

Wakefield College: Student Disciplinary Procedure

Lead: Assistant Principal – Inclusion & Partnerships	Status: Approved
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Equality analysis tool

1.	Is the policy relevant to the public sector equality duty?	No
2.	Have any concerns previously been raised about this policy or practice?	No
3.	Is likely to result in discrimination against a protected group?	No
4.	Does this policy positively contribute to the participation of under-represented groups in the College's activities?	No

Version Control

Version	Date	Change(s)
1.0	May 2013	N/A: first version
1.1	April 2014	Minor changes in respect of new arrangements for High Needs Students Addition of Equality Impact Tool

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Introduction

- 1.1 In return for being admitted to the College and being provided with educational and other services and facilities, Wakefield College requires its learners to conduct themselves according to the Code of Conduct for Learners given at 2.1 of this document. This procedure applies to all learners of the College.
- 1.2 Where a learner's conduct falls below the standards expected, the disciplinary procedure set out in this document will be followed. Repeated breaches or a single very serious breach of the Code of Conduct may result in a learner being suspended or excluded from the College.
- 1.3 This procedure deals with instances of misconduct. Cases directly relating to examined and assessed work which counts towards a qualification should be dealt with by the Procedure and Regulations for the Conduct of Academic Assessment and Examinations.
- 1.4 Implementing this procedure may be an opportunity for the disclosure of a disability or learning difficulty. These procedures still apply to students with additional support needs however staff are strongly urged to seek further advice from the Additional Support Service to ensure that "reasonable adjustments" are being made and that The Equality Act 2010 is not breached by disciplining learners for a reason related to an aspect of their disability without having offered appropriate support.
- 1.5 All disciplinary action will be recorded on College systems as outlined in the procedure (Appendix 1)
- 1.6 Learners with learning difficulties and/or disabilities following FLEX provision have an additional procedure which will be exhausted before progressing to the standard procedure unless the severity of the behaviour warrants a direct movement to a stage in the standard procedure e.g. gross misconduct.

2 Code of Conduct

- 2.1 When learners enrol at Wakefield College, they are agreeing that they accept the regulations concerning behaviour as described in the following Code of Conduct.

Learners of Wakefield College are expected at all times to:

- Behave in a thoughtful, caring and courteous manner to other College users.
- Behave in a mature and responsible manner, whether on College premises or on educational visits, industrial or commercial placements.
- Work to the best of their ability in pursuit of their learning aims.
- Complete programme requirements and meet assignment deadlines.
- Show respect for College property, facilities and resources.
- Notify their tutor immediately whenever attendance at arranged sessions and meetings is delayed or not possible.
- Comply with the required administration procedures.

- Adhere to the No Smoking Policy.
- Show commitment to the aims of the College's policies relating to Equality and Diversity.
- Have regard for the health and safety of all.
- Adhere to this Code of Conduct and all other College policies and regulations

3.0 Summary of Stages of the Procedure

A diagrammatic representation of the procedure may be found in Appendix 1. The pre-disciplinary stage is not part of the disciplinary process but illustrates good practice which minimises use of the disciplinary process.

3.1 Informal stage – Cause for Concern

3.1.1 Minor lapses from acceptable standards of behaviour should be dealt with informally by staff as part of their general management of learners and the learning process.

3.1.2 Some examples of such infringements might include:

- Lapses of acceptable standards of behaviour which require documenting
- Poor behaviour and/or timekeeping
- Missing/inaccurate kit including student ID badge and/or lanyard
- Anti-social behaviour and abusive language
- Incomplete/late submission of work
- Attendance below 90%
- Any other problem deemed a cause for concern by staff

3.2 Formal Stage1

3.2.1 Formal Stage 1 should be used when informal action has not brought about the required improvements.

3.2.2 Some examples of situations in which it is appropriate to use Formal Stage 1 include:

- Repeated abusive language
- Persistent inappropriate or poor behaviour
- Less than 80% attendance which is having an impact on achievement
- Repeated incompleteness of work or work which is persistently handed in late without reasonable grounds
- Repeated Causes for Concern through the informal stage of the procedure
- Any other problem deemed to be a disciplinary issue by staff, and agreed with the relevant Student Experience Manager

3.2.3 The relevant SEM should refer the student to the Student Support Impact Group.

3.3 Formal Stage 2

3.3.1 Failure to comply with previously agreed disciplinary actions/contract or inappropriate behaviours of a more serious nature should invoke Formal Stage 2 of the procedure.

