



**Buckinghamshire  
College Group**

# **Student Disciplinary Procedure 2020-21**

Responsible Officer:	Executive Director, Student Support & Services
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Procedure Available:	Intranet and College website
Summary:	Cloud: Students - Information and Support
Authorised by:	Executive

## **Introduction**

The Student Disciplinary Procedure aims to ensure that all students are able to study and achieve success, free from disruption, encouraging positive behaviour, and responsibility for learning. The College is preparing students for work and therefore work place behaviours and attitudes are expected from all students.

This procedure applies to all students on all programmes including; Study Programmes across all ages from 14 years old, Apprenticeships, 14-16 Schools provision, Adult Programmes and Higher Education. University Partner Institution procedures will be referred to where necessary.

### **All our students are entitled to:**

- High quality training and education that meets their needs and enables them to enjoy their learning, be safe and healthy and make a positive contribution to the College and the wider community;
- Learn in an environment that is conducive to learning and free from interruption and disruption;
- Learn in an environment free from bullying, ridicule or discrimination;
- Have their voices heard, to be listened to and to know where to go to share their concerns;
- Learn in a healthy and safe environment.

### **Our students have an individual and collective responsibility to:**

- Come to the College to learn, be fully prepared and work to the best of their ability;
- Be punctual to all timetabled classes and activities, whether on campus or online. This includes tutorial, directed study, English and maths, directed study and industry placements/ work experience. Days of employment forms part of an apprenticeship programme;
- Achieve 100% attendance;
- Show through their behaviour and their language, respect and consideration for all staff, other students and visitors;
- Demonstrate through their behaviour consideration for the health and safety of staff, other students and visitors; including for example not spitting, exhibiting good hand hygiene, following guidance on social distancing (as appropriate) and following other Public Health England guidance on maintaining good hygiene;
- Complete and hand work in that meets the requirements of the course and do this on time;
- Respect resources, equipment and the College environment;
- Never use technology as an instrument for bullying or harassment directed against students and staff;
- Always wear and be able to produce a valid College ID badge;
- Dress appropriately for the course of study enrolled for;
- Work safely, ensuring that their behaviour does not compromise the safety of others.

### **Teachers have the responsibility to:**

- Respect and value the students they teach;
- Be committed and have high expectations and standards of students' learning;

- Provide stimulating lessons where students are actively involved;
- Encourage good behaviour and respect for others;
- Model adherence to Public Health England guidance on good hygiene and social distancing as appropriate;
- Prevent all forms of bullying amongst students;
- Keep their students safe;
- Seek support, advice and training about how to promote positive behaviour;
- Keep students and parents (where appropriate) informed of their progress;
- Work as part of a team with other teachers and support staff;
- Understand and adhere to the College Student Disciplinary Procedures.
- Ensure they understand the Education, Health and Care Plans (EHCPs) of the students they teach so that any warning should be despite appropriate support and strategies being in place.

### **Implementation of the Procedure**

The Procedure is divided into 3 sections:

- 1) Procedures for dealing with student disciplinary under student participation and academic progress
- 2) Procedures for dealing with student disciplinary under student misconduct
- 3) Procedures for dealing with student disciplinary under serious and single acts of student misconduct

For students aged 14-16 who are attending a College programme from school, the Student Disciplinary process will be implemented in liaison with the individual school.

It is vital that at all stages of the disciplinary process, accurate records are maintained and that the standard Student Disciplinary letter templates are used.

Depending on the seriousness of misconduct, a student can enter the process at any stage and by-pass any formal stage of the disciplinary procedure, escalating the outcome of an investigation to a more serious decision at the recommendation of the investigating officer.

Failure to attend a meeting for any stage of the disciplinary does not necessarily mean it will be postponed. If there is no genuine reason for non-attendance, the disciplinary procedure can go ahead without the student's presence. The student will be notified of any decision made.

## **Section 1: Procedures for dealing with student disciplinary under student participation and academic progress**

This procedure should only be used once all normal classroom management measures have been exhausted:

### **1.1 Informal Stage – Strike 1, 2, 3 Informal Warnings**

A student whose attendance, punctuality or progress fails to meet the required standard will be reported to his/her Course Leader or Assessor who will discuss and agree with him/her how the problem will be resolved.

