

Post-16 Student Conduct & Disciplinary Procedure

The flowchart (attached as an appendix) explains the procedures diagrammatically

1. SCOPE AND PURPOSE

- 1.1 This document sets out the code of conduct to which students are expected to adhere in return for being admitted to Post-16 and being provided with educational and other facilities. It also sets out the procedure which should be followed where the code of conduct is breached.
- 1.2 Breach of the code of conduct may lead to disciplinary action being taken against a student and repeated breaches or a single very serious breach may result in a student being excluded from the college.
- 1.3 This Code applies to all Post-16 students of the college who are part of any college delivery at any time of the year including.
- 1.4 There is a separate “procedure for academic misconduct” which deals with study and progress matters. If action is taken against a student under both codes, the two elements will be treated together under the Post-16 Student Disciplinary Process.

2. OBLIGATIONS OF STUDENTS

Students must:

- 2.1 use college facilities and behave generally in a way which respects the needs and aspirations of others to learn, teach and work within the community of the college;
- 2.2 respect other students, staff and visitors to the college;
- 2.3 familiarise themselves with the college's health and safety and other regulations, comply with those regulations and act at all times with due regard for their own safety and that of others;
- 2.4 respect the property of the college, and of its staff, other students and visitors;
- 2.5 support staff and other students in the maintenance of a clean and tidy environment throughout the college.

3. MISCONDUCT

The following are examples of misconduct which may result in disciplinary action being taken against students:

- 3.1 any breach of any of the students' obligations set out above
- 3.2 any failure to follow the reasonable instructions of a member of staff;
- 3.3 any smoking in college buildings or any other non-smoking areas;
- 3.4 any unruly behaviour or the use of foul or abusive language;

- 3.5 disrupting any class or any other college activity, whether or not involving staff or other students;
- 3.6 deliberately or by gross negligence causing damage to any college buildings, equipment, books or furnishings or any property of others;
- 3.7 any deliberate transgression of the college IT Policy;
- 3.8 any unauthorised interference with software or data belonging to or used by the college;
- 3.9 any theft of property or any other dishonest acts;
- 3.10 any drunkenness or the use, possession or supply of any illegal or harmful substances on college premises or on any activity associated with the college;
- 3.11 any bullying, intimidation, taunting, verbal abuse or the use of any violence or threat of violence towards any person;
- 3.12 any behaviour which is racially or sexually offensive or which is offensive to those with learning and/or physical disabilities or impediments;
- 3.13 any behaviour which could bring the college into disrepute;
- 3.14 any illegal act which may have an adverse effect on the work of the college or on other students.

4 GROSS MISCONDUCT

- 4.1 Any particularly serious cases of misconduct may be treated by the college as gross misconduct. These include
 - any misconduct involving violence or a serious threat of violence
 - deliberate damage to property
 - endangering the health or safety of others
 - any criminal activities affecting the college or other students (or which could bring the college into disrepute)
 - Plagiarism

It is emphasised that this is not an exhaustive list of the types of case which the college may treat as gross misconduct.

- 4.2 A student may be suspended from the college immediately by the Head of Post-16 pending a disciplinary interview, where that member of staff has reason to believe that the student has committed an act of gross misconduct. The student should be interviewed prior to the suspension and their version of the events shall be recorded.
- 4.3 Any such suspension will be confirmed in writing within 2 days of its occurrence and that student along with their parent(s)/ carer(s) will be invited to a reintegration meeting
- 4.4 During the period of suspension a full investigation will be carried out with statements taken from all persons who witnessed the alleged gross misconduct. The incident will be documented on the student file
- 4.5 If a student under the age of 18 is suspended from the college, a parent or guardian will be informed in writing wherever practicable.

- 4.6 Where a disciplinary panel is adjourned pending further investigation, student who has been suspended under this provision will remain on suspension until the panel is reconvened.

