



# STUDENT DISCIPLINARY CODE

## **Summary**

This policy outlines the college's approach to student discipline, including types of misconduct, investigation procedures, sanctions and appeals

Policy Owner:	Deputy Principal
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Approval/ Review Body:	Executive
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## **1. INTRODUCTION**

- 1.1 This code describes the steps the College will take when a complaint is made about a student's conduct or performance. It should be read alongside Our College Code.
- 1.2 Any member of the College staff (direct, contract or agency) may formally complain about the conduct of a student by reporting to the appropriate School, Faculty or Duty Officer.
- 1.3 Students will be covered by this code while on College premises, on work placement or at any other time when they are under College supervision.
- 1.4 The College is committed to supporting the learning and achievement of all its students: any disciplinary action taken is intended to encourage an improvement in behaviour.
- 1.5 The code describes the College's approach to learners on discrete programmes whose behaviour indicates that current provision is not meeting their needs.
- 1.6 The code outlines the procedures that will be followed if a High Needs student is involved in any disciplinary process. Appendix 1 describes a High Needs student and outlines the reason the Student Disciplinary Code makes specific reference to them

## **2. WHAT TYPES OF BEHAVIOUR ARE COVERED BY THIS CODE?**

- 2.1 This code is concerned with the commitments made when a student signs Our College Code. This document identifies what is expected of students in relation to their studies and their general behaviour and is signed by all students and their tutors at the start of their course.
- 2.2 Any behaviour which breaks a commitment made in Our College Code, the Student/College Contracts or in any other College Policy documents may be regarded as misconduct and result in disciplinary action.
- 2.3 Misconduct would include, for example, rude or offensive behaviour towards another student, member of staff or member of the public; persistent failure to attend classes regularly and promptly or to complete work set; showing disrespect for property belonging to the College or other people; behaviour which breaches Our College Code or interferes with the learning of other students or the work of staff.
- 2.4 Gross misconduct refers to serious offences, for which disciplinary action may mean immediate suspension and permanent exclusion. Examples of gross misconduct are: being in possession of a weapon; theft or deliberate damage to property; actual or threatened violence; sexual or racial harassment; misuse of the Internet; possessing or dealing in illegal items; being under the influence of drink or non-prescription drugs; placing other students, staff or members of the public at risk of significant harm, and significantly disrupting the learning of others.

### **3. WHO HAS AUTHORITY TO TAKE DISCIPLINARY ACTION?**

- 3.1 Complaints about a student's misconduct may arise in a number of settings. Minor problems of misconduct or unsatisfactory performance are most likely to be noticed by teachers and/or tutors and are best dealt with promptly and informally by the Course Tutor. Only when such problems persist should more formal steps be taken, as described in Sections 4 and 5 below. Action at Faculty level should be taken by Course Tutor (Formal 1<sup>st</sup> warning); Head of School (Formal 2<sup>nd</sup> warning); Director (3<sup>rd</sup> warning)
- 3.2 Teachers should report any problem with student misconduct immediately to the relevant tutor/ Head of School.
- 3.3 Where a student misbehaves in a public area or Learning Resource Centre members of staff witnessing the behaviour should initially endeavour to resolve the situation. If necessary, the appropriate Duty Officers or member of the Enrichment Team or a member of security staff should be called. A report outlining the incident should be made promptly, and sent to the appropriate Director and Head of School. Support Staff are encouraged to report even minor matters to the tutor or Faculty Duty Officer.
- 3.4 If a serious incident occurs, members of the College's Senior Management Team and Managers delegated by a Director (normally Duty Officers) have the authority to suspend a student for up to 5 College working days. The suspension is made pending an interview with the Investigating Tutor assigned by the student's Director. The tutor will be informed immediately. The Parent/ Carer must be informed if the student is aged 16 -18 or a vulnerable adult.
- 3.5 In the case of High Needs students, the tutor should alert the relevant Head of School (SLDD or ALS) immediately where there is a cause for concern.

### **4. PROCEDURES FOR HIGH NEEDS STUDENTS**

- 4.1 In all cases the College will adhere to the conditions contained in the contract with the relevant local authority and responsibilities under the SEND Code of Practice.
- 4.2 Liaison with the relevant local authority will be undertaken by the relevant Head of School (SLDD or ALS).

### **5. INFORMAL DISCIPLINARY PROCEDURE – FACULTY**

- 5.1 Minor problems of misconduct or performance will normally be dealt with, initially, on an informal basis, by the student's tutor or Head of School and records of incidents and any informal warnings should be logged on eTrackr by the course tutor as "causes for concern", together with any recommended action. The student should be informed that repetition of such misconduct may lead to formal action. Parents/ Carers of 16-18 year old students should be involved, where appropriate, at this early stage.

