

Student Disciplinary Procedure

Effective Date:	September 2022	
Version Number:	3	
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Review Date:	June 2024	
Approved by:	Policies & Procedures Group	13.09.22
	Quality & Standards Committee	28.09.22

Table of Contents

Purpose	1
Scope	1
Principles	1
Cause for Concern (D1)	2
General Misconduct (D2)	2
Serious Misconduct (D3)	2
Gross Misconduct (D4)	3
Disciplinary Hearings	3
Disciplinary Outcomes	3
Suspension	4
Appeals	5
Disability Equality	5
Application following Exclusion	6
Monitoring & Review	6
Equality Impact Assessment	6
Appendix A: Exemplars of serious/gross misconduct	7
Appendix B: student Disciplinary Flow Chart	8

1. Purpose

- 1.1 The purpose of this procedure is to establish a fair and consistent approach to dealing with misconduct by students. It also makes clear the system of responsibilities and actions to be taken when difficulties occur. Appendix A provides exemplars of the types of behaviour which amount to misconduct and would warrant action at the various stages of this procedure.
- 1.2 The Behaviour Policy and Student Code of Conduct set out the standards and expectations of behaviour for all students. Concerns about a student's performance in respect of attendance, punctuality and readiness to learn will be dealt with through the College's Performance Policy.

2. Scope

- 2.1 This procedure applies to all students enrolled at Hugh Baird College, including workplace learning students and higher education students, with the exception of the College's full time 14 to 16-year-old learners who are subject to a separate procedure.
- 2.2 This procedure will be used for alleged acts of misconduct on College premises or whilst on an organised College activity off the premises such as trips and visits. This procedure may also be used for alleged acts of serious misconduct off College premises if they are connected to the College and it is deemed appropriate to do so by the College, such as work placement.

3. Principles

- 3.1 All stages of the Student Disciplinary Procedure will have regard to the principles of fairness and objectivity.
- 3.2 It is recognised that disruptive behaviour can often be an indication of unmet social/emotional needs. Any formal response to a student's behaviour will always consider any causal factors that are influencing those behaviours. Where students have a disability, including mental health and behavioural difficulties, reasonable adjustments will be made to ensure students are not discriminated against.
- 3.3 This procedure makes reference to a number of job roles relating to those staff expected to discharge specific responsibilities. Whilst the document uses job roles relating to the College's core Further Education provision, in all instances it is expected that specific responsibilities under this procedure will be discharged by the equivalent roles that exist within other areas of the College's provision (such as those within Higher Education, South Sefton Campus and Business Engagement).
- 3.4 Where student behaviour indicates safeguarding and/or protection concerns, the matter will be referred to the College's Operational Safeguarding Lead for assessment and intervention. The safety and welfare of all students will take precedence over any disciplinary action and therefore the College may decide to defer any disciplinary action until the outcome of the safeguarding assessment is known.
- 3.5 The College does not allow formal legal representatives to accompany students to any meeting held under this procedure.

4. Cause for Concern (Minor Misconduct) (D1)

- 4.1 All members of college staff are expected to challenge any inappropriate, low level or disruptive behaviour. This includes behaviour in corridors or food outlets, smoking outside designated areas, and not wearing lanyards. Teaching staff are responsible for challenging inappropriate behaviours in class such as lateness, failure to follow instructions, non-participation in tasks. disruptive or unacceptable behaviour, unauthorised use of a mobile phone or using any social media or inappropriate web site not related to allocated tasks.
- 4.2 Where the above types of behaviour are repeated or the response from the student to the challenge is inappropriate or disrespectful, a meeting will be arranged with the student to discuss the conduct and advise that a verbal warning is being issued which will be recorded on their pro-monitor record. During the meeting it will also be explained that should there be a repetition of the behaviour it may lead to further, more serious disciplinary action.
- 4.3 The meeting may be conducted by a Progress Coach, Tutor or other appropriate member of curriculum staff and the concerns shared with parents/carers and employer as and when appropriate.
- 4.3 A record of the discussion will be placed on Promonitor.

