

Student Disciplinary Policy and Procedure

1. Policy Statement

The aim of Halesowen College is to provide an environment where there are no barriers to student success and progression. The purpose of this policy is to ensure that all instances of student misconduct are dealt with fairly and consistently and provide a clear procedure to guide both staff and students.

2. Scope of the Policy

- 2.1. This policy applies to all enrolled students of the college and covers misconduct alleged to have occurred on the college premises or other activity carried out as part of the students course. This includes work-related activities, educational visits and the use of ICT including e-safety behaviour which may occur on or off college premises.
- 2.2. School students who attend the college are expected to follow the college's disciplinary policy but misconduct will usually be dealt with by their school. For EHE students who attend solely at the college, misconduct will be dealt with by the college. Similarly university students must follow the college policy but misconduct will usually be dealt with by the university.
- 2.3. Apprentices are required to follow the college's code of conduct and disciplinary procedures and the college will communicate any misconduct with their employer.
- 2.4. Parents/carers or family members that the student has provided as key contacts, will routinely be informed of disciplinary matters of students aged under 18 at the start of their course. Once a student becomes 18 they may request that parents are no longer informed.
- 2.5. The parents/carers of students with learning difficulties and disabilities in receipt of an EHCP or high needs funding or other vulnerable adults will be informed of action taken against the student under the college's disciplinary policy. Students with English as a second language will be offered appropriate support with disciplinary investigation.
- 2.6. For students with an EHCP, or have CLA status the college are required to notify the local authority of all levels of disciplinary, this can be actioned by the Head of SEND or the CLA coordinator.
- 2.7. In some instances, the Disciplinary Policy may be used in conjunction with the Fitness to Study Policy.

3. Levels of Outcome in the Disciplinary Procedure

The different levels of disciplinary outcome indicated below enable issues to be dealt with at an early stage, providing support, setting targets and implementing strategies to overcome further difficulties.

Level 1 : Informal (verbal) Warning

Level 2 : Written Warning

Level 3 : Final Written Warning

Level 4 : Exclusion

4. Examples of Behaviours Likely to Cause Disciplinary Action

(nb. this is not an exhaustive list)

Appendix 1 sets out the procedures to be followed in each situation.

4.1. Minor Misconduct

- Poor attendance and/or punctuality without acceptable explanation.
- Behaviour which is disruptive to students and/or staff.
- Failure to follow a staff members' reasonable instruction.
- Failure to display college identification and show this on request.
- Failure to prepare work required for a class without an acceptable explanation.
- Misuse of college IT equipment and inappropriate use of IT and social media.
- Smoking on campus, including the use of e-cigarettes.
- Littering, swearing, spitting.
- Low level misbehaviour on college transport, such as failing to obey the instruction of the driver.

4.2. Serious Misconduct

- Cheating and plagiarism – copying from other students, from the internet or other sources and presenting as own work.
- Abuse or harassment as defined in the college's equality and diversity and safeguarding policies – including online abuse or harassment to other students or staff.
- Serious disruptive or offensive behaviour.
- Behaviour likely to cause accident or injury to themselves or others.
- Inappropriate use of the internal and online or phone communications including accessing or transmitting material which is considered by the college to be obscene, abusive, sexist, racist, homophobic, defamatory or in any other way likely to cause offence.
- Inappropriate behaviour resulting from the use of recreational drugs or alcohol or the possession of them.
- Promotion or selling of drugs.
- Carrying an offensive weapon.
- Theft or fraud.
- Criminal activity.
- Persistent minor misconduct/failure to respond to lower level warnings.
- Bringing the college into disrepute.
- Consorting with intruders to the campus.

4.3. Repeated Low Level Misdemeanours

Managers should seek advice for patterns of repeated low level misdemeanours and whether this now constitutes a higher level process.

4.4. Criminal Activity

The college will report potentially criminal activity to the police and/or to advise potential victims of such activity of their right to do so. If the incident is of a

potentially serious nature the college may choose to suspend the student and may need to defer carrying out disciplinary actions until any criminal proceedings are concluded.

