



BILBOROUGH
SIXTH FORM COLLEGE

Student Disciplinary Procedure

DISCIPLINARY PROCEDURE

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1. INTRODUCTION

- 1.1** This procedure recognises that the College whilst in the first instance will seek to support students, also has the power to discipline students in respect of misconduct, negligence and any other breaches of the College's expectations, rules and policies.
- 1.2** The purpose of the procedure is to help and encourage students to achieve and maintain acceptable standards of conduct and performance, and to ensure consistent and fair treatment for all in relation to disciplinary actions.
- 1.3** It is not intended that this formal procedure should be used where relatively minor problems can be best resolved by a private word with the individual concerned. On occasions when formal disciplinary action becomes necessary, however, it is in the interests of all concerned to ensure that the procedure followed is clear, effective and fair in all respects.
- 1.4** The disciplinary procedure will also be invoked when students break specific college codes of conduct (e.g. IT code of conduct, Anti bullying policy, Plagiarism, student agreement etc.) or if students are involved in any of the activities deemed as 'unacceptable behaviour/inappropriate behaviour' outside of lessons including breaching rules on use of lifts, litter, behaviour around balconies and general behaviour in and around corridors/reception area. Failure to do so will lead to disciplinary procedures.
- 1.5** There are also examples of serious misconduct which will lead to immediate escalation to the highest levels of the college's disciplinary procedures. These may result in exclusion from the College and/or criminal proceedings. Whilst the list below is not exhaustive, examples of such serious misconduct would include;
 - Verbal, racial or sexual harassment or any other action contrary to the equality and diversity policy, or any form of bullying, physical threats, fighting or assaults (see related anti bullying policy).
 - Any action which threatens the health and safety of the individual student or other people, either in class, on the College premises or on trips/visits organised by the College.
 - Throwing/passing items over the college balconies
 - Wilful damage to property, or action which threatens the safety of individual students or other members of the College community.
 - Theft, gambling, or taking or demanding money by using threatening behaviour.

- Taking, dealing or being in possession of illegal substances on the College campus, drinking alcohol or being under the influence of alcohol or drugs on the campus.
- Being in possession of any type of weapon/knife on the College premises.
- Persistent and deliberate failure to adhere to college rules or instructions given by the senior leadership team.
- Involvement in criminal proceedings outside of College which may have potential implications for the safety of others in College.

1.6 The procedure should not be used where the reasons for concern at College are solely due to reasons beyond the control of the individual (e.g. serious health issues or illness) or where the issue is mainly one of ability rather than approach.

1.7 In general, early intervention, good communication along with the visible and consistent support of staff in dealing with matters of behaviour is encouraged, to promote a positive, fair, pleasant and hardworking ethos.

1.8 The College is a place of work and the staff will seek to foster good habits which would be expected in the workplace, such as punctuality, good attendance and diligence. Students will be treated by staff as young adults but must expect to behave with the responsibility associated with that status.

2. BEHAVIOUR MANAGEMENT PROCEDURES

2.1 The procedure for students provides a framework of stages (D1, D2, D3, see below), but there will sometimes be cases of serious misconduct where the early levels of the procedure do not match the gravity of the incident and the procedure will start at the highest level of disciplinary contract. Cases of serious misconduct may result in exclusion.

2.2 Staff will seek to clarify and be sensitive to any difficulties a student may have in taking responsibility for their approach/ behaviour as a result of any external circumstances. In doing so, individuals will be guided to access support, perhaps through the College support systems, a counsellor or external agency.

2.3 There are examples of misconduct, not specifically related to a programme of study, which will lead to involvement in disciplinary procedures, which in turn could result in exclusion from the College and/or criminal proceedings. Examples of these are listed in 1.6.

2.4 Where students are involved in criminal activities or are suspected of having broken the law, the police may be involved. The College reserves the right to involve, or share information, with other agencies e.g. the police in this context.

3. STAGES OF DISCIPLINARY PROCESS

Instances of inappropriate behaviour are assessed for severity, and may escalate to a higher level of disciplinary. Some examples of behaviours which may result in immediate escalation to D3 are listed in 1.5 and some of these behaviours may also have other consequences.

