



# **Student Disciplinary Policy**

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

**Review date – March 2022**

## **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**

- 2.1 This policy applies to all enrolled students and covers misconduct alleged to have occurred on the college premises or other activity carried out as part of the student's course. 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.
- 2.2 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.
- 2.3 Apprentices are required to follow the college's conduct and disciplinary procedures and the college will inform the sponsoring employer.
- 2.4 Parents/carers of students aged under 18 at the start of their course will be informed of disciplinary matters. Once a student becomes 18 they may request that parents are not 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 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.

## **3. Levels of outcome in the disciplinary procedure**

- 3.1 The college seeks to teach and instil appropriate behaviours in students to support them in their future lives and careers. The different levels of disciplinary outcome enable many issues to be dealt with at an early stage, providing support, setting targets and implementing strategies to overcome any difficulties.

Level 1        Informal (verbal) Warning

Level 2        Written Warning

Level 3        Final Written Warning

Level 4        Exclusion

- 3.2 Most misconduct behaviours will be dealt with under level 1 and level 2; however serious acts of misconduct and or major misconduct may go directly to Level 3 or Level 4.

**4. Examples of behaviour likely to cause disciplinary action, please note this is not an exhaustive list**

**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 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 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
- 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
- Bringing the College into disrepute

### **c. Repeated Low Level Misdemeanours**

Managers should seek advice for patterns of repeated low level misdemeanours and whether this now constitutes a higher level process. The table below sets out the procedures to be taken in each situation.

### **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.

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

- 5.1 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.
- 5.2 Disciplinary action at levels 1 -3 will require an action plan for improvement to be drawn up which sets out clear targets and this will be recorded on college systems. The student can expect to be supported by their tutors or assessors and by their manager 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 a future good conduct record. 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 (Level 4) or to them not being allowed to continue at the college in the following year.
- 5.4 Staff from the safeguarding team and other student services staff are available to support students through the disciplinary process and can refer students to other agencies for support. This is in addition to support from the student's Learner Mentor and other tutors.
- 5.5 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.
- 5.6 We are keen for parents/carer 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 routinely be 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.

- 5.7 The exception to making contact with 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 Safeguarding Manager.

## **6. Suspension**

- 6.1 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/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 and continuing to submit work and 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.
- 6.2 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 panel should be called or not. 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.
- 6.3 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.

## **7. Disciplinary Procedures**

The way a disciplinary matter is managed will depend on the severity of the issue e.g. minor or gross misconduct incident and the potential disciplinary outcome e.g. Level 1-2 or Level 3-4. The table below sets out the procedures to be taken in each situation. 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 misdemeanours and whether this now constitutes a higher level process.

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

- 8.1 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.

- 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 to the timing of that meeting if required.
- 8.3 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.

## **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.
- 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 grounds for appeal are stated. If the Principal determines that grounds are not 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 grounds for appeal are stated, the Principal will refer the matter to another Senior Postholder to deal with the appeal and will invite the student to submit written representations in support of their appeal.
- 9.4 In all cases, a Senior Postholder 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 before a new Senior Postholder.
- 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.

	Nature of action	Actioned by staff member	Process	Involvement of Parent/carer	Record	Completion of action plan
<b>Minor Misconduct</b>	Level 1 - Warning	Any staff member	Verbal warning	Not required but may be appropriate	Promonitor (or paper record for those unable to access Promonitor)	Student and Learner Mentor
	Level 2 - Written warning	Assistant Academy Manager (AAM)	Meeting with student, tutor or assessor and AAM	Parent/carer informed	Promonitor and written letter	Student must agree and sign agreed conditions, outcomes and timescale.
<b>Gross misconduct investigated but subsequently de-escalated to minor misconduct. (for a small number of cases)</b>	Level 2 - Written warning	Assistant Academy Manager (AAM)	<ol style="list-style-type: none"> <li>Investigation normally by Head of Academy (HoA) who collects statements, other evidence and prepares a report with recommendations.</li> <li>Evidence and report checked normally by the HoA's line manager.</li> <li>Recommendation to issue a Level 2 sanction is then presented to the VP for consideration to go ahead without a hearing.</li> </ol>	Parent/carer informed	Promonitor and written letter	Student must agree and sign an Action Plan with agreed conditions, outcomes and timescales.
<b>Gross Misconduct</b>	Level 3 – Final Written Warning	Member of Executive	<ol style="list-style-type: none"> <li>Investigation normally by Head of Academy (HoA) who collects statements, other evidence and prepares a report with recommendations.</li> <li>Evidence and report checked normally by the HoA's line manager.</li> <li>Hearing arranged &amp; chaired by member of Executive, supported by one other manager</li> </ol>	Parent/carer will be invited to the meeting or employer for an apprentice.	Promonitor and written outcome.	<p>The student/apprentice will be invited to the hearing and invited to bring a family member/carer/employer 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 within 5 working days. The outcome will usually be;</p> <ul style="list-style-type: none"> <li>No case to answer</li> <li>a final written warning or</li> <li>exclusion from the college (usually) for a fixed time period.</li> </ul>
	Level 4 - Exclusion	Principalship		They will be sent the report and any appropriate evidence (subject to appropriate confidentiality)		

## TRACKING and REFERENCE INFORMATION

**Date Approved: 14 March 2019**

**Review Date: March 2022**

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

**Equality Impact Assessment:**

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

Complaints Procedure

Equality & Diversity Policy

Equality and Diversity Scheme

Data Protection Policy

Safeguarding 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.