISCIPLINE PROCEDURES AND POLICY**

*This policy is designed to be read by staff and parents.*

*This policy should be read in conjunction with the Behaviour Policy, including Rewards and Sanctions and the policies on Anti-bullying, Attendance, Pupil Use of ICT, Pupil Equal Opportunities, Safeguarding and Substance Misuse.*

*Aims:* The aims of this policy are:

- i. To support the School's code of conduct.
- ii. To ensure procedural fairness and natural justice.

To promote co-operation between the School and parents when it is necessary for a pupil to leave the School earlier than expected.

## INTRODUCTION

Serious breaches of discipline may include but are not limited to physical violence/assault, stealing, breaches of academic honesty, sexual impropriety, social media misuse, vandalism or computer hacking, threatening and abusive behaviour towards another member of the community, malicious accusations against members of staff, persistent bullying, prejudice and discrimination of groups identified under the 2010 Equality Act, illegal substance possession or misuse (of cigarette or tobacco products, nicotine, alcohol, solvents or controlled drugs, including THC Tetrahydrocannabinol), possession of dangerous weapons, or anything else that may be deemed harmful to other members of the School community, 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 pupil's Head of Year and/or Deputy Head Pastoral or another member of SLT. In the event of there being any suspicion of illegal substance possession or misuse the matter should be reported directly to the Deputy Head Pastoral or other member of SLT.
2. The Deputy Head Pastoral or other member of SLT will take responsibility for consulting other members of staff, as appropriate. A timeline of events will be initiated and will be added to, the more steps that occur through this procedure and policy.
3. Investigation Procedure:
  - a. Gathering evidence: An investigation of an incident or rumour which causes this policy to be initiated will normally be conducted by the relevant pastoral leader and its outcome will be reported to the Deputy Head Pastoral or other member of SLT. Parents will be informed at the earliest appropriate opportunity if an incident or rumour is under investigation and is of a nature that could result in the pupil being expelled or required to leave.
  - b. Where appropriate, a pupil may be internally separated in School while an incident/rumour is being investigated and may be temporarily excluded from School until the investigations are complete.
    - i. The pupil will be unavailable for School representation (e.g. trips and visits, fixtures) whilst temporarily excluded.
    - ii. Access to Microsoft Teams for academic learning will be confirmed but live lessons will not be available.
    - iii. The Deputy Head Pastoral or other member of SLT 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.
  - c. Interview: A pupil will be interviewed by a member of staff with another staff member present where possible, to establish the facts of the matter. A pupil who is waiting to be interviewed may be separated 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 pupil's personal electronic and communication devices may be removed for the duration of the separation.

- d. Search: We may decide to search a pupil's space and belongings and ask them to turn out the contents of their 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 unless and 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.
  - e. 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.
4. The Deputy Head Pastoral or other member of SLT will inform relevant and appropriate staff of the initial outcome of the investigation. The Deputy Head Pastoral or other member of SLT 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.
5. On completion of the investigation, the pupil and their parents (if available) will be asked to attend a disciplinary meeting with the Head of Year or Deputy Head Pastoral or other member of SLT and/or Headteacher during which the circumstances of the concern and investigation will be explained. The pupil and their parents will have an opportunity to state their side of the case. If the concern is upheld the Deputy Head Pastoral or other member of SLT or the Headteacher will outline the range of disciplinary sanctions and will take into account any further statement which the pupil and/or parents wish to make, the pupil's disciplinary record and any other relevant information. Then, or at some later time, normally within 24 hours, the Deputy Head Pastoral or other member of SLT or the Headteacher will give a decision and reason.
- a. The available sanctions will include but are not limited to:
- i. Temporary Exclusion Sufficient. The pupil 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.
  - ii. Fixed Term Exclusion. The pupil 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 pupil's parents as soon as possible by the Headteacher. It will also offer the parents the right of appeal on the Fixed Term Exclusion to the Chairman of Trustees. The parents must indicate their desire to appeal in writing within seven days of the date of the letter from the Headteacher. An appeal can be made on the grounds of the facts of the matter or the severity of the penalty. The pupil will stay away from the School during the period of any appeal.
  - iii. Fixed Term Exclusion with Final Warning. The pupil 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 Headteacher, to the parents. An appeal can be made on

the same grounds as under paragraph 6.a.ii. A breach of discipline by a pupil under a final warning is likely to result in the School initiating procedures directly from paragraph 8.

