

## **Student Disciplinary Policy and Procedure**

### **Policy**

#### **1.0 Background**

- 1.1 The college considers maintenance of an effective learning environment as crucial to student success and requires all students who accept a place, to fulfil a number of responsibilities. This not only applies to their own success as a student, but the impact on other students, the general public and the reputation of the college.
- 1.2 The college has a statutory and moral duty to ensure that the college functions with a view to safeguarding and promoting the welfare of young people and vulnerable adults receiving education and training at the college. The Strive Values and Positive Behaviour Strategy encourages staff to challenge behaviours in a positive and supportive manner. [Strive Values and Behaviour Strategy 22-24](#).
- 1.3 The college is committed to creating a climate where students are treated fairly, with dignity and respect which underpins the college community and embedded through Fundamental British values.

#### **2.0 Setting the standards**

- 2.1 On enrolment all students will have completed and signed a Learning Agreement. By signing this agreement, students agree to abide by the regulations of the college and to accept the responsibilities outlined above. Failure to keep the contract conditions will lead to disciplinary action. For students who are under 18 at the beginning of the academic year (1<sup>st</sup> September), the college reserves the right to inform parents/legal guardians/carer of poor attendance or conduct, whether or not they become 18 during the year. Students under the age of 18 should be accompanied by a parent / guardian or a member of staff. Students aged 18 and over can be accompanied by a parent / guardian, a friend or a member of staff and we will recommend this. Representation by a member of the legal profession will not be accepted, as this is an internal process
- 2.2 During induction and throughout the programme, tutors and support staff should ensure that students know and understand their role in promoting positive behaviour. This should be discussed in a positive way and students should be encouraged to see the benefits this brings to the learning environment.

#### **2.3 Attendance and Completion of work**

As set out in the Student Attendance and Punctuality Policy (FE, HE and 14-16), all students are expected to attend 100% of their timetabled sessions and the College expects 100% punctuality.

Students are required to make every effort to comply with this. When absence is unavoidable, students are required to inform the appropriate person who will be identified during student induction. This should be in advance if possible, or on the first day of absence. [ATTENDANCE AND PUNCTUALITY POLICY HE, FE, 14-16.docx](#)

#### **2.4 Behaviour**

The college regards all students as being responsible and as such expects co-operative and respectful conduct that promotes effective learning and maintains a safe environment in which all can fulfil their potential. This applies to conduct anywhere on college premises, inside the classroom or in communal areas such as common rooms, canteens, minibuses/coaches. This also includes the immediate environment of the college campuses (eg shops, supermarkets etc).

2.5 Any disruptive, violent or offensive behaviour, bullying or (sexual) harassment by students, wherever it occurs, will be dealt with swiftly and those responsible will be liable to disciplinary action.

2.6 A student who has exhibited serious violent behaviour or a threat to the safety and well-being of staff and students may be excluded by the Senior Executive Director of Student Engagement without a Stage 3 meeting. There will be no right of appeal in these incidences.

2.7 The college will report all cases involving any disruptive or violent behaviour to the parents/guardians/carers/employers of all students under the age of 18 years.

Students under 18 years old, and up to 24 years if supported learning students, should **never** be sent off the premises until parents / guardians have been contacted.

## 2.8 **Criminal Offence**

Behaviour that may amount to a criminal offence is usually dealt with by the police, Crown Prosecution Service, and the Criminal Courts. Criminal behaviour may also be a breach of the college's disciplinary procedure and the college may take action against a student whether or not they have been convicted of a criminal offence.

If the police or courts are involved, the college will await the outcome of those proceedings before conducting an internal investigation. The college may need to suspend the accused student, in order to protect other students and staff (this will be considered on an individual basis).

Where a student is acquitted of a criminal offence, or criminal investigation has been dropped, college may still take action under disciplinary procedures.

Where students are accused of a serious crime, Student Engagement/Safeguarding should be informed and consider appropriate support.

