



Magdalen College School

Guidance for Major Disciplinary Investigations

- 1. Operational Principles.** Speed and confidentiality are of the essence in disciplinary enquiries. As appropriate, consultation with external agencies must take place before any investigation commences. The school must not investigate a potentially criminal matter without consultation with outside agencies including the police.
- 2. Confidentiality.** Confidentiality means not divulging to uninvolved pupils, parents or staff what has been said in interviews. It does not in any circumstances mean saying to interviewed pupils that what they say will be treated in confidence.
- 3. Role of the Master.** Unless there are exceptional circumstances, the Master should not be involved in interviews so that she can freshly and impartially examine the evidence and decide on appropriate sanctions.
- 4. Involvement of Parents.** Magdalen College School is an independent school with an exceptionally wide catchment area, a significant number of single parents, many families with two working parents and many parents working away from home. In some cases, the parental profile is more akin to that of a boarding than of a day school. It is school policy that, save in the most exceptional circumstances, parents are not present at investigatory interviews whilst these are at an enquiry stage. This applies to all pupils interviewed as part of an investigation. However, if at all possible another adult will be present during any pupil interview. If possible that adult should be a teacher, preferably of the same sex as the pupil concerned. Once the enquiry stage has been passed, and these investigations conclude that permanent exclusion may need to be considered, parents will be invited to be present at a further interview. In the intervening period a pupil may be suspended and sent home.
- 5. Procedures at Interview.** The highest standards of conduct are expected of MCS pupils and much emphasis is placed on good relations between pupils, and between pupils and staff. In the interests of the school community as a whole, pains are taken to avoid a heavy handed or administratively intense/bureaucratic approach to disciplinary investigation. In a significant incident, witnesses will typically be asked initially to write out their own statement. However, other methods may also be used, such as: witnesses being asked to read and sign notes kept of the interview with them; or simple note-taking without witness signature but with a copy of notes supplied to the witness as required.

6. Interview, Content and Style. The date, start time and end time should be noted; the main points of the interview should be noted; the interview should begin with an explanation, e.g. I am going to ask you some questions about ... and then I will ask you to tell me what you know about it; the interview should end with a summary of what has been said; where relevant, the pupil will be asked to write out their own statement. Furthermore: there may be follow-up questions about the statement; a person's demeanour may be relevant. Demeanour can mislead but a written note of it should be made if apparently relevant; at all stages the question must be asked: would an objective bystander consider that the proceedings had been fair?

7. Interview Notes. Interviewers should bear in mind that, in the case of parents requesting a review by Governors, copies of statements are likely to be made available to parents. On legal advice, the school reserves the right to edit such documents so as to delete irrelevant or sensitive material which might impact on other parties.

8. Governor Involvement. When a disciplinary investigation is underway the Master will consider whether and when the Governors, including the Chair of Governors, should be involved.

9. Exclusion. When a pupil is temporarily excluded the discipline and exclusion policy is sent with the letter. In cases of permanent exclusion, procedures are outlined on a separate sheet.

10. Burden of proof. The school should bear in mind that the standard of proof required before a Headteacher can exclude a pupil who is accused of something which amounts to a criminal offence is beyond reasonable doubt (not the balance of probabilities).

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