

Policy/Procedure/Guideline Review

Policy/Procedure/Guideline:	Student Disciplinary Policy and Procedure
Senior Leader Responsible:	Vice Principal Learner Experience
Author:	Director of Learner Services
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Publication:	Nelson and Colne College Extranet Accrington and Rossendale College SharePoint College Moodle Platforms College Websites
Changes Made:	<ol style="list-style-type: none"> 1. Incorporation of Accrington and Rossendale 2. Introduction of Cause for Concern 3. Explicit reference to Apprentices and involvement of Workplace Employers and Mentors 4. Removal of behavioural and academic definitions and categorisation 5. Links to restorative behavioral techniques/guidance for staff 6. Inclusion of a flowchart summarising the procedure.

STUDENT DISCIPLINARY POLICY AND PROCEDURE

1. Introduction

- 1.1 Nelson and Colne College, including Lancashire Adult Learning and Accrington and Rossendale College is committed to ensuring the safety of all learners and to the provision of a safe, secure learning environment where all can achieve their goals and aspirations and leave college prepared for life in modern Britain. The College is committed to the fundamental values of democracy, the rule of law, individual liberty, mutual respect and tolerance for those of different faiths and beliefs.

It is appropriate in any educational institution to set appropriate standards of performance and behaviour and to operate rules which promote order and fairness, and allow the development of students' abilities and skills. Such rules should be readily understood by both the students and staff.

As such, student disciplinary procedures are required in order to ensure that all students who may be subject to them are dealt with in a fair and equitable manner.

2. Purpose

- 2.1 The purpose of the disciplinary policy is to provide clear guidance that helps and encourage all students to understand the College expectations, achieve and maintain acceptable standards of behaviour, conduct and academic performance. It is also intended to provide clear guidance to all staff in order to ensure consistent and fair treatment in relation to disciplinary action taken in response to allegations of unacceptable conduct or performance.
- 2.2 The most important factor in improving student behaviour is the effective use of informal intervention to challenge less serious breaches of the Code of Conduct, and low-level disruption. When students are consistently and effectively challenged in the right way the need to use the later steps of this process will be minimised. All College staff have a responsibility to challenge inappropriate behaviour. Correct application of the Disciplinary Policy should support retention, improve learner behaviour and reinforce the high standards and expectations that we have of students at all times.
- 2.3 The relationship between students and staff should be based on mutual respect and consideration, and are detailed in the College Code of Conduct which set out the basic expectations of all learners:

Are you ready to learn?

- Be on time and attend all lessons
- Only use your mobile phones if directed to by your teachers
- Be alert and actively take part
- Be prepared for learning– bring the right materials and equipment
- Be inquisitive and be ready to be stretched and challenged
- Try your best, be responsible for your behaviour and demonstrate resilience

Are you employable?

- Be punctual

- Ensure your clothing is appropriate for your learning environment
- Have a positive attitude and work hard
- Communicate clearly and cooperate with others
- Respond positively to instructions
- Be responsible and take ownership of your own conduct Show respect for your teachers and other students

Are you safe?

- Be safe online
- Wear your ID badge
- Report inappropriate behaviour
- Know where to go for help

Corridors and common spaces:

- Be productive with your time when not in the classroom – go to eat, learn, study, or participate in extracurricular
- Behave appropriately in corridors (avoid sitting on floors, being noisy and blocking corridors)
- Wear your ID badge
- Take pride in your college – (clean, tidy and litter free)
- Avoid language that might offend others
- Always represent the college positively

A student who does not meet the required standards makes themselves liable to disciplinary action, suspension or expulsion in sufficiently serious cases. However, the College recognises that there may be some instances where students with additional learning needs or learning difficulties and/or disabilities require considerations on a case by case basis to ensure that reasonable adjustment is made and will therefore provide support in such instances as is appropriate.

3. Scope

- 3.1 This policy and supporting procedures apply to all students of the College on full or part-time study, adults or apprenticeship programmes of learning. This includes times when students are at the College or off site community facilities, in the vicinity of the college, and when they are travelling on College transport, or on a College organised trip, placement or event. The policy and procedures also apply when behaviour outside the College has a detrimental impact on others from the College e.g. online bullying or on programmes delivered off campus sites.
- 3.2 The policy also includes Higher Education (HE) learners where the College will also adhere to the policies and procedures of the respective HE Institutes.

