



# Richmond upon Thames College

Policy Name:	Student Support and Disciplinary Policy
Effective Date:	August 2022
Review Date:	July 2023
Policy Responsibility:	Assistant Principal Quality and Curriculum
Approved By:	Senior Leadership Team and Governors
For Action By:	All College staff and students
For Information to:	All College staff, students and parents/carers and employers
Policy Number/Version No:	V4

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## 1.0. Introduction

### 1.1

Richmond upon Thames College (RuTC) is dedicated to promoting values of honesty, integrity, mutual respect, and personal accountability to support our students in becoming fully rounded members of society with a strong sense of social and moral responsibility. We prepare our students for life in Modern Britain by developing an understanding of democracy, the rule of law, individual liberty, mutual respect, and tolerance of those with different faiths and beliefs and this is reflected in our policies.

The policy provides a framework for managing behaviour where this may prevent students/apprentices or others from feeling safe within the learning environment and/or where this affects their ability to learn effectively in a respectable and inclusive environment. It aims to ensure that all instances of student/apprentice misconduct are dealt with fairly, consistently and transparently, and that any perceived barriers to success and progression do not go unsupported or unchallenged.

### 1.2

The college has a duty of care to all students/apprentices and, as part of its response to any perceived misconduct, will consider and explore all identified support and learning needs as a priority. As part of establishing core values and setting out expectations around codes of conduct, the College is demonstrating commitment to its mission and helping to create good citizens who are employment ready. The purpose of this policy is to support our students to follow the Code of Conduct detailed in the RuTC Partnership Agreement and to set out the appropriate action that will be taken whenever a student's conduct falls below that expected by the College.

## 2.0. Scope & Purpose

### 2.1

This policy should be followed in all cases of student/apprentice misconduct regardless of study programme or learning environment. Where appropriate there may be other formal procedures that run concurrently with the Disciplinary Procedure, for example where there has been misconduct in the workplace for an apprentice, or where higher-level study is delivered in collaboration with Higher Education partners.

Equally, in exceptional circumstances and at the discretion of the Principal/CEO and relevant CLT authority a student/apprentice may be immediately withdrawn without a formal stage 3 disciplinary hearing if deemed appropriate following extreme/severe cases of gross misconduct. This may include, for example, being in possession of a weapon, a witnessed physical assault, or evidence of drug dealing.

The policy applies to poor performance and alleged misconduct in relation to all contexts of student/apprentice learning and engagement, including whilst taking part in educational trips and visits, whilst representing the College in an employment setting, and whilst engaged in online activities, including communication via online platforms. The policy applies to any other misconduct by the student/apprentice who may bring the College into disrepute.

This policy provides clear information and communication resources to enable all formal disciplinary processes to be followed fairly, consistently, and within stated timeframes. The purpose of this policy is to

assist staff to clearly understand the options open to them when it is necessary to challenge poor or unacceptable behaviour that has fallen below the expected standards outlined in the RuTC Partnership Agreement or other College policies. It provides guidance on formal interventions that should be put in place to manage behaviour that does not meet the College's expectations and ensures a consistent approach throughout the College.

## 2.2. College definitions of poor performance, misconduct and gross misconduct informing the stages of disciplinary

The following examples are given as a guide to staff to inform decisions around the instigation of Disciplinary Procedures and are not exhaustive. The College may discipline students/apprentices for misconduct whether committed on or off college premises:

### **Stage 1** - Poor performance in relation to:

- Attendance at College, work experience or work placement.
- Punctuality at College, work experience or work placement.
- Engagement in learning activities, including planned tutorials and meetings.
- Submitting work on time.
- Failure to bring and/or wear required equipment and clothing.
- Failure to meet agreed targets for improvement.
- Satisfactory completion of course, work experience or work placement.

### **Stage 2** – Misconduct:

Some of the examples below could also be deemed to be gross misconduct, dependant on the seriousness, and would therefore escalate directly to stage 3:

- Failure to meet the required standards or actions set out at stage 1.
- Rowdiness/disruptive behaviour.
- Rudeness/impolite or inconsiderate behaviour.
- Eating/drinking in areas where this is not allowed, including in the classroom.
- Use of mobile phones in class during lessons.
- Verbal attacks/foul or abusive language.
- Spitting.
- Disobeying College rules or non-compliance with reasonable staff requests i.e. not confirming and displaying ID, or not co-operating with safety procedures;
- Smoking outside of designated smoking areas, including the use of e-cigarettes.
- Misuse of email, the internet or College resources.
- Disrespect for staff, other students/apprentices or visitors.
- Dangerous or irresponsible driving/parking on or around college premises.
- Causing a safety hazard.
- Bullying, including online bullying, or harassment.

### Stage 3 - Gross Misconduct:

- Persistent failure to meet the required standards or actions set out at stage 2 in order to inform improvements.
- Assault or violence towards another student, staff member or member of the public
- Threatening behaviour or language.
- Discriminatory remarks or behaviour i.e., racism, sexism; abusive gender-based remarks
- Inciting violence, hatred or discrimination against other individuals or groups, particularly by reference to their ethnicity, religious belief, gender, sexual orientation or identity, any disability, language, national origin or immigration status.
- Racial or sexual harassment.
- Bullying or intimidation.
- Theft, robbery or fraud.
- Vandalism or damage to property.
- Causing a serious safety hazard.
- Drunk or under the influence of legal or illegal substances.
- Involvement in any criminal activity.
- Possession, use or supply of legal or illegal substances.
- Possession or use of a weapon or anything which is made, adapted or intended to injure.
- Attempting to enter the College or its grounds while suspended.
- Providing or lending college ID card to another student/apprentice or non-student/apprentice.
- Facilitating the entry of a trespasser into college.
- Involvement in plagiarism/cheating.
- Bringing the College into disrepute.

