

Student Disciplinary Policy & Procedure

(Academic and Behavioural Misconduct)

POLICY QPOL002SDP	STUDENT DISCIPLINARY POLICY & PROCEDURE (ACADEMIC AND BEHAVIOURAL MISCONDUCT)	APPROVED BY	JIM SHARPE VICE PRINCIPAL, CURRICULUM
VERSION	3	EFFECTIVE FROM	17.7.2017

Summary of Changes to Student Disciplinary Procedure 2017-18

Version	Effective from	Change summary	Approved by
3	17.07.2017	P8 – (g) & (h) – Academic Tutor must ensure ProMonitor is updated	J Sharpe
3	17.07.2017	P9 – (b) – Added ‘or nominee designated by a member of SMT’	J Sharpe
3	17.07.2017	P10 – (d) – Changed from Academic Tutor to ‘The Student’s Subject Tutor or Curriculum Lead will act as an advocate for the student’	J Sharpe
3	17.07.2017	P12 – 6 – Added in last sentence ‘ or his/her nominee’s decision’	J Sharpe
3	17.07.2017	P15 – Serious Behavioural Misconduct – the following has been upgraded from Minor Behavioural Misconduct Swearing or confrontational behaviour towards a member of staff or other person visiting or working in the College	J Sharpe
3	17.07.2017	P17 – Appeals Procedure – is now included as a separate document (Appendice 12.1)	J Sharpe
3	17.07.2017	P 21 – Serious Incident – Zero Tolerance Violence and aggression – added (including verbal abuse)	J Sharpe
3	17.07.2017	Student & Parent letters generated ProSolution have been updated	J Sharpe

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NOTE – AGE OF STUDENT

For the purposes of this Student Disciplinary Policy & Procedure (Academic and Behavioural Misconduct) document, ‘18’, means ‘under 19 on 31 August in the teaching year when the student commences a study programme’. This is in accordance with the Education Funding Agency.

A student who is 18 on 31 August will be treated as ‘18’ for the whole of the academic year. Parent/carers should be informed of any formal disciplinary actions unless a student is living independently or any safeguarding issues have been identified.

1. Introduction

Effective learning depends on reasonable standards of behaviour, inside and outside of the classroom. This Policy and supporting procedures are designed to support the maintenance of good classroom discipline and to provide a fair and transparent system to deal with any disciplinary situation that may arise in the classroom and on any college sites.

2. Purpose

This document sets out the procedures of Sussex Coast College Hastings for dealing with students whose behaviour does not comply with the expected standard.

The Student Disciplinary Policy and Procedures should be used as a supportive mechanism. Although this is a supporting mechanism, students who disregard the SMART target(s) set and agreed may move through all the stages until they are asked to withdraw from their course.

The aim of the policy and procedure is to:

- Re-establish the College rules and regulations put in place to safeguard all students.
- Help the student to keep within the set boundaries regarding behaviour and curriculum progress.

The main objective is to support the student and help them get back on track by providing a clear action plan with SMART targets, which leads to student success.

The Student Disciplinary Policy covers:

- 1.1. Codes of **acceptable conduct** which are expected to be observed by all students
- 1.2. **Procedures** to be followed when students go beyond the accepted codes of conduct.
- 1.3. The seriousness of the misconduct and the different discipline **stages which can be started at any stage.**
- 1.4. **College rules, regulations, codes of conduct and boundaries** which are put in place to ensure students are safeguarded at all times.
- 1.5. **Student empowerment to make choices** about how they conduct themselves, enabling them to make informed choices based on clearly outlined boundaries.

3. Scope

This Policy applies to all students in the college, whether full-time or part-time, whether or not their course is validated by or associated with any other institution.

Poor academic performance may include but is not restricted to student attendance, inability to meet deadlines, poor standard of work and behaviour.

Misconduct may lead to disciplinary action being taken against a student. Repeated misconduct or a single act of gross misconduct may result in a student being suspended or excluded from the college.

4. Students with learning difficulties and/or disabilities

Students with learning difficulties and/or disabilities may display inappropriate behaviour patterns. It may well be that their behaviour is determined by factors out of the control of the student, i.e. medical or drug controlled behaviour. In this case, it is important that the student is reviewed by the Additional

Student Support team and/or the Curriculum Area Manager: SLDD in conjunction with their relevant Curriculum Area Manager **before** formal disciplinary processes are considered. In exceptional circumstances the Curriculum Area Manager will hold a case conference of all parties to determine an appropriate way forward. However, any student with or without learning difficulties, who is alleged to have carried out gross misconduct will be subject to the college disciplinary procedure.

