

The following procedure will be used when there is a breach of The College Code of Conduct. It includes guidelines for dealing with cases of gross misconduct and clarification of suspension.

### 1. **PURPOSE**

The purpose of the Disciplinary Procedure is to ensure that good standards of behaviour are upheld. Formal disciplinary action should be seen as the last resort when other more supportive action has been exhausted or when it is a serious offence necessitating immediate, formal action. This procedure relates to all students of the college, including Apprentices.

In using this procedure we will aim to ensure fair and equal treatment.

### 2. **GENERAL PRINCIPLES**

- 2.1 Disciplinary action will only be taken when there is sufficient concern or evidence to warrant such action.
- 2.2 If appropriate, the Principal (or staff acting with the authority of the Principal e.g. Head of Student Support, Head of Division, Pastoral Lead), may suspend the student whilst the investigation is carried out or where a student is subject to police involvement.
- 2.3 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.
- 2.4 If a student fails, without good reason, to attend a disciplinary meeting which they have been instructed to attend on two separate occasions, the meeting can take place and a decision made in their absence.
- 2.5 A student has the right to appeal against any disciplinary penalty imposed from the final formal warning stage and against any decision to expel. Students on 16-19 study programmes have the right to be accompanied to an appeal hearing by a parent / carer / guardian and a student on the adult programme may be accompanied by another student. If at any stage of the disciplinary procedures, a student receives a warning about unacceptable behaviour or unsatisfactory academic performance, guidance and support will be offered, as necessary, to help them reach the required standards.
- 2.6 If a student fails to respond to a warning then they may elect to withdraw from the college before any further action is taken. If the student chooses to withdraw they may make a new application after 12 months.
- 2.7 Electronic recordings of any formal meetings disciplinary or appeal hearing are not permitted by any party.
- 2.8 Consideration will be given to mitigating or extenuating circumstances such as learning difficulties, where behaviour might be the consequence of a recognised Special Educational Need (SEN) e.g. Aspergers. Consideration may also be given where there are serious personal or family problems that have been disclosed. However, these factors may not

excuse unacceptable behaviour.

**2.9** Where appropriate, special consideration will be given to Children who are Looked After (CLA) or students on 16-19 study programmes who are living independently and we will offer a trauma informed approach to all students.

**2.10** Disciplinary warnings will normally remain on a student's record for two years or for the duration of their programme of study. If an allegation is not upheld this will be recorded.

**2.11 The Six Week Probationary Period**

For full time FE students the first six weeks is a probationary period. During the probation period if a student's behaviour is of a serious concern (e.g. gross misconduct), the Assistant Principal Safeguarding and Students and Head of Pastoral, reserve the right to exclude the student. Any decision to withdraw or exclude will follow a documented meeting with the students and notification to parents.

If a student is progressing within the college and has low attendance or some behaviour concerns they may be placed on a Provisional Enrolment – Learning and Behaviour Agreement which will outline conditions they will need to meet in the first six weeks of their course. Failure to meet these conditions may result in exclusion following a documented meeting with the student and notification to parents.

The provisional enrolment targets are as follows:

- 90% attendance to all aspects of the study programme.
- 90% punctuality to lessons.
- Meet all deadlines set in relation to your study programme.
- Follow the Student Code of Conduct at all times.
- Add personal targets as agreed by Head of Student Support.

Students wishing to appeal the withdrawal decision must do so in writing to the Deputy Principal within five working days. The appeal letter/email must state the grounds for the appeal.

**2.12** Every effort will be made to avoid the use of formal disciplinary action where problems can be remedied informally. All staff carry the responsibility for the informal disciplinary of students and for ensuring that misconduct or poor academic performance on the part of students is consistently dealt with in accordance with this policy.

**2.13 Cause for Concern (CFC)**

A CFC can be issued to address first time or minor incidents of classroom management issues or behaviour concerns within college. The issue should be discussed with the student and logged by the person issuing it on MyHalesowen within 24 hours. Actions to be monitored by the person issuing the CFC. Where informal measures prove insufficient to establish a satisfactory standard of conduct, a Cause for Concern may be given. If there is no improvement, then four formal disciplinary stages may be invoked and may include the possibility of fixed period or permanent exclusion from the college.

Where breaches of discipline occur such as a failure to comply with the Code of Conduct or any incident of academic misconduct, the following procedure will be used.

### **3. STAGES OF THE DISCIPLINARY PROCEDURE**

Please note: any disciplinary action, including CFC's must be logged electronically on MyHalesowen.