Inappropriate behaviour is reported to tutor, Lead Personal Tutor, Student Support Manager or Director of Student Support Services.

Verbal Warning

A verbal warning is issued and entered on the students log (only factual information should be recorded)

Examples of concerns.

- Persistent case of disruptive behaviour in lessons or other areas of the College premises
- Persistent instance of using lifts when not entitled to do so.
- Low-stakes plagiarism (e.g. with homework)
- Non wearing or refusal to wear a lanyard

Where appropriate, an action plan may be drawn up by either the teacher or tutor to assist the student to improve. The issue should be communicated to parents / guardians either by telephone, e-mail or letter notifying them of the issue stating that with the support of parents/guardians the matter will be resolved. **A record will be made on the student log.**

If the student fails to respond positively or wider concerns emerge, the matter should be picked up by the **Personal Tutor** who will instigate.

Level 1 disciplinary (D1)

- **A record will be made on the student log** to record the **level 1 disciplinary (D1)**. This will state the issues that have arisen and actions taken / promised to ensure there is no repeat behaviour.
- **Personal Tutors** should liaise between staff and communicate plans and actions.
- **Personal Tutors** should also inform **parents/carers** of the nature of the concern and the plans and actions in place.
- If issues arise that require confidentiality or involve sensitive personal issues, the Personal Tutors should seek advice from the Lead Personal Tutor or Student Support Manager to the most appropriate course of action. Nothing of a confidential nature should be detailed on the student log (only factual information should be recorded). S Forms should be utilised for information of a sensitive nature.
- The student should know that further disciplinary incidents will lead to escalation to D2

Level 2 disciplinary (D2)

The level 2 disciplinary (D2) has two uses. It can be used for students who have been logged as D1 and who continue to engage in poor behaviour choices. It can also be used for some more serious disciplinary cases where a D1 is not considered a sufficient sanction in relation to the actions of the

student. Some examples of behaviours which may result in immediate escalation to D2 might be.

- Attempts to cheat or share answers in a formal assessment
- Persistent low-level damage to college property
- More serious negative classroom behaviours

In the case of a D2

- A formal review meeting with the student, and if appropriate their **parents / carers** should take place. The meeting should be led by (as appropriate) the Lead Personal Tutor (LPT) or Student Support Manager.
- The student log should be updated with details of the incident leading to the D2 and the plans and actions resulting from the meeting.
- The student should know that further disciplinary incidents will lead at the very least to escalation to D3.

Level 3 Disciplinary (D3 – SLT involvement)

The level 3 disciplinary (D3) has two uses. It can be used for students who have been logged as D2 and who continue to engage in poor behaviour choices. It can also be used for cases of serious misconduct, where a D1 / D2 is not considered a sufficient sanction in relation to the actions of the student. Some examples of behaviours which may result in immediate escalation to D3 are listed in 1.5 and some of these behaviours may also have other consequences.

In the case of a D3

- A formal review meeting with the student and their parents / carers should take place. The meeting should be led by the Director of Student Support Services (DSSS) and the Principal.
- The student log should be updated with details of the reasons for the D3 and the plans / actions resulting from the meeting
- The student should know that further disciplinary incidents may lead to more serious consequences (see below).

If a student or parent / carer feels that the D3 is not an appropriate sanction, there is an appeals process in which the student and parent/carer may write to the Director of Student Support Services with mitigating circumstances.

Short-term or permanent exclusion

Exclusion will also be considered as a sanction in all cases of serious misconduct (see part 4). This may be short-term or permanent depending on the nature of the incident and the student's response to it. Exclusion will also be considered as a sanction when a student who already has a D3 is involved in a further disciplinary incident. At this stage the re-enrolment for a future academic year may be refused.

Procedures for exclusions are detailed in Appendix A

In the event of a short-term exclusion the student will need to agree a plan moving forward to reintegrate the student into College and reinforce the College's expectations regarding behaviour. This will be with members of the SLT and will ideally involve parents / carers.

