

This policy may be released subject to noting that it is subject to the Communication and Culture Committee (8/9/21) and Curriculum & Standards Committee(4/10/21) agreement.



Teitl: Title:	Student Disciplinary Policy (formerly known as Learner Discipline Policy)
Fersiwn: Version	V3
I bwy mae'r Polisi hwn yn berthnasol? Who does this Policy Relate to?	Myfyrwyr a Staff Students/Staff

Cydraddoldeb ac Amrywiaeth / Equality & Diversity

Dolen at Gam 1 Asesu Effaith (ar Gydraddoldeb a'r Gymraeg): / Impact Assessment Stage 1 (Equality & Welsh) link:	Student Disciplinary Policy Impact Assessment
<i>Effaith ar yr Iaith Gymraeg</i> <i>Mae asesiad effaith wedi'i gynnal ar y polisi hwn i ystyried ei effaith ar yr iaith Gymraeg yn unol â Safonau'r Gymraeg (94-104) a Mesur yr Iaith Gymraeg (Cymru) 2011.</i>	<i>Welsh Language Impact</i> An impact assessment has been carried out on this policy to consider its effect on the Welsh Language in accordance with the Welsh Language Standards (94-104) and the Welsh Language (Wales) Measure 2011.

Adolygu a Chymeradwyo / Review and Approval

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Rhifwch bob adran a pharagraff . Please number each section and paragraph

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1. Purpose

1.1 The purpose of the Policy is;

- To generate a positive approach to the maintenance of the Student Code of Conduct.
- To establish a fair and consistent approach to dealing with unacceptable behaviour and/or serious misconduct by students.
- To provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when there is non compliance with the Student Code of Conduct.

2. Scope

2.1 This policy applies to all students enrolled at Coleg Cambria, including further education and higher education students, apprentices, work based learning students and adult community students. This policy also applies to any 14-16 year old learners attending the college on either full time courses or as part of school links courses. If a matter arises relating to 14 to 16 students the local authority and/or the school must be contacted at the outset to ensure that they engage with the process. Following discussion with the local authority and/or school if a different course of action is agreed, this needs to be fully documented and included on the student record where appropriate.

2.2 This policy will be used for alleged acts of misconduct on College premises or whilst on an organised College activity off the premises such as trips and visits, or travelling on College transport. This policy may also be used for alleged acts of misconduct off College sites, on work placements, or via internet/social media channels, if they are connected to the College and it is deemed appropriate to do so by the College.

3. Principles

3.1 This policy forms part of a group of related policies (Appendix One) which set out:

- What students can expect from the College (Learner Contract).
- Action to be taken in the event of a breach of student entitlements (the Complaints Procedure).
- What the College expects of all its students (Student Code of Conduct and Learners' Attendance & Punctuality Policy).
- The action to be taken in the event of a breach of the Code of Conduct (the Student Disciplinary Policy).
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- 3.2 All stages of the Student Disciplinary Policy will have regard to the principles of fairness and objectivity. As part of the contracted arrangement made at the point of joining the College, students (and, where appropriate parents/guardians and employers) will be directed to the Learner Contract and the Student Code of Conduct. This information, along with an overview of the Student Disciplinary Procedure, is available on the College website and the Student Hub and will form part of Induction guidance.
- 3.3 It is recognised that disruptive behaviour can often be an indication of unmet social/emotional needs. Any formal response to a student's behaviour will always consider any causal factors that are influencing those behaviours. Where students have a disability, including mental health and behavioural difficulties, reasonable adjustments will be made to ensure students are not discriminated against.
- 3.4 For students with a cognitive impairment, an appropriate person will be present to guide students through the disciplinary process and to ensure that all aspects of the policy are understood.
- 3.5 For students for whom there is an Learning Skills Plan (LSP)/Education Health and Care Plan (EHCP), if there are concerns regarding the student's behaviour or needs, indicating that the College may be unable to meet the needs of the student, such matters should be raised with the Head of Inclusion Services, to enable a review of meeting need to be conducted. If a decision is taken to invoke the student disciplinary procedure in cases where a student's behaviour amounts to misconduct/gross misconduct, parents/ guardians and other professionals such as Social Workers may be engaged in the investigation. In considering whether to temporarily or permanently exclude a student who is the subject of an LSP/EHCP, or to remove them from a particular programme, the College will consider the requirements of the Equality Act 2010. This includes whether the exclusion/removal is a proportionate means of achieving a legitimate aim and whether the College has made reasonable adjustments to accommodate the student.
- 3.6 This procedure makes reference to a number of job roles relating to those staff expected to discharge specific responsibilities. Whilst the document uses job roles relating to the College's core Further Education provision, in all instances it is expected that specific responsibilities under this procedure will be discharged by the equivalent roles that exist within other areas of the College's provision (e.g. Higher Education and Employer Engagement).

