

STUDENT DISCIPLINARY AND APPEAL PROCEDURES

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This policy is available in alternative formats on request from HR with an electronic copy on the College website.

STUDENT DISCIPLINARY AND APPEAL PROCEDURES

1. Introduction

The following disciplinary procedures apply to all Long Road Students. The procedures apply to both academic conduct and behavioural concerns. The college's expectations of all students are set out in the Student Code of Conduct. The disciplinary procedures will be used in response to breaches of these rules. Each case will be considered individually, and responses may vary according to particular circumstances.

The purpose of these procedures is:

- to enforce the Student Code of Conduct in a fair and considered manner,
- to identify students who are at risk of not succeeding in their programmes of study for reasons of poor attendance, academic conduct, and/or behaviour and to provide the support and encouragement to succeed,
- to promote Long Road values and help students learn to take responsibility for their actions,
- to provide a safe college community for everyone.

2. Definitions:

2.1 Misconduct

A breach of discipline is, for the purpose of these procedures, called an "act of misconduct", and this will include, but not be limited to, failure to observe college rules and regulations. The essence of misconduct is improper conduct or improper interference, in the broadest sense, with the proper functioning or activities of the college or those who work or study in the college. It also includes conduct that damages the reputation of Long Road Sixth Form College both during and after college hours and on and off site and online.

The following are some examples of misconduct which will result in disciplinary action:

- Any breach of the Student Code of Conduct and 'Learning Agreement' (such as: poor attendance or punctuality, failure to meet submission deadlines or complete homework, disruptive behaviour in lessons and around college)
- Any breach of health and safety or other regulations of the college, as outlined at Induction and in the Student Code of Conduct;
- Any failure to follow the reasonable instructions of a member of staff;
- Any unruly behaviour or the use of foul or abusive language;

- Cheating, plagiarism, or copying of the work of other students;

It should be noted that any particularly serious cases of misconduct may be treated by the college as gross misconduct and may enter the disciplinary process at the Level Three - Final Warning stage.

2.2 Gross Misconduct

The following are examples of gross misconduct which will result in disciplinary action:

- Bullying, which may include intimidation, taunting, and physical or verbal abuse towards any person or groups (including online);
- Peer-on-peer abuse, both inside and outside of the college (including online);
- Sexual violence or sexual harassment either inside or outside of the college;
- Racist, sexist, homophobic or other prejudiced or discriminatory language, behaviours or harassment;
- Physical assault or the threat of violence towards any person or groups (including online);
- Premeditated or unprovoked dangerous behaviour with the intent of causing harm;
- Causing damage to any college buildings, equipment, books or furnishings or any property of others;
 - Unauthorised interference with software or data belonging to or used by the college (see also IT Acceptable Use Policy);
 - Theft of property or any other dishonest acts;
 - Being under the influence of alcohol on college premises or when taking part in any college activity;
 - Possession of controlled (illegal) drugs (including so-called 'legal highs' or CBD products) on college grounds and during any college offsite activities
 - Substance misuse e.g. solvents, alcohol, and non-medical use of prescribed drugs or the use of controlled drugs (including so-called 'legal highs' or CBD products). This applies to substance misuse within, or having an effect within, the grounds and premises of the college. It includes all settings where college activity is taking place (including travel on college transport, off-site visits and residential activities);
 - Smoking or vaping anywhere on college grounds;
 - An illegal or criminal act, which may have an adverse effect on the work of the college or on other students or which could bring the college into disrepute;

It is emphasised that this is an indicative, not an exhaustive list, of the behaviours that the college may treat as gross misconduct. See Glossary at Appendix A.

3. The Student Disciplinary Procedure

At each stage of the student disciplinary procedure the staff involved will ensure the student is given the opportunity to explain any extenuating circumstances and will offer support to help improvement.

It is expected with any initial concerns about attendance, punctuality or work performance, that Progress Coaches or Subject Teachers would hold an informal discussion with the student before applying the formal disciplinary procedures below. The college would expect most problems to be resolved in this way.

