



**Croydon  
College**

<b>“RESPECT FOR ALL” – STUDENT DISCIPLINARY POLICY &amp; PROCEDURE</b>
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Approved by: Learning and Quality Committee
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## Respect for All - Student Disciplinary Policy and Procedure

### 1. PURPOSE

- 1.1 The purpose of the Student Disciplinary Policy and Procedure, known as “Respect for All”, is to outline a clear framework for actions that need to be taken following breaches of the Student Code of Conduct.

### 2. SCOPE

- 2.1 The Policy applies to all students following successful enrolment on a College course of study.
- 2.2 Students in the workplace are also covered by the Policy whilst undertaking their learning.
- 2.3 The principles of the Policy, but not the associated procedures, also apply to 14-16 students, whose governance is with another institution. However, disciplinary actions are taken by their governing institution in full consultation with members of staff at the College.
- 2.4 Parents, guardians and key workers of students aged under 18, together with appropriate external agencies for all students, may be involved with the implementation of the Policy, as appropriate.
- 2.5 The Policy also applies to all conduct by students in the immediate vicinity of the College, whilst on work experience, on trips or visits and whilst representing the College within the community.

### 3. PRINCIPLES

- 3.1 As far as is reasonably practicable, the College will:
- Nurture and promote positive behaviour and the confidence and readiness to be active members of the college community and citizens of the wider society.
  - Encourage and promote learning and progress for all of its students.
  - Provide a secure and safe environment for its students, staff, clients and visitors.
  - During the early stages of their induction period, inform students of the Student Code of Conduct and of any disciplinary action likely to be taken where this code of behaviour or performance is breached.
  - Be vigilant and take prompt and decisive action against all breaches of the Student Code of Conduct.
  - Take prompt action that creates minimum disruption to the students' attendance and completion of the learning programme.



- Where possible, intervene early to support students before their behaviour or performance incurs serious disciplinary sanctions.
- Provide reasonable opportunities for students to improve behaviour and performance, before more serious action is invoked.
- Maintain contact with parents/guardians, carers, schools and employers, where appropriate to the age and ability of the student, to ensure that students are appropriately supported and represented through the various disciplinary stages.
- Recognise and support the needs of students with learning difficulties and disabilities, including mental health and medical conditions that may have an impact on their behaviour or performance.
- Keep thorough and comprehensive records of decisions and actions.
- Make judgements and impose sanctions based on fair and full consideration of the evidence.
- Suspend and possibly recommend the exclusion of a student in cases of gross misconduct, or where other disciplinary stages have proved unsuccessful in improving behaviour or performance. In most cases, this is likely to be where their safety or that of others is at risk.
- Provide support for students returning from periods of suspension following disciplinary action.

#### **4. DEFINITIONS**

4.1 The Student Disciplinary Policy and Procedure is commonly known and referred to as “Respect for All” and as such appears in student-related documentation in this way.

4.2 Students include:

- 14-16 students whose governance is with the College
- 16-18 students on courses, including students in the work place, but only whilst undertaking learning on College courses
- 19+ students on courses, including students in the work place, but only whilst undertaking learning on College courses.

#### **5. POLICY DETAILS**

5.2 The Policy aims to safeguard the right of individuals to fair and equitable treatment and to ensure that members of the College community are able to work or study within a safe and secure environment.

5.3 Any student who does not follow the Student Code of Conduct will, as a consequence, be subject to disciplinary action. Depending upon the

nature of the situation and/or incident, students, as outlined within this Policy will be subject to either an informal or formal process.

- 5.4 The stages of disciplinary action are set out in the Disciplinary Procedures (Appendix 1) to this Policy.
- 5.5 The Student Code of Conduct sets out the behaviour and commitment to studies expected of students.
- 5.6 Where a student is involved in a serious incident constituting potential gross misconduct, the College may take the decision to immediately suspend all access to the College and its facilities.
- 5.7 Gross misconduct includes:
- Being a party to a criminal act
  - Violent or aggressive behaviour towards any member of the College community
  - Taking part in, or encouraging others to take part in, illegal extremist activities intended to radicalise themselves or others
  - Bullying or Harassment
  - Bringing, using or distributing prohibited drugs, alcohol or illegal substances into the College, or within the immediate vicinity of the College
  - Carrying, threatening to use or using an offensive weapon or bringing potential or imitation weapons into the College, or within the immediate vicinity of the College
  - Making malicious or false allegations or complaints
  - Providing false or misleading information on an application or enrolment form or any formal college documentation (both paper and electronic)
  - Plagiarism or cheating

This is not an exhaustive or exclusive list but it is intended to provide examples of gross misconduct and offences of a similar nature will be regarded as gross misconduct.

