

DISCIPLINARY PROCEDURES - STUDENTS (Consolidating Appeals Procedure)

**Approved by Governing Body May 2023
To be reviewed 2027**

1. INTRODUCTION

- 1.1 The Sixth Form College, Colchester is committed to providing an environment which gives maximum opportunities for all students to develop their full academic potential. The College provides: a broad curriculum; committed and professional teaching and support staff; suitable accommodation; a wide range of equipment and resources; and other support services and facilities which enable successful achievement of student goals. The College is committed to treating all students fairly, and in ways which promote equality, diversity and inclusion.
- 1.2 In return, students are expected to take responsibility for their own learning as well as to acknowledge and meet responsibilities to other students. Students are expected to conduct themselves in such a way as to ensure that both they and their fellow students gain maximum benefits from their programme of study and from the wider learning and development opportunities available to students at the College. These expectations are laid out in the College Community Code. Students will be briefed on expectations of behaviour when they join the College, during the September induction period.
- 1.3 Students have access to advice from specialist staff in matters relating to academic, financial, health and a wide range of other pastoral issues. Where appropriate, failure to meet expected standards at College will be dealt with via pastoral support, rather than disciplinary action. If a student chooses not to engage with the support offered and continues to fall below expected standards of behaviour and/or engagement, disciplinary processes will be followed.
- 1.4 The College would normally communicate with parents/carers, when a student is involved in formal disciplinary procedure. Exceptions may apply, including cases where the student has withdrawn their permission for College to contact parent(s)/carer(s). (Please note this could apply even if the student is under 18, and even if the student lives at the same address).
- 1.5 The expectations and requirements relating to student conduct are to be found in the student handbook/charter. Conditions relating specifically to the learning process are also laid down in the Learning Agreement which is signed by all students at the commencement of their course. Expectations and requirements are made clear at interview, induction and enrolment and are reinforced throughout the programme of study.
- 1.6 The College continues to reserve the right to terminate the programme of study of a student where it is decided that there is no academic benefit in the continuation of their course.

2. INFORMAL DISCIPLINARY PROCEDURES

- 2.1 Disciplinary, behavioural and conduct issues will normally be dealt with informally and all staff have authority to take appropriate informal action in cases of minor breaches of regulations. This includes informing/reminding students that their behaviour is a breach of College regulations, is unacceptable and should not be repeated. If staff judge it appropriate, they should inform the student's Personal Tutor of the occurrence and of the informal action taken. In more serious cases the Senior Tutor should be informed.
- 2.2 Issues which could initially be dealt with informally may include:

- poor punctuality
- poor attendance
- lack of commitment
- failure to submit set work on time
- low level behaviour issues
- not wearing student lanyard
- minor breaches of the College's Student Charter (to be found in the Student and Parent handbook on the College website)

2.3 Informal disciplinary action could include: a conversation with the Personal Tutor; a meeting between the student and the Senior Tutor; a phone call or email home to parents/carers; a letter home from an academic department or from the Personal Tutor or the Senior Tutor. Records are kept of communications between College and parents/carers. Personal Tutors and Senior Tutors will keep sufficient notes to be able to track students' progress, following GDPR guidelines. Informal disciplinary action will not normally be referred to in a reference.

3. FORMAL DISCIPLINARY PROCEDURE

3.1 Failure to engage

Formal disciplinary measures will be taken to address a student's continuing failure to engage with College. The Senior Tutor is authorised to progress from Informal to Formal Disciplinary procedures, up to and including termination of the student's programme of study, if there is no academic benefit in their continuing (See 1.6).

The decision to terminate a student's programme of study in these circumstances will be taken after continuing attempts to engage the student have failed. Attempts to engage the student will have included informal disciplinary action (see section 2), followed by at least one Formal Warning, which will normally be addressed to or copied to parents/carers, except where a student has withdrawn permission for contact to be made (See 1.3)

The decision to terminate a student's programme of study will always be taken in conjunction with a second senior member of staff. Students and their parents/carers have a right of appeal to the Assistant Principal (Pastoral). Thereafter, there is a right of appeal to the Principal. Notice of appeal must be lodged in writing with the Principal within 10 days of the date on which the place was withdrawn.

3.2 Misconduct

Formal disciplinary measures will also be used in cases of inappropriate behaviour or misconduct, if the student's conduct still continues to be unsatisfactory after informal procedures have been followed, or if the misconduct is considered to be sufficiently serious to move straight to formal disciplinary action.