- 3.7 Where student behaviour indicates safeguarding and/or child protection concerns, the matter will be referred to the College's Designated Safeguarding Person (Head of Learner Services), or Deputy for assessment and intervention. The safety and welfare of all students will take precedence over any disciplinary action and therefore the College may decide to defer any disciplinary action until the outcome of the safeguarding assessment is known.
- 3.8 The College does not allow formal legal representatives to accompany students to any meeting or panel held under this policy.

4. Procedural Stages

- 4.1 The procedural stages of this policy are designed to be sequential, to address the persistence of poor behaviour. However, stages may be omitted if it is felt that the student misconduct is serious enough to warrant missing stages. **If an incident is considered to be serious misconduct then the process must commence at Stage 4 as described in Section 6 below.** A flow chart of the Student Disciplinary Policy is detailed at Appendix Three.
- 4.2 It is difficult, given the wide and varied nature of our student body, to fully define or grade degrees of misbehaviour/misconduct which can be classified as serious misconduct. The behaviours listed in Appendix Two are examples of conduct that the College considers amounts to gross misconduct.
- 4.3 Decisions made by the College will be based on information available to the College managers conducting disciplinary meetings and may not reflect decisions made by outside agencies (e.g. Police). Managers will take account of breaches of the Student Code of Conduct and any current disciplinary sanctions issued to a student.

5. Dealing with Unacceptable Behaviour/Misconduct

- 5.1 There are normally 4 stages when dealing with unacceptable behaviour/misconduct;
- Stage 1- Verbal Warning/Action Plan (time lapse after 3 calendar months)
 - Stage 2 - Written Warning/Action Plan (time lapse after 6 calendar months)
 - Stage 3 - Final Written Warning/Action Plan (time lapse after 12 calendar months)
 - Stage 4 - Formal Investigation and convening of a Disciplinary Panel (see Section 6)

- 5.2 Stages 1 to 3 apply in cases other than serious misconduct (Stage 4), where a student may be suspended from College pending a formal investigation and the outcome of a Disciplinary Panel (see section 6). It is not necessarily intended that these stages be brought into play at the first demonstrations of poor behaviour and/or performance. All staff who support students to address their poor behaviour at an early stage are expected to log on EBS On-Track a concern note (behaviour/poor performance), reflecting a summary of the conversation that has taken place to bring about an improvement in behaviour and/or performance.
- 5.3 If a student receives **three concern notes categorized as relating to behaviour/conduct**, during their time as an enrolled student, then the procedures detailed below are to be followed to address the persistent poor behaviour. Progress Coaches/Personal Tutors will be responsible for monitoring the number of concern notes a student may receive.
- 5.4 The appropriate Curriculum Director is to be kept informed at every stage of the disciplinary procedure when a learner from their area is involved. The Assistant Principal or Vice Principal is to be informed immediately if a learner is suspended from the College or if any incidents occur which could be potentially regarded as serious misconduct. Details of authorisation of suspension are at 7.2 below.
- 5.5 Each stage in the process, other than where a student is excluded, is to be accompanied by a student action plan in order to encourage the student to improve their performance/behaviour. This will be actively monitored by their Progress Coach/Personal Tutor .
- 5.6 A student will be advised in writing of the date, time and location of any disciplinary meeting. A checklist for managing disciplinary meetings is detailed in Appendix Four. Reasonable attempts will be made to reorganise the meeting should the student be unable to attend but if the learner does not attend a rescheduled meeting, without good reason, it will take place in their absence and the next stage of the Student Disciplinary Policy will be applied.
- 5.7 **Stage One - Verbal Warning/Action Plan**
- 5.7.1 To be issued to the student by their Progress Coach/Personal Tutor at an informal meeting. The student should be made fully aware that this is the first stage of a process and that a time limit applies to improvements in the behaviour under review. Actions against which achievement can be monitored will be set . The warning is to be recorded in the student's EBS OnTrack records (verbal and written warning form) for the duration of the student's attendance at College, but is regarded as expired after 3 calendar months.

