



Policy/Procedure Name:	College Student Disciplinary Policy and Procedure
Policy/Procedure Number:	SMT034
Date of Approval:	15 th September 2011
Effective Date:	Sept 2011
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Policy/Procedure Author:	Deputy Head of College/Head of Quality
Policy/Procedure Owner:	Principal
Management Committee Approved By:	Senior Management Team
Governor Committee (where appropriate) Approved By:	Not Applicable
For Action By:	All Staff
For Information to:	All Students All Parents
Approval requested to upload on the Treloar Website:	Yes <input type="checkbox"/> (tick if requested)
Date of Policy Equality Impact Assessment:	Sept 2011
Impact Assessment was carried out by:	SMT

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Effective Date: Sept 11

Review by Date: Sept 23

COLLEGE STUDENT DISCIPLINARY POLICY AND PROCEDURE **(Including the management of poor student performance)**

POLICY

The purpose of this policy is to help and to encourage all students to maintain high standards of conduct and performance. The tutor should deal with minor infringements of reasonable standards of behaviour; this could result in the student receiving an informal warning. Where this has not proved fruitful, or where a more serious matter arises, the formal disciplinary procedure should be used.

It is essential that the College Student Disciplinary Policy and Procedure is applied in a fair way. In particular it is very important that staff give due regard to, and do not discriminate against students in the application of the procedure in terms of, issues related to gender, age, ethnicity, physical/learning difficulties, sexual orientation or religious belief.

Treloar's makes a distinction between

- Unacceptable conduct, e.g. disobeying rules, failing to treat staff/students with respect, unjustified poor attendance/punctuality, and
- Poor performance, e.g. a failure to submit work on time or to have had work "referred" on more than one occasion.

For issues of conduct, other than minor infringements, the formal disciplinary procedure should be implemented immediately. (For cases of gross misconduct, examples of which include: theft, fraud, assault or threatening behaviour, damaging property, falsification of work, incapacity through alcohol or drugs, supply of illegal substances on Treloar premises, serious negligence, sexual and racial harassment, discrimination towards/harassment of an individual(s) with a disability and any action prejudicial to safe and effective learning, Section B of the formal procedure should be used).

For issues of performance a different approach should be taken (see below) but if this does not prove fruitful the disciplinary procedure should be implemented.

Please note that the procedure allows action to be taken at a number of levels:

- recorded verbal warning
- first written warning)
- final written warning) **disciplinary hearing required**
- suspension)
- (by Principal)
- exclusion (by Principal))

The level used should be determined by the seriousness of the case/the student's previous record. There is NO need to progress through each stage.

In the event of poor performance (failure to submit work on time/referral of work on more than one occasion), the tutor should action plan the student and set definite targets (see Appendix 4). Such a plan should include accessing any appropriate support mechanisms. The plan/targets should be recorded in the student's file and or Databridge. If the student fails to fulfil the action plan/meet the targets, the student should be referred to the Deputy Head of College and a meeting held with the student and the student's personal tutor. At this meeting the Deputy Head of College and tutor need to decide whether to implement the disciplinary procedure or whether further support/action planning is required. In the case of the latter, failure to improve performance at this stage should result in the formal disciplinary procedure being implemented at one of the "written warning" levels. (See Appendix 5 for flowchart – "Keeping Students 'On Track' for Success".)

Note:

- (i) **For full-time students under the age of 18 the student's parents/guardians must be kept informed of the processes.**
- (ii) **For students whose behaviour may be related to recognised conditions, e.g. ASD, ADHD or ADD, advice should be sought.**

