

Policy/Procedure/Guideline Review

Policy/Procedure/Guideline:	Student Disciplinary Policy
Senior Manager Responsible:	Assistant Principal Vocational
SMT Approval:	2 July 2013
Governor Approval:	21 October 2013
Review date:	October 2016

Student Disciplinary Policy

1. INTRODUCTION

- 1.1 These procedures have been drawn up in order 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 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 students' abilities and skills. Such rules should be readily understood by both the students and staff.
- 1.3 The Student Charter provides details of the College's expectations of students.
- 1.4 A student who does not meet the required standards of behaviour or academic performance makes him/herself liable to disciplinary action, suspension or expulsion 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.
- 1.5 Wherever disciplinary action under these procedures is undertaken, all stages of the procedures should be effected 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 arrangement should exist whereby a member of the College's staff will discuss the matter with the student concerned in order to resolve the issue. The outcome of such a discussion could be a referral to Student Services or Study Support, the setting of progress targets or the notification of concern to a personal tutor. Such informal discussion is not the subject of this document although failure of a student to respond to such discussion or offers of support could lead to formal disciplinary action.

2. SCOPE

- 2.1 These procedures apply to full-time and part-time students of the College when they are at the College, in the vicinity of the College, and when they are travelling to and from the College on College transport, or on a College organised trip, 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

The purpose of the procedures are

- 3.1 To help and encourage students to achieve and maintain acceptable standards of conduct and academic performance.
- 3.2 To ensure consistent and fair treatment in relation to disciplinary action taken in response to allegations of unacceptable conduct or performance.

4. GENERAL PRINCIPLES

- 4.1 No disciplinary action will be taken against a student until the circumstances have been investigated. Where appropriate, Heads of Division/Pastoral, will complete a student incident report form.
- 4.2 If appropriate, the Principal (or staff acting with the authority of the Principal, e.g. an Assistant Principal or Head of Division/Pastoral), may suspend the student whilst the investigation is carried out. Approval from an Assistant Principal must be sought prior to any suspension.
- 4.3 At every stage, a student has the right to be advised of the reason for formal disciplinary meetings, to hear the evidence against him/her and to state his/her case.
- 4.4 If a student fails, without good reason, to attend a disciplinary meeting which he/she has been instructed to attend, the meeting can take place and a decision made in his/her absence.
- 4.5 A student has the right to appeal against any disciplinary penalty imposed from the final formal warning stage and against any decision to expel. A student on the 16-19 programme has the right to be accompanied to an appeal hearing by a parent/carer and a student on the adult programme may be accompanied by another student or counsellor. 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.
- 4.6 For 14-16 pupils, disciplinary action will be taken in liaison with the relevant partner high school according to the agreed protocol wherever possible.
- 4.7 Special consideration will be given to students whose behaviour might be the consequence of a recognised learning difficulty or disability, e.g. Asperger's.
- 4.8 Disciplinary warnings will normally remain on a student's record for 2 years.

5. STAGES OF THE PROCEDURES

- 5.1 Normally the procedures will be followed in the order of the stages set out in Section 6 below. However, offences of a serious nature may be brought into the procedure at any stage if any earlier stage would not be severe enough or appropriate to deal with it. For example, there may be occasions when indiscipline is considered to be so serious as to justify a final formal warning or even expulsion.
- 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 or 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 following formal procedures will be used.

6. THE FORMAL WARNING PROCEDURES

- 6.1 The disciplinary procedures are the direct responsibility of the Principal but the operation of the procedures is delegated to Heads of Division/Pastoral, Assistant Principals or a delegated manager.
- 6.2 **First Formal Warning**
 - (i) If a student's behaviour or academic performance does not meet the required standards, the student will normally be given a first stage formal warning.