- 5.2 If a student is told to leave a class by a tutor for misconduct, this must be logged on eTrackr as a “cause for concern” and addressed in tutorial. If a tutor believes she/he has not resolved the issue, or if there is an ongoing concern, they must report their concerns to the Head of School.
- 5.3 If, at the informal stage, the problem is not resolved or there is a repetition of the behaviour, formal procedures to address misconduct will then be followed by the Faculty, or, in a case of alleged gross misconduct, the procedures described in Sections 6 - 8 below.
- 5.4 In the case of High Needs students relevant Heads of School (SLDD or ALS) should be informed immediately
- 5.5 If a student is asked to leave the building for a cooling-off period, this can only be sanctioned by the Faculty Duty Officer, Head of School, Director, a member of SMT or a senior member of the Enrichment Team. This must be recorded on ProSolution.  
At this stage consideration must be given about whether the issue warrants a full suspension (3.4 of this code).

*NB: Again, if the “cooling-off” period applies to a student with ‘High Needs’, the Head of School (ALS/ SLDD) must be informed.*

## 6. FORMAL DISCIPLINARY PROCEDURE – FACULTY

- 6.1 Students will be advised and encouraged through the informal procedures described in 4 to improve their conduct in order to meet the expectations of behaviour described in Our College Code. However, if student misconduct or performance problems persist, they will normally be dealt with, by the Faculty, through the stages identified below:
- “formal verbal warning” - usually given by the tutor and recorded on eTrackr
  - first written warning and contract (*Usually given by the Tutor*) and recorded on eTrackr
  - second written warning and contract (*Usually given by the Head of School*) and recorded on ProSolution
  - final written warning and contract (*Usually given by the Director*) and recorded on ProSolution

*For information, any warnings on ProSolution will automatically be imported onto eTrackr*

***If a student is under 18 years of age or a vulnerable adult their parent/ carer must be kept informed of the behaviour that resulted in a formal warning being issued and the action the student must take to ensure he/she can continue on their course.***

***The decision not to inform a parent/guardian of a warning can be made by a Tutor/Head of School/ Director if they believe that this would be detrimental to a student’s welfare. This should be noted on the warning. In this case, the Tutor/Head of School/ Director must contact a member of the Safeguarding Team if this applies.***

Depending on the seriousness of the misconduct, a Director may at any stage choose to proceed immediately to a final written warning.

- 6.2 Copies of the warnings will be placed on the student's file and copied to the relevant Tutor/ Head of School and Director at each stage.
- 6.3 When agreeing a final written warning and contract with a 16-18 year old student, the Director would normally invite the parent/ carer to be present. Advice should be sought from the tutor about circumstances in which such contact would not be appropriate.
- 6.4 If, having received a final written warning, a student continues to break the commitments in the contract, or Our College Code, the Director has the authority to permanently exclude the student.
- 6.5 In authorising a permanent exclusion following the formal disciplinary procedure outlined above the Director will convene a final exit interview with the student, the tutor, Head of School and parent/carer as appropriate for students aged 16-18. The exclusion will be confirmed, and transition arrangements confirmed as necessary. In the case of non-attendance by a student the Director has the authority to confirm the exclusion as above.
- 6.6 The formal exclusion of any student must be notified to the Principal by the Director.
- 6.7 A student permanently excluded by a Faculty must be informed in writing of the reasons for their exclusion and of their right to appeal (see Section 13)
- 6.8 In all cases, for High Needs students, the relevant Head of School (SLDD or ALS) should be informed immediately.

## **7. GROSS MISCONDUCT: SUSPENSION**

- 7.1 In the event of a serious incident of alleged gross misconduct and when the student's presence on campus may be detrimental to the College community and/or prejudice the investigation of the incident a student may be suspended pending the investigation as described in paragraph 3.4 of this Code
- 7.2 If a student has been suspended, the Director will inform the tutor and will arrange for the student to be interviewed by the Investigating Tutor within 5 College working days of the suspension. In the light of this interview, and the recommendations of the Investigating Officer, a Director, or other designated person, may extend the period of suspension to allow for a full investigation, and pending a disciplinary hearing.
- 7.3 In the case of a High Needs student, the College will adhere to the conditions confirmed in the relevant Local Authority contract and the SEND Code of Practice.
- 7.4 Where a student is suspended, the tutor should make arrangements for work to be communicated to the student, together with deadlines for completion.