## **Application of the Policy**

### 2.9 **School Links, School Academy and Students age 14-16**

Disciplinary issues involving school links pupils should be referred immediately to relevant Deputy Head of Faculty in the curriculum who will refer the matter to the school if appropriate. In serious cases, the Faculty Head will advise the school that the pupil cannot attend college until there is a meeting of appropriate professionals. The school will be expected to notify parents / guardians. Details to be recorded on 'On Track'.

Disciplinary issues involving students on the college's own programmes for 14-16 year-old students should be referred, in the first instance, to the Head of School/DSL and the college's Disciplinary Policy is to be referred to. For Academy provision in line with the 14-16 directly enrolled students, these should be referred to the Head of School, DSL and the [South and City Academy Recognition and Behaviour policy](#) should be referred to.

### 2.10 **Students with disabilities, learning difficulties and Speakers of Other Languages**

Consideration will be given where a student's understanding of the college disciplinary procedure may be affected by having a disability, a learning difficulty or by not having fluency in English. In general, these procedures will apply. However, each case will be dealt with on an individual basis in consultation with relevant colleagues. As a result, there may be occasions when it is more appropriate to deal with a student with learning disabilities / disclosed mental health difficulties or conditions such as ADHD outside of these procedures. In such cases, the college/curriculum team will manage this through a meeting of appropriate professionals. Where a student's fluency in English may have a bearing on their understanding of the procedure, appropriate arrangements will be made for an interpreter.

#### **2.11 Higher Education Students**

The college has separate procedures for student academic misconduct on HE programmes which will take precedence over these procedures. In terms of all other aspects of the Code of Conduct, students on the college's HE programmes will be subject to these procedures in the usual way.

#### **2.12 International Students**

International students are subject to these procedures in the usual way. These procedures will also be used to support the Policy for Monitoring the Attendance of International Students in order that the college can carry out its obligations to the UK Border Agency, Embassies and employers.

#### **2.13 Information Sharing Protocols**

The College work in partnership with other agencies and where it is in the best interests of students, where necessary, the College will liaise with external agencies and with the support of Safeguarding Officers, make referrals to Children's/adult Services and/or the Police.

If the College or any person working in the College has concerns or suspicions that a student is suffering, has suffered, or is likely to be at risk of harm they have a statutory duty to report on the College's Safeguarding Platform eg Myconcern, to a Safeguarding Officer/ or to the Children's Trust (Under 18 years). In these circumstances the College's Safeguarding procedures and practices will apply

#### **2.14 Liaison with the Police**

The College will establish and maintain close liaison with the local police where appropriate. As a general guideline, staff should refer to the Faculty Heads/ Duty Manager, a Safeguarding Officer or a member of the Senior Leadership Team before contacting the police on any matter concerning students. This would not apply when an emergency presents an immediate threat to an individual. In these circumstances, any member of staff can contact the police. Safeguarding staff may liaise with the police as appropriate without referring the matter to other managers.

#### **2.15 Who Needs to Know**

Everyone connected with College should know of the existence of the policy. However, not everyone needs to know about specific incidents.

There are 3 absolute and fundamental Principles guiding the sharing of information, these are:

- Information is shared for a specified or recorded purpose
- It is lawful to share the information
- Confidentiality is maintained

- 2.16 Information should only be shared if it is necessary for the purpose for which it is being shared, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
- 2.17 In the sharing of any specific information, fact should be distinguished from opinion and this should be shared on a need to know basis only in line with the principles above.
- 2.18 Where individual support plans, specific behaviour strategies or risk assessments have been developed or revised, they should be shared with relevant individuals.

### 3 Types of Disciplinary Issues

3.1 There are 2 categories of disciplinary offence:

- **CONCERNING/SERIOUS** offences which could be called misconduct, which could include:

#### Concerning

- continuous poor attendance
- non-compliance with timescales for the submission of work to tutors other than in exceptional circumstances,
- failure to wear ID passes

These offences would be dealt with using **Stage 1** (if early resolution has been unsuccessful)

#### Serious

- if targets set in Stage 1 are not met
- inappropriate, abusive or threatening behaviour, including on social media;
- compromising the safety of and/or wellbeing of staff, other students, or visitors;
- sexual misconduct,
- violence,
- harassment,
- hate crimes,
- antisocial behaviour,
- disruptive behaviour in the community,
- internet access abuse (eg visiting inappropriate websites, uploading/downloading inappropriate content, propagation of computer virus);
- disruptive behaviour eg setting off fire alarms, obstructing access to buildings or rooms),
- causing a H&S concern (this would include failure to adhere to any new Health and Safety regulations and guidelines eg those introduced during the Covid Pandemic).