6. On return to School after any of these sanctions, the pupil will have a reintegration meeting with the form tutor and/or the Head of Year and/or the Deputy Head Pastoral (see appendix A) before re-entering back into the School community.
7. If a complaint is sufficiently serious, the Headteacher may decide to invoke the School policy on expulsion review. If this is the case, the Chair of Trustees will be informed. This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a pupil may be expelled from the School, or required to leave permanently for misconduct or other reasons. The Policy applies to all pupils at the School but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by parents.
8. Interpretation. "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 pupil has been required to leave, but without the stigma of expulsion. "Exclusion" means that a pupil is temporarily sent home or segregated within the School. Subheadings are for ease of reading and not part of the policy.

#### Expulsion or Review

9. Misconduct: The main categories of misconduct which for which pupils should expect the result to be 'expulsion' are:
  - a. Supply/possession/use of certain drugs and solvents, or their paraphernalia or substances intended to resemble them, and alcohol, tobacco, nicotine products or anything else that may be deemed harmful to other members of the School community.
  - b. Theft, blackmail, physical violence, intimidation, prejudice and discrimination of groups identified under the 2010 Equality Act, and persistent bullying.
  - c. Misconduct of a sexual nature; supply and possession of pornography.
  - d. Possession or use of unauthorised firearms or other weapons including imitation weapons or anything else that may be deemed harmful to other members of the School community.
  - e. Vandalism.
  - f. Computer misuse.
  - g. Persistent attitudes or behaviour which are inconsistent with the School's values and ethos.
  - h. 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.
  - i. Other Circumstances. A pupil may be required to leave if, after all appropriate consultation, the Headteacher is satisfied that it is not in the best interests of the pupil, 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

- a. Preparation: The Chair of Trustees will be informed of the investigation. Documents available to the Headteacher at the disciplinary meeting will include:
  - i. A statement setting out the points of complaint against the pupil.
  - ii. Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
  - iii. The Deputy Head Pastoral or other member of SLT's Investigation Report, including a timeline of events.
  - iv. The pupil's School file and conduct records.
  - v. The relevant School policies and procedures.
- b. Attendance: The pupil and their parents (if available) will be asked to attend the disciplinary meeting with the Headteacher and the Deputy Head Pastoral or other pastoral leader and will explain the circumstances of the complaint and the investigation. The pupil and their parents will have an opportunity to state their side of the case. The pupil may also have the opportunity to have a member of staff of their choice to give a character reference (see appendix B). 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 pupils will be preserved. A pupil's behavioural record and any other relevant information will also be made available for the meeting and should be referred to in the meeting before making a decision.
- c. Proceedings: There are potentially three distinct stages of a disciplinary meeting:
  - i. The complaints – the Headteacher will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Headteacher 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, i.e., the balance of probabilities. Appropriate reliance may be placed on hearsay evidence, but the Headteacher will not normally refer to the pupil's disciplinary record at this stage.
  - ii. The sanction – if the complaint has been proved the Headteacher will outline the range of disciplinary sanctions which are available. The Headteacher will take into account any further statement which the pupil and/or others present on his/her behalf wish to make. The pupil's disciplinary record and any other relevant information will be taken into account. Then, or at some later time, normally within 24 hours, the Headteacher will give a decision with reasons. If a pupil returns on a final warning and a further breach of the policy is proven, then the pupil can expect to be required to leave the School.
  - iii. Leaving status – if the Headteacher decides that the pupil must leave the School, they will clarify with a parent before deciding on the pupil's leaving status (see point 15 below).

12. Delayed Effect: A decision to expel or remove a pupil shall take effect 72 hours after the decision was first communicated to a parent. Until then, the pupil shall remain excluded and away from School premises. If within 72 hours the parents have made a written application for Review by the Trustees, the pupil shall remain excluded until the Review has taken place.

