

# STUDENT DISCIPLINARY POLICY AND PROCEDURE

HARROW, RICHMOND AND UXBRIDGE COLLEGES POLICY AND PROCEDURES



<b>Policy No:</b>	S5/24
<b>Subject:</b>	Student Disciplinary Policy and Procedure
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<b>Person responsible:</b>	Assistant Principal - Supported & Targeted Learning
<b>Approved by:</b>	Senior Leadership Team
<b>For action by:</b>	Assistant Principals, Heads of School, Attendance Coordinators, School Administrators, School Managers and Student Support Services
<b>For information to:</b>	All staff & students

## 1. Background

- 1.0 This document sets out the disciplinary procedure to which students are expected to adhere in return for being admitted to HRUC and being provided with educational and other services and facilities. It also sets out the procedure which should be followed, where the Student Code of Conduct has been breached.
- 1.1 Breach of the Student Code of Conduct may lead to disciplinary action being taken against a student, and repeated breaches or a single very serious breach may result in a student being suspended or excluded from HRUC.
- 1.2 Any staff, student or external queries about the interpretation or application of this Procedure should be addressed to the Director of Student Services.

## 2.0 Scope

- 2.1 This Policy applies to all students of HRUC, regardless of the mode of study, whether or not their course is validated by, or associated with, any other institution, and at all times during the year, whether or not during College terms. However, 14-16 School Link students may be subject to their school disciplinary process or subject to different procedures, especially in relation to the panels at each Hearing stage. HE students may also be subject to the disciplinary process of awarding institutes.
- 2.2 Students' attention will be drawn to this Policy and Procedure at induction and through the Student Code of Conduct.
- 2.3 All members of staff have a duty to uphold HRUC's Student Disciplinary Policy & Procedure.
- 2.4 Staff will be made aware of the Student Code of Conduct and Student Disciplinary Policy and Procedure at induction and on whole College training days.
- 2.5 Parents, guardians and supervising employers will be informed of disciplinary actions as appropriate and

in accordance with the policy. Where a student is under the age of 18 or is a vulnerable adult, subject to the constraints of confidentiality and legislation, the student's parent(s) or guardian(s) are expected to be involved by HRUC at appropriate stages of the disciplinary process.

### 3.0 Intent

The intent of this Disciplinary Policy and Procedure is to ensure that all students and staff are aware of and follow, consistently and fairly, the disciplinary procedures that must be adhered to following a breach of the HRUC's Student Code of Conduct. Furthermore, it is the intent of this Disciplinary Policy to ensure that no student is unlawfully discriminated against on grounds of race, disability or gender (or age, sexual orientation, gender identity, religion or belief).

- 3.1 The College considers disciplinary processes to be part of the overall pastoral approach within the College which aims to support young people as they move into adulthood and equip them with the behaviours, attitudes and emotional resilience required in their personal lives and employment.
- 3.2 The College therefore will aim when using the disciplinary policy to find ways for students wherever possible to be retained at the College. This may include measures being agreed to help them address issues which have resulted in them being in breach of the Code of Conduct and reparation for any damage caused.

### 4.0 Procedures

#### 4.1 Reasons for Disciplinary Action

- 4.1.1 This policy and procedures document relates to two aspects of student behaviour which both follow the same disciplinary procedures.
- 4.1.2 **Academic:** poor behaviour is defined as that likely to prejudice the student's chances of successfully completing their programme of study such as persistent absenteeism, lateness and failure to complete work set. HRUC has standards for Study, Attendance and Punctuality.
- 4.1.3 **Misconduct:** the committing of a breach of HRUC's Student Code of Conduct or any other policy or practice laid down by HRUC.
- 4.1.4 For the purposes of this policy and procedures document HRUC draws a distinction between misconduct and gross misconduct.
- 4.1.5 Examples of misconduct include: disruptive behaviour, swearing, spitting, possession of alcohol, disobedience... (This is not an exhaustive list).
- 4.1.6 Gross misconduct is the committing of a serious breach of HRUC's Student Code of Conduct or any other policy or practice laid down by HRUC, often putting HRUC into actual or potential disrepute, or a criminal activity, whether actual or alleged, or more than one incident of misconduct.
- 4.1.7 Examples of gross misconduct include: violent or threatening behaviour, theft, use or possession of illegal substances, drunkenness, illegal activity, harassment and intimidation, inappropriate use of electronic and mobile device systems to access or transmit material that is offensive, obscene, racist, sexist, discriminatory or defamatory. (This is not an exhaustive list). Misconduct applies both on-site and off-site.
- 4.1.8 To ensure the safety and well-being of the College and student community, HRUC will consider excluding or suspending a student from HRUC in cases of gross misconduct / misconduct, or a failure to modify behaviour following warnings in order to safeguard staff and students. This includes compliance with Health & Safety requirements for Covid.
- 4.1.9 If any criminal activity is suspected HRUC reserves the right to involve the police and pursue such matters through the legal process.
- 4.1.10 HRUC will co-operate and not prejudice any police enquiries. Any student involved in alleged criminal activity may be suspended until the outcome of any police enquiry is complete. Any failure to co-operate with the police will be taken into account during HRUC's disciplinary procedure.

