

Student Disciplinary Procedure

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Putting Students First

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Disciplinary procedure: Background

1. The College operates a student disciplinary procedure that serves three purposes which are:
 - Provide students with a procedure that is personally developmental as well as corrective
 - Provide a framework for staff to address student behaviour issues
 - Provide a staged procedure to allow for cumulative warnings where appropriate.
2. It is also essential that the student disciplinary procedure is sufficiently robust to withstand challenge, facilitate appeal and ultimately remove students from the organisation when this is deemed to be the most appropriate course of action, recognising this always remains an action of last resort.

The disciplinary procedure

3. The College operates a four stage student disciplinary procedure for students who it considers are not complying with the College Charter (Our Promise – You and Your College), college rules, policies or procedures or whose behaviour is considered to be inappropriate, **whilst engaged in activities which come under the control of the college.**
4. At all stages a record will be made on the student's eTrackr record and shared with the manager responsible for the curriculum area and the Student Progress Adviser. As necessary the Head of Department responsible for Student Support, Head of Safeguarding & Student Advocacy and Assistant Principal (Teaching, Learning, Students & HR) will be informed.
5. In cases of potential gross misconduct there will be an investigation into the alleged incident and subsequently a meeting with the Principal (or their nominee) to determine the outcome. This process will be coordinated by the Assistant Principal (Teaching, Learning, Students & HR).
6. At every stage of the procedure parents/carers/sponsors will be kept informed (students aged under 18 and employer sponsored trainees/apprentices only).
7. The table below summarises the stages in the process, the potential sanctions, the staff who can issue them and how the outcome should be noted on the student's eTrackr record. For more guidance please see the flow chart later in this document.

| | Outcome | Who can issue | eTrackr record |
|------------------------------|---------------------------|---|-------------------------------|
| Stage 1 – Minor Misconduct | Verbal warning (informal) | Course Co-ordinator / Programme Leader or more senior member of staff | Recorded as Cause for Concern |
| Stage 2 – Serious Misconduct | Verbal warning (formal) | Course Coordinator / Programme Leader, Section Leader / Senior Lecturer, or more senior member of staff | Record as Cause for Concern |
| Stage 3 – Serious Misconduct | Written warning | Curriculum Manager / Head of Department or more senior member of staff | Level 1 discipline* |
| Stage 4 – Gross Misconduct | Final written warning | Senior Manager or Principal | Level 2 discipline* |
| Gross Misconduct | Permanent exclusion | Principal | Level 2 discipline* |

* Level 1 and 2 discipline issues need to be notified to the SIS team, who will place the sanction on eTrackr.

8. The four stages outlined above are normally followed in sequence. If they fail to secure an improvement in behaviour or performance the Principal may exclude the student from the College.
9. Where it is considered that the student's behaviour is sufficiently serious, disciplinary action will start at the appropriate stage within the sequence. If behaviour is considered as gross misconduct it may result in immediate suspension and possible permanent exclusion (e.g. possession, intoxication and/or sale of illegal drugs and alcohol, physical violence or intimidatory behaviour, accessing pornography or other inappropriate material on the Internet, bullying, contravening the College's Equality and Diversity Policy, theft etc).
10. Where it is considered appropriate (for example, a possible safeguarding concern) the College will work in partnership with external agencies, such as the police or the local authority children services department. Where the College is advised by the police that a criminal investigation is underway, we will work collaboratively with them. If the College considers the criminal investigation to have a potential negative impact on college students or members of staff, this will be taken into consideration when deciding what action to take. If considered appropriate, the College will seek advice from the police.

Record keeping

11. Records of all disciplinary action should be made on eTrackr. Causes for concern on eTrackr should only be used for issues addressed through the student discipline procedure. Other issues which staff may wish to record should be recorded as a 'note' on eTrackr.