4. General Principles

- 4.1 Wherever disciplinary action is undertaken, all stages of the procedures should be effected as speedily as possible, whilst allowing time for an investigation where necessary.

There are 4 stages of the disciplinary process which include one informal and three formal steps:

- Cause for Concern (Informal)
- Stage One
- Stage Two
- Stage Three

Apprentices may also face an additional disciplinary procedure and process from their employer

***Please note any inappropriate behaviour can be dealt with at any stage.** The disciplinary process does not have to start at a cause for concern and work through the stages. If the behaviour warrants, it can move straight to stage one or two and if the behaviour constitutes Gross Misconduct then the process begins at stage three, often with a suspension. A student can have more than one disciplinary process running. For example, a learner on a stage two for a serious breach requires action for poor attendance. These can be dealt with separately rather than escalating to a stage three.

- 4.2 It is recognised that for minor breaches of discipline or causes for concerns, an informal arrangement should exist whereby a member of the College's staff will discuss the matter with the student concerned in order to resolve the issue. The outcome of such informal discussions should be recorded on MIS systems, progress targets amended or the notification of concern to a personal tutor. Failure of a student to respond to such discussion or offers of support could lead to formal disciplinary action.

No formal disciplinary action will be taken against a student until the circumstances have been investigated.

If appropriate, the Principal (or designated staff with the authority of the Principal, e.g. Deputy, Vice or Assistant Principal, Director or Head of Division) may suspend a student whilst the investigation is carried out. All employer/workplace mentors will be informed of any processes or investigation taking place with regards to their apprentice/s

- 4.3 At every stage, a student has the right to be advised of the reason for formal disciplinary meetings, to hear the evidence against them and to state their case. (For HE students, OIA can request this evidence to be provided in advance of the meeting).

If a student fails, without good reason, to attend a disciplinary meeting which they have been instructed to attend, the meeting can take place and a decision made in their absence.

A student has the right to appeal against any disciplinary penalty imposed from Stage 3 of the disciplinary process and against any decision to expel. A 16-18 year old student has the right to be accompanied to an appeal hearing by a parent/carer/employer/workplace mentor and a 19+ year old student may be accompanied by another student or advocate or employer/workplace mentor. If a student receives a disciplinary penalty regarding unsatisfactory academic performance, guidance and support will be offered, as necessary, to help him/her reach the required standards. Employers will receive notification of all outcomes regarding unsatisfactory academic performance.

For pupils aged 14-16, disciplinary action will be taken in liaison with the relevant partner high school according to the agreed protocol wherever possible.

Special consideration will be given to students whose behaviour might be the consequence of a recognised learning difficulty or disability, e.g. Asperger's.

Disciplinary information will normally remain on a student's record for the duration of their study at the college.

- 4.4 At every stage of the disciplinary process all staff must be conscious of the needs of students who may be disadvantaged by a process that relies on written communication and formal interviews and for those whose disability manifests itself in inappropriate behaviour.

Staff must consider the individual needs of such students and adapt the process with advice from the Director of Learner Services or Head of Additional Learning Support, Careers and LRC in order to ensure that they are treated fairly and equitably.

Adaptations may include:

- Adapting the language in any written communication
- Providing any written communication in alternative formats or languages
- Providing additional advice to ensure that the student understands every stage of the process
- Providing interpretation services at any disciplinary interview or hearings
- Taking into consideration the student's ability to understand the College Code of Conduct and the degree to which the student has been supported to understand and follow it. This may be particularly relevant in cases involving students with learning difficulties.