## **4.2 Suspension**

- 4.2.1 Any member of staff who believes a student guilty of misconduct or other breach of HRUC's Student Code of Conduct can ask the student to relinquish their ID card and leave the premises, pending an investigation which could lead to a full disciplinary hearing. The member of staff may wish to call the Duty Manager or security, to assist in this action. Additionally, when a member of the security team decides to suspend a student, they should call the Duty Manager to liaise with the relevant academic staff. Whenever this action is taken, the member of staff must report the incident as soon as is practically possible to the Head of School or appropriate Senior Manager. The member of staff or the duty manager, if on behalf of security, must take responsibility for ensuring the parent/guardian is notified if the student is under 18 or considered a vulnerable adult before the student leaves the premises and keep a record of the notification on the college system where the notification is done through the School's attendance coordinator or tutor HRUC.
- 4.2.2 In these circumstances the student's absence is temporary, and the student will be returning the following day unless the suspension is extended by a Head of School, who will decide on an appropriate way to proceed and must contact the student if the suspension is extended detailing the reason. A return meeting is required for any extended suspensions where a disciplinary hearing has not been scheduled. The Assistant Principal (Head of School where the Assistant Principal is not available) will be responsible for any decision to implement a Stage 3 or 4 Disciplinary Hearing.
- 4.2.3 In both cases the student (and the student's parents or guardian if the student is under 18 or a vulnerable adult) must be contacted as soon as possible by the Head of School or appropriate staff member by telephone to confirm the suspension and return date. If a Stage 3 or 4 Disciplinary is the outcome a letter must follow within 5 working days confirming the suspension and indicating the date of the Stage 3 or 4 Hearing. If at this stage it is not possible to inform the student of the date of the hearing, reasons must be given for the delay and recorded on the college system.
- 4.2.4 Suspension should be for no more than 10 working days. If it is not possible to conduct the Disciplinary Hearing within this 10-working day period, the student must be contacted before the end of the 10 day period and informed of reasons for the delay and given an indication of when the Hearing will take place. Consideration should also be given to lifting a suspension pending the Hearing or until the outcome of a Disciplinary Hearing is known. Approval to lift the suspension is granted by a Senior Manager.
- 4.2.5 During a period of suspension, HRUC will take all reasonable steps to ensure that the student concerned is able to keep up-to-date and is able to progress with their course through remote access to the HRUC's Virtual Learning Environment and via telephone / e-mail / postal mail contact with tutors and Student Support staff. HRUC cannot guarantee that full access to all learning resources and services will be possible remotely. During suspension, the student's submitted work will be assessed as normal. A suspended student may request access to assessment opportunities within the College premises during their suspension period. In this circumstance, the relevant Assistant Principal, in liaison with Head of Security and Head of School, will consider the risk and confirm whether permission is given or not. In either case the Assistant Principal will confirm appropriate or alternative arrangements for assessment so as to not disadvantage the student or other students, as far as is possible.

## **4.3 Disciplinary Stages**

The following stages must be followed, except in the case of gross misconduct or following more than one incident of misconduct, when it is acceptable to move directly to an appropriate stage of these procedures.