Any of the examples given may result in a mutually agreed suspension (except when alleged criminal activity has taken place, then this may be enforced, as could immediate withdrawal) in order to protect those individuals involved. This will be agreed with the Head of Schools or Department, CLT member, and, where appropriate, the principal.

Suspension periods up to stage 2 in the disciplinary process should not usually last longer than 2 weeks before the student/apprentice is allowed to return to their usual learning environment, or the process is escalated to stage 3 if necessary. In this case a formal disciplinary hearing will be convened within 10 working days of the decision being taken by the relevant head or manager. The student/apprentice should expect to receive written confirmation of the date no less than 5 working days prior to the scheduled hearing.

A suspension will automatically cause some disruption to the student's education programme at college and every effort will be taken by the college to minimise that disruption. During the suspension period it will be decided what level of access or communication with the college will occur with the student including IT access and work /assignments set remotely. It will be the student's responsibility to fully engage with Tutor / curriculum staff and submit any work or assignments that may be set during suspension inn exactly as the same as if that student was at college not under suspension. Failure to do this level of engagement will also be evidence that may be considered at any panel hearing as to the student's commitment.

The college will contact the student and if necessary, ask for additional information on and around any event/ or about others that may have been involved in any event that led to the suspension and proposed panel hearing of the student. It will be expected that the student will give a full, frank, and truthful account of any matter that led to the suspension and full co-operation with any investigation or panel is a requirement. Failure to do this will be also considered as part of the decision making as to the student's continued education at the college based on a refusal /reluctance to co-operate with the panel.

### **2.3. Staff**

All staff are responsible for challenging and managing behaviour around the college campus and ensuring students adhere to the Code of Conduct as set out in the RuTC Partnership Agreement. Teaching staff are expected to manage the behaviour of students in the classroom using appropriate classroom management techniques, guidance and having mature conversations in groups or one-to-one.

### **2.4 Students/Apprentices**

This policy is for all students/apprentices who are enrolled on a programme of study at the College, regardless of where or when the poor or unacceptable behaviour takes place. For the avoidance of doubt, the College may take action under the policy where the alleged behaviour takes place away from the College premises, if it is appropriate to do so.

All students/apprentices have the right to be accompanied at formal stages of the Disciplinary Procedure by a friend/representative or parent(s)/guardian(s)/carer(s). For this purpose, a friend/representative may be a Student Union representative or a willing member of college staff of the student/apprentice's choosing, but may not be a solicitor or barrister, or a legally qualified representative. Those with English as their second language will be supported to ensure that they have appropriate representation and/or adjustments to the Disciplinary Procedures to meet their needs and enable them to fully engage in the process.

### **2.5. Young and vulnerable students/apprentices**

The parent(s)/guardian(s)/carer(s) of students/apprentices aged under 18, and of vulnerable students/apprentices who have Learning Difficulties and/or Disabilities, must be kept fully informed through all stages of the process. They should also be invited to support the student/apprentice at any formal meetings, including at a stage 3 panel hearing. Reasonable adjustments will need to be considered for those students/apprentices that are disabled and/or declare a learning support need, to enable them to fully engage in the process and understand the required outcomes and possible sanctions. Equally, where a student/apprentice of any age is experiencing mental ill health, they should be allowed to name an advocate to support them through the process and receive appropriate communication in relation to this.

### **2.6. Timings**

All time periods stated in the Student/Apprentice Disciplinary Procedures, with the exception of the time allowed for lodging an appeal, may be varied if it is not practicable to adhere to them. All parties should try as far as is practicable to work within the stated time periods. Any variation will be notified to those concerned in writing.

A disciplinary record will stay with the student/apprentice for the duration of their enrolment and may be used to inform future applications and admissions processes.

## 2.8. Data Protection

The Student/Apprentice Disciplinary Policy and associated Procedures will be managed in accordance with the College's duties under the General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act 2018. Staff members are advised to consult the College's Data Protection Policy for further information. There are some circumstances (i.e. safeguarding of young or vulnerable students/apprentices) where sensitive personal data may be disclosed without the consent of the student/apprentice if it is in their best interests. No disclosure of sensitive personal data may be made without reference to the College's Data Protection Officer.

## 2.9. Criminal Activity

If any criminal activity is suspected the College may involve the Police and such activities may result in criminal prosecution. The College will escalate the disciplinary immediately to stage 3 (or, where appropriate, immediate permanent exclusion), however will be guided by the Police in terms of continuation of formal disciplinary procedures so as not to obstruct any criminal investigation, and to reduce the risk of decisions being made without full consideration of all relevant information/evidence.