At this point the student will receive feedback on the changes to behaviours and attitudes that are required and reminded of the disciplinary procedure and issued with a 'Strike 1' informal verbal warning and set targets and deadlines for improvements. \* These deadlines should be short (no longer than two weeks) and followed up by the Course Leader or Assessor. The student then has two further opportunities to improve their behaviour (strike 2 and 3) before continuing to the formal disciplinary procedures. A student that reaches strike 3 should be informed that they will now be placed on formal disciplinary procedures. Parents and employers should be involved at the appropriate stage. This should be recorded on the curriculum area central database to be monitored by the Course Leader.

Parents/carer of students 14-16 on full time Study Programmes **must** be informed at every stage of any disciplinary action.

Notes for strikes will be recorded by the reporter and Course Leader and kept on the central database file. These will be valid for the academic year in which they are issued.

### **1.2 Formal Stage 1 - Verbal Warning**

If following the informal verbal warnings (strike 1,2,3) a student continues to fail to meet the required standard a formal verbal warning will be issued by the Course Leader with time-specified targets for improvement (timescale to be no more than 2 weeks). \*

At this stage, the student must be informed of the consequences for non-improvement including the possibility of withdrawal from the programme. The student's parents/carers, school (14-16) and/or employers (where applicable) will be informed in writing that a formal verbal warning has been issued.

Notes for formal verbal warnings will be recorded by the Course Leader and kept on the central database file. This will be valid for the academic year in which they are issued.

### **1.3 Formal Stage 2 - Written Warning**

A student who consistently fails to meet the required standard will be interviewed by the Curriculum Manager and a written warning issued. Parents will be encouraged to attend this meeting. The warning will include a summary of the standards not being achieved, the agreed actions and specify a time-scale (timescale to be no more than 4 weeks) within which these improvements should be made. \* A follow up monitoring and review meeting should be arranged.

**\* Agreed targets and deadlines for improvement should be recorded on the student's Individual Learning Plan**

Where a student has an EHCP the Head of Learning Support should be updated in order to maintain communication with County representatives as appropriate.

A letter summarising these arrangements will be sent to the student, the student's parents/carers, school (14-16) and/or employers (where applicable).

A copy of the written warning will be placed on the student's file and a note entered by the Curriculum Manager on to the central database. This will be valid for the duration of time the student attends College.

## **1.4 Formal Stage 3 - Final Written Warning**

A student who continues to fail to meet the required standard will be interviewed by the Curriculum Manager who will issue a final written warning. Parents will be encouraged to attend this meeting. The warning will include a summary of the standards not being achieved, the agreed actions and the timescale in which these improvements should be made (timescale to be no more than 4 weeks). \* Students should be reminded at the meeting that failure to achieve the improvements may lead to withdrawal from the course.

A letter summarising these arrangements will be sent to the student, the student's parents/carers, school (14-16) and/or employers (where applicable).

A copy of the final written warning will be placed on the student's file and a note entered on to the central database by the Curriculum Manager. This will be valid for the duration of time the student attends College.

Where a student has an EHCP the Head of Learning Support should be updated in order to maintain communication with County representatives as appropriate.

## **1.5 Formal Stage 4 - Possible Withdrawal from Course**

If, following a final written warning, the student continues to fail to meet the required standard; he/she will be interviewed by the Faculty Director and Curriculum Manager for the area and if appropriate, the Head of Student Services. Prior to the interview, a letter will be sent to the parents, carer, or employer (as applicable) summarising the reasons for the interview, the possible outcomes of the interview, and encouraging them to attend the meeting.

Following the interview, the Faculty Director may extend the time-scale for improvement\* outlined in the final formal written warning letter or recommend immediate withdrawal from the course in consultation with the Vice Principal for Learning and Quality.

The student, the student's parents/carers, school (14-16) and/or employers (where applicable) will be informed in writing of the outcome of the interview.

The Principal will be informed immediately of a decision to withdraw a student through the Student Disciplinary Procedure.

Where a student has an EHCP the Head of Learning Support should be updated in order to maintain communication with County representatives as appropriate.

