

Title:	College Student Disciplinary & Intervention Policy		
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Document Owner:	Paul Wakeling		
Date approved:			
To Be reviewed:	March 2023		
Approval Committee:	SMT		
Publication:	Intranet		✓
	VLE		✓
	Website		✗

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1. HOW THE DISCIPLINARY PROCEDURE WORKS

The disciplinary process covers breaches of the College rules. The process whereby students are disciplined and ultimately withdrawn from the College has four stages. Students can either enter at Stage One and progress to Stage Three or for more serious breaches of the College rules students can enter at Stage Two, Three or Four. In most cases, students will be referred through security staff or Duty Managers who may provide a witness statement where necessary. Stage 1 disciplinary may be given by a Personal Tutor, or Duty Manager. Note: for Stage 3 and /or 4, it is the Duty Manager's responsibility to refer this matter, with detailed notes or an incident report and witness statements, to the appropriate manager, (SCM - Stage 2, GCD - Stage 3 and Deputy Principal - Stage 4) for processing. If at any stage the student or appropriate adult fails to attend, the meeting may be held *in absentia* and the outcome communicated in writing.

2. INFORMAL RESOLUTION - Cause for Concern

Most incidents are resolved at this stage. Staff and student will discuss the incident and agree the appropriate action which could include a verbal warning that is recorded as a Cause for Concern. If however, an informal agreement cannot be reached or if the incident is repeated or there is a further incident then it may be necessary to proceed to Stage 1.

3. STAGE 1

The student is given a formal warning from the Teacher, Tutor, Duty Manager or Senior Curriculum Manager. This could be for repeated issues raised informally through Causes for Concern or for one of the incidents listed. A note should be made on the study tracking system outlining the allegation, any evidence and a SMART action set and subsequently reviewed. If a student is placed on Managed Absence for 24 hours this must be recorded on the appropriate system. If this Cause for Concern is due to continual absence resulting from illness, then the Fitness to Study Policy must be followed.

4. STAGE 2

If a student repeats poor behaviour, is continuing to be absent or where an incident occurs that warrants a Stage 2 warning. a student could be automatically referred for a Stage 2 Disciplinary meeting with the Senior Curriculum Manager. For attendance concerns, a Stage 2 should not represent a single day or short period of consecutive days (the result of the same sickness etc.) but continual absence that has not been resolved after Stage 1.

The student will be seen by a Personal Tutor, Progress Coach Duty Manager, Senior Curriculum manager and/or appropriate staff. A disciplinary record should be completed with the student, outlining the allegation, any evidence and action taken. SMART action(s) set and subsequently reviewed. This is sent, via the study tracking system alert, to all teachers and appropriate managers. Parents/Carers/Support Agencies would not normally be invited to Stage 2 meetings, but they will be informed of the outcome and any actions.

Stage 2 notes must be uploaded to the study tracking system under the disciplinary hearing notes category. This will include a copy of the letter sent to parents informing them of the status and actions.

If the matter is serious enough to warrant a managed absence, then a Duty Manager/Senior Curriculum Manager will assess the seriousness of the incident and determine the level of disciplinary action. At Stages 2 & 3 an investigation report must be completed by the Duty Manager/Senior Curriculum Manager. If a student is placed on a managed absence for 24 hours this must be recorded on the appropriate system.

If a student under disciplinary measures has a learning difficulty or disability, The Group Curriculum Director for Additional Learning Support (and campus based SCM,) must be notified immediately. We have responsibility to offer all written information or correspondence in other formats such as electronically or Braille. This is in the case of all students up to the age of 24.

If the Stage 2 warning due in part or totality to continual absence due to illness refer to the *Fitness to Study Policy* (Appendix 2).

Managed Absence

A managed absence will be put in place when a student is at risk or is a threat to other student/staff or to the process of the investigation. The duration of the managed absence would normally be for one day, depending on the incident. If a student is placed on managed absence for a Stage 2 disciplinary or higher, then the student's parents/guardians must be contacted immediately. If a student is placed on managed absence for 24 hours and this must be recorded on the appropriate system.

The student will be contacted by telephone and they will be required to meet with the Senior Curriculum Manager/ Group Curriculum Director prior to a return to college. For more serious incidents the Deputy Principal or Principal can put in place a managed absence for up to 5 days. This can be extended by the Principal in the case of an ongoing investigation by the Police or other agencies, If the learner is under 19, the parents/guardians/support agencies will also be contacted to attend this meeting. An investigation report will be available for this meeting.

Exception for vulnerable learners: No 14-16, SEND learner (any age) or a learner with an EHCP, may be sent home without confirmation of contact with a designated parent/ guardian. In the case of a 14-16 student, permission must be gained from the Group Curriculum Director for 14-16 or Principal before managed absence is imposed so that relevant authorities are informed (see KS4 Policy).