STAGE 1

5. FIRST WRITTEN WARNING

- 5.1 Warnings are intended to help students understand the consequences of misconduct. They should be viewed as a means of helping a student concentrate on improving behaviour rather than as a punishment. All staff will wish to ensure that every student benefits from their programme of learning and that the college is a pleasant environment for all. Students who misbehave need to be helped to understand the impact of their behaviour on others or on their progress and the two stages of official warning are intended to assist in that process.
- 5.2 Cases of petty misconduct may be treated informally by any member of staff.
- 5.3 Where the misconduct is repeated or where the misconduct is considered to warrant more formal treatment, an official warning should be given to the student concerned by one of the following members of staff
- The personal tutor
 - The Head of Faculty
 - The Head of Post-16
- 5.4 An official warning should be given after talking to the student, giving the opportunity for an explanation and taking into account any explanation given. The reason for the warning and the consequences of further misconduct should be clearly explained to the student.
- 5.5 The warning will be issued in writing and a copy kept in the student file.
- 5.6 A copy of the warning must be sent to the parents of all students under the age of 18.

STAGE 2

6. SECOND WRITTEN WARNING

- 6.1 Where misconduct is further repeated or is considered to warrant more formal treatment, the relevant Head of Post-16 should become involved.
- 6.2 A meeting must be arranged between the Head of Post-16 and the student, as soon as practicable. The tutor or course coordinator will also be invited where appropriate. The purpose of the meeting is to explore the nature of the concerns expressed by staff and the reason for their continuation, escalation or, if a first offence, the seriousness of the offence.
- 6.3 Where it is believed that improvement in behaviour could be achieved an agreement between the student and Head of Post will be drawn up, detailing what each will do to improve the situation and, where appropriate, by when.
- 6.4 A copy of the agreement will be signed by both parties and, in the case of a student under 18 years of age at the commencement of the learning agreement in force, parents/carers will be informed of the agreement.

- 6.5 If the Head of Post-16 does not believe that such an informal agreement will result in improvement, a recommendation will be made to the Vice Principal that the student be invited to attend a Disciplinary Panel.

STAGE 3

7 DISCIPLINARY PANEL

- 7.1 A disciplinary panel chaired by the Vice Principal as appropriate will be arranged, by letter, giving at least 5 days' notice and stating:

- a) the reason for the panel
- b) the student's entitlement to accompaniment (detailed below); and
- c) confirmation of the time and place of the interview.

The member of staff chairing the panel will not have had prior involvement in any previous stage of the process.

- 7.2 The panel will consist of the Vice Principal and either the relevant Head of Post-16 or the student's personal tutor/course co-ordinator. Teachers may be invited to attend or to submit written evidence to the panel.
- 7.3 The student will be entitled to be accompanied by a friend, student representative or relative (but not by a legal or other professional adviser) at the panel and will be entitled to state his or her case (including any mitigating factors) before any decision is taken.
- 7.4 After hearing the student's case, the panel may decide:
- To draw up a further Disciplinary Agreement
 - To take no further disciplinary action
 - Temporarily or permanently exclude the student
- 7.5 A copy of the agreement will be signed by both parties and, in the case of a student under 18 years of age at the commencement of the learning agreement in force, parents/carers will be informed of the agreement.
- 7.6 In the event of the student being permanently excluded they will be provided with written notification of the main findings on which the recommendation for exclusion has been made and given details in writing of the right of appeal within 5 days of the date of the disciplinary panel.

8. FURTHER INVESTIGATION

- 8.1 If the student disputes material facts relating to the complaints, the Head of Post-16 will adjourn the interview to a future date within the following 14 days to allow relevant evidence (including from sources identified by the student) to be made available. The Vice Principal may arrange for witnesses to be available in person for the reconvened interview for written statements to be obtained.
- 8.2 Copies of any documentary evidence, together with copies of any written statements will be provided to the student at least 5 days before the reconvened interview. The student will have the right to question any witnesses appearing in person and to question any evidence presented in the form of a written statement.