4. PROCEDURE for serious misconduct

4.1 Section 1.6 outlined examples of serious misconduct which may automatically lead to involvement in disciplinary procedures and which in turn could result in exclusion from the College and/or criminal proceedings. These are serious offences and require immediate escalation, even if the student has a previously good academic and disciplinary record.

4.2 Student Admits Offence

- An initial investigation by a member of the Senior Leadership team which will include taking a written statement from the student involved in the misconduct and from anyone else involved in the incident/ witnessed the incident.
- If the student admits the offence, then the matter is reported to the Director of Student Support Services.
- The Director of Student Support Services will see the student. It would be usual for the student to be asked to go home at this stage (parent/guardian will be informed that this is happening) and to return at an agreed time with a parent/guardian. This provides a 'cooling off' period for all involved and also enables College to examine full facts and any extenuating circumstances.
- A meeting of the Principal and the Director of Student Support Services along with student and parent/representative will take place as soon as is feasible after the event. Following the meeting, the Principal will apply an appropriate sanction with regard to the severity of the incident and the safeguarding / safety of people and property within the college
- Where students are involved in criminal activities or are suspected of having broken the law, the police may be involved.

4.3 Student Denies Offence

- An initial investigation by one of the Senior Leadership Team which will include taking a written statement from the student involved in the misconduct and from anyone else involved in the incident/ witnessed the incident.
- If the student denies the allegation, then the matter should be referred on to the Director of Student Support Services
- A formal investigation should be carried out as directed by the Director of Student Support Services/Principal. The Principal will nominate a member of the Senior Leadership Team to investigate the allegation and produce a report before any further disciplinary action is taken. The student will be told clearly what is being alleged, and will have the opportunity to answer any allegations. Statements will be taken from witnesses as soon as possible after the incident.
- It would be usual for the student to be asked to go home at this stage (parent/guardian would be informed that this was happening) and to return at an agreed time with a parent/guardian. This provides a cooling off period for all involved and also enables College to examine full facts and any extenuating circumstances
- A meeting of the Principal and the Director of Student Support Services along with student and parent/representative will take place as soon as is feasible after the event. Following the meeting, the Principal will apply an appropriate sanction with regard to the severity of the incident and the safeguarding / safety of people and property within the college

- Where students are involved in criminal activities or are suspected of having broken the law, the police may be involved.

5. ALTERNATIVE PROCEDURES IN CASES OF SERIOUS MISCONDUCT

- 5.1** There may be cases of misconduct that, as defined either in terms of the 'act' or the 'intent', are deemed to be 'so serious' that exclusion without prior warning will take place
- 5.2** In cases of serious misconduct a member of the Senior Leadership Team may tell a student, (pending further enquiries) to leave the premises immediately. The student must be told when to return to College and to whom and where they should report

This will be confirmed by letter/phone call to parents/guardians.

- 5.3** The member of the Senior Leadership Team involved must report this action to the Principal who will make arrangements for an investigation to take place.

6. APPEALS

- 6.1** As stated above, unacceptable behaviour, and incidents of serious misconduct will lead to disciplinary proceedings, which could result in exclusion from the College.

- 6.2** It is College policy to support all students with their studies at College and a decision to exclude will only be taken in one of the following cases:

- in response to serious breaches of the College's disciplinary policy
- if a student has moved up through all of the stages of the contracts and has still failed to adopt appropriate behaviours
- if allowing the student to remain in College would seriously harm the education or welfare of the student or others in the College.

- 6.3** Because of the gravity of exclusion as a sanction, before reaching a decision to exclude, the Principal will:

- consider all the relevant facts and firm evidence to support the allegations made, including statements from witnesses, and take into account the College's policy on equal opportunities.
- Allow the student to give their version of events.
- check whether an incident appeared to be provoked by racial or sexual harassment.
- If necessary consult others, without involving anyone who may later take part in any appeal hearing.
- for students under the age of 18, inform parents/guardians as appropriate.

- 6.4** Exclusion may be for a short-term period or permanent, depending on the seriousness of the incident.

