

Present:

- **Chair:** Head or Deputy Head, or, where necessary, an independent chair.
- **Assessor:** A member of staff who assists the chair.
- **Accused:** **The Accused is informed that should s/he absent him/herself then the Disciplinary Committee will proceed, and s/he may be found guilty in absentia, and a sanction may be imposed.**
- **Prosecutor:** A member of staff who presents the charges and evidence against the accused
- **Defence:** A member of staff asked by the pupil to speak on his/her behalf.

NB – None of the above may have legal training, legal background or be a member of the legal profession. Further, it is critical that the chair is, and is perceived to be, independent, and has not been involved in the investigation. If a Disciplinary Committee is held with the Accused being in absentia the Chair must satisfy him/herself that proper, timeous notice was given to the Accused and to his/her parents

- **Parent/s of the Accused**
Are invited to the hearing – they may not question witnesses but may comment after judgment and sanctions have been passed. Parents may not bring with them a legal representative.
- **Witnesses**
To be present for first two points below, before being called to give evidence.

NB If the accused is too traumatized an intermediary can be appointed to answer questions on behalf of the accused.

Prior to the Disciplinary Committee (DC):

- A disciplinary investigation is started once a disciplinary incident has been reported. Whoever conducts this then consults with the Headmaster on whether or not to convene a DC or not.
- **The DC must be convened within 7 (seven) school days of the incident.**
- The tutor is informed of the hearing and advises the child they may ask a teacher to act as their defence, this could be the tutor.
- The Parents are given at least three working days notice of the DC. It is the responsibility of the Chair to ensure the parents have acknowledged receipt of said invitation in writing (email is acceptable), whether or not they choose to attend.
- The letter of invitation is sent by the prosecutor, who also states the range of sanctions expected for the type of offence, circumstances and severity of the event/s. The purpose here is to avoid parents expecting a worse sanction than is likely and overly blocking the justice process.

Procedure:

- The Chair informs all present that the proceedings will be recorded.
- The Chair introduces the members present
 - The Chairman explains their roles in the hearing
- The witnesses are asked to leave
- The Chairman asks the accused:
 - If accused received the charges in written form
 - If accused was informed of hearing
 - Has the accused requested a member of staff to stand with him/her as Defence.
 - **Has the accused had sufficient time to consult in preparation of his/her defence - NB**
 - Does the accused feel prejudiced in any way?
- The Chairman reads out the charge/s to the pupil

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- The Chairman asks the prosecutor the following questions:
 - Does the rule exist in the School Rules?
 - Is there knowledge of this rule in the school community?
 - Is the rule legitimate?
 - Is the rule consistently applied?
 - Is there to your knowledge a breach of the rule?

- The chairman shall:
 - Remind the accused of the right to dispute the **allegations against him/her**. A handwritten sheet of the charges is handed to the pupil.
 - Ask the Prosecution if he / she would like to make an opening statement.
 - Ask the parent(s) if they would like to **address the chair**.
 - Ask the Defence/accused if he/she would like to make an opening statement.

- The Chairman asks the pupil to plead guilty or not guilty

If the accused pleads guilty:

- The chairman may ask the accused questions:
 - To clarify the plea and to satisfy him/herself that the plea is correctly entered and recorded.

- The prosecutor is requested to present evidence of aggravation, if any:
 - Witnesses are called in this regard by the prosecutor.
 - The Defence may cross question the witness.
 - The Prosecution may re-examine the witness only on issues raised in cross-examination. No new matters can be raised unless the Defence also has an opportunity to cross-examine on such new evidence after the re-examination is completed. .
 - The Chairman may question the witnesses to clarify matters.
 - After the questions are asked the parties are again given an opportunity to ask questions arising from the Chairman's questions

- The Defence is requested to present extenuating/mitigating circumstances
 - Witnesses are called in this regard by the Defence.
 - The Prosecution may cross question the witness.
 - The Defence may re-examine the witness only on issues raised in cross-examination. No new matters can be raised unless the Prosecution also has an opportunity to cross-examine on such new evidence after the re-examination is completed. .
 - The Chairman may question the witnesses to clarify matters.
 - After the questions are asked the parties are again given an opportunity to ask questions arising from the Chairman's questions

- Note: The Chairman shall ensure that questions are asked that will settle the witness down first.

- The pupil is given opportunity to speak if s/he chooses to do so

- The pupil and parents are asked to leave the room

- The Chairman asks the Prosecutor and the Defence what they would expect as sanctions and each is given an opportunity to address the Chairman .