- 8.3 If a witness is not available to answer questions, that will be taken into account by the Vice Principal when assessing the weight to be given to conflicting evidence. Written statements which do not reveal the name of the witness will not be considered, other than in the most exceptional circumstances.

9. APPEAL AGAINST SUSPENSION OR EXCLUSION

- 9.1 The student will have a right of appeal to the Vice Principal against any recommendation for permanent expulsion or formal suspension.
- 9.2 Notice of appeal must be lodged with the Vice Principal within 10 days of the date of the recommendation for exclusion or suspension and must give the grounds and brief particulars of the appeal. The recommendation will not be considered until the expiry of the period for lodging the appeal.
- 9.3 If a notice of appeal is lodged within the time allowed, an appeal interview with the Vice Principal will be arranged to take place within 21 days of the notice of appeal being lodged. The student will be given at least 5 days' notice of the time and place of the appeal interview and will be entitled to be accompanied by a friend, student representative or relative (but not by a legal or other professional adviser unless the college otherwise agrees, having been given notice before the day of the hearing). A legal or other professional adviser will be allowed if the college intends to have an external adviser present. Any documents considered at the disciplinary panel will be available for the purposes of the appeal.
- 9.4 At the appeal interview, the student will be invited to explain the grounds of the appeal and to state his or her case.
- 9.5 The Vice Principal/ Head of Post-16 who made the recommendation to exclude or suspend will be asked to respond to the appeal and explain the reasons for the recommendation.
- 9.6 The Vice Principal may ask questions of the student before considering whether to allow or dismiss the appeal. Witnesses will not normally be asked to attend except in relation to any relevant new evidence which has come to light since the disciplinary panel.
- 9.7 If the appeal is allowed, the Vice Principal may decide that a reduced disciplinary sanction should be applied, including a shorter period of suspension. The Vice Principal may also decide that no further disciplinary action should be taken.
- 9.8 If the appeal is dismissed, the recommendation will stand. The Vice Principal may not impose any greater sanction against the student than that already recommended.
- 9.9 Within 5 days of the appeal interview, the final decision of the Vice Principal will be confirmed in writing to the student.

10. CRIMINAL OFFENCES

- 10.1 Where any member of staff has reason to believe that a student may have committed a criminal offence, the college may refer the matter to the police and may continue disciplinary proceedings under this procedure or suspend the student pending the outcome of police enquiries and any charges which may be brought against the student. 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.

- 10.2 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.

11. CONDUCT OF INTERVIEWS

- 11.1 Disciplinary and appeal interviews under this process will be conducted fairly and firmly by the member of staff conducting the interview, who will be accompanied by another member of staff to take notes.
- 11.2 The member of staff conducting the interview may give instructions in relation to the conduct of the interview, including (without limitation) as to the length of time which any part of the interview should take. Such instructions must be fair, particularly in allowing the student to question the evidence and state his or her case.
- 11.3 The member of staff conducting the interview 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 member of staff with regard to the interview. If the student does not attend any interview, disciplinary action may nevertheless proceed.

12. TIME PERIODS

- 12.1 With the exception of the time allowed for lodging an appeal, time periods stated in this Code are for guidance and may be varied by the college if it is not practicable to adhere to them. Written notice of any such variation will be given.
- 12.2 Periods of days in this Code are calendar days rather than working days. Documents sent by first class post will be deemed to be received within 48 hours of posting.

13. VARIATIONS AND AMENDMENTS TO THIS CODE

- 13.1 In some cases it may be desirable that variations should be made to procedural aspects of this Code. The college may make such variations as it sees fit, subject to informing the student concerned and subject always to considerations of fairness. Without limitation, such variations may include disciplinary or appeals interviews being conducted by different persons, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered.
- 13.2 This Code may be amended by resolution of the CTC Post-16 Kingshurst Academy from time to time.

DISCIPLINARY PROCEDURE