5. General Misconduct (D2)

- 5.1 In circumstances where there is no improvement in the student's behaviour following the issuing of a D1 verbal warning or where conduct is more serious, a written warning may be issued (D2). Prior to issuing the warning a meeting will be held with the student to:
- discuss the conduct matters,
 - set smart targets if appropriate and a review date,
 - make clear the expected standards of behaviour in line with the Student Behaviour Policy
 - explain that further breaches of the Student Behaviour Policy may lead to further, more serious disciplinary action
- 5.2 The meeting will be conducted by the Curriculum Manager and for students under the age of 18, a parent/career will be invited to attend. A letter confirming the outcome of the meeting will be issued within 3 days of the meeting and a copy sent to parents./carers if the student is under the age of 18.

6. Serious Misconduct (D3)

- 6.1 In circumstances where there is no improvement in the student's behaviour following the issuing of a D2 written warning or where conduct is more serious, a final written warning may be issued (D3). Prior to issuing the warning a meeting will be held with the student to:
- discuss the conduct matters,
 - set smart targets if appropriate and a review date,
 - make clear the expected standards of behaviour in line with the Student Behaviour Policy

- explain that further breaches of the Student Behaviour Policy may lead to exclusion from the College.

6.2 The meeting will be conducted by the Director for the Curriculum area and for students under the age of 18, a parent/carer will be invited to attend. A letter confirming the outcome of the meeting will be issued within 3 days of the meeting and a copy sent to parents./carers if the student is under the age of 18.

7 Gross Misconduct (D4)

7.1 In circumstances where there is no improvement in the student's behaviour following the issuing of a D3 final written warning or in the event of an incident of alleged incident of gross misconduct, an independent Investigating Officer will be appointed to conduct a full and comprehensive investigation of the alleged incident or repeated behavioural concerns.

7.2 The student will be informed that an investigation is to be conducted and provided with the name of the investigating manager. He/she will also be informed that they may be accompanied by a parent/carer at any meetings taking place under this stage of the procedure. At the conclusion of the investigation, the student will be notified if it has been concluded that the matter should be referred for consideration at a Disciplinary Hearing.

8. Disciplinary Hearings

8.1. The primary purpose of the Disciplinary Hearing is to consider all the evidence available and determine the actions required to address a serious disciplinary issue, which may include permanent exclusion.

8.2. Disciplinary Hearings will be chaired by an Assistant Principal or another member of the Principalship and the disciplinary panel will include at least one other College manager from outside the student's study area. The Investigating Manager and any witnesses who, in the opinion of the Investigating Manager should be called, will also be required to attend the Hearing.

8.3. At least 5 days prior to the hearing, the documents to be relied upon at the hearing will be sent to the student together with the details of the allegation to be considered and an explanation that the outcome of the hearing may be a decision to permanently exclude. With the express agreement of the student, and their parent/guardian for a student under the age of 18, a hearing may take place with less than 5 days' notice.

8.4. The student has the right to be accompanied by his/her parent(s)/guardian(s), or a friend at the hearing. If the student fails, without good reason in the opinion of the disciplinary panel, to attend the Disciplinary Hearing, the Hearing will take place, and a decision will be made in his or her absence. In the case of certificated illness, the Hearing will be rescheduled.

9. Disciplinary Hearing Outcomes

9.1. The Disciplinary Panel will consider all the evidence presented at the Hearing and may reach any of the following conclusions:

- No case to answer
 - The issuing of a warning at a level judged to be appropriate by the panel combined with a behaviour action plan.
 - In the case of a matter of Gross Misconduct, or repeated misconduct following the issuing of a final written warning, permanent exclusion
- 9.2. The Chair of the Disciplinary Panel will write to the student within 5 working days of the Disciplinary Hearing to confirm the decision reached and inform the student of their right of appeal.
- 9.3. If the Panel decide permanent exclusion is the appropriate sanction, and an appeal is submitted, the notice of exclusion will not take effect until the appeal has been heard and concluded. The student will remain suspended until this time. Should a sanction of exclusion be determined for a student who had not previously been suspended, the student will be formally suspended pending the outcome of the appeal.
- 9.4. The Disciplinary Panel will determine the exclusion period which will apply considering the offences which have been committed. As a minimum the exclusion period will be for the remainder of the academic year, but this may be extended for a further academic year or longer in exceptional circumstances.