## **1.6 Rights and Appeals**

A decision to withdraw a student from their course through the Student Disciplinary Procedure shall be subject to a right of appeal. The student should write to the Principal, within 10 working days of the decision to withdraw from the course, stating the reasons for appeal. The Principal will review all evidence submitted during the investigation. The Principal will make the final decision as to whether the student will be withdrawn from the course.

**\* Agreed targets and deadlines for improvement should be recorded on the student's Individual Learning Plan**

## **1.7 Future and Subsequent Applications**

A student who has been withdrawn from a course through the Student Disciplinary Procedure may apply for a future course at the College, but will be required to be interviewed by the Vice Principal Learning and Quality prior to any offer being received and may be subject to additional conditions. Any student returning to College will automatically be monitored as 'At Risk' within the Student Services Team.

## Section 2 – Procedures for dealing with student misconduct

The College has a set of value driven behaviours that it expects students, staff and visitors to adhere to at all times. These are:

- Show a high level of courtesy, self-discipline and respect for others
- Give equal value to all people at the College, whether they are students, staff or visitors
- Accept personal responsibility for our actions at all times
- Show respect for others, their beliefs and traditions, way of life and dress
- Demonstrate honesty and integrity in our dealings with others
- Show respect for the standards, traditions and the regulations of the College

Student misconduct normally occurs when these values are ignored or disregarded.

The student misconduct disciplinary procedures will be used when a student:

- Behaves in a way that disrupts any activity or antagonises other members of the College community
- Behaves in a way that disrupts the activity of an employer providing work placement or apprenticeship training
- Damages the property of the College, its staff, students or other users
- Behaves in an offensive manner towards other College users
- Is involved in instances of harassment, bullying (including cyber bullying or abuse)
- Fails to disclose any criminal offence
- Commits a criminal offence whilst a college student
- Drives without due care and attention whilst on College property
- Behaves in a way that compromises their and/or others' health or safety
- Misuses or fails to produce a valid College ID card
- Refuses to wear the college lanyard
- Refuses to remove inappropriate head wear, for example, a hood, beanie hat or durag
- Fails to adhere to the College's Smoking Policy\*

### 2.1 Formal Stage 1 – Verbal Warning

A student whose conduct fails to meet the required standard will be reported to his/her Course Leader or Assessor who will discuss and agree the standards of conduct required. The student, the student's parents/carers, school (14-16) and/or employers (where applicable) will be informed in writing that a verbal warning has been issued. At this stage, the student will be reminded of the stages of the Student Disciplinary Procedures and possible consequences including possible exclusion from the programme. A follow up monitoring and review meeting should be arranged within 4 weeks.

Parents/carer of students 14-16 on full time Study Programmes **must** be informed at every stage of any disciplinary action.

A copy of the letter will be placed on the student's file and a note entered onto the central database by the reporter and Course Leader. This warning will be valid for the duration of time the student attends College.

### 2.2 Formal Stage 2 – Written Warning

A student whose conduct consistently fails to meet the required standard will be interviewed by the Curriculum Manager and a written warning given. The warning will specify the standards of conduct not being achieved with clear timescales for improvement (timescale to be no more than four weeks) within which improvements should be made. A follow up monitoring and review meeting should be arranged.

A letter summarising these arrangements will be sent to the student, the student's parents/carers, school (14-16), employers (where applicable) and County EHCP Link where applicable\*.

A copy of the letter will be placed on the student's file and a note entered onto the central database by the Curriculum Manager. This warning will be valid for the duration of time the student attends College.

### **2.3 Formal Stage 3 – Final Written Warning**

A student whose conduct continues to fail to meet the required standard will be interviewed by the Curriculum Manager who will issue a final written warning. Parents/carers will be encouraged to attend the meeting. The warning will include a summary of standards not being achieved, the agreed actions and the timescale in which improvements should be made (timescale to be no more than four weeks). The student should be reminded that failure to improve the required conduct may result in permanent exclusion from the College.

A letter summarising these arrangements will be sent to the student, the student's parents/carers, school (14-16), employers (where applicable) and copied to the Head of Learning Support where the student has an EHCP.

