

Student Disciplinary Policy and Procedure

1. Policy Statement

- 1.1** The purpose of the Student Disciplinary Procedure is to support the development of Halesowen College's behaviour standards and the College's expectations of all individuals enrolled at the College, regardless of age, provision type or mode of attendance. This procedure documents the disciplinary process that will apply if a student is not meeting the College's *Student Conduct Policy* or otherwise behaves in a manner that is harmful to the physical or mental well-being of staff or students. The stages of the procedure are supportive of student retention rather than punitive but do detail processes that can lead to a student being excluded from College. This procedure will only become active once teachers have exhausted all steps outlined in the *Student Conduct Policy* and require additional support to modify a student's behaviour or where serious misconduct occurs.
- 1.2** All members of staff have a responsibility, and in some cases a legal duty (for instance concerns arising from safeguarding issues), to act on concerns regarding student safety, behaviour or conduct in line with the Student Conduct Policy. Where a safeguarding issue is suspected the appropriate action should be taken (see *Safeguarding Policy* for further guidance). In these instances, if appropriate, a Safeguarding Designate will conduct an Investigatory Meeting, which may result in the application of the Student Disciplinary Procedure.

2. Responsibilities and Obligations

- This procedure applies to all Halesowen College students for the duration of their time at Halesowen College and in addition will apply to students utilising College transportation, attending work placement, offsite visits, and other College sponsored trips and activities.
- 2.1** The College expects that members of staff will work with students and Personal Coaches to resolve poor performance or other minor issues informally before formal disciplinary procedures are considered. This expectation does not extend to conduct that could be considered to be serious misconduct, which will be dealt with by moving directly to formal procedures.
- 2.2** At each stage in the procedure students will be clearly informed of what is expected of them and what stage in the procedure has been reached. Students may request advice and guidance on the operation of the disciplinary procedure at any stage in the process. A member of the Student Services team will be available for this purpose.
- 2.3** The Head of Division/Student Support Manager and Personal Coach should ensure that each stage of the Student Disciplinary Procedure is clearly recorded on MyHalesowen (STARS) and the evidence for each stage is clearly documented and uploaded on MyHalesowen (STARS). This will ensure that if the case is referred to Stage 3, the Panel has a clear picture of each stage of the process.

3. Procedure/Compliance Obligations

3.1 Informal

Applicability: Exhaustion of the Student Conduct Policy, persistent non-attendance, persistent lateness, or extensive lack of commitment.

Student/Tutor Discussion

The Personal Coach or subject tutor will meet with the student to understand the reasons behind the cause for concern and identify and implement the support needed to overcome any barriers to learning.

- i. Agree targets for improvement
- ii. Agree weekly monitoring method
- iii. Agree target review date

The student may be referred to the support services for interventions to meet their targets. If this support is required, the Personal Coach should record this on the notes section of MyHalesowen.

The Personal Coach (or subject tutor) must keep a record of the meeting, the targets set and any sanctions applied on MyHalesowen.

At the review meeting the impact of the action plan and progress towards targets will be discussed. If actions have not been met/attempted/achieved, further meetings will be required.

In all cases the review meeting discussions, targets set and any action agreed should be recorded on MyHalesowen. The student should agree the targets and actions and they should be provided with a copy of the relevant documentation.

The student will be informed in writing, with copies to their parents/carers if appropriate, that they are in the informal stages of the disciplinary process. **Informal Letter SDP0.**

The Personal Coach (or subject tutor) will monitor the agreement and if the student fails to improve or fulfil the conditions agreed, the Personal Coach (or subject tutor) will progress the matter to Stage 1 of the formal disciplinary process.

3.2 Stage One – Cause for Concern

When a student has failed to meet agreed targets or actions agreed during the informal meetings.

If the student fails to meet agreed informal disciplinary targets or actions or where academic performance and/or non-academic conduct is giving a cause for concern, the subject tutor or another member of staff will report this concern to the Personal Coach, using the Level 1 Cause for Concern section on MyHalesowen.

The next step will depend upon the details of the cause for concern. The Personal Coach has the discretion to proceed informally, as per the procedure outlined previously, or invoke the Student Disciplinary Procedure, by conducting a formal discussion with the student, and their parent/carer if under 18, should the issues be of a serious or recurrent nature.

