

Name of Policy

DISCIPLINARY POLICY AND PROCEDURE (STUDENTS)

Purposes

Ensure the provision of an environment to support the learning process and to promote acceptable conduct at all times

Author / Job Title

Head of Student Services and Support

**Equality Assessment
By Whom**

Date

Version

5

**Date of next review
(month & year)**

December 2016

Approved by

	Date
Senior Manager – Vice Principal: Curriculum and Quality	Aug 2014
ELT	
Corporation	

**Related policies or
procedures or parent
policy if applicable**

Anti-Bullying and Harassment Policy and Procedure
Safeguarding Policy
Student Academic Misconduct Policy and Procedure
Student Attendance and Punctuality Policy

**Groups/bodies consulted
in the development of the
policy**

**To be published on
College website**

Yes

DISCIPLINARY POLICY AND PROCEDURE (STUDENTS)

Purpose

The purpose of the policy is to promote positive behaviour as a way of supporting student progress towards reaching their potential. In cases where support for students is unsuccessful, this might involve applying appropriate sanctions to protect the interests and learning of other students

Scope All Students

Responsibility Vice Principal: Curriculum and Quality

Policy

All students have the right to learn and a responsibility to allow others to learn in a safe, secure and respectful environment.

Macclesfield College also has a responsibility to provide staff with a safe, secure and respectful environment in which to work.

The aim of this policy/procedure is to ensure the provision of such an environment, to support the learning process and to promote acceptable conduct at all times.

Wherever possible, the College will strive to work constructively with students to resolve disciplinary issues but implicit in this policy is the recognition of the need to disapprove of, formally record and, in certain circumstances, punish unacceptable conduct which disrupts learning or shows disrespect.

Should actions undertaken by students outside of the College premises impact upon maintaining good order within the campus, then disciplinary action will also be considered.

During induction the Student Disciplinary Policy and Procedure will be explained to all students.

The Student Disciplinary Policy and Procedure is posted on the Macclesfield College website (www.macclesfield.ac.uk).

This policy and procedure will be explained to all new staff at induction and details of how to access it through the websites will also be explained.

Definition of Unacceptable Conduct

Any academic or non-academic conduct which adversely interferes with teaching and learning (including a breach of the Student Academic Misconduct Policy and Procedure), is disrespectful to other members of Macclesfield College's community or property breaches the Code of Conduct.

See the full Code of Conduct for more information.

Terms

Student Disciplinary Record (SDR)	Located on the College Intranet
Central Bullying Record (CBR)	Located on the College Intranet
Bullying/Harassment Referral Form (BRF1)	NCR forms located Student Services
SMT	Senior Management Team
ELT	Executive Leadership Team

Procedure

Where breaches of discipline occur such as failure to comply with the Code of Conduct or any incident of academic misconduct, the Disciplinary procedure will be used.

Every effort will be made to avoid the use of formal disciplinary action where problems can be remedied informally. All staff carry the responsibility for the informal disciplining of students and for ensuring that misconduct or poor academic performance on the part of students is consistently dealt with in accordance with this policy

Where informal measures prove insufficient to establish a satisfactory standard of conduct, a verbal warning may be given. If there is no improvement then three formal disciplinary stages may be invoked and may include the possibility of fixed period or permanent exclusion from the College (Refer to the Quick Guide Appendix 2)

Any disciplinary action will be logged against the student record in ProMonitor.

In all cases staff should be aware of any learning difficulty or disability which may affect the student and seek advice and support as appropriate.

Students can be placed on any stage of disciplinary without having undergone the previous stage. Stages can be bypassed dependent on misconduct.

Where a staff member believes a Stage 1 or above disciplinary warning should occur, evidence should be presented to the Curriculum Manager first to determine whether or not disciplinary action should be taken.

Please note: Staff should be aware that students aged 18+ may have opted out of parental communication. Please check ProMonitor before sending letters.

See Appendix 1 for examples of misconduct.

Verbal Warning

A verbal warning can be issued to address first time or minor incidents of classroom management issues or behaviour concerns within College. This should be logged by the person issuing it on ProMonitor within 24 hours.

Stage 1

A formal hearing will be held between the Curriculum Manager (Course teacher for 19+ or HE student) and the student within 7 working days of the incident. The hearing will be recorded on a Student Disciplinary Record form (SDR). The hearing will have 1 of 3 outcomes: Stage 1 confirmed, verbal warning given or no disciplinary action taken.