- (ii) 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 in the student's records. This takes the form of a letter to the student.
- (iii) Parents/carers 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 **Second Formal Warning**

- (i) If a student who has received a first 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.
- (ii) A second formal warning may also be given if a student commits a serious offence of indiscipline which warrants more than a first stage formal warning
- (iii) 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 the student's record.
- (iv) Parents/carers of students on the 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 **Final Formal Warning**

- (i) A final stage formal warning will normally be given to a student by an Assistant Principal if:
 - the student fails to meet the targets or comply with the conditions set by a second formal warning
 - despite having been given a second formal warning as a result of unacceptable behaviour or unsatisfactory academic performance, the student commits a further offence of indiscipline or his/her academic performance continues to be unsatisfactory
 - a student commits a serious offence of indiscipline which warrants more than a first or second stage formal warning; examples of such offences include:
 - cases of bullying or harassment including cyber-bullying or inappropriate use of social media
 - aggressive or intimidating behaviour
 - fighting
 - verbal or written abuse towards another student or member of staff
 - being under the influence of alcohol or drugs
 - conduct which could threaten the health and safety of others
- (ii) A final stage formal warning will give details of the reasons for the warning, the improvement required and any specified time limits within which such improvements must be made. For 14-16 pupils, the relevant partner high school will be notified.
- (iii) The student will be advised that failure to comply with the terms of the final warning will normally result in expulsion.

- (iv) The student will be advised that this is the final stage of the formal disciplinary procedure and that he/she has the right to appeal in accordance with the Appeals Procedure.
- (v) Parents/carers 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. They will be sent a copy of the College Disciplinary Policy.

6.5 Suspension Procedure

- (i) A student may be suspended if
the student commits an offence which is regarded as so serious as to be normally regarded as grounds for immediate suspension and may lead to expulsion; examples of such offences include:
 - violent, dangerous or intimidating conduct
 - violation of the College's rules and procedures concerning health and safety
 - sexual, racial or 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 on College property
 - refusal to carry out reasonable instructions of a member of staff or to comply with College rules
 - use of or dealing in illegal drugs
 - incapability as a result of being intoxicated by reason of alcohol or illegal drugs
 - commission of a criminal offence, whilst a student, which may adversely affect the College's reputation

The above examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

- (ii) Suspensions will normally be carried out by a Head of Division/Pastoral or Assistant Principal.
- (iii) A suspended student will normally be required to leave the College premises immediately. In the case of students on 16-19 programmes, the College will give the student the opportunity to arrange transport home or provide the student with the cost of the fare home where necessary.
- (iv) A suspended student will be advised that he/she is excluded from 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 discipline.
- (v) The parents/carers of students on 16-19 programmes will normally be informed of the suspension as soon as practicable. This will be actioned by the manager or Senior Manager enforcing the suspension. For 14-16 pupils, the relevant partner high school will be informed and asked to collect the pupil and notify parents/carers as appropriate.
- (vi) A written copy of the reasons for the suspension will be given to the student and a copy kept on the student's file. A copy will be sent to the parents/carers of students on the 16-19 programmes together with a copy of the College Disciplinary Policy.

- (vii) 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 him/her. If the student requests extra time to prepare his/her case, the hearing may be put back for a period not longer than 5 working days. The College will endeavour to accommodate special requests e.g. religious festivals.
- (viii) At a disciplinary hearing following a suspension, a student on a 16-19 programme may be accompanied by a parent/carer and a student on the adult programme may be accompanied by another student or counsellor. 14-16 pupils may be accompanied by a member of the relevant partner high school staff who may invite parents/carers as appropriate.
- (ix) 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/carers of students on the 16-19 programmes and to the relevant partner high school for 14-16 pupils.
- (x) A student has the right of appeal under the Appeals Procedure against the outcome of a disciplinary meeting following a suspension.