3.3.2 Some examples of situations in which it is appropriate to use Formal Stage 2 include:

- Deliberate failure to comply with previously agreed disciplinary actions/contract
- Assault, threatening or aggressive behaviour, harassment, vandalism
- Coming into College under the influence of drugs or alcohol
- Deliberate misuse or damage of College equipment

3.3.3 The relevant SEM should refer the student to the Student Support Impact Group.

3.4 Formal Stage 3

3.4.1 Deliberate failure to comply with Formal Stage 2 disciplinary contracts or actions would invoke Formal Stage 3 of the procedure as would serious misconduct and/or any other deemed to be a disciplinary issue at this level and agreed by the relevant PAM/SEM and Director of Student Experience, or Head of Learner Services and Safeguarding if the conduct relates to a safeguarding issue.

3.4.2 Some examples of situations in which it is appropriate to move directly to Formal Stage 3 include:

- Violent behaviour
- Theft
- Serious breaches of Health & Safety
- Possession of a weapon
- Possession of illegal or non-prescribed drugs

3.4.3 The relevant SEM should refer the student to the Student Support Impact Group.

3.5 Formal Stage 4

3.5.1 Deliberate failure to comply with Formal Stage 3 disciplinary contract or actions, or gross misconduct would invoke Formal Stage 4 of the procedure.

3.5.2 Some examples of situations in which it is appropriate to move directly to Formal Stage 4 include:

- Harassment, intimidation or bullying
- Compromising the health and safety of themselves or others
- Behaviour resulting in significant disruption to the running of the College and/or other services – for example setting off fire alarms or making hoax calls
- Misuse of the College's network and/or computer systems, including the downloading, storing, viewing or transmitting of sexually explicit and/or racially offensive material

- Publication or distribution of material deemed to be racially or sexually offensive
- Attempts to alter or pervert the examination or assessment procedure
- Fighting or other violent or threatening behaviour
- Being under the influence of alcohol and/or other substances

Any of the following acts which may also be deemed by the law as criminal:

- Behaviour of a racist, sexist or discriminatory nature
- Malicious damage to, or theft of, the property of other learners, staff, visitors or the College
- Consumption, possession, selling or distribution of intoxicating, dangerous or controlled substances
- Violent or aggressive behaviour, including the carrying of weapons, or any other object with the intention of using them in a dangerous or threatening way
- Fraud

3.5.3 Investigation into Gross Misconduct

3.5.3.1 In the event of an incident of Gross Misconduct, the relevant SEM and Programme Manager will agree which of them will lead the investigation, with the help of the Head of Learner Services and Safeguarding if the issues relate to safeguarding. The agreed lead will then undertake the investigation. This may include interviewing witnesses and taking statements. All statements should be signed and dated by the appropriate individuals. It may also involve consulting with the Personal Tutor or Programme/Course Co-ordinator, ALS Co-ordinator, teachers and support staff as part of the process of investigating the problem. All reasonable investigations should take place.

3.5.3.2 The lead agreed in 3.5.3.1 will ensure that all statements are suitable to be submitted to the student and Panel members and will not compromise the College's standing and/or reputation when shared externally.

3.5.3.3 The possible outcomes of this investigation are:

- no further action to be taken if the allegation proves unfounded;
- a Formal Stage 4 Contract
- progression to a Formal Disciplinary Hearing, with the agreement of the relevant Assistant Principal, where the learner's suitability to remain at the College will be assessed including possible temporary suspension pending a Formal Disciplinary Hearing

3.5.4 Temporary Suspension

3.5.4.1 Learners will only be suspended if the relevant SEM/PAM considers the offence might ultimately lead to the learner's exclusion from College, or the learner poses a risk to him/herself or others if they remain in College. The relevant SEM/PAM can action a temporary suspension but must ensure that the relevant Assistant Principal is advised of this at or before the point of the suspension. Suspension, even for part of a day, cannot be approved without authorisation

from the relevant SEM/PAM who must ensure that the relevant Assistant Principal is advised of this at or before the point of the suspension.