Informal Stage - Contracts

Teaching staff may agree a Contract with a student in order to get them back on track. The Contract will be time limited and specific (for example 'attend workshops for the next 4 weeks'). These contracts do not form part of the formal disciplinary procedures, but may be used as evidence when considering whether or not a student is meeting expectations

4. Formal Disciplinary Processes

4.1 Level One – First Warning

Level One - First Warning can be initiated by any member of staff.

Level One - First Warning will be issued:

- In response to incidents of misconduct (both academic or behavioural)
- When expected improvements following an informal process have not occurred (e.g. continuing poor attendance or punctuality, failure to meet submission deadlines, repeatedly failing to complete homework or a pattern of inappropriate behaviour in lessons).

The member of staff will have a discussion with the student and explain why the warning is being issued.

Level One – First Warning will set out the college's expectations and the consequences should they not be met. ProMonitor will be used to record the issue(s) leading to the warning, the interventions already tried, and the improvements required. Appropriate support will be offered, clear improvement targets will be set, along with a timescale for a review of progress. Progress will be monitored by the colleague issuing the warning. The warning will be shared with the student's Progress Coach.

Parents/carers will be informed using the standard email generated through ProMonitor, where the record is held.

If improvements occur, the **Level One - First Warning** will expire within a specified time period, usually one term. If improvement does not occur, and conditions are not met the **Level One – First Warning** may be extended, or may be escalated to **Level Two Warning** (see below).

4.2 Level Two – Warning

In matters of misconduct (academic or behavioural), the student will be referred to the Directors of Student Care, Guidance and Progression and/or Heads of Department who will consider:

- the circumstances of the misconduct (academic and/or behavioural);
- the way the offence has been dealt with by the college in previous cases;
- any mitigating circumstances the student may wish to put forward;
- previous incidents or disciplinary action involving the student.

Level Two Warning will be issued:

- when the student has not met the requirements set at the **Level One - First Warning** stage of the disciplinary process and not sufficiently improved their academic conduct or behaviour;
- for incidents of misconduct;
- for some incidents of gross misconduct.

With any incident of behavioural misconduct an investigation will take place to establish the facts (see Appendix B for investigation guidelines).

Following an investigation, a disciplinary meeting will be held (see Appendix D for the procedures relating to disciplinary meeting).

Sanctions

Following a disciplinary meeting the Directors of Student Care, Guidance and Progression or Heads of Department may:

- take no further action;
- issue a Level 2 Warning;
- issue a College Community Service Notice;
- apply other relevant sanctions as appropriate.

The student will be issued with a **Level Two Contract** which will set out the college's expectations and the consequences should they not be met. ProMonitor will be used to record the issue(s) leading to the warning, the interventions already tried, and the improvements required. Appropriate support will be offered, clear improvement targets will be set, along with a timescale for a review of progress. All relevant college staff will be informed.

The Directors of Student Care, Guidance and Progression/Heads of Department will arrange a meeting with the student and their parents/carers to make sure the **Level Two Contract** is understood, and that any further support requirements are identified. The Directors of Student Care, Guidance and Progression/Heads of Department will ensure that parents/carers have received the ProPortal contract. In the event of parents/carers being unavailable or not responding to invitations to attend, a meeting will be arranged with the student and the outcomes communicated to the parents/carers.

Progress will be monitored by the relevant Directors of Student Care, Guidance and Progression/Heads of Department. If the required improvements occur, the **Level Two Warning** will expire within a specified time period, usually one term.

4.3 Level Three – Final Warning

At this stage of the disciplinary process the student will now be in a very serious position. They, and their parents/carers will be made aware that exclusion is possible.

Level Three – Final Warning may be issued by a Director of Student Care, Guidance and Progression, the Assistant Principal(s) or the Vice Principal.

The Director of Student Care, Guidance and Progression, the Assistant Principal(s) or the Vice Principal will consider:

- the circumstances of the misconduct (academic/behavioural) or gross misconduct;
- the way the offence has been dealt with by the college in previous cases;
- any mitigating circumstances the student may wish to put forward;
- previous incidents or disciplinary action involving the student

Level Three – Final Warning will be issued:

- when the student has failed to meet the requirements set at the Second Warning stage of the disciplinary process and not sufficiently improved their academic conduct or behaviour;
- for incidents of serious misconduct;
- for some incidents of gross misconduct.

