

Student Disciplinary Procedure

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1. Purpose

- 1.1 The purpose of this procedure is to establish a fair and consistent approach to dealing with serious misconduct by students. It also makes clear the system of responsibilities and actions to be taken when difficulties occur. Appendix A provides exemplars of the types of behaviour which would amount to serious misconduct and warrant consideration under this procedure.
- 1.2 The Behaviour Policy and Student Code of Conduct set out the standards and expectations of behaviour for all students. Concerns about a student's performance in respect of attendance, punctuality and readiness to learn will be dealt with through the College's Performance Policy.

2. Scope

- 2.1 This procedure applies to all students enrolled at Hugh Baird College, including workplace learning students and higher education students, with the exception of the College's full time 14 to 16-year-old learners who are subject to a separate procedure. If it is felt necessary to invoke the disciplinary process for a school-link student the matter will, in the first instance, be discussed with relevant College managers. Subsequent discussion, which may involve parties from the relevant parent school, will agree the appropriate course of action to be followed, which may or may not include the use of this procedure.
- 2.2 This procedure will be used for alleged serious acts of misconduct on College premises or whilst on an organised College activity off the premises such as trips and visits. This procedure may also be used for alleged acts of serious misconduct off College premises if they are connected to the College and it is deemed appropriate to do so by the College, such as work placement.

3. Principles

- 3.1 All stages of the Student Disciplinary Procedure will have regard to the principles of fairness and objectivity.
- 3.2 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.
- 3.3 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 (such as those within Higher Education, South Sefton Campus and Business Engagement).

- 3.4 Where student behaviour indicates safeguarding and/or protection concerns, the matter will be referred to the College's Safeguarding Lead 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.
- 3.5 The College does not allow formal legal representatives to accompany students to any meeting held under this procedure

4. Formal Investigation

- 4.1 No disciplinary action will be taken against a student until the matter has been fully investigated. The Director of Human Resources & Organisational Development will designate an appropriate College manager to conduct the investigation. The investigator will be a manager who is not closely connected with the disciplinary matter to be investigated and will normally be from a different area of study.
- 4.2 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.
- 4.3 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 5, pending completion of the investigation.
- 4.4 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 as appropriate. If a criminal prosecution may result from the incident, it may be necessary to defer the disciplinary investigation until the outcome of any criminal proceedings is known. The student will remain suspended from the College during this time. Upon completion of the criminal proceedings the College will re-open the disciplinary investigation.
- 4.5 If, the investigating manager determines following the investigation that a Disciplinary Hearing is not warranted, s/he will liaise with the Director of Human Resources & Organisational Development to determine what action, if any is required.

5. Suspension

- 5.1 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 Vice Principal (People, Organisational Development & Culture) or another member of the Principalship may suspend a student whilst an investigation is conducted. The period of suspension will be kept to a minimum, and will normally be no longer than 28 continuous College working days (unless awaiting notification of the outcome of criminal proceedings). For clarity, standard holiday periods do not count as working days in this context.

- 5.2 Written notification of the reason for suspension together with details of the disciplinary process will be sent to the student. A copy will be sent under separate cover to parents/carers for students under the age of 18.
- 5.3 The student's Progress Coach will arrange for work to be sent home and/or made available through electronic means on a regular basis throughout the time the student is suspended.
- 5.4 The student has the right to be accompanied by his/her parent(s)/guardian(s), or a friend at any subsequent meetings including any disciplinary hearing.
- 5.5 If after investigation, it is concluded by the Investigating Officer that the student's conduct should be considered at a formal Disciplinary Hearing as a matter of gross misconduct the suspension will remain in place until the outcome of the Hearing is known.

6. Disciplinary Hearing

- 6.1 The primary purpose of the Disciplinary Hearing is to consider all of the evidence available and determine the actions required to address a serious disciplinary issue, which may include the permanent exclusion of the student.
- 6.2 The Disciplinary Hearing will be chaired by the Vice Principal (People, Organisational Development & Culture) or another member of the Principalship and the disciplinary panel will include two other College managers 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 Hearing.
- 6.3 At least 5 days prior to the hearing, the documents to be relied upon at the hearing will be sent to the student together with the details of the allegation to be considered and an explanation that the Hearing could result in their permanent exclusion from the College. With the expressed agreement of the student, and their parent/guardian for a student under the age of 18, a hearing may take place with less than 5 days' notice.
- 6.4 The student has the right to be accompanied by his/her parent(s)/guardian(s), or a friend at the hearing. If the student fails, without good reason in the opinion of the disciplinary panel, to attend the Disciplinary Hearing, the Hearing will take place, and a decision will be made in his or her absence. In the case of certificated illness, the Hearing will be rescheduled.

7. Disciplinary Hearing Outcomes

- 7.1 The Disciplinary Panel will consider all of the evidence presented at the Hearing 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.
 - Permanent exclusion

- 7.2 If the Panel decide permanent exclusion is the appropriate sanction, the student will be informed of their right of appeal in accordance with section 8. 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.
- 7.3 The Disciplinary Panel will determine the exclusion period which 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 in exceptional circumstances.
- 7.4 All matters relating to an investigation under the Student Disciplinary procedure, including the discussions that took place in a Disciplinary Hearing, the final outcome from a Disciplinary Hearing and the contents of any letters that may have been sent in relation to the Student Disciplinary process, are strictly confidential. Not maintaining such confidentiality may be considered by the College to be an act of gross misconduct.
- 7.5 The Chair of the Disciplinary Panel will write to the student within 5 working days of the Disciplinary Hearing to confirm the decision reached and inform the student of their right of appeal.

