



one
school



Student Disciplinary and Investigation Procedures

The Purpose of this document

The following procedure sets out the principles and process when a serious contravention of school rules and expectations has occurred.

This is a document for current parents, students, and staff, is not for wider dissemination. This policy will be reviewed periodically by Senior Staff and Council. However, any questions on this policy can be addressed to the Principal at any time. We value feedback; our culture is to be open and self-critical. Well argued and justified comment will be taken very seriously.

We aim to be a well ordered school and to honour our legal and educational responsibilities.

Dr John H Newton

Principal

General Principles

Scotch College believes in transparency and fairness in its dealings with its students and parents. We believe that in the rare circumstances that a major infringement of the College's major policies has occurred (for example, but not exclusively, in the areas of bullying and harassment or distribution or abuse of harmful substances), a fair and open process should be available to students and their parents.

We believe in the principles of natural justice and a decision taken on the balance of probabilities. Any decision to discipline a child must never be taken lightly, but in the light of what is best for them and the community at large.

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1. In the event where a serious contravention of a school policy has occurred, the Principal or Principal's delegate will:

- 1.1 Ensure there is no risk to the College during the investigation. Should a pupil pose a risk to the College in any way, their temporary removal from the College site may be necessary.
- 1.2 Conduct an investigation into circumstances by fairly and sympathetically gathering all available evidence in a timely manner;
- 1.3 Inform the student and the student's Parents as soon as practicable that an investigation is being conducted;
- 1.4 Ensure that the student under investigation and their Parents have the opportunity to respond and, if necessary, have the opportunity to obtain advice in relation to any investigation;
- 1.5 Ensure the investigation takes into account all relevant facts before determining any action which may be undertaken.
- 1.6 In the case of the possible termination of an enrolment, an adult, normally a parent or parents, must accompany the student to the interview with the Principal and their delegates, so all final matters may be considered and a full opportunity to respond may be offered.
- 1.7 For specific sanctions, please see the relevant disciplinary policy.

2. Procedure on Suspension

- 2.1 The procedure in Section 1 above should be followed.
- 2.2 If it is decided that a student is to be suspended, the College must inform the student and the student's parents:
 - 2.2.1 of the grounds for the suspension;
 - 2.2.2 the length of the suspension; and
 - 2.2.3 of particulars of any Alternative Arrangements the College proposes to make for the student during the period of suspension.



- 2.3 The student must comply with any Alternative Arrangements proposed by the College.
- 2.4 All relevant members of the College's staff and, depending on the nature of the offence, the wider College community, will be notified of such suspension at the appropriate moment, and whilst respecting as far as possible the right to confidentiality of the student.

3. **Alternative Arrangements on Suspension**

- 3.1 When a student is suspended, but the offence is not deemed to suggest there is a risk to the College or the individual, the College may make Alternative Arrangements for the student.
- 3.2 **'Alternative Arrangements'** may include:
- 3.2.1 exclusion from the College grounds;
 - 3.2.2 withdrawal of privileges;
 - 3.2.3 exclusion from College events or sport;
 - 3.2.4 the student being required to undertake additional or different schoolwork or homework;
 - 3.2.5 the student being required to carry out tasks associated with the College at the direction of a member of the College staff; and
 - 3.2.6 any other arrangements the College considers appropriate.
- 3.3 The Alternative Arrangements may remain in place for as long as the College considers necessary.

4. **Termination of enrolment**

- 4.1 The termination of a student's enrolment may only be carried out by the Principal.
- 4.2 As a general rule, the Principal may terminate an enrolment of a student if the offence is deemed to be of permanent risk to the student or the College.
- 4.3 For specific sanctions, please see the relevant disciplinary policy.



- 4.4 A student's enrolment may also be terminated due to non-payment of fees (Please see Suspension and Termination of Enrolment Policy for details).