Where there is evidence that a student has consistently failed to comply with HRUC's Student Code of Conduct within the first four weeks of starting the course, and where HRUC believes this is a serious enough matter, HRUC reserves the right to move immediately to exclusion. The decision to exclude a student under these conditions must be following a meeting with the Head of School or Assistant Principal and can only be approved by a Vice Principal or Principal.

### 4.3.1 Preliminary or Informal Stage

4.3.2 The Academic Tutor is responsible for dealing with the preliminary or informal stage, likely to be activated by low level misconduct such as persistent lateness. During this stage every effort should be made to ensure that the student is given the opportunity to improve. Early action by the Academic Tutor is usually sufficient to prevent further problems. The Academic Tutor may wish to involve the Student Support Team at this stage.

4.3.3 Parents and Guardians should be kept informed and requested to assist in enabling the student to; 'get back on the right track'.

4.3.4 Even at the preliminary or informal stage, the Academic Tutor/SPA should record their actions on the student's disciplinary records and store documents in the student's file.

4.3.5 **Formal Stages** The formal stages are:

- Stage 1 – First Written Warning
- Stage 2 – Second Written Warning
- Stage 3 – Formal Disciplinary Hearing
- Stage 4 – Formal Disciplinary/Exclusion Hearing
- Appeal

4.3.6 Stages 1 and 2 are administered by the curriculum area in which the student subject to disciplinary action is studying. SPAs/Tutors or Section Managers will initiate Stage 1 disciplinary meetings in discussion with Course Leaders. In areas without SPAs/Tutors, Course Leaders will initiate these. Heads of School will initiate Stage 2 disciplinary meetings which will be recorded and logged by Department Administrators or Attendance co-ordinators.

The Assistant Principal will be responsible for the decision to implement a Stage 3 & 4 Disciplinary Hearing by request from Heads of School. The outcomes of stage 1 and 2 disciplinaries should be communicated with students (and parents / NoK where appropriate). This would normally be in the form of a letter or email outlining the outcome of the hearing and any conditions placed on the student regarding future conduct.

4.3.7 A student can move straight to a Stage 3 for gross misconduct and does not need to go through a stage 1 or 2. Stage 4 will normally be for students that have already had a Stage 3. However, a student can move straight to a stage 4 where it is required. The possible outcomes of a stage 3 and stage 4 are the same: no further action; written or final warning; withdrawal; or exclusion.

4.3.8 HRUC must ensure that it conducts all hearings fairly and takes full account of the learners needs to ensure that no student or staff member is unlawfully discriminated against on grounds of race, disability or gender (or age, sexual orientation, gender identity, religion or belief). HRUC will take steps to make necessary adjustments to allow a fair hearing to take place. Where a student or staff member has special needs, HRUC will try meet these needs e.g. to provide documents in appropriate accessible formats, or interpreters to overcome language barriers.

### 4.4 Conduct of Disciplinary Hearings

4.4.1 All Disciplinary Hearings should be conducted fairly and should seek to establish the truth.

4.4.2 The panel at the Hearing must have the membership listed below:

**Stage 1** Section Manager with/or Course Team Leader or Academic Tutor/SPA (or other manager above CTL)

**Stage 2** Head of School or Section Manager with Course Team Leader or Attendance coordinator or Administrator

**Stage 3** Assistant Principal (Chairperson). If an Assistant Principal is not available within the prescribed timescale another appropriate Manager will act in this role such as the Head of School or Head of Student Services. A Student Support Officer may also be in attendance (to support the student), but if there is no one available the meeting can go ahead without them. If this hearing is chaired by someone other than an Assistant Principal and the outcome is withdrawal or exclusion this must be sanctioned by the Assistant Principal.

**Stage 4** Assistant Principal (Chairperson). If the Assistant Principal is not available within the prescribed timescale another appropriate Manager will act in this role such as the Head of Student Services. A Student Support Officer may also normally be in attendance (to support the student), but if there is no one available the meeting can go ahead without them. If this hearing is chaired by someone other than an Assistant Principal and the outcome is withdrawal or exclusion this must be sanctioned by the Assistant Principal.

**Appeal** Principal or an appropriate Senior Post-holder from HRUC's Executive Team.

If these staff members are not available HRUC reserves the right to replace with an appropriate alternative member of staff.

