

Disciplinary Procedure (Student)

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*This procedure may need to be reviewed before the review date stated, to reflect changes in government and other agencies' advice, guidance and legislation

Contents

1. Introduction
2. Policy Statement
3. Obligations of Students
4. Procedures
5. Retention of Records of Disciplinary Action
6. Exclusions
7. Criminal Offences
8. Students Under 18/Sponsored Students
9. Representation at Hearings
10. Variations and Amendments of this Procedure
11. Informal Verbal Warning
12. Long Term Absence

Appendix A - Stage 1 Cause for Concern

Appendix B - Stage 2 Disciplinary Procedure - Minor Misconduct

Appendix c - Stage 3 Disciplinary Procedure - Misconduct

Expectations by Tutors and Managers

Appendix D - Stage 4 Disciplinary Procedure - Gross Misconduct

Appendix E - Procedure for Conducting Disciplinary Hearings

Appendix F - Procedure for Appeal Hearings

Appendix G - Safeguarding Principles and Guidance

Appendix H - Summary of Stages and Actions

1. Introduction

City College Plymouth (the 'College') is a leading provider of vocational, professional and technical training in the South West, that strives to provide a learning environment and organisational culture that impacts positively on the health, wellbeing and sustainability of our community, to enable all our students and staff to achieve their full potential.

The term 'College Community' includes all staff, governors, students, parents/carers, volunteers and visitors.

Our vision:

- To be the learning destination of choice.

Our core values:

- Respect
- Ownership
- Integrity.

2. Policy Statement

City College aims to provide an environment where there are no barriers to student success and progression. If a student's behaviour prevents others from feeling safe, secure, respected and able to learn effectively then this may result in disciplinary action. The purpose of this procedure is to ensure that all instances of student misconduct are dealt with fairly and consistently and provide a clear procedure to guide both staff and students.

This Procedure applies to all students and is used when there is a particular concern that a student has failed to meet College Code of Conduct and Code of Behaviour expectations or where there has been a breach of the College Charter. This procedure applies to student absence, behaviour, safeguarding and poor academic achievement.

It is everyone's responsibility to ensure that our expectations of student behaviour are consistently and fairly applied and that inappropriate behaviour is promptly addressed. The disciplinary procedure must be used fairly, reasonably, with just cause and follow the rules of natural justice. The interests of the individual student must be properly balanced with those of the College community.

The Student Disciplinary Procedure must always be applied in accordance with the Safeguarding Principles as outlined in Appendix G.

3. Obligations of Students

Students must:

- Follow all College policies, procedures and regulations and act at all times with due regard for their own safety and that of others
- Attend punctually, participate in all timetabled sessions and demonstrate positive behaviour for learning
- Meet all academic targets and course deadlines

- If required, as part of their Study Programme, attend GCSE or Functional Skills in English and/or Maths. Due to funding requirements, the College reserves the right to exclude any student failing to attend timetabled English and/or Maths classes.
- Behave in a polite and courteous manner
- Treat everyone fairly respecting others and their right to learn productively
- Play an active part in promoting Equality, Diversity and Inclusion by:
- Refusing to take part in behaviour which degrades others Reporting inappropriate behaviour
- Respect the property of the College, staff, other students and visitors

As part of Induction, students will be made aware of the Student Disciplinary Procedure; students are expected to sign the Induction Checklist to confirm they understand their obligations and responsibilities in accordance with the College Student Disciplinary Procedure.

Student Disciplinary Procedure

3 Procedures

3.1 The starting point for disciplinary action will depend on the seriousness of the situation; staff should exercise professional judgement to determine the most appropriate stage of the disciplinary action. Examples of behaviour likely to cause disciplinary action can be found in Appendix H. Please note this is not an exhaustive list. It is expected that the majority of disciplinary issues relating to student behaviour, attendance and academic performance will be resolved at Stage 1 and/or Stage 2 of the procedure:

| | | | |
|--------------------------------|-------------------|------------|---------|
| Stage 1 Disciplinary | Raising a concern | Appendix A | Page 11 |
| Stage 2 Disciplinary | Minor Misconduct | Appendix B | Page 9 |
| Stage 3 Disciplinary | Misconduct | Appendix C | Page 10 |
| Stage 4 Disciplinary | Gross Misconduct | Appendix D | Page 12 |
| Disciplinary Hearing Procedure | | Appendix E | Page 15 |
| Procedure for Appeals | | Appendix F | Page 17 |

3.2 If a student has a disclosure, staff should seek further advice from the Learning Support team to determine whether there are any issues associated with a person's disability or difficulty that may be creating barriers to learning.