Suspension

12. Student suspension will only be applied where absolutely necessary and only be used in the following situations: 1) In cases of potential gross misconduct to protect those involved while an investigation takes place into the alleged incident; 2) To remove a student from a situation, allowing time for reflection and “cooling-off” to take place prior to returning to learning. Students may only be suspended by a Head of Department, Curriculum Manager, the Head of Safeguarding & Student Advocacy or a member of the senior management team.
13. In relation to suspension in connection with potential gross misconduct, students will only be allowed into college to provide information in connection with the investigation, until the disciplinary meeting has been held and a decision reached.

Support

14. At the disciplinary hearing students under 18, or under 25 if the student has a learning difficulty / disability or an education and health care plan (EHCP) should be accompanied by either a parent, carer or friend. If a parent or carer are not available, the college will offer support through the provision of the Head of Safeguarding & Student Advocacy or a Pastoral & Progress Adviser. As appropriate other external agencies may also be invited to attend if felt beneficial and supportive to the student.

- i. **Students with learning difficulties and disabilities**

Where a student has an identified learning difficulty or disability, extra care will be taken during the disciplinary process to ensure that they are fully supported and understand the process being followed. This may require additional support from parents, carers and professionals that work with the student and appropriate adaptations being made to allow the student to fully participate and ensure their views are taken into consideration. Where the student cannot advocate for themselves or it is felt that their attendance at a disciplinary meeting would be too distressing for them, an advocate may represent their views and wishes. This may be a professional from a residential care setting where they live, a social worker or other professional from the local authority or a family member who has power of attorney for the student.

The college recognises that on occasion a student’s behaviour can be as a result of a learning difficulty or disability they may have. This will be taken into consideration, together with the effectiveness of any reasonable adjustments the college has put in place, by staff when following this procedure. As appropriate reference will also be made to other college procedures such as those related to health and safety and safeguarding. The college has a duty to maintain a safe place of learning and work and therefore will follow the steps laid out in this procedure to deal with behaviour felt to be unacceptable, especially where it puts others at risk.

- ii. **Work based learning**

Where students are following a programme primarily based at an employer’s premises, such as an apprenticeship or traineeship, the student will be subject to the

college student discipline policy, as well as the relevant staff discipline procedures of the employer. If the apprentice is under 18, or under 25 if they have a learning difficulty / disability or an education, health and care plan (EHCP) the student should be accompanied by a parent or carer (see section on support below). Where relevant the employer may also be asked to provide their views and attend any relevant meetings.

iii. Looked after children and formerly looked after children ('care leavers')

Where a student is looked after or has previously been looked after by a local authority, the college will be mindful of this when dealing with any issues concerning their behaviour or conduct at college. The college's designated teacher for looked after children (currently this is the Head of Safeguarding & Student Advocacy) should be involved at each stage in the process and will liaise with the relevant virtual school as necessary. The designated teacher and other college staff will refer as appropriate to national and local guidance about looked after children to inform decision-making. It should be noted that this guidance is often intended for use in schools and academies and not specifically general further education colleges. Therefore, the college will refer to them as a source of good practice rather than mandatory guidance. The main guidance document is 'The designated teacher for looked-after and previously looked-after children: Statutory guidance on their roles and responsibilities' (DfE, February 2018).

Duration of warnings and penalties

15. If as a result of a disciplinary incident a warning or sanction is issued, these will remain in force for the following periods:

- **Verbal warning (informal)** - a note will be placed on file for future reference to aid monitoring of behaviour. These are not time spanned as they contain no sanction in their own right.
- **Formal verbal (recorded) and written warning** – these remain in force for a period of six months or until the end of the current enrolment at the college, depending upon which occurs first.
- **Final written warning** – this will remain in force for the duration of the current enrolment at the college. If the student seeks to enrol on a further course, during the application process their conduct since the issue of the final written warning would be considered and will inform the decision of whether to offer a place. If successful in securing a place on a course, the written warning would be considered as “spent” at this time.
- **Permanent exclusion** - if a student is excluded from the college, this will be for the remainder of their current planned programme of learning. If a student who has previously been permanently excluded from the college wishes to return to study at the college, prior to submitting an application they will first need to meet the Assistant Principal (Teaching, Learning, Students & HR). The purpose of this meeting will be to assess their suitability to now return to learning at the college. Consideration will be given to the progress they have made in achieving any actions set out in the letter excluding them from the college and how effectively the college will be able to meet any

needs they may have at that time. Following this meeting the Assistant Principal may either agree to an application being submitted, which may have conditions attached to it, or the Assistant Principal may decline the request. In the case of the latter, the reasons will be set out in writing and the applicant will have the right to appeal the decision to the Principal within seven days of the date of the letter.