In all cases staff should ensure they are aware of any learning difficulty or disability which may affect the student and seek advice and support from the Learning Support Team as appropriate and always before implementing formal action.

Students can be placed on any stage of disciplinary without having undergone the previous stage, the principle here being that the level of disciplinary action is determined by the alleged misconduct (see appendix – for guidance). Where a disciplinary meeting forms part of an investigation into an alleged act of misconduct, the chair of the meeting may decide that there is no case to answer and the student (and parent / representative if appropriate) will be informed accordingly.

#### **3.1 Stage 1**

A stage one meeting will be used to formally discipline a student when informal approaches by Staff and CFCs have either not affected the required change in student conduct or when they are deemed insufficient to affect the required change in student conduct. It can be implemented at the discretion of a Personal Coach, or when directed by the Subject Teacher, Course Leader or Head of Division / Head of Student Support. First time offences of deliberate plagiarism (including submitting work produced by AI as their own) will be addressed in a Stage 2 meeting.

The Personal Coach will conduct a one-to-one meeting with the student and discuss the problem with the student. Where relevant they will direct the student to support from Student Services and other support services within the College. The Disciplinary Agreement Stage 1 is completed on MyHalesowen and appropriate targets for the student to take outlined.

The student may be issued with an attendance report to have signed in all of their sessions for a minimum of two weeks.

After two weeks on report, the student will return the report card to their Personal Coach for inspection.

A letter will be sent to parents / guardians of students under 18 years of age by the Personal Coach to inform them that this meeting has taken place.

RESOLUTION OF PROBLEM: End of Process

NO IMPROVEMENT: Progress to Stage 2

#### **3.2 Stage 2**

A Stage 2 meeting will be used to formally discipline a student when the agreed actions from a Stage 1 meeting are not met, or when a Stage 1 meeting is deemed to be insufficient by the Head of Student Support due to an allegation of misconduct.

The Head of Student Support will conduct a meeting with the student.

Parents / guardians are invited to attend for students under 18 years of age. In exceptional circumstances, a suitable adult can attend on behalf of the parents / guardians. In the case of children who are looked after a member of the safeguarding team should attend, and for learners with an EHCP a member of Learning Support.

The Head of Division / Head of Student Support will outline the actions that the student must take in order to resolve the issues raised. Where appropriate the student will be informed of timescales as to how long the Stage 2 'warning' will remain in place. This will ordinarily be a

review at six months.

The Disciplinary Agreement Stage 2 is completed on MyHalesowen by either the Head of Student Support or the Personal Coach and the agreed actions recorded.

Students over 18 years of age will be informed that they can request to be accompanied by a representative or friend at the discretion of the Head of Division / Head of Student Support.

RESOLUTION OF PROBLEM: End of Process

NO IMPROVEMENT: Progress to Stage 3

### **3.3 Stage 3**

A Stage 3 meeting will take place with the student when:

- The agreed targets from a Stage 2 meeting are not met.
- A student's conduct is considered sufficiently serious to warrant a final warning.
- Despite receiving two warnings to carry their ID card, a student contravenes the ID policy on a further two occasions or,
- There is an alleged case of gross misconduct where exclusion is a likely outcome.

Alleged cases of Gross Misconduct or where withdrawal is likely, will be heard in a Stage 3 meeting chaired by a Head of Division or Head of Pastoral with the Head of Student Support.

All other Stage 3 meetings can be chaired by a senior manager (Head of Pastoral or Head of Division) where the incident involves students from different areas the Head of Pastoral will chair the meeting.

- The chair will conduct a meeting with the student present alongside another manager who will maintain a written account of the meeting.
- Parents / guardians are invited to attend for students under 18 years of age. In exceptional circumstances, a suitable adult can attend on behalf of the parents / guardians if agreed by the Head of Pastoral and the parents / guardians.
- Students over 18 years of age will be informed that they can request to be accompanied by a representative at the discretion of the Head of Pastoral.
- The chair will outline the reason(s) for the meeting, how the Student Code of Conduct has been broken and consider responses from the student and/or parent / carer.
- Where the Chair (Head of Pastoral / Head of Division / Head of Student Support) is satisfied that the conduct is, or on the balance of probabilities is gross misconduct the student will be informed at the meeting / or after the meeting of the decision to exclude and this will be confirmed in writing.
- In cases other than gross misconduct the student will be made aware of the consequences of any further breaches of the student code of conduct. Where appropriate the student will be informed of timescales as to how long the Stage 3 'warning' will remain in place, for the duration of the students' course unless agreed otherwise.

