



# Student Disciplinary

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Policy & Procedure 2022-23

Head of Student Entitlement

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## **1. Purpose**

- 1.1 The purpose of this policy is to outline the College's approach to student and apprentice discipline and the procedure demonstrates the process to be followed when any student/apprentice is in breach of College rules, College values or health and safety regulations.

## **2. Scope**

- 2.1 This procedure applies to ALL students and apprentices. Variations to the procedure may apply in the case of Higher Education (HE) students, Part-Time (PT) students or Apprentices.

## **3. Implementation**

- 3.1 All students and apprentices will be made aware of the existence of the policy and procedure during the induction period, and of how it might be used. The policy and procedure will be stored on the College intranet. The Code of Conduct is aligned to British Values and posters are in every teaching room and cross college areas.

## **4. Informal handling of student and apprentice discipline**

- 4.1 In most cases student and apprentice discipline can be dealt with informally.
- 4.1.1 The student and apprentice is reminded of the College's expectations and is cautioned by a member of College staff.
- 4.1.2 A record of this is recorded on mywolvColl (Ontrack) for the attention of the student's Personal Tutor or apprentices Assessor. The Personal Tutor/Assessor will discuss any behaviour with the student or apprentice during Tutorials/1-1 and give actions as required to ensure the behaviour does not persist or reoccur. If the unacceptable behaviour persists or reoccurs the formal procedure will begin.
- 4.1.3 If required, the parents/guardian/carers, the Employer and/or the HE provider may also be informed.
- 4.1.4 In cases involving SEN/SEND students/apprentices, appropriate actions plans will be discussed with the parents/guardians/carers and advice sought from the Local Authority in line with the EHCP.

## **5. Formal handling of student and apprentice discipline**

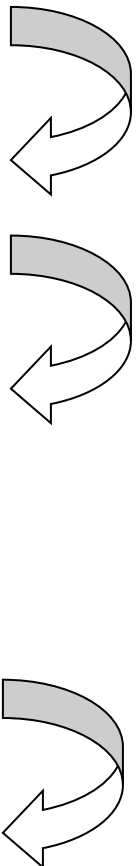
- 5.1 The formal policy and procedure is designed to start when inappropriate behaviour is repeated, or of sufficient scale to be outside the normal realms of everyday classroom management.

- 5.1.1 Each stage centres on a meeting between the student/apprentice and relevant member(s) of staff, including other parties where appropriate. Meetings will be conducted fairly and openly, allowing both student/apprentice and staff to state their case. If a student or apprentice fails to attend (without giving notice), or leaves the meeting, the meeting may still proceed.
- 5.1.2 A record is made of meetings between staff and the student or apprentice using Ontrack. The record outlines the reasons for concern and the views held by staff and student/apprentice about the issue(s) raised.
- 5.1.3 A letter/email will be sent after the meeting(s) to confirm the outcomes and an agreed Action Plan/Learning Contract concludes the process.
- 5.1.4 The Action Plan/Learning Contract will be monitored. If the student or apprentice successfully completes the agreed disciplinary action plan, within an agreed timescale, the disciplinary episode is closed.
- 5.1.5 If it is not, the student/apprentice will be put on the next stage of the procedure.
- 5.1.6 In the case of Apprentices, the employer or sponsor will be notified. For HE or Advanced Learning Loan students they will be advised of the effects on their student loan if the behaviour persists.
- 5.1.7 If conditions of a Stage 3 disciplinary are not adhered to, an exclusion may be applied.
- 5.1.8 It is the role of the Head of Student Entitlement to assist in determining what support the College can offer to the student/apprentice outside curriculum interventions.
- 5.1.9 At any stage if the student or apprentice is deemed vulnerable, has learning difficulties or disabilities, representatives from learning support will need to be involved in the process to develop appropriate development plans and provide support during the process. Parents/guardians/carers/keyworkers will be informed of appropriate actions to support SEN/SEND/HN student/apprentice who do not have the capacity to fully appreciate the impact their non-compliance. This may involve the recommendations of external parties (e.g. Educational Psychologist, Local Authority) in order to form an action plan. This action plan will be individualised to reflect the specific needs of SEN/SEND/HN student/apprentice and will replace the standard disciplinary procedure.