College students enrolled on courses delivered by franchise partners

16. All students enrolled on college courses through franchise partners are subject to the college student discipline policy. In implementing this the college will work in partnership with the franchise provider, recognising that in applying the policy adaption may be needed in recognition of local circumstances and the special nature of the provision being provided.

Students aged 14-16

17. All offers of a place at college for students aged 14-16 years old will be subject to an initial 6 week induction and probation period. During this time their progress, performance and behaviour will be monitored. If any causes for concern arise during this time they will be discussed with the student, their parent / carer and, as appropriate, their school. If at any point it is felt that the college is not able to meet the student's needs or their behaviour or conduct are not acceptable, the offer of a place at the college will be withdrawn. This decision will be made by the Head of Student Support, in liaison with colleagues.
18. **School links and special school courses.** Where students are enrolled on a 14-16 college course in partnership with a local secondary school, the college's student disciplinary policy and procedure will apply to them while engaged in college organised learning activities. The college will work in partnership with the school and parents / carers when dealing with any student behaviour concerns.
19. **Electively home educated (EHE)** students and students on bespoke programmes: the college student disciplinary policy will apply in the normal manner.
20. **Students attending college who are at risk of disengaging from learning and are 'on roll' at a school:** these students will follow the student disciplinary and behaviour policy of the institution where they are 'on roll'.

Safeguarding

21. The college places the wellbeing and safety of all its students at the centre of all it does. Throughout any disciplinary process the college will take appropriate, supportive action to safeguard students. For example, it may be decided that a student should not attend college whilst an investigation is ongoing for their own protection, or the protection of other students.
22. The college takes very seriously peer on peer / child on child abuse (such as sexual violence, harassment, upskirting, physical violence, bullying etc.) and when necessary will take action in accordance with this procedure against any student found to have committed peer on peer abuse.

Appeals against disciplinary action

23. Students have the right to appeal against any sanctions imposed at any stage in the procedure by writing, within 7 days, to the following:

Stages 1, 2 and 3:

To the Assistant Principal (Teaching, Learning and Students), Isle of Wight College, Medina Way, Newport, Isle of Wight, PO30 5TA

Stage 4:

To the College Corporation, c/o the Principal's Office, Isle of Wight College, Medina Way, Newport, Isle of Wight, PO30 5TA.

24. **Students aged 14-16 years old (withdrawal during probation period):** Appeals should be made to the Assistant Principal (Teaching, Learning, Students & HR). All other appeals involving students aged 14-16 will follow the normal college procedure as set out in this policy.

Annex 1 - Coronavirus (COVID-19)

The college places the utmost importance on maintaining the safety and wellbeing of its students and staff. In response to the coronavirus (COVID-19) pandemic, the college has developed a comprehensive risk assessment and associated mitigations to keep students and staff safe. This will require all users of the college's premises and services to closely follow guidelines and expectations when on the college campus and when learning and working online.

Repeated and deliberate failure by a student to adhere to reasonable requests made by the college as part of its response to the coronavirus (COVID-19) pandemic will potentially be considered as a disciplinary matter and handled in accordance with this policy.

Student discipline hearings during the period of the pandemic

In the event of concerns arising about a student's behaviour, the college would normally arrange a meeting to discuss these and agree what, if any, action is needed. If the student is aged over 18 and has given the appropriate permission their parent or carer would be invited to this. Whilst the need to adhere to social distancing guidelines, as issued by the government remains in force, these meetings will be conducted either online using Microsoft Teams, or over the telephone.