4 Retention of records of disciplinary action

4.1 Formal warnings or concerns raised for minor misconduct/misconduct issued under the Student Disciplinary Procedure shall remain in force for the remainder of the academic year in which the offence was committed and a record retained on the individual's academic file.

4.2 Subject to paragraph 5.1 below, formal warnings for gross misconduct issued under the Student Disciplinary Procedure shall remain in force for 36 months and a record retained on the individual's academic file.

4.3 "Spent records" may not be considered to be in force after these periods and, unless there are "significantly aggravating factors", will not be taken into account in determining the judgement of any disciplinary hearing. Once a disciplinary hearing judgement has been made, such records may be considered when determining any sanctions. In the event of "significantly aggravating factors", the Chair of the Disciplinary hearing panel should consult with the College DSL, prior to considering judgement.

4.4 When an investigation into an allegation of minor misconduct, misconduct, or gross misconduct has been carried out but it was decided that no action should be taken, the record of this investigation will remain on the file but will not be taken into account in any way in future disciplinary matters.

5 Exclusions

5.1 No exclusion shall be longer than 5 years; during any exclusion period, no excluded student may return to College without prior approval from the College DSL.

5.2 The College recognises that circumstances can change. Any student who is under a notice of exclusion (which is not a current in-year exclusion) may appeal to have their exclusion lifted early by writing to the Principal giving details and the start date of the proposed new programme of study at the College. The student should articulate the reason(s) why they believe the exclusion should be lifted and how they have and/or plan to manage any previous issues which may have contributed to their exclusion. The exclusion notice appeal will be considered, and the College will endeavour to notify the student of the outcome within fifteen (15) working days of receipt of their letter. The Principal will make the final decision as to whether the student should be permitted to apply to study at the College before expiry of the notice period of exclusion. The Principal's decision will be final.

6 Criminal Offences

6.1 Where any member of staff has reason to believe that a student may have committed a criminal offence, the College may refer the matter to the Police. If the incident is serious, the College may defer disciplinary action pending the outcome of criminal proceedings. The College may suspend the student pending the outcome of Police enquiries and any charges that may be brought against the student.

7 Students under 18/Sponsored Students⁵

7.1 The College reserves the right to contact parents, carers, or other sponsors regarding serious issues and cases of discipline and/or significant lack of progress related to students aged 16-18. Where the student has requested no contact with parents⁵, the case will be discussed and considered by at least two College Leaders before a decision is made whether to make contact with parents, carers or other sponsors.

A parent or guardian of a student under the age of 18 may be invited to attend any disciplinary or appeal hearings (in addition to any friend or student representative), unless in the view of the member of staff conducting the hearing, such attendance would be prejudicial to a fair and effective hearing. If a student under the age of 18 is given a formal written warning or is suspended or excluded from the College, their parent or guardian will be informed in writing.

7.2 If a student who is an apprentice/ being sponsored at the College by an employer is to be given a formal written warning, suspension or exclusion, the Employment Solutions Manager must be immediately notified so that they may liaise with the student's employer.

⁵ Due to the General Data Protection Regulation, we require student consent to talk to parents about College issues linked to attendance, progress or behaviour.

8 Representation at hearings

8.1 Students have the right to be accompanied by a friend, student representative, or family member of their choice at any hearing held under this procedure. If the friend is a lawyer (professional expert in law) they cannot be there in their legal capacity.

9 Variations and Amendments to this procedure

9.1 In some cases, it may be practical to make variations to aspects of this procedure. The College may make appropriate variations, subject to informing the student concerned and with considerations of fairness, equality and diversity legislation and the Human Rights Act. Without limitation, variations may include:

- Interviews being conducted by different persons, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered
- translator might also attend meetings or translate documents

9.2 In normal circumstances, one Investigating Officer will be appointed by the College to investigate an allegation of misconduct or gross misconduct. However, there may be occasions, whereby a second independent member of staff may be seconded to assist the Investigating Officer in collecting, collating and interpreting information relating to the investigation.

10 Informal Verbal Warning

10.1 For non-serious, minor instances of misconduct or cause for concern, the academic member of staff may issue an informal verbal warning (this must be recorded on the students ProMonitor ILP Meeting record.). In such instances, the student should be made aware:

- (a) of the expected standard of behaviour so s/he has the opportunity to improve and
- (b) that further misconduct will be dealt with formally under the College's Disciplinary Procedure.

10.2 The College will, do everything it can to resolve issues informally; any lecturer anxious about a student's absence, lateness, general academic progress or behaviour should discuss this informally with the student and contact the student's Personal Tutor and, where appropriate, the Learning Support team, at the earliest opportunity. It may be revealed that the

student can be helped by e.g. a course change or additional support. If such a need is identified this should then be acted upon immediately through other appropriate procedures.