Where the disciplinary is confirmed the SDR will contain a course of action for improvement within an agreed timescale, as appropriate, and outline the consequences of further misconduct or poor academic performance. This will be kept within the course file.

A meeting to review progress against the action plan should be conducted by the relevant Personal Tutor within 20 working days of the student receiving the disciplinary warning.

The disciplinary will be spent after 3 academic months if the action plan has been achieved and there have been no further issues.

Details of the disciplinary hearing and subsequent reviews will be logged on ProMonitor by the Personal Tutor.

Stage 2 & 3

The Curriculum Manager will discuss with an independent member of SMT or the Head of Student Services the outcome of their investigation into the alleged misconduct and the appropriate level of disciplinary will be determined and conducted as follows.

Stage 2

A formal hearing will be held within 10 working days of the incident, the student may be suspended until the hearing (dependent on the nature of the misconduct). The hearing will be recorded on a SDR. The hearing will have 1 of 3 outcomes: Stage 2 confirmed, lower level confirmed, no disciplinary action taken.

Where the disciplinary is confirmed the SDR will contain a course of action for improvement within an agreed timescale, as appropriate, and outline the consequences of further misconduct or poor academic performance. This will be kept within the course file.

A meeting to review progress against the action plan should be conducted by the relevant Personal Tutor within 20 working days of the student receiving the disciplinary warning.

The disciplinary will be spent after 6 academic months if the action plan has been achieved and there have been no further issues.

Details of the disciplinary hearing and subsequent reviews will be logged on ProMonitor by the Personal Tutor.

Stage 3

The Vice Principal: Curriculum and Quality or Head of Quality and Professional Development will hold a formal hearing within 10 working days of the incident. The student may be suspended until the hearing (dependent on the nature of the misconduct). The hearing will be recorded on a SDR. The hearing will have 1 of 3 outcomes: Stage 3 confirmed (a student may be excluded for a fixed period or permanently at this stage or a Stage 3 Final Warning be issued), lower level confirmed, no disciplinary action taken.

Where the disciplinary is confirmed the SDR will contain a course of action for improvement within an agreed timescale, as appropriate, and outline the consequences of further misconduct or poor academic performance. This will be kept within the course file and a copy held within SMT.

A meeting to review progress against the action plan should be conducted by the relevant Curriculum Manager within 20 working days of the student receiving the disciplinary warning.

The disciplinary will be spent after 10 academic months if the action plan has been achieved and there have been no further issues. Should there be further issues or concerns highlighted by the curriculum team a review may be undertaken by the Vice Principal: Curriculum and Quality/Head of Quality and Professional Development and the Head of Student Services and Support.

Details of the disciplinary hearing and subsequent reviews will be logged on ProMonitor by the Personal Tutor.

Notification of Disciplinary Hearings

Students will normally be given at least 5 working days written notice to attend the hearing which will include the nature of the alleged misconduct. Students will be advised that they may be accompanied by a parent/carer/relative/employer/ fellow student if they wish. Students may request advocacy support from their Personal Tutor, Learning Mentor, Student Liaison Officer or Head of Student Services for Stages 1, 2 or 3 hearings which may involve support to make a written statement of their version of events which may be subsequently used as evidence in any future hearings.

Parents/carers will be informed (if appropriate) of Stage 1, 2 and Stage 3 hearings and invited to attend if they wish. Employers will be notified of Stage 2 and Stage 3 hearings if the student is on release from employment or financially supported by employer.

Notification Outcomes

Stage 1 and 2

A copy of the signed SDR will be issued to the student and to parents/guardians upon completion of the hearing. This will include any action plan and consequences of failure to meet the agreed targets.

Stage 3

A letter confirming the outcome of Stage 3 hearings will be issued to the student within 5 working days. This will include any action plan and consequences of failure to meet the agreed targets.

A copy of the letter will be forwarded separately to the parents/carers of students (if appropriate). A copy of the letter will be forwarded separately to the employer of students who are on release from employment or financially supported by employer.

Attendance/Attendees at disciplinary hearings

At Stage 1 and 2 the Curriculum Manager will determine who shall attend the hearing to present evidence, whether that's the complainant or Course Leader.

Stage 1: Curriculum Manager, Student, Parent/Carer (if appropriate), Advocate
Stage 2: SMT, Curriculum Manager, Student, Parent/Carer (if appropriate), Advocate.
Stage 3: Vice Principal: Curriculum and Quality/Head of Quality and Professional Development, Curriculum Manager, Student, Parent/Carer (if appropriate), Advocate.