Where a student/apprentice is escorted from college premises by the Police or the Security Team in connection with suspected criminal activity at college, the student/apprentice will be immediately suspended from learning and a letter confirming suspension will be sent to their home address informing them of the next stage. The student/apprentice will not be allowed to enter College premises until such time as the stage 3 panel hearing is to take place, which would usually be within 10 working days from suspension if not restricted by any external criminal investigation. The student/apprentice should expect to receive written confirmation of the date no less than 5 working days prior to the scheduled hearing. Involvement in criminal activity may be deemed significant enough to warrant immediate withdrawal without a formal stage 3 panel hearing where there is sufficient evidence regarding a case to answer, which should be approved by the relevant members of the Senior Leadership Team as outlined under 'Scope'.

Where a criminal investigation restricts the student/apprentice disciplinary process from reaching a conclusion regarding continued learning, as appropriate and feasible a student/apprentice will be supported to continue to engage in their learning remotely, in order that they are not disadvantaged by lengthy external investigation proceedings. This should always be discussed and approved by the member of the Senior Leadership Team with direct responsibility for the area

## 3.0. Cause for Concern Pathways Overview

There are three discrete Cause for Concern pathways that are followed to help ensure that appropriate actions are taken:

- Fitness to study- Due to the more complex support needs of students who are affected by fitness to study concerns, there is a separate document that outlines the Fitness to Study Procedures which can be found on the College website.
- Programme Engagement: Concerns related to participation in class, submission of work, punctuality and attendance.
- Misconduct: Procedures for behavioural incidents that contravene the Partnership Agreement and Code of Conduct.

### 3.1. Cause for Concern Pathways

Programme Engagement		Misconduct		Fitness to Study		D I S C I P L I N A R Y						
Intervention	By whom	Intervention	By whom	Intervention	By whom							
<b>Subject Concern &amp; Support Plan</b> <ul style="list-style-type: none"> <li>Follows initial informal support</li> <li>Agreed with student</li> <li>Recorded on ProMonitor</li> <li>Communicated to parent/carer</li> <li>Reviewed within two weeks</li> </ul>	Lecturer	<b>Verbal Warning</b> <ul style="list-style-type: none"> <li>Student reminded of College's expectations</li> <li>Student asked to attend workshop if appropriate</li> <li>Recorded on ProMonitor</li> </ul>	Any member of College staff	<b>Student Mental Health &amp; Wellbeing Policy</b>	HoSE / WEA / SEEL / STL		1					
<b>Formal Concern &amp; Support Plan</b> <ul style="list-style-type: none"> <li>Where similar concerns apply across more than one subject area and/or lecturer</li> <li>Agreed with student</li> <li>Recorded on ProMonitor</li> <li>Communicated to parent/carer and subject lecturers</li> <li>Reviewed within two weeks</li> </ul>	Tutor											
<b>Stage One Disciplinary: Written Warning</b> <ul style="list-style-type: none"> <li>Issued in formal 1:1 setting</li> <li>Recorded on ProMonitor</li> <li>Communicated to parent/carer</li> <li>SMART targets set and reviewed</li> </ul>	Tutor	<b>Stage One Disciplinary: Written Warning</b> <ul style="list-style-type: none"> <li>Issued in formal 1:1 setting</li> <li>Recorded on ProMonitor</li> <li>Communicated to parent/carer</li> <li>SMART targets set and reviewed</li> </ul>	Tutor / Duty Officer					2	2			
<b>Stage Two Disciplinary: Final Warning</b> <ul style="list-style-type: none"> <li>Issued in formal 1:1 setting</li> <li>Recorded on ProMonitor</li> <li>Communicated to parent/carer</li> <li>SMART targets set and reviewed</li> </ul>	HoS / AHoS	<b>Stage Two Disciplinary: Final Warning</b> <ul style="list-style-type: none"> <li>Issued in formal 1:1 setting</li> <li>Recorded on ProMonitor</li> <li>Communicated to parent/carer</li> <li>SMART targets set and reviewed</li> </ul>	HoS / AHoS / HoSE / SLM									
<b>Stage Three Disciplinary: College Panel</b> <ul style="list-style-type: none"> <li>Student and parent/carer invited</li> <li>Recorded on ProMonitor</li> <li>May result in further sanctions including temporary or permanent exclusion</li> <li>If student not permanently excluded SMART targets set and reviewed</li> </ul>	SLT / HoS / HoSE	<b>Stage Three Disciplinary: College Panel</b> <ul style="list-style-type: none"> <li>Student and parent/carer invited</li> <li>Recorded on ProMonitor</li> <li>May result in further sanctions including temporary or permanent exclusion</li> <li>If student not permanently excluded SMART targets set and reviewed</li> </ul>	SLT / HoS / HoSE / SLM							3	3	
		<b>Immediate Permanent Exclusion</b> In exceptional circumstances, at the discretion of the Principal. Letter to student and parent/carer notifying of immediate withdrawal and the reason for this.	Principal/ Duty Principal									8

As the level number increases, so does the level of concern, and depending on the changing nature of a student's situation, the College may transfer the concern to a different pathway at the same level or above. In addition, a non-consecutive disciplinary level may be actioned (i.e., without having already actioned one or more earlier level) where the situation determines that this is appropriate.

The Cause for Concern procedures provide an overview of each of the concern levels in relation to Programme Engagement and Misconduct and the subsequent activity that will take place. The separate *Fitness to Study Procedures* document outlines the levels for this particular Cause for Concern Pathway and can be found on the College website.

