

Policy/Procedure/Guideline Review

Policy/Procedure/Guideline:	Student Disciplinary Policy and Procedure
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Author:	Director of Learner Services
Approved By:	SLT Board of Corporation
Date Approved:	7th September 2021 and 14th December 2021 Updated 29th November 2021
Next Review Date:	21st September 2022 (Covid inclusions)
Publication:	Staff Hub College Websites
Changes Made:	<ol style="list-style-type: none"> 1. Reference to the College At Risk Process (4.4 & 4.5) 2. Continuation of disciplinary outcome into following academic year 3. Multiple breaches of the Code of Conduct 4. Appeals Policy 5. Clarification on the process and outcomes of Stage 3 Disciplinary

STUDENT DISCIPLINARY POLICY AND PROCEDURE

1. Introduction

- 1.1 Nelson and Colne College Group is committed to ensuring the safety of all learners and to the provision of a safe, secure learning environment, in particular reflecting guidelines for staying safe under Covid-19 where all can achieve their goals and aspirations and can leave College prepared for life in modern Britain. The College is committed to the fundamental values of democracy, the rule of law, individual liberty, mutual respect and tolerance for those of different faiths and beliefs.

It is appropriate in any educational institution to set appropriate standards of performance and behaviour and to operate rules which promote order and fairness and allow the development of learners' abilities and skills. Such rules should be readily understood by both the learners and staff.

As such, student disciplinary procedures are required in order to ensure that all learners who may be subject to them are dealt with in a fair and equitable manner.

2. Purpose

- 2.1 The purpose of the Disciplinary Policy is to provide clear guidance that helps and encourage all learners to understand the College expectations, achieve and maintain acceptable standards of behaviour, conduct and academic performance. It is also intended to provide clear guidance to all staff in order to ensure consistent and fair treatment in relation to disciplinary action taken in response to allegations of unacceptable conduct or performance.
- 2.2 The most important factor in improving learner behaviour is the effective use of informal intervention to challenge less serious breaches of the expectations set out in the Code of Conduct document. When students are consistently and effectively challenged in the right way the need to use the later steps of this process will be minimised. All College staff have a responsibility to challenge inappropriate behaviour. Correct application of the Disciplinary Policy should support retention, improve learner behaviour and reinforce high standards and expectations.
- 2.3 The College Code of Conduct which set out the basic expectations of all learners: A learner who does not meet the required standards makes themselves liable to disciplinary action, suspension or expulsion in sufficiently serious cases. However, the College recognises that there may be some instances where learners with additional learning needs or learning difficulties and/or disabilities require considerations on a case by case basis to ensure that reasonable adjustment is made and will therefore provide support in such instances as is appropriate.

3. Scope

- 3.1 This policy and supporting procedures apply to all learners of the College on full or parttime study, adults or apprenticeship programmes of learning. This includes: on-site at the College, off-site, in community facilities, in the vicinity of the college, travelling to and from College, on a College organised trip, placement or event. The policy and procedures also apply when behaviour beyond normal College related activities has a detrimental impact on others from the College e.g. online bullying or on programmes delivered off campus sites.

- 3.2 The policy also includes Higher Education (HE) learners where the College will also adhere to the policies and procedures of the respective HE Institutes.

4. General Principles

- 4.1 Student discipline is the responsibility of **all members of all staff at all times**. All staff have a responsibility to ensure that learners are at all times aware of the high expectations we have as an organisation. This policy aims to:

- Ensure that poor behaviour and misconduct is always challenged and dealt with immediately.
- Reinforce the high standards expected of all college learners at all times.
- Provide the structure and recording mechanism for dealing with poor behaviour or misconduct.
- Be a tool to enhance learner retention by systematically addressing minor issues of poor behaviour, and offering appropriate support, before they are able to develop into something more serious.
- Contribute to creating an environment within the College that is safe and secure and enables learners to enjoy their studies and develop as individuals.
- Eliminate discrimination and promote equality of opportunity for all.

- 4.3 At every stage, a learner has the right to be advised of the reason for formal disciplinary meetings, to hear the evidence against them and to state their case. (For HE learners, OIA can request this evidence to be provided in advance of the meeting). If a learner fails, without good reason, to attend a disciplinary meeting which they have been instructed to attend, the meeting can take place and a decision made in their absence.

A learner has the right to appeal against any disciplinary penalty imposed from Stage 3 of the disciplinary process and against any decision to expel. A 16-18-year-old learner has the right to be accompanied to an appeal hearing by a parent/carer/employer/workplace mentor and a 19+ year old learner may be accompanied by another learner or advocate or employer/workplace mentor. If a learner receives a disciplinary penalty regarding unsatisfactory academic performance, guidance and support will be offered, as necessary, to help him/her reach the required standards. Where appropriate, employers will receive notification of all outcomes regarding unsatisfactory academic performance.