A copy of the final written warning will be placed on the student's file and a note entered onto the central database by the Curriculum Manager. This warning will be valid for the duration of time that the student attends College.

### **2.4 Formal Stage 4 – Possible Permanent Exclusion**

If following a final written warning the student's conduct fails to meet the required standard, he/she will be interviewed by the Faculty Director. Prior to the interview, a letter will be sent to the student, the student's parents/carer and/or employer summarising the reasons for interview and encouraging them to attend the meeting. Following the interview, the Faculty Director may either extend the timescale for improvement or recommend to the Principal a permanent exclusion. The student, the student's parents/carers, school (14-16) and/or employers (where applicable) will be informed of the outcome of the interview in writing.

The Principal will be informed immediately of a decision to exclude a student permanently.

Where a student has an EHCP the Head of Learning Support or their nominated representative should be informed in order that communication with County services is maintained.

### **2.5 Rights and Appeals**

A decision to exclude a student permanently shall be subject to a right of appeal. The student should write to the Principal, within 10 working days of the decision to exclude, stating the reasons for the appeal. The Principal will review all the evidence submitted during the investigation. The Principal will make the final decision as to whether the student should be permanently excluded. The Principal's decision will be final.

### **2.6 Discretionary Removal of Permanent Exclusion Status**

The College recognises that circumstances can change, an individual may apply to the Principal to have their permanent exclusion status removed. A letter should be written to the Principal outlining the reasons and providing evidence for this change in status. The Principal will review all the evidence and interview the student. The Principal will make the final decision as to whether the student should be permitted to apply to study at the College. The Principal's decision will be final.

### **2.7 Smoking Policy**

Any student caught smoking on College premises will have their name and ID number recorded by College Security Services. If a student is caught smoking on site three times (Strike 1, 2, 3) within an academic year, this will automatically result in the student being placed on the **Formal Stage 1 – Verbal Warning** of the Student Disciplinary Procedure. If, when challenged about smoking on site, any student resists the challenge or is verbally abusive to any member of the College staff, this will result in an automatic **Formal Stage 2 – Written Warning**.

### **Section 3: Procedures for dealing with serious and/or single acts of student misconduct**

Serious misconduct includes but not exhaustive:

- Violence to students, staff or visitors
- Theft of property
- Vandalism
- Threats to students, staff or visitors
- Racial or sexual harassment
- Discrimination of any form
- Bullying or harassment (including cyber-bullying)
- Possession of drugs or weapons
- Alcohol or substance misuse on any premises or activities that come under the responsibility of the Buckinghamshire College Group see Substance Abuse Policy
- Acts of behaviour that could endanger the health and safety of others including spitting or threatening to spit
- Similar offences that take place outside of College for which a student is arrested and charged

#### **3.1 Suspension: Misconduct in College**

For single serious acts of misconduct in College, in the majority of cases, a student will be immediately suspended by a member of the Executive Team or Faculty Director, pending an investigation. As a duty of care, all parties involved in an incident will be suspended as advised by the member of senior management issuing the suspension.

Parents/carers of students under the age of 18 will be informed and asked to collect the suspended student if available. Any student 14-16 will not be allowed to leave the building until collected by a parent/carer or a substituted responsible adult as provided by parent/carer.

The investigation will normally be undertaken by an Executive Director/ Faculty Director/Head of Department who will interview all relevant parties. As part of the formal investigation, the Safeguarding and Prevent Officer must be informed to ensure additional student support needs are considered. The student's parents/carers, school (14-16) and/or employers (where applicable) will be informed.

At the time of suspension, the student will have their ID card withdrawn and be told not to return to the College until the suspension is lifted, unless they are required to do so as part of the investigation.

The member of the Executive Team or Faculty Director issuing the suspension will inform the PA to the Vice Principal Learning and Quality who will in turn inform the Course Leader, Curriculum Manager and Faculty Director of the action taken. The PA to Vice Principal Learning and Quality will also inform Reception/Security, MIS, Safeguarding and Prevent Officer and the Learning Centre Manager who will, if notified, temporarily suspend the student's IT access. The student will not be allowed access into the Learning Centres. At the same time, the student will be told that they should contact their tutor to receive College work to complete at home during their suspension.

