

STUDENT DISCIPLINARY AND SUSPENSION PROCEDURES

1 INTRODUCTION

- 1.1 These procedures have been produced to ensure that all students who may be subject to disciplinary procedures are dealt with in a fair and equitable manner.
- 1.2 It is necessary in any educational institution to set appropriate standards of performance and behaviour and to operate rules that promote order and fairness and allow the development of students' skills, knowledge and behaviours. Both the students and staff should readily understand such rules.
- 1.3 The Student Code of Conduct and Student Charter provides details of the College's expectations of students, and this is explained thoroughly to all students during induction.
- 1.4 A student who does not meet the required standards of behaviour or academic expectations makes themselves liable to disciplinary action, suspension or exclusion in sufficiently serious cases. However, in the case of students who have difficulty in meeting acceptable standards of academic performance, normal good practice requires that support for the individual will be provided. In some cases, the College's Fitness to Study Policy may be invoked.
- 1.5 Wherever disciplinary action under these procedures is undertaken, all stages of the procedures should be carried out as speedily as possible, whilst allowing time for an investigation where necessary.
- 1.6 It is recognised that for minor breaches of discipline, a less formal procedure may be followed, whereby a member of staff will discuss the matter with the student concerned in order to resolve the issue. The outcome of such a discussion could be:
 - referral to the Programme Management or Inclusion Team; and/or
 - setting of progress targets and/or Action Records; and/or
 - the notification of concern to a personal tutor; and/or
 - parent/carer

Such an informal discussion is not the subject of this document, although failure of a student to respond to such a discussion or offers of support could lead to formal disciplinary action or the 'Fitness to Study Policy' being invoked. Records of these informal discussions are maintained on Student Tracking and Recording (STAR).

2 SCOPE

- 2.1 These procedures apply to **all** full-time, part-time, work-placement, partnership (sub-contracted) students of the College when they are at the College, in the vicinity of the College, when they are travelling to and from the College, on College transport, or on a College organised trip, work placement or event. They also apply when behaviour outside of the College has a detrimental impact on others from the College, e.g. cyber-bullying.

3 PURPOSE

- 3.1 The purpose of these procedures are:
 - to help and encourage students to achieve and maintain acceptable standards of conduct and academic performance;

- to ensure consistent and fair treatment in relation to disciplinary action taken in response to allegations of unacceptable conduct or performance; and
- to ensure that all students and staff have the right to learn within a safe and respectful working environment.

3.2 The College has the right to manage its reputation and acts carried out by students that may bring the College into disrepute will be reviewed and investigated through the disciplinary process.

4 GENERAL PRINCIPLES

4.1 No disciplinary action will be taken against a student until the circumstances of any behavioural issues have been investigated.

4.2 The Fitness to Study Policy may be invoked to support the disciplinary procedures where it is deemed appropriate.

4.3 If appropriate, the Principal (or staff acting with the authority of the Principal) may suspend the student whilst an investigation is carried out.

4.4 In the case of alleged bullying where safeguarding concerns are raised, any student involved may be suspended as a neutral act until the investigation is concluded.

4.5 At every stage, a student has the right to be advised of the reason for the formal disciplinary meeting(s), to hear the evidence against him/her and to state his/her case.

4.6 If a student fails, without good reason, to attend a disciplinary meeting, which they has been instructed to attend, the meeting can take place and a decision can be made in their absence.

4.7 A student only has the right to appeal against a decision to exclude. A student on a 16-19 programme has the right to be accompanied to an appeal meeting by a parent/primary carer. Students on adult programmes have the right to be accompanied by a friend.

4.8 If, at any stage of the disciplinary procedures, a student receives a warning about unacceptable behaviour or unsatisfactory academic performance, guidance and support will be offered, as necessary, to help him/her reach the required standards.

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

4.10 Special consideration will be given to students whose behaviour might be the consequence of a recognised learning difficulty or disability.

