

DE LA SALLE COLLEGE



DISCIPLINARY POLICY (STUDENTS)

“THOSE WHOM I LOVE, I REPROVE AND DISCIPLINE, SO BE ZEALOUS AND REPENT.”

REVELATIONS 3:19

Compiled by: The Head of College	Last Reviewed: June 2023
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1. Introduction

All schools have the legal right to impose reasonable sanctions if a pupil misbehaves. Physical punishment is illegal; but sanctions for misbehaviour that a school might use include: a reprimand, a letter to parents or guardians, removal from a class or group, loss of privileges, confiscation of a possession that is inappropriate in the classroom, detention, or in serious cases of gross misconduct, or persistent incidents of lesser misconduct, exclusion.

Exclusion, whether temporary or permanent, is used as a last resort.

Permanent exclusion is used only in the most serious circumstances.

De la Salle has a set of general rules which are designed in order that the School may be a safe, happy and caring place where members of the School community show consideration, concern and respect for each other. These rules are found in the School's Behaviour Policy. All pupils are expected to comply with the School's Behaviour Policy.

This Disciplinary policy follows on from School's Behaviour Policy. The Disciplinary policy explains what procedures will be followed once a student reaches Stage 12 of the Behaviour Policy, that is an accumulation of actions deemed to be lesser misconduct. The Disciplinary policy also outlines the procedures that will be followed if a student engages in an act deemed to be gross misconduct.

2. Purpose of the Disciplinary Policy –

The aim of De La Salle College is to encourage improvement in individual conduct and the School's Behaviour Policy explains how this is achieved.

This Disciplinary Policy sets out the action which may be taken when an individual act of Gross misconduct occurs or persistent incidents of lesser misconduct occur, causing a Stage 12 response of the Behaviour Policy to be considered.

2. Principles

- a) The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues;
- b) No disciplinary action will be taken until the matter has been fully investigated;
- c) At every stage students will have the opportunity to state their case and their parents/guardians will be informed and may choose to discuss this with the appropriate person.

d) Unless the matter is deemed to be an act of gross misconduct (in such a case a student is normally summarily excluded), it is unlikely that a student will be permanently excluded for an accumulation of acts deemed to be of lesser misconduct, (although the Head of College does reserve this right).

e) Students have the right to appeal against any sanction detailed in this Disciplinary policy.

3. The Procedure for Students who exhibit acts of lesser misconduct (Stage 12 of the School's Behaviour Policy)

Stage 1 of the Disciplinary Policy- first warning

If conduct falls short of the expected standards and the lapse in conduct requires a stage 12 response of the Behaviour policy, then a student will be asked to attend a meeting with the Assistant Headteacher (Pastoral)/ (Primary) and advised that it may result in a formal verbal warning. If it is determined that the student is at fault he will be:

- Told the reason for the warning;
- Advised that this is the first stage of the Disciplinary Policy
- Told how long the warning will remain on file (usually 6 months)
- Told the consequences of further lapses of conduct or performance
- Given the right of appeal to the Assistant Head of College Safeguarding or Primary Headteacher.

The Assistant Headteacher (Pastoral)/ (Primary) will make a brief note of the meeting and place it on file. It will be destroyed - subject to satisfactory conduct - once it has expired. Parents will be informed that the student is now at this stage of the Disciplinary Policy and will be offered a meeting with the Assistant Headteacher (Pastoral)/ (Primary).

Stage 2 - written warning

If there has been a further lapse in conduct requiring a stage 12 response of the Behaviour policy, it may be necessary to move to the next stage of the Disciplinary Policy. The student will be asked to attend a meeting with his parents/guardian and advised that it may result in a written warning. If it is found the student is at fault he will be:

- Told the reason for the warning, which will be sent to him in writing;
- Advised that this is the second stage of the Disciplinary Policy;
- Told how long the written warning will remain on file (usually 12 months);
- Told the consequences of further lapses of conduct (possible expulsion);
- Given the right of appeal to the Head of College.

The Assistant Head of College Safeguarding/ Primary Headteacher will make a brief note of the meeting and the warning and place it on file. It will be destroyed - subject to satisfactory conduct/performance - once it has expired.

Stage 3 – Permanent Exclusion or Action Short of Permanent Exclusion

If there has been a further lapse in conduct requiring a stage 12 response of the Behavior policy, (and if previous warnings have not expired) that is a further incident of lesser misconduct occurs, a student may receive a period of a fixed term exclusion of five days (excluded from the College site) or where this sanction has previously been issued the Head of College may determine that permanent exclusion is warranted.

The student with his parents/guardian will be asked to attend a Disciplinary hearing and advised the student may be permanently excluded. If it is determined that the student is at fault he will be:

- Told the reason for the permanent exclusion (or other disciplinary action such as a period of suspension) which will be sent to him in writing;
- Advised that this is the final stage of the disciplinary procedure
- Told, if permanently excluded, the amount of notice to be given and the last date at which he will be able to attend the College;
- Given, if permanently excluded, the right of appeal to the Disciplinary sub-committee of the Board of Governors.