- 4.5 It is important when initiating the disciplinary process to ascertain whether or not there are any other factors influencing the learner that could be an underlying cause of the breaches of conduct. Issues like:

- Problems at home/outside College
- Difficulty with understanding the work in class that can cause feelings of failure
- Problems with peers e.g. bullying/harassment both in person and online
- Hidden, or undiagnosed disabilities e.g. Attention Deficit Hyperactivity Disorder; mental health problems; dyslexia
- Drug/alcohol problems
- Issues that require the intervention of the Safeguarding & Welfare Team
- Workplace issues (including workload, culture, harassment or bullying)

If at any point it is disclosed that the learner and/or the family have involvement from external agencies such as Social Care, Mental Health services, YOT, Probation etc. or if a learner is Looked After (in care) Leaving Care or a Young Adult Care this must be raised with the Head of Safeguarding & Welfare for advice on how to identify the right support for that learner. Workplace mentors who are responsible for the welfare of Looked After or leaving Care apprentices must be notified and involved where appropriate in any relevant activity or intervention.

If a learner discloses a disability then this must be raised with the Head of Additional Learning Support, Careers and LRC. Often, once an issue has been identified and support put in place, the unwanted behaviour diminishes. Where appropriate any findings which require workplace adjustments for an apprentice must be communicated to their employer/workplace mentor.

Where there are a number of students in a group displaying unacceptable behaviour, support with behaviour management strategies at group level can also be sought from the Head Additional Learning Support, Careers and LRC. Staff development can be arranged, or bespoke support for tutors and support staff where needed can also be arranged.

- 4.6 The College will consider whether any referrals need to be referred to the Police. The College will support parents/workplace mentors/employers who make their own referrals to the Police following a College related incident.

5. Definitions and Examples

- 5.1 A Breach of the Code of Conduct is defined as that which is **likely to put at risk the students chances of successfully completing his or her programme of study and that adversely affects teaching and learning, recreational activities, or the rights of other members of the College community.**

- 5.2 **Informal Cause for Concern** includes the following but not exhaustive list of examples:

- Lack of respect for College property, fellow students or staff
- Dropping litter
- Smoking in non-designated areas
- Swearing or using coarse language
- Spitting
- Failure to wear ID badges on College premises or to present one when requested

This is the first stage of the disciplinary process and includes an informal discussion with a student to explain why the Cause for Concern has been issued, ensuring that the behaviour is dealt with and where appropriate clear guidance for improvement issued.

A student may receive up to three Causes for Concerns before the matter must be escalated to a formal Stage One Disciplinary.

Any member of staff can issue a Cause for Concern but must record their actions on identified MIS systems in order to flag with the relevant tutors and Head of Division

- 5.3 **Formal Stage One and Two** includes the following but not exhaustive list of examples:

- Persistent failure to adhere to any one or combination of the Code of Conduct
- Persistent absenteeism, punctuality, unauthorised lateness or failure to engage in learning
- Failure to meet deadlines or complete set work
- Lack of effort and or failure to come to class correctly equipped
- Failure to make progress with academic, skills or English and Maths components of the programme
- Failure to uphold British Values
- Disrupting the learning of others
- Bullying, harassment or discrimination
- Failure to use College facilities with care and respect

This is the point in which the disciplinary process moves from an informal to formal matter.

Stage One includes a disciplinary meeting between a student and their **Personal Tutor/Apprenticeship Programme Leader**, involving a Support colleague (e.g.

Mentor, Specialist ALS Teacher, Head of Additional Learning Support or Head of Safeguarding and Welfare) if appropriate.

Parents/Guardians/employer/workplace mentor or Representatives for 16-18 year old students should be informed and invited to attend where appropriate. If it is agreed that sanctions are required the student should be issued with a **verbal warning** and an action plan with SMART targets to improve.

Employer/workplace mentor should be invited for 19+ apprentices. If it is agreed that sanctions are required the student should be issued with a **verbal warning** and an action plan with SMART targets to improve.

A letter should be sent to the student and parents/Employer/Workplace mentor to confirm the verbal warning and should include a copy of the action plan.

The Personal Tutor/Apprenticeship Programme Leader should monitor the actions within any agreed timescales and report back to the Head of Division/Employer/Workplace mentor where appropriate and any other identified support staff.

If when the SMART targets are reviewed, there is still no improvement, or a further reoccurrence of misconduct, escalation to **Stage 2** of the disciplinary process should be initiated.