- 6.5** Short-Term Exclusion

Short-term exclusions will be for the shortest time necessary, to avoid the student's unnecessary absence from studies and to avoid any re-integration issues.

In cases of more than a day's exclusion, unless permanent, work will be set and marked by the College.

6.6 Permanent Exclusion

A decision to exclude a student permanently is a serious one. This will either be the final step in the process of dealing with disciplinary offences, after other strategies have been tried and failed, or it will be due to a serious breach of the college's disciplinary policy. Some offences may lead direct to permanent exclusion.

The procedure for excluding a student, and handling any subsequent appeal, are provided in at Appendix A, part I.

6.7 Drugs-related Exclusion

Drugs-related offences will lead to exclusion. The form of the exclusion will depend on the nature of the offence and the student's role in the incident. The willingness of the student to take responsibility for their actions and to engage with any support deemed necessary will also be a factor. Any decision to exclude will take into account the needs of individuals involved, as well as their peers, both in terms of their educational and personal development, and in terms of recognising that permanent exclusion may make a young person more vulnerable to exposure to drugs.

7. APPEALS

7.1 All students have the right to appeal against any sanction(s) imposed as a result of the disciplinary procedure.

7.2 Appeals should be made in writing to the Principal at david.shaw@bilborough.ac.uk . Any appeal should be lodged within 10 working days.

7.3 All appeals will be subject to a thorough examination of the facts of the issue, and the student and parents/guardians will be provided with an opportunity to put their case, with 7 days notice of the time and venue of any hearing.

7.4 In the case of an appeal against exclusion, the Local Governing Board will appoint an Appeal Committee, to hear the appeal. Details are provided in Appendix A, part II.

7.5 The outcome of any appeal hearing will include a decision with reasons and be issued within five working days of hearing the case.

7.6 The decision of Local Governing Body is final.

I. PROCEDURES FOR EXCLUDING A STUDENT

1. Where a student is to be excluded, parents or guardians will be notified immediately. The initial contact will be made, where possible, by telephone or in a face to face meeting, followed up by a letter explaining the decision to exclude.

The letter regarding the exclusion will explain:

- a. Why a decision has been made to exclude the student, and the steps taken to try to avoid exclusion, if appropriate.
- b. The date the exclusion takes effect, and in the case of short-term exclusion, the length of exclusion and the date/time the student should return to College.
- c. In the case of short-term exclusion, the arrangements for enabling the student to continue their studies, including setting and marking work.
- d. The student's parent's/guardian's right of appeal to the Chair of Governors, who to contact, and time limits.

II. THE APPEAL COMMITTEE

2. In the case of an appeal against an exclusion, the Local Governing Body will appoint an Appeal Committee, to hear the appeal. The Appeal Committee will meet within 15 working days of the date the notice of appeal is lodged. The Committee will consider the college's reasons for appeal as outlined in the exclusion letter, the notice of appeal and any other written and oral representations presented by either the college or the appellant.
3. A meeting of the Appeal Committee will be held to hear the appeal. The meeting will follow a set procedure, which will involve the college making its case, the student or parent making their case, and questions from both sides. The Principal will be in attendance, and may make oral representations, together with other relevant staff. The student will be allowed to present their case if they wish to do so, but the parent/guardian remains the appellant unless the student is over the age of 18.
4. The student and/or parents/guardians will be given 7 working days notice of the time and venue of the hearing.
5. The Appeal Committee will consider.
 - a. The extent of the student's responsibility for the breach of conduct.
 - b. The broader interests of other students and staff in the College, as well as those of the excluded student.
 - c. The College's published discipline policy;
 - d. Where other students were involved in the same incident and were also disciplined, the fairness of the exclusion in relation to the sanctions imposed on the other students involved.
 - e. Whether the exclusion is a reasonable response to the particular breach of conduct.
 - f. Any mitigating circumstances.

6. The outcome of the Appeal Hearing will be issued the Principal, the parent/guardian and/or the student in writing within 5 working days, giving the reasons for the decision.
7. The decision of the Local Governing Body is final.