- The chair will outline the targets that the student must take in order to resolve the issues raised.
- The Disciplinary Agreement Stage 3 is completed on MyHalesowen by the Head of Student Support and the agreed targets recorded.

RESOLUTION OF PROBLEM: End of Process

NO IMPROVEMENT:

When there is no improvement or a further act of misconduct takes place that warrants escalation from Stage 3, the student (and the parent / carer if the student is under 18 years of age) will be notified by the Head of Pastoral of the decision to exclude the student and this will be subsequently confirmed in writing, together with the details of the right to appeal against the decision.

A record of the exclusion will be kept on MyHalesowen.

### **3.4 Appeal**

Students wishing to appeal must do so in writing to the Deputy Principal within 10 working days. The appeal should clearly indicate a reason for the appeal e.g. new evidence or new circumstances.

All relevant information is passed to the Deputy Principal who will review the information and consider the appeal and if necessary pass to the Assistant Principal Safeguarding and Students to meet with the student to consider the appeal.

Parents / guardians of a student under 18 are informed and invited to attend. The student (if over 18) will be informed that he / she / they can be accompanied by a representative or friend. The student is informed in writing of the outcome.

## **4. CASES OF GROSS MISCONDUCT**

Gross misconduct is defined as behaviour which is so serious that it is prejudicial to the wellbeing of other students in the college. In this definition we include acts of violence, acts of vandalism against property – including computer hacking – theft from college premises, incidents of racial or sexual abuse, any drug or alcohol abuse.

Where there is an alleged act of gross misconduct:

- 4 i** All students involved are suspended (i.e. temporarily excluded from college premises by the Head of Student Support, Head of Division or Head of Pastoral while the incident is being investigated. This is not a presumption of guilt and can be done to protect the student.
- 4 ii** The student(s) is/are informed verbally at the time of the incident. The Suspension Form on MyHalesowen is completed and notifies the Head of Pastoral, Assistant Principal Safeguarding and Students, Principal and Deputy Principal. If it is necessary a letter follows from a Senior Manager (Head of Pastoral / Head of Student Support or Head of Division) within two working days advising the student of the procedure. Parents of students under 18 should be informed.
- 4 iii** The student(s) will attend a Stage 3 disciplinary meeting at the earliest opportunity when the investigation is complete.
- 4 iv** The student(s) and parents/carers/guardians will be notified of the outcome.

## **5. CLARIFICATION OF SUSPENSION**

Suspension of a student has two main purposes:

### **5.1 To Provide A Cooling Off Period**

A cooling off period is used to:

- i. Provide a safeguard for people if necessary.
- ii. Enable incidents to be handled logically, rationally and effectively.
- iii. Staff with authority to suspend students on these grounds are Assistant Principals, Heads of Division, Heads of Student Support and Head of Pastoral. All suspensions must be notified to the Principal and Deputy Principal.

### **5.2 To Enable An Investigation To Take Place**

Suspension for investigation is used to:

- i. Enable circumstances to be investigated quickly.
- ii. Provide a safeguard where necessary.

In every case it is very important that staff:

**5.2 a** Explain the grounds of suspension to students.

**5.2 b** Tell students when they should return and to whom they should report.

**5.2 c** Complete the Suspension Form on MyHalesowen.

**5.2 d** The Head of Student Support will arrange for work to be sent to the student so that they can continue their studies at home.

## **6. POLICE INVOLVEMENT**

Where any member of staff has reason to believe that a student may have committed a criminal offence or is notified by the police that a student may have committed a criminal offence the college would refer the matter to the police and suspend the student pending the outcome of police enquiries and any charges which may be brought against the student.

The Safeguarding Team / Head of Pastoral or Assistant Principal Safeguarding and Students will liaise with the police to confirm whether there is any reason why the disciplinary proceedings should not continue.

Where the student has been suspended under this provision, when the results of those enquiries and any criminal proceedings are known, the college reserves the right to recommence proceedings under this procedure in relation to the matter.

It is emphasised that in relation to the application of this procedure, the college is not bound by the results of any criminal proceedings against students.