11 Long Term Absence

11.1 If a student does not attend the College for two consecutive teaching weeks, and does not notify the College of the reason(s), the Tutor should request an assumed withdrawal letter. This notifies the student that the Curriculum Director would recommend that their registration is cancelled unless either the student attends within 7 College days from the date of the letter or gives a satisfactory explanation of their absence.

11.2 If the student does not attend or give reasons for their absence within seven working days then the Curriculum Director / ELT member will terminate the student's enrolment. Once the student's enrolment has ended, a confirmation letter will be sent to the student.

11.3 The student has a right to appeal against the decision to terminate their enrolment; the student may appeal, in writing within ten working days of the termination letter, to the member of the Senior Leadership Team specified in the letter.

Appendix A

Stage 1 - Cause for Concern Procedure

The tutor should apply a 'Cause for Concern' to address low-level infringements linked to performance, attendance, punctuality or behaviour such as⁶

- Attendance/punctuality concerns
- Littering on premises
- Minor failure to follow reasonable instructions by staff
- Minor infringement of regulations
- Missing an assignment deadline
- Smoking in non-smoking area

A 1:1 meeting should be held with the student and recorded in their ProMonitor ILP. The student should be made aware of the expected behaviour and the underlying values of the College Code of Behaviour.

The tutor either issues:

- a) a verbal warning - Tutor records via the student ILP Meeting record.
 - b) a Cause for Concern letter (only one cause for concern letter to be issued per student)
1. If the student is an apprentice / being sponsored at the College by an employer, the Tutor must immediately contact the Employer Solutions Manager to notify them that there is a Cause for Concern.

3. The Cause for Concern letter should be handed to the student (wherever possible).

If the student is under 18, then the letter should also be copied to the parent(s)/carers/guardian(s)⁷.

4. It is important at this stage to set clear targets detailing what improvement is required, this can be done via the ILP meeting record. These targets are to be reviewed within an appropriate time frame for full/part-time students, and the consequences if no improvement is observed. An individual 1:1 review meeting should be completed with the student, recording the notes of the meeting, via the ILP Meetings Record. The disciplinary procedure should be

explained to the student who should be left in no doubt that any further poor behaviour or failure to meet targets will result in escalation of formal disciplinary action.

⁶ Examples – not an exhaustive list - professional judgement to be used if concern not listed and to determine the most appropriate stage of disciplinary

⁷ Due to General Data protection Regulation, we require student consent to talk to parents about College issues linked with attendance, progress or behaviour

Appendix B

Stage 2 - Disciplinary Procedure – Minor Misconduct

In cases judged too serious for informal action, or where misconduct persists within the same Academic Year, despite informal warnings or Cause for Concern letter, Stage 1 of the procedure will be invoked.

The following are examples of minor misconduct that may result in disciplinary action⁸:

- Disrupting class activities
- Failure to follow reasonable instructions of staff
- Failure to meet set targets
- Failure to attend English and Math's sessions
- Infringement of College policies/procedures
- Poor attendance
- Repeated missed deadlines
- Use of foul, abusive or discriminatory language

1. The tutor should arrange a 1:1 meeting using the ILP meeting record with the student concerned and then record a request in the meeting log for either:

a. Issue a Stage 1 1st Written Warning

b. or make a referral to the Academy Manager to escalate to a Stage 3 Disciplinary Misconduct hearing.

2. If the student is an apprentice/sponsored at the College by an employer, the tutor must immediately notify the Employer Solutions Manager.

3. The Stage 1 1st Written Warning should be sent to the student (wherever possible). If the student is under 18, the letter should be copied to the parents / carer / guardians.

5. It is important at this stage to clarify what improvement is required, the timescale and the consequences if no improvement is observed. A 1:1 meeting should be recorded using Pro Monitor in the student's ILP. The disciplinary procedure should be explained to the student who should be left in no doubt that this meeting constitutes the first stage of the disciplinary procedure and that any further poor behaviour or failure to meet targets will result in Stage 2 Disciplinary Misconduct being implemented.

6. The student has a right to appeal against the decision to issue a first written warning. If a student appeals the appeals procedure set out in Appendix F will apply and will be heard by the Academy Manager.

⁸ Examples – not an exhaustive list -professional judgement to be used if concern not listed and to determine most appropriate stage of disciplinary

⁹ Due to General Data protection Regulation, we require student consent to talk to parents about College issues linked with attendance, progress or behaviour

Appendix C

Stage 3 Disciplinary Procedure - Misconduct

In cases of more serious, multiple or repeated misconduct, or where improvement targets have not been met in a timely manner, Stage 3 of the procedure will be invoked.