These offences would be dealt with using **Stage 2**.

- **CRITICAL** offences which could be called very serious or gross misconduct which could include:
  - any possible one-off action or failure to observe the college requirements on a frequent basis (this would include failure to adhere to any new Health and Safety regulations and guidelines eg those introduced during the Covid Pandemic).
  - Allegations of harassment (Harassment Act 2010 states that harassment consists of a course of conduct on at least two occasions and causing personal alarm or distress),
  - discrimination and victimisation eg behaviour that is unwelcome, uninvited and causes a detrimental effect,
  - verbal or physical aggression,

- sending abusive or threatening messages on social media,
  - using discriminatory language,
  - sexual or physical abuse or assault.
- These offences would be dealt with using **Stage 3/4**.

See appendix 1 for 'Cooling-Off Period' and 'Suspensions'

## Procedure

- 3.2 Academic Reasons (eg plagiarism, copying another's work, falsifying data, cheating in exams etc) or Non-Academic Reasons (eg unsatisfactory behaviour, harassment, discrimination and bullying)

### EARLY RESOLUTION

Intervention Meeting (Concerning)

- Staff to record 'cause of concern' onto OnTrack, Pastoral and email to student's Personal Tutor where there is concerning behaviour.
- Personal Tutor to discuss Cause of Concern with students to ascertain if there are any mitigating circumstances (eg Child in Care maybe missing lessons due to moving to a new Foster home). Support to be put in place if there are mitigating circumstances and targets set.
- Targets to be placed onto OnTrack and monitored

### STAGE 1

Disciplinary Meeting (**Concerning/Serious**)

- Staff, including Maths/English Tutors to refer to student's **Personal Tutor**/Faculty Administration Manager (FAM).
- FAM/Administrator to request attendance at a Stage 1 Intervention meeting.
- FAM/Administrator to send a Letter to the student, (if under 18 also include parent/guardian/carer/Social Worker or employer)

#### *Attendance at meeting*

- Stage 1 Disciplinary meeting to be held by **Personal Tutor (and one other member of staff if deemed appropriate)**
- Personal Tutor complete Stage 1 proforma at the meeting
- Following the meeting:
  - Personal Tutor to send the completed Stage 1 proforma to the FAM/Administrator
  - **Personal Tutor** to send letter sent to student parent/guardian/carer/social worker/employer detailing actions/targets agreed (FAM/Administrator will provide template). Student to be informed that the penalty of not adhering to the targets set in the meeting could be progression to Stage 2
  - Copy completed letter to be sent to the FAM.
  - **Personal Tutor** to record outcomes on 'On Track'. Email copy of disciplinary outcomes (On Track) to relevant members of staff e.g. FAM, Maths/English Tutor, Support staff
  - Note kept of problems/action, in tutorial files, admin support and recorded on 'On Track'.

### STAGE 2

Disciplinary meeting (**Serious/Critical**)

Takes place if little or no sustained improvement within a set period or a serious behaviour incidence occurs

- Course/Personal Tutor/Maths and English Tutor and or support staff refers to **Head of School (HoS)**
- **Head of School (HoS)** considers recommendation for Stage 2 disciplinary
- FAM/Faculty Admin send a letter to the student, (if under 18 also include parent/guardian/carer/socialworker/employer) requesting attendance at disciplinary meeting. If students are in Care (CiC)/Care Leaver/has and Educational Health Care Plan (EHCP) and/or Social Worker, Student Engagement to be made aware and invited to the meeting.
- FAM/Faculty Admin to take notes of meeting.