In these circumstances a risk assessment will be undertaken to ensure that any risk to other students, staff or the college are minimised. If the police investigation is anticipated as taking a protracted length of time then the college reserve the right to complete their own investigation following this policy.

5. Support for Students During the Disciplinary Process

5.1. Staff are required to act impartially and ensure that students fully understand why they are subject to the disciplinary process. Students must be given the chance to state their case and be told what will happen next.

5.2. Disciplinary action at Levels 1 - 3 will require an action plan for improvement to be devised which sets out clear targets and this will be recorded on MyHalesowen. In accordance with the general data protection principles the student must be informed that this data will be stored on this platform and that it is stored for the purpose of conduct management.

The student can expect to be supported by their Personal Coaches/teachers/assessors and their Student Support Manager (SSM) to address any underlying problems and be referred for additional/external support as appropriate.

5.3. Where the student is issued with a final written warning the student must sign and agree an action plan.

This will be closely monitored by the Student Support Manager (SSM) and Head of Division (HoD) to ensure all conditions of the warning are met.

Failure to comply with this will escalate the procedure and may result in the student's exclusion (Level 4) and may lead to them not being allowed to continue at the college in the following or any subsequent year.

5.4. Where a student has a learning difficulty or disability and has a formally agreed support plan then the college will ensure that the student's needs are taken into consideration. This may result in reasonable adjustments to the disciplinary process but will not automatically remove the need for disciplinary action.

5.5. We encourage the parents/carers to be involved in the disciplinary process for a student and they will be informed of any action taken at Level 2, 3 or 4.

Parents/carers will be routinely invited to any meetings at Level 3 or 4 unless the student is over 18, does not have an EHCP or high needs funding and has requested that the college does not communicate with them. Students of all ages may ask to bring an alternative appropriate adult (such as a support worker) with them instead of their parent or carer.

5.6. The exception to contacting parents/carers will be where the college is aware of a safeguarding matter and where there are strong indications that it would not be in the student's best interest to involve parents/carers. The decision will be approved

by the Head of Safeguarding or a Deputy Designated Safeguarding Lead.

6. Suspension

- 6.1.** Suspension is a neutral act and may be used to protect the interests of the student, of other students or of staff. Suspensions can be made by Student Support Managers (SSMs) and Heads of Division (HoDs), but must be approved by an Assistant Principal or another member of the College Leadership Team (CLT). The Principal, Deputy Principal and relevant Assistant Principal must be notified immediately following a suspension. Students (and their parents/carers/employer) will be informed of their suspension by letter or email.

Students who are suspended are expected to continue their studies by accessing their work online, continuing to submit work and to respond to teacher feedback.

Suspended students are not allowed to come onto college premises except by appointment with a staff member. This could be for meetings, to sit an exam or to receive one-to-one support.

- 6.2.** Following a suspension an Investigating Officer (IO) will be appointed, normally the Student Support Manager (SSM) who will undertake a thorough investigation into the facts and compile related evidence.
- 6.3.** 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 a hearing.

The student may be accompanied by one parent, carer or friend/appropriate adult. If the student has additional learning needs they may also be accompanied by their Learning Support Assistant, should they indicate that this is something they would like to happen.

- 6.4.** Suspensions will be reviewed every two weeks to ensure that they do not last any longer than necessary.

Where the police are involved the college will be proactive in seeking information from them as to progress and outcome of any investigation.

The police may advise the college on the risk posed by a student returning to college but any final decisions remain with the college.

It should be noted that whilst a criminal allegation may be dropped, the college may still take disciplinary action based on the level of misconduct.

7. Disciplinary Procedures and Sanctions

The way a disciplinary matter is managed will depend on the severity of the issue e.g. minor or serious misconduct and the potential disciplinary outcome e.g. Level 1-2 or Level 3-4. The table in Appendix 1 sets out the normal procedures to be taken in each situation. Managers should seek advice from the College Leadership Team (CLT) if they are unsure of the appropriate action to take. They should also seek advice for patterns of repeated low level misdemeanours and whether this now constitutes a higher level process.