The following are examples of misconduct that may result in disciplinary action¹⁰:

- Actual or attempted theft/dishonest act
- Behaviour or illegal act(s) that may damage the College reputation
- Breach of College policies/procedures
- Breach of health and safety
- Bullying/taunting/verbal abuse/intimidation
- Cheating or plagiarism
- Repeated failure to follow the reasonable instructions of staff
- Failure to meet Stage 2 targets
- Offensive/abusive/discriminatory behaviour
- Repeated failure to submit work
- Repeated poor attendance
- Repeated failure to attend English and Math's sessions.
- Vandalism

1. The member of staff witnessing the incident, or to whom the incident has been reported, should inform the Tutor and the Academy Manager, who will need to investigate.
2. In cases where no further investigation is required, the tutor may request a Stage 3 Misconduct hearing meeting. This should be recorded in the student's ILP meeting record.
3. If the student is an apprentice/sponsored at the College by an employer, the tutor must notify the Employer Solutions Manager.
4. Where it is alleged that misconduct has occurred, the Tutor/Academy Manager will investigate the circumstances; if appropriate, interviewing and taking statements from witnesses and other people involved. (If, as a result of an investigation, the Academy Manager decides that the matter constitutes gross misconduct, the procedure in Appendix D will be used and referred to the Director/member of ELT..
5. Following investigation, if the Academy Manager considers the matter should be taken further, the Academy Manager will invite the student to attend a disciplinary hearing.
6. The misconduct disciplinary hearing (Appendix E) will be heard by the Academy Manager or Curriculum Director provided they have not been directly involved with the investigation; if required, the disciplinary hearing will be conducted by another Curriculum Director, or member of ELT.

¹⁰ Examples – not an exhaustive list - professional judgement to be used if concern not listed and to determine most appropriate stage of disciplinary

7. The outcome of the hearing could be:
 - a) that no further action is required

b) a Stage 3 2nd Written Warning or a Final Written Warning may be issued.

If the student is under 18, then the letter should be copied to the parent(s) or guardian(s) ¹¹.

8. In cases where a student has a number of prior misconduct infringements, it may be appropriate to conduct a senior level curriculum management case conference meeting to determine whether escalation to Stage 4 gross misconduct is the most appropriate course of action.

10. The student has a right to appeal against the decision to issue a written warning or final written warning. If a student appeals the appeals procedure set out in Appendix F will apply. Any such appeal hearing will be heard by the Appeal Authority (see page 15).

Expectations by tutors and managers

As part of the monitoring and intervention process it is expected that tutors should have taken the following actions before stage 3 disciplinary process is instigated:

- 1:1 meetings have taken place with the student to discuss issues and solutions. Targets set and Meeting Record on ProMonitor updated.
- A conversation with parents / guardians or carer (if the student is under 18 and has given permission) to discuss issues and make them aware. Comment log updated.
- Seek help from Student Experience team and ALS team, if appropriate.
- Update the ILP comment log on all actions and interventions put in place.
- A discussion with the Academy Manager has taken place regarding issues and concerns.

¹¹ Due to General Data Protection Regulation, we require student consent to talk to parents about College issues linked to attendance, progress or behaviour.

Appendix D

Stage 4 - Disciplinary Procedure– Gross Misconduct

In cases where a student has a number of prior misconduct infringements, or the infringement is so serious, it may be appropriate to conduct a senior level curriculum management case conference meeting.

Any particularly serious cases of misconduct, multiple or repeated misconduct offences may be treated by the College as Gross Misconduct. For example¹²:

- Accessing, downloading, or distributing offensive/illegal material
- Bullying/taunting/verbal abuse/intimidation
- Drunkenness on College premises
- Illegal act(s) impacting College reputation
- Putting a young person/ vulnerable adult at risk of harm
- Repeated failure to meet set targets
- Serious actual/attempted theft or acts of dishonesty
- Serious breach of College policies/procedures
- Serious breach of health and safety
- Serious offensive/discriminatory behaviour
- Violence or threat of violence
- Vandalism or damage to College property or equipment
- Unauthorised interference with software or data
- Use, possession or supply of illegal drugs/ Legal Highs on College premises

- Failure to meet any of the Stage 1, 2 and 3 targets.