PROCEDURE

Section A

- 1 A member of staff (teaching or support) reports concern about a student's conduct to the student's personal tutor or Progress and Transition Co-ordinator (PTC). The student's personal tutor or PTC may instigate the procedure of his/her own accord.
- 2 The student's personal tutor or PTC may decide on one of the following courses of action.
 - To give the student a recorded verbal warning (see Appendix 1), which shall include the reasons for the warning, the required improvements in conduct or performance and the consequences of further misconduct (if applicable); such a warning should be given after considering any explanation sought from the student. The warning should be reported to the Head of College who should keep a copy of it and a copy should also be provided to the student and his/her parents/employer, if appropriate. The member of staff who raised the initial concern must be informed of this outcome.
 - In liaison with the Head of College to instigate a disciplinary hearing (see 3 below). In preparation for such a hearing it may be appropriate for the personal tutor to request written reports from each member of staff who work with the student (using form attached as Appendix 2).
 - In liaison with the member of staff who expressed the initial concern, to take no further formal action for the present.
- 3 In the event of a disciplinary hearing, such a hearing shall be held within 10 working days of the initial expression of concern. The student is entitled to 5 working days' notice* of the hearing, and must be given an indication of the nature of the complaint, a summary of the evidence, and information on his/her right to be accompanied by a friend/student representative and to submit written evidence and/or call witnesses. The hearing is chaired by the Head of College and is attended by the member of staff bringing the complaint, the student's personal tutor, and the student and his/her chosen representative. When appropriate, the student's parents or employer shall be notified of the hearing and may attend if they so wish.

* an earlier hearing may be held with the agreement of the student

- 4 The disciplinary hearing considers the evidence and the student is given an opportunity to respond, question any witnesses and to submit his/her own evidence and call upon supporting witnesses if required.
- 5 On the basis of the evidence presented at the hearing, the Head of College (or his/her nominated representative) will:
 - dismiss the case against the student, or

- issue a first written warning to the student, giving reasons for the warning and stating that any further misconduct may result in further disciplinary action and, where appropriate, establishing clear targets for the student's performance/behaviour, or
- issue a final written warning to the student stating that any further misconduct may result in suspension or dismissal and, where appropriate, establishing clear targets for the student's performance/behaviour, or
- recommend the suspension of the student for a set period of time – this will be escalated to the Principal for a decision
- recommend the exclusion of the student by the Principal.

The decision whether to issue a first or final written warning, to suspend the student, or to make a recommendation for exclusion is to be determined by the seriousness of the case, by whether any warnings related to similar issues have been previously given and by whether the student has met targets previously established.

Notification of the decision of the disciplinary hearing is sent to all parties (including parents of 16-18 year old students*, and the member of staff who initially raised the concern about the student behaviour) within 5 working days of the hearing and a record of the outcome of the hearing (see Appendix 3) shall be placed on the student's file and shall remain there for a period of two terms at the end of which, in the case of a written warning, it shall be deemed to have expired. In the event of the case being referred to the Principal (see 6 below), the student and, if appropriate the parents shall be informed of this outcome and of his/her right of appeal against this recommendation.

- 6 In the event of a recommendation for the exclusion of the student, the student has a right of appeal. In the first instance it will be the Principal who will ultimately make the decision as to whether exclusion is necessary. A Governor or a panel of Senior Managers that they convene will hear any appeal the student or the parent has against exclusion.
- 7 In the event of an appeal the student must notify the Principal of the grounds and brief particulars of the appeal. The appeal will be heard within 10 working days of receipt of notice of an appeal. If appropriate, a student's parents will be notified of this meeting, and may attend if they wish. The student will be given at least 5 working days' notice of the appeal interview, together with an indication of his/her right to be accompanied by a chosen representative.

At the appeal interview, the student will explain the grounds of the appeal. The Head of College +Principal who made the recommendation to exclude the student will be asked to respond to the appeal and explain the reasons for the recommendation. The appeals panel may ask questions of the student and the Head of College + Principal, and will then consider whether to allow or dismiss the appeal. Witnesses will not normally be asked to attend except in relation to any relevant new evidence, which has come to light since the disciplinary hearing. If the appeal is allowed, the panel may decide that disciplinary action lesser than exclusion should be taken, including a period of suspension. The panel may also

decide that no further disciplinary action should be taken. If the appeal is dismissed, the decision to exclude will stand. Within 5 days of the appeal interview, the final decision by the panel will be confirmed in writing to the student.

Section B – alleged gross misconduct

- 1 For some matters (e.g. alleged sexual or physical abuse) the member of staff (teaching or support) will automatically refer the matter to the Head of Safeguarding as soon as possible. If a member of staff is unsure whether to involve the Head of Safeguarding it is recommended that they do. The Head of Safeguarding will provide guidance to the member of staff on the action that they must take.
- 2 For other matters of alleged gross misconduct (e.g. ?) the incident must be reported to the Head of College, or on-call Residential Manager. The Head of College or on-call Residential Manager may deem that temporary suspension be implemented whilst the investigation takes place, in these circumstances the parents will be informed and at the earliest convenience the student will be sent home.

