

## CUR20 - Student Disciplinary Policy

<b>Policy Author:</b>	Vice Principal Curriculum & Quality	<b>Policy Owner:</b>	Vice Principal Curriculum & Quality
<b>Approval Date:</b>	September 2023	<b>Review Date:</b>	September 2025
<b>Purpose of the Policy</b>  The College aims to provide a suitable learning environment that maximises the academic, social and individual opportunities for all its students and will take actions against those whose behaviour and conduct is not in accordance with those aims.			

## Contents

	<b>Page</b>
1 Policy Statement	3
2 Policy Objectives	3
3 Policy	3
4 Responsibility	4
Student Disciplinary Procedures	5
1 Introduction	5
2 Definitions of Infringement, Serious Misconduct, Gross Misconduct and support system	5
3 Infringement	6
4 Serious Misconduct	7
5 Gross Misconduct	8
Procedure For Outcome Decisions and Evidence	10
Disciplinary Flowchart For Gross Misconduct	11
6 Student Disciplinary Appeals Procedure	12
Appendix 1 Disciplinary Panel Procedure	14
Appendix 2 Letter Final Written Warning	15
Appendix 3 Full Time year 10 and 11 student Disciplinary procedures for Gross Misconduct	16

## **1. Policy Statement**

- 1.1.** The College expects students to take responsibility for their own learning and behaviour and to act in an appropriate manner at all times whilst involved in College activities or on College premises. When a student fails to meet his /her responsibilities in accordance with the College's rules and regulations, the College will take actions to sanction the student and, in most cases, offer a range of support mechanisms to ensure that all students irrespective disability or need is able to resume his/her studies appropriately.

## **2. Policy Objectives**

- 2.1.** To make all students aware of their responsibilities and the College's expectations of them as part of their induction, through discussion and information of College rules and regulations, the Student Learning Agreement and the College Charter.
- 2.2.** To clarify the process of sanctions and support for all students involved in the disciplinary process. Learners with Learning Difficulties will be managed by the LLDD team
- 2.3.** To identify the appeals routes available to students involved in the disciplinary process.
- 2.4.** To identify the roles, responsibilities and training requirements of staff members involved in the student disciplinary process.

## **3. Policy**

- 3.1.** The policy applies to all enrolled students of the College with the exception of:
  - 3.1.1.**Part time 14 – 16 students who are subject to the College 14 –16 procedures.
  - 3.1.2.**Higher Education students will be subject to the College disciplinary procedure. However, where a student is enrolled on a Partner university programme and commits a disciplinary offence which may potentially bring a university partner into disrepute, the university may also have an interest in taking disciplinary action.
- 3.2.** Additional flexibility is available when applying the policy to students with learning difficulties and disabilities.
- 3.3.** The College will adopt different procedures to discipline the following levels of student misconduct:
  - 3.3.1.**When behaviour infringes College rules/College Charter
  - 3.3.2.**When behaviour reflects serious misconduct.
  - 3.3.3.**When behaviour reflects gross misconduct.

Any member of staff who is uncertain of the category of misconduct should contact the Head of Curriculum & Skills for his/her advice.

- 3.4. All reports of infringement, misconduct and gross misconduct should be copied to Personal Tutor, Head of Curriculum & Skills via appropriate alerts/notes on the student's E-ILP and MyConcern.
- 3.5. The role of Student Support will be to support students. This may involve an advocacy role in any disciplinary related meeting although in most cases this will be covered by the Head of Student Services. However, the student will have the right to request a member of staff from Student Support or appropriate external agency (i.e. Social Care & Health, CAMHS) to attend a meeting with them to provide support if they wish).
- 3.6. The Head of Student Services will provide support and advice to any staff member on matters relating to student disciplinary matters.
- 3.7. Personal tutors will be provided with training to ensure they are aware of their obligations in administering and supporting the Disciplinary Policy and Procedures.
- 3.8. All Heads of Curriculum & Skills, Vice Principals and supporting staff will be provided with training to support their roles in Disciplinary Hearings.
- 3.9. All records of disciplinary action must be recorded, stored and retained in accordance with the Data Protection Act.

#### **4. Responsibility**

- 4.1. All staff have the responsibility to ensure that the conduct of students is in accordance with College rules and regulations.
- 4.2. Conduct of students is the responsibility of the School in which they are enrolled. However, any member of staff can, and should, challenge and report disciplinary matters.
- 4.3. Personal tutors have the responsibility to ensure that they monitor all disciplinary matters amongst their tutorial cohorts.
- 4.4. Head of Curriculum & Skills have the responsibility to monitor personal tutor interventions in all disciplinary matters.
- 4.5. The Head of Curriculum & Skills has the responsibility to monitor the levels of and reasons for disciplinary matters in their area.
- 4.6. The Curriculum Administrator for each area will maintain the students' personal records and provide administrative support in the operation of the referral process. eg letters to students/ parents/employers, updating of disciplinary logs, circulation of information, action plans etc.
- 4.7. The Head of Curriculum & Skills (or nominee) has the responsibility to monitor and report to the Vice Principal Curriculum & Quality all matters related to student discipline.
- 4.8. The Vice Principal Curriculum & Quality will ensure that all disciplinary issues are dealt with in accordance with the College's commitments to equality and diversity and will monitor all incidences of discipline that breach the College's equality and diversity guidelines.

