



# **Student Disciplinary Policy and Procedures**

**Approved:** 6 July 2023, Corporation

**Author:** Executive team member with responsibility for Student Discipline

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## **1. Policy Statement**

Harlow College aims to provide an environment where there are no barriers to student success and progression. If a student's behaviour prevents others from feeling safe, secure, respected and able to learn effectively then this may result in disciplinary action. 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 Policy**

This policy applies to all enrolled students and covers alleged misconduct, including behavior that occurs both on the College premises or other activity carried out as part of the student's course or offsite where a student may bring the College into disrepute. This includes work related activities, College educational visits and the use of ICT including e-safety behaviour which may occur on or off College premises.

School students (aged 13-16) who attend College are expected to follow the College's disciplinary policy but misconduct will usually be dealt with by their school. Where young students attend solely at the College, misconduct will be dealt with by the College.

Apprentices are required to follow the College's Code of Conduct and Disciplinary Policy and the College will inform the sponsoring employer.

Parents/carers of students aged under 18 at the start of their course will be notified of formal disciplinary matters. Once a student becomes 18, parents would not normally be informed. However, where a student poses a risk to themselves or others the College may consider it appropriate to contact a parent or next of kin.

The parents/carers of students with learning difficulties and disabilities in receipt of an EHCP or high needs funding or other vulnerable adults will always be informed of action taken against the student under the College's disciplinary policy. Students with English as their second language will be offered appropriate support with disciplinary procedures.

There may be instances where the Disciplinary Policy is used in conjunction with the Health, Welfare and Fitness to Study Policy as information becomes known through a formal disciplinary investigation. Before embarking on a disciplinary investigation, we will consider whether it is more appropriate route to follow.

The Student Disciplinary Policy and Procedure is not intended to be a court of law. For the avoidance of doubt, the standard of proof to be used in making findings of fact or in imposing disciplinary penalties is the 'balance of probabilities' i.e. that it is more probable than not that the alleged misconduct or poor behaviour occurred.

## **3. Student Disciplinary Stages**

Disciplinary action may be taken against a student for any alleged breach of the Student Code of Conduct. Section 4 also outlines examples of minor misconduct and gross misconduct.

Three stages of action are available depending on the severity of the alleged breach of conduct or the nature of the alleged unsatisfactory behaviour. The College reserves the right to decide at which stage disciplinary proceedings begin and, where alleged minor misconduct or poor behaviour is more serious than originally thought, the right to progress proceedings to a higher stage.

**Stage A** is for **informal action** where minor offences or breaches of the Student Code of Conduct have allegedly occurred.

**Stage B** is for **formal misconduct** and entails a **disciplinary interview** and is for cases where a more serious breach of the Student Code of Conduct has occurred or there are persistent minor offences. Breaches of conduct dealt with at this stage are neither considered to be gross misconduct or cannot be dealt with through informal misconduct procedures.

**Stage C** is for **formal serious or gross misconduct** and entails a **disciplinary hearing** and is for cases where serious breaches of the Student Code of Conduct have allegedly occurred. Such breaches could include actions or behaviour identified as serious or gross misconduct in the Student Code of Conduct or where a student has been through disciplinary interview procedures at Stage B but continues to persistently breach the Student Code of Conduct or where a final warning has already been issued.

In a case where it is alleged that a student has committed a criminal offence (whether serious or otherwise) the College reserves its right to act in accordance with this disciplinary procedure.

### **Stage A: Informal Action**

Where it is necessary to take informal disciplinary action staff may give students a verbal warning. A note of the warning will be placed on the student's Pro-Monitor record. Appropriate actions and targets for improvement should be set through Pro-Monitor comments.

An Assistant Academy Manager may be involved to speak to the student about their behaviour and put in place an action plan.

### **Stage B: Formal Misconduct**

Where alleged breaches or misconduct cannot be dealt with by the AAM through informal action at Stage A, it may be necessary to conduct a formal disciplinary interview and give the student a formal warning for alleged misconduct. This would usually be following informal interviews and statements being taken.

The Head of Academy, in-conjunction with the Assistant Academy Manager will organise an interview. The College will involve, as appropriate, their parent/guardian, sponsor/employer. The College will usually provide at least 3 working days' notice for the interview, unless otherwise agreed. They will also provide the student with details of the alleged misconduct.

During the interview, managers will seek the views of the student on their actions. They will also review details of the alleged misconduct.