For pupils aged 14-16, disciplinary action will be taken in liaison with the relevant partner high school according to the agreed protocol wherever possible.

Special consideration will be given to learners whose behaviour might be the consequence of a recognised learning difficulty or disability, e.g. Asperger's. Disciplinary information will normally remain on a learner's record for the duration of their study at the College.

- 4.4 At every stage of the disciplinary process all staff must be conscious of the needs of learners who may be disadvantaged by a process that relies on written communication and formal interviews and for those whose disability manifests itself in inappropriate behaviour.

Staff must consider the individual needs of such learners and adapt the process with advice from the Director of Learner Services or Additional Learning Support Manager in order to ensure that they are treated fairly and equitably. For example, whether the learner has been flagged as being at risk.

Adaptations may include:

- Adapting the language in any written communication
- Providing any written communication in alternative formats or languages
- Providing additional advice to ensure that the learner understands every stage of the process
- Providing interpretation services at any disciplinary interview or hearings
- Taking into consideration the learner's ability to understand the College Code of Conduct and the degree to which the learner has been supported to understand and follow it. This may be particularly relevant in cases involving learners with learning difficulties.

4.5 Prior to initiating the disciplinary process staff must ascertain whether or not there are any other factors influencing the learner through the College's At Risk Process that could be an underlying cause of the breaches of conduct. For example:

- Problems at home/outside College
- Problems with peers e.g. bullying/harassment both in person and online
- Hidden, or undiagnosed disabilities e.g. Attention Deficit Hyperactivity Disorder; mental health problems; dyslexia
- Issues that require the intervention of the Safeguarding & Welfare Team
- Workplace issues (including workload, culture, harassment or bullying)

If at any point it is disclosed that the learner and/or the family have involvement from external agencies such as Social Care, Mental Health services, YOT, Probation etc. or if a learner is Looked After (in care) Leaving Care or a Young Adult Care this must be raised with the Safeguarding and Prevent Manager. Workplace mentors who are responsible for the welfare of Looked After or leaving Care apprentices must be notified and involved where appropriate in any relevant activity or intervention.

If a learner discloses a disability then this must be raised with the Additional Learning Support Manager.

4.6 The College will consider whether any referrals need to be referred to the Police. The College will support parents/workplace mentors/employers who make their own referrals to the Police following a College related incident.

4.7 Disciplinary warnings stand for the duration of the learner's time at the College; they do not expire at the end of an academic year or where a learner transfers from one programme to another.

5. Definitions and Examples

5.1 A Breach of the Code of Conduct is defined, as that which is **likely to put at risk the learner's chances of successfully completing his or her programme of study and that adversely affects teaching and learning, recreational activities, or the rights of other members of the College community.**

This includes (and this is not intended to be an exhaustive list):

- Failure to adhere to the Code of Conduct
- Failure to uphold British Values
- Putting themselves, peers and staff at risk as a result of not adhering to the Covid-19 safety guidelines
- Failure to meet deadlines or complete set work
- Failure to attend all classes or arrive for classes on time
- Lack of effort and or failure to come to class correctly equipped
- Failure to make progress with academic, skills or English and Maths components of the programme

- Disrupting the learning of others
- Bullying, harassment or discrimination
- Failure to use College facilities with care and respect

Any continuous breaches of the Code of Conduct where a learner is given a formal warning will automatically trigger an escalation to the next level of disciplinary.

Gross misconduct refers to the most serious breaches of acceptable behaviour. It **may** require the immediate suspension of the learner and includes for example:

- Violent, threatening or intimidatory behaviour (including the carrying of weapons both real and imitation and whether or not they have been used or their use has been threatened)
- Entering the College site or attending lessons after receiving a positive test for Covid-19
- Entering the College site or attending lessons after being instructed to self-isolate due to Covid-19
- Entering the College site or attending lessons when showing symptoms of Covid-19
- Harassment or bullying (physical or verbal, including by electronic means e.g. text messages, email, social networking sites, taking or distributing photos/videos without the subject's permission.
- Discriminatory behaviour, or language, which would be in breach of the college Single Equality Scheme which ensures safety for all learners with protected characteristics under the terms of the Equalities Act
- Possession of, or dealing in, illegal substances
- Being under the influence of alcohol/drugs
- Vandalism, on or off College premises
- Theft
- Viewing of, or sharing of, illegal/offensive websites or images
- Any activity, criminal or otherwise, which has brought, or may, in the opinion of the Senior Leadership Team bring the College into disrepute (irrespective of whether it takes place on College property or in College time)
- Cheating in examinations and/or any form of plagiarism or falsifying of evidence

NB: This list is not exhaustive and the College reserves the right to make the decision about whether or not any action constitutes Gross Misconduct.