- 5.8 If a legally defined offence has been committed, or is suspected, the matter will be passed to the Police to undertake an investigation. The College may take disciplinary action as appropriate in all the circumstances in advance of the conclusion of any Police investigation.
- 5.9 Outcomes of disciplinary action under this Policy may include but are not limited to:
- A disciplinary record being kept on file.
  - Being barred from using certain College facilities.
  - Formal warning.



- Temporary suspension from the College. This may be for refusing to comply with College regulations after a request by a member of staff to do so e.g. refusing to remove a hat, hood or cap in College, or for not displaying ID appropriately. The time frame will be for a maximum of five days and will be stated at the time of suspension. The suspension will be followed by a meeting which will form a Stage 2 formal meeting – see page 9 for an outline of how this will operate and possible outcomes. Alternatively a temporary suspension may be imposed pending an investigation and Stage 4 formal meeting/ possible exclusion – see page 11.
- Permanent exclusion from the College particularly, in cases of gross misconduct.

With respect to all of the above employers, parents, or carers will be informed as appropriate to age and status.

- 5.10 A student has the right to appeal against any disciplinary decision on the grounds that it was unfair or unreasonable in all the circumstances and/or that the policy or procedures have not been followed.

## **6 REFERENCES/SIGNPOSTING**

- 6.1 Related policies or procedures informing this Policy include:
- Student Code of Conduct
  - Disciplinary Procedures
  - Admissions and Progressions Policy
  - Attendance and Punctuality Policy and Procedures
  - Policies relating to academic performance, including cheating and plagiarism

## **7. EQUALITY AND DIVERSITY**

- 7.1 The Policy applies to all Croydon College students and has been assessed with due regard to protected characteristics under the Equality Act 2010.
- 7.2 Students who have declared a learning difficulty, a known disability or where English is their second language, may have access to an appropriately qualified member of the College community or an external agency representative to ensure appropriate support is provided throughout the disciplinary process.
- 7.3 All other students may seek advice from Study Plus Advice.
- 7.4 Where a student is between 14 and 16 and governance is with another institution, the College will liaise and take guidance from that institution.

If a student is under 18 or considered vulnerable, parents/guardians/key workers will be kept informed throughout the process, as appropriate.

- 7.5 The College Executive will monitor the implementation of the Policy and procedures on a regular basis to ensure the identification of any significant trends reporting to Governors annually.
- 7.6 The Director of Estates will regularly consider staff training needs to assist in implementation of the Policy.
- 7.7 The Policy will be presented for approval to the College Executive and Learning and Quality Committee following consultation and reviewed annually.

## **8. EXECUTIVE RESPONSIBILITY**

- 8.1 The Deputy Chief Executive is responsible for this policy.

## **APPENDIX 1 - Student Disciplinary Policy and Procedure**

### ***RESPECT FOR ALL***

This document details the procedures to be used when a student's behaviour or performance gives cause for concern. It should be read in conjunction with the Student Code of Conduct.

These procedures are not a legal process. Decisions involving students may involve tutors, managers and panels arriving at decisions, based on the balance of probabilities, in a fair and open way.

All hearings at any stage will identify and summarise any relevant evidence. Previous incidents and progress may also be considered. Students will be given an opportunity to respond to the evidence and ask questions. In the case of stages 1 to 4, the student will be informed of the outcome in writing.

The following procedures are intended to correct unacceptable behaviour or performance in students at an early stage. However failure to improve following any stage leads to increasingly severe sanctions. Where gross misconduct is concerned, and particularly where a serious single incident is involved, stage 4 leading to a final written warning or to exclusion may be implemented immediately. A period of suspension whilst an investigation takes place may also be implemented.

A student has the right to withdraw from the College at any stage of these disciplinary procedures. In this case all disciplinary proceedings stop and, if not already reached, no findings or conclusions will be reached.

Students are expected to cooperate with the procedures. Failure to attend a hearing will not necessarily stop that hearing from taking place and an outcome being determined.