Following any incident of misconduct or gross misconduct an investigation will take place to establish the facts (see Appendix B for investigation guidelines).

As soon as is possible, and no later than **5 working days** following an investigation, a disciplinary meeting will be scheduled (see Appendix D for the procedures relating to disciplinary hearings).

Sanctions

The Director of Student Care, Guidance and Progression, Assistant Principal or Vice Principal may:

- take no further action;
- issue a final warning;
- issue a College Community Service Notice;
- exclude the student for a fixed and defined period of time;
- apply other relevant sanctions as appropriate;
- decide to permanently exclude the student (see 4.4).

The Level Three Warning Contract will set out the college's expectations and the consequences should they not be met. At this stage, both the student and their parents/carers will be made aware (and this will be noted) that failure to make improvements will put the student's college place in jeopardy.

ProMonitor will be used to record the Final Warning. Appropriate support will be offered, clear improvement targets will be set, along with a timescale for a review of progress. All relevant college staff will be informed. Where necessary, any specific students affected by the disciplinary incident will be offered appropriate support.

The Directors of Student Care, Guidance and Progression, Assistant Principal or Vice Principal will arrange a meeting with the student and their parents/carers to make sure that the **Level Three - Final Warning** is understood, and that any further support requirements are identified. The Directors of Student Care, Guidance and Progression will ensure that parents/carers have full access to ProPortal. The student and their parents/carers will be required to sign the final warning contract and will be provided with a hard copy. In the event of parents/carers being unavailable or not responding to invitations to attend a Final Warning meeting, a meeting will take place as scheduled and the outcomes communicated to the parents/carers along with a copy of the final warning contract to sign. The student will be encouraged to bring a relative or other responsible adult with them to the meeting.

Progress will be monitored by the relevant Directors of Student Care, Guidance and Progression. Should the student not adhere to the requirements of the **Level Three - Final Warning** contract, the student may be permanently excluded.

4.4 Permanent Exclusion

For suspected incidents of **gross misconduct, where permanent exclusion is a possible outcome**, the incident will be referred directly to the Assistant Principal or Vice Principal who will consider:

- the circumstances of the gross misconduct;
- the impact of the offence on the college, upon students, staff and others;
- the way the offence has been dealt with by the college in previous cases;
- any mitigating circumstances the student may wish to put forward
- the student's college record.

The disciplinary procedures for incidents of gross misconduct will follow those for a **Level Three - Final Warning** as outlined above. See Appendix E for exclusion hearing guidelines.

5. Right of Appeal

A student will have the right of appeal against a permanent exclusion. Should a student believe their case has not been fairly handled at any earlier stage, the College's Complaints Procedure should be used.

When a student is permanently excluded, they will be informed of their right of appeal in writing (see Appendix F for appeals against exclusion procedures).

The college reserves the right to determine whether or not an appeal falls within its

appeals framework and should be allowed to proceed.

To appeal against exclusion, a concise written statement outlining the reasons for the appeal should be sent to the Principal within seven working days of receipt of the exclusion letter.

The appeal letter must specify the grounds of appeal which may only be one or more of the following:

- That there was a serious breach of the college's procedures that may have adversely affected the outcome
- That new evidence has come to light that was not available at the original disciplinary hearing and could be expected to materially influence the original outcome. Where this occurs, the evidence must be provided to the college together with an explanation as to why it was not provided earlier;
- That sanction was too severe in the circumstances.

The appeal hearing will take place within ten working days of receiving notice of the appeal (see Appendix G for appeal hearing process guidelines).

6. Use of a Probationary Period

A probationary period may be used where concerns are raised prior to enrolment, at the end of the first year of study or at the start of the second year of study, when there are concerns about progression.

Reasons for a probationary period may include:

- Poor attendance during the previous year.
- **Previous patterns of poor behaviour or attitude to learning, for example persistent lateness or failure to undertake independent study.**

The process will be as follows:

- The student will have the concerns explained and be given the opportunity to discuss these during the enrolment process.
- The use of a Probationary Period will be decided by Directors of Student Care, Guidance and Progression, Assistant Principal or Vice Principal.
- The expectations and timescale of the probationary period will be recorded and communicated to the student and parents/carers.
- During the Probationary Period the student will be monitored by their Director of Student Care, Guidance and Progression to ensure that the expectations are being met. Should this not be the case, the Director will contact the student to arrange a Disciplinary Hearing (see Appendix D for student disciplinary hearing guidelines).