4.11 For students with additional support needs (e.g. literacy difficulties, English as a second language, learning difficulties or disabilities) staff will ensure that they:

- i. remain conscious of the needs of students who may be disadvantaged by a process that relies on written communication and formal interviews;
- ii. consider the individual needs of such students and adapt the process, with advice from the Student Support team, in order to ensure that they are treated fairly and equitably. This 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 student understands every stage of the process;
 - providing interpretation services at any disciplinary interview or meetings; and
 - considering, in deciding what disciplinary action to take, the student's ability to understand the Student's Code of Conduct and the Student Charter and the degree to which the student has been supported to understand and follow it. This may be particularly relevant in cases involving students with learning difficulties, who may, in a minority of cases, need support in ensuring that they are able to follow the College's Code of Conduct and the Student Charter.
- 4.12 Disciplinary warnings will normally remain on a student's record for the duration of their time at the College.
- 4.13 Head of Student Services will report to the Senior Management Team through monitoring meetings held five times per year on the number of students who receive formal warnings and the reasons for the disciplinary action. This information will be reviewed and monitored in line with equality and diversity policies and protocols.
- 4.14 The student and anyone accompanying them must not make electronic recordings of any meetings or hearings conducted under this policy.
- 4.15 It is intended that this policy and procedure will be followed in the majority of cases, although the College shall be free to establish and regulate its own procedures in any particular case.
- 4.16 The college reserves the right to apply any part of the disciplinary procedure it deems fit, to any student who fails to attend a pre-arranged examination without a legitimate reason. In this case the college is also able to request repayment of any exam fee incurred due to a student failing to attend.

5 STAGES OF DISCIPLINARY PROCEDURE

- 5.1 Normally the disciplinary procedures will be followed in the order of the stages set out in Section 6 below. However, offences of a serious nature may be designated at a higher stage of the procedure if an earlier stage would not be severe enough or appropriate to deal with it; for example, there may be occasions when a disciplinary issue is considered to be so serious as to justify a final stage formal warning or even an exclusion.
- 5.2 Minor lapses from acceptable standards of discipline or academic performance may be dealt with by the student's teacher or personal tutor giving informal cautions, Action Records or corrective guidance. If the matter is more serious or if the student repeatedly ignores informal cautions/guidance or fails to achieve the targets set by tutors, the formal procedures will be used.

6 FORMAL WARNING PROCEDURES

- 6.1 Disciplinary procedures are the direct responsibility of the Principal but the operation of the procedures is delegated to the Deputy Principals, Assistant Principals, Head of Student Services or a delegated manager.
- 6.2 Students who have progressed internally within the College and are subject to a four-week contract may proceed straight to a final stage formal warning or exclusion if they fail to meet the requirements outlined in the contract.
- 6.3 ***First Stage Formal Warning***

- 6.3.1 If a student's behaviour or academic performance does not meet required standards, the student will normally be given a first stage formal warning. Students are required to sign their warning documentation however warnings will still be issued should they refuse to do so.
- 6.3.2 A written copy of the reasons for the warning, the targets set for improvement and any time limits will be given to the student and a copy kept on file.
- 6.3.3 The parents/primary carer of students on the 16-19 programmes will be informed in writing of the warning. For 14-16 pupils, the relevant partner high school will be notified.
- 6.3.4 There is no right of appeal to a First Stage Formal Warning.

6.4 ***Second Stage Formal Warning***

- 6.4.1 If a student who has received a first stage formal warning fails to meet the set targets or the College's standards in other aspects of his/her behaviour or academic performance, he/she will normally be given a second stage formal warning.
- 6.4.2 A second stage formal warning may also be given if a student commits a serious disciplinary offence that warrants more than a first stage formal warning.
- 6.4.3 A written copy of the reason(s) for the warning; the targets set for improvement and any time limits will be given to the student and a copy kept on the student's record.
- 6.4.4 The parents/primary carer of students on 16-19 programmes will also be informed in writing of the warning. For 14-16 pupils, the relevant partner high school will be notified.
- 6.4.5 There is no right of appeal to a Second Stage Formal Warning.

6.5 ***Final Stage Formal Warning***

- 6.5.1 A final stage formal warning will normally be given to a student by a Head of Student Services or Deputy/Assistant Principal (or College Manager if a Head of Student Services or Deputy/Assistant Principal are not available), for the following reasons:
- the student fails to meet the targets or comply with the conditions set by a second stage formal warning;
 - despite having been given a second stage formal warning as a result of unacceptable behaviour or unsatisfactory academic performance, the student commits a further disciplinary offence or his/her academic performance continues to be unsatisfactory;
 - a student commits a serious disciplinary offence which warrants more than a first or second stage formal warning; examples of such offences include:
 - cases of bullying or harassment including sexual harassment and child on child abuse where inappropriate behaviour persists after support and guidance has been given to both victim and perpetrator.
 - fighting

- verbal abuse towards another student or member of staff
- being under the influence of alcohol, drugs or other psychoactive substances
- conduct which could threaten the health and safety of others (online or in person)
- conduct which could be deemed to bring the College into disrepute
- involvement in an external incident that results in legal sanctions being brought against a student

6.5.2 A final stage formal warning will give details of the reasons for the warning, the improvements required and the time limits within which such improvements must be made.