## **6. Stages of the Disciplinary Procedure**

- 6.1 There are three stages in this procedure. It is envisaged that most students or apprentices will be put initially onto Stage 1 of this procedure. More serious matters can lead to a student/apprentice being put straight onto other stages, in cases of gross misconduct for example.

Stage	Reason		Action	Taken By
<b>Stage 1</b>	First misconduct	→	Verbal warning <i>recorded on Ontrack</i>	Personal Tutor
<b>Stage 2</b>	Repetitive Or serious misconduct	→	Written warning <i>recorded on Ontrack</i>	Curriculum Manager
<b>Stage 3</b>	Repetitive misconduct  Or Failure to adhere to a Stage 3 Action Plan  Or Gross misconduct	→	Final written warning  Or Exclusion  <i>recorded on Ontrack</i>	Assistant Principal  Or Vice Principal  Or Deputy Principal
<b>Appeal</b>	Only applicable after a Stage 3 Exclusion  To be received in writing following Exclusion	→	Outcome  <i>recorded on Ontrack</i>	Vice Principal  Or Deputy Principal



## 7. Suspension

- 7.1 In cases of suspected gross misconduct, a student or apprentice may be suspended by an Assistant Principal/Duty Principal or member of EMT. Suspension does not imply guilt on the part of the student or apprentice. It may be a means to contain a situation while an investigation is held.
- 7.2 When a student or apprentice is suspended, the member of staff conducting the suspension will record all details on Ontrack. If in the case of it being a Duty Principal, an incident form is also completed. The following people are informed of the suspension:

- a) Head of Student Entitlement, who will update the Student Records system and inform front line staff
- b) Assistant Principal, who will write to the student/apprentice to confirm the suspension
- c) Security
- d) PA to the Principal, who will store the Incident Form on the Duty Principal site.

7.3 An Investigating Officer is appointed within one working day of a student or apprentice's suspension by the member of staff conducting the suspension.

## 8. Appeals

8.1 A appeals process is only applied following a Stage 3 Exclusion.

8.2 A appeal can be made in writing or email to the Vice Principal or Deputy Principal within five days of the Stage 3 Meeting. This can be sent to [quality@wolvcoll.ac.uk](mailto:quality@wolvcoll.ac.uk) to be received and forwarded to appropriate EMT member who will assume the role of the Appeal Investigator.

8.3 The Appeal Investigator has 10 working days to complete the investigation. The outcome will be shared in writing or email. The appeal concludes the process.

## 9. Misconduct

9.1 The College will not tolerate any anti-social misconduct. Below are examples of misconduct which may lead to disciplinary action. It is not a full list and there may be other cases of misconduct which lead to disciplinary action:

- Non submission of work after negotiated and agreed deadline
- Non-attendance of meetings as a result of this
- Non engagement in class, e.g. low level disruptive behaviour, refusal to take part in an activity/lack of production of work
- Breach of any of the College's expectations regarding student/apprentices behaviour as per the College's Code of Conduct/British values
- Disruption to teaching and learning of others
- Failure to do as a member of staff asks
- Smoking, except in the designated areas
- Cheating, plagiarism or copying the work of other students/apprentices
- Noisy or unruly behaviour or the use of foul, abusive or discriminatory language
- Damaging College buildings, equipment, books or furnishings or any property of others
- Interference with software or data belonging to, or used by, the College
- Use of mobile phones in any learning and study environment without permission
- Causing the College actual or potential financial loss
- Behaviour which could damage the reputation of the College
- The distribution of material critical of the College or its staff
- Misuse of computers, the internet or email

- Taking photographic images or videoing of people on College premises without their consent.