### 3.2 Programme Engagement

Interventions are actioned in response to concerns related to:

- **Participation in class:** If there are concerns related to behaviour and work-production in class
- **Submission of work:** If a student's independent study work is not submitted on time or is incomplete. Lecturers may also raise concern if required progress is not being made with coursework or other major assignments
- **Punctuality:** If a student is continually late to a lesson or lessons
- **Attendance:** If a student has an unauthorised absence or absences

The Programme Engagement pathway has five levels of intervention that will be actioned to address identified concerns:

#### 3.2.1. Subject Concern & Support Plan

A first response to a student issue will be a subject teacher actioning informal support to help address any initial concerns that arise. In addition, a subject teacher will communicate an initial concern which will seek to put in place support to resolve any early issues that may arise with a student. If, despite initial support, a subject teacher still has an academic engagement concern, they will complete a Subject Concern Plan communication on ProMonitor that will be sent to the student, parent/carer and Tutor. Ideally the Subject Concern Plan will be agreed in person together with the student but may sometimes need to be completed in a student's absence.

The types of supportive intervention that may be applied include:

- 1 to 1 with student to gain a full understanding why issues are occurring
- Subject tutorial/workshop
- Provision of further guidance in relation to work submission and expectations
- Communication with parent/guardian
- Referral to in-college support (e.g. Inclusive learning or Student Services support as appropriate)

The Subject Concern Plan must state the nature of the concern, support referred to (subject/services/external), set clear and achievable SMART targets to address the issue and a date to review.

The review should normally be within two weeks of the initial concern plan and the outcome of the review will be recorded on ProMonitor and emailed to the student, parent/guardian and Tutor. If the targets set are not met, at the Subject Review, with the individual student's situation taken into consideration, the subject teacher will refer the concern to the either the Tutor for more guidance, or to progress to a further level of intervention. If significant progress has been achieved, but improvement still needs to be made, another Subject Concern Plan will be written by the subject teacher. Where appropriate, Subject Concern Plans can continue to be issued after higher levels of concern have been issued.

### 3.2.2. Formal Concern & Support Plan

A Tutor may intervene where there are similar significant unresolved concerns across subject areas/teachers and the required level of improvement has not been seen. The Tutor will complete a Formal Concern Plan and agree targets with the student. Tutor will communicate this on ProMonitor and will be sent via email to student, parent/carer and subject lecturers.

The principles and process for the Formal Concern Plan are consistent with the Subject Concern Plan. If at the review the targets set have not been met, the Tutor will refer the concern to the Head of School who will decide what further support, communications or referrals are required. A Tutor will always maintain oversight of their students and continue to monitor and intervene in relation to their progress throughout the duration of their study programme.

### 3.2.3. Stage One Disciplinary: Written Warning

Where a student's programme engagement continues to present significant cause for concern following the appropriate Support Plans, the student's Tutor may issue a Written Warning:

- Issue a Stage One Disciplinary in a formal 1-1 setting if possible and practical
- Contact parent/carer by phone/email/letter (if not in person)
- Record on ProMonitor and make visible to student and parent/carer (check the 'Visible in ProPortal' box)
- Send standard confirmation letter/email to parent/carer (uploaded on ProMonitor in 'uploaded documents' section)
- Set SMART target(s) and identify support that is being put in place to help the student to achieve these
- Tutor to update Student's Risk Indicator and Badge
- Monitor and review student's progress towards achieving the SMART target(s)
- Failure to meet target(s) may result in proceeding to Stage Two Disciplinary
- Member of staff issuing warning to inform HOS/AHOS via ProMonitor
- Upon satisfactory completion of the SMART Target(s), the Stage One can, at the discretion of the issuing member of staff, be revoked; if the stage is revoked, the risk indicator/badge must be changed

### 3.2.4. Stage Two Disciplinary: Final Written Warning

Where a student's programme engagement continues to present significant cause for concern following a Written Warning, the student's Head of School (HoS) or Assistant Head of School (AHoS) may issue a Final Warning:

- Issue a Stage Two Disciplinary in a formal 1-1 setting if possible and practical
- Contact parent/carer by phone/email/letter (if not in person)
- Record on ProMonitor and make visible to student and parent/carer (check the 'Visible in ProPortal' box)
- Send standard confirmation letter/email to parent/carer (uploaded on ProMonitor in 'uploaded documents' section)
- Set SMART target(s) and identify support that is being put in place to help the student to achieve these
- Member of staff issuing Stage Two to update student's Risk Indicator and Badge
- Monitor and review student's progress towards achieving the SMART target(s)
- Failure to meet target(s) may result in proceeding to Stage Three Disciplinary

- Upon satisfactory completion of the SMART Target(s), the Stage Two can, at the discretion of the issuing member of staff, be revoked; if the stage is revoked, the risk indicator/badge must be changed

### 3.2.5. Stage Three Disciplinary: College Panel

Where a student's programme engagement continues to present significant cause for concern following a Final Warning, the student will be asked to attend a College Panel to determine the final outcome of their disciplinary. The outcome may be further disciplinary sanctions, including temporary or permanent exclusion.