- 3.5.4.2 Where it is decided to suspend the learner pending a Formal Disciplinary Hearing, an Assistant Principal must write to the learner within 3 working days confirming the suspension. A copy of the letter must be sent to the Director of Student Experience, relevant SEM and PAM, and the Personal Assistant to the Clerk to the Corporation, who will arrange a Formal Disciplinary Hearing.
- 3.5.4.3 The relevant PAM must arrange for work to be sent to the student in order that he/she can continue with coursework and does not fall behind unnecessarily. Learners who are suspended from the College will be required to continue with their College work at home.
- 3.5.4.4 There may be circumstances where it is prudent to ask a student to leave College for the day in order to cool-off or so that the facts surrounding an incident can be established. If the student is told to come back into College on the following day, this does not count as a suspension.

3.5.5 Formal Disciplinary Hearing

3.5.5.1 A Formal Disciplinary Hearing will be convened in any one of the following circumstances:

- following the investigation outlined in 3.5.3.1 above, the SEM/PAM considers that the learner may have committed an act of gross misconduct and exclusion should be considered
- the learner has breached a Formal Stage 3 Contract and exclusion should be considered due to the seriousness of the breach
- the learner has breached a Formal Stage 4 Contract and exclusion should be considered

The relevant Assistant Principal must sanction the initiation of a Hearing.

3.5.5.2 The PA to the Clerk to the Corporation will arrange a Formal Disciplinary Hearing following an official request by the relevant SEM/PAM. The PA to the Clerk to the Corporation will check that the relevant Assistant Principal has sanctioned the Panel Hearing.

3.5.5.3 The PA to the Clerk will inform the AP: Inclusion & Partnership of all students for whom a Panel Hearing is convened. This will enable the AP: Inclusion and Partnership to determine whether or not the student is a High Needs Student.

3.5.5.4 The Disciplinary Panel will be chaired by an impartial member of the Senior Team, the Director of Student Experience or the Head of Learner Services and Safeguarding. In addition, the panel will include the AP responsible for the learner together with the relevant SEM. The PA to the Clerk to the Corporation will act as note taker for the Panel. Where there are safeguarding concerns, the

Head of Learner Services and Safeguarding should attend in an advisory capacity if she is not already attending as Chair.

3.5.5.5 The Programme Manager/SEM who has undertaken the investigation should provide an evidence pack to the PA to the Clerk to the Corporation. This should include:

- A summary of the case to be answered (Appendix 2)
- Witness statements (if appropriate)
- Any other relevant documentation

The colleague undertaking the briefing should talk through the relevant online ProMonitor records.

3.5.5.6 The Programme Manager/SEM who has undertaken the investigation should check whether or not the learner has learning difficulties and/or disabilities and whether they are in receipt of Additional Learning Support and/or reasonable adjustments. Any relevant information should be included in the verbal briefing at the beginning of the Panel Hearing.

3.5.5.7 The Programme Manager/SEM who has undertaken the investigation will brief the panel. It may also be appropriate for a member of the Additional Support Team to brief the panel. The Head of Learner Services and Safeguarding may also brief the Panel on previous similar cases if a precedent is required.

3.5.5.8 The PA to the Clerk to the Corporation will inform the learner by letter, within 5 working days of being informed of the suspension, of the date and time of the Formal Disciplinary Hearing and advise that they may be accompanied at the hearing by a parent/carer or friend to support them. The Clerk's PA will also send the learner information on the Disciplinary Procedure together with the documentation supplied to the Panel (with learners' names deleted where necessary). The Clerk's PA will give at least 5 working days' notice of the date of the hearing.

3.5.5.9 If under 18 at the start of the course, the learner's parent/carer will be invited by letter to attend the hearing.

