

## Appendix 4: Investigations of Incidents and Alternative Action

### **1. Investigations**

- 1.1 The Head or Deputy Headteacher may investigate incidents which potentially give rise to a breach of the Academy's policies on behaviour and discipline, or may appoint a member of staff (usually a member of the Senior Leadership Team) to carry out the investigation.
- 1.2 The investigation and any interviews or meetings which take place with pupils will be conducted fairly, in a way which is appropriate in a school environment, and without being formal or legalistic in nature.
- 1.3 The pupils involved will be interviewed as part of the investigation and given the opportunity to state their version of events. Where pupils are at risk of disciplinary action, they will usually be accompanied by a member of staff not involved in the incident or the investigation while they are interviewed.
- 1.4 Pupils who are clearly only witnesses and not at risk of disciplinary action may be interviewed without an additional member of staff being present.
- 1.5 Parents do *not* need to be notified in advance that interviews are taking place, and their consent is not required (although they may be invited to attend an interview in the case of potentially serious breaches, where the Academy deems it appropriate to do so).
- 1.6 The pupil will be asked to make a statement, and / or a written record of the interview will be made by the interviewing member of staff. Pupils will be asked to sign and date their statement or the written record of interview, confirming it to be true and accurate.
- 1.7 CCTV footage may be viewed and pupils' desks, lockers and / or personal belongings may be searched during the course of an investigation. See Appendix 6 of this policy for the Academy's policy on searching and confiscation.
- 1.8 It may sometimes be necessary to delay or suspend an investigation where external agencies such as the police or social services are involved and have recommended this. A decision to delay or suspend an investigation will take into account advice from appropriate external agencies, and will be subject to periodic review. In relation to alleged sexual violence or sexual harassment, the Academy will have regard to KCSIE and the Academy's designated safeguarding lead (or a deputy) will take a leading role on decisions.
- 1.9 Where the Head or Deputy Headteacher has appointed a senior member of staff to investigate an incident which may result in formal exclusion from the Academy, the investigating member of staff will fully report the outcome of their investigation to the Head or Deputy Headteacher to enable an informed decision to be made.

### **2. Removal from the Classroom / Suspension Pending Further Investigation / Enquiries**

- 2.1 Where the incident is serious and / or complex and it has not been possible to complete the full investigation and / or conduct all enquiries on the day that the incident occurred or was brought to the attention of the Academy, the pupil may be removed from the

classroom while the investigation continues and / or enquiries are made (for example, consideration of a managed move). During this time the pupil is entitled to receive the equivalent of full-time education provision. The period of removal from the classroom should be taken into account by the Head or Deputy Headteacher when determining the final consequence.

- 2.2 Alternatively, where it is not appropriate for the pupil to remain on the Academy's premises while the investigation continues / enquiries are made, the pupil may be formally suspended from the Academy for a fixed number of days pending further investigation / enquiries. The length of the suspension will be kept to the minimum required to complete the further investigation / enquiries.
- 2.3 Before a suspension pending further investigation / enquiries is imposed, the Head or Deputy Headteacher must be satisfied that a prima facie case has already been established in relation to the pupil's involvement in the incident to an extent that merits a suspension of at least that length.
- 2.4 A suspension pending further investigation / enquiries is still a serious disciplinary measure and the statutory procedure set out in the Exclusion Guidance will be followed (including sending a notification letter to the Parents containing all mandatory information).
- 2.5 Once the investigation / enquiries are complete, the Head or Deputy Headteacher will be in a position to make a final decision. This may include imposing a further suspension or permanent exclusion to run consecutively (i.e. back to back, without a break in between) with the original suspension pending further investigation / enquiries. A second suspension notification letter containing all mandatory information will be sent to the Parents confirming the further suspension or permanent exclusion.

### **3. Decision**

- 3.1 Once the investigation has concluded, all of the information gathered will be considered and a decision will be made as to what facts have been established to be true, to the civil standard of proof (i.e. on a balance of probabilities, or more likely than not).
- 3.2 Pupils' behaviour and discipline records will be taken into account, together with the pupils' background, and any special educational needs and / or disabilities they may have. The Academy will follow its special educational needs and learning difficulties policy and Equality policy, where these are relevant.
- 3.3 All disciplinary consequences imposed will be a fair, reasonable and proportionate response to the misbehaviour involved, taking into account the pupil's own account, aggravating features, mitigation, background, and special educational needs and / or disabilities.
- 3.4 Disciplinary consequences will be recorded in the pupil's behaviour and discipline record.
- 3.5 The Academy will usually notify the Parents of disciplinary consequences imposed and the reasons for them (parents must always be notified of removals from the classroom, suspension and permanent exclusions).

#### **4. Off-site Directions**

- 4.1 The Academy has the power to direct that a pupil be educated off-site with the aim of improving their future behaviour. It must **not** be used as a disciplinary consequence for misconduct.
- 4.2 The off-site direction may be to a Pupil Referral Unit (**PRU**), and Alternative Provision Academy, or another academy / school (or unit therein).
- 4.3 Parental consent is **not** required for an off-site direction, and pupils are expected to attend the other setting as directed. If they do not attend, their absence will be unauthorised and dealt with in the same way as it would if they failed to attend the Academy.
- 4.4 The arrangements for the off-site placement will be based on an understanding of the support the pupil needs in order to improve their behaviour, as well as any SEND or health needs the pupil has. It may be full-time, or part-time in combination with attendance at the Academy or another setting. The expectation is that the pupil will continue to receive full-time broad and balanced education.
- 4.5 A 'personalised plan for intervention' will be put in place, which sets out the objectives for the pupil's improvement and attainment, the timeframe involved, the arrangements for assessment and monitoring progress, and with a baseline of the pupil's current position against which to measure their progress.
- 4.6 The off-site placement will be regularly reviewed, and Parents will be involved in the review. The purpose of the review is to ensure that the off-site placement is achieving its objectives and that the pupil is benefitting from it.
- 4.7 during the period of an off-site direction by the Academy to another school / academy, the pupil must be dual registered which means that they will be registered at both the Academy and the school / academy to which the pupil is directed off-site.
- 4.8 The Academy will follow the Alternative Provision Guidance when exercising this power.

#### **5. Managed Moves**

- 5.1 A 'managed move' is used to initiate a process which leads to the permanent transfer of a pupil to another mainstream school / academy following a trial period. It is designed to give pupils who are **at risk of** permanent exclusion a fresh start in another school / academy without a permanent exclusion on their educational record.
- 5.2 As it is a proposed permanent transfer to another setting, parental consent is required, and Parents will be consulted when while this is being explored.
- 5.3 If a temporary move to another setting is needed with the aim of improving the pupil's behaviour, rather than as a trial period before a proposed permanent transfer to that setting, then off-site direction (as described above) must be used. An off-site direction can be made without parental consent.
- 5.4 A planned managed move will only happen when it is in the pupil's best interests.

- 5.5 During the trial period, the pupil will be dual registered at both the Academy and the new school / academy. If the managed move breaks down during the trial period, the new school / academy will terminate the trial period and delete the pupil's name from the register. The pupil will then return to the Academy.
- 5.6 For this reason, a managed move will not be appropriate following a serious breach and / or persistent breaches of the Behaviour Policy for which permanent exclusion is deemed by the Head or Deputy Headteacher to be the only appropriate consequence, where the Academy would not be prepared to accept the pupil back at the Academy if the managed move broke down during a trial period.

The Academy will agree a fixed period for the trial period at the outset, after which the new school / academy will be expected to give permission to the Academy for the pupil's name to be deleted from the Academy's roll, at which time the transfer becomes permanent