5.2 When disciplinary action is undertaken, all stages of the procedures should be used as speedily as possible, whilst allowing time for an investigation where necessary. There are 4 stages of the disciplinary process which include one informal and three formal steps:

- Cause for Concern (Informal)
- Stage One
- Stage Two
- Stage Three

Apprentices may also face an additional disciplinary procedure and process from their employer

***Please note any inappropriate behaviour can be dealt with at any stage.** The disciplinary process does not have to start at a cause for concern and work through the stages. If the behaviour warrants, it can move straight to stage one or two and if the

behaviour constitutes Gross Misconduct then the process begins at stage three, often with a suspension.

5.3 CAUSE FOR CONCERN:

Where there has been low-level breach of the Code of Conduct, as outlined earlier, it may be appropriate to issue a Cause for Concern. Any member of staff can issue a Cause for Concern.

- The member of staff dealing with the learner will tell them that the behaviour is unacceptable and that they are issuing a Cause for Concern and logging this on Promonitor this will be sent to their personal tutor and teaching team where the learner is located.
- A cause for concern pro forma can be found on Promonitor under 'meetings' and should be recorded on the learner profile and should be marked 'FAO all staff'.
- On full-time study programmes, a informal discussion should be initiated by the Personal tutor, and held with the learner explaining why the Cause for Concern has been issued, and where appropriate will issue clear guidance for improvement.
- A learner can only receive a maximum of 3 Cause for Concerns.
- The Cause for Concern stage is an opportunity to begin dialogue with a learner and engage them in seeing why their behaviour is inappropriate and encouraging them to take responsibility for their actions. The following restorative questioning technique will support this:
 - Tell me about it
 - What were you thinking about at the time
 - What have you thought about it since
 - Who was affected and how were they affected
 - What are you going to do to put this right
 - How are we going to fix it

5.4 STAGE ONE DISCIPLINARY:

- A Stage 1 disciplinary is a formal interview held with the learner, Curriculum Leader and the Personal Tutor. This can occur as a result of the maximum number of Cause for Concerns has been exceeded or as a result of breach of behaviours outlined in 2.3 or 5.1. A check should be made to ascertain whether or not the learner has a learning difficulty and/ or disability, and whether or not a representative from Learner Services needs to attend the meeting. The parents/ guardian or representative for 16-18 learners **must** be informed. If it is agreed that sanctions are required the learner should be issued with a **written warning** and an action plan with SMART targets to improve.
- A letter should be sent to the learner and parents confirming the written warning and should include a copy of the action plan.
- All documentation should then be recorded on Pro Monitor by the Divisional Admin.
- The personal tutor should monitor the actions within any agreed timescales and report back to the Curriculum Leader.
- If, when the SMART targets are reviewed, there is still no improvement, or further recurrence of misconduct, a referral should be made for a **Stage 2** disciplinary.

5.5 STAGE TWO DISCIPLINARY:

Once a learner reaches stage 2 of the process the Head of Division and personal tutor should be involved to ensure that at this stage we have consistency of approach, particularly in defining the boundary between a stage two and stage three.

- A Stage 2 disciplinary is a formal interview held with the learner. This will be dealt with by the Head of Division and the personal tutor. A check should be made to ascertain whether or not the learner has a learning difficulty and/ or disability, and whether or not a representative from Learner Services should be in attendance. The parents/guardian or representative for 16-18 learners **must** be invited. If it is agreed that sanctions are required then the learner should be issued with a **written warning** and an action plan with SMART targets to improve which will be communicated by Head of Division. This, and the meeting notes, should be recorded on Pro Monitor and a letter containing the written warning and the expectations sent to parents for all 16-18 learners. All documentation should be recorded on Pro Monitor.
- A letter should be sent to the learner and parents confirming the written warning and should include a copy of the action plan.
- The personal tutor should monitor the actions within any agreed timescales and report back to the Head of Division where targets are not being met.
- If, when the SMART targets are reviewed, there is still no improvement a referral should be made for a **Stage 3** disciplinary.

