

Student Disciplinary Policy and Procedure

1 Introduction

- 1.1 All Colleges within the South Thames Colleges Group (the Group) are committed to ensuring the maintenance of a community in which both learners and staff can work or study to the best of their abilities. The Group ethos rests on the ideals of mutual respect and co-operation that provides the basis for the orderly conduct of the community at each College.

2 Purpose and Scope

- 2.1 The purpose of this Policy and Procedure is to help and encourage students to achieve and maintain required standards of conduct. The Student Code of Conduct is set out at Appendix 1 of this Policy and Procedure.
- 2.2 The aim of this Policy and Procedure is to ensure that when disciplinary action needs to be taken, it is applied consistently and fairly.
- 2.3 This Policy and Procedure applies to all students enrolled at a College in the Group.
- 2.4 Students are required to adhere to this Policy and Procedure at all times. 'At all times' means on and off the Group premises, during term time and out of term time.
- 2.5 This Policy and Procedure applies to both academic and non-academic misconduct.
- 2.6 The Group Principal and Chief Executive is responsible for maintaining student discipline within the rules and procedures provided for in the Articles of Government. The exclusion of students on disciplinary grounds has been delegated to designated posts as defined in the Articles of Government and set out in this Policy and Procedure and are Senior Postholders or a panel of Vice Principal's and/or Heads of School.
- 2.7 Any actions taken under this Policy and Procedure are undertaken on behalf of the Group Principal and Chief Executive under a system of delegated authority.
- 2.8 The Group reserves the right to add to, or amend this Policy and Procedures from time to time.

3 Operation

- 3.1 Minor disciplinary issues should be dealt with informally by the staff member with responsibilities for the area where the disciplinary issue has occurred, normally the student's tutor.
- 3.2 Before any formal disciplinary action is taken the student will be advised of the allegations in writing and given an opportunity to state their case in response at a Disciplinary Hearing.
- 3.3 There may be occasions when, depending on the seriousness of the misconduct involved, it is appropriate to enter the Procedure at the stage of a final warning or exclusion (which may be temporary or permanent).
- 3.4 No student will be excluded for a first breach of discipline except in the case of serious misconduct (see Appendix 1 – Student Code of Conduct).
- 3.5 The Group will endeavour to deal with any disciplinary matter promptly and without undue delay and expects students to co-operate to achieve that aim.
- 3.6 Misconduct outside of a College can be dealt with under this Policy and Procedure where it is considered that it has a direct bearing upon the College/Group.
- 3.7 The Group may, if appropriate in the particular circumstances of the case, take account of the following procedures and policies before a decision is taken on disciplinary action:
- 3.7.1 ICT, Security and Data Protection Policies
 - 3.7.2 Mobile Phone Policy
 - 3.7.3 Mental Health and Wellbeing Policy
 - 3.7.4 Social Media
 - 3.7.5 Complaints Compliments and Feedback Policy
 - 3.7.6 Anti-Bullying
 - 3.7.7 Health and Safety Policy
 - 3.7.8 CCTV Policy
 - 3.7.9 Child on Child Abuse & Sexual Violence and Sexual Harassment Procedures
 - 3.7.10 Policy for Low level Safeguarding Concerns

- 3.7.11 Safeguarding Policy and Procedure
- 3.7.12 Fitness to Study
- 3.7.13 Academic Performance and Attendance Policy and Procedure

The above list is not comprehensive or exhaustive. The Group may from time to time amend these policies and procedures and implement new policies and procedures which may be relevant to disciplinary matters.

- 3.8 If this Policy and Procedure is invoked whilst another policy and procedure is ongoing (or vice-versa), either policy and procedure may be temporarily suspended to address the other. However, if it is considered that the issues under the policies and procedures are related/linked, it may be appropriate to deal with both policies and procedures together. This may be under a single investigation and/or meeting/hearing. Each policy and procedure should be considered and a separate outcome delivered although investigation and hearing outcomes in one policy and procedure may where appropriate be used to inform another policy and procedure. Alternatively, if after commencing this Policy and Procedure, the Group considers that the matter ought to be dealt with under a different policy and procedure, the case under this Policy and Procedure will be ceased (or in certain circumstances, suspended) and transferred to the other policy and procedure at the appropriate stage. The student will be notified of this decision and the reason. It shall be for the Group to determine the appropriate policy and procedure to be followed and its decision shall be final.
- 3.9 All students will have the opportunity to be accompanied at any disciplinary meetings or hearings by their parent/guardian, a student representative, or fellow student who is not implicated in the case. Legal representation will not normally be permitted in any meetings/hearings.
- 3.10 Students have a right to make a reasonable request to postpone any disciplinary meeting/hearing for up to 1 week for any reason e.g. by reason of sickness or if their chosen companion is unable to attend. Only one postponement will normally be permitted and if, following such a postponement, the student does not attend on the re-arranged date, the Group may proceed with the meeting/hearing in their absence. The Group will inform the student of its decision, with reasons.