## 10. Gross Misconduct

10.1 The College will not tolerate any anti-social misconduct. Below are examples of gross misconduct which will lead to disciplinary action and/or exclusion. It is not a full list and there may be other cases of gross misconduct which lead to disciplinary action:

- Illegal acts which affect the work of the College or other students or apprentices
- Bullying, intimidation, taunting, verbal abuse or the use of violence or threat of violence towards any person, face to face or electronically e.g. phone or email including social media etc.
- Taking photographic images or videoing of people on College premises without their consent which is then shared or uploaded to social media platforms
- Behaviour which is racially, sexually offensive or which is offensive to those with learning and/or physical disabilities or sensory impairment
- Any form of discrimination related to orientation or gender preference
- Drunkenness on College premises or on any activity associated with the College
- Use, possession or supply of any illegal substance\*
- Careless driving on College premises
- Robbery, theft, or any other dishonest acts
- Conduct which puts at risk the Health and Safety of yourself, other students/apprentices or staff\*\*
- Mistreatment of animals or any livestock
- Being in possession of illegal/offensive weapons.

\*in support of establishing use, possession or supply of any illegal substance, see Appendix 1.

\*\* this could include failure to remove PPE to identify yourself as student/apprentice, not adhering to social distancing measures or other measures put in place to protect all.

## Procedure

### Stage 1

#### VERBAL WARNING BY PERSONAL TUTOR/TUTOR/TRAINER/ASSESSOR

1. The student/apprentice is advised by the member of staff that they are to be put onto Stage 1 of the disciplinary procedure.
2. The member of staff convenes a formal meeting with the student or apprentice gathering the necessary evidence. Evidence can be gathered from all sources e.g., Ontrack, Tutors, Personal Tutors, Security, Safeguarding etc.
3. The member of staff issues a verbal warning to the student or apprentice and an action plan/learning contract may also be drawn up to be adhered to.
4. An outcome letter/email is sent to the parent/guardian/keyworker in cases where the student/apprentice is 16-18, an employer in the case of an apprentice, the HE provider (where appropriate) including if applicable, a copy of the action plan/learning contract. A copy to the Student Disciplinary Policy and Procedures is available if required on request. N.b. The parent/guardian/keyworker in cases where the student/apprentice is 16-18 will be informed of the outcome unless alternative agreements have been made with the Curriculum Manager.
5. Details will be recorded on Ontrack by the member of staff and all supporting information.
6. Review(s) to be carried out through the tutorial programme of 1:1s and recorded on Ontrack to show impact/progress or whether Stage 2 is required.
7. Successful completion of the action plan/learning contract within the agreed time or recognised improvements will result in the end of the disciplinary process.

**Stage 2 -****DISCIPLINARY MEETING WITH PERSONAL TUTOR AND CURRICULUM MANAGER**

1. The student/apprentice is advised by their Personal Tutor that they are to be put onto Stage 2 of the disciplinary procedure. This will usually be because the student/apprentice has not complied with the agreed action plan/learning contract from Stage 1, or improvements have not been demonstrated or may also be for more serious misconduct than would normally be dealt with at Stage 1. N.b. The student/apprentice may be suspended for a period between the incident and the disciplinary meeting.
2. The Curriculum Manager invites, by way of letter/email, the parent/guardian/keyworker in cases where the student/apprentice is 16-18, an employer in the case of an apprentice, the HE provider (where appropriate) to the Stage 2 meeting, giving a minimum of three days' notice and gathers the necessary evidence. A copy to the Student Disciplinary Policy and Procedures is available if required on request.
3. If a student/apprentice is 16-18 both parents or a guardian may attend. If a student/apprentice is 19+, one responsible adult may attend.
4. Evidence can be gathered from all sources e.g., Ontrack, Tutors, Personal Tutors, Security, Safeguarding etc.
5. The Curriculum Manager will chair the meeting. All the evidence presented will be considered, including any additional information provided by the student/apprentice. The Stage 2 contract is issued along with an action plan/learning contract is drawn up with a review date.
6. An outcome letter/email is sent to the parent/guardian/keyworker in cases where the student/apprentice is 16-18, an employer in the case of an apprentice, the HE provider (where appropriate) including if applicable, a copy of the action plan/learning contract. A copy to the Student Disciplinary Policy and Procedures is available if required on request. N.b. The parent/guardian/keyworker in cases where the student/apprentice is 16-18 will be informed of the outcome unless alternative agreements have been made with the Curriculum Manager.
7. Details will be recorded on Ontrack by the member of staff and all supporting information.
8. Where needed, staff involved in the teaching and learning of the student/apprentice are then made aware of the warning.
9. Review(s) to be carried out through the tutorial programme of 1:1s and recorded on Ontrack to show impact/progress or whether Stage 3 is required.
10. Successful completion of the action plan/learning contract, within the agreed time, will result in the end of the disciplinary process.