- Invite student and their parent/carer to attend the Panel hearing at the college (N.B. In certain situations, if appropriate, the Panel hearing may take place without the student and/or their parent/carer)
- Record on ProMonitor and make visible to student and parent/carer (check the 'Visible in ProPortal' box)
- Send confirmation letter/email to parent/carer (uploaded on ProMonitor in 'uploaded documents' section)
- Chair of Panel to update Student's Risk Indicator and Badge
- If the Panel hearing has not resulted in permanent exclusion, set SMART target(s) and identify support that is being put in place to help the student to achieve these
- Monitor and review student's progress towards achieving the SMART target(s)
- Failure to meet target(s) may result in permanent exclusion

Depending on the referral or the nature of the situation, the membership of a College Panel will be at least two representatives from the following:

- Senior Leadership Team (SLT)
- Head of School
- Student Engagement (SE)

All Panel Members must be independent from involvement in the preceding stages of the Programme Engagement pathway. See Appendix 1.

### 3.4. Misconduct

Misconduct relates to a breach of the Partnership Agreement / Code of Conduct while on the College campus, within the surrounding community, during the College working day or while engaged in college-related activity (whether on the College campus or not). Misconduct interventions are actioned at levels 1 to 3 due to the nature of the concerns.

Misconduct may involve one or more of the following (N.B. this is not an exhaustive list, nor is it in any particular order of severity):

- Any breach of the commitments set out in the Code of Conduct and/or the RuTC Partnership Agreement
- Being in possession of, distributing or being under the influence of illegal drugs or alcohol
- Bullying, fighting, intimidation, taunting or harassment towards any member of the College community
- Damage to any College building, furnishings or property, or the property of others
- Criminal theft or activity
- Any behaviour which will bring the College name into disrepute or which has an adverse effect on the College or other members of the College community
- Possession or use of a prohibited item

- Plagiarism or collusion
- Breaching of examination rules
- Failure to present an ID Card when challenged

The Misconduct pathway has four levels of intervention that will be actioned to address identified concerns:

#### 3.4.1. Verbal Warning

In cases of general poor behaviour or where a student breaches the Code of Conduct and/or RuTC Partnership Agreement, a verbal warning may be issued by any College staff member, who should:

- Remind the student of the College's expectations, referring to the RuTC Partnership Agreement
- Ask the student to attend a workshop, if appropriate
- Record verbal warning on ProMonitor

#### 3.4.2. Stage One Disciplinary: Written Warning

Where a student's behaviour continues to fall below College expectations following a Verbal Warning, or where the severity of the breach of discipline determines that it is appropriate, the student's Tutor or the Duty Officer may issue a Written Warning:

- Issue a Stage One Disciplinary in a formal 1-1 setting if possible and practical
- Contact parent/carer by phone/email/letter (if not in person)
- Record on ProMonitor and make visible to student and parent/carer (check the 'Visible in ProPortal' box)
- Send standard confirmation letter/email to parent/carer (uploaded on ProMonitor in 'uploaded documents' section)
- Set SMART target(s) and identify support that is being put in place to help the student to achieve these
- Tutor to update Student's Risk Indicator and Badge
- Can include sanctions such as exclusion from certain areas/facilities/activities
- Monitor and review student's progress towards achieving the SMART target(s)
- Failure to meet target(s) may result in proceeding to Stage Two Disciplinary
- Member of staff issuing warning to inform HOS/AHOS via ProMonitor
- Upon satisfactory completion of the SMART Target(s), the Stage One can, at the discretion of the issuing member of staff, be revoked; if the stage is revoked, the risk indicator/badge must be changed

#### 3.4.3. Stage Two Disciplinary: Final Warning

Where a student's behaviour continues to fall below College expectations following a Written Warning, or where the severity of the breach of discipline determines that it is appropriate, the student's Head of School, Assistant Head of School, the Head of Student Engagement (HoSE) or the Student Liaison Officer (SLO) may issue a Final Warning:

- Issue a Stage Two Disciplinary in a formal 1-1 setting if possible and practical
- Contact parent/carer by phone/email/letter (if not in person)
- Record on ProMonitor and make visible to student and parent/carer (check the 'Visible in ProPortal' box)
- Send standard confirmation letter/email to parent/carer (uploaded on ProMonitor in 'uploaded documents' section)
- Set SMART target(s) and identify support that is being put in place to help the student to achieve these
- Member of staff issuing Stage Two to update student's Risk Indicator and Badge
- Can include sanctions such as exclusion from certain areas/facilities/activities

- Monitor and review student's progress towards achieving the SMART target(s)
- Failure to meet target(s) may result in proceeding to Stage Three Disciplinary
- Upon satisfactory completion of the SMART Target(s), the Stage Two can, at the discretion of the issuing member of staff, be revoked; if the stage is revoked, the risk indicator/badge must be changed

#### 3.4.4. Stage Three Disciplinary: College Panel

Where a student's behaviour continues to fall below College expectations following a Final Warning, or where the severity of the breach of discipline determines that it is appropriate, the student will be asked to attend a College Panel to determine the final outcome of their disciplinary. The outcome may be further disciplinary sanctions, including temporary or permanent exclusion.