1. The member of staff witnessing the incident, or to whom the incident has been reported, should inform the Tutor and the Academy Manager, who will need to inform the Director or member of ELT.
2. If the student is an apprentice/sponsored at the College by an employer, the tutor must immediately notify the Employer Solutions Manager.
3. Where it is alleged that gross misconduct has occurred, the Director / ELT member will notify the DSL. (Designated Safeguarding Lead)
4. Where the safety/well-being of others on the premises is deemed to be at risk, the Curriculum Director should consult the Designated Safeguarding Lead and request the immediate suspension of a student from the College. Once authorisation has been granted by the DSL the student can be suspended. The DSL will confirm suspension, pending an investigation and disciplinary hearing for gross misconduct in writing within five (5) working days of its occurrence. A Disciplinary Hearing for gross misconduct will always take place once a student has been suspended.
5. The investigation into the allegation will be conducted by a curriculum manager and in accordance with Safeguarding Principles and Guidance set out in Appendix G. The investigation will include interviewing and taking statements from witnesses and other people involved. Following investigation and, where feasible, within fifteen (15) working days, the student will receive written notification to attend a disciplinary hearing. Depending on the severity of the investigation outcome, the hearing could be heard by either a member of ELT or a designated Curriculum Director.

The Curriculum Director/Academy Manager will present their investigation findings at the hearing. The disciplinary hearing (Appendix E) for gross misconduct will be heard by a member of ELT /Curriculum Director or the DSL, who has not been directly involved with the investigation.
6. As a result of the hearing the ELT member or DSL shall decide on one of the following outcomes:
 - a. That no disciplinary sanction would be appropriate.
 - b. To issue a formal written warning, which may be a final written warning, of the consequences for the student of any repetition
 - c. To issue a formal written warning, which may be a final written warning, of the consequences for the student of any repetition and to impose an exclusion of up to three months
 - d. To impose an exclusion for a period longer than three months, with a set time period for the exclusion being given
 - e. To exclude the student for up to 5 years
8. The student has a right to appeal against the decision made as a result of the gross misconduct hearing. If a student appeals, the appeals procedure set out in Appendix F will apply. Any such appeal hearing will be heard by the Principal and the Principal's decision shall be final.

9. If the appeal is upheld, the Principal may decide that disciplinary action lesser than that imposed by the member of ELT / DSL should be taken. The Principal may also decide that no further disciplinary action should be taken.

10. If the appeal is not upheld, the recommendation of the member of ELT will stand. The Principal may not impose any greater sanction against the student than that imposed by the member of ELT.

Suspension Pending Hearing for Gross Misconduct

1 Where the safety/well-being of others on the premises is deemed to be at risk, the Curriculum Director should consult the Designated Safeguarding Lead and request the immediate suspension of the a student from the College. Once authorisation has been granted by the DSL the student can be suspended. The DSL will confirm suspension, pending an investigation and disciplinary hearing for gross misconduct in writing within five (5) working days of its occurrence. A Disciplinary Hearing for gross misconduct will always take place once a student has been suspended.

2. If the student is under the age of 18 years the Academy Manager / Director must notify, by telephone, the student's parent / carer / guardian of the suspension and their removal from College premises. Such contact must always be made unless there are compelling circumstances or reasons where it would be considered inappropriate.

3. If the student is an apprentice/ being sponsored at the College by an employer, the Academy Manager must immediately notify the Employer Solutions Manager who will then telephone the student's employer to notify them that the student has been suspended and removed from College premises. Such contact must always be made unless there are compelling circumstances or reasons where it would be considered inappropriate.

4. If the suspension lasts more than fifteen (15) College days without being lifted or a date for a hearing being set, the student shall have the right of appeal against the suspension by writing to the Clerk to the Corporation setting out the grounds on which they feel that the suspension is not justified in the circumstances. The Clerk to the Corporation shall ensure that:

a. Within five (5) working days of the receipt of the appeal arrange for the appeal to be heard on paper by the Principal and give the student

written notice of the date the appeal will be considered

b. The ELT member or DSL who imposed the suspension will file a written statement of the reasons that suspension is considered

appropriate two (2) working days before the appeal is heard on paper

c. The Principal will consider both sets of written evidence and make a decision on whether the suspension should continue

d. The outcome of the appeal will be notified to the student in writing as soon as possible and in any case within t w o (2) working days. There is no further appeal against this decision.

Where a gross misconduct hearing is adjourned pending further investigation or a student has been excluded as a result of a gross misconduct hearing and has lodged an

appeal against this decision, any student who has been suspended under this provision will remain on suspension until the hearing is reconvened or the appeal heard.