5.6 STAGE THREE DISCIPLINARY:

- If the decision is taken to escalate to a stage 3 the hearing must be chaired by member of SLT and the Head of Division in attendance. Parents/guardians or representatives for 16-18 learners should be invited. A check should be made to ascertain whether or not the learner has a learning difficulty and/ or disability, and whether or not a representative from Learner Services would be needed at the meeting.
- Depending on the outcome of the meeting, the learner may be permanently excluded, or issued with a Final Written Warning with SMART targets to improve that will be closely monitored through tutorials on a weekly basis for full time learners or by the Programme Leader and Curriculum Leader in Adults and Apprenticeship programmes.
- In the event of permanent exclusion, the learner may be given the opportunity to complete their studies. The decision to offer completion is at the discretion of the senior leader chairing the stage three meeting.
- Divisional Admin will arrange for letters to go to learners and parents with details of the final outcome of the stage three process
- If the learner is allowed back into College with a SMART action plan this will be monitored and reviewed by the personal tutor and reported back to the Head of Division
- Following the target review, if there is still no improvement the matter should be referred back to the Chair of the disciplinary meeting for a decision regarding whether or not the learner be permanently excluded.
- At this point, if the Chair decides to permanently exclude the learner, the formal panel will reconvene and the learner and parents/guardians will be informed by the Chair of the decision to exclude the learner from College.

5.7 **Gross Misconduct:**

Gross misconduct refers to the most serious breaches of acceptable behaviour and is heard at Stage 3. It may require the immediate suspension of the learner. **A learner can only be suspended by a Head of Division, Director, Safeguarding and Prevent Manager, ALS Manager or a member of the Senior Leadership Team.** Any suspensions or incidents of gross misconduct should be shared with parents / guardians of any 16-18 or learners or 16-25 with an EHCP before the learner leaves the campus.

In cases where it is alleged that gross misconduct has occurred an investigation should be carried out at this point to gather evidence to support a stage three disciplinary, or Gross Misconduct hearing.

The College will consider whether any referrals need to be referred to the Police. The College will support parents who make their own referrals to the Police following a college related incident.

INVESTIGATION and Procedures

The person requesting the Stage 3 should act as the Investigating Officer (IO) and complete their investigation. This must be done in the shortest possible time, particularly where a learner has been suspended. The IO will produce a pack of material to be passed the Chair the meeting using the form in the **Appendix 2**. Once all the evidence has been gathered this should be passed to Divisional Admin who will forward the document to the Chair for consideration. If a formal hearing is required Divisional Admin will make the necessary arrangements for the hearing including contacting the learner and parents/guardians.

The learner will be given written notice of the meeting by Divisional Admin stating:

- The nature of the conduct leading to the Stage 3.
- The learner's entitlement to be accompanied by a friend, learner representative or relative.
- In the case of 16-18 learners the parent/carer will be notified and invited.
- Confirmation of the time and place of the interview, the nature of the misconduct alleged and any potential outcome as a result of the disciplinary meeting.
- Divisional Admin will make arrangements for the hearing to be recorded formally by a third party.
- ***If the learner does not attend without providing exceptional mitigating circumstances beforehand, the meeting will go ahead in their absence***

At the meeting:

- The Chair will repeat the allegations made against the learner and Investigating and Officer (IO) will be asked to report their findings and evidence.
- The learner will then have the opportunity to speak about what occurred.
- The parent/carer or supporter of the learner will be invited to speak in support of the learner
- Both IO and the learner will be questioned by the Chair.
- The case will be summarised. In some instances, the interview may have to be adjourned and reconvened in order to seek further evidence or clarification.
- Having considered all the evidence, the Chair will decide the course of action to be taken.
- If a decision can be made immediately the Chair will ask the learner and representative to withdraw to confer with colleagues and arrive at a decision.
- The Chair will recall both parties and inform them of his/her decision.

- If a longer period of time is required to arrive at a decision, the learner and representative will be advised, and the Chair will confirm the decision within five working days.
- The Chair has the option to permanently exclude the learner, exclude the learner for a temporary amount of time or apply a Final Written Warning.
- If a temporary exclusion is applied, and this runs until the end of the academic year, the learner has the option to reapply the following year.
- If a Final Written Warning is applied, the Chair will determine how long the action plan and sanctions stay in place including a SMART Action Plan.
- Where a SMART Action Plan is applied and the review shows no further improvements, the matter should be referred back to the Chair who can take the decision regarding whether or not the learner should continue in College. At this point the Chair's action can be to formally exclude the learner from College.

In the case of a permanent exclusion, the learner may appeal the decision of the panel by writing within five days of the of exclusion notification being sent. Appeals cases will be reviewed by the Principal or Deputy Principal and will take the form of a desktop review and interviews, where required. The learner will be informed by letter of the outcome of the appeal.