- 5.7.2 In some circumstances, more than one verbal warning may be issued before progressing to the next stage, but no more than two verbal warnings will be issued. Students should be given time to modify their behaviour before progressing to Stage 2.
- 5.7.3 When a verbal warning is issued, a notification letter will be sent to parents/carers or where applicable the employer, offering the opportunity for contact and discussion as to how the student can be supported.
- 5.8 Stage 2 - First Written Warning/Action Plan
- 5.8.1 If behaviour/conduct deteriorates further or if, after reasonable time has been allowed for improvement, the required improvement has not been made a written warning can be issued. A written warning can be issued without a prior verbal warning being given where it is judged the unacceptable behaviour/conduct warrants it.
- 5.8.2 A letter inviting the student to a disciplinary meeting should be sent by first class post to the student and to the parents/ carers of students aged under 18 year olds or adults identified as at risk. This is subject to permissions under GDPR legislation. If the student is an apprentice then their employer will also receive a copy of the letter.
- 5.8.3 The letter should contain details of the meeting which the student is required to attend, with the purpose stated as providing the opportunity to;
- discuss the behaviour / incident that has triggered the meeting
 - reach a decision as to the penalty to be imposed
 - discuss an appropriate action
- 5.8.4 The meeting is run by the appropriate Curriculum Director and/or Assistant Principal with the Progress Coach/Personal Tutor in attendance. The warning, if appropriate, will be issued in writing to the student after the disciplinary meeting by the Curriculum Director with a separate letter (if appropriate) sent to parents/carers and employers of apprentices. The warning is to be recorded in the student's EBS OnTrack records (verbal and written warning form) for the duration of the student's attendance at College, but is regarded as expired after 6 calendar months.
- 5.9 STAGE 3 – Final Written Warning/Contract
- 5.9.1 If, following the issue of the written warning, and allowing a reasonable period for agreed actions to be carried out, a student fails to make the required improvements, then a final written warning/action plan will normally be issued by the Assistant Principal, and can be issued without a prior verbal warning, or a written warning being given, where it is judged the unacceptable behaviour/conduct warrants it. A final written warning will be regarded as expired after 12 calendar months.

5.9.2 The procedure is as described 5.8.2 with the addition that the student, and parents/carers (as appropriate), be made aware that failure to meet the requirements of the action plan agreed at the Disciplinary Meeting will result in the requirement to attend a Disciplinary Panel which may result in the student's exclusion from College.

6. Formal Investigation and Covering of Disciplinary Panel (Stage 4)

- 6.1 No disciplinary action under this stage will be taken against a student until the matter has been fully investigated. The investigator will be a manager (Assistant Principal or equivalent) who is not closely connected with the disciplinary matter to be investigated and will normally be from a different area of study.
- 6.2 The College will inform the student as soon as possible that an investigation is to be conducted and the student will be provided with the name of the investigating manager. It is the expectation that such investigations are completed within 10 working term-time days.
- 6.3 In cases of alleged gross misconduct and/or the nature of the allegation is such that there is a concern that staff or other students may be placed at risk, the student may be suspended, in accordance with section 7, pending completion of the investigation. If a criminal prosecution may result from the incident, it may be necessary, pending advice from the police, to defer the disciplinary investigation until the outcome of any criminal proceedings is known. If this occurs the student will remain suspended from the College during this time. Upon completion of the criminal proceedings the College will reopen the disciplinary investigation.
- 6.4 The investigating manager is responsible for gathering all evidence related to the alleged incident including obtaining signed written statements from the student who is subject to the disciplinary procedure, from relevant staff and from other witnesses identified as appropriate.
- 6.5 If the investigating manager determines following the investigation that a Disciplinary Panel is not warranted, they will liaise with the relevant Vice Principal for the curriculum area to determine what action if any is required. In such circumstances the student will be immediately advised that they are no longer suspended and they can return to the College site.