## 4.9. Student Disciplinary Procedures

### 1. Introduction

The College expects students to take responsibility for their own learning and behaviour and to act in an appropriate manner at all times whilst involved in College related activities.

In order to minimise the requirement for Student Disciplinary actions, the College will ensure that students are made fully aware of their responsibilities and the expectations placed upon them by the College through formal communication of: College Rules and Regulations, Student Agreement, Student Code of Conduct and College Charter. These documents will be discussed with the students at Induction and will be available in paper and electronic form for staff and students.

### 2. Definitions of Infringement, Serious Misconduct, Gross Misconduct and support system

<b>Infringement</b> (If you fail to meet the required standard of academic performance) Usually dealt with by the Lecturer or Personal Tutor	<b>Serious misconduct</b> (Standards of acceptable behaviour) Usually dealt with by HoS and recorded on the student E-ILP	<b>Gross Misconduct</b> (Incidents which could lead to exclusion) Usually dealt with by HoS and recorded on both E-ILP and on the disciplinary log	<b>Support mechanisms</b>
<ul style="list-style-type: none"> <li>• Failing to submit work</li> <li>• Submitting work late for assessment</li> <li>• Failing to produce work which is original or of an appropriate standard</li> <li>• Not carrying out appropriate research</li> <li>• If you are regularly late or absent</li> <li>• Swearing</li> <li>• Smoking, which includes vaping, is prohibited on the college site, with the exception of designated area</li> <li>• Failing to follow directions for the safe movement around the College site including the use of one-way and 'keep left' systems in all college buildings</li> </ul>	<ul style="list-style-type: none"> <li>• Repeated Infringement of College rules</li> <li>• Behaviour that disrupts classes and activities</li> <li>• Spitting</li> <li>• Verbal abuse directed towards staff or students</li> <li>• Refusal to carry out a reasonable request from a member of staff</li> <li>• Use of mobile phones/personal music players in classrooms</li> <li>• Refusal to disclose identity to a member of staff on request</li> <li>• Failure to carry ID card</li> <li>• Inappropriate use of College computer systems</li> <li>• Driving without due care and attention in or around College</li> <li>• Failing to observe or follow reasonable instructions regarding personal hygiene and shared educational equipment e.g. handwashing, covering the mouth when coughing or nose blowing, not sanitising shared equipment after use</li> </ul>	<ul style="list-style-type: none"> <li>• Failure to comply with contract</li> <li>• Bullying and /or Harassment, including on-line cyber bullying</li> <li>• Plagiarism</li> <li>• Cheating in exams</li> <li>• Copying other students work</li> <li>• Being under the influence of, or in possession of alcohol or illegal drugs</li> <li>• Aggressive language with intent towards other students or College staff</li> <li>• Carrying offensive or dangerous weapons</li> <li>• Breaches of Health &amp; Safety</li> <li>• Causing damage to College property</li> <li>• Involvement in criminal or anti-social activities whilst on or off College premises</li> <li>• Any behaviour which is likely to bring the College into disrepute</li> <li>• Threatening explicitly or implicitly to indulge in behaviour which may increase the risk of another person contracting Covid-19</li> </ul>	<p><b>Support mechanisms:</b></p> <ul style="list-style-type: none"> <li>• Mentoring (By a named person/s)</li> <li>• ALS (Additional Learning Support) interview and action plan</li> <li>• Put on 'Report' to focus lecturer feedback on performance and review</li> <li>• Contact with Parents/Carers</li> <li>• Completion of an 'Action Plan'</li> <li>• Regular meetings with Personal Tutor</li> <li>• Meeting with Guidance or Anger Management</li> </ul> <p><b>Counselling/</b></p> <p><b>Sanctions:</b></p> <ol style="list-style-type: none"> <li>1. Verbal warning by Personal Tutor</li> <li>2. Report</li> <li>3. Contract</li> <li>4. Exclusion</li> </ol>

<b>Support mechanism</b> will be put into place as appropriate. <ul style="list-style-type: none"> <li><b>Sanctions</b> will be managed as appropriate.</li> </ul>	<b>Support mechanism</b> will be put into place as appropriate. <b>Sanctions</b> will be managed as appropriate.	<b>Support mechanism</b> will be put into place as appropriate. <b>Sanctions</b> will be managed as appropriate. <ul style="list-style-type: none"> <li>You may be suspended whilst the misconduct is investigated and not allowed onto College premises unless invited to do so formally</li> </ul>	
<p><b>Please note this is not an exhaustive list and there may be other instances/behaviour which would invoke disciplinary action. For further advice contact the relevant HoC. If there is any doubt as to the severity of the alleged behaviour then the Vice Principal Curriculum &amp; Quality will provide the final decision regarding disciplinary action.</b></p>			