At the end of the interview, the Head of Academy will make a decision on the most appropriate action. This could be:

- No further action required
- The development of a supportive action plan
- A written warning or
- Referral to a formal disciplinary hearing (Stage C)

### **Stage C: Formal Serious or Gross Misconduct Disciplinary Hearing**

An Investigating Officer will be appointed and an investigation will be undertaken, this is normally a Head of Academy or equivalent manager. They will collect statements, other evidence and prepare a report with recommendations for action, including a statement from the student involved.

The evidence and report will be sent to the Assistant Principal (Safeguarding) for review. A decision will be made as to whether the case should be dealt with at Stage B.

If the case is referred to Stage C, a disciplinary hearing may be arranged and chaired by a member of the Executive team. The disciplinary panel will include at least one other manager.

The student will be given appropriate notice for the disciplinary hearing, usually 5 working days, and any evidence will be provided to them beforehand. Please note evidence may be redacted to respect confidentiality.

Sections 6 and 7 outline the support available to a student throughout the process.

#### **4. Examples of behaviour likely to cause disciplinary action, please note this is not an exhaustive list. This should be referred to alongside the Student Code of Conduct.**

##### **a. Minor Misconduct**

- Poor attendance and/or punctuality without an acceptable explanation
- Behaviour which is disruptive to staff and/or students
- Rudeness, inconsiderate behaviour
- Failure to follow a staff members' reasonable instruction
- Failure to show identification on request (e.g. wearing the College lanyard or other form of identification)
- Misuse of College IT equipment and inappropriate use of IT and social media
- Smoking outside of designated smoking areas, including the use of e-cigarettes

##### **b. Gross Misconduct**

- Cheating and plagiarism – copying from other students, from the internet or other sources and presenting as their 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 which poses a significant risk
- Extreme behaviour likely to cause accident or injury to themselves or others
- Inappropriate use of the internet and online or phone communications including accessing or transmitting material which is considered by the College to be obscene, abusive, sexist, racist, defamatory or in any other way likely to cause offence
- Dangerous behaviour resulting from and/or the use of recreational drugs or alcohol or the possession of them
- Promotion or selling of drugs
- Criminal activity
- Carrying an offensive weapon
- Theft or fraud
- Persistent minor misconduct
- Bringing the College into disrepute

Please note that we have an Academic Misconduct Policy however, there may be circumstances where an academic matter requires referral to the Disciplinary Policy, for example for cheating, plagiarism and persistent absence.

#### **c. Repeated Low Level Misconduct**

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

#### **d. Criminal Activity**

The College reserves the right to 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 defer carrying out disciplinary action until any criminal proceedings are concluded. In these circumstances a risk assessment will be undertaken to ensure that any risk to other students 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. Disciplinary Procedures and Sanctions**

The way a disciplinary matter is managed will depend on the severity of the issue e.g. minor or gross misconduct, and the potential disciplinary outcome e.g. Stage A, B or C.

Managers should seek advice from members of the Executive if they are unsure of the appropriate action to take. They should also seek advice for patterns of repeated low-level misconduct and whether this now constitutes a higher-level process.

The normal disciplinary sanctions and actions available to the College include the following, although it is not exhaustive:

- No further action
- Verbal warning
- Referral to the “Health, Welfare and Fitness to Study Policy”,
- Suspension (normally a neutral act see Section 8)
- Warning and Action Plan
- Final Warning and Action Plan
- Fixed Term exclusion (time period to be fixed by the panel)
- Permanent Exclusion

At all stages of this Policy, the aim is to support the student in developing more appropriate behaviour to enable them to succeed within both our College and wider community. At Stage A, a student will receive a verbal warning and it will be explained why this behavior is not appropriate. Remedial support and action plans will be utilised to support students who are issued with other levels of warning. The table on pages 10 and 11 below explains who is responsible for issuing warnings.