7. Suspension

- 7.1 In circumstances where there is allegation of gross misconduct, and/or the nature of the allegation is such that there is a concern that staff or other students may be placed at risk, the student must be removed immediately from the College site and given verbal notice of suspension, whilst an investigation is conducted.

- 7.2 Suspension can be authorised only by an Assistant Principal/Vice Principal or another member of the Senior Management Team. In the situation when further discussion/information may be required, to inform a decision to suspend, a student may be sent home, with a decision on whether they are to be suspended to be conveyed within 2 college working days.
- 7.3 In all cases of suspension the manager (e.g.Vice Principal, Assistant Principal, Curriculum Director, Head of Service) suspending the learner must notify the relevant manager with site management responsibilities, and the Deputy Chief Executive (People, Experiences and Culture), or in their absence a fellow senior postholder. If the student is under 18 or identified as an adult at risk, every effort must be made to make contact with the parents/carers and arrangements made for the student to be collected (subject to GDPR permissions).
- 7.4 Following being verbally told they have been suspended, written notification of the reason for suspension together with a copy of the Student Disciplinary Policy will be sent to the student. A copy will be sent under separate cover to parents/carers for students under the age of 18 or identified as an adult at risk, and employers of Apprentices. The period of suspension will be kept to a minimum, and will normally be no longer than 28 College working term-time days (unless awaiting notification of the outcome of criminal proceedings).
- 7.5 The student's Progress Coach/Personal Tutor will arrange for access to work to be sent home and/or made available through electronic means on a regular basis throughout the time the student is suspended.
- 7.6 If, during a period of suspension, a student is required to complete formal external examinations, arrangements will be made for the student to attend the College, for the sole purpose of completing such an examination.
- 7.7 During a period of suspension, any student who is studying a HE course will still remain liable for course fees.
- 7.8 The student has the right to be accompanied by their parent/carer, employer or a friend at any subsequent meetings including any disciplinary panel. If after investigation, it is concluded by the Investigating Manager that the student's conduct should be considered at a formal Disciplinary Panel as a matter of gross misconduct the suspension will remain in place until the outcome of the Panel is known.

8. Disciplinary Panel

- 8.1 The primary purpose of the Disciplinary Panel is to consider all of the evidence available and determine the actions required to address a serious disciplinary issue, which may include the fixed term or permanent exclusion of the student.
- 8.2 The Disciplinary Panel will be chaired by the Deputy Chief Executive (People, Experiences and Culture) or in their absence a fellow senior postholder, and the disciplinary panel will include the relevant Vice Principal and another College manager from outside the student's study area. The Investigating Manager and any witnesses who, in the opinion of the Investigating Manager should be called, will also be required to attend the Panel.
- 8.3 At least 5 working term-time days prior to the Panel, a letter detailing the arrangements for the Panel and allegation to be considered with an explanation that the Panel decision could result in their temporary or permanent exclusion from the College, will be sent to the student. Enclosed will be copies of documents to be relied upon at the panel, including the Investigating Manager's summary report and signed witness statements. In exceptional circumstances where it is considered that including such documents may lead to reprisals/intimidation of witnesses, a decision may be taken by the Chair of Panel to only share such documents at the panel meeting. In such a situation the student will be given time to read thoroughly any documents tabled.
- 8.4 The College will give a student advance notice if it intends to call relevant witnesses. If a student intends to call any relevant witnesses, they must notify the College with details in advance of the Panel.
- 8.5 The Chair of the panel conducting the hearing will introduce all those present. The investigating manager will present their summary report and findings to the Panel together with a breakdown of the student's academic record at the College including absence record and any cause for concerns recorded. They may also call witnesses if appropriate.
- 8.6 The student will be given the opportunity to present the case against the allegations and explain any special/mitigating circumstances which may exist. They will also have the opportunity to ask questions, present evidence and call any relevant witnesses.
- 8.7 The Chair may adjourn the disciplinary proceedings if it appears necessary or appropriate to do so. In these circumstances the Panel should be reconvened with its original members
- 8.8 The student has the right to be accompanied by their parent/carer, or a friend at the Panel. If the student is an apprentice their employer may also attend. A student's companion may address the Panel and respond on