### 3. Infringement

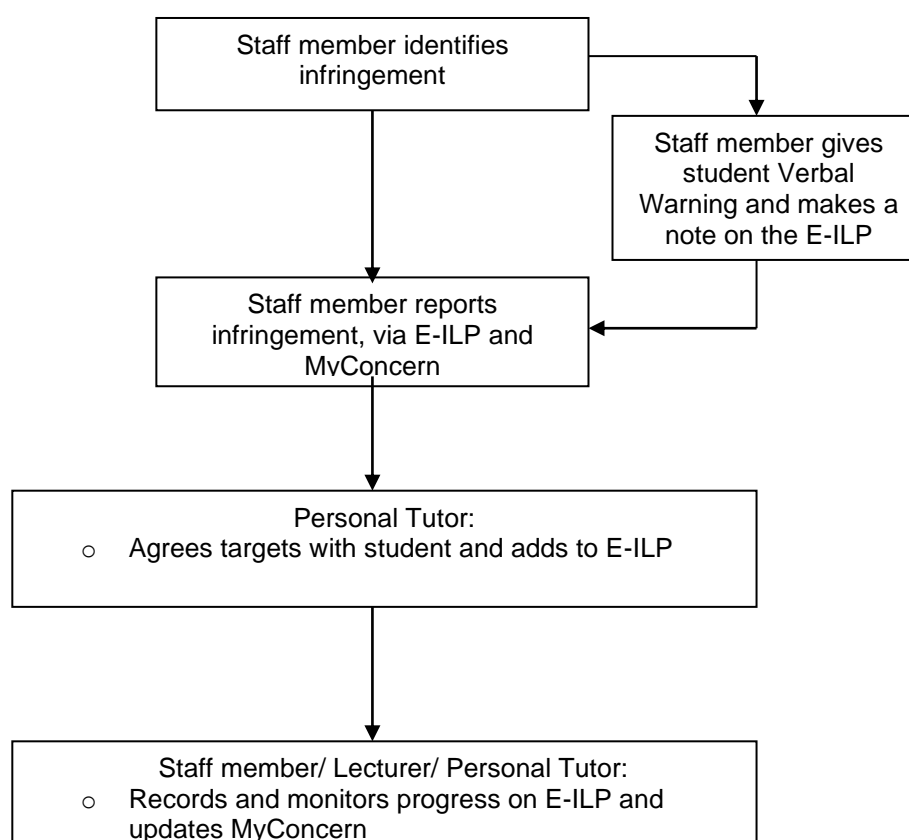
#### 3.1. Process

When a student behaves in such a way as to infringe the College rules, this can be dealt with by any member of College staff who will either:

- Give the student a verbal warning and record the infringement on the students E-ILP
- Inform the personal tutor who will conduct an interview with the student and set targets

A record of the verbal warning (and interview notes if applicable) must be provided to the Personal Tutor via E-ILP.