<b>Reviewed / Approved</b>	<b>By</b>	<b>Date</b>
Reviewed by	Jo Williams	July 2024
Consulted with	All Staff	June 2024
Approved	-	
CLT approved	Yes	09.07.2024
Website	No	
Next Review date		01.08.2025

## Appendix 1

STAGE	PROCESS	SANCTIONS	MISCONDUCT LEVEL	APPEAL
<b>Cause for Concern</b>	<p>Any member of staff involved with the student can issue a cause for concern, this will usually be the Personal Coach or a course tutor but could be any member of staff who observes and challenges behaviour.</p> <p>This should be logged on MyHalesowen.</p>	<p>None other than advised that if behaviour is repeated it may lead to disciplinary.</p>	<p>Incidents of classroom management issues such as those listed at Stage 1 plus any additional behaviour concerns witnessed throughout the college.</p>	<p>None</p>
<b>Stage 1 Verbal Warning</b>	<p>The Personal Coach is informed, and discusses the problem with the student and the opportunities for support from Student Services and other support services within the college are outlined and the student is encouraged to use them.</p> <p>The Disciplinary Agreement Stage 1 is completed on MyHalesowen and targets set.</p> <p>Parents are informed for students under 18.</p>	<p>Stage 1 Disciplinary Agreement is completed on MyHalesowen and action plan issued with agreed targets to be completed.</p> <p>Additional sanctions and reparation as appropriate.</p> <p>This stage can be repeated once only if appropriate but then escalation to Stage 3 if required.</p>	<p>Issues such as continuous / repeated:</p> <ul style="list-style-type: none"> <li>• Use of mobile phone in class.</li> <li>• Disrespect towards staff or visitors.</li> <li>• Disruptive behaviour / unacceptable language.</li> <li>• Non application to work in class.</li> <li>• Initial instance of bullying.</li> <li>• Unjustified absenteeism or lateness.</li> </ul>	<p>None</p>



			<ul style="list-style-type: none"> <li>• Poor attitude to completing work.</li> <li>• Regularly unprepared for lessons.</li> <li>• Minor breaches of college roles or the Code of Conduct e.g. smoking, inappropriate use of IT.</li> <li>• Inappropriate / inconsiderate parking.</li> <li>• Plagiarism.</li> </ul>	
<p><b>Stage 2</b></p> <p><b>Written Warning</b></p>	<p>The student meets with the Head of Division / Head of Student Support. The Disciplinary Agreement Stage 2 is completed on MyHalesowen and targets set.</p> <p>Parents / guardians are informed and invited to attend for students under 18. The student is informed that he / she / they can be accompanied by a representative or friend (over 18).</p>	<p>Stage 2 Disciplinary Agreement is completed on MyHalesowen and action plan issued with appropriate agreed actions to be completed.</p> <p>Other sanctions and reparations as appropriate. This stage can be repeated once only if appropriate but then escalation to Stage 3 is required.</p>	<p>Failure to achieve a Stage 1 action plan.</p> <p>Issues such as the following should come straight to this level:</p> <ul style="list-style-type: none"> <li>• Minor damage to property.</li> <li>• Minor levels of aggression / bullying / harassment towards other students or staff.</li> <li>• Minor health and safety infringements.</li> </ul>	None

			<ul style="list-style-type: none"> <li>• Discriminatory behaviour / comments of any kind.</li> <li>• Abuse of any college facilities.</li> <li>• Unacceptable behaviour towards residents in the locality or their property.</li> <li>• Repeated plagiarism.</li> </ul>	
<p><b>Stage 3</b></p> <p><b>Final Written Warning or Expulsion</b></p>	<p>Investigation for incidents of serious misconduct will be conducted by Heads of Student Support.</p> <p>Referral for failure to meet targets agreed at Stage 2.</p> <p>Interview with Head of Division / Head of Student Support accompanied by a written statement / details to date.</p> <p>Interview with Head of Division / Head of Student Support accompanied by written statement / details to date. Parent / guardian informed and invited to attend for students under 18.</p> <p>The student is informed that he / she / they can be</p>	<p>Stage 3 Disciplinary Agreement is completed on MyHalesowen and action plan issued with appropriate Agreed Targets to be completed.</p> <p>OR</p> <p>A recommendation for permanent exclusion is made.</p> <p>Other sanctions and reparations as appropriate.</p> <p>This stage can be repeated once only if appropriate but then an exclusion will most likely be appropriate.</p>	<p>Failure to achieve a Stage 2 action plan. Issues such as the following should come straight to this level:</p> <ul style="list-style-type: none"> <li>• Physical or verbal assault on another student or member of staff or visitor, or threatening behaviour.</li> <li>• The possession, use or dealing of any illegal substances including alcohol (see substance Misuse Policy).</li> <li>• The possession of any offensive weapon(s).</li> <li>• Theft, fraud, deliberate falsification of records.</li> </ul>	