- Invite student and their parent/carer to attend the Panel hearing at the college (N.B. In certain situations, if appropriate, the Panel hearing may take place without the student and/or their parent/carer)
- Record on ProMonitor and make visible to student and parent/carer (check the 'Visible in ProPortal' box)
- Send confirmation letter/email to parent/carer (uploaded on ProMonitor in 'uploaded documents' section)
- Lead member of Panel to update Student's Risk Indicator and Badge
- If the Panel hearing has not resulted in permanent exclusion, set SMART target(s) and identify support that is being put in place to help the student to achieve these
- Monitor and review student's progress towards achieving the SMART target(s)
- Failure to meet target(s) may result in permanent exclusion

Depending on the referral or the nature of the situation, the membership of a College Panel will be at least two representatives from the following:

- Senior Leadership Team (SLT)
- Head of School
- Head of Student Engagement
- Student Liaison Manager (SLM)
- Student Engagement & Equalities Lead (SEEL)

All Panel Members must be independent from involvement in the preceding stages of the Misconduct pathway. See Appendix 1.

#### 3.4.5. Immediate Permanent Exclusion

Exceptionally, where a student's behaviour is deemed severe and/or poses a significant risk to the health, safety or security of the student, other students, staff or visitors, the Principal (or in their absence, the Duty Principal) reserves the right to permanently exclude a student with immediate effect. This will be confirmed to the student and parent/carer with the issue of a letter explaining the exclusion, the implications of the exclusion and the appeals process.

## 4.0. Implementation

The College recognises that many issues may affect a student's/apprentice's ability to concentrate on achieving success with their studies. All staff working with students/apprentices have a duty of care to

identify and respond to any concerns or support needs at any point during their learning journey. Any concerns and agreements with the student/apprentice about performance, behaviours, and any identified barriers to learning should be logged on the appropriate system, and include support interventions and action plans outlining expectations, improvement targets and expected timeframes for improvement.

Where a member of staff is concerned that the student/apprentice poses a risk to themselves or others whilst enrolled, they should follow the safeguarding procedure for referral to risk assessment panel, rather than student/apprentice disciplinary in the first instance. Consideration may also need to be given to the student/apprentice 'fitness to study' capacity, and appropriate reference should be made to the Fitness to Study guidance in order for this assessment to be made.

Each of the stages 1 and 2 above are aimed at driving progression towards improvement and success and will have fluid timeframes based on the individual student/apprentice needs and with the oversight of the Head of School/ service. This will allow all students/apprentices every opportunity to improve and to go on to succeed and achieve. An individual may however be escalated directly to stage 2 or 3 should there be an incident of misconduct or gross misconduct.

It should be noted that where a student is returning any disciplinary support plans will be carried over to the next academic year. The student will be asked to sign a behaviour and attendance contract before continuing/re-enrolling.

If, following escalation to stage 2, this has not resulted in the required improvement within the agreed timeframes, a disciplinary hearing will be convened at stage 3. This may be at the discretion of the employer for apprentices and informed by their own staff disciplinary procedures, and therefore process and outcome may vary in these circumstances.

The student/apprentice will be notified by letter of the date, which will usually be scheduled within 10 working days of notification of escalation to stage 3. The student/apprentice should expect to receive written confirmation of the date no less than 5 working days prior to the scheduled hearing.

The hearing will be arranged following the guidelines set out in the College Disciplinary Procedures above or by the employer as appropriate. The hearing may take place in the student/apprentice's absence if he/she fails to attend without a valid reason and having been given a reasonable opportunity to attend.

The Chair of any hearing may adjourn the panel at any time if required. Adjournments can be made with the permission of the Chair at the request of the student/apprentice, a panel member, or the presenting manager. Adjournments may be short to allow time for private discussion or to check a piece of evidence or may result in the panel being reconvened at a later date to enable all parties to engage in the process effectively and for relevant information to be presented to inform any decisions. This will be determined and communicated by the Chair and reconvened meetings should usually take place within 2 working days.

Possible outcomes following the stage 3 panel hearing include:

- The student/apprentice continues on the course with no sanctions if there is no case to answer.
- The student/apprentice continues on the course with a support and action plan in place, with agreement that they may be withdrawn if the plan is not achieved following reasonable timeframes.
- The student/apprentice is excluded from learning, which may include recommendations for alternative provision and conditions for future applications.

The student/apprentice may appeal the panel decision following the guidance outlined in the College or employer's Disciplinary Procedures, and this should be explained to them as part of the panel hearing and in the hearing outcome letter. Grounds for appeal within college procedures are:

- That there is additional evidence available that could not have been made available at the time of the original hearing.

- There are grounds for mitigation of the sanction imposed that were not known about at the time of the original hearing.
- Proper procedures were not followed.
- The penalty is considered to be unreasonable in relation to the offence.

Appeal hearings will be held as soon as is reasonably practicable and usually within 20 working days of notice of appeal being received. The student/apprentice should expect to receive written confirmation of the date no less than 10 working days prior to the scheduled hearing.

Where the outcome of the stage 3 disciplinary results in a final written warning, should any conditions be broken/not adhered to by the student/apprentice, this could result in their immediate withdrawal, which will be decided and communicated by the appropriate SLT member. A stage 3 panel will not be reconvened in relation to the same incident following the issuing of a final written warning.