6.5.3 The student will be advised that failure to comply with the terms of the final stage warning will normally result in exclusion.

6.5.4 A copy of the reasons for the warning, the targets set for improvement and any time limits will be given to the student and a copy kept on the student's file. For 14-16 pupils, the relevant partner high school will be notified.

6.5.5 The student will be advised that this is the final stage of the formal disciplinary procedure and that there is no right to appeal a final stage formal warning.

6.5.6 The parents/primary carer of students on the 16-19 programmes will be informed in writing of the warning, the targets set for improvement and the support to be offered to the student.

6.6 ***Student Suspension Procedures***

6.6.1 A student may be suspended if the student commits an offence, or is suspected of committing an offence which is so serious as to be normally regarded as grounds for immediate suspension and may lead to exclusion; examples of such offences include the following (online or in person):

- violent, dangerous or intimidating conduct;
- Radicalised or extremist behaviours
- violation of the College's rules and procedures concerning health and safety;
- sexual, racial, disablist, homophobic, transphobic or any other harassment of another student or member of staff;
- abusive behaviour towards another student or member of staff;
- theft or unauthorised possession of any property or facilities belonging to a student, the College, or any employee of the College;
- damage deliberately carried out to College property;
- refusal to carry out reasonable instructions of a member of staff or to comply with College rules;
- failure to adhere to the College's IT policy (connected to concerns of inappropriate, sensitive, confidential or radicalised viewings)
- use of or dealing in illegal drugs or psychoactive substances;
- incapability as a result of being intoxicated by reason of alcohol or illegal drugs or psychoactive substances;
- they are under investigation for a criminal offence, whilst a student, which may adversely affect the College's reputation;

- refusal to comply with the reasonable instructions of a member of College staff;
- behaviours outlined in the Fitness to Study Policy

The above examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure. In the case of alleged bullying where safeguarding concerns are raised, **any** student involved may be suspended as a neutral act until the investigation is concluded.

- 6.6.2 Suspensions will normally be carried out by a Deputy/Assistant Principal or Programme Manager (or a College Manager if they are not available).
- 6.6.3 A student who has been suspended will normally be required to leave the College premises immediately. In the case of students on 16-19 programmes and vulnerable adults, the College will give the student the opportunity to arrange transport home or gain consent from parent/carer to make their own way home. On occasion, the College may decide to provide transport as it sees fit.
- 6.6.4 A suspended student will be advised that they are not allowed to physically attend the College during the period of the suspension and that any attempt to enter the College during this period will be regarded as a serious breach of the Disciplinary Policy.
- 6.6.5 The parents/primary carer of students on 16-19 programmes will normally be informed of the suspension as soon as practicable. For 14-16 pupils, the relevant partner high school will be informed and asked to collect the pupil and notify their parents/primary carer as appropriate.
- 6.6.6 A written copy of the reason(s) for the suspension will be given to the student and a copy kept on file. A copy will be sent to the parents/primary carer of students on the 16-19 programmes, together with a copy of the College's Disciplinary Procedures. The Head of Systems Development & Funding, the Head of Facilities and Estates, Estates Technicians, Programme Management, Reception, Learning Resource Centres, Personal Tutor and the Head of the appropriate curriculum department will be informed of the suspension.
- 6.6.7 A disciplinary meeting will normally be arranged within 5 working days of the suspension. The student will be informed of the date, time and place of the disciplinary meeting and of the case against them. If the student requests extra time to prepare their case the meeting may be postponed for a period not longer than 5 working days. The College will endeavour to accommodate special requests e.g. religious festivals.
- 6.6.8 At the meeting the Senior Manager &/or Chair will initially explain how the process operates. The Head of Student Services or anyone designated by the Principal will state the allegations against the student and gather statements from the student and any others involved in the incident and present these at the meeting.
- 6.6.9 At a disciplinary meeting following a suspension, a student on a 16-19 programme may be accompanied by a parent/primary carer, by a student on the adult programme or by a friend. 14-16 pupils may be accompanied by a member of the relevant partner high school staff, who may invite parents/primary carer as appropriate.
- 6.6.10 A student will normally be informed in writing of the outcome of the disciplinary meeting within 5 working days. A copy of the letter will be

also sent to the parents/primary carer of students on 16-19 programmes and to the relevant partner high school for 14-16 pupils.