## **6. Support for students during the disciplinary process**

- 6.1 Staff are required to act impartially and ensure that students fully understand why they have been subject to the disciplinary process. Students must be given a chance to put their case and be told what will happen next.
- 6.2 Disciplinary action at Stages A and B will require an Action Plan for improvement to be drawn up which sets out clear SMART targets and this will be recorded on College systems. The student can expect to be supported by their teachers or assessors and by their manager to address any underlying problems and be referred for additional/external support as appropriate.
- 6.3 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 Head of Academy to ensure any conditions of the warning are met. Failure to comply with this will escalate the procedure and may result in the student’s exclusion and may lead to them not being allowed to continue at the College in the following year. It may be necessary to convene a disciplinary hearing. This will be agreed with Assistant Principal – Safeguarding.
- 6.4 Staff from the Safeguarding Team and other Student Services staff are available to support students through the disciplinary process, on request, and can refer students to other agencies for support. This is in addition to support from the student’s Personal Development Coach and other teachers or assessors.
- 6.5 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.

- 6.6 We are keen for parents/carers to be involved in the disciplinary process for a student and they will be informed of any action taken at Stage B and C. Parents/carers will routinely be invited to any meetings at Stage C unless the student is over 18, does not have an EHCP or high needs funding. 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.
- 6.7 The exception to contacting a parent/carer 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 the parent/carer. This decision will be approved by the Designated Safeguarding Manager or in their absence, a Deputy Designated Safeguarding Manager.
- 6.8 Legal representation will not generally be allowed. The College will only consider requests for legal representation before any hearing that may lead to exclusion.

## **7. Reasonable Adjustments for students with learning difficulties and disabilities**

- 7.1 In applying the student disciplinary policy and process; staff need to be aware of the need to make appropriate reasonable adjustments in the application of the policy and process.
- 7.2 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 to the timing of that meeting if required.
- 7.3 Any other specific requests for reasonable adjustments can be raised by a learner and their parent/carer at the start of their time at College and will be considered as part of their support package.

## **8. Suspension**

- 8.1 Suspension is considered a neutral act and may be made to protect the interests of the student, of other students or of staff. Suspensions can only be made by a member of the Principalship or by a member of Executive acting on their instructions. Students (and their parent/carer where appropriate) will be informed of their suspension by letter or email. In the case of apprentices and employed learners sponsoring a programme, the College will notify the employing organisation.
- 8.2 Suspension will take place based on a balance of risk. 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 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.
- 8.3 Following a suspension an Investigating Officer (IO) will be appointed and will produce a report into the allegation(s). This report will make a recommendation as to whether a disciplinary hearing (Stage C) should be called or not.

- 8.4 If the recommendation is to have a Panel convene to discuss the allegation(s) then the suspended student will be written to and invited to attend. It is usual that they will receive this invitation 5 days before the date of the Panel Hearing, although this may be waived if it is convenient for all parties and therefore have the Panel convene sooner. The student may be accompanied by one parent, carer or friend. If the student has Additional Learning Needs, they may also be accompanied by their LSP, should they indicate that this is something they would like to happen.
- 8.5 Suspensions are reviewed every two weeks to ensure that they do not last longer than necessary. Where the police are involved, the College will be proactive in seeking information from them as to the 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.

## **9. Appeals**

- 9.1 A student may appeal the outcome of a Disciplinary Hearing, in writing and addressed to the Principal within 10 working days of the date of notification of the Hearing decision. The letter of appeal must state the grounds for appeal and meet one or more of the criteria identified in section 9.2 (sufficient grounds).
- 9.2 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.
- 9.3 Upon receipt of a request for an appeal, the Principal will consider the request and determine whether there are sufficient grounds for an appeal. If the Principal determines that there are no sufficient grounds stated, the 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 Principal determines that there are sufficient grounds for an appeal, the Principal will refer the matter to a member of the Principalship, 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.
- 9.4 In all cases, a Principalship member will act as the Disciplinary Appeal Hearer. S/he will determine the format of the appeal, which could be a Disciplinary Appeal Hearing, a meeting with the appellant or a review of the case. Another member of the College staff will also be present to take notes of the Appeal Hearing, meeting or review.



- 9.5 Where a Disciplinary Appeal Hearing is called, the student will be normally be invited to attend the Hearing within 10 working days of the date of receipt 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 or his/her representative will be entitled to make oral representations 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 determine the appeal and may make one or more of the following decisions:
- to uphold the original decision/sanctions
  - that the appeal be dismissed in whole or in 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.
- 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 details of the ESFA or OfS should they wish to take further action.