In the case of students who have learning difficulties or disabilities, including medical conditions (LDD), full consultation with the Head of Study Plus should take place before disciplinary action is taken against the student. This is to ensure that the student is offered or signposted to appropriate support. Checks for declaration of LDD must be made on the College Information System, as the tutor may not be aware of some conditions that students have declared in confidence.

## Informal process

### Setting action(s) for improvement with student

To be implemented by the student's tutor.

1. When a student's behaviour or academic performance gives cause for concern, a member of staff should inform the tutor. This should be in writing via a written report on My Progress Tracker.
2. Take prompt action to discuss the matter with the student. The student must be given the opportunity to explain his/her performance or actions and/or refute the allegations of others.
3. Where appropriate, agree a set outcome with the student and set a date for reviewing progress against the agreed outcome using My Progress Tracker.
4. Warn the student that failure to achieve the set outcomes will lead to more formal action.
5. Keep a written record on My Progress Tracker.
6. Where relevant, inform any victim or member of staff who reported the cause for concern, of the action taken.
7. Inform parents/guardians in the case of students under the age of 18.
8. Review progress on the date agreed and either start Stage 1 formal disciplinary proceedings or record improvement on my Progress Tracker.

## Formal procedures

### Stage 1

To be implemented by the student's tutor.

1. Take prompt action to discuss the matter with the student. Set a hearing time with the student.
2. At the hearing, the student must be given the opportunity to explain his/her performance or actions and/or refute the allegations of others.
3. The possible outcomes are:
  - First oral warning
  - No further action
4. Where appropriate, agree a set outcome for improvement and date for review, as outlined above.
5. Copies of the outcome will be sent to the student and parents/guardians in the case of students under the age of 18.
6. Inform any victim or member of staff who reported the cause for concern of the action taken where appropriate.
7. Review progress on the date agreed and either start Stage 2 disciplinary proceedings or record improvement on My Progress Tracker.

## Stage 2

### First Written Warning

To be implemented by the Academic leader (AL) in conjunction with the student's Tutor

1. AL arranges a hearing to be held with the student. Give the student at least 3 working days' notice of the date and inform him/her of the reasons for the interview.
2. Inform Parents/Guardians in the case of students under the age of 18.
3. AL collects relevant information, including any relevant information from My Progress Tracker and any other written evidence related to the behaviour or performance that gave cause for concern and previous action taken, including support.
4. At the hearing, the student must be given the opportunity to explain his/her actions and/or refute the allegations of others.
5. The possible outcomes are:
  - 1<sup>st</sup> Written Warning
  - No further action
6. Where appropriate, agree a set outcome for improvement and date for review, as outlined above.
7. Copies of the outcome will be sent to the Student and Parents/Guardians in the case of students under the age of 18.
8. Inform the Tutor and any victim, or member of staff who reported the cause for concern of the action taken, where appropriate.
9. Review progress on the date agreed and either start Stage 3 disciplinary proceedings, or record improvement on My Progress Tracker.

### Stage 3

#### Second Written Warning

To be implemented by the Academic Leader in consultation with the Head of School. Repeat steps 1 - 5, as outlined for Stage 2.

1. Possible outcomes are:
  - Second Written Warning
  - No further action
  - Recommendation that a Stage 4 hearing is held

This last sanction should be applied where the hearing uncovers facts that warrant possible sanction. This might occur where the student shows little or no signs of willing to correct behaviour or improve performance.

2. Where appropriate, agree a set outcome for improvement and date for review, as outlined above.
3. If the student is not already being supported, a formal referral in writing to Study Plus Advice or the Respect for All Manager may be made, using the Second Written warning template.
4. Copies of the outcome will be sent to the Student and Parents/Guardians in the case of students under the age of 18.
5. Inform the Tutor, the Academic Leader and any victim or member of staff who reported the cause for concern of the action taken.
6. Review progress on the date agreed and either start Stage 4 disciplinary proceedings or record improvement on My Progress Tracker.

## Stage 4

### Final Warning/Recommendation for Exclusion

To be implemented by the Assistant Principal (Academic Support) or delegated manager.

Since a Stage 4 hearing could lead to possible exclusion, the concern must warrant this level being implemented, such as gross misconduct or failure to respond in previous stages of the disciplinary procedure under the Student Code of Conduct. A recommendation for exclusion may follow if the student has been previously issued with a Final Written Warning.