3.5.5.10 The Formal Disciplinary Hearing will normally be held within 10 days following notification of the date of the hearing, unless additional time for further investigation is required.

3.5.5.11 If the learner fails to attend the Formal Disciplinary Hearing, the Panel may consider the case in their absence.

3.5.5.12 The possible outcomes of a Formal Disciplinary Hearing are:

- no further action to be taken if the allegation proves unfounded;
- a Formal Stage 4 Disciplinary Panel Contract;
- a recommendation to the Principal to exclude the learner from the College as outlined in 7 below.

3.5.5.13 Should a learner subsequently breach a Formal Stage 4 Disciplinary Panel Contract which arose from a Formal Panel Hearing, the matter should be referred back to the Chair of the panel for a decision.

4 Exclusion

4.1 Where the outcome is to recommend exclusion, the Principal will review the evidence and confirm (or otherwise) the Panel's decision. A letter confirming the decision reached will be sent to the learner and a copy sent to those identified in 6.2 as appropriate.

4.2 The period for which a learner is excluded from the College will be commensurate with the seriousness of their misconduct but will not normally exceed three years.

4.3 Learners excluded from the College, may not enrol on a different course or programme at Wakefield College, or any of its sub-contracted providers during their period of exclusion.

4.4 Learners excluded from full-time courses may apply, at the discretion of the Principal, to join a part-time programme of study if they are in employment and sponsored by an employer.

4.5 The learner will have the right to appeal against the decision to exclude them in accordance with 5 below.

5 Appeals Against Disciplinary Outcomes

5.1 If a learner wishes to appeal against a disciplinary panel outcome, s/he must lodge a written notice of appeal with the Clerk to the Corporation within 10 days of receipt of the letter from the College confirming that outcome. The letter must detail the grounds for the appeal.

5.2 Appeals in respect of any disciplinary outcome will be considered by a panel chaired by a member of the Principalship, and two members of the Senior Management Team not involved in the original Panel.

5.3 The Clerk to the Corporation will make all necessary arrangements for an Appeal Panel. The Clerk to the Corporation will inform the learner by letter, within 10 days of receipt of the letter of appeal, of the date and time of the hearing and advise that they may be accompanied at the hearing by a parent/carer or friend to support them. If under 18, the learner's parent/carer will be invited by letter to attend the Appeal hearing. The Clerk will also send information on the Appeal process and a copy of the documentation supplied to the Panel (with learners' names deleted where necessary) to the learner. The Clerk will give 5 days' notice of the date of the hearing and the hearing itself will normally take place within 15 working days after receipt of the letter of appeal.

5.4 The Chair of the original Panel will brief the Appeal Panel. Other learners and members of staff may also be required to attend the Appeal Hearing.

- 5.5 If the learner fails to attend the Appeal Hearing, the Panel may consider the case in their absence.
- 5.6 The possible outcomes of an Appeal Hearing are that the previous outcome is:
- confirmed;
 - substituted with a reduced outcome; or,
 - withdrawn with no other disciplinary outcome substituted.
- 5.7 The decision of the appeal panel is final. A letter confirming the decision reached will be sent to the learner, within 5 working days, by the Chair of the Appeal Panel and copied to those identified in 4.2 as appropriate.

6 Managing the Behaviour of Learners

6.1 Staff Responsibilities

- 6.1.1 All staff have a role to play in managing the behaviour of learners. It is important for staff to react to situations as quickly as possible and to follow the procedures detailed below. This may range from challenging learners who are smoking in the wrong place to participating in a formal disciplinary hearing leading to exclusion from College.
- 6.1.2 It is the responsibility of teaching staff to ensure that learners are made aware of College expectations and the consequences of unacceptable behaviour at induction and at appropriate times during the year.