## 8. INVESTIGATING A CASE OF GROSS MISCONDUCT

- 8.1 Following an allegation of gross misconduct, the Director will appoint an Investigating Tutor to conduct an investigation and communicate with the Tutor where this has not already occurred. Other than in exceptional circumstances, the Investigation should be completed within 12 College working days from the date of suspension, or the date of the incident if the breach of College rules has not warranted suspension.
- 8.2 The student against whom an allegation has been made will be notified by the Director in writing of the allegation and the name of the Investigating Tutor.
- 8.3 When a student is interviewed as part of an investigation, s/he has the right to be accompanied by a friend/ parent/ carer or member of the Enrichment Team Representation by a lawyer will **only** be allowed at Student Appeals Panels.
- 8.4 The Investigating Tutor will report within 12 College working days and the Director will decide either to dismiss the allegation and reinstate the student immediately or to convene a disciplinary hearing.
- 8.5 If there is to be a hearing, it will normally be convened within 10 College working days of the conclusion of the investigation. The student will receive a letter from the relevant Director, asking her/him to attend the disciplinary hearing and informing them of their right to be accompanied by a friend or Student Enrichment Team representative.
- 8.6 The student will be given a summary of the Investigating Tutor's report, setting out the allegations and key findings of the investigation and will be allowed to submit evidence to the disciplinary hearing and to call witnesses.
- 8.7 In the case of High Needs students, the College will adhere to the conditions contained in the relevant Local Authority contract and the SEND Code of Practice.

## 9. DISCIPLINARY HEARING PROCEDURE

- 9.1 Disciplinary hearings will be convened and chaired by the Director of the subject area in which the student is based. In exceptional circumstances another appropriate Senior Manager may convene and chair the hearing.
- 9.2 The allegation of misconduct will be heard by a panel comprised of the Director, a member of the Senior Management Team or a non-curriculum manager.
- 9.3 The student may be accompanied by a friend or member of the Student Enrichment Team

- 9.4 The hearing will follow the procedure detailed below.
- The Investigating Tutor will be called to present her/his report, calling witnesses as required.
  - The student or her/his representative will be given the opportunity to question the Investigating Tutor and her/his witnesses.
  - The student will be given time to present her/his case to the hearing, calling witnesses as required.
  - The Investigating Tutor and Members of the Panel may question the witnesses.
  - Members of the Panel may question the Investigating Tutor and the student.
  - The Investigating Tutor, followed by the student, may then summarise their respective representations.
  - The Chair of the Panel will ask the Investigating Tutor and student to withdraw in order for the Panel to consider the evidence and make a decision with regard to the alleged misconduct and, if the student is found blameworthy, the disciplinary action to be taken.
  - The student and Investigating Tutor will then be recalled and the decision communicated. Brief reasons for the decision will be given and the student will receive written confirmation of the decision within five College working days. Confirmation letters will be sent by recorded delivery.
- 9.5 During the course of a hearing, the Chair of the Panel may exercise the right to suspend the hearing for no more than 24 hours, if s/he considers this is warranted by the circumstances.
- 9.6 In deciding upon disciplinary action following a hearing, the Panel Members will take into consideration any mitigating circumstances put forward by the student or his/her representative and the student's disciplinary/academic record.
- 9.7 In the case of High Needs students, the College will adhere to the conditions contained in the relevant Local Authority contract and the SEND Code of Practice.

## **10. DISCIPLINARY ACTION**

- 10.1 Exclusion is normally only appropriate where a student has previously received a final written warning or in cases of gross misconduct. This action can be agreed by the disciplinary panel.
- 10.2 Other forms of disciplinary action available are:
- written warning (with appropriate contract agreed);
  - refusal of access to specific facilities or privileges;
  - suspension for a fixed duration

- 10.3 For High Needs students, the relevant Head of School (SLDD/ALS) may liaise with relevant external partners for a planned transition.

## **11. SUMMARY EXCLUSION**

- 11.1 In exceptional circumstances, the Deputy Principal (who may delegate responsibility to the Assistant Principal Curriculum) has the authority to summarily exclude a student, where s/he is satisfied, on the evidence immediately available, that a student has committed an act of gross misconduct that is sufficiently serious to warrant such action. The parent/ guardian of a student aged 16 -18 years or a vulnerable adult must be informed of the summary exclusion. The employer/ training provider of a sponsored student must be informed of the action taken by the College
- 11.2 The Deputy Principal (or Assistant Principal Curriculum), who has been delegated this responsibility) will act on information given to them by the Faculty Duty Officer/ Emergency Duty Officer/ SMT member who has attended/ reported on an incident.
- 11.3 In the case of summary exclusion the Deputy Principal, or the delegated Assistant Principal Curriculum, will ask the attending/ reporting member of staff to prepare a report and the student will be given the opportunity to appeal as in section 12.
- 11.4 In the case of High Needs students, the College will adhere to the conditions contained in the relevant Local Authority contract and the SEND Code of Practice.