1. Assistant Principal (Academic Support) or delegated manager appoints an investigating officer who collects relevant information, including the student's record in My Progress Tracker and any written evidence related to the behaviour or performance that gave cause for concern and previous action taken, including support. The officer also interviews any other staff and students, as appropriate including the student facing disciplinary action. The investigating officer collates all the evidence to present to the stage 4 hearing.
2. The student subject to the disciplinary procedure is expected to cooperate with the investigation including being interviewed. Failure to cooperate will be considered by the hearing in determining an outcome.
3. A Head of School will arrange and chair the panel hearing. The student has the right to be accompanied by a friend, parent/guardian or representative.
4. The panel will comprise the Head of School and two other independent managers.
5. Where the student has difficulties with language and is attending an ESOL course at Entry Level 2 or below, every effort must be made to have an externally provided interpreter present to ensure the student is appropriately represented.
6. A Director may chair a Stage 4 hearing in the event the Head of School is unable to meet set timescales.
7. The student will be given at least 3 days' notice of the hearing in writing, with reasons for the hearing. (Note point 5 under Suspension procedures).

8. The student is invited to bring a friend or relative (including Parents/Guardians) to the interview and Parents/Guardians must be informed in the case of students under the age of 18.
9. Detailed notes of the interview and evidence considered are recorded at the interview.
10. The conduct of the hearing is at the discretion of the Chair according to the circumstances of the case but should follow the rules of natural justice. The following guidelines should be used:
  - The Chair opens the hearing and introduces everybody present.
  - The Chair summarises the reasons for the hearing and checks that the student understands the purpose and format of the hearing.
  - The Investigating Officer presents the evidence that has been collected.
  - The student and/or parent/guardian/friend is allowed to question the evidence, present their own evidence, including the calling of other witnesses, offer mitigating circumstances and offer any other statements relevant to the issue.
  - The panel may ask questions of the Investigating Officer, student and witnesses as appropriate.
  - Where questions identify that there is additional evidence or other witnesses who should be considered, then the Chair will adjourn the hearing until a later date. No longer than 10 working days should elapse before the hearing is reconvened.
  - The Investigating Officer and the student withdraw from the hearing whilst the panel reach a decision.
  - The panel may want to take further time to arrive at a decision and arrange for the student to be informed in writing of the outcome.
11. If the student does not attend the hearing without notification the Chair of the panel reserves the right to hear the case in the student's absence. If notification of absence has been received then the Chair will decide whether it is possible to reconvene. If this is not possible the meeting will go ahead as scheduled.
12. The Chair is responsible for ensuring that a report of the meeting is prepared summarising the reason for the disciplinary and the evidence, identifying any significant points raised by the persons present at the hearing and the outcome.
13. The outcomes of the hearing will be:
  - An oral warning, or
  - A written warning, or
  - Final written warning, or
  - Recommendation to the Vice Principal (Curriculum and Quality) for withdrawal from a course or programme of study, or

- Recommendation to the Vice Principal (Curriculum and Quality) for permanent or temporary exclusion, or
  - No further action.
14. Outcomes are copied to the parents/guardians in the case of students under the age of 18, if appropriate. Other staff, including the Tutor are informed as appropriate
  15. The Chair will ensure that any victim or member of staff who reported the cause for concern are informed of the action taken, if appropriate.
  16. Where exclusion is recommended, within two working days the Vice Principal (Curriculum and Quality) is sent a copy of the signed hearing notes, hearing report, statements, information on previous disciplinary action, outcomes and reviews and other relevant details.

## Temporary or Permanent Exclusion

To be implemented by the Vice Principal (Curriculum and Quality).

1. The case will be considered and determined within three working days of the Stage 4 hearing.
2. The Vice Principal (Curriculum and Quality) checks that disciplinary procedures have been correctly followed.
3. The evidence is considered and recommendation for exclusion is approved or referred back to the Head of School, if evidence is insufficient.
4. If approved, the Vice Principal (Curriculum and Quality) decides the length of time for which the exclusion will be effective.
5. If the recommendation for exclusion is approved, the Vice Principal (Curriculum and Quality) writes to the student affirming the right to appeal within 10 working days. A copy of the Appeals Procedure will be attached.
6. Copy of the Stage 4 outcome are copied to:
  - Tutor
  - The Head of School who chaired the panel
  - Respect for All Manager
  - Front of House Manager

Executive administration are responsible for informing academic staff and the Finance Department, as appropriate.