In the case of the latter, the Personal Coach will formally meet with the student, and their parent/carer if under 18, to discuss the cause for concern. **(Letter SDP1A)** **Personal coaches must inform students that they have now commenced the formal disciplinary procedure.** The meeting should seek to understand the reasons behind the cause of concern, set targets, agree an action plan for improvement, identify any support needed and agree a review date. All details should be recorded on the **Cause for Concern Form (SDP1)**. (A two-week review date is recommended for full time students).

The student may be referred to the support services to meet their targets.

The Personal Coach will record the action plan on the Cause for Concern Form at the meeting, which should be signed by the tutor and the student. A copy of the Cause for Concern Form should be:

- given to the student
- uploaded onto MyHalesowen (Stars)
- sent or given to the parent/carer and any associated employer (if the student is under 18)
- Review at 2-4 weeks

At the review meeting the impact of the action plan detailed on the Cause for Concern Form and progress towards targets should be discussed. If actions have not been met/attempted/achieved, further meetings will be required. The review meeting discussions, targets set, action agreed and support provided should be recorded on a **Review Meeting Form SDP1b** by the Personal Coach (or subject tutor), which should be signed by the tutor and the student and a copy then:

If at the review meeting the student has met all the actions and conditions, then no further action may need to be taken and the Student Disciplinary Procedure stops at Stage 1.

If the outcome of the review is unsatisfactory, or should a further misconduct occur, this will lead to a Stage 2 Case Conference with the Student Support Manager.

3.3 Stage Two - Case Conference

If the student has failed to meet agreed targets/actions at Stage 1.

In the event of the student failing to meet the targets and/or conditions arising from Stage 1, personal tutors should seek advice from the student to the Student Support Manager, who will support them to arrange a case conference.

The student will be informed in writing, with copies to their parents/carers if appropriate, that a case conference meeting has been convened, together with date, time and location. **Case Conference Letter SDP2.**

A case conference is a meeting chaired by the Personal Coach, involving the student, parent/carer and/or employer (for apprentices) if the student is under 18. The Student Support Manager will also attend if appropriate.

The case conference will seek to establish the reasons behind the misconduct, set targets, develop an action plan and put support in place to resolve the problems. The Student Support Manager will record the action plan on the **Case Conference Form SDP2A**, which should be signed by the Personal Coach and the student. A copy of the Case Conference form should be:

- given to the student
- uploaded onto MyHalesowen (Stars)
- sent to the parent/carer and any associated employer (if the student is under 18)

Review Meeting

A review meeting will take place within four weeks and the impact of the action plan and progress towards targets will be discussed.

If at the review meeting the student has met all the actions and conditions, then no further action may need to be taken and the Student Disciplinary Procedure stops at Stage 2.

If the outcome of the review is unsatisfactory, or should a further misconduct occur, this will lead to a Stage 3 Disciplinary Hearing with the Head of Division.

The Student Support Manager should use the notes on MyHalesowen to record the outcome of the meeting. If the behaviour recurs the process will resume. However, if it is a new issue or concern the process must start from Stage 0.

3.4 Stage Three – Disciplinary Hearing

The student has failed to meet Stage 2 targets or a further act of misconduct or where it is alleged that serious misconduct has occurred.

The following lists some examples considered to be serious misconduct, but is not comprehensive or exclusive:

- Failure to follow reasonable instructions (including failure to cooperate with investigations linked to the Student Disciplinary Procedure).
- Conduct of a violent or potentially violent nature, either in person or online.
- Being intoxicated on College premises.
- Supplying intoxicating substances.
- Being in possession of an offensive weapon.
- Verbal or physical abuse of another (including bullying or intimidation).
- Transgressing the rights of another as defined in the Equality and Diversity Policy.
- Theft or any other criminal offence involving the College, or impacting on other members of the College.

- Abuse of College property.
- Any actions deemed to be unreasonable behaviour endangering the physical or mental well-being of staff or students.

Where a student has allegedly committed a serious or criminal offence, whether or not it occurred on College premises, the Student Support Manager, Head of Division or a Safeguarding Manager must liaise with the relevant Assistant Principal to take a decision to suspend a student pending the outcome of further enquiries where there is a potential impact in College. Where a student is suspended for these reasons the College reserves the right to commence proceedings under the Student Disciplinary Procedure when the results of the further investigations are known.