6. Roles and Responsibilities

6.1 Individual Staff Responsibilities

Student discipline is the responsibility of all members of all staff at all times. All staff have a responsibility to ensure that all learners are made aware of the high expectations of the College and should:

- Familiarise themselves with and follow the Student Disciplinary Policy and supporting procedures
- Signpost to and reinforce the College Code of Conduct as required
- Promote high expectations and standards of behaviour by modelling this themselves at all times
- Ensure that attitudes and behaviours which do not meet College expectations at either informal or formal level are identified swiftly, challenged constructively and dealt with timely
- Systematically address minor issues (Cause for Concerns), offering appropriate support or intervention to prevent escalation
- Follow the procedure and utilise recording mechanisms when addressing attitudes and behaviours that do not meet college expectations
- Contribute to creating an environment within the College that is based on mutual respect, is safe and secure and enables learners to enjoy their studies and develop as individuals
- Eliminate discrimination and promote equality of opportunity for all
- Engage with and undertake any identified staff development as required
- Ensure that all employers/workplace mentors are made aware of the expectations of apprentices who attend day release sessions.

7. Dissemination

7.1 Nelson and Colne College Extranet

7.2 Accrington and Rossendale College SharePoint 7.4 College Websites

7.3 College Moodle Platforms

8. Monitoring and Review

- 8.1 This policy will be reviewed on an annual basis by the Director of Learner Services and Deputy Principal Curriculum and Quality with supporting procedures being amended in year if appropriate.
- 8.2 Disciplinary will be reported to SLT regularly as part of the Quality and Curriculum report schedule and shared with the Board of Governors annually, as requested by the Clerk to the Board.

9. Related Policies/Procedures

- 9.1 This policy should be read in conjunction with the following:
- Code of Conduct
 - Exemplary Learning Environment
 - Stop and Search
 - Student Drugs and Alcohol
 - Bullying and Harassment
 - Safeguarding Children and Vulnerable Adults
 - ICT Acceptable Use Agreement
 - Learning Support Policy
 - At risk procedure guidance
 - Appeals Policy

10. Management Responsibility

The Deputy Principal Curriculum and Quality has overall management responsibility for this policy within Nelson and Colne College Group. The Director of Learner Services has operational responsibility, reporting and monitoring for this policy with support from the Safeguarding and Welfare Manager.

11. Further Reading

Additional Guidance for Staff on Restorative Questioning Technique

12. Appendix

Appendix 1: Disciplinary Procedure Flowchart

Appendix 2: Stage 3 Disciplinary evidence

Appendix 1: Summary of Disciplinary Process

NB. The flowchart below does not necessarily denote a progression through the stages. Learners can move onto any of the stages at any time.

Cause for Concern

Informal by any Member of Staff

Recorded on Pro Monitor by the person issuing the cause for concern in order to flag with Personal Tutor /Apprenticeship Programme Leader and Head of Division No more than three x Cause for Concerns can be issued.

if no
improvement

Stage One

Formal by Personal Tutor/Apprenticeship Tutor Assessor, where applicable

Verbal Warning and letter to parents/carer/workplace)

Recorded on Pro Monitor with SMART targets to improve. Monitored by the Personal Tutor. No more than 1 x Stage One can be issued.

If no
improvement

Stage Two

Formal Meeting with HoD, Parent/Carer & Workplace Employer/Mentor where applicable

Written Warning and copy of letter to Parents/Carer and Workplace Employer/Mentor

Recorded on Pro Monitor with SMART targets to improve. Monitored by Head of Division. Maximum 1 x Stage Two can be issued.

If no
improvement

Stage Three

Formal Meeting with SLT, Head of Division, Parent/Carer & Workplace Employer. ALS Manager/Mentor where applicable

Final Written Warning or Exclusion and letter to Parent/Carer & Workplace Employer/Mentor

*Gross misconduct = immediate stage three. Consultation with ALS/Safeguarding Managers for Learners with a EHCP.

Recorded on Pro Monitor and note on EBS regarding enrolment for subsequent years.

Appendix 2

Stage 3 Disciplinary – Evidence (to be submitted by the investigating officer)

Student Details Name:

Date of Birth:

Learner Reference Number:

Course:

Division:

HOD/HODs who will attend the meeting:

Section 1. A detailed incident report (date, time, details of any other learners' involvement and disciplinary action

Section 2. All written statements from appropriate people regarding the incident

Section 3. Reference to CCTV footage if available or any other evidence

Section 4. Any other relevant information that needs to be considered Eg. Attendance, punctuality, progress, attitude to learning and reference to disciplinary, reference from course tutor/ assessor.

Section 5. Learning Support.

Confirmation that Learning Support have been contacted, and if the learner has additional need, full information from the Learning Support team has been included