Stage Two includes a disciplinary meeting between a student and the **Head of Division**, involving a Support colleague (e.g. Mentor, Trainer Assessor, Specialist ALS Teacher, Head of Additional Learning Support or Head of Safeguarding and Welfare) if appropriate.

Parents/Guardians/Employer/workplace mentor or Representatives for 16-18 year old students should be invited. If it is agreed that sanctions are required the student should be issued with a **written warning** and an action plan with tight SMART targets to improve.

A letter should be sent to the student and parents/workplace mentors/employer confirming the written warning and should include a copy of the action plan.

The **Head of Division** should monitor the actions within any agreed timescales and report back to the **Vice or Assistant Principal** responsible for that area of the curriculum, and any other identified support staff.

If when the SMART targets are reviewed, there is still no improvement, or a further reoccurrence of misconduct, escalation to **Stage 3** of the disciplinary process should be initiated.

5.4 **Stage Three** refers to the most serious breaches of acceptable behaviour - **Gross Misconduct**. It may require the immediate suspension or exclusion of the student and includes as an example but not exhaustive list:

- Violent, threatening or intimidatory behaviour (including the carrying of weapons both real and imitation and whether or not they have been used or their use has been threatened)

- Harassment or bullying (physical or verbal, including by electronic means e.g. text messages, email, social networking sites, taking or distributing photos/videos without the subject's permission.
- Discriminatory behaviour, or language, which would be in breach of the college Single Equality Scheme which ensures safety for all learners with protected characteristics under the terms of the Equalities Act
- Possession of, or dealing in, illegal substances
- Being under the influence of alcohol/drugs
- Vandalism, on or off College premises
- Theft
- Viewing of, or sharing of, Illegal/offensive websites or images
- Any activity, criminal or otherwise, which has brought, or may, in the opinion of the Senior Leadership Team bring the College into disrepute (irrespective of whether it takes place on College property or in College time)
- Cheating in examinations and/or any form of plagiarism or falsifying of evidence

NB: The College reserves the right to make the decision about whether or not any action constitutes Gross Misconduct

Stage Three is the final stage of the disciplinary process and is a formal meeting that must be chaired by a member of the **Senior Leadership Team** or their authorised deputy (e.g. Directors or Dean), involving a Support colleague (e.g. Mentor, Programme Leader Specialist ALS Teacher, Head of Additional Learning Support or Head of Safeguarding and Welfare) if appropriate.

Parents/Guardian/Employer/Workplace/Mentor or Representatives for 16-18 year old students should be invited.

Depending on the outcome of the meeting the learner **may be permanently excluded, or given a further Final Written Warning** with very tight SMART targets to improve or removal from class and referral to the Study Zone for completion. Apprentices may also go through a formal disciplinary process with their employer.

The Study Zone offers students a final chance to complete their studies when they need to be withdrawn from the main programme following the disciplinary process. The decision to offer completion in the Study Zone is entirely at the discretion of the SLT Member or the deputy who is chairing the stage four meeting.

If the student is allowed back into college with a SMART action plan this will be monitored and reviewed by the Head of Division. If when the targets are reviewed there is still no improvement the matter should be referred back to the Chair of the disciplinary meeting for a decision regarding whether or not the learner should continue in college.

During a stage three meeting in which the issues raised are related to Gross misconduct (the most serious breaches of acceptable conduct), it may require the immediate suspension or permanent exclusion of a student. **A student can only be suspended or excluded by a member of the Senior Leadership Team or Director.**

Any suspensions or incidents of gross misconduct should be shared with parents / guardians/Employer/workplace mentor of any 16-18 or learners or 16-25 with EHCP before the student leaves the campus. All Apprentices will have gross misconduct information shared with their Employer/workplace mentor. The student must be asked to

surrender their ID badge and this should be stored safely by the Head of Division until a time when it is agreed that a student can return to College. In instances where it is determined a student is permanently excluded their ID Badge should be appropriately destroyed.