If required, other staff may be invited to be present at the Hearing. In addition others may be present to provide support if staff or students have special needs e.g. a signer, scribe or interpreter.

4.4.3 All outcomes resulting from any disciplinary stage must be recorded on the college system by the school administrator or Attendance Coordinator.

#### 4.5 **Stage 3 and 4 Disciplinary Hearings**

4.5.1 Prior to the Stage 3 or 4 Disciplinary Hearing the College will ensure the student:

- Is given written notice of the Hearing date and time.
- Is informed of the date at least five working days in advance.
- If under 18 is notified of their expectation to bring a parent or other appropriate adult
- If 18 or over is notified of their right to bring a parent or other appropriate adult
- Has a copy of all documents which the panel intends to consider?

4.5.2 For Stage 3 or 4 Disciplinary Hearings and Appeals, students under the age of 18 are expected to be accompanied by their parent(s) or guardian (this may include carers or social workers). Although HRUC may decide to conduct a Stage 3 or 4 Hearing without a parent or appropriate adult being present, HRUC reserves the right to cancel a Stage 3 or 4 hearing when a student under 18 is not accompanied. In exceptional circumstances, where it is considered to be detrimental to the student, the student will be permitted to attend without their parent(s) or appropriate adult. The request must be made to the Student Support Manager at least three working days before the Disciplinary Hearing and can only be approved by the Principal or Vice Principal.  
Refer to 5.1 for Students' Rights.

4.5.3 Legal representation is not permitted at disciplinary hearings.

4.5.4 If all parties agree the Hearing may be conducted in fewer than 5 days.

4.5.5 There may be occasions when the documents contain sensitive or confidential information. In such instances the Chairperson will decide which documents can be fully disclosed, which parts of documents can be disclosed, and whether the names of those making statements should be kept confidential.

4.5.6 Prior to the Disciplinary Hearing the incident will be fully investigated, and witness statements and academic reports will be gathered. All information (subject to confidential information, see above) will be available to the student and the Chairperson at least three working days before the Hearing.

4.5.7 During the Disciplinary Hearing or Appeal Hearing the Chairperson shall ensure that the Hearing is conducted fairly and gives everyone the opportunity to put his or her case. The hearing will follow the stages below:

- I Chairperson informs the student and all those present of the disciplinary process, the possible outcomes, and how the hearing will be conducted.
- II Chairperson outlines the case against the student and may question the student in an objective and fair manner.
- III Student then put their side. Parents or an appropriate adult may speak on their behalf and question the Chairperson.
- IV Chairperson and others present then have the opportunity to further question the student.
- V Chairperson will conclude by ensuring that both sides have had sufficient opportunity to make their case and explain how and when the outcome will be communicated to the student.

4.5.8 The possible outcomes of a Stage 3 or 4 Disciplinary Hearing are:

No further action	The student may return to HRUC without conditions
Further or Final Written Warning	The student may return but must abide by conditions set
Exclusion	The student is excluded from HRUC with immediate effect
Withdrawal	See below

It is permissible but rare for the Chairperson to decide to withdraw a student from HRUC on the basis that their behaviour can be explained by a lack of interest, commitment, or suitability.

4.5.9 The outcome of the Disciplinary Hearing will always be given in writing, within five working days of the Hearing, and the letter will confirm the decision, reasons for the decision and the actions arising. The student must also be informed of their right to appeal. HRUC reserves the right to extend the hearing outcome beyond five working days where it is deemed necessary by the Assistant Principal (this may be for circumstances such as further information gathering). In these cases the student must be informed that the outcome decision has been delayed.

4.5.10 A student who withholds information which the Chairperson of the hearing believes is detrimental to the safety of students, will be deemed to be in contempt of HRUC's disciplinary process and the Chairperson reserves the right to take this into account when making a decision about the outcome of the Hearing.

4.5.11 If the student fails to attend a Disciplinary Hearing or an Appeal Hearing, a decision may be made by considering the known facts in their absence. The student will be notified within 5 working days of the Hearing.

4.5.12 The student disciplinary record should always be up-dated and relevant documents stored in the student's file by the disciplinary administrative officer and a record kept on the school system by the school administrator or attendance coordinator.

