

STUDENT DISCIPLINARY PROCEDURE

Effective for employees, students, Directors and volunteers on or after 1 September 2018

Date: 25 August 2018

Date of next Review: September 2019

Maintaining the commitments and expectations set out in the Student Charter

<p>Behaviour and Respect</p> <ul style="list-style-type: none"> Behave in a way that benefits the learning environment for all Behave appropriately when representing the Academy at all times, acting as ambassadors, advocating a positive attitude Respect all Academy staff Take responsibility for their own studies and participate in Academy life as an active learner 	<p>Attendance and Punctuality</p> <ul style="list-style-type: none"> Attend all timetabled sessions, including English and maths lessons, academic coaching sessions and tutorials Be punctual for all lessons and appointments and to contact the Academy if they are unable to attend, due to illness, or lateness Keep the Academy informed of any issues that might affect their studies Make routine appointments, such as seeing their doctor or dentist, out of Academy time 	<p>Professional Standards</p> <ul style="list-style-type: none"> Complete and submit work to deadlines and abide by examination requirements Demonstrate the ability and appropriate attitude to work and behaviour Produce work that is their own, not copied or produced by others, and acknowledges the original source when citing research Only use mobile devices during sessions as requested to do so by a member of staff Wear a Academy uniform at all times when on Academy premises
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Guidance	Behaviour and Respect Attendance and Punctuality Professional Standards / Readiness for Work	Actions	Responsible for issuing	Monitoring
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Level 1: Cause for concern warning

<p>If a member of staff (any member of staff) considers that a student has committed a minor breach, the student should be informed and issued with a warning which will be passed to the. This must be logged in the office. If the student is not known to the member of staff raising the warning, they should request the student's identity and note their name and course or programme and ask for the name of the student's Personal Assessor. The student should be reminded that refusal to supply this information is a major breach of Student Charter and may result in a disciplinary hearing.</p> <p>If the concern is regarding an apprentice or a work-based student, the assessor should be contacted in the first instance. The assessor is responsible for informing the employer.</p> <p>The Study Coach/Personal Tutor/Assessor is responsible for following up the concern with a student and may then issue the student with one of the following:</p> <ul style="list-style-type: none"> Action plan with clear targets and timescales Support package (bursary, welfare, Study Plus) Transfer to another course / level (only within first 6 weeks of a full-time course) Mediation / restorative practice <p>Any member of staff is allowed to escalate the Cause for Concern Warning based on the severity of the concern and / or if there is persistent or escalation of the Cause for Concern.</p>	<p>Examples of a minor breach: Unacceptable behaviour, for example:</p> <ul style="list-style-type: none"> Smoking in non-designated area; Not wearing lanyard; Challenging behaviour towards others; Disruptive behaviour; Unacceptable language; Repeated lateness; Unauthorised absence; <p>Low level or persistent disruption in class, for example:</p> <ul style="list-style-type: none"> Inappropriate use of a mobile phone; Non-submission of work, coursework and/or assignment deadline missed; Not adhering to health and safety / industry practices; Unacceptable language; Not paying attention / not participating positively 	<ul style="list-style-type: none"> Add warning to Student Files Make the Assessor / Managing director aware immediately Contact employer 	<ul style="list-style-type: none"> Any staff member can issue a warning 	<ul style="list-style-type: none"> Study Coach Personal tutor Assessor
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Level 2: Escalation to disciplinary meeting

<p>Any member of staff can recommend escalation to a disciplinary meeting if there is persistent or escalation of Cause for Concern Warning (or for Gross Misconduct see below):</p> <ul style="list-style-type: none"> The disciplinary meeting is initiated through the managing director. Prior to the meeting going ahead the Managing Director must contact the member of staff who initiated the disciplinary meeting, investigate the matter by collecting evidence from the staff and/or student(s) involved and consider any previous disciplinary matters. The outcomes of the investigation need to be recorded on the Disciplinary Evidence Form and then forwarded to Complaints and Reputation Officer who will keep a central record and arrange a meeting, if required. This acts as further check on process and next steps. The Complaints and Reputation Officer reserves the right to reject / delay the disciplinary meeting request based on the lack of evidence / information which would preclude him/her from making successful disciplinary meeting arrangements. The disciplinary meeting is between an assessor/ Managing Director and a student. No other attendees are required. <p>Note: disciplinary meetings will only be carried out with the appropriate Disciplinary Evidence Form having been completed. Copies of all relevant documentation at any must be retained in the student's file. This includes properly recorded investigations.</p>
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- Meeting must be organised within 5 working days from the incident. The date, centre, time and attendees of the disciplinary hearing are stipulated by the Managing Director on Disciplinary Evidence Form. Administrative tasks of booking a room, processing student invitations and informing diaries rest with the Complaints and Reputation Office in conjunction with curriculum administrators. To ensure effective communication between the Academy and a student, the Disciplinary Evidence Form must be submitted to the Complaints and Reputation Officer no later than one working day after the incident. The Complaints and Reputation Officer reserves the right to reject / delay the disciplinary meeting request based on the lack of evidence / information which would preclude him/her from making successful disciplinary meeting arrangements.
- Outcome from meeting to be communicated to the student within 24 working hours by the Complaints and Reputation Officer in conjunction with curriculum administrators.
- The letter will state future expectations, timescales and review date (action plan) from The Managing Director cc'd to student's home / parents / carers if under 19. Parent / guardian should be kept informed throughout the process. The letter will be also sent to employer, if applicable.
- Unless the disciplinary action is regarding gross misconduct, students cannot be suspended.
- The Complaints and Reputation Officer in conjunction with The Managing Director to update the students records with an outcome of the disciplinary meeting.