their behalf to any views expressed. However, the meeting is essentially a meeting between the student and the College and any questions put directly to a student should be answered by them unless they request their companion replies on their behalf.

- 8.9 If a student fails to notify the College they are not going to attend a disciplinary panel, it will take place in their absence. If a student notifies the College they are unable to attend a disciplinary panel for reasons beyond their control, the hearing will be adjourned to another day. The College will confirm the rescheduled panel arrangements in writing. Unless there are special circumstances mitigating against it, if a student is unable to attend the rearranged panel, the rearranged hearing will take place in their absence.

9. Disciplinary Panel Outcomes

- 9.1 The Disciplinary Panel will consider all of the evidence presented at the meeting and may reach any of the following conclusions:
- No case to answer
 - The issuing of a warning at a level judged to be appropriate by the panel combined with a behaviour action plan
 - Fixed Term or Permanent exclusion
- 9.2 The Disciplinary Panel will determine the exclusion period, if appropriate, that will apply taking into account the offences which have been committed. As a minimum the exclusion period will be for the remainder of the academic year but this may be extended for a further academic year or longer (maximum three academic years). In exceptional circumstances an outcome may be the permanent exclusion of the student.
- 9.3 If the Panel decides an exclusion is the appropriate sanction, the student will be informed of their right of appeal in accordance with section 10. If an appeal is submitted, the notice of exclusion will not take effect until the appeal has been heard and concluded. The student will remain suspended until this time. Should a sanction of exclusion be determined for a student who had not previously been suspended, the student will be formally suspended pending the outcome of the appeal.
- 9.4 The Chair of the Disciplinary Panel will write to the student within 5 working term-time days of the Panel to confirm the decision reached and inform the student of their right of appeal, if appropriate.
- 9.5 The decision will be logged with the Learner Information & Funding Services/Admin Team Leaders, who will amend the Individual Learner Record (ILR) and the Learner Disciplinary Database.

10. Appeals

10.1 A student who wishes to appeal against an exclusion must write to the Deputy Chief Executive's (People, Experiences and Culture) office within 5 working term-time days of receipt of the disciplinary panel outcome letter setting out the grounds for appeal. An appeal may be made only on one or more of the following grounds:

10.1.1) there is additional evidence available that could not have been made available at the time of the original disciplinary panel;

10.1.2) there are grounds for mitigation of the sanction imposed that were not known at the time of the original panel;

10.1.3) proper procedures were not followed;

10.1.4) the penalty is considered to be unreasonable in relation to the offence.

10.2 If it is considered that there are sufficient grounds, the appeal will be heard by the Deputy Chief Executive (Principal), or in their absence or due

to previous involvement, a fellow senior post holder, and the appeal panel will also consist of two College Managers not involved in the original panel. If it is deemed that the grounds of appeal are not sufficient to be considered at an appeal hearing, the student will be advised of such decision and the reasons in writing.

10.3 The Appeal Hearing will take place as soon as possible but normally no later than 10 working term-time days after the notice to appeal has been received by the College. The student will normally be given at least 5 working term-time days' notice of the date, time and location of the Appeal Hearing (unless an earlier date has been mutually agreed).

10.4 At the Appeal Hearing the student will be given an opportunity to state their case and will be entitled to be accompanied by their parent/carers, their employer or a friend, but not by any legal representative. The Chair of the original Disciplinary Panel will also attend to present the findings and conclusions reached at the original Disciplinary Panel.