### Stage 3

#### DISCIPLINARY MEETING WITH ASSISTANT PRINCIPAL

**This is the stage at which the exclusion of the student or apprentice can be considered and actioned.**

1. The student/apprentice is advised by their Curriculum Manager that they are to be put onto Stage 3 of the disciplinary procedure. This is usually because the student/apprentice has not complied with the agreed action plan/learning contract from Stage 2 or that this stage is required for gross misconduct. N.b. The student/apprentice may be suspended for a period between the incident and the disciplinary meeting.

N.b. If the student/apprentice has not fulfilled the requirements of a previous Stage 3 action plan/learning contract, another Stage 3 Meeting will be planned, and exclusion can be considered.

2. The Assistant Principal invites, in letter/email, the parent/guardian/keyworker in cases where the student/apprentice is 16-18, an employer in the case of an apprentice, the HE provider (where appropriate), to the Stage 3 meeting, giving a minimum of three days' notice and gathers the necessary evidence. A copy of the Student Disciplinary Policy and Procedure is available on request.
3. If a student/apprentice is 16-18 both parents or a guardian may attend. If a student/apprentice is 19+, one responsible adult may attend.
4. Evidence can be gathered from all sources e.g., Ontrack, Tutors, Personal Tutors, Security, Safeguarding etc.
5. The Assistant Principal chairs the meeting and **will make a decision as to whether the student/apprentice is to be excluded or not**. All the evidence presented will be considered, including any additional information provided by the student/apprentice. N.b. The Vice Principal/Deputy Principal, if required, may chair the meeting.

If it is decided that the student/apprentice **is not be excluded** -

6. The student/apprentice will remain in College on a Stage 3 contract. The Assistant Principal will issue a final written warning to the student/apprentice and an action plan/learning contract is agreed.
7. An outcome letter/email is sent to both student/apprentice and parent/guardian/keyworker in cases where the student/apprentice is 16-18, an employer in the case of an apprentice, the HE provider (where appropriate) including a copy of the action plan/learning contract.

**N.b. The parent/guardian/keyworker in cases where the student/apprentice is 16-18 will be informed of the outcome unless alternative agreements have been made with the Curriculum Manager.**

8. All details will be recorded on Ontrack and all information e.g., supporting information.
9. All staff involved in the teaching and learning of the student/apprentice are then made aware of the outcome, including the Security Team and the Head of Student Entitlement.
10. Review(s) to be carried out through the tutorial programme of 1:1s and recorded on Ontrack to show impact/progress or whether a further Stage 3 is required.
11. If the action plan/learning contract is not adhered to, this could result in automatic exclusion. In this instance, the student/apprentice will be verbally informed and a letter/email of confirmation will be sent.

If it is decided the student or apprentice **will be excluded** –

12. As a result of a Stage 3 disciplinary meeting, the student/apprentice will be verbally advised of the outcome and it will be explained of their right to appeal against the decision within five days of the meeting.
13. An outcome letter/email is sent to both student/apprentice and parent/guardian/keyworker in cases where the student/apprentice is 16-18, an employer in the case of an apprentice, the HE provider (where appropriate). **N.b. The parent/guardian/keyworker in cases where the student/apprentice is 16-18 will be informed of the outcome unless alternative agreements have been made with the Curriculum Manager.**
14. All details will be recorded on Ontrack and all information e.g., supporting information.
15. All staff involved in the teaching and learning of the student or apprentice are then made aware of the outcome, including the Security Team.
16. The Head of Student Entitlement is informed of the final decision and will offer IAG to the student/apprentice as a duty of care.