<b>Table 1</b>	<b>Nature of action</b>	<b>Actioned by staff member</b>	<b>Process</b>	<b>Involvement of Parent/carer</b>	<b>Record</b>	<b>Completion of action plan</b>
<b>Informal Stage</b>	<b>Stage A</b>	Any staff member	<p>Minor misconduct will normally be a verbal warning, logged on Promonitor</p> <p>Sanctions:</p> <ul style="list-style-type: none"> <li>• No further action required</li> <li>• Verbal warning</li> <li>• Action plan</li> </ul>	Not required but may be appropriate	Promonitor (or paper record for those unable to access Promonitor)	Student and Learner Mentor
		AAM	<p>This will usually be used where a student has a number of verbal warnings recorded on Promonitor.</p> <p>Meeting with student, tutor or assessor and AAM</p> <p>Sanctions:</p> <ul style="list-style-type: none"> <li>• No further action required</li> <li>• Verbal warning</li> <li>• Action plan</li> <li>• Referral to Stage B</li> </ul>	Parent/carer informed	Promonitor and written letter	Student must agree and sign agreed conditions, outcomes and timescale.
<b>Formal misconduct which cannot be dealt with at Stage A</b>	<b>Stage B</b>	Head of Academy or AAM	<p>The Head of Academy or AAM, in-conjunction with the Assistant Academy Manager will organise an interview and seek the views of the student on their actions. They will also review details of the alleged misconduct.</p> <p>At the end of the interview, the Head of Academy will make a decision on the most appropriate action.</p> <p>Sanctions:</p> <ul style="list-style-type: none"> <li>• No further action required</li> <li>• Verbal warning</li> <li>• The development of a supportive action plan</li> <li>• A written warning or</li> <li>• Referral to a formal disciplinary hearing (Stage C)</li> </ul>	Parent/carer informed	Promonitor and written letter	Student must agree and sign an Action Plan with agreed conditions, outcomes and timescales.

Table 1	Nature of action	Actioned by staff member	Process	Involvement of Parent/carer	Record	Completion of action plan
<b>Gross Misconduct</b>	<b>Stage C</b>	Executive member  Assistant Principal (Safeguarding)  Appeal - Principalship	<ol style="list-style-type: none"> <li>1. Investigation normally by Head of Academy (HoA) who collects statements, other evidence and prepares a report with recommendations for action.</li> <li>2. The actions could be a referral to Stage B or to a disciplinary hearing.</li> <li>3. Where a student has admitted responsibility and shows remorse a panel would not always be considered necessary. However, this may depend on the severity of the misconduct.</li> <li>4. Evidence and report sent to Assistant Principal (Safeguarding)</li> <li>5. Hearing arranged &amp; chaired by member of Executive, supported by at least one other manager</li> </ol> <p>Possible sanctions:</p> <ul style="list-style-type: none"> <li>• No case to answer</li> <li>• a Written Warning (Stage B) or Final Written Warning (Stage C)</li> <li>• Fixed Term Exclusion from the College (usually) for a fixed time period</li> <li>• Permanent Exclusion</li> </ul> <p>Continuation of suspension due to new allegations or other extenuating circumstances</p>	If a hearing is held, the parent/carer will be invited to the meeting or employer for an apprentice. They will be sent the report and any appropriate evidence. (subject to appropriate confidentiality)	Promonitor and written outcome.	Where a panel is held: The student/apprentice will be invited to the hearing and invited to bring a family member / carer / employer with them. They will be sent the report and any appropriate evidence (subject to appropriate confidentiality). The student will be informed of the outcome in writing within 5 working days.



## TRACKING and REFERENCE INFORMATION

**Date Approved: 14 March 2019, Updated Sept 2021**

**Reviewed and approved 24 March 2022, Corporation**

**Reviewed 6 July 2023 - Corporation**

**Review Date: July 2026**

**Author/Responsibility: Executive Team Member with responsibility for Student Discipline**

**Equality Impact Assessment:**

**List of related policies, procedures and other documents:**

Student Code of Conduct  
Complaints Procedure  
Equality & Diversity Policy  
Equality and Diversity Scheme  
Data Protection Policy  
Safeguarding Policy  
Freedom of Speech and Events Code of Practice  
Health, Welfare & Fitness to Study Policy

**Complaints:** If you wish to submit a complaint about the application of this policy or the procedure of it, please send your request in accordance with the provisions of the Grievance Procedure.

**Monitoring:** The application of this policy and associated procedure will be monitored by Deputy Principal with Responsibility for Student Discipline.

**Easy reading:** To receive this policy/procedure in a different format, please contact: HR Services.