Any students suspected of being under the influence of **drugs or alcohol**, and as a result deemed unfit to travel alone, must be collected by a parent, guardian or other responsible adult and will be kept in (internal managed absence) until this time.

If the managed absence relates to a Stage 3 or 4 then the student and parents/guardians/support agencies will be contacted immediately with notification of a formal hearing which outlines the procedure and any documents relating to the hearing will be sent. The hearing will be arranged normally within 5 working days, although this period may be extended due to an ongoing investigation by the Police or other agencies. The student will be accompanied by a representative or by a parent/guardian if under 19 (Representation by a lawyer will not be allowed at any stage of the process). Should Exclusion be the result of the hearing, the student will have the right to appeal to the Principal.

5. OUTSIDE THE COLLEGE

Students are expected to behave responsibly outside the College. It is important that the College has good relationships with its neighbours: people who live and work locally. Students need to be conscious of their behaviour outside the College and behave in a responsible and socially acceptable manner. Justified complaints from members of the public or serious misbehaviour could also result in disciplinary action being taken by the College. All disciplinary procedures apply if the student is on work placement/experience. Managed absence or exclusion may result from any action that brings the college into disrepute.

6. CASES INVOLVING THE POLICE

In cases where a student is involved with police action the College procedures will apply:

It is the policy of the College to co-operate fully with police officers in the prevention and detection of crime and where appropriate the apprehension of individuals. The College recognises that it may be necessary at times for the police to question/arrest students on site. Where this becomes necessary, all staff are required (as far as possible) to maintain a calm, safe and professional learning environment.

7. FORMAL DISCIPLINARY HEARING PROCEDURE (Stage 3)

Disciplinary hearings will be convened and chaired by the appropriate Group Curriculum Director or other nominated manager. A note taker will be appointed to record the events where possible. In the event of non-attendance to the hearing by the student, the hearing will be made in their absence.

A student aged under 19 student may be accompanied by a parent/guardian/Social Worker/Borough Careers Advisor or, in the case of an adult student, a representative.

The hearing will follow the procedure detailed below:

1. The Group Curriculum Director (GCD) will confirm the purpose of the meeting.
2. The Investigating Officer will be asked to present his/her report, referring to witness statements as required. The student will be given time to present his/her case to the hearing.
3. The GCD may ask for clarification from both parties.
4. In the case of prolonged and persistent absence, the student's attendance record will be presented and targets for improvement from the previous disciplinary.
5. Conditions on continuation will be set on the study tracking system and formalised in writing under the Disciplinary Hearing Notes category. SMART action(s) set and subsequently reviewed.

If the Stage 3 warning due in part or totality to continual absence due to illness refer to the *Fitness to Study policy* (Appendix 2).

8. FORMAL DISCIPLINARY HEARING PROCEDURE (Stage 4)

Disciplinary hearings will be convened and chaired by the Deputy Principal or other senior nominated manager. A note taker will be appointed to record the events. In the event of non-attendance to the hearing by the student, the hearing will be made in their absence.

1. If under 19, the student must be accompanied by a parent / guardian/Social Worker/Borough Careers Advisor
2. The Chair (or person with delegated responsibility) will confirm the purpose of the meeting and will indicate that this hearing could lead to exclusion.
3. The Investigating Officer will be asked to present his/her report, referring to witness statements as required.
4. The student will be given time to present his/her case to the hearing.
5. The Chair may ask for clarification from both parties.
6. In the case of persistent and prolonged absence, the student's attendance record will be used and targets for improvement from the previous disciplinarys.
7. The Chair will ask the Duty Manager/Senior Curriculum Manager/Group Curriculum Director and student to withdraw in order to consider the evidence and make a decision with regard to the alleged misconduct. In complex cases, a decision may be deferred over a period of no more than 5 working days.

The student will receive written confirmation of the decision normally within five College working days. During a hearing, the Deputy Principal (or person with delegated responsibility) may exercise the right to suspend the hearing for no more than 48 hours, if she/he considers this is warranted by the circumstances e.g., new evidence.

If the stage 2 warning due in part or totality to continual absence due to illness refer to the *Fitness to Study Policy* (Appendix 2). The Deputy Principal is fully briefed on the history and interventions put in place to date

In deciding upon disciplinary action following a hearing, the Deputy Principal will take into consideration any mitigating circumstances put forward by the student or his/her representative and the student's disciplinary record.

9: THE RIGHT OF APPEAL

A student has the right to appeal against the appropriate Deputy Principal's (or person with delegated responsibility's) decision to permanently exclude them from College. Appeals are heard by the Principal.

An appeal may **only** be made on one or more of the following grounds:

- severity of the disciplinary action
- new evidence that was not available at the time of the hearing/exit interview not keeping to the procedures

An appeal must be sent, in writing, to the Principal, no later than five College working days following receipt of written confirmation of the disciplinary hearing's decision.