6.6.11 A student has the right of appeal against the outcome of a disciplinary meeting following a suspension, in line with the Appeals Procedure.

6.7 **Exclusion Procedure**

6.7.1 A student may be excluded if:

- the student fails to comply with a final formal stage warning;
- despite having been given previous warnings, as the result of either unacceptable behaviour or unsatisfactory academic performance, the student commits a further disciplinary offence or his or her academic performance continues to be unsatisfactory;
- the student commits an offence that is so serious that permanent exclusion from College is the most appropriate course of action. Examples of such offences are listed in 6.6.1 (above) though the list is not exhaustive of all serious offences which could result in exclusion; or
- the Fitness to Study Policy is invoked.
- does not meet the conditions of the contract agreed for the new academic year.

6.7.2 A student whose behaviour falls within the categories described in paragraph 6.6.1 (above) and who is facing possible exclusion will normally be suspended until a disciplinary meeting is held. In this case, the suspension procedure described in section 6.6 (above) will be followed. In some extreme cases, this disciplinary meeting will be forfeited; examples include threatening behaviour, aggressive tendencies, incarceration, behaviours covered under the Fitness to Study Policy or any circumstance that may place a member of staff in harm's way.

6.7.3 14-16 pupils may be withdrawn from programmes (by negotiation with the relevant partner high school if possible).

6.7.4 A disciplinary meeting will normally be arranged within 5 working days. In the event of a lockdown these meeting may take place over Teams. The student will be informed of the date, time and place of the disciplinary meeting and of the case against them. If the student requests extra time to prepare their case, the meeting may be postponed for a period not longer than 5 working days. The College will endeavour to accommodate special requests e.g. religious festivals.

6.7.5 At the disciplinary meeting, a student on a 16-19 programme may be accompanied by a parent/primary carer and a student on an adult programme may be accompanied by a friend. 14-16 pupils may be accompanied by a member of the relevant partner high school staff, who may invite parents/primary carer as appropriate.

6.7.6 At the disciplinary meeting, chaired by a Senior Manager, who will firstly explain the reasons for the exclusion. The Head of Student Services or relevant College Manager will present statements from the student and any others involved in the incident at the meeting. The student will then have the opportunity to present his/her case and any supporting evidence and to challenge the case against him/her.

- 6.7.7 A student will normally be informed in writing of the outcome of the disciplinary meeting within 5 working days. A copy will be also sent to the parents/primary carer of students on the 16-19 programmes.
- 6.7.8 A student has the right to appeal against the outcome of the disciplinary meeting under the Appeals Procedure detailed in section 7 (below).
- 6.7.9 Exclusion from the College does not prohibit a student from re-enrolling to attend an off-site partner delivery programme. However, all relevant information may be shared with the partner at the College's discretion.

7 APPEALS PROCEDURES

7.1 *Appeals against Exclusion*

A student has the right to appeal against an exclusion and will be informed of this right.

- 7.1.1 If a student wishes to appeal against a decision to exclude them, they must do so in writing to the Principal within 5 working days of notification of expulsion.
- 7.1.2 An appeal meeting will normally be held within 10 working days of receipt of the request. The student will be informed in writing of the date, time and place of the appeal meeting and the reasons for their exclusion. If necessary, due to unforeseen circumstance such as experienced with COVID lockdown, this meeting may take place on Teams. The student will be given a copy of the College Disciplinary Procedures. If the student requests extra time to prepare their case, the meeting may be postponed for a period not longer than 5 working days. The College will endeavour to accommodate special requests e.g. religious festivals.
- 7.1.3 An appeal against exclusion will normally be heard by a member of the Senior Management Team or their delegate.
- 7.1.4 A student on a 16-19 programme may be accompanied by a parent/primary carer and a student on an adult programme may be accompanied by a friend.
- 7.1.5 At the appeal meeting chaired by a Senior Manager, who will firstly explain the reason for the exclusion. The student will have the opportunity to present his/her case and any supporting evidence and to challenge the reasons for his/her exclusion.
- 7.1.6 A student will normally be informed in writing of the outcome of the appeal meeting within 5 working days. For students on 16-19 programmes, a copy of the letter will also be sent to the parents/primary carer.
- 7.1.7 If the student's appeal is unsuccessful, he/she will be informed in writing of his/her right to refer the matter to the Education Skills Funding Agency.
- 7.1.8 Appeals for 14-16 pupils should be made to the relevant partner high school who will liaise with parents/ primary carer and contact the College if appropriate.