6.2 Informing Others

- 6.2.1 If the learner is still of compulsory school age, the relevant school and/or the Local Authority and the Programme Manager: Partnerships will be notified of any formal disciplinary action
- 6.2.2 If the learner is under 18 at the start of the course, parents/carers will be notified of any formal disciplinary action at Formal Stage 1 or above. Any decision not to contact parents/carers of this age group must be made by a member of the Principalship. This will only occur in exceptional circumstances, for example, if the learner is living independently. In the case of vulnerable learners who are over 18 - for example, those with a learning difficulty and/or disability – the College may involve parents/carers and/or other relevant agencies if such arrangements are agreed with those learners.
- 6.2.3 If a learner is sponsored by an employer, that employer will be notified of any formal disciplinary action
- 6.2.4 In the event of an exclusion, if the learner is a High Needs Students, the relevant Local Authority will be informed and any appeal should be considered in line with the relevant Local Authority contract.

6.3 Learners with Learning Difficulties and/or Disabilities

- 6.3.1 Learners with additional support needs are entitled to be supported as necessary at all stages of the procedure – for example, by the provision of a learning support worker or communication support worker or by providing information in an alternative format. In such instances, the relevant ALS Co-ordinator and/or tutors will be informed and involved.
- 6.3.2 Additional Support staff should not act as an advocate for learners as their status means that this may put them in a position with conflicting interests.
- 6.3.3 Following these procedures may identify disabilities or learning difficulties that manifest themselves as behavioural issues or failure to make academic progress. This should be discussed with the learner and referred (if the learner agrees) to the Additional Support Team who will advise the tutor of any “reasonable adjustments” that may be needed. If the learner does not agree it should be made clear what the consequences of that may be. (In this case, advice can still be sought from Additional Support without disclosing the learner’s name).

7 Documentation

- 7.1 It is important that records are made of each stage of the disciplinary proceedings using the appropriate systems as Disciplinary Contracts or other documentation may be called upon as evidence at later stages of the procedure.

8 Withdrawal from Course

- 8.1 If a student withdraws from his/her course prior to the commencement of disciplinary procedures, this will be flagged on the student’s record, as an outstanding disciplinary matter which must be addressed before any subsequent enrolment can take place.

9 Policy Monitoring and Review

- 9.1 All disciplinary action will be recorded in ProMonitor.
- 9.2 An annual report will be prepared by the PA to the Clerk to the Corporation for presentation to the Principalship and Governors. This report will contain an analysis of learners involved in disciplinary hearings, by academy, age, gender, ethnicity and disability.
- 9.3 The Disciplinary Procedure will be reviewed, normally every three years, by the Governing Body.

10 Criminal Offences

- 10.1 Where it is believed that a learner may have committed a criminal offence, a member of the Principalship, or a nominated representative, may, depending on the offence, refer the matter to the police and may either continue disciplinary proceedings as detailed in this document or require the learner to work at home pending the outcome of police enquiries.

- 10.2 Where the learner has been required to work at home under this provision, the College reserves the right to recommence proceedings as detailed in this document in relation to the matter when the results of those enquiries and any criminal proceedings are known.
- 10.3 Any disciplinary action relating to alleged criminal offences will be based on the genuine belief of the member of staff taking the action after a reasonable investigation and will not require a criminal conviction.
- 10.4 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 learners.
- 10.5 Should the Police request information about any of our students in relation to a criminal investigation, this can only be provided on receipt of an appropriate DP7 (data release form) from the Police.

11 Time Periods

- 11.1 Time periods stated in this procedure are for guidance and may be varied by the College if it is not practicable to adhere to them. Written notice of any such variations will be given to the learner.
- 11.2 Periods of days in this procedure are working days rather than calendar days. Documents sent by first class post will be deemed to have been received within 48 hours of posting.

12 Variations and Amendments to this Procedure

- 12.1 In some cases it may be necessary to make variations to aspects of this procedure. The College may make such variations as it sees fit, subject to informing the learner concerned and subject always to considerations of fairness. Such variations may include disciplinary or appeals interviews being conducted by different persons, if the person who should otherwise be conducting the interview is unavailable or has previously had close personal involvement in the matter to be considered.
- 12.2 For clarification on the operation this procedure, learners and staff should contact the PA to the Clerk to the Corporation.