***Attendance at meeting:***

- **HoS and Personal Tutor** (or another member of staff can be asked to attend the disciplinary meeting).
- Student Engagement if the learner is CiC/Care Leaver/has EHCP and/or has Social Worker.
- If under 18, parents/guardians/carer/social worker/employer must be informed and asked to attend.
- FAM/Administrator to record details of disciplinary meeting content/outcome/targets. Email copy of disciplinary outcome form (On Track) to relevant members of staff e.g. Personal Tutor, Support staff, Maths/English Tutors. Gives clear indication of further action to be taken if unsatisfactory behaviour continues (eg progression to Stage 3 or 4) and any appropriate measures/sanctions on proforma setting targets for improvement
- Faculty Admin to send Letter to confirm outcome and targets to student (if under 18 also include parent/guardian/carer or employer).
- **If the disciplinary concerns a safeguarding issue e.g. sexual harassment or violence, Faculty/Deputy Faculty Head must also send copies of outcome to the Student Services/Safeguarding Officer who will keep a central record for the college.**

### **STAGE 3**

#### **Disciplinary meeting (Critical)**

Takes place if unsatisfactory behaviour continues or a very serious incident occurs.

- HoS refers to **Faculty/Deputy Faculty Head**
- **Faculty/Deputy Faculty Head** considers recommendation for Stage 3 disciplinary
- FAM/Faculty Admin send a letter to the student, (if under 18 also include parent/guardian/carer/social worker or employer) requesting attendance at disciplinary meeting.
- If the student is CIC or has an EHCP, Student Engagement to be made aware and arrangements made so that they can attend the meeting.
- FAM/Faculty Admin to take notes of meeting

***Attendance at meeting:***

- **HoS, Deputy Head of Faculty and/or Head of Faculty** (or Manager from another curriculum area can be asked to attend the disciplinary meeting).
- Student Engagement if the learner is CiC/Care Leaver/has EHCP and/or has Social Worker.
- If under 18, parents/guardians/carer/social worker/employer must be informed and asked to attend.

- Complete Stage 3/4 referral form at meeting
- FAM/Administrator to record details of disciplinary meeting content/outcome/targets. Give clear indication of further actions to be taken if unsatisfactory behaviour continues and any other appropriate measures or sanctions including Stage 4 -12 month or permanent exclusion.
- FAM/Administrator email copy of disciplinary outcome form (On Track) to relevant members of staff e.g. Personal Tutor, Support staff, Maths/English tutor etc.
- Faculty Admin to send letter to student (if under 18 also include parent/guardian/carer/social worker/employer) outlining stage 3 warning to include targets or notification of a fixed term exclusion from Faculty / Deputy Head or letter informing of permanent exclusion from Senior Executive Director Student Engagement
- **If the disciplinary concerns a safeguarding issue e.g. sexual harassment or violence, Faculty/Deputy Faculty Head must also send copies of outcome to the Safeguarding Officer who will keep a central record for the college**
- If the learner fails to attend, a second meeting may be arranged. However, if the learner does not attend the second meeting or does not provide a reasonable reason for non-attendance, the Faculty Head /Deputy Faculty Head will make the appropriate recommendation and the matter will automatically be referred to the Senior Executive Director Student Engagement and/or Assistant Principal where a withdrawal/exclusion is recommended
- FAM to notify MIS to flag exclusions.

## **STAGE 4**

### **Exclusion (Critical)**

Takes place if unsatisfactory behaviour continues or a critical incident occurs.

- For very critical incidences, **Faculty Head** considers the case for exclusion and makes recommendations using the same 3 / 4 referral form, to the ~~Senior~~ **Executive Director Student Engagement**
- FAM/Faculty Admin send a letter to the student, (if under 18 also include parent/guardian/carer/social worker or employer) requesting attendance at disciplinary meeting.
- If the student is CIC or has an EHCP, Student Engagement to be made aware and arrangements made so that they can attend the meeting.
- FAM/Administrator records details of disciplinary meeting content/and or outcome. Email copy of disciplinary outcome form (On Track) to relevant members of staff e.g. Personal Tutor, Support staff, Maths/English Tutors etc.

**If the disciplinary concerns a safeguarding issue e.g. sexual harassment or violence, Faculty/Deputy Faculty Head must also send copies of forms and outcome to the Safeguarding Officer who will keep a central record for the college.**

- Faculty Admin to send letter to student (if under 18 also include parent/guardian/carer/social worker/employer) outlining outcome.