	<p>accompanied by a representative or friend (over 18).</p> <p>The Head of Division / Head of Student Support may seek improvement within a contracted time.</p> <p>If appropriate a verbal and / or written warning can be given, and the student is informed, where appropriate, that further supervision or exclusion could follow.</p> <p>The Disciplinary Agreement Stage 3 is completed and placed on MyHalesowen.</p>		<ul style="list-style-type: none"> <li>• Deliberate damage to property owned by the college, its staff, students or visitors.</li> <li>• Behaviour likely to be offensive to public decency.</li> <li>• Bringing the college into disrepute.</li> <li>• Consorting with trespassers.</li> <li>• Failure to improve (two more occasions) despite two warnings to wear ID being issued.</li> </ul> <p><i>Refer to Student ID Policy.</i></p>	
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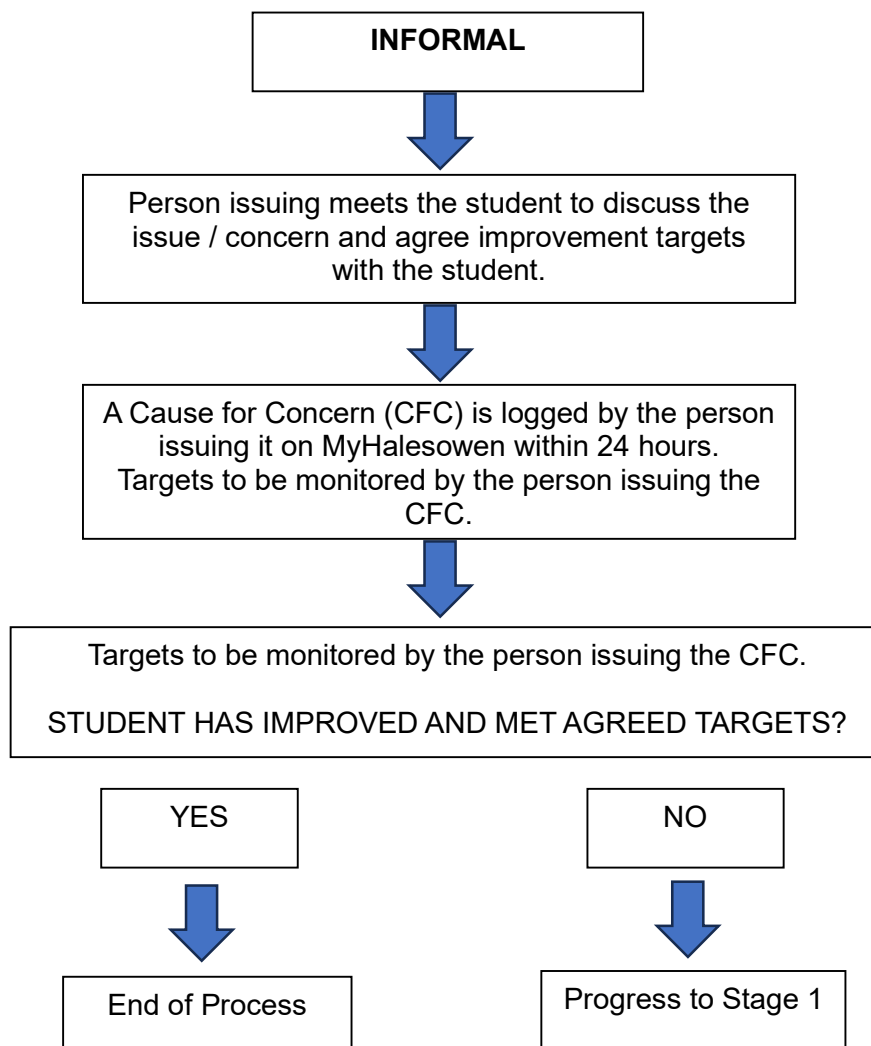
### Disciplinary Flow Charts