10. Suspension

- 10.1. In circumstances where there is allegation of gross misconduct, and/or the nature of the allegation is such that there is a concern that staff or other students may be placed at risk, an Assistant Principal or more senior manager, may authorise suspension of the student whilst an investigation is conducted. The period of suspension will be kept to a minimum and will normally be no longer than 28 continuous College working days (unless awaiting notification of the outcome of criminal proceedings). For clarity, standard holiday periods do not count as working days in this context.
- 10.2. The investigating manager is responsible for gathering all evidence related to the alleged incident including obtaining signed, written statements from the student who is subject to the disciplinary procedure, from relevant staff and from other witnesses as appropriate. If a criminal prosecution may result from the incident, it may be necessary to defer the disciplinary investigation until the outcome of any criminal proceedings is known. The student will remain suspended from the College during this time. Upon completion of the criminal proceedings the College will re-open the disciplinary investigation.
- 10.3. Written notification of the reason for suspension together with details of the disciplinary process will be sent to the student. A copy will be sent under separate cover to parents/carers for students under the age of 18.
- 10.4. The student's Progress Coach will arrange for work to be sent home and/or made available through electronic means on a regular basis throughout the time the student is suspended.

- 10.5. The student has the right to be accompanied by his/her parent(s)/guardian(s), or a friend at any subsequent meetings including any disciplinary hearing.
- 10.6. If after investigation, it is concluded by the Investigating Officer that the student's conduct should be considered at a formal Disciplinary Hearing as a matter of gross misconduct the suspension will remain in place until the outcome of the Hearing is known.

11. Appeals

- 11.1. A student who wishes to appeal against the outcome of a Disciplinary Hearing must write to the Executive Administrator, Principals Office within 10 working days of receipt of the disciplinary hearing outcome letter setting out the grounds for appeal. An appeal may be made only on one or more of the following grounds:
- i) that there is additional evidence available that could not have been made available at the time of the original Hearing.
 - ii) there are grounds for mitigation of the sanction imposed that were not known at the time of the original Hearing.
 - iii) proper procedures were not followed.
 - iv) the penalty is unreasonable in relation to the offence.
- 11.2. The Appeal Hearing will be chaired by a member of the College Principalship. Appeal panels will consist of a minimum of one other member of College management not involved in the original panel.
- 11.3. The Appeal Hearing will take place as soon as possible but normally no later than 21 consecutive days after the notice to appeal has been received. The student will normally be given at least 5 consecutive days' notice of the date, time and location of the Appeal Hearing (unless an earlier date has been mutually agreed).
- 11.4. At the Appeal Hearing the student will be given an opportunity to state his or her case and will be entitled to be accompanied by parent(s)/guardian(s), his/her employer or a friend who is willing and able to attend the Appeal Hearing. This does not include legal representation. The Chair of the original Disciplinary Panel will also attend to present the findings and conclusions reached at the original Disciplinary Hearing.
- 11.5. The decision of the Appeal Panel will be notified to the student normally within 7 consecutive days of the Appeal Hearing. The decision will be final and binding.

12. Disability Equality

- 12.1. For students with a cognitive impairment, an appropriate person will be provided to guide students through the disciplinary process and to ensure that all aspects of the policy are understood.

13. Application following exclusion

13.1. Once the period of exclusion has been served, if a student wishes to reapply to study at Hugh Baird College, they must be interviewed by an appropriate manager prior to their application being accepted. All letters from the Disciplinary Panel that recommended exclusion will make this process clear and the Chair of the Disciplinary panel is responsible for ensuring an appropriate record has been placed on Promonitor.