STUDENT DISCIPLINARY PROCEDURE 2020/21

The college has 4 clear **zero tolerance** rules:

1. Illegal drugs/alcohol

Possession, use, selling, being under the influence of drugs or alcohol, or being in possession of them, or equipment associated with their use while on the college campus or while participating in activities organised by the college, wherever these might be.

2. Bullying

Physical, through gossip or technology.

3. Health and safety

Not complying with instruction, messing about, negligence.

4. Excessive abusive language or behaviour

Everything else is an expectation under a Work Ethic

Students are entitled to:

- A procedure that is personally developmental as well as corrective
- A staged procedure to allow for cumulative warnings where appropriate
- Being treated on an individual basis
- A description of reasons for disciplinary action
- Copies of all evidence used in deciding upon outcome (including 'depersonalised' student statements)
- Someone to accompany them at hearing
- An opportunity to appeal against sanctions.

Minor misconduct

For example:

- Attendance
- Punctuality
- Performance, including non-submission of work
- Participation
- Use of mobile phones
- Eating/drinking in class
- Rowdiness
- Habitual swearing
- 'Messing about'
- Breaches of the college Covid- 19 Risk Assessment

Verbal warning

(Stage 1)

Who: Course co-ordinator, programme leader or more senior member of staff

Action:

- Note on student's eTracker record
- Investigate support needs and implement if necessary
- Student re-admitted to sessions.

Serious misconduct

For example:

- Repeated minor misconduct
- Disruption to learning
- Inappropriate use of IT systems
- 'Horseplay'
- Aggressive behaviour, including swearing
- Performance, including persistent non-submission of work.

Verbal warning

(recorded) (Stage 2)

Who: Section leader or more senior member of staff

Action:

- For record of incident recorded on eTracker as "cause for concern"
- Investigate support needs and implement if necessary
- Student re-admitted to sessions

Written warning

(Stage 3)

Who: Course co-ordinator, programme leader, senior lecturer or more senior member of staff

Action:

- Formal letter to student and parent, carer, employer
- Recorded as level 1 discipline on eTracker
- Investigate support needs and implement if necessary
- Student re-admitted to sessions

Gross misconduct

For example:

- Continual repetition of minor misconduct
- Repeated serious misconduct
- Fighting/assault
- Serious disruption to learning
- Breach of health and safety
- Substance misuse
- Theft
- Bullying
- Peer on Peer abuse
- Plagiarism
- Serious misuse of IT
- Performance, continued non-submission of work
- Excessive abusive language or behaviour
- Being under the influence of drugs or alcohol, or being in possession of them or equipment associated with their use while on the college campus or while participating in activities organised by the college, wherever these might be.

Suspension (Stage 4)

Who: HoD, CM, Head of Safeguarding & Student Advocacy or more senior member of staff

Action:

- Student asked to leave campus immediately if in a fit state to do so
- Immediate telephone call to parent, carer, employer
- Notify PA to Assistant Principal (Teaching & Learning) ext.2415
- Formal letter to student, parent, carer, employer from Assistant Principal (TLSHR)
- Student not allowed on campus until INVESTIGATION STAGE completed and action agreed.

Investigation

Who: Assistant Principal (Teaching, Learning, Students & HR) or representative, learner and representative, witnesses and other parties involved

Outcomes:

- Disciplinary hearing
- No case to answer
- Recommendation for further action

Decision

Outcome of investigation

1. No case to answer, suspension lifted, student returns to college
2. Disciplinary hearing chaired by AP (TLSHR) with Principal, investigating officer, learner, parent/carer and representative from curriculum

Outcomes:

- No case to answer
- Appropriate level of warning
- Further investigation
- Temporary/permanent exclusion
- Investigate support needs and implement if necessary

Appeal, in writing, within 7 days to Corporation, c/o Principal's office

Appeals at each stage, in writing, within 7 days to Assistant Principal (Teaching, Learning, Students & HR)