

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

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Equality Assessment By Whom Director of Pastoral and Academic Progress **Date** 09/2018

Version 7 **Date of next review (month & year)** 07/2021

	Date	
Approved by	SMT	27.09.2018
	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
 Stop & Search Policy & Procedures
 Drugs, Alcohol and Substance Mis-use 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 or breaches the Code of Conduct.

See the full Code of Conduct for more information.

Terms

SMT
ELT
APVS

Senior Management Team
Executive Leadership Team
Assistant Principal of Vocational Studies

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.

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

See Appendix 1 for examples of misconduct.

Verbal Warning

A verbal warning can be issued by any member of staff to address first time or minor incidents of classroom management issues or repeated 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 Programme Leader/Co-ordinator (Course teacher for 19+ or HE student) and the student within 7 working days of the incident. The hearing will be recorded on a Promonitor Disciplinary Meeting. 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 meeting notes 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.

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 Director of Curriculum will discuss with an independent member of SMT 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 by the Director of Curriculum 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 ProMonitor Disciplinary Meeting. The hearing will have 1 of 3 outcomes: Stage 2 confirmed, lower level confirmed, no disciplinary action taken.

Where the disciplinary is confirmed the meeting notes 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.

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 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 Promonitor disciplinary meeting. The hearing will have 1 of 3 outcomes: Stage 3 confirmed resulting in a final warning, fixed term exclusion or permanent exculsion, lower level confirmed, no disciplinary action taken.

Where the disciplinary is confirmed the meeting 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.

A meeting to review progress against the action plan should be conducted by the relevant Director of Curriculum 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 Assistant Principal: Vocational Studies or Director of Pastoral and Academic Progress.

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 Stage 2 or 3 hearings 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 Director of Pastoral and Academic Progress for Stages 1, 2 or 3 hearings which may involve support to make a written statement of their version of events that can be 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 1, 2 and Stage 3 hearings if the student is on release from employment or financially supported by employer. This will be determined by the Director of Employer Enterprise and Commercial Services.

Notification Outcomes

Stage 1 and 2

A copy of the signed meeting notes will be issued to the student and to parents/carers 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 Director of Curriculum will determine who shall attend the hearing to present evidence, whether that's the complainant or Programme Leader.

- Stage 1: Programme Leader/Co-ordinator to chair, Student, Parent/Carer (if appropriate), Advocate, Complainant or their representative.
- Stage 2: Director of Curriculum to chair, Student, Parent/Carer (if appropriate), Advocate, Complainant to be programme leader
- Stage 3: Vice Principal Curriculum and Quality to chair, Student, Parent/Carer (if appropriate), Advocate, Complainant to be Director of Curriculum

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. Any member of the Senior Management Team has the authority to suspend a student.

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 for either the student or the rest of the community
- pending a criminal investigation.

The student will be asked to collect any belongings and leave the premises immediately under supervision of the person suspending. Parents/Employers will be notified at the time of suspension.

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.

Stage 1:

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

Stage 2:

Appeals should be submitted in writing to the Assistant Principal: Vocational Studies or Director of Pastoral and Academic Progress within 5 working days of the meeting. Appeals will be heard by the Assistant Principal: Vocational Studies or Director of Pastoral and Academic Progress 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
- absences to 3 consecutive English or Maths lessons
- 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
- missed deadlines, without adequate reasons
- 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
- bringing drug paraphernalia onto College premises

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 drugs or alcohol

- 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 Director of Curriculum to action appropriately.

STAGE	PROCESS	SANCTIONS	MISCONDUCT LEVEL	APPEAL
Verbal Warning	Staff member 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	Programme Leader/Coordinator will conduct the hearing with the student within 7 working days. Record kept of hearing on Promonitor. (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 • initial instance of bullying • unjustified absenteeism or lateness to any element of the study programme • 3 absences to English or Maths classes • 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 	In writing to DoC within 5 working days. Appeal will be heard within 10 working days.
Stage 2	Investigation by PL/C who will report to the DoC . Written statements will be taken. Formal hearing with the Doc within 10 working days. Students may be suspended if appropriate until hearing. Record kept of hearing on Promonitor.	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 • being in possession of drug paraphernalia 	In writing to the AP: VS or DP&AP within 5 working days. Appeal will be heard within 10 working days.
Stage 3	Investigation by DoC who will report to the VP: C&Q. Written statements will be taken. Personal Tutors will collate evidence. Formal hearing with the VP C&Q within 10 working days. Students may be suspended if appropriate until hearing. Record kept of hearing on Promonitor.	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 	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 Maxim team should be alerted at an early stage and invited to take a lead with regards to hearings and sanctions . 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.