Sanctions

The Director of Student Care, Guidance and Progression, Assistant Principal or Vice Principal may:

- take no further action;
- issue a final warning;
- issue a College Community Service Notice
- apply other relevant sanctions as appropriate

The Assistant Principal or Vice Principal may decide to permanently exclude the student. Where exclusion is a possible outcome, an **Exclusion Hearing** will be held (see Appendix E).

APPENDICES

Appendix A – Gross Misconduct – Glossary

<p>Bullying</p>	<p>Bullying is defined as deliberate and persistent behaviour intended to belittle someone, and that leaves the person feeling hurt, upset, vulnerable and helpless.</p> <p>Examples include but are not limited to:</p> <ul style="list-style-type: none"> • Intimidation or threats • Malicious or insulting behaviour • Name-calling, teasing or malicious comments (including online) • Excluding or ignoring someone • Embarrassing or insensitive comments • Abusive communications, including online or by electronic message (cyber-bullying)
<p>Harassment</p>	<p>Uninvited and unwanted actions that cause offence and or embarrassment, fear, stress or tension. It can be an isolated act (such as a comment or wilful gesture), or it can take the form of repeated behaviour against a person. Harassment occurs when someone behaves in such a way that their conduct has the purpose or effect of creating an environment that is offensive, hostile, degrading, humiliating or intimidating for a person. Harassment is unlawful under the Equality Act 2010.</p>
<p>Peer on Peer abuse</p>	<p>Examples but is not limited to:</p> <ul style="list-style-type: none"> • bullying (including cyberbullying, prejudice-based and discriminatory bullying); • abuse within intimate partner relationships; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; • sexual violence and sexual harassment; consensual and non-consensual sharing of nudes and semi-nude images and/or videos; • causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party; • upskirting (part of the Voyeurism (Offences) Act, April 2019) • initiation/ hazing type violence and rituals. <p>Source: KCSIE 2022</p>
<p>Sexual harassment</p>	<p>Sexual harassment is unwanted behaviour of a sexual nature that has either:</p> <ul style="list-style-type: none"> • violated someone's dignity, whether it was intended or not • created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not <p>Examples include but are not limited to:</p> <ul style="list-style-type: none"> • flirting, gesturing or making sexual remarks about someone's body, clothing or appearance • asking questions about someone's sex life • telling sexually offensive jokes or 'banter' • making sexual comments or jokes about someone's sexual orientation or gender reassignment • displaying or sharing pornographic or sexual images, or other sexual content • consensual or non-consensual sharing of 'nudes' or sexual imagery • touching someone against without consent, hugging them or brushing up against them for example • sexual assault or rape

	Source: ACAS
Sexual violence	<p>Under the Sexual Offences Act 2003, sexual offences are:</p> <ul style="list-style-type: none">• Rape• Assault by penetration• Sexual assault• Causing someone to engage in sexual activity without consent <p>Source: Sexual Offences Act 2003</p>

Appendix B - Investigation guidelines for incidents of misconduct or gross misconduct

As soon as possible following an incident, the Duty Manager (or Leadership colleague dealing with the incident) will:

- a) interview the student and require a signed written statement of the event;
- b) identify and interview any other relevant witnesses and obtain written witness statements from them also;
- c) seek additional documentary evidence where appropriate (e.g. CCTV, emails, logs from relevant College systems or other relevant evidence).

Students involved in the same incident should be interviewed separately and communication prevented (phones temporarily collected and stored securely).

All students involved in an incident will be dealt with sensitively. The Duty Manager will check with the Safeguarding and Student Wellbeing Manager for any contextual issues or mitigating factors which should be taken into account.

The Duty Manager (or Leadership colleague dealing with the incident) may decide to suspend the student(s) to facilitate the investigation and/or to keep students and staff safe. Parents/carers will be notified. See Appendix C below.