8 Appeals

- 8.1 A student who wishes to appeal must write to the Director of Human Resources & Organisational Development within 10 working days of receipt of the disciplinary hearing outcome letter setting out the grounds for appeal. An appeal may be made only on one or more of the following grounds:
- i) that there is additional evidence available that could not have been made available at the time of the original Hearing;
 - ii) there are grounds for mitigation of the sanction imposed that were not known at the time of the original Hearing;
 - iii) proper procedures were not followed;
 - iv) the penalty is considered to be unreasonable in relation to the offence.
- 8.2 If, in the view of the Director of Human Resources & Organisational Development, an Appeal Hearing is not justified on any of the grounds stated in paragraph 8.1, then a letter will be sent to the student explaining that this is the case, and the reasons why, concluding that the original decision of the Disciplinary Panel stands.
- 8.3 The Appeal Hearing will be chaired by the Vice Principal Curriculum & Quality and the Disciplinary panel will also consist of two members of College management not involved in the original panel.

- 8.4 The Appeal Hearing will take place as soon as possible but normally no later than 21 consecutive days after the notice to appeal has been received by the Principal. The student will normally be given at least 5 consecutive days' notice of the date, time and location of the Appeal Hearing (unless an earlier date has been mutually agreed).
- 8.5 At the Appeal Hearing the student will be given an opportunity to state his or her case and will be entitled to be accompanied by parent(s)/guardian(s), his/her employer or a friend who is willing and able to attend the Appeal Hearing. This does not include legal representation. The Chair of the original Disciplinary Panel will also attend to present the findings and conclusions reached at the original Disciplinary Hearing.
- 8.6 The decision of the Appeal Panel will be notified to the student normally within 7 consecutive days of the Appeal Hearing. The decision will be final and binding.

9 Disability Equality

- 9.1 For students with a cognitive impairment, an appropriate person will be provided to guide students through the disciplinary process and to ensure that all aspects of the policy are understood.

10 Application following exclusion

- 10.1 Once the period of exclusion has been served, if a student wishes to reapply to study at Hugh Baird College they must be interviewed by an appropriate manager prior to their application being accepted. All letters from the Disciplinary Panel that recommended exclusion will make this process clear and the Chair of the Disciplinary panel is responsible for ensuring an appropriate record has been placed on Promonitor.

11 Monitoring and Review

- 11.1 This procedure will be monitored and reviewed annually by the Director of Human Resources and Organistical Development.

12 Equality Impact Assessment

- 12.1 The College is committed to the promotion of equality, diversity and providing a supportive environment for all members of our community. Our commitment means that this Procedure has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) against any of the protected characteristics of age, disability, gender (including gender identity), race, religion or sexual orientation and meets our obligations under the Equality Act 2010.

Appendix A ; Serious/Gross Misconduct

The behaviours listed below are exemplars of conduct which will be considered grounds for initiating formal disciplinary action under the Student Disciplinary Procedure and may amount to gross misconduct.

- 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
- serious actual or threatened violence against another student or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson
- any action, on-site or off-site, that is in contravention of the Student Behaviour Policy 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 B - Student Disciplinary Procedure – Flowchart

This diagram illustrates the main points of the Student Disciplinary Procedure and is for guidance only.
For full details please refer to the College's Student Disciplinary Procedure.

This procedure deals with matters of serious misconduct by students.

Appendix A provides exemplars of the type of behaviour which would warrant consideration under this procedure.

If a student is alleged to have committed an act of gross misconduct, then it may be decided that the student be suspended immediately whilst a disciplinary investigation takes place.



Suspension

If there is an allegation of gross misconduct and/or there is a concern that staff or other students may be placed at risk the student may be suspended whilst a formal investigation is held.

Written notification of the suspension will be sent to the student and their parent/guardian If a student is 16 or 17.

Work will be sent home or made available through electronic means during the period of suspension
The period of suspension will be kept to a minimum and normally no longer than 28 College working days.



Disciplinary Investigation

An appropriate College Manager will be appointed as Investigating Officer.

The student will be notified of the name of the Investigating Officer and provided with the details of the allegation to be investigated. If a student is 16 or 17 then their parent/guardian will be notified. Where relevant, the student's sponsor will also be notified.

The investigating manager will interview all relevant parties and will arrange a meeting at College with the student to collect their evidence. The student has the right to be accompanied by a parent/carer or friend at any formal meetings held under the Disciplinary Procedure.

If it is decided that the matter should proceed no further, the suspension will be lifted. If it is decided that a disciplinary hearing should be held then a letter will be sent to the student informing them of the date that this will take place.



Disciplinary Hearing

The Disciplinary Panel will be chaired by a member of the College's Principalship and will include two other College managers

All documentation to be referred to at the hearing will be issued at least 5 days in advance.

The Disciplinary hearing may reach any of the following conclusions:

- No case to answer student returns to College
- The issuing of a warning appropriate to their individual case combined with a Behaviour Action Plan,
- Permanent exclusion for up to a year, or longer in extreme cases.

A student may appeal the outcome of a Disciplinary Hearing



Appeal

A student who wishes to appeal must submit an application in writing within 10 working days setting out the grounds for appeal.

The appeal hearing will be chaired by the Vice Principal Curriculum & Quality and the panel will consist of two College Managers involved in the original

The decision of the Appeal panel is final and binding

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