14. Monitoring and Review

14.1. This procedure will be monitored and reviewed by the Assistant Principal Quality & Learner Services.

15. Equality Impact Assessment

15.1. The College is committed to the promotion of equality, diversity and providing a supportive environment for all members of our community. Our commitment means that this Procedure has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) against any of the protected characteristics of age, disability, gender (including gender identity), race, religion or sexual orientation and meets our obligations under the Equality Act 2010.

	D1: Verbal Warning	D2: Written Warning	D3: Final Written Warning	D4: Gross Misconduct
Exemplars of behaviour which may warrant action under the Disciplinary Procedure.	Unsatisfactory low-level behaviour	Repeated or persistent violation of a verbal warning	Violation of a written warning	Under the influence of alcohol or illegal drugs on College premises or whilst engaged in any College related activity
	Inappropriate use of mobile phone	Demonstration of aggressive or threatening behaviour	Setting of the College fire alarm without due cause	Allowing members of the public to gain access to the College premises using their own ID card
	Failure to follow instructions	Disrespectful behaviour including swearing at other learners, staff, or visitors	More serious disrespectful behaviour	Bullying, intimidation, harassment
	Use of foul language	Misuse of College resources	Serious aggressive or threatening behaviour	The use of violence or threats of violence in any form e.g., verbal, physical or via e-mail
	Minor misuse of internet/IT facilities	Minor breach of health & safety regulations	Acts of potential gross misconduct but with relevant, proven, mitigating factors	Possession of an offensive weapon
	Persistent forgetting/refusal to wear Lanyard	Allowing other learners to gain access to the College premises using their own ID card		Being in possession of alcohol or illegal substances on college premises
	Disrupting the learning of others either in class or around College	Vaping inside College		Theft
	Poor punctuality			Willful damage to College property or equipment
			Arson	
Person responsible for Issuing	Progress Coach Tutor Member of Curriculum Staff	Curriculum Manager	Director	Assistant Principal

Appendix B - Student Disciplinary Procedure – Gross Misconduct Flowchart

This diagram illustrates the main points of the Student Disciplinary Procedure in respect of gross misconduct and is for guidance only. For full details please refer to the College's Student Disciplinary Procedure.

This procedure deals with matters of serious misconduct by students.

Appendix A provides exemplars of the type of behaviour which would warrant consideration under this procedure.

If a student is alleged to have committed an act of gross misconduct, then it may be decided that the student be suspended immediately whilst a disciplinary investigation takes place.



Suspension

If there is an allegation of gross misconduct and/or there is a concern that staff or other students may be placed at risk the student may be suspended whilst a formal investigation is held.

Written notification of the suspension will be sent to the student and their parent/guardian If a student is 16 or 17.

Work will be sent home or made available through electronic means during the period of suspension
The period of suspension will be kept to a minimum and normally no longer than 28 College working days.



Disciplinary Investigation

An appropriate College Manager will be appointed as Investigating Officer.

The student will be notified of the name of the Investigating Officer and provided with the details of the allegation to be investigated. If a student is 16 or 17 then their parent/guardian will be notified. Where relevant, the student's sponsor will also be notified.

The investigating manager will interview all relevant parties and will arrange a meeting at College with the student to collect their evidence. The student has the right to be accompanied by a parent/carer or friend at any formal meetings held under the Disciplinary Procedure.

If it is decided that the matter should proceed no further, the suspension will be lifted. If it is decided that a disciplinary hearing should be held then a letter will be sent to the student informing them of the date that this will take place.



Disciplinary Hearing

The Disciplinary Panel will be chaired by an Assistant Principal and will include **one other** College managers

All documentation to be referred to at the hearing will be issued at least 5 days in advance.

The Disciplinary hearing may reach any of the following conclusions:

- No case to answer student returns to College
- The issuing of a warning appropriate to their individual case combined with a Behaviour Action Plan,
- Permanent exclusion for up to a year, or longer in extreme cases.

A student may appeal the outcome of a Disciplinary Hearing



Appeal

A student who wishes to appeal must apply in writing within 10 working days setting out the grounds for appeal.

The appeal hearing will be chaired by a member of the College Principalship and the panel will consist of two College Managers involved in the original

The decision of the Appeal panel is final and binding

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