Following the incident the Duty Manager (or Leadership colleague dealing with the incident) will brief the relevant Director(s) of Student Care, Guidance and Progression who will compile a report of the incident. This will include the allegations and a summary of the evidence gathered in the course of the investigation, copies of relevant documents and witness statements, evidence and witness statements provided by the student in support of their case ("the Investigation Report"). The Directors of Student Care, Guidance and Progression will evaluate the evidence and arrange a Disciplinary Hearing.

In cases which may warrant exclusion from College, the Directors of Student Care, Guidance and Progression will pass the Investigation Report to the Assistant Principal and/or Vice Principal to establish the next steps.

Appendix C - Use of a suspension period.

A Duty Manager, Vice Principal, Assistant Principal or Director of Student Care, Guidance and Progression shall have the authority to suspend a student for serious breach of discipline (misconduct or gross misconduct) whilst an investigation occurs. The suspension would usually be no more than three days. In exceptional circumstances this period may be longer.

The Principal, Vice Principal and Assistant Principals should be informed immediately of any student suspension.

The Directors of Student Care, Guidance and Progression will be normally responsible for liaison with the suspended student and their parents/carers. Every effort will be made to speak to a parents/carers to explain the reason for suspension before the student is sent home. The reason for and (if applicable) terms of the suspension, will be given in writing to the student and, where appropriate, to parents/carers. All relevant staff will be notified that the student is absent from college. Where possible the student will be set work to cover the absence.

Appendix D- Disciplinary Hearing procedures for Level Two and Level Three – Final Warning

1. Disciplinary Hearings will be chaired by Directors of Student Care, Guidance and Progression or Heads of Department. Where exclusion is a possible outcome, the hearing will usually be chaired by the Vice Principal, or the Assistant Principal (see Appendix D).
 2. The student will be entitled and encouraged to be accompanied by a parent/carer or friend.
 3. The student will be informed by telephone and in writing of the date and time of the disciplinary hearing via email. Their parents/carers will be informed also. The student must take all reasonable steps to attend the hearing. If the student is unable to attend on the first specified date, then the hearing will be deferred. The alternative date should be no more than five working days later. Failure to attend the hearing without good reason may lead to the hearing being held in the student's absence and a decision taken based on available evidence.
 4. Any documentary evidence (compliant with GDPR guidelines) to be considered at the hearing will be shared by the college with the student and their parents/carers at least **two working days** in advance of the hearing.
 5. If the student would like to submit any further evidence to be considered at the hearing this should be sent to the Chair of the Hearing at least **four working days** in advance of the hearing.
 6. The college will make a written record of the proceedings. No filming/audio or other recording is permissible.
 7. Witnesses will not normally be required to attend in person. If the student would like a witness to be present, they must make the request in writing to the Chair of the panel at least four working days in advance of the hearing, stating the person proposed as witness and citing the reason. Attendance of any witnesses is at the discretion of the college.
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Appendix E - Exclusion Hearing

1. Where permanent exclusion is a possible outcome, the Hearing will be chaired by the Vice Principal or the Assistant Principal.
2. The hearing will open with a general introduction by the Chair of the Hearing who will outline the procedural arrangements.
3. The student and/or their parents/carers or friend may then ask any questions on the procedural and administrative arrangements.
4. The Chair of the Hearing will then set out the purpose of the meeting. The Chair will make clear whether the hearing could lead to the student's exclusion and ensure that the student and their parents/carers understand the importance of sharing all relevant information during the hearing so it may be considered.
5. The member of staff (usually a Director of Student Care, Guidance and Progression) who is recommending disciplinary action will then present the case for this action. In the case of a disciplinary incident, this will be a presentation of evidence gathered in the investigation and/or witness statements. In the case of academic misconduct, it may include information regarding the student's progress, their conduct and details of any previous disciplinary warnings. The Directors of Student Care, Guidance and Progression or other member of staff will also give their recommendation.
6. The student and/or their parent/carer or friend can ask questions or seek clarification from the Chair of Hearing or the colleague presenting the case for disciplinary action.
7. The student will then present their case. This may include mitigating factors thought relevant. The parents/carers or friend may support the student in making his or her case.
8. The Chair of the Hearing can ask questions or seek clarification of the student and of the colleague presenting the case for disciplinary action.
9. If the Chair of the Hearing judges that further information is needed before a decision can be made, then the hearing can be suspended so that this further information can be made available.
10. The Chair of the Hearing will then summarise the facts and any areas of dispute.
11. The Chair of the Hearing may then adjourn to consider their decision. A decision will normally be communicated within **two working days** of the hearing.
12. The Chair of the Hearing may dismiss the case against the student, may uphold the case and/or may impose alternative sanctions.
13. If it is decided that a student will be excluded, the Chair of the Hearing should make sure that the student is notified immediately by telephone, and that this is followed in writing by email within two working days. This letter will make clear the reasons for the exclusion, the date from which exclusion takes effect and the appeal process. A copy will be sent to any person with parental responsibility for the student. Exclusion usually begins immediately.