- 3.11 Other than in exceptional circumstances, the Group does not agree to meetings/hearings being recorded. The student and anyone accompanying them (including witnesses), should not make electronic recordings of any meetings/hearings conducted under this Procedure. Where it is subsequently found that a student (or anyone accompanying them) has secretly recorded any meeting/hearing conducted under this Procedure, this may constitute misconduct under this Procedure in of itself, and could result in disciplinary action.
- 3.12 All parties involved in this Policy and Procedure must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the Group and comply with the Group’s Data Protection Policy. There may be circumstances in which the Group is required to make a disclosure, for example in order to fulfil a legal or regulatory obligation.
- 3.13 Although the timescales in this Policy and Procedure will usually be met, the Group has the right to extend timescales. In such circumstances, the parties concerned will be advised of the extension. The Procedure may be paused, for example where there is a police or criminal investigation or ongoing process relating to the matter.
- 3.14 If the student has difficulty at any stage of this Policy and Procedure because of a disability, they should discuss it with their tutor as soon as possible. The Group will make any reasonable adjustments required to this Policy the Procedure. The student will be informed of any adjustment and the reasons for it. The Group retains the discretion to conduct the process as it thinks fit.
- 3.15 Students can make use of the support available by contacting Student Services at any time who are locally available at each College.

4 Suspension

- 4.1 A student may be suspended from the College/Group and/or any College-related activity at any stage of this Policy and Procedure.
- 4.2 The Group Principal and Chief Executive can delegate responsibility to suspend a student from the College/Group and/or any College-related activity at any stage of this Disciplinary

Policy and Procedure. Circumstances which may result in suspension include where there is a reasonable belief that the student's continued presence poses:

- 4.2.1 a risk to the health, safety or welfare of the student and/or others;
- 4.2.2 a serious risk of disruption to students' learning or other College/Group activities or the College's/Group's reputation;
- 4.2.3 a serious risk to property; and/or
- 4.2.4 a risk of prejudicing the Group's ability to implement this Procedure, for example conducting the investigation.

The above list is not comprehensive or exhaustive. The Group Principal and Chief Executive is responsible for maintaining student discipline within the rules and procedures provided for in the Articles of Government. The suspension of students on disciplinary grounds has been delegated to Senior Postholders, Vice Principal's, Service Directors and Heads of School and their Deputies and Heads of Service.

- 4.3 Any suspension under this section is a neutral act and does not imply any finding of guilt on the part of the student and is not a disciplinary sanction.
- 4.4 The student will be informed of the reasons for suspension and they must leave the College immediately.
- 4.5 A letter confirming the suspension will be sent to the student (and parents/guardians and/or other relevant agencies, as applicable) within 3 working days of the suspension.
- 4.6 The student will be provided with a nominated point of contact for the duration of the period of any suspension and may contact this person for information in relation to any aspect of the suspension.
- 4.7 The Group recognises that suspension may affect the student's academic performance so where practicable, the College may make arrangements for work to be sent to the student during any suspension period.

- 4.8 A student has the right to appeal a suspension to the Head of School (or where the Head of School took the decision to suspend, a Vice Principal) and should include the reasons for the appeal.
- 4.9 The Head of School/Vice Principal will review the decision to suspend and the student's reasons, and decide whether to confirm or vary the decision.
- 4.10 The student will be informed of the outcome of this review in a letter within 5 working days of the appeal.

5 Informal Procedure

- 5.1 Minor instances of misconduct can often be resolved informally rather than by the immediate application of the formal procedure. The staff member responsible for the student should promptly discuss any concerns they have with the student.

- 5.2 Appropriate action may include:

- 5.2.1 support;
- 5.2.2 advice and guidance, which may be confirmed in writing;
- 5.2.3 coaching and counselling.

This list is non-exhaustive.

- 5.3 The purpose of the discussion is to ensure that the student:
- 5.3.1 is aware of the concerns;
- 5.3.2 knows what is required to meet expected standards of conduct, with targets set if appropriate;
- 5.3.3 to address any factors which may be relevant e.g. health, lack of support etc;
- 5.3.4 is made aware of the timescale over which an improvement is required;
- 5.3.5 is made aware that further misconduct and/or failure to meet the expected standards of conduct will result in the application of the formal procedure.
- 5.4 The discussion and outcome, including any targets, should be confirmed in writing by the staff member responsible for the student

5.5 Following the discussion, the staff member responsible for the student will continue to monitor the student and provide regular feedback.