Where there is an **extreme act of gross misconduct**, the Duty Principal or a member of EMT can verbally exclude with immediate effect.

## Appeal Process

1. The appeal process is only applicable following an exclusion.
2. The student/apprentice has the right to appeal within five days of the Stage 3 meeting where the decision has been made to exclude.
3. The appeal is submitted in writing to a Vice Principal or Deputy Principal who will assume the role of the Appeal Investigator.
4. The Appeal Investigator has 10 working days to complete the investigation. They will gather and review all evidence such as: information gathered from Tutors, Personal Tutors, Curriculum Managers, Assistant Principal, Duty Principal, Safeguarding, Security etc. that led to the Stage 3 Disciplinary meeting. Notes on Ontrack relating to the student/apprentice's behaviour and meeting notes from all Disciplinary meetings and any additional evidence that the student/apprentice provides.
5. The Appeal Investigator may feel it necessary to discuss with other key staff and indeed the student/apprentice of the issues raised to help them form a decision around the appeal.
6. An outcome letter/email is sent to both student/apprentice and parent/guardian/keyworker in cases where the student/apprentice is 16-18, an employer in the case of an apprentice, the HE provider (where appropriate). **N.b. The parent/guardian/keyworker in cases where the student/apprentice is 16-18 will be informed of the outcome unless alternative agreements have been made with the Curriculum Manager.**
7. All details will be recorded on Ontrack and all information e.g., supporting information.

If the appeal is upheld –

8. All staff involved in the teaching and learning of the student or apprentice are then made aware of the outcome, including the Security Team.
9. An Assistant Principal will form an action plan/learning contract to support the return to the College. Extra tutorials will be provided to monitor the student/apprentices behaviour and progress by the Personal Tutor and will be recorded on Ontrack. Review(s) to be carried out and recorded on Ontrack to show impact.
10. If the action plan/learning contract is not adhered to, this could result in automatic exclusion. In this instance, the student/apprentice will be verbally informed and a letter/email of confirmation will be sent.

## Appendix 1

In the instance where a student/apprentice is suspected of the use, possession or supply of any illegal substance, the following should be adhered to:

1. Staff and/or Security to inform the Duty Principal
2. Duty Principal to fact find about the alleged incident
3. If appropriate, Security to complete a search accompanied by the Duty Principal and/or the Curriculum Manager or Assistant Principal. In these instances, this may require a member of additional member staff to support or is female or male.
4. Based on the outcome of the fact find and search (if appropriate), the following decisions can be made:
  - Suspension
  - Suspension and police involvement
  - Return to class only if it can be established that the student/apprentice is safe to conduct their learning and no other students/apprentices or staff member's safety is being put at risk.

When a student or apprentice is suspended, the member of staff conducting the suspension will record all details on Ontrack. If in the case of it being a Duty Principal, an incident form is also completed. The following people are informed of the suspension:

- a) Head of Student Entitlement, who will update the Student Records system and inform front line staff
- b) Assistant Principal, who will write to the student/apprentice to confirm the suspension
- c) Security
- d) PA to the Principal, who will store the Incident Form on the Duty Principal site.

If in the case that illegal substances or equipment is found, the student/apprentice is suspended and the Police (101) are to be contacted immediately for advice and next steps. The following may be required:

- Guidance of action for the student/apprentice
- Safe disposal of the substance or equipment at College site. This should be completed by Security and the Duty Principal. All details to be recorded in the Incident Form.
- Transfer and deposit of the substance or equipment to a named Police Station. A member of Security, the Duty Principal or a named person will complete this task. All details to be recorded in the Incident Form beforehand and concluded on return.

No substances or equipment should be left on College premises.

When a student/apprentice returns to class, the member of staff authorising it will record all details on Ontrack. If in the case of it being a Duty Principal, an incident form is also completed.

Security will be asked to contribute to the Incident Form. The following people are informed of the incident:

- a) Curriculum Manager, via email/Ontrack
- b) Security
- c) PA to the Principal, who will store the Incident Form on the Duty Principal site.