## **12. THE RIGHT OF APPEAL**

- 12.1 A student has the right to appeal against the decision of a disciplinary hearing, a Director's decision to permanently exclude them from College or the decision of the Deputy Principal (or delegated Assistant Principal) to summarily exclude. Appeals may be made to the Student Appeals Panel.
- 12.2 An appeal must be sent, in writing, to the Clerk to the Corporation no later than five College working days following receipt of written confirmation of the disciplinary hearing's decision or the decision to exclude.
- 12.3 An appeal may be made on one or more of the following grounds:
- severity of the disciplinary action
  - a failure to follow procedures
  - new evidence that was not available at the time of the Hearing/ Exit Interview
- 12.4 In submitting an appeal, the student should provide notice of any witnesses they intend to call and the nature of any new evidence.
- 12.5 In the case of High Needs students, the College will adhere to the conditions contained in the relevant Local Authority contract and the SEND Code of Practice.

### 13. THE APPEAL HEARING

- 13.1 An Appeal Hearing, will normally be convened within 10 College working days of receipt of the letter of appeal.
- 13.2 The Clerk to the Student Appeals Panel will send relevant documentation to Panel members and the student, including:
- Student warnings/ contracts
  - Outcome of Disciplinary Hearing/ Exit Interview
  - Basis of appeal and names of witnesses
- 13.3 The student making the appeal has the right to be accompanied by one person, a friend, parent or other advocate.
- 13.4 The Appellant must confirm attendance at least 1 working day prior to the hearing date. If the appellant does not confirm attendance or in the case of non-attendance the appeal will not be heard and the disciplinary action stands.
- 13.5 The Appeal Panel will not normally re-hear the case as presented to the Disciplinary Hearing, but will concentrate on the grounds for the Appeal as set out in 12.3 above
- 13.6 The Appeal Hearing will follow the steps set out below:
- The Chair of the Appeal Panel will read out the grounds of the Appeal and ask the student to confirm these are correct.
  - The student will then be asked to present his/her case, calling witnesses as necessary.
  - The Chair of the Disciplinary Panel will then be asked to present his/her response.
  - During this process, questions may be asked by Members of the Appeal Panel, the student or by the Chair of the Disciplinary Panel. All questions are to be directed through the Chair of the Appeal Panel.
  - The Chair of the Disciplinary Panel, followed by the student, will be invited to make any concluding remarks.
  - The Chair of the Appeal Panel will then ask the student and the Chair of the Disciplinary Panel to withdraw while they reach a decision.
  - The Appeal Panel may uphold the appeal and dismiss the penalty imposed by the Disciplinary Panel, reduce the severity of the penalty or reject the appeal. It is not empowered to increase the severity of the penalty.
  - The student and the Chair of the Disciplinary Panel will then be invited to return.
  - The Chair of the Appeal Panel will announce the Panel's decision. This will be confirmed in writing within five College working days.
- 13.7 The Chair of the Appeal Panel may adjourn the meeting at any stage to allow for additional information to be sought.

- 13.8 The decision of the Appeal Panel is final.
- 13.9 In the case of High Needs students, the College will adhere to the conditions contained in the Local Authority contract and the SEND Code of Practice.

#### **14. Re-admission to College**

- 14.1 Where a student has been excluded the College would not normally accept an application from that student for admission to a course for the remainder of the academic year and a further academic year. The decision to readmit a student may depend on the outcome of a risk assessment.
- 14.2 The College retains the right to refuse admission for a further period of time, where it is believed that the safety and security of current students and/or staff may be compromised.

A high needs student is defined as a young person aged 16-18 who requires additional learning support costing over £6000 and any young person aged 19-25 subject to a learning Difficulty Assessment (LDA) or an Education, Health Care plan (EHC plan) who requires additional support costing of £6000. Partial funding for high needs students is agreed and paid for by the local authority and subsequently the College enters into a contract with the local authority and is obliged to inform them of any circumstance that may result in the high needs student being absent from College. If this information is not provided to the local authority, funding may be withdrawn and the College subject to legal action as per the SEND Code of Practice and Children and Families Act (2014), which stipulate statutory educational responsibilities for young people with SEN or disabilities. Consequently, in the event of the need for any action under the College's Student Disciplinary Code relating to a high needs student, reference must first be made to the relevant Local Authority contract and the SEND Code of Practice and any conditions or guidance contained therein must be complied with.