International Students

Students whose native language is not English and who are living away from home may also display different behaviour patterns. In this case, it is important that the student is reviewed by the International Team **before** formal disciplinary processes are considered. However, any international student who is alleged to have carried out gross misconduct will be subject to the college disciplinary procedure.

5. Management of Procedure

The student disciplinary procedure is implemented by the relevant Curriculum Team and the **maximum sanction is exclusion from the College.**

5.1. Informal Stage: Cause for Concern (C4C)

The relevant Academic Tutor may be notified of a concern by another member of staff using a “cause for concern” student comment on ProMonitor; by data such as attendance; observation or conversation with a student or any staff member. Wherever possible, the students should be informed that a “cause for concern” is being submitted.

As soon as the Academic Tutor is aware of a cause for concern they should:

- ensure ProMonitor (Student ILP) is kept up-to-date of all concerns and actions taken regardless of how they were notified to them via ‘Student Comments’
- establish potential reasons for behaviour or misconduct by meeting with: witnesses, other appropriate staff member(s) or student(s), stakeholders such as work placement providers and the student who has had a C4C raised against them.
- The Academic Tutor **must make a judgement** on the action to take. Not all C4Cs will lead to formal disciplinary action and there is no set number of C4Cs that lead to formal disciplinary action. But all must have agreed targets set to improve which are recorded on ProMonitor. Multiple C4Cs i.e. attendance, punctuality, behaviour can be grouped together in one action plan.
- Where a C4C has been submitted by another member of the College team, it would be expected that the Academic Tutor would involve this member of staff in their decision making in regard to the most appropriate action to take.
- If it is found that there is a case to answer, the formal Disciplinary Procedure is activated.
Always do something – non action is not an option.

Depending on the severity of the misconduct, the Curriculum Area Manager can start the formal disciplinary procedure at any stage or skip stages (as appropriate).

Ten Steps
1. Investigate the misconduct or concern thoroughly.
2. Ensure you have kept a good and comprehensive paper/electronic audit trail and the procedure has been applied and followed accurately and fairly.
3. Refer to the Student Disciplinary Procedure Flow Chart and Policy Guidance Notes in Appendix 12.2.
4. Make a judgement on the severity of the misconduct or concern if founded.
5. Take each student as an individual and assess the impact of your decision to place on a disciplinary stage if that is the route you take. Is this the right option for the student? Have you identified underlying reasons and offered support?
6. If informal action is appropriate have you considered: <ul style="list-style-type: none">• Meeting with the student along with their parent/carer• Making an ‘At Risk’ referral
7. Set clear and SMART disciplinary targets
8. Follow up to ensure compliance with the set targets.
9. Follow up on the support and monitor progress of the individual (where appropriate).
10. If improvement is not seen, progress the student through the formal disciplinary stages as appropriate.

5.2. Formal Stage 1: Verbal Warning

Depending on the individual student and misconduct you may choose to refer the student to support as an alternative to Stage 1 or as part of the target setting for Stage 1.

- a) The student's Academic Tutor should hold the disciplinary meeting with the student and confirm the concern as soon as possible and in any case no later than five (5) working days after the identification of the cause(s) for concern and investigation.
- b) The student should be made aware of the implications of being put onto Stage 1 of the Student Disciplinary Procedure or referral.
- c) The meeting must be logged on ProMonitor and should include the completion of SMART targets (with review dates), outlining boundaries and behaviour with the agreement of the student.
- d) A verbal warning must be confirmed in writing. The **Standard Letter P1 and S1** must outline the reason for the meeting.
- e) The Academic Tutor must keep a copy of the: witness statements/file notes/attendance records etc plus the Standard Letter S1 and P1 in 'Uploaded Documents' on ProMonitor.
- f) **A copy of the letters must be given to:**
 - **The student**
 - **The parent, carer or guardian (if the student is 18 or under on the 31st August)**
- g) A nominated Curriculum Administrator must use the Standard Letter Templates, under the direction of the Academic Tutor responsible and add the letters to ProMonitor.
- h) If there has been no improvement, or a failure to successfully achieve the SMART targets, or an additional C4C has been raised then the disciplinary could progress to the next appropriate stage. **Remember, you may skip a stage where appropriate.**
- i) Monitor the **effectiveness** of any referrals and decide whether further action is required through the disciplinary procedure, if there is no improvement.

5.3. Formal Stage 2: First Written Warning

Depending on the individual student and misconduct you may choose to refer the student for support as an alternative to Stage 2 or as part of the target setting for Stage 2.