Stage	Type	Examples of...	Responsibility/Documentation/Action
Pre-Disciplinary	Use of Positive Behaviour Techniques	Trivial instances of misbehaviour, low level disruption addressed verbally	On campus and/or classroom management by any staff member No documentation required
Informal Disciplinary	Cause for Concern	Lapses of acceptable standards of behaviour which require documenting Persistent poor behaviour and/or timekeeping Persistent missing/inaccurate kit – including student ID badge and lanyard Anti-social behaviour & Abusive language Incomplete/Late submission of work Unauthorised attendance below 90% Any other problem deemed a disciplinary related issue by staff, and agreed with SEM	Any staff member – academic, management, support, security Action - Logged within Promonitor against student within learner comments. For staff who cannot access, details passed to SEM and logged by SEM Progress/Positive outcome logged within Promonitor against student within learner comments (follow ups)
Formal Disciplinary	Formal Stage 1	Repeated abusive language Persistent Inappropriate or poor behaviour <80% attendance which is having an impact on achievement Repeated incompleteness of work or persistently handed in late, without reasonable grounds Repeated Cause for Concerns Any other problem deemed a disciplinary related issue by staff, and agreed with SEM e.g. attendance/punctuality, inappropriate use of computers, smoking in unauthorised areas.	Personal Tutors, Course Co-ordinators, and SEM = Formal Stage 1 warning issued Meeting with student recorded in Promonitor under Meeting section (Disciplinary). Documented comments, actions or contract as required with review dates. Parents/Carers sent letter and invited to attend a meeting if appropriate Communicated to SEM by 'For the attention of link if completed by other staff and vice versa SEM to refer to Student Support Impact Group (SSIG)
	Formal Stage 2	Deliberate failure to comply with previously agreed disciplinary actions/contract Assault, threatening or aggressive behaviour, harassment, vandalism, plagiarism, Coming in to College under the influence of drugs or alcohol or whilst participating in college activities; bringing into college alcohol; deliberate misuse or damage of College safety devices, alarms and/or equipment; threatening behaviour or harassment of other/s; cheating in formal exams or tests; Any other issue deemed a disciplinary issue at this level and agreed by the PM and SEM	Programme manager & SEM = Formal Stage 2 warning issued Meeting with student recorded in Promonitor under Meeting section (Disciplinary). Documented comments, actions or contract as required with review dates. Possible temporary exclusion. Copy to student. Parents/Carers sent letter and invited to attend meeting Communicated to SEM by 'For the attention of link if completed by PM and vice versa SEM to refer to Student Support Impact Group (SSIG)
	Formal Stage 3	Deliberate failure to comply with formal stage 2 disciplinary actions/contract Dangerous conduct to others/s (e.g. violent, or very threatening, behaviour) whether on campus, within the vicinity of the college or off college premises; stealing from others or from college premises; serious breaches of Health and Safety guidelines; stealing from others or from college premises; bringing into college a weapon or banned implement; bringing into college illegal drugs Any other issue deemed a disciplinary issue at this level and agreed by the PM/SEM and Head of Student Experience/Head of Services.	Programme manager & SEM = Formal Stage 3 warning given Meeting with student recorded in Promonitor under Meeting section (Disciplinary). Documented comments, actions or contract as required with review dates. Possible temporary exclusion. Copy to student. Parents/Carers sent letter and invited to attend meeting Communicated to SEM by 'For the attention of link if completed by PM and vice versa Communicated to Head of Student Experience, Head of Student Services and Assistant Principals for Curriculum via 'for the attention of link for reference SEM to refer to Student Support Impact Group (SSIG)
	Formal Stage 4	Deliberate failure to comply with Formal Stage 3 disciplinary actions/contract Gross Misconduct	Assistant Principals = Formal Panel Hearing with student and parents/carers. Formal final stage warning issued and possible temporary exclusion possible permanent exclusion Meeting with student recorded in Promonitor under Meeting section (Disciplinary). Documented comments, actions or contract as required with review dates. Copy to student. Communicated to SEM and Programme Manager by 'For the attention of link with outcomes SEM to refer to Student Support Impact Group (SSIG)