#### Disciplinary Flowchart For Infringement

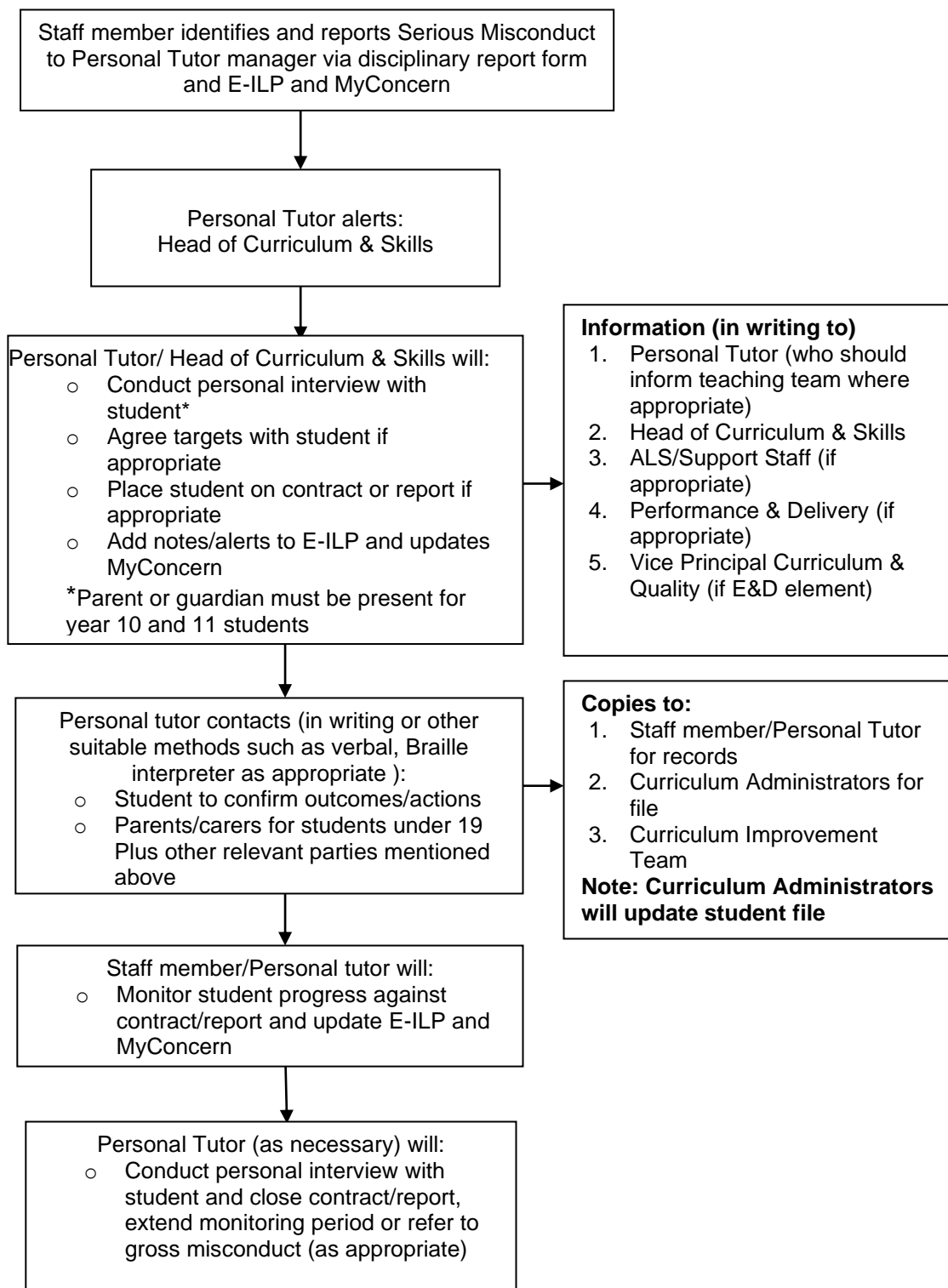


## 4. Serious Misconduct

### 4.1. Process

When a student has been judged by a member of staff to be guilty of serious misconduct, this incident will be reported in the following manner:

#### Disciplinary Flowchart For Serious Misconduct



## 5. Gross Misconduct

### 5.1. Process

When a student has been judged by a member of staff to be guilty of gross misconduct, the incident will be reported to the Head of Curriculum & Skills in which the student is studying using a disciplinary report form. In the absence of the required Head of Curriculum & Skills an academic member of the College Management Team (CMT) should be informed. If there is reasonable evidence that a student has breached the College's Disciplinary Policy for Gross Misconduct, the appropriate Head of Curriculum & Skills has the right to suspend the student at their discretion **(not 14-16 year old students – see appendix 3)**, prior to a full investigation. The following actions will then take place:

- a. The student may be suspended by the Head of Curriculum & Skills or in his /her absence a academic member of CMT (Senior Leadership Team if appropriate). This must occur in the presence of another member of staff.
- b. If the student is suspended, a letter will be sent formally notifying the student of this act. The letter will be sent by the Head of Curriculum & Skills and a copy will be sent to the parent/carer if the student is under 19 and / or employer and /or sponsor if the student is employed/sponsored. The Head of Curriculum & Skills will advise the student that the act of suspension is a neutral act and does not imply guilt on the student's part. The letter must outline the reasons why the student has been suspended.
- c. If the student is suspended then all relevant teaching staff must to be notified. Registers should then be marked with an 'S' for the period of the suspension.

**Please note that suspension means that the student is not permitted anywhere on College premises. Contravening this may result in automatic permanent exclusion.**

**Please note that if the serious misconduct is a police matter, then a member of the SLT must be informed and the College disciplinary procedure will be suspended pending the outcome of the police investigations. In this instance, the student will be suspended and a letter to that effect will be sent to the student. The letter will also advise the student that College disciplinary measures will be reintroduced once the police investigation and subsequent actions are completed.**

- a. The Head of Curriculum & Skills will organise an investigation into the allegations. This will not normally exceed a period of 5 working days. During this period the Head of Curriculum & Skills or their nominee will obtain any relevant witness statements (in written form) and supporting materials.
- b. In liaison with the other members of the disciplinary panel, the Head of Curriculum & Skills will organise a date for the hearing at the earliest opportunity following the conclusion of the investigation. This will not normally exceed a period of 5 working days.
- c. The Disciplinary panel will be made up of a maximum of 4 members of College staff
- d. The Head of Curriculum & Skills
- e. Any Member of the College Management Team acting as an independent chair
- f. A Curriculum Administrator (who will also act as main note taker)
- g. A member of Student Support (if appropriate)

**The Head of Curriculum & Skills will contact the members of the Disciplinary Panel to participate**



- h. At the earliest opportunity the Head of Curriculum & Skills must notify the student (and if appropriate parents/carers, employers/sponsors) of the date, time and venue of the hearing.

The letter must also advise the student that he/she has the right to be accompanied by a fellow student and /or member of staff and /or family member.