5.6 This does not form part of the formal procedure.

6 Formal Procedure

6.1 If informal action does not bring about the required improvement, or where the misconduct is considered to be more serious, the formal procedure will be followed.

6.2 Investigation

6.2.1 Not all matters will warrant a full investigation but where there are grounds for considering formal action against a student a Senior Postholder or a Vice Principal may commission an appropriate person or person(s) to investigate (the Investigating Officer). A full investigation will normally carried out if the Group considers that the matter is complex or may lead to exclusion. The Investigating Officer will not have been involved in the incidents/matters being investigated.

6.2.2 The purpose of the investigation is to gather evidence and to enable a decision to be taken on whether the matter should proceed to a formal Hearing under this Procedure.

6.2.3 Where an investigation is required, the following principles will apply:

6.2.3.1 If there are witnesses to an incident, or a person makes an allegation against a student, written statements from such persons will be obtained and/or where appropriate these persons will be interviewed individually and a note or statement from each interview will be prepared. Other persons who may have relevant knowledge of the matter may also be interviewed or asked to give a statement.

6.2.3.2 The student in question will normally be interviewed as part of the investigation (with their parent/guardian, external agencies if applicable). This will be for the purpose of investigating the matter before a decision is taken as to whether or not a formal hearing is warranted and/or to clarify the nature of the issues and/or provide further information, including any relevant witnesses or documents.

- 6.2.3.3 Students are expected to co-operate fully and promptly with an investigation and attend interviews as requested.
- 6.2.3.4 A note taker may be present during investigation meetings. Notes will be a summary of the meeting and not a verbatim record. A copy of the notes (which may be typed or handwritten) should be sent to the student/witness and they will be given a reasonable period to confirm that they are an accurate record of the meeting. The student/witness will be made aware at the outset that the notes and/or any witness statement could be used as part of any formal proceedings. The student will be given the opportunity to provide comments on the notes (usually around 5 working days) and any changes made by the student should be recorded on the notes in tracked changes.
- 6.2.3.5 Only in exceptional circumstances will statements be permitted to be anonymised, for example if there is a genuine concern for personal safety. This should be agreed by the Senior Postholder or Vice Principal commissioning the investigation normally following consultation with Deputy CEO or Vice Principal – Student Services.
- 6.2.4 When the investigation is concluded, a decision will be taken on:
- 6.2.4.1 whether no action is necessary; or
- 6.2.4.2 whether the matter should be dealt with outside the formal disciplinary procedure; or
- 6.2.4.3 whether it is necessary to consider the matter at a formal Disciplinary Hearing.

6.3 **Disciplinary Hearing**

- 6.3.1 If, following the investigation, it is found that there is a disciplinary case to answer, a Hearing Manager will be appointed. However, in more serious cases which could lead to permanent exclusion, it will be decided to either convene a Panel to hear the case, consisting of 2-3 Vice Principals and/or Heads of School, or alternatively to nominate a Senior Postholder to hear the case. The Panel/Hearing Manager should have had no prior involvement in the matter.

- 6.3.2 The student will be advised in writing at least 5 working days before the date of the Hearing of:
- 6.3.2.1 the requirement to attend Disciplinary Hearing under the formal procedure;
 - 6.3.2.2 the date, time and venue of the Hearing;
 - 6.3.2.3 the opportunity to be accompanied;
 - 6.3.2.4 details of the allegations;
 - 6.3.2.5 the names of the Hearing Manager/Panel members;
 - 6.3.2.6 any witness statements by the College and copies of any documentary evidence;
 - 6.3.2.7 the possible disciplinary action that may be taken;
 - 6.3.2.8 confirmation that any evidence including the statements of any witnesses the student wishes to rely on should be provided at least 3 working days before the Hearing;
 - 6.3.2.9 confirmation that at the Hearing, the student will have the opportunity to present their case and supporting evidence (as above) and present any relevant mitigating circumstances they may wish to be taken into account.
- 6.3.3 Mitigating circumstances which may be taken into account include:
- 6.3.3.1 any health issues contributing to the misconduct;
 - 6.3.3.2 the need for support/protection;
 - 6.3.3.3 the impact of the misconduct on others and on the student (actual or potential);
 - 6.3.3.4 an early admission;
 - 6.3.3.5 an offer to compensate or offer an apology.
- 6.3.4 Where relevant, the Investigating Officer will attend the Hearing to present the findings of the investigation and to answer questions from the Panel/Manager. They will not participate in the decision making process.
- 6.3.5 At the Hearing, the Manager/Panel will normally:
- 6.3.5.1 introduce those present and explain why they are there;
 - 6.3.5.2 explain the purpose of the Hearing;
 - 6.3.5.3 explain how the Hearing will be conducted;
 - 6.3.5.4 the Investigating Officer will be invited to present their case including any witness statements (where relevant);