- a) If the misconduct is sufficiently serious, the Student Disciplinary Procedure may start at Formal Stage 2: First Written Warning.
- b) The student's Curriculum Area Manager should hold the disciplinary meeting with the student and their Academic Tutor as soon as possible and in any case no later than five (5) working days after the identification of the cause(s) for concern and investigation.
- c) The student should be made aware of the implications of being put onto Stage 2 of the Student Disciplinary Procedure or referral.
- d) The Academic Tutor must invite the parent, carer or guardian of 16-18 age group of students (**a student who is 18 on the 31st August will be treated as '18' for the whole of the academic year**) to support the student at the meeting. The nominated Curriculum Administrator will confirm the meeting using the standard letter template MC1.
- e) The meeting must be logged on ProMonitor and should include the completion of SMART targets (with review dates), outlining boundaries and behaviour with the agreement of the student.
- f) The Academic Tutor must ensure that ProMonitor is updated with any relevant documentation, including MC1.
- g) The nominated Curriculum Administrator must use the Standard Letter Templates, P2 and S2, under the direction of the Academic Tutor responsible.
- h) If there has been no improvement, or a failure to successfully achieve the SMART targets, or an additional C4C has been raised, then the disciplinary could progress to the next appropriate stage. **Remember, you may skip a stage where appropriate.**
- i) Monitor the effectiveness of any referrals and decide whether further action is required through the Student Disciplinary Procedure if there is no improvement.

5.4. Formal Stage 3: Second Written Warning

- a) If the misconduct is sufficiently serious, the Student Disciplinary Procedure may start at Stage 3: Second Written Warning.
- b) The Curriculum Area Manager and student's Academic Tutor should hold the disciplinary meeting with the student as soon as possible and in any case no later than five (5) working days after the identification of the cause(s) for concern and investigation.
- c) The meeting panel will be led by the Curriculum Area Manager.
- d) The student should be made aware of the implications of being put onto Stage 3 of the Student Disciplinary Procedure.
- e) It is important to make the student aware that if there is no improvement following on from the Stage 3: Second Written Warning, the next stage is the Final Stage whereby the student may be invited to withdraw from the course or be excluded from the course.
- f) The Academic Tutor must invite the parent, carer or guardian of 16-18 age group of students (**a student who is 18 on the 31st August will be treated as '18' for the whole of the academic year**) to support the student at the meeting. The nominated Curriculum Administrator will confirm the meeting using the standard letter template MC1.
- g) The Academic Tutor must ensure that the meeting is logged on ProMonitor and should include the completion of SMART targets (with review dates), outlining boundaries and behaviour with the agreement of the student.
- h) The Academic Tutor must ensure that ProMonitor is updated with a copy of all relevant documentation.
- i) The nominated Curriculum Administrator must use the Standard Letter Templates, P2 and S2, under the direction of the Curriculum Area Manager responsible.
- j) If there has been no improvement, or a failure to successfully achieve the SMART targets, or an additional C4C has been raised then the disciplinary could progress to Stage 5: Disciplinary Panel Hearing.

5.5. Formal Stage 4: Suspension

- a) **If the misconduct is sufficiently serious, the disciplinary procedure may start at Stage 4: Suspension**
- b) When it is alleged that gross misconduct has occurred or a further misconduct takes place after a second written warning (third stage) a student may be suspended from college immediately by a member of the Senior Management Team, Duty Manager or nominee designated by a member of SMT.
- c) It is essential that the member of staff suspending the student follows the suspension checklist, as detailed in 12.4.
- d) In a case of gross misconduct involving more than one student, for example, a fight, all students involved may be suspended by a member of the Senior Management Team or Duty Manager for a student's area.
- e) Suspension in this case is not a punishment but an opportunity for the college to investigate the allegations.
- f) Any verbal suspension will be confirmed in writing to the student and the parent carer or guardian (if the student is 18 or under on the 31st August), by a member of the Senior Management Team or Duty Manager or Director of Curriculum or Curriculum Area Manager for the student's area within 24 hours of it taking place using Template Letters P4 and S4 (as appropriate).
- g) **The responsibility of ensuring to the confirmation letter is sent, ProMonitor is updated regarding the suspension and the student's Curriculum Area Manager is notified, lies with the person carrying out the suspension.**
- h) The letter confirming suspension will also require the suspended student to attend an investigatory interview and they will be given five (5) working days written notice of the interview.
- i) The Academic Tutor will act as the investigating officer. The investigating officer will gather and review evidence surrounding the incident/concern. The result of the investigation may lead to no further action, the student being put onto any stage of the disciplinary process. If the result of the investigation leads to Stage 5: Disciplinary Panel Hearing the student will be given five (5) working days written notice of the hearing.
- j) The written notice will state:
 - The nature of the conduct complained of
 - The student's entitlement to bring a relative or friend
 - Confirmation of time and place of Disciplinary Panel Hearing and the fact that the student should not be on college premises in the intervening period because they have been suspended.
 - That a copy of the Student Disciplinary Policy and Procedures is enclosed.