The following are examples of misconduct that may result in formal disciplinary action being taken, but it is emphasised this is not an exhaustive list:

- Any of the matters set out in paragraph 2.2 above, if informal disciplinary action does not result in substantial improvement
- Behaviour likely to impact negatively on the learning of other students
- Any breach of health and safety or other regulations of the College
- Inviting or allowing non-College acquaintances onto the site
- Any noisy or unruly behaviour

- Non-compliance with a reasonable instruction given by a member of staff
- Any vandalism or damage to College buildings, equipment, books or furnishings, or the property of any fellow student or any member of staff
- Any theft of property or any other dishonesty, including cheating
- Any drunkenness or breach of College policy regarding alcohol, or the possession or supply of any illegal drug
- Possession of an offensive weapon
- Any illegal act which may have an adverse effect on the work of the College or on other students
- The use or threat of any violence or intimidation towards any person
- Any behaviour which is a serious breach of the College's Equality and Diversity Policy eg behaviour which is racially or sexually offensive or which is offensive to those with disabilities.
- Any serious breach of the College's Protection from Bullying and Harassment Policy.
- Any unauthorised interference with IT systems or equipment
- Any use of social media which is likely to cause offence or distress to others (eg filming, posting, re-tweeting materials without permission)
- Any behaviour, in or out of College, which may bring the College into disrepute
- Any serious breach of the College's Student Charter (to be found in the Student and Parent handbook on the College website)

4. **SUSPENSION**

4.1 In the case of an incident of alleged serious misconduct, the student or students involved are likely to be immediately suspended from College pending investigations. Any senior member of staff may suspend a student on a temporary basis, pending investigation. Investigations will be carried out by two senior members of staff, usually Senior Tutors and/or Assistant Principals.

4.2 **Temporary Suspension**

Temporary suspension is not seen as a disciplinary penalty and does not imply that a decision has been made about the allegations.

The initial period of suspension would usually be three days, (ie three working days during College term-time) but may be extended, depending on the complexity of the investigation.

4.3 **Indefinite Suspension**

A student may be suspended indefinitely for an extended, unspecified period if facing a serious criminal charge ie one which would be likely to result in a custodial sentence if the student was found guilty. The decision to suspend pending the outcome of police investigations or of criminal proceedings will be made by the Assistant Principal (Pastoral) and will be reviewed regularly, usually on a monthly basis.

The College recognises that indefinite suspension is likely to cause stress to the student. Where suspension or disciplinary proceedings are protracted, we will ensure that the student has a nominated contact within College who is not involved in the investigation, to offer pastoral care and support as needed.

General

- 4.4 The parent/carer will normally be informed of the decision to suspend as soon as is practically possible, usually by telephone. (For exceptions, see 1.3). The terms of the suspension will be confirmed in writing, via letter or email.

5 **DISCIPLINARY MEETING**

- 5.1 At the end of the initial period of suspension, the College will contact the student and/or the parent/carer to invite them to a Disciplinary Meeting, the purpose of which is to conclude the investigation, hearing any further evidence. Attendees at the Disciplinary Meeting will usually include the student, parent(s)/carer(s) and two senior members of staff, at least one of whom will have been involved in investigating the issue. The Disciplinary Meeting will provide an opportunity for the student to present their view, and for the staff to examine what is presented to them. The student and their parent(s)/carer(s) will normally be required to withdraw from the meeting while staff consider the case. It may be possible to resolve the issue at the Disciplinary Meeting, including issuing a sanction (See 5.2). However, some cases will require referral to a Disciplinary Panel, which will consider sanctions up to and including expulsion from College (See 6).

- 5.2 Possible outcomes of the meeting are as follows and will usually be communicated at the Disciplinary Meeting:

- (i) to take no further action;
- (ii) to issue a Formal Warning;
- (iii) to issue a Final Formal Warning;
- (iv) to refer the matter to a Disciplinary Panel which has the authority to decide on expulsion;
- (v) to extend any period of suspension while a fuller investigation is carried out;
- (vi) to refer the matter to the police.

- 5.3.1 The student and/or the parent/carer will be issued with a written notification of the outcome of the hearing, usually via email.

- 5.4 The notification will include the outcome of the meeting and if a warning is issued:

- the reason for the warning and the nature of the misconduct
- the nature of the warning (e.g. First/ Final) and that it is a Formal Warning under the Formal Student Disciplinary Procedure.
- the standard that is to be achieved and maintained
- the consequences of failing to achieve and maintain the standard or of further misconduct, which could lead to expulsion from the College

or: that the matter has been referred to a Disciplinary Panel.

A copy of any Formal Warning will be placed on the student file indefinitely and may be referred to in a College reference.

6. DISCIPLINARY PANEL TO CONSIDER EXPULSION

- 6.1 If the alleged conduct is considered to amount to Gross Misconduct or if the standard stated in a Final Formal Warning has not been achieved or maintained, the College may consider expulsion, ie permanent removal from College. Any particularly serious cases of misconduct may be treated as Gross Misconduct. Any behaviour likely to bring the College into disrepute constitutes Gross Misconduct.
- 6.2 Where the initial investigation finds there has been Gross Misconduct and the decision to expel is possible, the senior staff involved in the Disciplinary Meeting will refer the matter to a Disciplinary Panel.
- 6.3 The Panel should comprise at least two senior members of the College staff, not previously involved with the investigation (usually Assistant Principals/Senior Tutors). The Panel membership will be approved by the Principal.
- 6.4 The Disciplinary Panel will review all of the evidence collected during the investigation, including the student's account. The student and their parent/carer will be invited to contribute any further relevant information.
- 6.5 The Disciplinary Panel has the authority to expel the student. Expulsion is normally permanent.
All parties involved will be informed of the Panel's decision in writing.