Reasons for recommending a disciplinary meeting may include:

- Persistent breaches of / failure to meet the cause for concern outcomes / action plans

Continuous unacceptable behaviour, for example:

- Smoking in non-designated area;
- Not wearing uniforms;
- Challenging behaviour towards others;
- Disruptive behaviour;
- Unacceptable language;
- Repeated lateness;
- Unauthorised absence;

Consistent low level or persistent disruption in class, for example:

- Inappropriate use of a mobile phone;
- Non-submission of work, coursework and/or assignment deadline missed;
- Not adhering to health and safety / industry practices;
- Unacceptable language;
- Not paying attention / not participating positively

Possible outcomes

- Formal written warning
 - No case to answer
- If a peer-to-peer incident the Managing Director/Assessor initiates mediation / restorative practice
 - Exclusion

Level 3: Alleged gross misconduct

Immediate 5 day suspension notification

Where there is reason to believe that a student has committed an act of gross misconduct he/she may be suspended from the Academy by the managing Director. Suspension should only be used a last resort if there is a potential risk to themselves or others. It is considered a neutral act to allow time for an investigation to take place. Suspension is not designed to be used as a form of disciplinary sanction and should be maximum of 5 working days.

Escalation to gross misconduct disciplinary meeting / action

Initiate escalation to a disciplinary meeting for alleged Gross Misconduct

- If a student was involved in alleged gross misconduct, the student may be suspended for a period of up to 5 working days.
- The gross disciplinary meeting / action is initiated. The Assessor/Managing Director must be made aware. The Managing Director is responsible for presenting information.
- Prior to the meeting going ahead the Managing Director should contact the member of staff who initiated the disciplinary meeting / action and complete the Disciplinary Evidence Form (this acts as further check on process and next steps).
- The Managing Director reserves the right to delay the disciplinary meeting request based on the lack of information which would preclude him/her from making successful disciplinary meeting arrangements (i.e. date, time, centre and attendees).
- The disciplinary meeting is between Assessor / Managing Director and a student. If the student wishes so, they may be accompanied to a gross misconduct disciplinary meeting, by a friend, fellow student, representative or relative, but not by a legal or other professional adviser unless the Academy otherwise agrees having been given notice before the day of the hearing. No other attendees are required, although Complaints and Reputation Officer may be in attendance too.
- The Academy reserves the right not to hold a disciplinary meeting if the investigation by Managing Director provides clear and concise evidence of the student's gross misconduct. In this instance, the Managing Director, reserves the right to decide the outcome of the gross disciplinary action without the student.

Note: gross misconduct disciplinary meetings will only be carried out with the appropriate Disciplinary Evidence Form having been completed.

- Meeting organised within 5 working days from the incident during which time the investigation should take place. The date, centre, time and attendees of the disciplinary hearing are stipulated by the Managing Director on Disciplinary Evidence Form. Administrative tasks of booking a room, processing student invitations lie with the Complaints and Reputation Office in conjunction with curriculum administrators. To ensure effective communication between the Academy and a student, the Disciplinary Evidence Form must be submitted to the Complaints and Reputation Officer no later than one working day after the incident. The Complaints and Reputation Officer reserves the right to delay the disciplinary meeting request based on the lack of information which would preclude him/her from making successful disciplinary meeting arrangements (i.e. date, time, centre and attendees).
- Outcome from meeting to be communicated to the student within 24 working hours.
- The student will be written to, outlining the nature of the incident / conduct and a summary of the evidence, together with the outcome, which may be:
 - Exclusion (with conditions on future re-enrolments)
 - Final written warning
 - Formal written warning
 - No case to answer
 - If a peer to peer incident, the Assessor/Managing Director initiates mediation / restorative practice
- If the student is allowed to return to the Academy and poor behaviour misconduct was found, the Complaints and Reputation Officer should communicate this to staff in the area. The student's Assessor for the area where the student is returning to should ensure that an action plan is agreed.
- If a final written warning is issued, the student should be informed that a further breach may lead to his / her immediate exclusion from the Academy.
- A copy of the outcome letter should also be sent to the parent/guardian(s) of the student where this is appropriate. Parents / guardians should be kept informed throughout the process, if the student is under 19 and has given permission for the parents / guardians to be contacted
- The Complaints and Reputation Officer in conjunction with curriculum administrators to update the student's record with an outcome of the disciplinary meeting.