- In submitting an appeal, the student should provide notice of any witnesses they intend to call and the nature of any new evidence.

10: THE APPEAL HEARING

An Appeal Hearing will normally be convened normally within 10 College working days of receipt of time letter of appeal.

The Principal may hear the appeal alone or form a panel and send relevant documentation to any other members attending the appeal – the Chair of the Disciplinary Panel and student, including:

- Student warnings/contracts
- Outcome of Disciplinary Hearing/Exit Interview
- Basis of appeal and names of witnesses
- For students aged 19 or under, the student making the appeal has the right to be accompanied by a parent/guardian/Social Worker/Career Advisor. For students aged 19 years and over, a friend or Student Union representative may attend. If a student should need additional support, e.g., signer this will be made available.

In the case of non-attendance, the appeal will not be heard, and the original disciplinary decision will be upheld.

The Appeal Panel will not normally re-hear the case in its entirety but will concentrate on the grounds for the Appeal.

11: FORMAT OF THE APPEAL

The Appeal Hearing will follow the steps set out below:

1. The Chair of the Appeal Panel will read out the grounds of the Appeal and ask the student to confirm these are correct.
2. The student will then be asked to present their case, using witness statements, as necessary.
3. The Chair of the Disciplinary Panel will then be asked to present their response.
4. During this process, questions may be asked by Principal, the Chair of the Disciplinary Panel or the student. All questions are to be directed through the Chair of the Appeal Panel.
5. The Chair of the Disciplinary Panel, followed by the student, will be invited to make any concluding remarks.
6. The Appeal Panel may uphold the appeal and dismiss the penalty imposed by the Disciplinary Panel, reduce the severity of the penalty, or reject the appeal. It is not empowered to increase the severity of the penalty.
7. Where possible the Chair of the Appeal Panel will inform the student of the Panel's decision at the conclusion of the meeting. In complex cases, a decision may be deferred over a period of no more than 5 working days. The final decision will be confirmed in writing. The decision of the Appeal Panel is final.

12: SUMMARY EXCLUSION

In exceptional circumstances, the Principal or Deputy Principal has the authority to summarily exclude a student, where she/he is satisfied, on the evidence immediately available, that a student has committed an act of gross misconduct that is sufficiently serious to warrant such action.

A summary exclusion may also be made as the result of a failure to meet the conditions of a Stage 4 disciplinary if this is stated within the outcome of a Stage 4 disciplinary.

The Principal / Deputy Principal will act on information given to him/her by the Investigating Officer who has attended/reported on an incident.

In the case of summary exclusion, the Principal/Deputy Principal will ask the attending/reporting member of staff to prepare a report. However, the student will have no right of appeal.

13: Re-admission to College

Where a student has been excluded, the College would not normally accept an application from that student for admission at any New City College Campus at future enrolment. Consideration of exceptional cases should be submitted in writing to the Principal.

14: Appeal

Appeals against permanent exclusion are heard by the Principal whose decision is final.

Appendix 1: New City College Student Disciplinary Indication of Grading of Offences & Process Table

A student may enter the process at any stage, depending on the seriousness of the incident. The grading of offences is provided as guidance only and is not exhaustive. Level of entry may vary depending on the severity of the offence and the circumstances surrounding the incident. This is a progressive process, which means that each time an offence is committed, the student may move on to the next stage. The police may be called when the law is broken