The College will inform the parents of students under the age of 18 and vulnerable adults

- a) Actions taken under this Disciplinary Process and the reasons for them
- b) Suspensions
- c) The College's intention to hold a Final Warning Meeting
- d) The outcome of any College Disciplinary Panel or Appeal Panels
- e) Any decisions made relating to misconduct and the reasons for them and
- f) Any Review decisions (and the reasons for them)

The College may also notify the parents/carers of students of any informal warnings and any other formal action taken.

## 5.0. Explanation of Terms and Sanctions

The staged approach to dealing with cases of poor or unacceptable behaviour provides a number of options for staff to address the behaviour if informal methods (where appropriate) have been exhausted. These options are explained below. In all cases, an assessment of the circumstances will be carried out to determine the most appropriate course of action.

### 5.1. Exclusion: with immediate effect

This means the student is withdrawn (excluded) from the college with immediate effect.

MIS must be informed of the exclusion so that ProSolution can be flagged accordingly. Students who are excluded are not normally permitted to re-enrol in subsequent years. In some cases, students may be allowed to sit external examinations despite their exclusion from college, in which case they will only be allowed on college premises at set times for this reason and will be escorted to and from the exam hall.

### 5.2. Conditional Exclusion

This means the student is not immediately excluded but may face immediate exclusion in the event of further poor or unacceptable behaviour, or failure to meet any conditions set by a College Panel.

### 5.3. Suspension

Some staff have the authority to suspend a student from college premises, such as any member of the College Management Team, Duty Officers and anyone else specifically authorised to do so by the Senior Leadership Team.

### 5.3.1. **Students may be suspended while an investigation is carried out into an incident.**

Any student suspended for such misconduct will be subject to a formal investigation where facts, accounts and information is obtained with any further evidence assessed as to relevance, reliability and credibility. An investigation report or a verbal account of all the facts will be prepared by the Student Liaison Manager at the panel hearing. This report, if available will be presented to the college panel. This report is college property and is not available to the suspended student due to the confidential nature of information relating to the incident. However, extracts of the report may be shared with the student where it is considered necessary. This information will be shared at the panel hearing for the student to make any representations or pass comment as to the accuracy of information or matter under investigation.

A precautionary suspension is not an assumption of culpability but allows for the gathering of information regarding the incident and assessing risk.

### 5.3.2. **The suspension of a student may happen for a range of other reasons.**

For example

- If it is in the best interests of the student
- If there is a risk of harm or damage to members of the College community and/or property or premises.
- If the suspension is necessary to ensure the health safety and security of the student, others, staff or the college.
- If a student is awaiting the outcome of any police enquiries and/or criminal proceedings
- If there is a Safeguarding concern

The duration of the suspension is the decision of the member of staff issuing the suspension

A suspension will normally be for no more than **seven working** days in the first instance, but a period of suspension may be extended subsequently if authorised by the Assistant Principal Curriculum and Quality. This may be for any further period or periods of time as determined to be reasonable in the circumstances. Any extended period(s) of suspension will be subject to monitoring to assess whether the student's continued suspension is reasonable.

Parents/carers/employers are to be notified by phone of the suspension or continued suspension, together with details of the reasons for the suspension or continued suspension, and written confirmation will be sent by the College to the student and parent/carer normally within 24 hours of the decision to suspend or to extend a suspension. (Parents/carers of students under 18yrs must be informed as this could present a Safeguarding issue).

The College may at its discretion exceptionally allow a student limited permission to enter College during a period of suspension (e.g., to sit external examinations or to complete or collect coursework). Such permission will be authorised by the Student Liaison Officer in advance of attendance by the student and the student's attendance will be subject to supervision by a nominated member of college staff.

## 5.4 **Exclusion from College Activities, Facilities or Areas**

Students normally suspended will not be allowed to enter the college or its grounds unless permission has been gained for a valid reason, such as to sit an exam or assessment. Even this will require that students to be always escorted on and off site. A student's ID card will be given over and his access control blocked. This will only be activated after any decision has been reached from a panel or investigation.

Students may be excluded from participating in a planned activity or excluded for a set period of time from using certain facilities (e.g. Library or Careers) or from accessing certain areas (e.g. The Canteen).

## **Appendices**

1. College Disciplinary Panels
2. Guidelines for Conduct of Disciplinary Panel
3. Reviews of College Panel Decisions and Immediate Permanent Exclusions

## Appendix 1 - College Disciplinary Panels

A College Panel considers, assesses and reviews a student's suitability to remain a member of the College community. It is a risk-based decision that is based on facts and circumstances that exist at the time or may exist in the future. The college panel is not a court of law and sets "no findings of guilt or innocence". It is not an adversarial process, but an inquisitorial process to determine the level of misconduct or breaches of the student code that pose a health, safety or security risk to the student, staff, others or pose a risk of any sort to the college. This would include reputational risk.

The panel is an internal disciplinary process. The Panel takes into consideration a students' College record which includes attendance data, commitment to the chosen course, past behaviour or concerns identified either externally or internally.

A student may be referred to a college panel for the following reasons:

1. Failure to meet 'Stage Two' targets.
2. Further poor or unacceptable behaviour where 'Stage Two' targets have already been set.
3. Poor or unacceptable behaviour of significant severity warranting referral directly to a College panel.