¹² Examples – not an exhaustive list - professional judgement to be used if concern not listed and to determine most appropriate stage of disciplinary

APPENDIX E - PROCEDURE FOR CONDUCTING DISCIPLINARY HEARINGS

| Stage of Procedure | Investigating Officer to be one of the following: | Disciplinary Authority |
|---------------------------------|---|--|
| STAGE 3 Misconduct Procedure | Academy Manager | Academy Manager/Curriculum Director not directly involved in the investigation |
| STAGE 4 Gross Misconduct | Academy Manager/Curriculum Director | Member of the ELT or Designated Safeguarding Lead |

1. If the investigation leads to a disciplinary hearing, the Investigating Officer must inform the student, prepare a report on the allegations and include any significant issues resulting from the investigation. The report should include relevant documentation witness statements together with evidence/statements presented by the student. A copy of the report should be sent to the Disciplinary Authority and to the student with the hearing notification letter.
2. Where witnesses are to be called to the hearing all parties concerned shall inform each other of the names of any witnesses to attend at least three (3) working days prior to the hearing; the Investigating Officer must inform the Disciplinary Authority of the complete list of witnesses to attend any hearing.
3. The Disciplinary Authority will be responsible for the conduct of the hearing and will have regard to the following hearing procedures.
 - a. The Disciplinary Authority will repeat to the student the allegations made against him/her and confirm that all present have copies of the Investigating Officer's report into the allegations.
 - b. The Investigating Officer / Curriculum Director will present the report; no other written evidence is allowed unless all parties present agree it should form part of the hearing.
 - c. Witnesses may be called to respond to questions in respect of their knowledge or involvement in the matters under consideration, or to any statement they may have made.
 - d. The student or their companion may make a statement in respect of their response to the allegations. The Disciplinary Authority and the Investigating Officer may question the student concerning this statement, their statement contained in the Investigating Officer's report and/or any other related matters.
 - e. The Investigating Officer will summarise the case against the student. f. The student or his/her companion will summarise the case in their defence.

g. The Disciplinary Authority will call on both parties to withdraw but may recall either party in the presence of the other for a point of clarification. h. The Disciplinary Authority may depart from this sequence if clarification of

19

issues are considered necessary to enable the Hearing to proceed most effectively.

4. If, the Disciplinary Authority considers that an offence has been committed, he/she may take into account the following before deciding upon an appropriate disciplinary sanction:

- any mitigating factors, e.g. health, domestic, bereavement; safeguarding.

- current disciplinary record of the student;

- nature of the offence;

- evidence produced by either party at the hearing;

- statements and answers provided by witnesses;

- any sanctions imposed in the past for similar offences.

5. The Disciplinary Authority will recall both parties and inform them of his/her decision.

6. The Disciplinary Authority will then confirm the decision in writing within five (5) working days and shall inform the student of their right of appeal against a disciplinary sanction.

7. The Disciplinary Authority may adjourn the Hearing before making a decision, if further investigation is warranted. Any such adjournment must not normally be for a period in excess of seven (7) working days unless there are extenuating circumstances of which all parties are to be kept informed in writing.

8. Either party may request an adjournment at the Disciplinary Authority's discretion. The Disciplinary Authority will consider whether it is reasonable to agree to this.

APPENDIX F – PROCEDURE FOR APPEAL HEARINGS

(This procedure does not apply to an appeal against a suspension)

Grounds for appeal are limited to the grounds below:

- Where it is alleged that the student was not given fair treatment or that the hearing was not conducted in accordance with the Student Disciplinary Procedure

- Where the penalty is alleged to be disproportionate to the misconduct charge that has been upheld against the student

- Where new evidence comes to light that was, for justifiable reasons, not able to be considered by the disciplinary authority

Students may only appeal if they believe that one of the above grounds for appeal is satisfied; any written request for appeal must identify the grounds of appeal.

1. An appeal against a sanction under this Disciplinary Procedure must be made in writing within ten (10) working days of the date of the letter confirming the disciplinary decision and must be made to the Director of Governance. In the case of an appeal against a minor misconduct warning, the appeal must be addressed and sent directly to the Curriculum Director.

2. Depending on the complexity of an appeal, the College will endeavour to ensure that a decision is conveyed to the student within a reasonable timescale and no more than thirty (30) working days from receipt of the letter outlining the student's grounds for appeal.

3. Appeals should be heard by and held in the following manner:

| Stage of Procedure | Appeal Authority | Type of Hearing |
|--------------------|---------------------|-----------------|
| Minor misconduct | Curriculum Director | On Paper |
| Misconduct | Member of ELT | In Person |
| Gross Misconduct | Principal | In Person |

4. In the case of an appeal against a minor misconduct Warning, the following will apply:

- the appeal will be dealt with on paper
- the Disciplinary Authority who made the decision being appealed will be asked to submit a written report setting out the reasons behind their decision three (3) working days before the hearing
- the student will be asked to submit a written submission setting out their grounds of appeal against the decision which has been made five (5) working days before the hearing
- the hearing will be held by the Appeal Authority who will consider the papers in the absence of both parties.

The decision, which will be final and binding, shall be one of the following:

- to dismiss the sanction
- to uphold the sanction

The appeal outcome decision will be notified in writing within five (5) working days of the appeal hearing.