5. Procedure on Termination of Enrolment

- 5.1 The procedure in Section 1 above should be followed.
- 5.2 If it is deemed that a student's enrolment is to be terminated, the College must:
- 5.3 inform the student and the student's Parents in person, and thereafter by giving notice in writing:
- 5.3.1 that the student's enrolment has been terminated;
 - 5.3.2 of the ground or grounds for the termination; and
 - 5.3.3 that the student has a right of appeal under this policy; and
- 5.4 the Principal must inform the Chair of the Council of Governors of the decision and the attendant circumstances and evidence that led to it.

6. Students with Special Circumstances

- 6.1 When making any decision to suspend or terminate a student's enrolment under this policy, the Principal must take into account any Special Circumstances that apply to the student.
- 6.2 In this clause, '**Special Circumstances**' include, but are not limited to:
- 6.2.1 the student's status as a boarder;
 - 6.2.2 the student's disability or learning difficulty; or
 - 6.2.3 the student's mental or physical illness.
- 6.3 The Principal may, in their discretion, modify, adapt or change any decision made under this policy to take into account a student's Special Circumstances.

7. Review

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- 7.1 Every decision to suspend or terminate a student's enrolment under this policy may be reviewed in accordance with this clause.
- 7.2 A student or their Parents may apply to the Chair of the Council of Governors for a review by notice in writing addressed to the Chair of the Council of Governors within 5 days of the decision to suspend or terminate a student's enrolment being communicated to the student or their Parents.
- 7.3 Reviews are to be conducted by a review board established under this clause.
- 7.4 The review board will consist of three members appointed by the Chair of the Council of Governors, being:
- 7.4.1 at least two members of the Council of Governors, one of whom must be the Moderator's independent representative (who should chair the Review);
 - 7.4.2 A representative from Synod
- 7.5 When an application for review is received by the Chair of the Council of Governors:
- 7.5.1 the Chair must convene the review board and appoint members to it within 7 days of receipt of the application;
 - 7.5.2 the review board must first meet within 14 days of receipt of the application but may adjourn to subsequent meetings; and
 - 7.5.3 the review board must make its final decision within 30 days of receipt of the application.
- 7.6 The review board is not bound by the rules of evidence and may inform itself as it sees fit, and should be guided by good conscience, the best interests of the College and its students, principles of natural justice, and the desirability of this Policy being implemented in a fair and impartial way.
- 7.7 The parties to the review will be:
- 7.7.1 the College;
 - 7.7.2 the student;
 - 7.7.3 the student's Parents; and



- 7.7.4 any other party the review board considers relevant.
- 7.8 The review board may give directions to the parties as to the form of submissions and evidence it requires, and may determine its own procedures and rules.
- 7.9 Each party is entitled to be represented at the meeting and have a support person present.
- 7.10 The review board may decide to:
- 7.10.1 affirm the decision to suspend or terminate the student's enrolment;
 - 7.10.2 quash the decision to suspend or terminate the student's enrolment;
 - 7.10.3 where the review board finds that a student's enrolment should not have been terminated, quash the decision and order:
 - (a) that instead of being asked to leave the College the student be suspended, and impose alternative arrangements as it sees fit; or
 - (b) that no further action be taken.
 - 7.10.4 where the review board finds that a student should not have been suspended, quash the decision and order that the student be permitted to return to school;
- 7.11 The review board must furnish the parties with written reasons for its decision;
- 7.12 The review board has no power to:
- 7.12.1 take evidence on oath; or
 - 7.12.2 make an order for costs.
- 7.13 *In exceptional circumstances the Principal may reverse a decision of the review board.*

8. Linkages with other School Policies



- 8.1 This policy is intended to provide a procedure for dealing with students who have breached those policies where that breach has led to suspension or termination of a student's enrolment.
- 8.2 While it is intended that all other College policies for managing student behaviour will be followed before recourse is had to this policy, that will not prevent action from being taken under this policy if doing so is, in the opinion of the Principal, required in the circumstances.
- 8.3 *It will not be a ground for review under this policy that the procedures set out in another policy were not followed before a student was suspended or had their enrolment terminated.*