### **Appeal procedure**

Appeal of Exclusion in writing to the Vice Principal within 10 working days of receipt of a formal letter of permanent exclusion by student or parent/guardian/carer/social worker, clearly stating in writing the grounds of the appeal.

Grounds for appeal might include:

- The procedures were not followed

- The decision maker(s) reached an unreasonable decision
- The student has new material evidence that they were unable, for valid reasons, to provide earlier in the process
- There is bias or reasonable perception of bias during the procedure

There is no Appeal of outcomes for Stages 1-3, however a review of process can be requested and would be investigated by an Independent Head of Faculty.

**All records, letters and witness statements must be held electronically**

### 3.3 **Critical Offences Category**

The incidence/issue should be reported immediately at all levels by a member of staff to Faculty Head, the Senior Executive Director Student Engagement and/or Vice Principal.

A matter reported to the Faculty Head will consider:

- a) suspension while further investigation takes place

or

- b) Recommending to the Senior Executive Director Student Engagement the case for permanent exclusion or action short of that.

Right of Appeal by Student to Vice Principal

Appeal in writing to the Vice Principal within 10 working days of receipt of formal letter of permanent exclusion by student or parents / guardians/ carers. The student must clearly state in writing the grounds of the appeal.

### 3.4 **Appeals to Vice Principal**

A student may appeal against the decision to exclude them on the grounds that the college did not follow its own procedures or that new evidence has appeared. In all cases, arrangements are to be made which include a right of attendance and representation, and for the student to be accompanied. The student must clearly state in writing the grounds of the appeal.

### 3.5 **Delegation**

Under Article 11 of the College's Instrument and Articles of Government, the Principal may delegate functions to the holder of any other senior post or member of the senior management team from time to time: The Senior Post Holder in addition to the Principal is:

- Deputy Principal

The Senior Management Team for the college are:

- The Vice Principals
- The Assistant Principals
- The Senior Executive Directors
- The Faculty Heads



- 3.6 If the disciplinary concerns a safeguarding issues eg sexual harassment or violence, copies of investigation and outcome should be sent to the designated/deputy senior person for safeguarding. Safeguarding Officers should also be called to support the disciplinary meeting where safeguarding concerns are identified.

#### 4 Moderation Panel

A panel consisting of the Vice Principal, Senior Executive Director, Director of Student Engagement and Director of Quality will moderate Disciplinary on a termly basis to ensure consistency of approach and identify any patterns of concerns that may constitute further support, development and training.

#### 5 Glossary of Terms

AP	Assistant Principal
VP	Vice Principal
FAM	Faculty Administration Manager
HoS	Head of School
AD	Assistant Director
HoF	Head of Faculty
DHoF	Deputy Head of Faculty
PT	Personal Tutor
CiC	Child in Care
EHCP	Educational Health Care Plan
SE	Student Engagement
SED	Senior Executive Director

#### Date for Next Review:

November 2024

#### Policy Change History

**Version 10**

**Date Nov 2023**

**Description of changes made Annual Review**

**Change by Donna Kelly**

## Appendix 1

### **24 hour/next day 'Cooling Off' period**

Sometimes it is necessary to send a student home until the following day to allow for a cooling off period. Where a Tutor/member of staff feels that a 'cooling off' period will be helpful to the situation, for example, where two students have been involved in a dispute and tempers have flared, it may be advisable to discuss these issues with student on the following day (no longer than 24 hours). Cooling Off, in itself, does not imply that the student is guilty of a breach of college policies and the entitlements to a fair hearing and right of reply are not affected.

The Deputy Head or HOS's/s should be informed of the 24-hour Cooling Off on the same day. Students under the age of 18 must not leave the premises until parents / guardians have been contacted or until the end of their usual college day. Personal Tutors should be informed when students have been sent home in all cases.

When a student is sent home, the tutor/member of staff must give clear instructions with regard to the arrangements for returning to college on their next college day. All details should be recorded on 'On Track' and sent to the Personal Tutor who will hold a meeting with the student on their return to discuss the incidence and decide further actions.