Appendix 1 outlines the normal disciplinary sanctions and actions available, these include:

- No further action
- Suspension
- Warning and action plan
- Final warning and action plan
- Fixed term exclusion (time period to be determined by disciplinary panel)
- Permanent exclusion

8. Reasonable Adjustments for Students with Learning Difficulties and Disabilities

- 8.1.** In applying the student disciplinary policy and procedures; staff need to be aware of the need to make appropriate reasonable adjustments in the application of the policy and process.
- 8.2.** Reasonable adjustments to the process may include agreeing that a parent/carer or other appropriate adult should be invited to any behaviour meeting with an appropriate adjustment of the timing of that meeting if required.
- 8.3.** Any other specific requests for reasonable adjustments can be raised by a student and their parent/carer at the start of their time at college and will be considered as part of their support package.

9. Appeals

- 9.1.** There is a right of appeal at Stage 3 of the student disciplinary procedure.
- 9.2.** A student may appeal in writing (by email or letter) to the Deputy Principal within 5 working days of the date of notification of the hearing decision. The letter of appeal must state the grounds for the appeal and meet one or more of the criteria identified in section 9.3 (sufficient grounds).
- 9.3.** An appeal may be made on one or more of the following grounds:
- There is new additional evidence which was not reasonably available at the time of the original hearing.
 - There is mitigation for the sanction imposed that was not reasonably available at the time of the original hearing.
 - Proper procedures were not followed.
 - The decision is unreasonable and/or the sanction disproportionate.
- 9.4.** Upon receipt of a request for an appeal, the Deputy Principal will consider the request and determine whether there are sufficient grounds for an appeal. If the Deputy Principal determines that there are no sufficient grounds stated, the Deputy Principal will write to inform the student of this within 10 working days of the date of receipt by the college of the request for appeal. If the Deputy Principal determines that there are sufficient grounds for appeal, the Deputy Principal will refer the matter to an Assistant Principal, not already involved in the case, to deal with the appeal. This may include inviting the student to submit further written representations in support of their appeal.

in all cases, a member of the College Leadership Team will act as the Disciplinary

Appeal Hearer. S/he will determine the format of the appeal, which will usually be a Disciplinary Appeal Hearing, a meeting with the appellant. Another member of the College staff will also be present to take the notes of the appeal hearing.

- 9.5.** Where a Disciplinary Appeal Hearing is called, the student will normally be invited to attend the hearing within 10 working days of the date of his/her appeal request by the college and will normally be given 5 working days' notice of the date, time and place of the Disciplinary Appeal Hearing.

At the Disciplinary Appeal Hearing s/he and his/her representative will be entitled to make oral representation to the Disciplinary Appeal Hearer.

- 9.6.** If either the student and/or any person accompanying and/or representing him/her is unable to attend, the student must inform the Disciplinary Appeal Hearer of this immediately so that the college may consider whether an alternative date and time should be arranged for the hearing.

Where the student and/or his/her representative does not, without good reason, attend the Disciplinary Appeal Hearing (or fails to attend on two or more occasions), the Disciplinary Appeal Chair may at his/her discretion determine that the Disciplinary Appeal Hearing may nonetheless proceed and a decision may be made in the absence of the student and/or his/her representative.

- 9.7.** Any party calling witnesses at the Disciplinary Appeal Hearing must give written notice of so doing to the other party (including the name of each witness and the capacity in which they will be called) at least 5 working days in advance of the date of the Disciplinary Appeal Hearing.

- 9.8.** Following the Disciplinary Appeal Hearing, the Disciplinary Appeal Hearer will make one or more of the following decisions:

- To uphold the original decision/sanction.
- That the appeal be dismissed in whole or part.
- Impose a lesser or alternative disciplinary sanction as is available.
- Refer the matter back to the original Disciplinary Panel to determine the matter again.
- Refer the matter to a new disciplinary panel to determine the matter afresh.
- Convene a rehearing at the appeal stage, with the Principal.

- 9.9.** The decision of the Disciplinary Appeal Hearer (together with reasons) will be communicated in writing to the student normally within 10 working days of the date of the Disciplinary Appeal Hearing and recorded on the Student's file on MyHalesowen.

- 9.10.** The decision of the Disciplinary Appeal Hearer is final and there is no further right of appeal to the college. The appellant will be provided with the details of the ESFA or OfS should they wish to take further action.