The Head of College will make notes of the meeting, the outcome and the reasons for the decision and place it on file (see below for details of how the Disciplinary hearing will be conducted).

4. Gross Misconduct

If, following an investigation, it is decided that the student has committed an offence similar in nature to the following non exhaustive list then the normal consequence will be summary permanent exclusion. While the alleged gross misconduct is being investigated, the student may work in isolation and this will be treated as a period of leave without judgement, during which time school work and support will be supplied, and this will be for as short a period as possible. Examples of acts of gross misconduct are:

- Theft
- Being under the influence of alcohol or illegal drugs at school
- Bringing alcohol or illegal drugs into school
- Supply/possession/use of controlled drugs, solvents, so-called legal highs or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- Violence, abuse or threatening behaviour
- Bullying, including bullying on line or via social media
- Any kind of discriminating abuse, including, but not limited to racism, sexism, misogyny, homophobia and xenophobia
- Gross insubordination
- Falsification of documents/records
- Gross intentional damage to property (College's or other student's)
- Persistent disruptive behaviour

- Bringing the school into disrepute

Following an allegation of gross misconduct, the Head of College will appoint an Investigating officer. The investigating officer will be a member of the College's senior management but will under no circumstances be the person who has made the allegation of gross misconduct. In order to ensure that the Head of College is impartial when he holds a disciplinary hearing, he will not participate in or have knowledge of information gathered as part of the investigation in advance of the hearing. When the investigation is complete, if in the opinion of the Investigating officer there is sufficient evidence to justify the allegation/s the Head of College will call a Disciplinary hearing. The student with his parents/guardian will be asked to attend the Disciplinary hearing and advised that the student may be permanently excluded. Prior to attendance at the Disciplinary hearing the student will be provided with the evidence gathered by the investigating officer.

At the Disciplinary hearing:

The Disciplinary hearing will be conducted in a fair manner with all parties having the opportunity to present evidence. The Head of College will hear the evidence gathered by the investigating officer. The student and his parents will be able to present their side of the case. They may also, through the Head of College, ask any questions of the investigating officer.

There will also be an opportunity for the investigating officer and the student to summarise their case.

The Disciplinary hearing will be minuted by the Head of College's PA.

At the conclusion of the hearing all parties should:

- Have understood the nature of the proceedings
- Have been given proper opportunity to speak, put evidence forward and respond to questions
- Feel that they have said everything they wished to say
- Feel that they have been treated courteously
- Feel that the Head of College has listened to and understood all the points made
- Be clear as to when they will be informed of the decision of the Head of College.

Once this part of the hearing is completed the Head of College will ask all parties to withdraw whilst he considers the evidence to reach his decision.

Decision reached after the hearing has taken place.

Having considered all of the evidence the Head of College may conclude that:

- The allegation is unproven
- The allegation constitutes lesser misconduct and a Stage 2 response of the Discipline Policy is appropriate.
- The allegation of gross misconduct is proven,

If it is determined that the gross misconduct is proven the student will be told:

- The sanction imposed and the reason for the sanction which should be sent to him in writing;
- Told, if the sanction is permanent exclusion, that no notice will be given.
- Given the right of appeal to the Disciplinary sub-committee of the Board of Governors, the period of permanent exclusion will begin immediately following the Head of College's decision and will not be held in abeyance until after the Appeal hearing.

The Head of College will inform the student and his parents orally of his decision and confirm this in writing. The Head of College will make notes of the outcome and the reasons for the decision and place it on file.

5. Appeals

A student or his parents/guardian who wishes to appeal against any decision made under the Disciplinary policy must do so to the Head of College within 5 working days. The student or his parents/guardian must clearly state the reasons for their appeal which could include:

- That there has been a procedural flaw in the Disciplinary hearing
- That the findings are inconsistent with the evidence presented
- That the student feels that the sanction imposed is not appropriate
- That the investigation or Disciplinary hearing was in some way unfair or biased
- That new evidence has come to light that was not considered at the original Disciplinary hearing.

Appeal hearings will focus on the issues set out in the appeal notification, therefore, the appeal process may not always take the form of a new Disciplinary hearing. The College will hear the appeal at the earliest opportunity and decide the case as impartially as possible, confirming the outcome in writing. In the case of an appeal panel considering either a permanent or fixed term exclusion then the Head of College will not hear the appeal, as he is the person who made the original disciplinary decision. However, the Head of College would be expected to provide his reasoning for making his decision.

The appeal panel can:

- uphold the decision of the original Disciplinary hearing,

- they can impose a lesser penalty or
- conclude that no action should be taken against the student.

The appeal panel cannot impose a more severe penalty than that given at the original Disciplinary hearing.

The decision of the Governors appeals committee will be final.