5.6. Formal Stage 5: Disciplinary Panel Hearing

- a) The outcome of Stage 5: Final Interview may be exclusion from the course or final SMART targets opportunities.
- b) Panel members should hold the disciplinary meeting with the student as soon as possible and in any case no later than ten (10) working days after the identification of the cause(s) for concern, suspension and investigation.
- c) The meeting will be led by a member of the Senior Management Team (minutes to be taken by a nominated Curriculum Administrator) and the panel will consist of:
 - a Senior Management Team representative
 - a Manager from another area (Doc/CAM/CL/Support Manager)
- d) The Student's Subject Tutor or Curriculum Lead will act as an advocate for the student.

Exception note: If the student cannot attend the meeting when it is in regard to either violence or substance misuse related misconduct, the meeting and possible exclusion will take place in their absence.

- e) The case will be presented to the panel by the relevant Curriculum Area Manager who will take the panel through the allegations which led to the disciplinary. Normally, witness statements will be in writing and read out to the panel. Copies of reviewed SMART targets should be included where appropriate. The student will be given the opportunity to state his or her case and to question the evidence presented.
- f) The disciplinary panel chairperson will ask the student, their advocate and any other support to step outside whilst the panel makes their disciplinary judgement. The panel could conclude that:
 - no disciplinary action should be taken
 - a lesser disciplinary action should be taken, such as the issue of a final written warning with a further action plan
 - recommend the student be permanently excluded

A member of the Senior Management Team (SMT) will be required to review the Stage 5 of the procedure. Only a member of the SMT has the authority to exclude a student.
- g) Once the panel has made its decision the student, their advocate and any other support will be asked to re-enter the room to hear the outcome. The disciplinary panel chairperson will then bring the meeting to a close.

The judgement which will be notified to the student and their parents/carers within two (2) working days of the hearing.

- h) **A copy of the Outcome Letter must be given to:**
 - **The student**
 - **The parent, carer or guardian (if the student is 18 or under on the 31st August)**

If the decision is for exclusion from college a copy of the Appeals Procedure outlined in the Student Disciplinary Policy and Procedure should also be included (see Appendice 12.1).

- i) The nominated Curriculum Administrator is responsible for the Stage 5 letters and all documents relating to the hearing being uploaded to ProMonitor.

6. Appeals

The student will have the right to appeal to the Principal or his/her nominee within five working days of the decision to exclude the student. The conditions of the appeal are in the event of the procedures above not being met. An appeal will not re-hear the disciplinary case unless there is new evidence to be considered that was not available / produced at the original Disciplinary Panel Hearing.

The Principal or his/her nominee will arrange an appeal interview within five working days. The student will be given at least five working days' notice of the time and place of the appeal interview and will be entitled to be accompanied by a friend, relative or carer.

Within five working days of the appeal interview, the final decision by the Principal or his/her nominee will be confirmed in writing to the student. There is no appeal against the Principal's or his/her nominee's decision.

7. Criminal Offences

Where any member of staff has reason to believe that a student may have committed, or may be intending to commit a criminal offence, the College may refer the matter to the police and may still continue disciplinary proceedings under this procedure irrespective of any criminal process.

Where students are being investigated for being involved in criminal activity, or where they have gained a criminal conviction and this is made known during their time at a college, the student will be risk assessed for their suitability to continue to attend the college. Any potential student whose criminal record would indicate that they were considered a risk to the well-being of fellow students, staff or property would not be permitted to continue their course of study at the college.

8. Students 18 and under / Looked After Children/Care Leavers

If a student who is 18 years of age or under on 31 August is the subject of proceedings under this Student Disciplinary Policy & Procedure, wherever practicable a parent or carer will be invited to attend any disciplinary or appeal interview, in addition to any friend.

If a student who is a Looked After Child/Care leaver is given a formal written warning or suspension or exclusion their post-16 worker and the Virtual School will be informed.

9. School Pupils 14 – 16 Years

Covered by external policy.

10. Dissemination and Implementation

This policy will be disseminated through new staff inductions, staff training, team meetings and will be located on the college website for staff, students, parents/carers and partners to access.

Implementation of this policy is the responsibility of all.

11. Monitoring Compliance With and the Effectiveness of Policy Documents

This policy will be monitored and reviewed by the Senior Management Team (SMT) as follows:

Termly: SMT will receive a report on Student Disciplinary.

Annually: SMT will review implementation and effectiveness of the policy.