In some cases the student will be suspended using the Student Suspension Notice Letter SDP3, pending a formal investigation into the allegations. The suspension will automatically invoke an investigation and a disciplinary hearing.

Following the suspension of a student, the Student Support manager will undertake a thorough investigation into the facts and compile related evidence on **SDP3a**. In cases relating to safeguarding this will usually be a Safeguarding Designate.

In all cases, whether the student has been suspended or not, the student in question will be notified in writing at least five days in advance that they will be required to attend a disciplinary hearing relating to the actions giving rise to the Stage 3 Disciplinary Hearing **SDP3b**. The disciplinary hearing will normally take place within ten working days of the suspension.

The letter will:

- set out the allegations made
- advise the student (and their parent/carers and any associated employer, if under the age of 18) of their right to be accompanied by a person of their own choosing, but that that person may not be acting as a legal representative.
- advise the student that if they are aware of any witnesses to the facts they must tell the Investigating Officer within 24 hours of receiving the letter in order that the Investigating Officer can interview those witnesses.
- enclose a copy of the Student Disciplinary Procedure

The student must confirm attendance at the disciplinary hearing and supply the name of the person who will be accompanying them. If the student and/or their representative fail to attend the disciplinary hearing without good reason, then the meeting may proceed in their absence.

A panel of two people, including the Student Support Manager and Head of Division or Course Leader will hold the disciplinary hearing. For students on Higher Education courses, the University Centre Manager will normally be on the Panel.

The Student Support Manager/Curriculum staff will take notes of the disciplinary hearing and these will be retained as part of the documentation of the case.

The format for the disciplinary hearing can be found in Appendix 1

The panel will confirm one of the following outcomes below:

- a) Reinstatement
- b) A written warning
- c) A final written warning
- d) Directed study which is outside of a normal timetabled class
- e) A fixed term exclusion
- f) Permanent exclusion

To ensure the disciplinary penalty is reasonable, the panel will consider:

- Previous disciplinary and academic records
- The penalty imposed in similar cases in the past, though the panel will exercise discretion and each case will be determined on the specific evidence presented.
- Any mitigating or aggravating circumstances.

The Head of Division or Course Leader who has chaired the meeting, will communicate the outcome of the disciplinary hearing to the student, their representative, the Investigating Officer and the Assistant Principal in writing, within five working days, with reasons using **letter SDP3c**.

If the student has not been permanently excluded, the **Disciplinary Hearing Record of Outcome Form SDP3d** will be completed by the Student Support Manager, circulated to all parties present at the hearing and uploaded onto MyHalesowen (Stars). Failure to comply with any conditions specified would result in a further hearing that may result in permanent exclusion.

If the student has been permanently excluded, the student will be advised of their right to appeal against the decision. Disciplinary Outcome Exclusion **Letter SDP4**.

Suspensions and temporary exclusions, which occur during the application of the Student Disciplinary Procedure, should not result in students losing the opportunity to take part in public exams or external assessments. However, if the student is permanently excluded, they will lose the right to participate in any form of external assessment.

All suspensions and exclusions and will be maintained in a central record of any such events and ensure that the relevant Assistant Principals, CIS and student services are informed.

3.5 Appeals Procedure

There is a right of appeal at Stage 3 of the Student Disciplinary Procedure.

This **Appeal** must be lodged in writing (by email or letter) with the Deputy Principal within five working days of any sanction being applied and a clear statement of the reasons for appeal must be included.

Normally Appeals are granted on the grounds that:

- new evidence has come to light which supports the student's case

- evidence of procedural irregularity is presented

The Deputy Principal, who will make the decision as to whether there are sufficient grounds for convening an Appeal Panel, will consider the written appeal.

If there are sufficient grounds, the Director of Learner Services will convene an Appeal Panel to take place within fifteen working days of the appeal being received.

The Director of Learner Services will inform the student at least five working days in advance of the date and time of the appeal hearing and advise the student that they are required to attend the appeal and of their right to be accompanied by a person of their own choosing (one parent/carer, friend or representative), but that that person may not be acting as a legal representative.

The Appeal Panel will consist of one member of the College Leadership Team who will chair the meeting and one other member of the Leadership team who has not been involved in the case to date.