- 6.3.5.5 the Manager/Panel may ask questions of the Investigating Officer (where relevant);
- 6.3.5.6 the Manager/Panel will give the student the opportunity to present their case and any supporting evidence including any witness statements and/or mitigating circumstances (where relevant);
- 6.3.5.7 the Manager/Panel may ask questions of the student;
- 6.3.5.8 the Manager/Panel will give the Investigating Officer and the student the opportunity to sum up their case;
- 6.3.5.9 the Hearing will then be adjourned so that the Manager/Panel can consider the evidence. All parties other than the Manager/Panel and any notetaker (if applicable) shall withdraw.
- 6.3.6 The Manager/Panel will conduct their considerations in private but may recall all parties to clarify any points made.
- 6.3.7 The Manager/Panel can modify the conduct of the Hearing where they consider it would be appropriate.
- 6.3.8 The Manager/Panel can adjourn the Hearing at any time if further investigation/consideration is required. The student can also request an adjournment. Such requests should not be unreasonably refused.
- 6.3.9 The Manager/Panel may conclude one of the following courses of action, according to the circumstances of the case:
- 6.3.9.1 take no disciplinary action;
- 6.3.9.2 recommend the issue is dealt with informally by the student's tutor;
- 6.3.9.3 give a first formal written warning if there has been either a repeated minor breach in conduct, or a first but more serious breach of discipline. Such a warning will remain current for 6 months from the date of the Hearing;
- 6.3.9.4 give a final written warning if there is has been an insufficient response to previous warnings and conduct is still unsatisfactory or in the case of a first but sufficiently serious breach of discipline. Such a warning will remain current for 12 months from the date of the Hearing;

- 6.3.9.5 exclude the student from certain parts of the Group’s premises and/or certain academic courses/programmes/activities;
- 6.3.9.6 temporarily exclude the student from the Group;
- 6.3.9.7 permanently exclude the student from the Group.
- 6.3.10 A permanent exclusion means that the student will be unable to complete that academic year or enrol on any course in the Group in any future academic year. The decision to exclude the student will usually be with immediate effect.
- 6.3.11 In addition to penalties not involving permanent exclusion from the Group, any or all of the following may also be imposed:
- 6.3.11.1 the requirement to apologise verbally or in writing to another person;
- 6.3.11.2 exclusion from Group facilities such as common rooms, computing facilities, learning centres etc;
- 6.3.11.3 the requirement to carry out some service for the Group such as the removal of graffiti or cleaning of Group property;
- 6.3.11.4 exclusion from impending educational visits, residential field trips or representing the College in either individual and/or team sports;
- 6.3.11.5 the requirement to make compensatory payments to the Group or other individual.
- 6.3.12 The student (and, as appropriate, their parent/guardian, external agencies) will be informed of the outcome of the Hearing in writing with the notes of the Hearing normally within 10 working days of the Hearing, confirming:
- 6.3.12.1 the action taken (or the fact that no formal action was taken) and the reasons for that decision;
- 6.3.12.2 any remedial action required of the student and the consequences of any recurrence of misconduct, including any dates for review;
- 6.3.12.3 the right to appeal.

7 Appeals

- 7.1 The Group will ensure that appeals are dealt with impartially and heard without unreasonable delay.
- 7.2 Students have the right to appeal against any formal disciplinary action taken against them.
- 7.3 The right to appeal must be exercised within 10 working days of the date of the written decision.
- 7.4 The appeal, stating the grounds on which it is made (for example, that the formal action was wrong or unjust), must be in writing addressed to [the College Principal].
- 7.5 If any new matters are raised in the appeal, a further investigation may need to be carried out. If any new information comes to light, the student will be provided with a summary including, where appropriate, copies of additional relevant documents and witness statements. The student will have a reasonable opportunity to consider this information before the Appeal Hearing, and they (or their companion) may comment on any new evidence during the appeal before any decision is taken.
- 7.6 An appeal will be heard by an Appeal Officer or an Appeal Panel. If the appeal is against exclusion the Officer/Panel will comprise of a College Principal, the Deputy Chief Executive and/or the Group Principal and Chief Executive who have had no previous involvement in the case.
- 7.7 The Group will aim for an appeal to be heard within 15 working days of the appeal being lodged.
- 7.8 The student (and, as appropriate, their parent/guardian, external agencies) will be given at least 5 working days' notice of the Hearing and will be asked to provide any relevant information/evidence at least 3 working days' before the Hearing. All parties will be provided with the relevant documentation at least one working day before the Hearing.