5. In the case of an appeal against Misconduct or Gross Misconduct, the following will apply:

- the appeal hearing will be dealt with in person
- the College will endeavour to hold the appeal hearing meeting within ten (10) working days of receipt of the letter of appeal.
- the student will be asked to submit a written submission within five (5) working days of the appeal hearing date, setting out their grounds of appeal against the decision which has been made
- the Disciplinary Authority who made the decision being appealed will be asked to submit a written report setting out the reasons behind their decision three (3) working days before the appeal hearing

6. An appeal is not a re-hearing of the case but a review of the basis on which the Disciplinary Authority reached a decision to impose a sanction. Accordingly, documentary evidence and witnesses will not normally be considered unless their presence is considered necessary as fresh evidence which could not have been available to the original hearing. In such circumstances, the appellant must make the Appeal Authority aware of this fact, plus the name(s) of any such witnesses and copies of any documentation at least five (5) working days

prior to the appeal hearing. It shall be for the Appeal Authority to determine whether or not to accept and consider any such fresh evidence.

7. The appellant and/or their companion will be given the opportunity to state his/her case.

The Appeal Authority may question the appellant. In the event that fresh evidence or witnesses are to be involved in the appeal they shall be considered as part of the appellant's statement of their case. If witnesses are called the Disciplinary Authority shall also be entitled to ask questions of them.

8. The Disciplinary Authority shall set out the reasons for their decision. The Appeal Authority may question the Disciplinary Authority.

9. The student or his/her companion will summarise the grounds for their appeal, after which the Disciplinary Authority will summarise the reasons for their decision

10. The decision, which will be final and binding, shall be one of the following:

- to dismiss the sanction
- to reduce the sanction
- to uphold the sanction

11. The decision will be notified in writing within five (5) working days of the appeal hearing.

12. A copy of the letter of notification of the decision and a brief note of the appeal hearing shall be placed on the student's file.

APPENDIX G - SAFEGUARDING PRINCIPLES AND GUIDANCE

Student Complaints and Student Disciplinary Investigations

City College Plymouth recognises that it has a duty to safeguard and promote the welfare of students. The College is committed to fulfilling these duties.

We recognise:

- that safeguarding, and promoting the welfare of children, is everyone's responsibility;
- the importance of always adopting a child-centred approach (taking into account a child's wishes and feelings); and
- the necessity to provide a safe environment for learning

It is important to keep the above in mind when a student raises a concern or when carrying out a student disciplinary procedure. Please also consider the following guidance when these situations occur:

- Ensure that we respond appropriately, every time a concern is raised, regardless of a young person's previous behaviour or disciplinary record.
- Ensure that any individuals raising a safeguarding concern are spoken to at the earliest stage of an investigation, to clarify what they have heard and/or seen.
- Ensure that everything possible is done expediently in order to immediately protect the young person and, where appropriate, others involved
e.g. safeguarding officer support, student liaison team support, counselling etc. as appropriate.
- Regularly reflect on the knowledge gained during discussions and

investigations and ensure that on-going feedback is given to the young person, parents or whoever raised the concern, as appropriate, to reassure them and inform them of the actions taken. Feedback should be given by an agreed nominated individual.

- Consider the employment relationship and appropriate communications if the student is an apprentice.
- If a disciplinary investigation is required, there should be careful selection of the most appropriate Investigating Officers (IO) – there should be a degree of separation of IOs with multiple investigations around a single individual, to avoid any risk of pre-judgements or pre-determination.
- Information should be obtained by the College as part of a disciplinary investigation. Documents should not be accepted as the only 'evidence' from a third party, even if that is an employer. When information is provided verbally, this should be immediately confirmed by email.
- Consider the best way to interview students, so that they feel more relaxed and comfortable, in order to be able to recall matters. This should be in as informal a setting as practicable in the circumstances. It may be appropriate to hold two or three short meetings in order to build trust and confidence.
- Always take into consideration the maturity (rather than age), and confidence of the young person over whom we have concerns – step back and view things from the student's perspective before making any decisions or judgements.
- If in doubt, seek further guidance from the Safeguarding Co-ordinator or the DSL.

Appendix H

Summary of Stages and Actions

Stage 1 - CAUSE FOR CONCERN

Informal resolution for: ¹

- Bullying – informal route using mediation
- Attendance/punctuality declining
- Deliberate littering on premises
- Minor failure to follow reasonable instructions by staff
- Minor infringement of regulations
- Missing an assignment deadline
- Smoking in non- smoking area

ACTION: Tutor¹

- Informal Route anti- bullying letter issued
 - Verbal warning issued + recorded on student ILP Comment Log -the student should be made aware expected behaviour and the underlying values of the College Code of Behaviour
- Or ...
- Issue 'Cause for Concern' letter

Record all actions on Pro- Monitor ILP 'Meeting record' .