7 APPEAL

- 7.1 The Governing Body will hear appeals from students who have been expelled and who feel there are grounds for appeal. Notice of appeal must be lodged in writing with the Chair of the Governing Body (usually via the Clerk) within 10 days of the date of expulsion. On receipt of an appeal, the Chair of Governors will convene an Appeals Committee which will comprise three governors. They will not be student or staff governors and they will not have any previous involvement with the case.
- 7.2 Appeals will normally be considered on one or more of the following grounds:
- that there was procedural irregularity in applying the Student Disciplinary Procedure
 - that the student has provided new evidence since the Disciplinary Panel interview, which they could not reasonably have provided in good time for the meeting, eg because of illness
 - that there is reliable evidence that information used by the Disciplinary Panel to reach a decision was not valid.
- 7.5 The Appeals Committee will meet to consider the appeal within fifteen working days of receipt of a valid notice of appeal. It will consider the merits of the original decision as well as any issues regarding the procedure.
- 7.6 The student and the parent(s)/carer(s) with whom the student is resident (see 1.3 for exceptions) will be informed in writing of the date, time and place fixed for the Appeals Committee meeting at least ten working days before the hearing. The letter should also state that;

- a) the student can present documentary evidence and call witnesses
- b) the student can be accompanied by a friend, relative or parent / carer
- c) no audio or video recordings of the Appeals Committee meeting are permitted without the consent of all participants.

7.7 Documentary evidence should be received by the Appeals Committee at least five working days before the Appeals Committee meeting. Documentary evidence submitted after this time, or tabled at the Appeals Committee meeting, will not be accepted.

7.8 Any documentary evidence that the Chair of the Appeals Committee may decide upon shall be distributed to members of the Appeals Committee, the appellant and anyone speaking on his / her behalf and any member of staff who will be presenting the case for the College.

7.9 **CONDUCT OF APPEALS COMMITTEE MEETING**

7.9.1 The parent(s)/carer(s), and student, will have the opportunity to appear in person to make oral representations or to make written representation if they elect not to attend the appeal. Any written documentation should be received by the Chair of the Appeal Committee at least five working days before the appeal hearing. The Appeals Committee meeting is not a legal proceeding. For this reason, it is not appropriate for a student or parent/carer to be accompanied by a legal representative.

7.9.2 The order of representation will be conveyed by the Chair of the Committee and will be:

- the case for the College including any witness evidence
- questioning by parent/carer(s) and the student
- the case for the student including any witness evidence
- questioning by the College
- summing up by the College
- summing up by parent/carer or student

7.9.3 The committee may ask questions at any time if they require clarification of what is being said or if they need more information in order to reach their decision.

7.9.4 In the case of written representation, the committee will consider the written evidence and will take such evidence from the College as it thinks fit.

7.9.5 The Clerk to the Governing Body will make formal notes of the proceedings.

7.9.6 The Chair will close the Appeal Hearing following which the Committee will determine the outcome of the appeal in private. The decision of the Committee is final and will be communicated to the Principal formally and a written decision sent to the student within 5 working days of the appeal hearing. In addition, if the student is living at the parent(s)/carer(s)' address, the parent(s)/carer(s) will be sent a copy of the recommendation.

7.10 **OUTCOMES**

Outcomes may be:

- (a) The original decision is upheld
- (b) The appeal against expulsion is allowed

In the case of (b) a recommendation should be made as to whether an alternative sanction should be applied. The Assistant Principal (Pastoral), working with the student's Senior Tutor, will determine whether the student is in a position to be able to resume their previous

programme of study, or whether an adjustment needs to be made, in order for the student to complete their studies successfully.

- 7.11 The decision of the Appeals Committee is final and there shall be no further right of formal appeal for the student under the College Disciplinary Procedure. A further stage of appeal may be available from the relevant Government agency.

8. CONSULTATION

- 8.1 This version has been agreed in consultation with the College Council, relevant staff, including Senior Tutors and EDI Coordinator, Governors, and other relevant parties.
- 8.2 This policy should be read in conjunction with the following documents, policies and protocols:

The College Community Code

Protection from Bullying and Harassment Policy

Equality and Diversity Policy

Fitness to Study Protocol

Safeguarding Policies, including Child Protection Policy and Keeping Children Safe in Education

Equality Statement

This policy has been reviewed to ensure that it creates no barriers or impacts in relation to protected characteristics under the Equality Act 2010.

Last Approved by Corporation	May 2023
Review Date	May 2027
Author/ Responsibility	AP-Pastoral