10.5 The decision of the Appeal Panel will be notified to the student normally within 5 working term-time days of the Appeal Hearing. The decision will be final and binding.

11. **Monitoring**

11.1 The Deputy Chief Executive (People, Experiences and Culture) will be responsible for the production of termly monitoring reports on disciplinaries to the Senior Management Team and the Governing Body (or relevant sub-committee). Monitoring reports will not name individual learners.

12 Application following exclusion

- 12.1 Once the period of a fixed term exclusion has been served, if a student wishes to reapply to study at the College they must be interviewed by the appropriate Assistant Principal for the curriculum area prior to their application being accepted, and the student agreeing to comply with the Student Re-engagement Policy. All letters from the Disciplinary Panel that issues the sanction of a fixed term exclusion will make this process clear and the Chair of the Disciplinary panel is responsible for ensuring an appropriate record has been placed on the student's EBS OnTrack records.
- 12.2 If the student has chosen to leave the college following a final written warning or contract, enrolment on any future courses will require the approval of the relevant Assistant Principal Director and the student agreeing to comply with the Student Re-engagement Policy.

END

**Appendix One - College Policies and Procedures Relevant to
Student Disciplinary Policy**



- Student Code of Conduct
- Learner Attendance & Punctuality Policy
- Substance Misuse Policy
- Fitness to Study
- Complaints, Concerns and Compliments Policy Policy
- Assessment, Verification and Moderation Procedures
- Equal Opportunities Policy
- Guidelines for dealing with alleged candidate malpractice arising during official examination tests and assignments
- Plagiarism guidelines
- Partner Universities Academic Regulations (applicable to Cambria University Centre students)