7.2 *Re-enrolment of an excluded student*

Should a student wish to re-enrol at the College in the future, they will be asked to submit a written request to the Principal. If the Principal is in agreement, they will

be interviewed by a Deputy Principal, Assistant Principal or a Programme Manager. This provision includes those students progressing from partner delivery programmes. If there is sufficient evidence of real improvement in their behaviour, the relevant Head of Curriculum Area will be asked to consider allowing the student back to College for a maximum 42-day probationary period from commencement of the course. After attending for the probationary period without further incident, the exclusion will be considered to have ended. Otherwise, the exclusion will be confirmed and no further re-enrolment will be allowed.

7.3 ***Re-enrolment/progression of a student holding a final written warning***

- 7.3.1 Any student with a Final Written Warning on their record will only be allowed to re-enrol at the College or progress to the next year of their programme following an interview with the relevant Head of Student Services and/or Head of Curriculum Area.
- 7.3.2 The purpose of this interview is to review the student's behaviour since receiving the Final Written Warning and establish the student's commitment to behaving in an acceptable way in the future. As with any other disciplinary interview, the student can have a representative present.
- 7.3.3 If there is insufficient evidence of an improvement in the student's behaviour following their Final Written Warning, the Programme Manager/Head of Curriculum Area may decide not to allow the student to re-enrol or progress.

7.4 ***Students who are suspected of a crime, arrested, or subject to criminal investigation***

- 7.4.1 Where staff suspect a student of committing a criminal offence, the College reserves the right to report the matter to the police. This includes being under the influence of alcohol, drugs or psychoactive substances and the carrying of a weapon.
- 7.4.2 The decision to report a student to the police must be made in consultation with the Principal or designated member of the Senior Management Team.
- 7.4.3 Where a student is currently subject to a criminal investigation by the police (regardless of whether the crime is alleged to have taken place on College premises), it may be appropriate for the student to be suspended pending the outcome of this investigation and any resultant trial.
- 7.4.4 In suspending the student, the College will inform the student of the reason for their suspension and may need to inform them that if they are found guilty then they will be immediately excluded from the College. This decision will be made by a member of the Senior Management Team, who will need to consider whether the student is suspected of actions that would be considered as Gross Misconduct, irrespective of whether the incident took place on College premises.
- 7.4.5 The student is responsible for contacting their Personal Tutor, teachers and/or the Head of School during the period of suspension in order to access work, copies of lesson notes etc. as the suspension may be for a prolonged period and the student may be innocent of any wrongdoing.
- 7.4.6 Should the criminal investigation come to an end and the charges be dropped, the suspension will end immediately (unless it is necessary for the College to carry out its own investigation, e.g. in cases where no

crime was proven but there is a proven breach of the College's Code of Conduct).

7.4.7 Should the student be found guilty of a crime and given a custodial sentence, he or she will be immediately excluded from the College. Should a non-custodial sentence be given, a disciplinary meeting will take place to consider whether the student should be allowed to return to the College. In making this decision, the Chair of the meeting will consider:

- the College's commitment to the rehabilitation of offenders;
- any evidence the student produces to demonstrate his or her commitment to avoiding any further criminal or unacceptable behaviour in the future; and
- the effect the student's return would have on the rest of the College community and the wider local community.
- Risk assessment provided by external agencies when applicable.

8 **FITNESS TO STUDY**

In some cases, students behave in such a way that their fitness to study is called into question. In these circumstances, a student must be interviewed by the relevant Head of Student Services and SMT delegate to review the case and to determine the next appropriate steps. See Fitness to Study Policy for more information.

9 **OTHER ASSOCIATED POLICIES/DOCUMENTS**

This policy is also linked to the following other College policies:

- Attendance, Punctuality & Retention Policy
- Assessment Policy
- Anti-Bullying Policy
- Equality, Diversity and Inclusion Policy
- Student Code of Conduct
- Drugs Policy
- E-Communications Policy
- Fitness to Study Policy