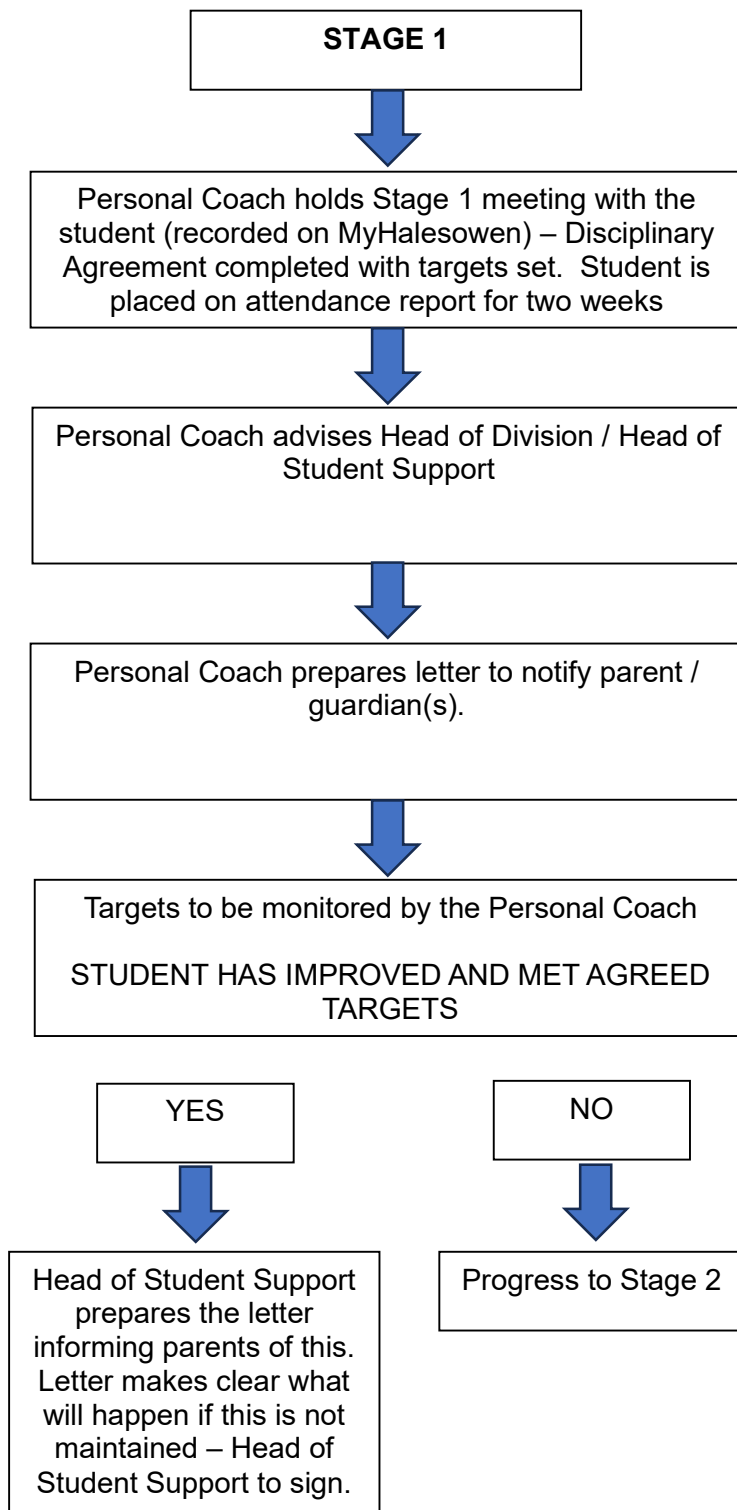
These flow charts should be used as guidance alongside the Student Disciplinary Policy.