- The Prosecutor and Defence leave

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- The Chairman and Assessor decide on guilt and confirm the plea, and also decide on sanction
- Everyone is called back
- The verdict is read by the Chairman and gives reasons for the verdict.
- Sanctions are prescribed

If the accused pleads not guilty:

- The chairman may ask the accused questions:
 - To clarify the plea and to clarify for him/herself the basis of the defence.
- The prosecutor is requested to present evidence to substantiate the charge:
 - Witnesses are called in this regard by the prosecutor.
 - The Defence may cross question the witnesses after each witness has testified.
 - The Prosecution may re-examine the witness only on issues raised in cross-examination. No new matters can be raised unless the Defence also has an opportunity to cross-examine on such new evidence after the re-examination is completed.
 - The Chairman may question the witnesses to clarify matters.
 - After the questions are asked the parties are again given an opportunity to ask questions arising from the Chairman's questions
 - The prosecution will notify the chairman once s/he has called all its witnesses.
- The Defence is requested to dispute the basis of the charge:
 - Witnesses are called in this regard by the Defence if they so choose.
 - The Prosecution may cross question the witnesses after each witness has testified.
 - The Defence may re-examine the witness only on issues raised cross-examination. No new matters can be raised unless the Defence also has an opportunity to cross-examine on such new evidence.
 - The Chairman may question the witnesses to clarify matters.
 - The prosecution will notify the chairman once s/he has called all its witnesses.
- Note: The Chairman ensure that questions are asked that will settle the witness down first.
- The pupil is given opportunity to speak if s/he chooses to do so
- The pupil and parents are asked to leave the room
- The Prosecution addresses the **Chair in respect of evidence substantiating a conviction.**
- The Defence addresses the **in respect of evidence warranting an acquittal.**
- The Prosecutor and Defence leave
- The Chairman and Assessor decide on guilt or not
- Everyone is called back
- The verdict is read by the Chairman and gives reasons for the verdict.

If the Accused is found NOT GUILTY then s/he is acquitted and discharged

If the Accused is found guilty:

- The pupil is given opportunity to speak if s/he chooses to do so in relation to the sanctions

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- The pupil and parents are asked to leave the room
- The Chairman asks the Prosecutor and the Defence what they would expect as sanctions and each is given an opportunity to address the Chairman
- The Prosecutor and Defence leave
- Everyone is called back

The Sanctions are read by the Chairman

- The pupil is given an opportunity to make a statement if he/she chooses
- The appeal process is clarified, the chair of the appeal process is also clarified if this is not the chair of the board.
- Closure

APPEAL PROCESS:

The parent may appeal **the verdict or the sanction of the DC or both**, in writing, to the Chair of the Board of Governors or his/her nominee within three school days of the DC. **Legal Representation is not permitted.**

The appeal must be concluded within 7 (seven) school days of the appeal being noted.

The appeal is to determine with reference to the appeal grounds which must be set out in the appeal notice - whether there was substantive or procedural unfairness to the child involved. It is not there to conduct the hearing over again – the appeal involves argument based on the record of the proceedings, which will be recorded and transcribed at the cost of the appellant.

FOLLOW-UP:

The Head of Discipline follows up any disciplinary outcomes.

The senior tutor follows up any pastoral outcomes.

The tutor is also informed of the outcome and his/her role is to ensure that the pupil is fully accepted as a member of the school. While we expect a person who has erred to put right, and to accept his/her punishment with grace, we also want him/her to know unless s/he has been excluded from Chesterhouse, s/he is a full member of the school.

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Chesterhouse

Policy 05 004

Discipline Procedure Document #003

Disciplinary Committee

Action Document

Date

Name of Accused

Grade

Chair

Assessor

Prosecutor

Defence

Parents Present

Father _____

Mother _____

Charge:

Plea:

Guilty _____

Not Guilty _____

Finding:

Guilty _____

Not Guilty _____

Sanction

Signature: Disciplinary Committee Chair

Signature/s: Parent/s

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NOTICE OF APPEAL

[DATE]

[NAME OF APPEAL AUTHORITY]

WE/I, _____, [NAME OF STUDENT/PARENT] are/am hereby appealing against a disciplinary action imposed on _____ [DATE] at _____ [PLACE].

I attach a copy of the notice of the disciplinary enquiry and/or the sanction. [THE APPEAL REQUEST IS NOT VALID UNLESS THESE DOCUMENTS ARE ATTACHED]

My reasons for appeal are:

(a) procedural fairness

(b) substantitive fairness

(i) ad conviction:

(ii) ad sanction:

SIGNATURE OF STUDENT:

PARENT:

DATE:

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