Whilst under suspension, the student will be treated as a College visitor and when attending an interview will be requested to sign in as a visitor.

Following the outcome of the investigation, the student will be interviewed by the relevant Executive or Faculty Director for the area who may recommend a verbal warning, a written warning or a final written warning. Parents/carers will be encouraged to attend the meeting. The warning will include a summary of standards not being achieved, the agreed actions and the timescale in which improvements should be made. The student should be reminded that failure to improve the required conduct may result in permanent exclusion from the College. The student, student's parents/carers and/or employer (where applicable) will be notified of the outcome of the interview.

Where a permanent exclusion is recommended following an investigation, the student will be interviewed and a final decision made by the Vice Principal for Learning and Quality.

Students who are permanently excluded are not permitted access to the College as a visitor or to use the College's services.



The Principal will be immediately informed of a decision to exclude a student permanently.

If, following the investigation and final interview, the suspension is lifted with agreed actions and expected outcomes, the PA to the Vice Principal Learning and Quality will inform the Curriculum Manager and Faculty Director, the Course Leader, Reception/Security, MIS, Safeguarding and Prevent Officer and the Learning Centre.

A letter summarising these arrangements will be sent to the student, the student's parents/carers, school (14-16) and/or employers (where applicable).

A copy of the final outcome meeting will be placed on the student's file and a note entered onto the central database by the PA to the Vice Principal Learning and Quality. This warning will be valid for the duration of time that the student attends College.

Where a student has an EHCP or other recognised and recorded issues that may lead them to behave in any way that could be perceived as violent, aggressive or disrespectful, the Curriculum Manager may request that the student is granted up to 5 days 'welfare leave' whilst a review is undertaken of the 'triggers' that may have led to the outburst/incident. Within those 5 days, the Curriculum Manager must provide a risk assessment for the Executive Director Student Support and Services. This will be reviewed with the Head of Learning Support, Head of Student Services and, if appropriate, the campus Safeguarding and Prevent Officer where a managed return to College will be planned immediately. If an extension of 5 days is needed to ensure the right levels of support can be put in place or that an emergency Annual Review is required, this can only be actioned by the Executive Director Student Support and Services in conversation with the Vice Principal of Learning and Quality.

### **3.2 Suspension – Misconduct resulting in police involvement**

For serious acts of misconduct that take place, which result in arrest and charges being made, a student will be suspended by a member of the Executive Team or Faculty Director, pending a risk assessment and advice from the police. The student's parents/carers, school (14-16) and/or employers (where applicable) will be informed at this stage. The risk assessment will be under-taken by the Head of Student Services or allocated safeguarding lead who will determine if the health and safety of other students, staff and visitors is at risk by the return of the students. The student, student's parents/carers and/or employer (where applicable) will be informed of the findings of the risk assessment.

The risk assessment, with advice from the police will determine one of the following next steps:

- Whether the student should be suspended until the outcome of the Police investigation;
- If suspension from College pending police investigation is deemed to be the most appropriate course of action, the student will be expected to continue to study at home from work provided by teaching staff;
- Whether an independent College investigation should take place once the Police investigation is complete.

At the time of suspension, the student will have their ID card withdrawn and be told not to return to the College until the suspension is lifted, unless they are required to do so to collect or hand-in work.

The member of the Executive Team or Faculty Director issuing the suspension will inform the PA to the Vice Principal Learning and Quality who will in turn inform the Course Leader, the Curriculum Manager and Faculty Director of the action taken. The PA to Vice Principal Learning and Quality will also inform Reception/Security, MIS, Safeguarding and Prevent Officer and the Learning Centre Manager who will temporarily suspend the student's IT access and membership of the Learning Centre. At the same time, the student will be told that they should contact their tutor to receive College work to complete at home during their suspension.

Whilst under suspension, the student will be treated as a College visitor and when attending an interview will be requested to sign in as a visitor.