Suspending a student:

- Where there is reason to believe that a student has committed an act of Gross Misconduct he / she may be suspended from the Academy by the Managing Director.
- Suspension of a student should only be used as a last resort if there is a potential risk to themselves or others. It is considered a neutral act to allow time for an investigation to take place.
- Suspension is not designed to be used as a form of disciplinary sanction and should be maximum of 5 working days. If more time is required the Managing Director must write to the student / apprentice (and employer / parent / guardian where applicable) with a further 5 working days (therefore 10 days in total) being the maximum time period.
- During the period of suspension, opportunities for the student to continue his / her work must be provided by other means of distance study by the Assessor. The student may (with written permission) be admitted into the Academy under supervision for the following reasons:
 - essential meetings;
 - submission of coursework to meet deadlines;
 - Examinations.
- Not every student whose actions are escalated to the gross misconduct disciplinary stage has to be suspended. Instead, they can be sent home to 'cool off' for the rest of the day (by the Assessor/Managing Director)

Extreme / gross misconduct examples:

- Physical violence;
- Dangerous / violent behaviour;
- Serious threat of violence
- Threat towards themselves or other students;
- Not adhering to health and safety / industry practices;
- Use of / dealing drugs / illegal substances on college premises;
- Forgery / theft

- Malpractice
- Fitness to Study / Practice;
- Deliberate damage to college property;
- Bullying / harassment
- Sending or accessing and/or downloading of pornographic/offensive material via the internet

Appeals:

- The student has the right to appeal to the Managing Director against a decision to exclude. Notice of appeal must be lodged in writing by the student to Complaints and Reputation Officer within ten working days of receipt of the decision. The student must provide the grounds for, and particulars of, the appeal.
- Grounds for appeal will normally be based on one or more of the following:
 - The disciplinary procedure was not followed correctly and that this materially affected the decision
 - The findings are inconsistent with the evidence considered
 - That new evidence could materially alter the findings
 - The disciplinary sanction is inconsistent
 - The severity of the disciplinary action
- If the Managing Director does not consider that there are valid grounds for appeal, the student will be informed of the reasons in writing. This will be done within five days of receiving the appeal.
- If the Managing Director considers that there are valid grounds for appeal against the decision of the Panel, he/she will review the disciplinary case.
- The appeal does not automatically trigger a review meeting. However if an appeal meeting is warranted, it will be convened within ten days. The student will be given at least five days' notice of the time and place of the appeal meeting 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 Academy otherwise agrees, having been given notice before the day of the hearing.
- The Managing Director may convene the panel that may include an HR Officer not involved in the specific disciplinary case. The panel may or may not include a relevant manager.
- Any documents considered at the original disciplinary meeting will be available for the purpose of the appeal, together with the notes of the conclusion.
- At the appeal meeting, the student may be invited to explain the grounds of the appeal and to state their case. The Managing Director may be asked to respond to the appeal and explain the reasons for the original recommendation.
- If the appeal is upheld following the review or the appeal meeting, the Managing Director may decide that a lesser sanction than that originally recommended should be taken, or that no further disciplinary action be taken.
- If the appeal is dismissed, the recommendation of the original Disciplinary Panel will stand. The Managing Director may not impose any greater sanction against the student than that recommended by the Disciplinary Panel.
- Following the review / appeal meeting, the student will be informed of the decision in writing within five working days.

Complaints and Reputation Officer is responsible for all administrative tasks in conjunction with appeals, including recording the outcomes of Appeals in the students Records.

Complaint to the Funding Body:

- When the student has exhausted the appeal procedure there is a right to make a complaint to the appropriate Funding Body. A complaint to the Funding Body is not a further stage of appeal. The Funding Body does not hear evidence or seek to substitute its own decision for that of the Academy. In considering a complaint, the Funding Body will undertake an enquiry to consider whether or not the Academy has followed its procedures.
- A student who has appealed unsuccessfully is to be informed of the complaints procedure of the Funding Body.

Early Academy Students (pre-16):

- Early Academy students who commit a minor or major breach will be subject to a disciplinary meeting as detailed above. In addition, the appropriate Learning Leader responsible for this provision or Managing Director will report any breaches in conduct to the school.
- If an Early Academy Learner is considered to have committed a gross breach, the Managing Director and Employer Based Training and the Complaints and Reputation Officer must be informed, and the details recorded.
- **An investigation must be carried out and the school must be informed.**