Where the Curriculum Manager is required to present the evidence at Stage 1 they can request a Curriculum Manager from a different area to chair the hearing. Delays should be avoided and representatives should be requested to attend where required.

Suspension

Suspension may occur for a single incident without recourse to the early stages of the student disciplinary procedure. Macclesfield College suspends without prejudice and makes no presumption of guilt. Members of the Senior Management Team and the Head of Student Services and Support can suspend students.

A student should only be suspended for one or more of the following reasons:

- to enable staff time to fully investigate an incident without prejudice
- where the College judges the risk of the student continuing at that time to be too high
- pending a criminal investigation.

The student will be asked to collect any belongings and leave the premises immediately under supervision of the person suspending.

A Letter of Suspension will be issued to the student at the time of suspension.

A copy of the letter will be forwarded separately to the parents/carers of students (if appropriate). A copy of the letter will be forwarded separately to the employer of students who are on release from employment.

Exclusion

Exclusion may occur for a single incident without recourse to the early stages of the student disciplinary procedure.

Exclusion may be for a fixed period or permanently from the College. The student's record will be annotated on ProSolution to indicate the length of exclusion.

A Letter of Exclusion will be issued to the student within 5 working days of the meeting stating the nature of the misconduct and the duration of the exclusion. The letter will also contain information on a student's right of appeal.

A copy of the letter will be forwarded separately to the parents/carers of students (if appropriate). A copy of the letter will be forwarded separately to the employer of students who are on release from employment.

Right of Appeal

All students have the right to appeal against a disciplinary decision. Appeal meetings will be minuted by an appropriate administrator.

Stage 1:

Appeals should be submitted in writing to the member of SMT within 5 working days of the meeting. Appeals will be heard by a member of SMT within 10 working days of receipt of the letter.

Stage 2:

Appeals should be submitted in writing to the Vice Principal: Curriculum and Quality within 5 working days of the meeting. Appeals will be heard by the Vice Principal/Head of Quality and Professional Development within 10 working days of receipt of the letter.

Stage 3:

Appeals should be submitted in writing to the Principal within 5 working days of the meeting. Appeals will be heard by the Principal within 10 working days of receipt of the letter.

In all cases the details of the appeal will be documented and kept in the course file for the duration of their time at College. A copy of appeal outcomes for Stage 3 disciplinary hearings will be kept in ELT.

Appendix One

Examples of Disciplinary Incidents

The examples below cover the main areas for concern which would lead to the Student Disciplinary Policy and Procedure being applied.

THIS LIST IS NEITHER EXCLUSIVE NOR EXHAUSTIVE

Depending on the nature of the incident, the early stages of the Student Disciplinary Policy and Procedure may be by-passed to allow an appropriate response to be made in each individual case. If appropriate, each stage can be repeated once.

Verbal Warning

- Incidents of classroom management issues such as those listed below at Stage 1 plus any additional behaviour concerns witnessed throughout the College

Stage 1

Issues such as continuous/repeated:

- disrespect towards staff or visitors
- bringing drug paraphernalia onto College premises
- disruptive behaviour/unacceptable language
- non-application to work in class
- minor instance of bullying – eg non-racial name calling
- unjustified absenteeism or lateness
- poor attitude to completing work
- regularly unprepared for lessons
- minor breaches of College rules or the code of conduct – eg smoking outside the designated areas, inappropriate use of IT
- inappropriate parking
- poor/inappropriate driving on the College property

Stage 2

Failure to achieve a stage 1 action plan.

Issues such as the following should come straight to this level:

- minor damage to property
- moderate levels of aggression/bullying/harassment towards other students or staff
- minor health and safety infringements
- moderate cases of academic misconduct (refer to Student Academic Misconduct Policy and Procedure)
- repeatedly committing a Stage 1 disciplinary incident
- discriminatory behaviour/comments of any kind
- abuse of any College facilities
- unacceptable behaviour towards College neighbours or their property

Stage 3

Failure to achieve a stage 2 action plan.

Issues such as the following should come straight to this level:

- any acts of violence or aggressive intimidation/harassment or bullying towards other students or staff
- bringing drugs or alcohol onto College premises
- being under the influence of alcohol or drugs
- challenging or aggressive refusal to co-operate with staff
- serious acts of vandalism

- serious health and safety infringements
- interfering with College IT facilities
- serious equality and diversity infringements
- repeatedly committing a Stage 2 disciplinary incident
- serious cases of academic misconduct (refer to Student Academic Misconduct Policy and Procedure).