10. Compliance

10.1. 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 the procedure and an analysis of disciplinary data throughout the year as part of the Pastoral Report to the Students, Curriculum and Quality Committee.

10.2. Communication Linked to the Student Disciplinary Procedure

The Student Disciplinary Policy and Procedure will be published on the college website and students will be made aware of the procedure during induction.

	Nature of Action	Actioned by Staff Member	Process	Involvement of Parent/Carer	Record	Completion of Action Plan
	Cause for Concern	Any staff member	Note on MyHalesowen	Not required	MyHalesowen	Discussion with Student
Minor Misconduct (Repeated)	Level 1 – Warning	Any staff member	Warning	Not required but may be appropriate	MyHalesowen (SDP Level1)	Student and Personal Coach
	Level 2 – Written Warning	Student Support Manager (SSM)	Meeting with student, Personal Coach and SSM	Parent/Carer informed	MyHalesowen and Letter (SDP Level 2 MMC)	Student must agree and sign agreed conditions, outcomes and timescale.
Serious Misconduct and or repeated minor conduct resulting in student at risk of failing.	Level 3 – Final Written Warning	Assistant Principal/Member of CLT	<ol style="list-style-type: none"> Investigation by Student Support Manager (SSM) who collects statements, other evidence and prepares a report with recommendation. Evidence and report checked by the Head of Division (HoD) Hearing arranged and chaired by HoD (if an incident has involved students from multiple areas the HoDs/SSMs will constitute a representative panel), supported by one other manager. 	<p>Parent/Carer will be invited to the meeting</p> <p>They will be sent the report and any appropriate evidence (subject to appropriate confidentiality).</p>	<p>MyHalesowen and Letter (Disciplinary Hearing)</p> <p>(SP3 Disciplinary Outcome)</p> <p>(SP3 Student Suspension)</p>	<p>The student will be invited to the hearing and can invite a family member/carers with them.</p> <p>They will be sent the report and any appropriate evidence (subject to appropriate confidentiality).</p> <p>The student will be informed of the outcome in writing in five working days.</p> <p>The outcome will initially be:</p> <ul style="list-style-type: none"> no case to answer a written warning or final written warning fixed term exclusion permanent exclusion continuation of suspension due to new allegations or

						other extenuating circumstances
	Level 4 – Permanent Exclusion or Fixed Term Exclusion	Assistant Principal / member of CLT	<ol style="list-style-type: none"> Investigation by Student Support Manager (SSM) who collects statements, other evidence and prepares a report with recommendation. Evidence and report checked by the Head of Division (HoD) Hearing arranged and chaired by HoD (if an incident has involved students from multiple areas the HoDs/SSMs will constitute a representative panel), supported by one other manager. 	<p>Parent/Carer will be invited to the meeting</p> <p>They will be sent the report and any appropriate evidence (subject to appropriate confidentiality).</p>	<p>MyHalesowen and Letter</p> <p>(Disciplinary Hearing)</p> <p>(SP3 Disciplinary Outcome)</p> <p>(SP3 Student Suspension)</p> <p>(SP4 Disciplinary Outcome exclusion)</p> <p>(SP4a Appeal Outcome exclusion)</p> <p>(SP4b Appeal Outcome Uphold)</p>	<p>The student will be invited to the hearing and can invite a family member/carer with them.</p> <p>They will be sent the report and any appropriate evidence (subject to appropriate confidentiality).</p> <p>The student will be informed of the outcome in writing in five working days.</p> <p>The outcome will initially be:</p> <ul style="list-style-type: none"> no case to answer a written warning or final written warning fixed term exclusion permanent exclusion continuation of suspension due to new allegations or other extenuating circumstances

Additional letters to be used within this policy- Suspension letter

Students with an EHCP or CLA status all levels of disciplinary to be discussed with CLA coordinator and or Head of SEND

Reviewed / Approved	By	Date
Reviewed by	Joanne Williams	June 2022
Consulted with	Helen Stockdale / Jacquie Carman	July 2022
Approved	N/A	
CLT approved	Yes	20.06.2022
Website	No	
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