It is not the College's policy to allow a legal representative to attend these hearings.

The Chair of the Panel will reserve the right to refuse entry to anyone accompanying the student if there is a deemed conflict of interest.

In the event that a student representative is refused entry, the reasons for this must be clearly explained to the student who is subject to the disciplinary action.

- i. The Head of Curriculum & Skills will ensure that any relevant witnesses are invited to attend the hearing where applicable.
- j. Witnesses will be requested to provide written statements. Any witness must be advised that the material within the statement will be shared with all members of the Disciplinary panel. Additionally, the witness must be advised that the content of his/her statement will be disclosed to the student who is the subject of the disciplinary proceedings. However, the identity of the witness (and any named persons within the statements other than that of the student subject to the disciplinary procedures) can be protected from all parties by 'sanitising' submitted copies of the statements (by striking out names in black ink). Original documentation must be held securely within the disciplinary file.
- k. Procedures for the Hearing are attached at Appendix 1.
- l. The Head of Curriculum & Skills will take responsibility for collating all the relevant information, notes and further information raised during the hearing.
- m. In the course of the disciplinary procedure, the student may raise a complaint (grievance) that is related to the case. In this case, it may be appropriate to suspend the disciplinary procedures for a short time until the complaint has been considered. The student will raise the complaint in accordance with the student complaints procedure. If the complaint is against the Head of Curriculum & Skills, or the attendance of the HoC creates a conflict of interest, the Head of Curriculum & Skills can elect an academic representative of the College Management Team to replace his/her attendance at the Hearing.
- n. If the student fails to attend the Hearing, the College will reserve the right to carry out the hearing in his/her absence.
- o. If the student withdraws during the disciplinary proceeding then a hearing will still be held in their absence and a decision will still be made and noted on their E-ILP
- p. Following the decision, the Head of Curriculum & Skills must notify the outcome to the student (and if appropriate, parent/carer, employer and/or sponsor) within 5 working days.

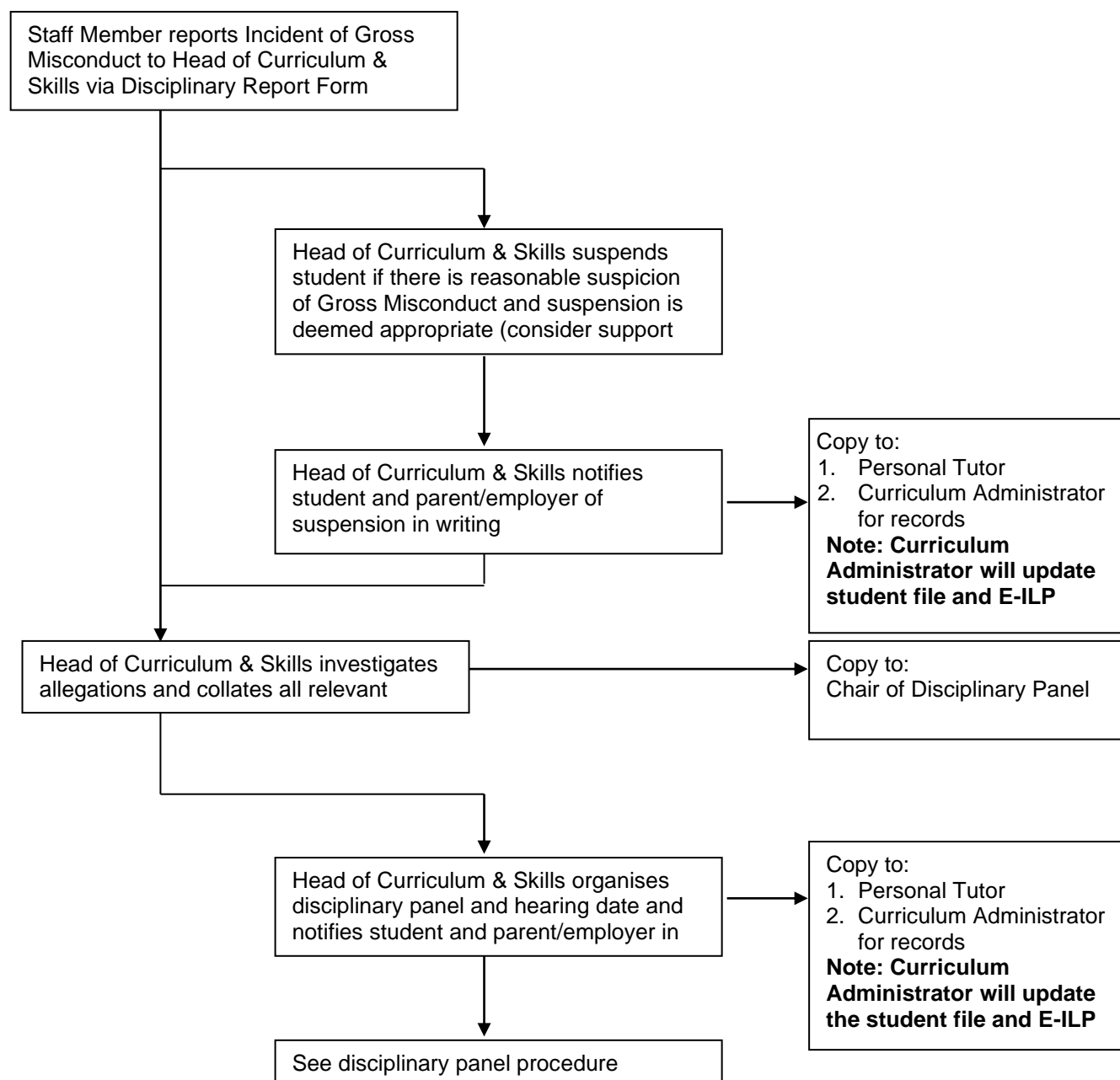
Once the disciplinary is complete, the paperwork must be kept in the students file in confidence. Records will be removed from the file after one year if there is no further disciplinary action except for dismissal notices, which will be held permanently on the students file.