It is the responsibility of the Chair of the Stage Three meeting to inform the Principal and wider SLT colleagues of the suspension or exclusion of a student. However they can delegate the recording of this information on MIS systems and sharing with teaching and support staff to a Director, Dean or Head of Division.

6. Roles and Responsibilities

6.1 Individual Staff Responsibilities

Student discipline is the responsibility of all members of all staff at all times.

All staff have a responsibility to ensure that all students are made aware of the high expectations of the College and should:

- Familiarise themselves with and follow the student disciplinary policy and supporting procedures
- Signpost to and reinforce the College Code of Conduct as required
- Promote high expectations and standards of behaviour by modeling this themselves at all times
- Ensure that attitudes and behaviours which do not meet college expectations at either informal or formal level are identified swiftly, challenged constructively and dealt with timely
- Systematically address minor issues (causes for concern), offering appropriate support or intervention to prevent escalation
- Follow the procedure and utilise recording mechanisms when addressing attitudes and behaviours that do not meet college expectations
- Contribute to creating an environment within the college that is based on mutual respect, is safe and secure and enables students to enjoy their studies and develop as individuals
- Eliminate discrimination and promote equality of opportunity for all
- Engage with and undertake any identified staff development as required
- Ensure that all employers/workplace mentors are made aware of the expectations of apprentices who attend day release sessions.

7. Dissemination

- 7.1 Nelson and Colne College Extranet
- 7.2 Accrington and Rossendale College SharePoint
- 7.3 College Moodle Platforms
- 7.4 College Websites

8. Monitoring and Review

- 8.1 This policy will be reviewed on an annual basis by the Director of Learner Services and Vice Principal Learner Experience with supporting procedures being amended in year if appropriate.
- 8.2 Disciplinary reports will be reported to SLT regularly as part of the Quality and Curriculum report schedule and shared with the Board of Governors annually, as requested by the Clerk to the Board.

9. Related Policies/Procedures

9.1 This policy should be read in conjunction with the following:

- Code of Conduct
- Student Behaviour
- Stop and Search
- Student Drugs and Alcohol
- Bullying and Harassment
- Safeguarding Children and Vulnerable Adults
- ICT Acceptable Use Agreement
- Additional Learning Support

10. Management Responsibility

The Vice Principal – Learner Experience has overall management responsibility for this policy within Nelson and Colne College Group. Day to day management responsibility for this policy has been devolved to the Director of Learner Services with support from the Safeguarding and Welfare Manager.

11. Further Reading

Additional Guidance for Staff on Restorative Questioning Technique
http://www.restorativejustice4schools.co.uk/wp/?page_id=45

12. Appendix

Appendix 1: Disciplinary Procedure Flowchart

Appendix 1: Summary of Disciplinary Process and People Involved

Cause for Concern

Informal by any Member of Staff

Recorded on Pro Monitor by the person issuing the cause for concern in order to flag with Personal Tutor /Apprenticeship Programme Leader and Head of Division No more than three Cause for Concerns to be issued without escalating to stage one.

if no
improvement

Stage One

Formal by Personal Tutor/Apprenticeship Tutor Assessor, Parent/Carer & Workplace where applicable

(Sanction = Verbal Warning and letter to parents/carers/workplace)

Recorded on Pro Monitor with SMART targets to improve. Monitored by the Personal Tutor. No more than one Stage One to be issued.

If no
improvement

Stage Two

Formal Meeting with HoD, Parent/Carer & Workplace Employer/Mentor where applicable

(Sanction = Written Warning and copy of letter to Parents/Carer and Workplace Employer/Mentor)

Recorded on Pro Monitor with SMART targets to improve. Monitored by Head of Division. No more than one Stage Two to be issued.

If no
improvement

Stage Three

Formal Meeting with SLT, Parent/Carer & Workplace Employer/Mentor where applicable

(Sanction - Final Written Warning, Study Zone Support to Complete, Suspension or Exclusion and letter to Parent/Carer & Workplace Employer/Mentor)

*Gross misconduct = immediate stage three. If suspension is needed - this should be agreed in consultation with specified staff e.g. ALS for Learners with a EHCP

Recorded on Pro Monitor and note on EBS regarding re-enrolment for subsequent years.