STAGE 2 - DISCIPLINARY MINOR MISCONDUCT

Misconduct:¹

- Disrupting class activities
- Failure to follow reasonable instructions of staff
- Failure to meet set targets
- Infringement of College policies/procedures
- Minor theft/dishonest act
- Poor attendance
- Repeated missed deadlines
- Use of foul, abusive or discriminatory language
- Consistent failure to wear identification or produce it on request (e.g. wearing the college lanyard and ID)
- Misuse of college IT equipment and inappropriate use of it and social media.
- Failure to meet recommended actions raised within 'Cause for Concern'

ACTION: Tutor¹

- Discuss with student and report to course tutor
- Tutor will meet the student to discuss minor misconduct. Meeting to be recorded on the student Pro-Monitor ILP
- Tutor decides whether to issue a Stage 1 1st Written Warning or whether the matter should be taken further and referred as a Stage 2 Disciplinary

Misconduct Record all actions on Pro- Monitor ILP 'Meeting record' .

STAGE 3 - DISCIPLINARY - MISCONDUCT

More serious, multiple/repeated misconduct:¹

- Actual or attempted theft or dishonest act
- Behaviour or illegal act(s) that may damage the College reputation
- Breach of College policies/procedures
- Breach of health and safety
- Bullying/taunting/verbal abuse/intimidation (can be escalated to Stage 3)
- Cheating or plagiarism
- Repeated failure to follow the reasonable instructions of staff
- Failure to meet Stage 1 targets
- Offensive/abusive/discriminatory behaviour
- Repeated failure to submit work
- Repeated poor attendance
- Vandalism
- Serious disruptive or offensive behavior

Any of the above can be escalated to stage 3

ACTION: Academy Manager + Director¹

- Tutor informs Academy Manager in writing – 2nd written warning issued or, Tutor/Academy Manager investigate allegation: interviews + witness statements • Academy Manager may arrange a Misconduct Disciplinary Hearing inviting the student, parent² and any witnesses
- Hearing could result in:
 - no action
 - Stage 2 Written Warning
 - If there is no improvement in behaviour/ attendance then a 2nd misconduct meeting with the Director will be required where a Final Written Warning may be issued

Record all actions on Pro- Monitor ILP 'Meeting record' .

STAGE 4 - DISCIPLINARY - GROSS MISCONDUCT

Gross misconduct , multiple or repeated misconduct offences

- Accessing, downloading, or distributing offensive/illegal material from the internet or elsewhere
- Bullying/taunting/verbal abuse/intimidation
- Drunkenness or consuming alcohol on College premises

- Illegal act(s) impacting College reputation
- Putting a young person/ vulnerable adult at risk of harm
- Repeated failure to meet set targets
- Serious actual/attempted theft or acts of dishonesty
- Serious breach of College policies/procedures
- Serious breach of health and safety
- Serious offensive/discriminatory behaviour
- Violence or threat of violence
- Vandalism or damage to College property or equipment
- Unauthorised interference with software or data
- Use, possession or supply of illegal drugs/ Legal Highs on College premises
- Abuse or harassment as defined in the college's equality, diversity, inclusion safeguarding policies - including online abuse or harassment to other students or staff
- Carrying an offensive weapon
- Sexual harassment
- Bringing the college into disrepute
- Facilitating individuals who are not students to trespass on to the college site, breaching safeguarding policy.

ACTION: Director / ELT + Designated Safeguarding Lead (DSL)

- Tutor/Academy Manager informs Director and follows up in writing
- Director or ELT notifies DSL.
- DSL conducts safeguarding and ALS checks to ensure suspension will not put the student at risk.
- DSL authorises immediate suspension of the student from College pending investigation where the safety and well-being of others on the premises is deemed to be at risk
- DSL confirms suspension in writing
- ELT / Director or Academy Manager conducts investigation into allegation including conducting interviews and gathering witness statements
- Investigation report submitted to DSL and relevant ELT member
- DSL issue Gross Misconduct Disciplinary Hearing letter inviting student, parent² and any witnesses to attend a disciplinary hearing
- Hearing could result in:
 - no action
 - Written Warning - may be a Final Written Warning
 - Exclusion from the College

¹Professional judgement to be used if concern not listed – it is expected that most disciplinary issues will be resolved at Stages 1 and 2 of the procedure ² Due to General Data Protection Regulation, we require student consent to talk to parents about College issues linked to attendance, progress or behaviour ³If the student is an apprentice/being sponsored at the College by an employer, immediately notify the Employer Solutions Manager prior to issuing any disciplinary letter