- q. A student cannot be excluded without the agreement of the Vice Principal Curriculum & Quality or the Principal.
- r. If a student is excluded the students Unit-e file should be marked.
- s. Exclusion is deemed permanent and the rescinding of a permanent exclusion from the College can only be made by the Principal, or by a members of the Senior Leadership Team.

## Procedure For Outcome Decisions and Evidence

	No Action	Support	Words Of Advice	Final Written Warning	Recommended For Permanent Exclusion
<b>Outcome</b>	This outcome will be generated where there is insufficient evidence to support the allegations.	Investigate support needs and implement as necessary	This outcome will be generated where there is evidence of gross misconduct but with significant mitigating circumstances.	This outcome will be generated where there is evidence of gross misconduct but the panel deem it insufficiently serious to merit permanent exclusion.	This outcome will be generated where there is evidence of gross misconduct and the panel deem it sufficiently serious to merit permanent exclusion.
<b>Evidence</b>	Disciplinary documentation will be held in the students file in the relevant school for one year but cannot be used in any subsequent disciplinary action	Records of support on e-ILP	Evidence will be held in the student's file in their school for one year and can be used by the Chair in any subsequent disciplinary panel when making a judgement	Evidence will be held in the student's file one year and can be used by the Chair in any subsequent disciplinary panel when making a judgement	Dismissal notice will be held permanently on file.

## Disciplinary Flowchart For Gross Misconduct



## 6. Student Disciplinary Appeals Procedure

Students who have had disciplinary action taken against them will be given the opportunity to appeal where there has been an outcome other than No Action. The college will invoke the following procedure:

- a. The student must write to the Principal within 5 working days, exercising his/her right to appeal
- b. The Principal, or his /her designated senior leadership nominee, will review the disciplinary documentation and consider any additional evidence provided by the student.
- c. The Principal, or his /her designated senior management nominee will decide either:
  - i. To uphold the decision of the disciplinary panel
  - ii. If the decision is upheld a letter will be sent to the student explaining the decision

### ***Or if there are sufficient grounds:***

- iii. To set up an appeal hearing

The Principal's ruling is final. An appeal hearing can only be established by the Principal, or his /her designated senior management nominee. The Principal will normally appoint two members of the Senior Leadership Team to assist on the Appeal Panel within 5 working days.

### **Procedures For The Appeal Hearing**

1. The Principal, or his /her designated senior management nominee, will write to the student to inform them of the arrangements for the appeal hearing. The letter will also advise the student that he/she has the right to be accompanied by a fellow student or member of staff or family member.
2. The existing case against the student will be summarised by the Principal (or in his/her absence a Vice Principal) who will chair the Hearing
3. The student or his/her representative will verbally present grounds for the Appeal and submit any new evidence to the panel if appropriate
4. The student's personal tutor and /or Head of Curriculum & Skills (or nominee) may then be invited to make a statement if appropriate
5. The student may be questioned by members of the Panel.
6. The student will be asked to leave the room
7. The Panel will deliberate and will reach a decision
8. The Principal will inform the student about the appeal decision in writing within 5 working days. If the decision is the final stage of the College's appeal procedure this will be made clear in the letter to the student