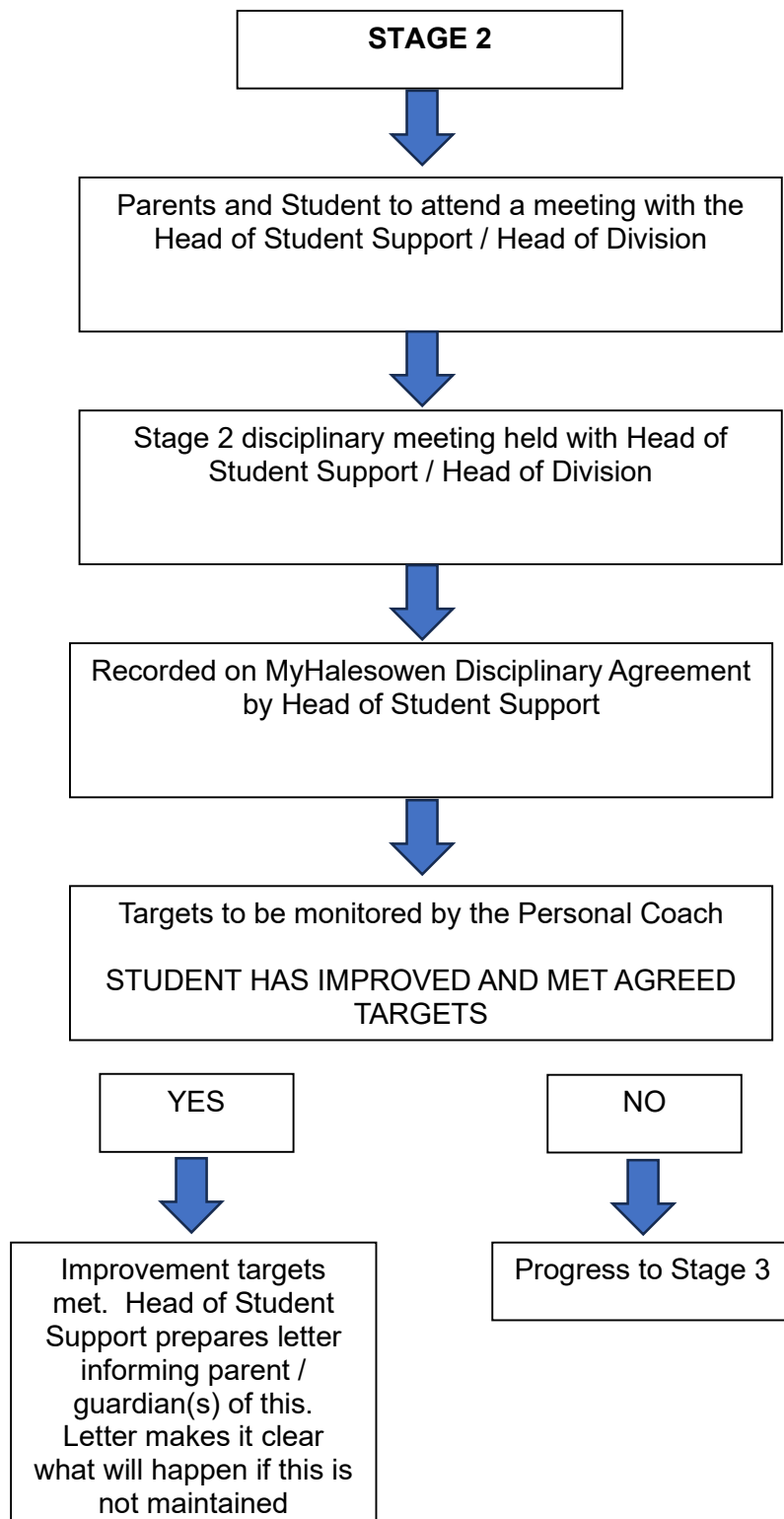
For full time students the first six weeks of the course is a probationary period. During this period if a student's progress, attendance or behaviour is of serious concern, the Assistant Principal Safeguarding and Students or the Head of Pastoral reserve the right to withdraw the student.

