



Sunderland High School

The best in everyone

Discipline and Exclusions

This is a key policy of Sunderland High School. It applies to all members of the school community including those in our EYFS setting. The policy is available to all parents, prospective parents, school governors, members of the UCST Board and ISI Inspectors. This policy is available in printed form upon request or it can be accessed and downloaded via the school's website, www.sunderlandhigh.co.uk. By contacting either Mrs E. Martin (school registrar, 0191 5677674) or Miss C. McArdle (Junior School Secretary, 0191 5143278) additional copies of the policy can be made available. In addition, larger print copies can also be produced upon request.

Sunderland High School seeks to implement this document through adherence to the procedures set out in the rest of this document.

Sunderland High School is fully committed to ensuring that the application of this policy is non-discriminatory in line with the UK Equality Act (2010). Further details are available in the school's Equal Opportunities Policy document.

This document is reviewed annually by AJS or as events or legislation change requires. The next scheduled review date is January 2012.

Circumstances within a pupil's life at the School which give rise to the possibility of expulsion or removal are always a matter of grave concern for pupils themselves, parents and all those within the School community. The School recognises, however, that young people are growing up and that they may be prone to make mistakes. In setting out this policy, Sunderland High School and the United Church Schools Trust, of which SHS is *a member*, seek to ensure that pupils who find themselves in such circumstances are treated fairly and firmly but with as much support as the circumstances allow.

Introduction

- 1 **Scope:** This policy contains guidelines, which may 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 his/her parents.
- 2 **Interpretation:** References to the *Head* include deputies. "*Parent*" includes one or both of the parents, a legal guardian or education guardian. "*Removal*" means that a pupil has been required to leave, but without the stigma of expulsion. Subheadings are for ease of reading and not part of the policy.

Policy Statement

- 3 **Aims:** The aims of this policy are:
 - 3.1 To support the Sunderland High School's behaviour and discipline code.
 - 3.2 To ensure procedural fairness and natural justice.
 - 3.3 To promote co-operation between the School and parents when it is necessary for a pupil to leave earlier than expected.
- 4 **Misconduct:** The main categories of misconduct which may result in expulsion or removal are:
 - 4.1 Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco;
 - 4.2 Theft, blackmail, physical violence, intimidation, racism and persistent bullying;
 - 4.3 Misconduct of a sexual nature; supply and possession of pornography;
 - 4.4 Possession or use of unauthorised firearms or other weapons;
 - 4.5 Intentional damage to the SHS property or to property belonging to a member of staff or another pupil, including ICT systems;
 - 4.6 Abuse of or intentional damage to the SHS computer system and of the internet and non-compliance with any policy issues by the School addressing these matters specifically;
 - 4.7 Persistent attitudes or behaviour which are inconsistent with the SHS ethos;
 - 4.8 Other serious misconduct towards a member of the SHS community or which brings SHS into disrepute (single or repeated episodes) on or off school premises.

- 5 **Other Circumstances:** A pupil may be required to leave if, after all appropriate consultation, the Head, Dr. A. Slater is satisfied that it is not in the best interests of the pupil, or of SHS, that he/she remains at the School.

Procedures

Investigation Procedure

- 6 **Complaints:** Investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by either of the Deputy Heads (Miss Campbell – Senior School, Mrs Prior – Junior School), and its outcome will be reported to the Head.
- 7 **Suspension:** A pupil may be suspended while a complaint is being investigated.
- 8 **Search:** We may decide to search a pupil's space and belongings, and ask him/her to turn out the contents of pockets or a bag, if we consider there is reasonable cause to do so.
- 9 **Interview:** If a pupil is interviewed formally about a complaint, arrangements will be made for him/her to be accompanied by a member of staff of his/her choice. A pupil who is waiting to be interviewed may be segregated but will be made as comfortable as possible, accompanied or visited regularly by a member of staff, and given access to a toilet, telephone and adequate food and drink.
- 10 **Ethos:** An investigation and any subsequent meeting will be conducted fairly and in a way that is appropriate to SHS, without formal legal procedures.

Disciplinary Meeting

- 11 **Preparation:** The Chairman of the Local Governing Body (Rev. S. Taylor) will be informed of the investigation. Documents available at the disciplinary meeting before the Head will include:
- 11.1 A statement setting out the points of complaint against the pupil;
 - 11.2 Written statements and notes of the evidence supporting the complaint, and any relevant correspondence;
 - 11.3 The Deputy Head's Investigation Report;
 - 11.4 The pupil's school file and (if separate) conduct record;
 - 11.5 The relevant school policies and procedures.
- 12 **Attendance:** The pupil and his/her parents (if available) will be asked to attend the disciplinary meeting with the Head at which the Deputy Head will explain the circumstances of the complaint and his investigation. The pupil may also be accompanied by a member of staff of his/her choice. The pupil and his/her parents will have an opportunity to state their side of the case. Members of staff will be on hand to

join the meeting if needed, and their statements will normally be disclosed but, in most cases, the anonymity of pupils will be preserved.

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

13.1 **The complaints** - the Head will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head considers that further investigation is needed, s/he 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 Head will not normally refer to the pupil's disciplinary record at this stage.