### 13. Leaving Status

Explanation: If a pupil is expelled or required to leave, his/her leaving status will be one of the following: "expelled", "removed", or "withdrawn by parents".

14. Detail: Additional points of leaving status include:

- a. The form of letter which will be written to the parents and the form of announcement in the School that the pupil has left.
- b. The form of reference which will be supplied for the pupil.
- c. The entry which will be made on the School record and the pupil's status as a leaver.
- d. Arrangements for transfer of any course and project work to the pupil, their parents or another School.
- e. Whether (if relevant) the pupil will be permitted to return to School premises to sit public examinations.
- f. Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.
- g. Whether the pupil will be entitled to leavers' privileges.
- h. Whether the pupil will be eligible for membership of the alumni association and if so from what date.
- i. The conditions under which the pupil may re-enter School premises in the future.
- j. Financial aspects: payment of any outstanding fees and extras: refund of prepaid fees.

### 15. Trustees' Review

- a. Request for Review: A pupil who is aggrieved at the Headteacher's decision to expel her/him or require her/him to leave, may make a written application for a Trustees' Review. A parent of such a pupil may do likewise. The application must be received by the Clerk to the Trustees within 72 hours of the decision being notified to a parent, or longer by agreement.
- b. 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.
- c. Review Panel: The Review will be undertaken by a three-member sub-committee of the Board of Trustees. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not normally include the Chair of Trustees. Selection of the Review Panel will be made by the Clerk to the Trustees. 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.

- d. **Review Meeting:** The meeting will take place at Trust premises, normally between 3 and 10 days after the parents' application has been received. A Review will not normally take place outside of term time. 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.
- e. **Attendance:** Those present at the Review Meeting will normally be:
  - i Members of the Review Panel and the Clerk to the Trustees.
  - ii The Headteacher and any relevant member of staff who the pupil or their parents have asked to attend and who the Headteacher considers should attend in order to secure a fair outcome.
  - iii The pupil together with their parents and, if they wish, a member of the School staff who is willing to speak on the pupil's behalf. The parents may be accompanied by a friend or relation. The Clerk to the Trustees must be given 7 day's notice if the friend or relation is legally qualified.
- f. **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 Trustees will be asked to keep a handwritten 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.
- g. **Procedure:** The Panel will consider each of the questions raised by the pupil or his/her parents so far as relevant to:
  - i. Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove of the pupil. The civil standard of proof, namely, "the balance of probability" will apply; and
  - ii. 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.
  - iii. The requirements of natural justice, which will apply. If for any reason the pupil 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 Trustees to note their dissatisfaction and the reasons for it.
- h. **Identification:** If the Headteacher 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.

- i. Pupil's Character: Up to two members of the School staff may speak generally about the pupil's character, conduct and achievements at the School if they are willing to do so.
- j. Leaving Status: If, having heard all parties, the Panel is minded to confirm the Headteacher's earlier decision, it is open to the Panel, with agreement of the Headteacher, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement.
- k. 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 Headteacher by letter within three days of the meeting.

## **APPENDICES**

### **Appendix A: Reintegration Procedure Following Suspension**

On return from suspension, pupils will attend a reintegration meeting with their Head of Year or the Deputy Head Pastoral. The meeting will review the reasons for suspension, reinforce School expectations, and agree clear targets to support positive behaviour. A reintegration plan may include pastoral support, daily check-ins, mentoring, or restorative conversations where appropriate. Progress will be monitored by the pupil's Head of Year or Deputy Head Pastoral with regular communication home. The aim is to ensure pupils feel supported to make a successful return, take responsibility for their actions, and re-engage positively with School life.

### **Appendix B: Character Reference Procedure**

Prior to any disciplinary meeting, a pupil may request a member of staff of their choice to provide a written or verbal character reference. This request must be made in advance of any scheduled meeting, to allow the member of staff to prepare. The selected staff member should be available to attend the meeting if required. Any reference provided will be disclosed to all relevant parties as part of the process. While staff may refer to pupil conduct in general terms, the anonymity of other pupils will, in most cases, be preserved to protect confidentiality.