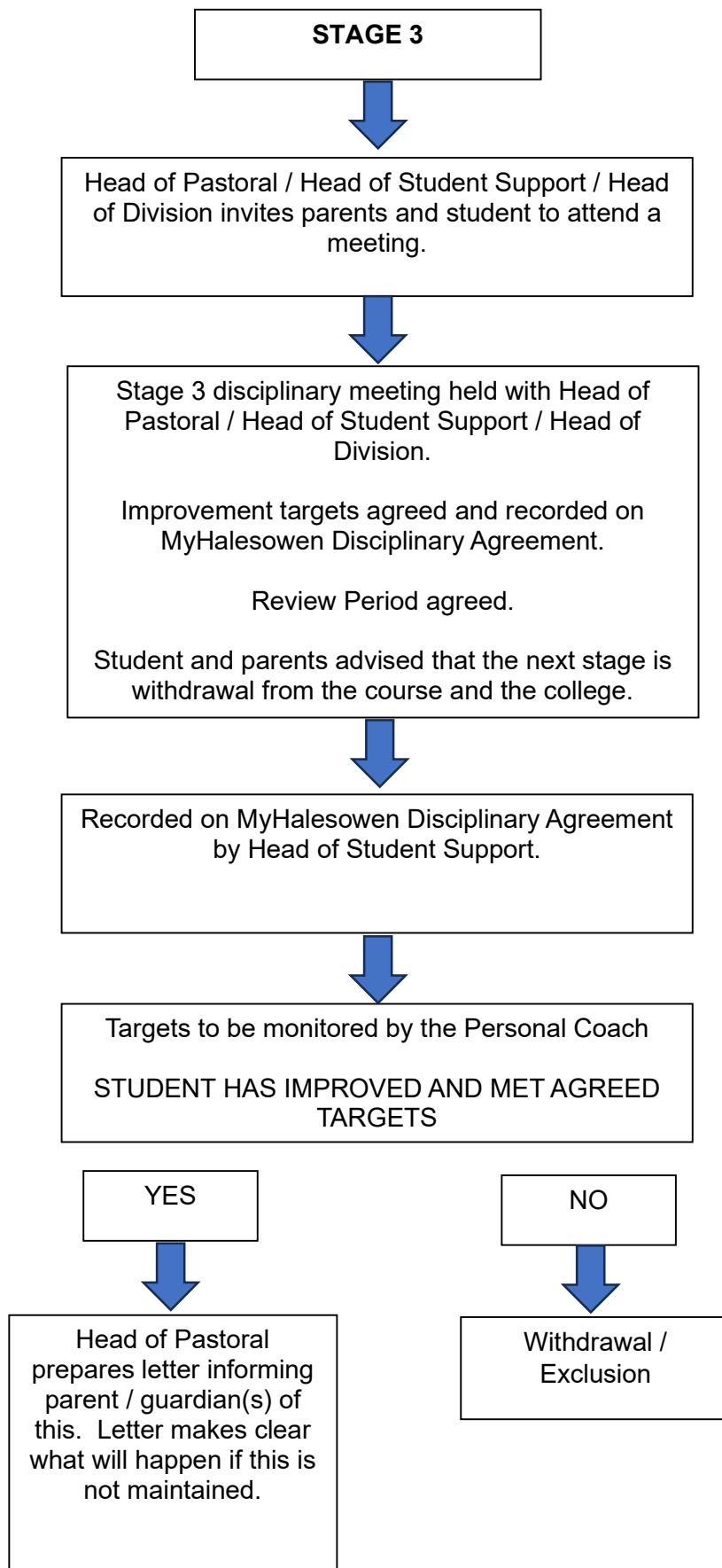
If a student is progressing within the college and has previously low attendance or some behaviour concerns they may be placed on provisional enrolment – Learning and Behaviour Agreement which will outline the conditions they will need to meet in the first six weeks of their course. Failure to meet these conditions may result in exclusion following a documented meeting with the student and notification to parents.

Incidents of gross misconduct go to Stage 3 to be investigated and may move on without improvement targets being agreed. Parent / guardian(s) must be involved for students under the age of 18.









## CLARIFICATION OF SUSPENSION

In every case it is very important that staff:

- a. Explain the grounds of suspension to students.
- b. Tell students when they should return and to whom they should report.
- c. Complete the notification of student suspension.



Cooling Off Period



Cooling off period is used to:

- Provide a safeguard for people if necessary.
- Enable incidents to be handled rationally and effectively.
- Staff with authority to suspend students on these grounds are Assistant Principals, Heads of Division, Heads of Student Support and Head of Pastoral.

**ALL SUSPENSIONS MUST be notified to the Principal and Deputy Principal.**



Investigation



Suspension for investigation is used to:

- Provide a safeguard where necessary.
- Enable circumstances to be investigated quickly.



### PROVISIONAL ENROLMENT – LEARNING / BEHAVIOURAL AGREEMENT

The purpose of this agreement is to provide:

- The student with a clear set of conditions which must be met, throughout the length of the agreement to ensure standards of behaviour and/or attendance are improved.
- The Personal Coach will have the responsibility to review progress against these conditions at regular intervals.

THIS PROVISIONAL ENROLMENT HAS BEEN PRODUCED UNDER THE PROVISIONS OF THE STUDENT DISCIPLINARY PROCEDURE IN RESPONSE TO UNACCEPTABLE CONDUCT BY THE STUDENT.

The below conditions must be met in full by:

<b>Name</b>	<b>Student Number</b>		
<b>Date Agreement Starts</b>	<b>Date Agreement Finishes</b>		
<b>Name of College Staff Reviewing Progress</b>			
<b>Course</b>	<b>Division</b>		
<b>Terms Of Provisional Enrolment – Learning / Behavioural Agreement Terms:</b>			
1.			
2.			
3.			
<b>Review Dates</b>			
1.	2.	3.	4.
5.	6.	7.	8.
<b>I agree to meet the conditions of this Agreement.</b>			
Student Signature		Date	
In the Presence Of		Position	
Parent / Carer Signature (where appropriate)		Date	