Any exceptions to the guidelines on notifying parents / guardians / social workers (e.g. for students who may be put at risk) should be a member of the Safeguarding team.

### **Suspension – Serious Misconduct Offences (more than 24 hours)**

Sometimes it is necessary to suspend a student in order to carry out an investigation because the nature of the allegation against the student is serious (stage 3&4). Students under the age of 18 must not leave the premises until parents / guardians have been contacted or until the end of their usual college day.

Students who are suspended must be provided with course work via email or Attain. Faculty Heads must be notified where a suspension has been invoked. An incident report form must be completed and a letter sent to the parents/guardian with details of the disciplinary meeting with the date, time and campus where possible and/or details of when they will be contacted to attend a disciplinary meeting. Student where appropriate should provide a statement in advance of the investigation.

Student's ID badge should be retained by the college, and kept at the security desk of the site attended by student. All details should be recorded on 'On Track' and emailed to the relevant staff. There is also a form held at security if a member of staff cannot access On Track. Form must be completed, scanned and emailed to the Faculty Admin Manager.

## 24 Hour Cooling Off /Suspension Form

Name of Student (please print):

ID Number

### Location, Date and Time of Cooling Off/Suspension:

Campus:

Date:

Time:

The following members of staff may suspend a student

- All Managers
- Any member of the Senior Management Team
- Security (***Vaping incident only***)

This form should be completed when a student is suspended or sent home to 'cool off'. The 24 hour cooling off / suspension, in itself, does not constitute a disciplinary sanction.

**Students under the age of 18 / or up to the age of 25 for those in Supported Learning should not be sent offsite until there has been appropriate contact with a parent / guardian. If contact is not possible, the student should be supervised onsite until the end of his last lesson of the day**

Allegation Leading to Cooling off / Suspension:

### Next Steps

Report to Reception at the following time and date:

Ask for the following member of staff:

OR

24 Cooling Off – Return the next college working day. (**including for Vaping**)

Suspension – Remain at home until contacted by the college. Do not come to any college sites

Complete a Statement

Name of Member of Staff suspending student:

PRINT: \_\_\_\_\_

Position: \_\_\_\_\_

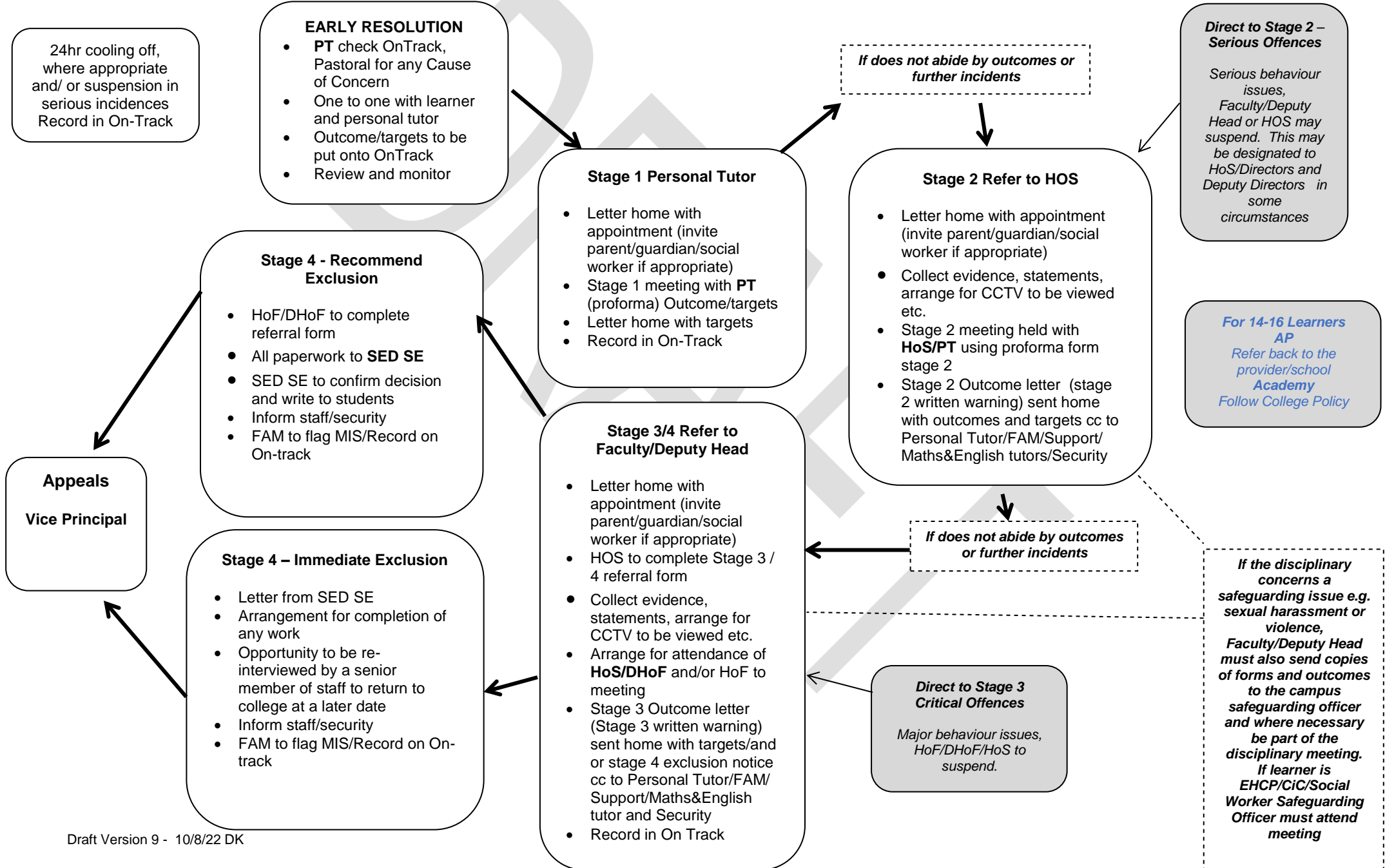
Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Return this Form by scanning it as soon as possible to the FAM/Admin team for recording on Pastoral.**

**FAM:**

## Appendix 2 - STUDENT DISCIPLINARY PROCEDURE



## Appendix 3

### Forms

#### **Cooling Off/Suspension**

Information to be placed in the Pastoral Section in OnTrack and Emailed to appropriate tutor/HoS/HoF. There is also a form available on reception if staff can't access OnTrack which when completed, should be scanned and emailed to the Faculty Admin Manager (FAM).

#### **Statement Proforma**

Statements. Completed by All and forwarded to the FAM.

#### **Early Resolution**

Detail of issue and discussion must be placed in OnTrack/Pastoral 'Cause for Concern'

#### **Stage 1**

Ref: 1A Stage 1 Disciplinary Proforma (captures issues and discussion in meeting). Completed by P.Tutor

Ref: 1B Letter Inviting in to Disciplinary Meeting. Completed by P.Tutor/FAM/Faculty Admin.

Ref: 1C Outcome to Disciplinary Letter. Completed by P.Tutor.

#### **Stage 2**

Ref: 2A Stage 2 – Disciplinary Proforma (Serious Offences) (captures issues and discussion in meeting). Completed by HoS/FAM/Secretary.

Ref: 2B Letter Inviting to Stage 2 Disciplinary Meeting. Completed by HoS.

Ref: 2C Outcome to Stage 2 Disciplinary Panel Letter (normally 1<sup>st</sup> Written warning). Completed by HoS.

#### **Stage 3**

Ref: 3A On-Track Stage 3/4 – Referral Form (Critical Incidences). Completed by HoF/dHoF.

Ref: 3B Letter inviting to Stage 3 Disciplinary Meeting. Completed by HoS.

Ref: 3C Outcome to Stage 3 Disciplinary Letter/ Warning/and or referral to Stage 4 Exclusion. Completed by HoF/DHoF.

#### **Stage 4**

Ref: 4A Stage 4 Exclusion Letter/proposal completed by FAM. Completed by Senior Executive Director Student Engagement.

*All outcomes to be recorded onto On-Track in the Pastoral section (Summary from Proforma completed in meeting).*