Appendix F - Appeal against exclusion procedure

The Appeal Panel will be chaired by the Principal. The Chair of the appeal process will not have been involved in the hearing which led to exclusion. The panel will include a Governor and a member of staff not connected to the case.

The student will be entitled and encouraged to be accompanied by a parent/carer or friend.

The student will be informed of the date and time of the appeal by telephone and in writing by email. The student must take all reasonable steps to attend the hearing. If the student is unable to attend on the specified date, then the hearing will be deferred. The alternative date should be no more than five working days later. Failure to attend the interview without good reason may lead to the interview being held in the student's absence and a decision taken **based on available evidence**.

All documentary evidence to be considered in the hearing should be delivered to the Chair of the appeal hearing as soon as possible and at least four working days before the date of the appeal hearing.

The college will send a copy of all documentary evidence to be considered in the hearing to the student and parents/carers at least two days before the appeal hearing.

Witnesses will not normally be required to attend in person. If the student would like a witness to be present, they must make the request in writing to the Chair of the panel at least four working days in advance of the hearing, stating the person proposed as witness and citing the reason. Attendance of any witnesses is at the discretion of the college.

Appendix G - Process for the appeal hearing

1. The hearing will open with a general introduction by the Chair of the appeal hearing which will outline the procedural and administrative arrangements. The Chair will make clear that following the panel's decision, **there is no further right of appeal**. The decision of the Appeal Panel is the college's final decision.
2. The student and/or their parents/carers or friend may then ask any questions on the procedural and administrative arrangements.
3. The Chair of the appeal hearing will then set out the purpose of the meeting.
4. The Chair of the Disciplinary Hearing which resulted in the decision to exclude the student will summarise the reasons why this decision was made.
5. The student and/or their parent/carer or friend can ask questions or seek clarification from the Chair of the appeal hearing or the Chair of the original disciplinary hearing.
6. The Student will explain their reasons for the appeal against this decision. The parents/carers or friend may support the student in making his or her case.
7. The Chair of the appeal hearing will then ask the Chair of the disciplinary hearing if they wish to respond to the points raised by the student or their representative.
8. The Chair of the appeal hearing can ask questions or seek clarification of the student and the Chair of the disciplinary hearing. If the Chair of the panel judges that further information is needed before a decision can be made, then the hearing can be suspended so that this further information can be made available.
9. The Chair of the appeal hearing will then summarise the facts and any areas of dispute.
10. The Chair of the appeal hearing may then adjourn to consider his or her decision. A decision will normally be made within two working days of the hearing.
11. The Chair of the appeal hearing may dismiss the appeal, uphold the appeal and/or impose alternative sanctions.
12. There is no further right of appeal and the decision of the appeal hearing is the college's final decision.
13. If it is decided that the exclusion will remain in place, the Chair of the appeal hearing should make sure that the student is notified immediately, by telephone, and that this is followed in writing by email and by a letter within two working days via first class post. A copy should be sent to any person with parental responsibility for the student.
14. Should the student appeal against their exclusion be upheld and the student permitted to return to college, a meeting will be held where possible within 3 working days, with the Chair of the appeal panel, other relevant college staff, the student and their parents/carers. The meeting will clarify the conditions of return and the consequences should they not be met. A monitoring period will be specified. The student will be monitored by their Director of Student Care, Guidance and Progression.
15. All relevant college staff will be informed of the student's return and the associated conditions.