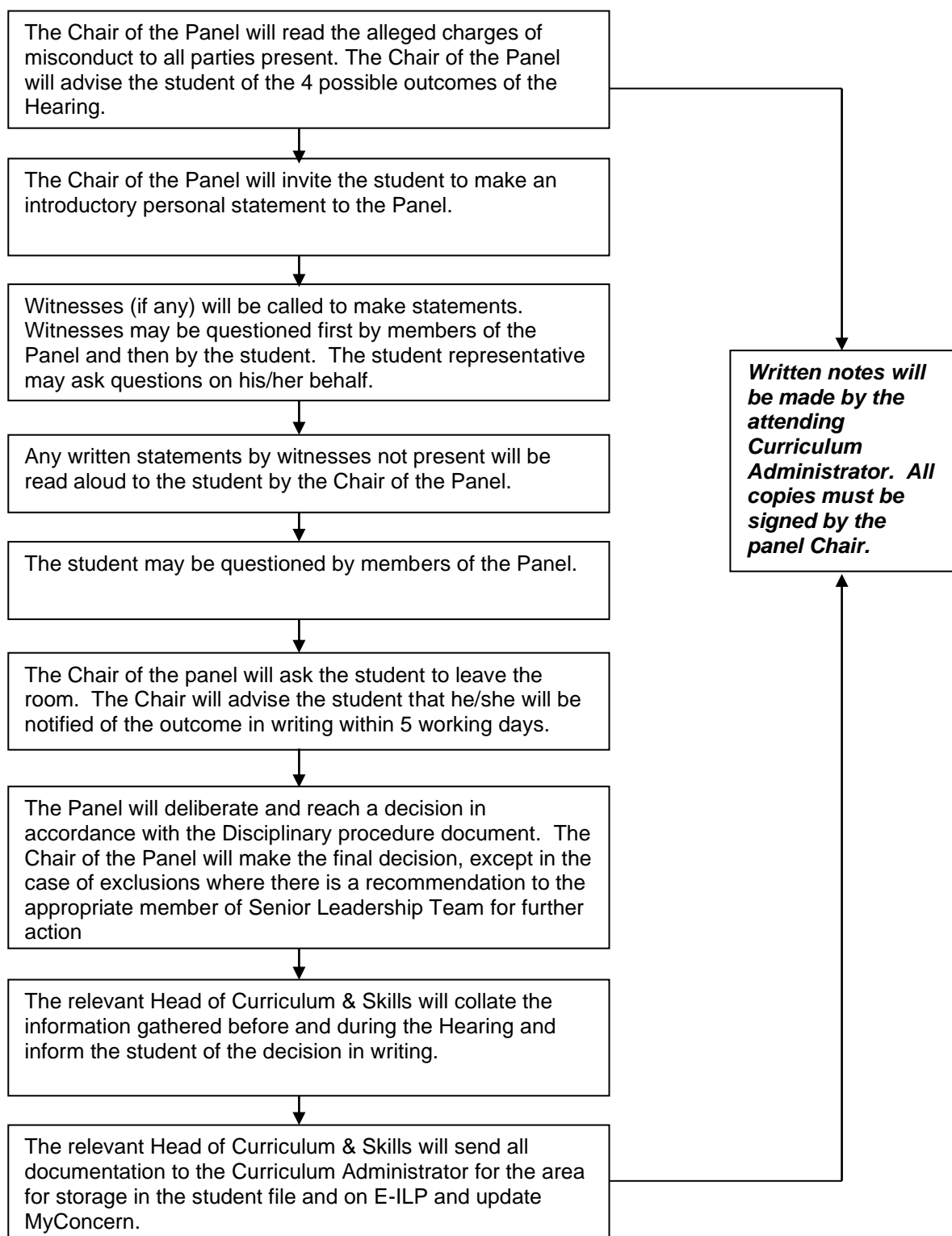
<b>Definitions:</b>	Examples of definitions of misconduct can be found within the attached procedures document.	<b>Who Needs to Know?</b>	<ul style="list-style-type: none"> <li>• All staff.</li> <li>• All students.</li> <li>• Parents and employers of students involved in the disciplinary process.</li> </ul>
<b>Related Policies and Procedures:</b>	<ul style="list-style-type: none"> <li>• Single Equality Scheme</li> <li>• Student Charters (Higher Education and Further Education)</li> <li>• Student Grievance Procedure</li> <li>• Bullying and Harassment Policy</li> <li>• Attendance Policy</li> <li>• Tutorial Policy</li> <li>• Assessment Policy</li> <li>• Examination Policy</li> <li>• Plagiarism Policy</li> <li>• Complaints Policies</li> <li>• E-Safety Policy</li> </ul>	<b>Approval Date:</b>	September 2023
<p><b>This policy was approved and adopted by:</b></p> <p><i>Julia Howe</i></p> <p><b>Julia Howe</b> <b>Principal &amp; CEO</b></p>			

## Appendix 1

### Disciplinary Panel Procedure

In order to provide the student who is subject of the disciplinary procedure and if applicable, other aggrieved parties, the right to natural justice, every opportunity must be taken to enable them to present their cases fully and have an impartial hearing.

The following procedure will be followed in all cases.



## Appendix 2

### ***Letter Final Written Warning***

To be sent within 5 working days.

Dear

#### FINAL WRITTEN WARNING

In accordance with the Student Disciplinary Procedure and having investigated and held a disciplinary panel meeting I am issuing you with a **Final Written Warning**. This relates to the incident outlined below:

- *Give details of the incident and any prior formal action.*
- *Give details of the action required to improve and the timescales.*
- *Outline the action that may be taken if there is a further breach of discipline.*
- **If appropriate set a review meeting date.**

***Details of the above will be recorded on college records for 1 year. A copy of this letter will be sent to:***

#### **As appropriate -**

- *Parents / Guardian for students under 18.*
- *Employer or Training provider*
- *Other organisation as appropriate (e.g. School / University)*

You have the right to appeal this decision using the college's appeals procedure and this should be done in writing to the Principal within 5 working days.