- 7.9 Attendance at the Appeal Hearing will include: The Appeal Officer/Panel, the person who made the decision being appealed, the Investigating Officer in relation to the appeal (if applicable), the student and their companion. A notetaker may also be present.
- 7.10 The Appeal Hearing may be a complete re-hearing of the matter, or may be a review of the fairness of the original decision in light of the process that was followed and any new information that may have come to light. This will be at the Appeal Officer/Panel's sole discretion depending on the circumstances of the case. In any event, the appeal will be dealt with as impartially as possible.
- 7.11 At the Appeal Hearing the student will be asked why they are appealing and particular attention will be paid to any new evidence that has been introduced ensuring that the student has the opportunity to comment on it.
- 7.12 The conduct of the Hearing will be similar to that set out at paragraph 6.3.5 above.
- 7.13 The Appeal Officer/Panel may:
- 7.13.1 Confirm the decision; or
- 7.13.2 Overturn the decision; and/or
- 7.13.3 Impose any other action that the Appeal Officer/Panel considers appropriate to be taken in the circumstances including but not limited to:
- 7.13.3.1 reducing the level of sanction;
- 7.13.3.2 substituting a lesser sanction;
- 7.13.3.3 changing the outcome;
- 7.13.3.4 remitting the decision to be considered further.
- 7.14 The Appeal Officer/Panel shall send a letter and the notes of the Hearing to the student confirming its outcome normally within 10 working days of the Hearing.

- 7.15 The decision of the Appeal Officer/Panel shall be final.
- 7.16 An appeal against exclusion will not delay the exclusion, but where an appeal is successful then the student will be reinstated.

6 Records

- 6.1 The Group will retain copies of all notes of discussions and communications with the student (and where applicable their parent/guardian and/or other external agencies) relating to disciplinary matters (both informal and formal).

Appendix 1

Student Code of Conduct

The following lists are not comprehensive or exhaustive.

The following examples of behaviour meet the acceptable standards of conduct:

- Complying with all Group policies and procedures
- Behaving in a way which values people equally respecting the democratic values of freedom of speech, appreciation of different beliefs, the rule of law and individual liberty
- Being kind, hard-working, respectful and polite at all times
- Complying with reasonable requests by College/Group staff
- Seeking help and support when needed
- Treating the College/Group buildings, facilities and equipment with care
- Reporting any damage to College/Group property or equipment to a member of staff
- Accessing the College internet for educational purposes only
- Ensuring that all College work and assessments are written in the student's own words

The following examples of behaviour may be regarded as minor misconduct and misconduct which may lead to informal action or a formal/final written warning:

- disruptive behaviour
- rudeness, impolite or inconsiderate behaviour
- offensive language
- plagiarism/coping the work of other students or staff or cheating
- refusal to comply with a reasonable instruction of College/Group staff
- persistent absence or truancy
- acting in an unsafe manner or not co-operating with safety procedures
- smoking in non-designated areas
- misuse of email/the internet/College resources
- minor breaches of the Group policies and procedures e.g. Health and Safety, Mobile Phone, Smokefree
- disrespect for College/Group staff
- failure to record progress and targets in ProPortal

- receiving a criminal conviction

Some of these examples could also be considered gross misconduct, depending on their seriousness and/or number of incidents.

Examples of gross misconduct which may lead to temporary or permanent exclusion include:

- repeated or persistent acts of minor misconduct or misconduct
- fighting, violent behaviour, or use of physical violence
- foul language used in an aggressive or threatening manner
- exhibiting antisocial, aggressive and/or loud behaviour at any time including when travelling to and from College/Group premises
- discriminatory language or behaviour
- sexual harassment/misconduct
- deliberate and significant damage or vandalism to College/Group property or the property of others
- bullying/intimidation
- theft
- causing a serious safety hazard
- breaches of the Group policies and procedures e.g. Health and Safety, Mobile Phone, Smokefree, Drug and Alcohol, IT and Data Protection, Safeguarding
- possession or use of a weapon or anything which resembles or which can be used as a weapon
- fraud
- attempting to enter College/Group premises while suspended
- failure to disclose a criminal conviction
- receiving a criminal conviction
- bringing the College/Group into disrepute (actual or potential), including via social media