Five days' written notice will be provided in order to give the opportunity for further information to be submitted for consideration. The written notice will include the following:

- a) The nature of the poor or unacceptable behaviour.
- b) The student's entitlement to representation at the Disciplinary Panel, if applicable
- c) The deadline for submission of further information
- d) Confirmation of the date, time and place of the Panel

The student will be required to submit a written response to the College, which should be received at least two working days in advance of the date of the Disciplinary Panel.

The student must notify in writing of the names of any witnesses they wish to attend the Disciplinary Panel and exchange copies of those witnesses' written statements at least two working days in advance of the date of the Disciplinary Panel. In exceptional circumstances, and at the College's discretion, a witness may be permitted to retain their anonymity.

At the Panel hearing, the relevant information will be presented by a College representative to the members of the Panel, who will consider, assess and review in order to determine the appropriate outcome.

The student will then be able to ask questions of the panel. Mitigation information from the student is vital for the panel to consider any student sanction as well as genuine contrition.

However, the panel is not a forum to make complaints about staff, the college curriculum, educational process or to question the actions taken that led to any suspension, unless there is evidence that becomes relevant to the hearings such as case of mistaken identity or factually incorrect information placed before the panel. A student's account, if provided is just that and should not be taken as accepted as truth by the panel although any information provided by the student can be challenged or accepted as truth based on facts and supporting information.

The student will be entitled to be represented/accompanied by a friend, student representative, relative or member of staff who is aged above 18, in addition to being accompanied by his or her parents/carers. Parents/carers of students will be invited to attend the Disciplinary Panel.

A note-taker may be present at the Disciplinary Panel. Other staff members may also be in attendance where appropriate (e.g. the Student's Tutor, the Duty Officer, Welfare and Engagement Advisor or member of the Inclusive Learning Support staff) in order to provide support for the student. Notes will be taken of the panel hearing and will be shared with the student after the hearing.

If the student fails to attend the Disciplinary Panel without good reason the matter will, at the discretion of the Chair, proceed in the student's absence.

The Chair of the Disciplinary Panel may exclude from the proceedings any person (including the student or the student's friend, representative or relative) who behaves unreasonably or who disregards the instructions of the Chair with regard to the Panel.

The Chair of the Panel will write to the student notifying of the outcome and actions to be taken, and of any opportunity to request a Review/Appeal. Reasons will be given for the Panel's decision.

## **Appendix 2 - Guidelines for Conduct of College Disciplinary Panel**

The Chair of the Panel will introduce those present and explain the policy for the Disciplinary Panel, including the range of sanctions available.

The College representative will present the College's case setting out the allegations against the student and the evidence in support of the allegations. The College representative may call witnesses if it chooses or rely on statements of fact. An investigation report may be presented to the panel in support of any matter.

The student will then have the opportunity to respond to the College's case, including calling witnesses. The College representative may question any witnesses called by the student. As this an adversarial process, the college panel can ask further questions of the student, any witnesses or the college representative as it sees fit to determine the outcome of the panel.

Witnesses will be present only for their submissions and will be instructed by the Chair not to discuss their evidence with other witnesses.

During the Disciplinary Panel, both the student and the College representative may request the Chair for a short adjournment. Such requests will not be unreasonably refused.

The Disciplinary Panel will come to a decision in private. No other individuals will be present during nor participate in a Panel's deliberations.

The Chair of the Panel will arrange for the decision to be recorded in writing to the student and parent/carer.

## **Appendix 3 - Reviews of College Panel Decisions and Immediate Permanent Exclusions**

A student may request a Review of a Panel Decision or immediate permanent exclusion ('Appeal') on one or more of the following grounds:

- a) New material evidence has come to light which was not reasonably available at the time of the College Panel
- b) The decision, including any sanction imposed, was manifestly unreasonable, unfair and/or disproportionate
- c) The Student Disciplinary Policy has not been followed and it has resulted in a miscarriage of a fair outcome.

A student who wishes to request an Appeal must do so in writing within 7 days of the date of the College's written notification informing the student of the Panel outcome or immediate permanent exclusion, clearly stating the grounds upon which the Appeal is requested.

For Appeals against the decision of a College Panel, the student's request must be addressed to the Principal, who will arrange for a review to be undertaken by a member of the Senior Leadership Team. For Appeals against an immediate permanent exclusion, the student's request must be addressed to the Chair of Governors, who will arrange for a review to be undertaken. For any appeal, the student will be informed in writing normally within a further 10 days of the outcome of the review.

The review may reach one or more of the following decisions, to:

- Overturn the original decision including the imposition of any sanction
- Uphold the original decision including the imposition of any sanction
- Uphold the original decision but substitute a different (including a lesser or greater) sanction
- Refer the matter back to the original decision-maker(s) for reconsideration or to a new Panel for fresh consideration.

The decision of the Senior Leadership Team (in the case of reviews of panel decisions) or the Chair of Governors (in the case of reviews of immediate permanent exclusions) is final.

### **Other documentation associated with this policy**

- Child and Vulnerable Adult Protection Policy
- Study Programmes Policy
- Attendance and Punctuality Policy
- Student E-safety Policy
- Student Substance Misuse Policy
- Code of Conduct and RuTC Partnership Agreement
- Anti-Bullying Policy
- Student mental health policy
- Equality, Diversity and Inclusion Policy