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. The College may recommend suspension of the student pending the outcome of any Police enquiry or if the student's continued attendance is considered prejudicial to the good order of the campus.

QUICK GUIDE TO THE STUDENT DISCIPLINARY PROCEDURE

NOTE- Any member of staff witnessing inappropriate behaviour which they believe warrants further action (as opposed to a quick word of correction) should talk to the student and submit a completed note of concern either via email, hard copy or ProMonitor to Curriculum Manager to action appropriately.

STAGE	PROCESS	SANCTIONS	MISCONDUCT LEVEL	APPEAL
Verbal Warning	Course Teacher will issue verbal warning to student and log interaction on Pro-monitor as comment	None other than advised that if behaviour is repeated it may lead to disciplinary	Incidents of classroom management issues such as those listed below at Stage 1 plus any additional behaviour concerns witnessed throughout the College	None
Stage 1	Curriculum Manager (CM) will conduct the hearing with the student within 7 working days (Course teacher for 19+ or HE)	Stage 1 warning and action plan issued with appropriate SMART targets to be completed within agreed timescales Additional sanctions and reparation as appropriate (eg limited access to IT, apologies to any inconvenienced individuals) Class teachers to comment on positive and negative behaviours on ProMonitor during the action plan period. Personal tutor to monitor. Spent after 3 months if action plan achieved and no further issues. This stage can be repeated once only if appropriate but then escalation to stage 2 is required	Issues such as continuous/repeated: <ul style="list-style-type: none"> • disrespect towards staff or visitors • disruptive behaviour/unacceptable language • non-application to work in class • bringing drug paraphernalia onto College premises • initial instance of bullying • unjustified absenteeism or lateness • poor attitude to completing work • regularly unprepared for lessons • minor breaches of College rules or the code of conduct – eg smoking, inappropriate use of IT • poor/inappropriate driving or parking on site • etc 	In writing to the SMT within 5 working days. Appeal will be heard by SMT within 10 working days.
Stage 2	Investigation by CM who will report to the SMT. Written statements will be taken. Formal hearing with the SMT within 10 working days, Students can be suspended until hearing. Record kept of hearing.	Stage 2 warning and action plan issued with appropriate SMART targets to be completed within agreed timescales Other sanctions and reparations as appropriate Class teachers to comment on positive and negative behaviours on ProMonitor during the action plan period. Personal tutor to monitor. Spent after 6 months if action plan achieved and no further issues. This stage can be repeated once only if appropriate but then escalation to stage 3 is required	Failure to achieve a stage 1 action plan. Issues such as the following should come straight to this level: <ul style="list-style-type: none"> • minor damage to property • minor levels of aggression/bullying/harassment towards other students or staff • minor health and safety infringements • discriminatory behaviour/comments of any kind • abuse of any college facilities • unacceptable behaviour towards College neighbours or their property • etc. 	In writing to the Vice Principal: Curriculum and Quality within 5 working days. Appeal will be heard by Vice Principal: Curriculum and Quality within 10 working days.
Stage 3	Investigation by CM who will report to the SMT. Written statements will be taken. SMT will discuss with the Vice Principal: Curriculum and Quality. Personal Tutor will collate evidence. Formal hearing with the VP within 10 working days. Students can be suspended until hearing. Record kept of review meeting.	Stage 3 warning and action plan issued or permanent exclusion Other sanctions and reparations as appropriate. Class teachers to comment on positive and negative behaviours on ProMonitor during the action plan period. Personal tutor to monitor. Disciplinary – spent after 10 months Exclusion – can re-apply to College after specified period of time	Failure to achieve a stage 2 action plan. Issues such as the following should come straight to this level: <ul style="list-style-type: none"> • any acts of violence or aggressive intimidation/harassment or bullying • bringing drugs or alcohol onto College premises or any other criminal act • under the influence of alcohol or drugs • challenging or aggressive refusal to co-operate with staff • serious acts of vandalism • serious health and safety infringements • interfering with College IT facilities • serious equality and diversity infringements • etc 	In writing to the Principal's PA within 5 working days. Appeal will be heard by the Principal within 10 working days.

This list is not exhaustive, and individual examples may be considered to fit at levels other than those indicated here.

Where students are apprentices, the BDU team should be alerted at an early stage and provided with copies of all warnings and action plans. At all levels of the procedure, account should be taken of any disclosed disability or recognised behaviour issue. Disciplinary action will be removed at the end of the student's course.