6.6 The Expulsion Procedure

- (i) A student may be expelled if
 - the student fails to comply with a final formal stage warning or
 - despite having been given previous warnings as the result of either unacceptable behaviour or unsatisfactory academic performance, the student commits a further offence of indiscipline or his or her academic performance continues to be unsatisfactory
 - the student commits an offence which is so serious that permanent exclusion from College is the most appropriate course of action. Examples of such offences are listed in 6.5 (i) though the list is not exhaustive of all serious offences which could result in expulsion.
- (ii) A student who falls within the categories described in 6.5 (i) and who is facing possible expulsion will normally be suspended until a disciplinary meeting is held. In this case, the Suspension Procedure described in 6.5 will be followed.
- (iii) 14-16 pupils may be withdrawn from programmes (by negotiation with the relevant partner high school if possible).
- (iv) A disciplinary meeting will normally be arranged within 5 working days. The student will be informed of the date, time and place of the disciplinary meeting and of the case against him/her. If the student requests extra time to prepare his/her case, the hearing may be put back for a period not longer than 5 working days. The College will endeavour to accommodate special requests e.g. religious festivals.
- (v) At the disciplinary meeting a student on the 16-19 programme may be accompanied by a parent/carer and a student on the adult programme may be accompanied by another student, learning mentor or student counsellor. 14-16 pupils may be accompanied by a member of the relevant partner high school staff who may invite parents/carers as appropriate.
- (vi) At the disciplinary meeting, the Assistant Principal or a designated College Manager will explain the reasons for the suspension first. Then the student will have the opportunity to present his/her case and any supporting evidence and to challenge the case against him/her.

- (vii) 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/carers of students on the 16-19 programmes.
- (viii) A student has the right to appeal against the outcome of the disciplinary meeting.

7. THE APPEALS PROCEDURE

7.1 A student has the right to appeal against a Final Stage Warning or against a decision to expel and will be informed of this right.

7.2 Appeals against Final Stage Warnings

- (i) If a student wishes to appeal against a final stage warning, he/she must do so in writing to the Assistant Principal responsible for his/her Programme within 5 working days of notification of the warning.
- (ii) An appeal hearing will normally be held within 5 working days of receipt of a request. The appeal will normally be heard by the appropriate Assistant Principal.
- (iii) A student on a 16-19 programme has the right to be accompanied to the appeal hearing by a parent/carer and an adult student on the adult programme may be accompanied by another student, learning mentor or student counsellor.
- (iv) A student will be informed in writing of the outcome of his/her appeal within 5 working days of the appeal hearing. For students on 16-19 programmes, a copy of the letter will also be sent to the parents/carers.
- (v) Appeals for 14-16 pupils should be made to the relevant partner high school who will liaise with parents/carers and contact the College if appropriate.

7.3 Appeals against Expulsion

- (i) If a student wishes to appeal against a decision to expel him/her, he/she must do so in writing to the Principal within 5 working days of notification of expulsion.
- (ii) An appeal hearing 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 hearing and the reasons for his/her expulsion. The student will be given a copy of the College Disciplinary Policy. If the student requests extra time to prepare his/her case, the hearing may be put back for a period not longer than 5 working days. The College will endeavour to accommodate special requests e.g. religious festivals.
- (iii) An appeal against expulsion will normally be heard by the Principal or his/her delegate. The chair of the appeal hearing will explain the reason for the expulsion first. The student will have the opportunity to present his/her case and any supporting evidence and to challenge the reasons for his/her expulsion.
- (iv) A student on a 16-19 programme may be accompanied by a parent/carer and a student on the adult programme may be accompanied by another student, learning mentor or student counsellor.

- (v) At the appeal hearing, chaired by a Senior Manager, the Head of Division or designated College Manager will explain the reason for the expulsion first. The student will have the opportunity to present his/her case and any supporting evidence and to challenge the reasons for his/her expulsion.
- (vi) A student will normally be informed in writing of the outcome of the appeal hearing within 5 working days. For students on 16-19 programmes, a copy of the letter will also be sent to the parents/carers.
- (vii) 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 Funding Agency.
- (viii) Appeals for 14-16 pupils should be made to the relevant partner high school who will liaise with parents/carers and contact the College if appropriate.