### **3.3 Permanent Exclusion**

If the recommendation of the risk assessment is permanent exclusion, the student will be interviewed by the Vice Principal Learning and Quality and Executive Director for Student Support Services. Students suspended by any other member of the Executive Team or Faculty Director will be interviewed by the Vice Principal Learning and Quality, who may confirm the permanent exclusion or issue a final written warning. The student, the student's parents/carers, school (14-16) and/or employers (where applicable) will be informed of the outcome of the interview.

The Principal will be informed immediately of a decision to exclude a student permanently.

Students who are permanently excluded are not permitted access to the College as a visitor or to use the College's services.

### **3.4 Rights and Appeals**

A decision to exclude a student permanently shall be subject to a right of appeal. The student should write to the Principal, within 10 working days of the decision to exclude, stating the reasons for the appeal. The Principal will review all the evidence submitted during the investigation. The Principal will make the final decision as to whether the student should be permanently excluded.

### **3.5 Discretionary Removal Permanent Exclusion Status**

The College recognises that circumstances can change; an individual may apply to the Principal to have their permanent exclusion status removed. A letter should be written to the Principal outlining the reasons and provide evidence for this change in status. The Principal will review all the evidence and interview the student. The Principal will make the final decision as to whether the student should be permitted to apply to study at the College.

### **3.6 Student Rights and Responsibilities**

- For disciplinary hearings and appeals hearings, students under the age of 18 are expected to be accompanied by their parent(s) or appropriate adult (e.g. guardian or carer). For 14-16 year olds parent/carer will be in attendance
- Students aged 19 and over have the right to be accompanied by a friend or relative
- Students have the right to see any documentation used during disciplinary hearings unless such documentation is of a confidential nature. Documentation will be included in the correspondence confirming the date of the hearing. If further information becomes available before the hearing, the student will be given time to consider it prior to the start of the hearing
- Students have the right to attend a hearing with a member of Student Services team in addition to their parent/guardian/carer or representative

#### **Parents/Guardians Rights (and sponsoring employers)**

- Parents or guardians of students less than 18 years of age (at the commencement of their course programme) will be kept informed at all stages of the procedure and have the right to attend disciplinary and appeal hearings. The College reserves the right to withhold information from parents only on the grounds that such information is likely to affect the safety and wellbeing of the young person. Such action must be authorised by the Executive Director for Student Support Services
- For Stage 3 hearings, a copy of the invitation letter will be sent to the employer
- Sponsoring employers will be kept informed of any disciplinary action, regardless of the age of the student and, where appropriate, may be involved as a representative in the hearings

#### 4. Associated Policies and Procedures

The Student Disciplinary Procedure 2020-21 should be read in conjunction with:

- Safeguarding Child Protection Policy and Procedure
- Equality and Diversity Policy
- Anti-bullying and Harassment Policy
- Student Substance and Alcohol Misuse Policy
- Social Media Policy
- Acceptable use of Computing Facilities Policy
- Academic Misconduct Policy

#### 5. Equality and Diversity Monitoring

The implementation of the formal stages of the Student Disciplinary Procedure will be monitored with regard for equality and diversity. An annual report will be produced for monitoring by the College's Equality and Diversity group and presented to Corporation.

#### Equality Impact Statement

We have a duty to consider the impact of changes on groups with Protected Characteristics (race, disability, age, sexual orientation, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership)

What are the overall aims of the change? Why are you proposing it?	The aim of this policy is to provide a framework to ensure that the policy has the procedures and guidelines in place to support all stakeholders
Given the aims of your proposal, what issues does your data/information highlight?	Everybody is included within this policy, and all groups are given equal status in regards to their needs and provisions
How could the proposed change affect positively/negatively on groups with protected characteristics?	This has a positive impact on all groups with protected characteristics, as they are ensured equal treatment and provision based on their needs. Risk assessments may be carried out to ensure that this is the case and provisions maybe altered to accommodate specific needs
What actions will you take to mitigate any negative impact?	No negative impact to having this policy
Is there any potential negative impact justified in light of wider benefits of the Proposal?	No negative impact to having this policy
Recording final decision	This policy requires Executive approval
Has the policy taken into consideration the requirements of GDPR regulations? Are there any actions that need addressing, e.g.; data sharing agreement; has data consent been considered; data retention timescales?	GDPR regulations have been considered and actions comply with data protection requirements.