4.5.13 Parents of students aged under 18 and sponsoring employers should always be informed of the outcome of the Disciplinary Hearing. If the student was suspended prior to the hearing and is asked to return after a hearing is concluded with the conditions set, the return date of the student will be communicated to the student and parents by the school attendance coordinators or other nominated school staff designated by the Head of School.

## **4.6 Disciplinary Reviews**

- 4.6.1 Following disciplinary hearings, and in particular when the outcome of a hearing is a Final Written Warning with conditions set, the student will be expected to meet the conditions and make improvements. Such improvements shall be agreed between the student and HRUC and will be formally endorsed in the form of a letter or contract.
- 4.6.2 Where improvement targets are set, the students conduct will be reviewed. These targets should be made clear in writing. If the student fails to improve the Chairperson shall proceed to the next stage in the disciplinary procedure until all stages have been exhausted. If, following a stage 3 or 4 hearing, the student fails to make the agreed improvements or there are further transgressions HRUC reserves the right to move directly to an exclusion from HRUC.
- 4.6.3 Students will be offered ongoing support and guidance from a Student Support or Student Liaison Officer.

## **4.8 Exclusion**

- 4.8.1 Exclusion can only be considered under Stage 3 and 4 of the disciplinary procedure unless within the first four weeks of weeks of the start of the course (see below).
- 4.8.2 Where there is evidence that a student has failed to comply with HRUC's Student Code of Conduct within the first four weeks of the start of the course, and where the College believes this is a serious enough matter, HRUC reserves the right to move immediately to exclusion (see 4.3).
- 4.8.3 Students will be at Stage 3 or 4 of the disciplinary procedure because: they have not met the improvements required of them at previous Hearings; have built up a cumulative record of misconduct; or will be in a Stage 3 or 4 Hearing for gross misconduct.

Cases of gross misconduct will automatically proceed to Stage 3 or 4. Possession or use of drugs or any other illegal activity including weapons will always be dealt with under Stage 3 or 4 as gross misconduct and if substantiated may lead to exclusion.

- 4.7.4 In certain exceptional cases where exclusion is the outcome the College may consider ways of supporting the student beyond the exclusion. The Assistant Principal will review each exclusion and decide if there are any ways the College can support students beyond their exclusion. There may be cases where students can complete parts of their qualification with remote or controlled access. For example, a student that is excluded close to the end of a qualification may be allowed to complete the qualification remotely. The College may look to help progress the student to employment, apprenticeships, Prince's Trust courses etc. and careers advice is always available for students that are withdrawn or excluded. Decisions regarding what can be offered in these cases are made by the Vice Principal or Principal and there is no appeal process regarding support offered beyond exclusion.

## **4.9 Appeals**

- 4.9.1 Appeals may only be made following Stage 3 or 4 of the procedure where the outcome is exclusion.
- 4.9.2 The student can lodge an Appeal against the decision at Stage 3 or 4 on the following grounds:
- HRUC has not followed the formal procedure as described in this document.
  - False evidence has been used.
  - The panel did not fully consider the student's personal circumstances.
  - The circumstances of the offence were not fairly considered at Stage 3.
  - The penalty given was too harsh in the circumstances.
- 4.9.3 HRUC reserves the right to reject any Appeal that does not meet the guidelines as set out clearly in section 4.9.2.
- 4.9.4 The Appeal must be sent in writing to the Principal or CEO not more than 10 working days after notification of the outcome of the Disciplinary Hearing.
- 4.9.5 The Appeal is heard either by the Principal/CEO or another nominated Senior Manager with the delegated authority of the Principal/CEO and who has had no previous involvement with the student's disciplinary history.

4.9.6 The decision of the Principal / CEO or another nominated Senior Leader is final.

#### **4.10 Closing the File**

4.10.1 Following exclusion or withdrawal by consent all actions and decisions will be recorded on the student's disciplinary record, with all documents stored on the student's file. Student Records, Admissions, Security and any other relevant person(s) will be informed.

The decision to re-admit students previously excluded will be made by the Principal CEO.

### **5.0 Rights**

#### **5.1 Student Rights**

5.1.1 For disciplinary hearings and appeals hearings, students under the age of 18 are expected to be accompanied by their parent(s) or guardian (this may include a carer or social worker) – (see 4.5.2). For stages 1 and 2, students have the right to be accompanied by a parent or guardian, provided HRUC is notified in advance. If required, others may be invited to be present at the Hearing to provide support if students have special needs e.g. a signer, scribe or interpreter.