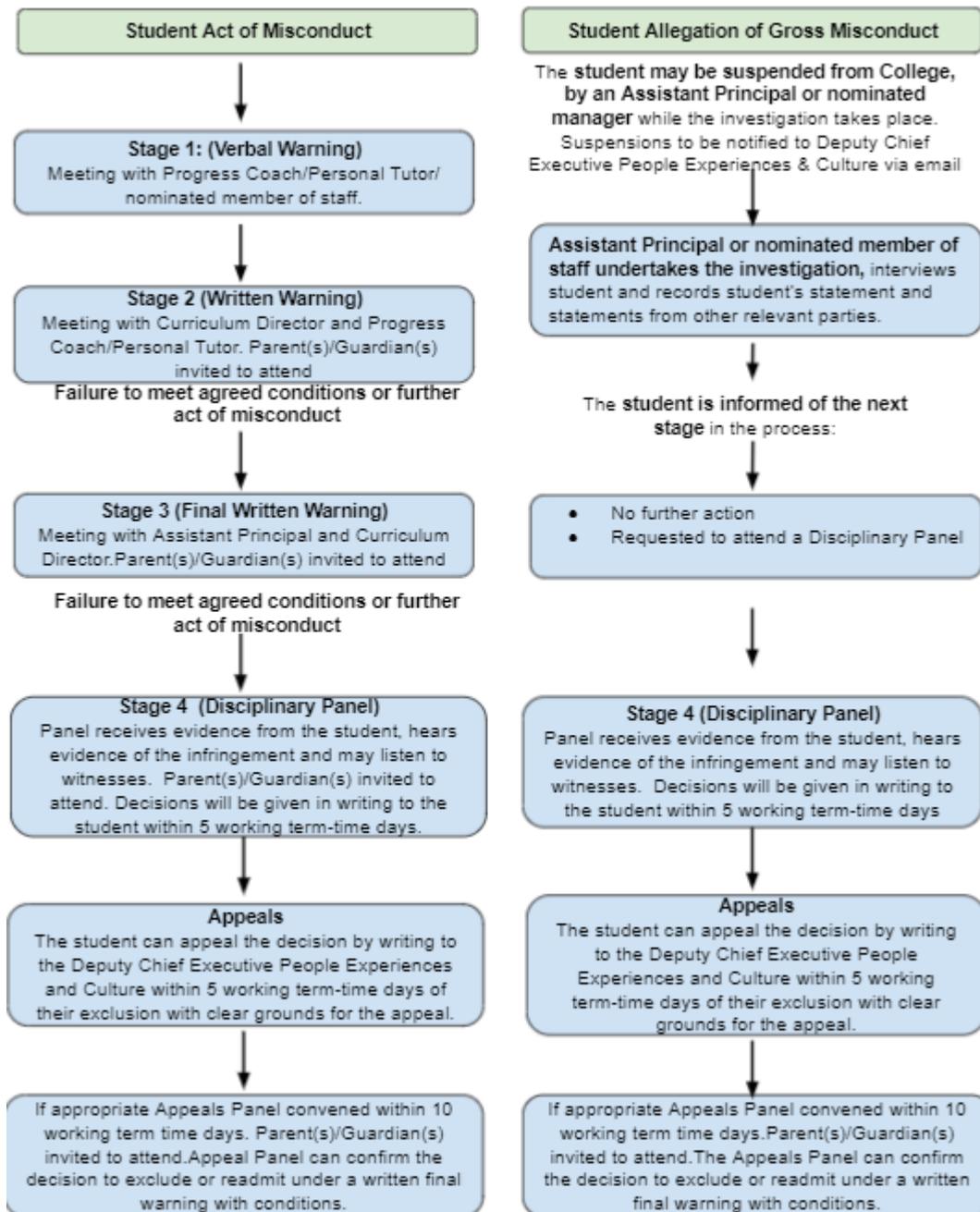
Appendix Two - Serious/Gross Misconduct

The behaviours listed below are examples of conduct which will be considered grounds for initiating formal disciplinary action under the Student Disciplinary Procedure and may amount to gross misconduct. This list is not exhaustive.

- Refusal to follow social distancing and other COVID-19 associated health and safety measures including wearing a face covering in designated areas
- Verbal abuse towards staff other students or any College contactor or visitor
- Indecent behaviour
- Damage to property
- Use of illegal drugs
- Misuse of other substances
- Theft
- Actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Carrying and /or supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Any action, on-site or off-site, that is in contravention of the Student Code of Conduct and has or could damage the College's reputation.
- Unacceptable behaviour which has previously been reported and for which College sanctions and other interventions have not been successful in modifying the student's behaviour
- Bullying, cyber-bullying, including the misuse of electronic networking sites such as SnapChat, Whatsapp and Facebook, the distribution of inappropriate images,
- Intimidation, harassment, victimisation or discrimination against another student, member of staff or visitor on any grounds including age, disability, ethnic origin, gender, sexual orientation, religion or belief.
- Setting off the College fire alarm without due cause

Appendix Three - Student Disciplinary Procedure Flow Chart

A student may be excluded from the College if their behaviour is not satisfactory and after the allegations have been properly considered, according to the Student Disciplinary Procedures.



This procedure relates to all students on all campuses. The College will take into account any mitigating circumstances relating to disability and/or health conditions.

Appendix Four - Checklist for Handling Disciplinary Meetings

A disciplinary meeting is held when a student may be issued with a written warning. For a first written warning, this will be in the presence of the Curriculum Director and the Progress Coach/Personal Tutor. For a final written warning this will be held in the presence of the Assistant Principal and the Progress Coach/Personal Tutor.

The following checklist should be used in each case:

1. Check the facts – have all relevant details to hand.
2. Check previous warnings. Are they for similar offences or breaches? Are they current? (How long?).
3. Retain impartiality and be aware of a requirement for a common standard.
4. Ask the student if they want a friend, parent or carer to be present. If an offer is declined, suggest a member of the Student Services team/Inclusion Team or Progress Coach be present.
5. Allow the student to state their case. Adjourn, if necessary to clarify facts/seek advice and to make decisions.
6. Issue warning in writing (if appropriate), using the standard letter held by administrative teams, for first and final written warning, detailing within the actions to be adhered to.
7. If a Final Written Warning/action plan is issued, the student must be aware that if they fail to adhere to the action plan or breach the Student Code of Conduct again they will be referred to a Disciplinary Panel, the outcome of which may be their exclusion from College.