In all cases a suspension must be confirmed in writing to the student and to his/her parents, and the funding agency. Alternatively the Principal may decide to revert to the normal disciplinary process (see Section A above).

- 3 A disciplinary hearing should be held within 10 working days of the alleged gross misconduct. The disciplinary panel consists of the Principal plus Head of College and the Residential Manager. The student must be given 5 working days' notice of the hearing, together with an indication of the nature of the complaint against him/her, a summary of the evidence and his/her right to be accompanied by a friend/student representative and to submit written evidence and/or call witnesses. The student's parents must be notified of the meeting and would be encouraged to attend. The student's social worker would also be notified
- 4 The disciplinary hearing should call witnesses as appropriate and consider any written evidence. The student and his/her representative should have an opportunity to respond to the allegations, to question witnesses and to submit evidence/call witnesses on his/her own behalf.
- 5 On the basis of the evidence presented the Principal will either:
 - dismiss the case against the student, or
 - issue a first or final written warning, or
 - suspend the student for a set period of time, or
 - exclude the student

The member of staff, who initially raised the concern about the student's behaviour, must also be informed of the outcome.

A student who is recommended for exclusion will be informed in writing of the grounds for this recommendation within 5 working days of the hearing and a copy

will be sent to his/her parents and Social Worker. The student will also be informed of his/her right of appeal to the Principal (see Section A, point 6 above).

Notes:

1 **Precedence**

In cases where staff and student disciplinary actions coincide, the staff disciplinary action takes precedence and must be resolved before any student disciplinary action.

Policy/Procedure Communication and Implementation Action Plan - Amend and add to as appropriate

	Action	Responsibility
1	Ensure that all new employees, staff and volunteers are made aware of the policy, understand it, and know where to access a copy and where to access the related procedures.	Deputy Head of College Head of College Principal
2	Ensure that all managers, employees and volunteers of Treloar Trust have access to the related procedures.	All Managers
3	Ensure that all new employees, staff and volunteers know their responsibilities, and receive training in carrying these out.	All Managers

Links to other related policies and procedures: – set heading

- Student Behaviour and Sanctions Policy

Further sources of information: - set heading

IMPORTANT NOTES:

It is essential for those with designated responsibilities to familiarise themselves with the sources of information, referred to above.

Policy documents describe mandatory minimum standards and will be subject to audit and review. Line managers are required to ensure suitable and sufficient arrangements are in place to meet policy requirements, including the provision of information and instruction to staff.


Treloar's
Enabling Education
STUDENT DISCIPLINARY PROCEDURE
RECORDED VERBAL WARNING

Student's Name:	_____
School / College	_____
Course:	_____
Personal Tutor:	_____
Date:	_____

Reason for recorded verbal warning:

Action Required by Student:

Student's Signature: _____ **Tutor's Signature:** _____

**Please attach a copy of the Student Disciplinary Procedure
Recorded Verbal Warning (previous page) to this letter**

TRELOAR HEADED PAPER

Dear Parent/Guardian

This is to notify you that your son/daughter has been placed on the first stage of the Treloar formal disciplinary procedure.

Further misconduct could result in a request for your presence at a formal disciplinary hearing.

Yours faithfully

(Name)
Head of College
Contact Telephone Number: _____

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STUDENT DISCIPLINARY PROCEDURE
REPORT FOR A DISCIPLINARY HEARING

To: _____ (Teacher)

Student's Name: _____

Course: _____

Personal Tutor: _____ Date: _____

Please provide a written report on the above-named student.

Attendance:

Punctuality:

Attitude:

Attainment:

General Comments:

Teacher's Signature: _____



RECORD OF DISCIPLINARY HEARING

Student's Name: _____

Course: _____

Personal Tutor: _____

Date: _____ Those present at hearing: _____

Outcome of Disciplinary Hearing:

Student's Signature: _____

Principal's Signature: _____

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COLLEGE STUDENT ACTION PLAN

Student: **Tutor :**

Course: **Date:**.....

Purpose of action plan

Discussion notes:

Planned action (including SMART targets + review date)

Record of Review

Student's Signature: **Teacher's Signature:**.....

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Keeping Students ‘On Track’ for Success