5.1.2 Students aged 18 and over have the right to be accompanied by a friend or relative.

5.1.3 Students have the right to see any documentation used during Disciplinary Hearings unless such documentation is of a confidential nature (see 4.5.5). Documentation will be included in the correspondence confirming the date of the Hearing. If further information becomes available before the Hearing, the student will be given time to consider it prior to the start of the Hearing. Where a student or staff has special needs, HRUC will try to provide documents in appropriate accessible formats.

5.1.4 Any written evidence, which the student wishes to submit for consideration, must be received at least three working days prior to the hearing. Likewise, any witnesses the student wishes HRUC to contact must also be communicated to HRUC. Students are advised of this in the letter they are sent detailing the stage 3 or 4 hearing. The chair of the meeting will determine the relevance of any witnesses proposed.

5.1.5 Students have the right to appeal against an exclusion following a Stage 3 or 4 Disciplinary Hearing (see 6.2).

5.1.6 Students who consider the disciplinary procedure is not being adhered to in their case should consult with the College regarding this.

5.1.7 Students have the right to be notified of the outcome and reasons for the decision not more than 5 working days after the Hearing has taken place, unless matters are still being investigated by the Chairperson of the Disciplinary Hearing in which case a letter (or phone call) confirming the reason for delay will be sent.

5.1.8 Students have the right to attend a Hearing with a member of the Student Support team. This must be requested at least 24 hours in advance of the Hearing (see 6.2).

#### **5.2 Parents, Guardians and sponsoring employers' rights**

5.2.1 Parents or guardians of students under 18 years of age will be kept informed at all stages of the procedure and are expected to attend Disciplinary and Appeal Hearings (see 5.1.1). HRUC reserves the right to withhold information from parents only on the grounds that such information is likely to affect the safety and well-being of a young person (see 4.5.2). Such action must be authorised by a Senior Leader.

5.2.2 Sponsoring employers will be kept informed of any disciplinary action, regardless of the age of the student.



## **6.0 Strategy**

### **6.1 Record Keeping**

- 6.1.1 The Academic Tutors/Attendance Co-ordinators/SPA's / School Administrators are responsible for keeping a personal file for all students. In addition to records relating to academic progress etc. this file should contain details of all hearings and other disciplinary records.
- 6.1.2 The College will be responsible for keeping a record, usually stored securely online, of all Stage 3 and 4 Disciplinary and Appeal Hearings. In addition, records of contact made with the student when arranging the Disciplinary Hearing will be kept. The CEO/Principal's office will be responsible for maintaining records of any Appeal Hearing arrangements.
- 6.1.3 Reports on disciplinary activity will be presented at Governing Body meetings and at the Senior Leadership Team meetings. It is the duty of HRUC's Senior Leadership Team and the Governing Body to monitor data, trends and any subsequent action plans and their impact to ensure the fairness of the Student Disciplinary Policy & Procedure.

### **6.2 Student Support and the Disciplinary Procedure**

- 6.2.1 Student Support staff can support the operation of the disciplinary procedure in the following ways:
- At the student's request (or with the student's permission) provide a report on difficulties or problems the student is facing.
  - Providing help and support while the student endeavors to improve their behaviour and performance.
  - Explaining the procedure to the student and advising them of their rights.
  - Accompanying the student to Disciplinary Hearings, not to act as advocate for the student, but to check that the student understands what is said to them.
  - Where the best course of action is to leave College, helping the student identify and access other opportunities.
  - All students facing a Stage 3 or 4 Disciplinary Hearing will be invited to a Pre-Stage 3 or 4 meeting with a Student Support Officer. Where appropriate ongoing support will be offered to the student. This may be conducted on the phone.

#### **Related policies:**

The Student Disciplinary Policy & Procedure is designed to be cross-referenced to other College policies and Procedures, in particular the Equality and Diversity Policy, Student Attendance and Punctuality Policy, College Complaints Procedure, Student Code of Conduct, Student Anti Bullying Policy, Student Charter Policy, Safeguarding and Child Protection policy.