The format for the appeal can be found in Appendix 2

The panel will deliberate in private and may decide to uphold or amend the decision of the disciplinary hearing. In the event of the panel not being able to reach agreement, the majority view will prevail, with the Chair having the casting vote. The panel's decision is final and the Director of Learner Services will confirm the outcome of the appeal in writing using the Appeal Outcome Exclusion Letter **SDP4a** or **SDP4b** to the student with a copy uploaded to MyHalesowen (Stars) within five working days of the appeal hearing.

If the student is reinstated, failure to comply with any conditions of reinstatement will result in immediate permanent exclusion.

4. Compliance

4.1 Students on 14-16 Programmes

Students on 14-16 programmes are subject to the disciplinary procedures of the College. However, every effort should be made to resolve concerns with the school/commissioning body prior to embarking on the Student Disciplinary Procedure. The relevant subject tutor will act as the student's tutor and ensure that the relevant partner school/commissioning body is informed and consulted on all disciplinary issues. A member of the partner school/commissioning body should be present for both informal and formal meetings.

4.2 Record Keeping

Details of each stage of the Student Disciplinary Procedure must be recorded on MyHalesowen (Stars) through the creation of a meeting, with all supplementary documents such as letters and record sheets uploaded. All discussions, targets set, actions agreed and support put in place must also be recorded on MyHalesowen (Stars).

4.3 Quality Assurance and Improvement

In order to ensure the disciplinary hearings are being carried out fairly and consistently, the Director of Learner Services will collect disciplinary records, sample the quality of records and report compliance with procedure and an analysis of disciplinary data throughout the year as part of the Pastoral report to the Corporation.

4.4 Communication linked to the Student Disciplinary Procedure

The Student Disciplinary Procedure will be published on the College website and [data.halesowen](https://www.data.halesowen.nhs.uk), and students will be made aware of the procedure during Induction. In addition, the College has standard letter templates and report forms for each stage of the Student Disciplinary Procedure, which will be used to ensure consistency of the content and quality of information provided. Any adaptations wishing to be made to these letter templates require authorisation from the relevant Assistant Principal.

Format of the Disciplinary Hearing

- The Student Support Manager is responsible for convening the disciplinary hearing within ten working days of the student being notified of the disciplinary hearing and for ensuring that the meeting is recorded.
- The Student Support Manager will chair the meeting and may exclude any person who disrupts the meeting or disregards the Chair's instructions.
- The Investigating Officer will be responsible for presenting the evidence to the Panel and will state the case in the presence of the student and their representative if present. Witnesses (arranged prior to the hearing) may be called by the Investigating Officer, if they have factual evidence that may assist the panel to make a decision.
- The student or their representative may ask questions of the Investigating Officer and any witnesses about the evidence provided.
- The Panel may also ask questions of the Investigating Officer and any witnesses about the evidence provided.
- The witnesses will then be reminded that the content of the hearing is confidential and be asked to leave the meeting.
- The student or their representative will state their case in the presence of the Investigating Officer.
- The Panel may ask questions of the student about the evidence that they have provided.
- The Investigating Officer will be given a final opportunity to summarise their case.
- The student or their representative will have the opportunity to summarise their position.
- At this stage the student and the Investigating Officer will leave the hearing and the Panel will deliberate in private.

Format of the Appeal Hearing

- The Faculty is responsible for convening the appeal hearing within fifteen working days of the student lodging an appeal.
 - A member of the College Leadership Team will chair the meeting and may exclude any person who behaves unreasonably or disregards the Chair's instructions.
- The Chair of the disciplinary hearing will be responsible for explaining the decision made at the disciplinary hearing.
- The student or their representative will present their grounds for appeal and the associated evidence.
- The panel may ask questions of both the Chair of the disciplinary hearing and student about the information and evidence provided.
- The Chair of the disciplinary hearing will be given a final opportunity to summarise the grounds for the decision made at the disciplinary hearing.
- The student or their representative will have a final opportunity to summarise their position.
- At this stage the student and the Chair of the disciplinary hearing will leave and the Panel will deliberate in private, considering any the new evidence and any evidence of procedural error, and determine the outcome of the appeal.
- The Chair will liaise with the Faculty to ensure the appropriate letter is prepared and distributed.