13.2 **The sanction** - if the Head believes the complaint has been proved s/he will outline the range of disciplinary sanctions which s/he considers are open to him/her. He/she will take into account any further statement which the pupil and/or others present on his behalf wish to make. The pupil's disciplinary record will be taken into account. Then, or at some later time within 24 hours, the Head will give his/her decision, with reasons. The Head is required to consult with both the Chief Executive of the United Church Schools trust and the Chairman of the Local Governing Body prior to making a decision to exclude.

13.3 **Leaving status** - if the Head decides that the pupil must leave the School, he/she will consult with a parent before deciding on the pupil's leaving status (see below).

14 **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 suspended and away from school premises. If within 72 hours the parents have made a written application for a Review by the Governors, the pupil shall remain suspended until the Review has taken place.

Leaving Status

15 **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"

16 **Detail:** Additional points of leaving status include:

16.1 The form of letter which will be written to the parents;

16.2 The form of announcement in the School that the pupil has left;

16.3 The form of reference which will be supplied for the pupil;

16.4 The entry which will be made on the school record;

16.5 The pupil's status on the list of leavers for the year;

- 16.6 Arrangements for transfer of any course and project work to the pupil, his/her parents or another school;
- 16.7 Whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations;
- 16.8 Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil;
- 16.9 Whether the pupil will be eligible for membership of the Former Pupils' Association and if so from what date;
- 16.10 The conditions under which the pupil may re-enter school premises in the future;
- 16.11 Financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; refunded of prepaid fees.

Review Process

- 17 **Request for Review:** The pupil's parents, aggrieved at the Head's decision, may make a written application for a Review by the Local Governing Body. The application must be received by the Secretary to the Local Governing Body within 72 hours of the decision being notified to a parent, or longer by agreement.
- 18 **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.
- 19 **Review Panel:** The Review will be undertaken by a three member sub-committee of the Local Governing Body. The panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not normally include the Chairman of the Local 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.
- 20 **Review Meeting:** The meeting will take place 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.
- 21 **Attendance:** Those present at the Review Meeting will normally be:
 - 21.1 Members of the Review Panel and the Secretary to the Local Governing Body.
 - 21.2 The Head and any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the Head considers should attend in order to secure a fair outcome.

21.3 The pupil, together with his/her 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 Secretary to the Local Governing Body must be given 7 days' notice if the friend or relation is legally qualified.

22 **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 Chairman of the Review 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 Secretary 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 Chairman of the Review 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 Chairman of the Review Panel may at his/her discretion adjourn or terminate the meeting at any stage during its proceedings. If the meeting is terminated, the original decision will stand.

23 **Procedure:** The Panel will consider each of the questions raised by the pupil or his/her parents so far as relevant to:

23.1 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*

23.2 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.

The requirements of natural justice will apply. If for any reason the pupil or his/her parents are dissatisfied with any aspect of the meeting they must inform the Chairman of the Review Panel at the time and ask the Secretary to note their dissatisfaction and the reasons for it.

24 **Identification:** If the Head considers it necessary in the interests of an individual or of the School that the identity of any person should be withheld, the Chairman of the Review 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 Chairman of the Review Panel at his/her discretion may direct that the person be identified, or not as the case may be.

- 25 **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.
- 26 **Leaving Status:** If, having heard all parties, the Panel is minded to confirm the Head's earlier decision, it is open to the Panel, with agreement of the Head, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement.
- 27 **Decision:** When the Chairman of the Review 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 Chairman of the Review Panel may ask those present to withdraw while the Panel considers its decision. The decision of the Review Panel will be final. The decision will be notified, with reasons, to the parents by the Chairman of the Review Panel or the Chairman of Local Governing Body by letter or telephone within three days of the meeting.

This Policy was reviewed and agreed by the Local Governing Body of Sunderland High School

Circulation on request: Pupils, parents, staff, the Local Governing Body of Sunderland High School, the Council of the United Church Schools Trust and ISI Inspectors.

Legal Status: Advisory and non-contractual

Policy Date: January 2010

Review: Biennial

Next Review Date January 2012

[DRAFT] POLICY SUMMARY [FOR INCLUSION IN PUPIL HANDBOOK]

POLICY ON EXPULSION

1. A pupil will not be expelled without grave cause. The circumstances which may lead to expulsion (or required removal as an alternative to expulsion) include:
 - Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco;
 - Theft, blackmail, physical violence, intimidation, racism and persistent bullying;
 - Misconduct of a sexual nature; supply and possession of pornography;
 - Possession or use of unauthorised firearms or other weapons;
 - Intentional damage to the School's property or to property belonging to a member of staff or another pupil, including ICT systems;
 - Abuse of or intentional damage to the School's computer system and of the internet and non-compliance with any policy issues by the School addressing these matters specifically;
 - Persistent attitudes or behaviour which are inconsistent with the School's ethos;
 - [*other*];
 - Other serious misconduct towards a member of the school community or which brings the School into disrepute (single or repeated episodes) on or off school premises.
2. You may also be required to leave if, after all appropriate consultation, the Head is satisfied that it is not in the best interests of you, or of the School, that you remain at the School.
3. A complaint which could lead to your being expelled or required to leave the School permanently will be investigated thoroughly and fairly. You will have an opportunity for the assistance of your parents and/or a teacher to state your side of the case and you would also have a right to ask for the decision to be reviewed by a panel of the Governors.
4. A copy of the full policy on expulsion may be obtained from the school office.