Stage	Stage 1 - Misconduct	Stage 2 - Serious Misconduct	Stage 3 – Gross Misconduct	Stage 4 – Gross Misconduct
Responsibility	Teacher, Personal Tutor / Senior Curriculum Manager/ Duty Manager	Senior Curriculum Manager/ Duty Manager	Group Curriculum Director	Deputy Principal.
Examples of behaviours	<p>Failure to respond positively to informal warnings or advice.</p> <p>Wearing a hood or hat inside the College buildings</p> <p>Smoking within prohibited areas</p> <p>Littering inside and outside the College and/or not clearing up rubbish</p> <p>General rowdiness and thoughtless behaviour or inappropriate behaviours or actions that do not cause a danger, threat or offence to others</p> <p>Failure to complete or hand in work on time</p> <p>Poor attendance and/or punctuality</p> <p>Use of mobile phones or personal stereos in teaching areas without permission</p> <p>Spitting, littering, smoking in prohibited areas or other anti- social behaviour</p> <p>Foul or abusive language or behaviour (non- discriminatory)</p> <p>Failure to produce student ID card</p>	<p>Repeated misconduct</p> <p>Inappropriate behaviours or actions that cause a danger, threat or offence to others</p> <p>Repeated failure to disclose their identity when reasonably requested for it or giving incorrect information</p> <p>Breaches of Health and Safety Regulations Minor damage to college property or equipment</p> <p>Misuse of internet or other college systems</p> <p>Gambling on College premises.</p> <p>Repeated failure to complete course work or major assignments within agreed deadlines</p> <p>Failure to act on targets set at stage 1.</p> <p>Repeated failure to attend classes on a regular basis.</p> <p>Lending your pass to non- students.</p>	<p>Previous serious misconduct</p> <p>The copying of other student’s work for assessment</p> <p>Serious breaches of Health and Safety regulations</p> <p>Physical abuse or threat of physical abuse</p> <p>Harassment or discriminatory behaviour</p> <p>Bullying or victimisation of others (including by text, email, social networking sites etc).</p> <p>Plagiarism</p> <p>Cheating during exam or with coursework</p> <p>Fraud</p> <p>Criminal activity - in or out of college - including theft, violence and possession of, or under the influence of, illegal drugs</p> <p>Unable to take part in lessons or activities due to</p>	<p>Repeated Gross Misconduct (Stage 3)</p> <p>Physical abuse leading to serious harm of others</p> <p>Physical abuse or threat of physical abuse involving a weapon.</p> <p>Repeated harassment</p> <p>Repeated bullying, etc</p> <p>‘sexting’ or sexual images</p> <p>Serious Fraud</p> <p>Criminal activity including dealing in drugs. Carrying or possession of weapons</p> <p>Repeated instances of the consumption of alcohol or other intoxicating substances.</p> <p>Misuse of internet or College systems to abuse/radicalise, etc.</p> <p>Any repeated behaviour including poor attendance, punctuality or any aspect of behaviour for learning can move through the stages and can result in Stage 4 or even exclusion if it is sufficiently serious.</p>

	Lending your pass to other College students		consumption of alcohol or other related intoxicating substances Serious misuse of internet or other college systems Repeated failure to attend classes on a regular basis.	
Possible Outcome	Verbal / Informal Warning First Written Warning and action plan if appropriate from Tutor, Senior Curriculum Manager or Duty Manager	Up to 1 working day managed absence by Senior Curriculum Manager or Duty Manager Meeting with student, parent(s)/Guardian and Carer to formalise the process (<19yrs of age) Action plan monitored by tutor	Immediate managed absence pending disciplinary hearing. Meeting with student, parent(s)/Guardian/Carer/Social Worker to formalise the process (<19yrs of age) Action plan monitored by Curriculum.	Exclusion from College – Deputy Principal.

Appendix 2: Fitness to Study Framework

The strategic intent of the College is to prepare young people for further study and/or the workplace. As such the college have a responsibility to the student, employers, awarding bodies to protect the integrity of the qualifications that are awarded to students (including a licence to practice).

At all stages of the disciplinary process, the College will consider whether the gaps in knowledge, lack of progress, attendance issues, and/or non-competition of work are subject to matters of *'fitness to study.'*

By *fitness to study*, the College identifies that due to medical or health grounds the student is not able to engage and meet the requirements of their programme of study as they intended or desired. Whilst it is the student's responsibility to take appropriate steps to manage their health and wellbeing, the College understands that there may be circumstances when a student is unable to recognise that they are not making sufficient academic progress, placing unreasonable demands on staff, the learning of other students or endangering themselves or others.

Thus, the Stages (1-4) of the Student Disciplinary Policy may resemble support/intervention meetings than a disciplinary hearing. In these circumstances, actions/targets set at meetings will be supportive and designed to ensure that the student is able to meet the requirements of their course.

The College will take reasonable steps to ensure that students are supported, treated with respect and fairness throughout their time at college. However, persistent, and prolonged *absence* can result in significant gaps in student skills and knowledge. This can in turn can place a substantial burden on the student and staff.

If the decision is taken at Stage 4 to 'exclude' (permanently withdraw) a student on *'Fitness to Study'* grounds the student will be provided with support to make a successful transition. This does not affect the student's right to appeal (Section 10).

If at any time the college has concerns regarding the wellbeing of a student and/or the college community with a student being on roll, the college reserves the right to place the student on a managed absence (Section 4 of the Student Disciplinary Policy), whilst matters are being investigated.

What could support look like under the Fitness to Study Policy?

- Reduce the size of the qualification (subject to funding and audit requirements, Group Curriculum Director and/or Deputy Principal approval).
- A period away from college i.e., 1-2 weeks, subject to Group Curriculum Director and/or Deputy Principal approval.
- Liaise with external agencies (with the consent of the student) i.e., GP, Mental Health services inc CAMHS or other health care professionals. This would always be to devise the best support strategies for the student whilst they are in college.
- Counselling or MH support in college (if not already provided outside of the college)
- Opportunity to interview for a potential restart (when circumstances allow full engagement with the study programme).
- Additional sessions placed on a timetable to support the student in their learning.