Yours sincerely,

Chair of the Panel

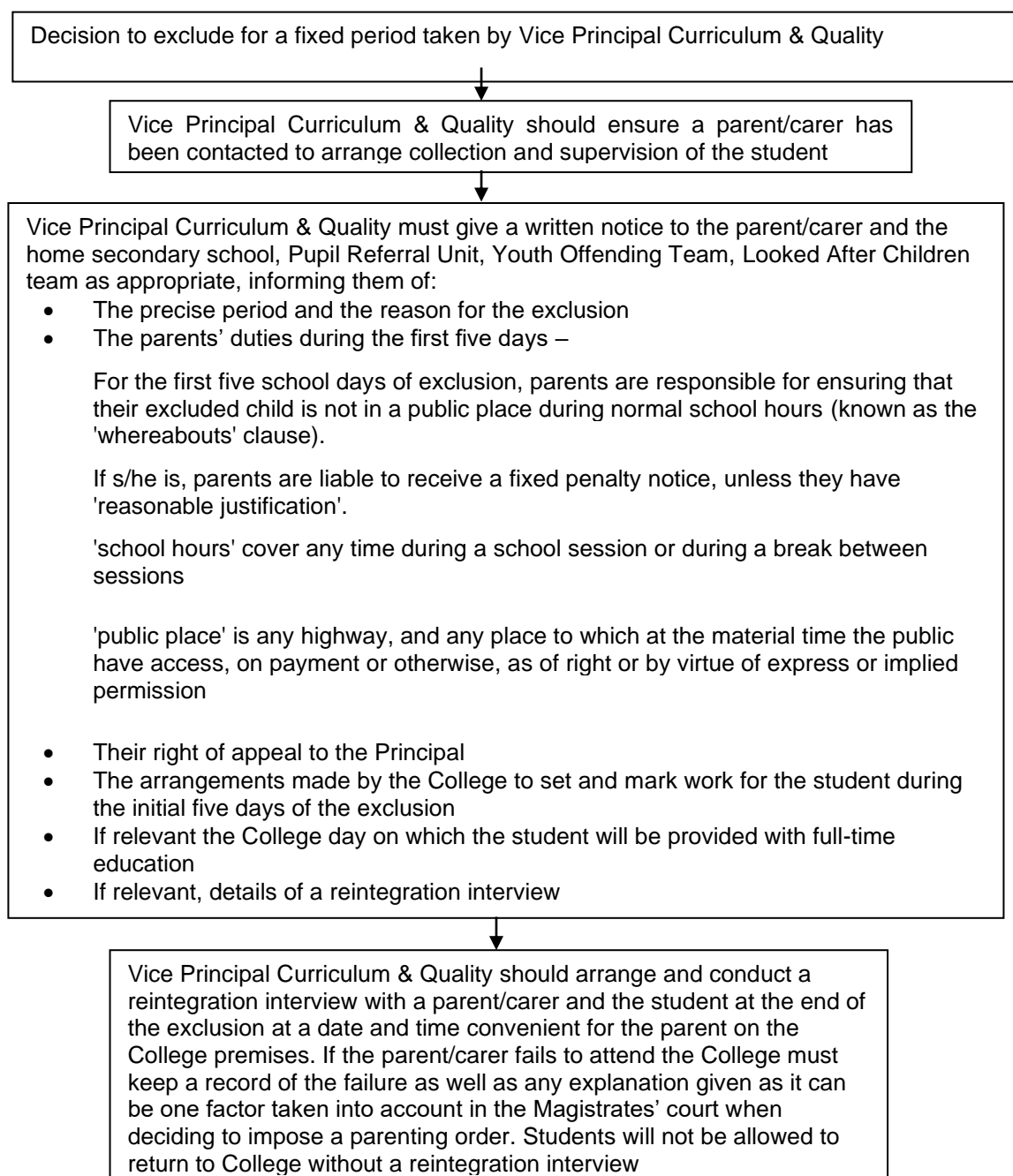
Copies:  
Vice Principal Curriculum & Quality

Parent /Guardian (where applicable)  
Personal Tutor

## Appendix 3

### Full Time year 10 and 11 student Disciplinary procedures for Gross Misconduct

These students remain the responsibility of the Local Authority and can only be subject to fixed term exclusion for **five** days.



The Vice Principal Curriculum & Quality should maintain contact with the home secondary school, Pupil Referral Unit, Youth Offending Team, Looked After Children team as appropriate. The duty on local authorities requires them to provide suitable full-time education from the sixth school day of any permanent exclusion from a relevant school (and for any fixed-period exclusion from a pupil referral unit).

It is important for the Vice Principal Curriculum & Quality to inform the local authority in whose area an excluded pupil lives of the exclusion, as that authority will be responsible for making the Day 6 provision if reintegration is not possible.