## Suspension

1. Suspension from College will only be used where there are concerns that the continued presence of the student at College leads to concerns about their own safety or the safety of others, or where it is more appropriate that they are not on the premises or involved in College activities whilst the suspension is being looked into.
2. Suspension can be sanctioned by the Vice Principal (Curriculum and Quality), the Assistant Principal (Academic Support), Head of School or a member of the Senior Management Team.
3. However, a Duty Manager (or equivalent) may send a student home or off the premises pending a return to college interview the next working day with the student's Academic Leader.
4. The Duty Manager may recommend that a student should be suspended. Such recommendations should normally be accompanied by an incident report as soon as practically possible.
5. The student will be informed of the reason for the suspension, verbally and in writing via the Notice of Suspension Proforma. Where a student is in absentia, they can be informed by telephone.
6. Copies of the Notice of Suspension will be sent to the Head of School (HoS), Client Care and Front of House Manager and parents/guardians (where students are aged 16-18).
7. The Duty Manager is responsible for informing the relevant HoS about the suspension. The HoS ensures that the disciplinary hearing is set within ten working days.
8. A student may be suspended in absentia, in cases where s/he is already off the premises. In this case, the relevant paperwork is completed by the Duty Manager and taken to the Administrator who contacts the student and, where appropriate, copied to the parent/guardian.
9. Suspension could lead to a Stage 4 hearing.
10. The Duty Manager will identify what information, including witness statements, needs to be prepared and to whom this information needs to be sent.
11. If a student is under 18 or is attending a discrete provision course (for students with moderate or severe learning difficulties), the Duty Manager must ensure that the parent, guardian or carer is notified.

## Appeals Procedure

1. Students who have been excluded from the College will have the right to appeal against the exclusion. They must put their request in writing to the Principal within 10 working days of the date of the exclusion letter and include a brief statement setting out the grounds upon which they are appealing. Where this involves additional evidence, they should identify this.
2. The purpose of an appeal is not to re-run the Stage 4 hearing but to determine procedural irregularities or additional evidence that might have led to a different outcome at Stage 4.
3. The Principal will determine an appeals panel and appoint a Chair.
4. The Panel will comprise the following:
  - Principal or Deputy Chief Executive
  - A curriculum manager who has not previously been involved in any of the previous disciplinary stages.
  - Another manager who has not been involved in any of the previous disciplinary stages.
5. The Chair of the Appeals Panel will arrange to hold a hearing within 10 working days.
6. The student will be given five working days' notice of the time of the hearing. She/he has the right to be accompanied by a friend or relative (including Parents/Guardians) at the appeal and Parents/Guardians must be informed in the case of students under the age of 18. If requested they may be sent copies of documents from the Stage 4 process.
7. If the student wishes to invite additional witnesses to the appeal, then it is her/his responsibility to ensure that they attend. The College will help to facilitate this where other students are involved, but the non-appearance of any additional witnesses will not be used as a reason to adjourn or defer the appeal hearing.
8. Prior to the Hearing, the Panel will receive, and meet to consider, any new written evidence presented by the Student, or his/her parent/guardian if aged under 18 years, as well as the written evidence presented by the Head of School who heard the Stage 4 case in support of the exclusion.
9. The panel will consider all the relevant evidence from the Stage 4 hearing plus any additional evidence supplied by the student or by additional witnesses called by the student.

10. The conduct of the hearing is at the discretion of the Chair according to the circumstances of the case but should follow the rules of natural justice. The following guidelines should be used:
  - The Chair opens the hearing and introduces everybody present.
  - The Chair checks that the student understands the purpose and format of the hearing.
  - The Chair invites the student to state her/his reasons for the appeal and to introduce any additional evidence or witnesses.
  - The panel may ask questions of the student as appropriate.
  - The student and any witnesses withdraw from the hearing whilst the panel reach a decision.
  - The student may be called back into the hearing to hear the decision and/or to sign a record of the hearing.
  - Alternatively the panel may want to take further time to arrive at a decision and arrange for the student to be informed in writing of the outcome within five working days of the hearing.
11. If the student does not attend the appeal panel without notification the Chair of the panel reserves the right to hear the appeal in the student's absence
12. The Chair is responsible for ensuring that a report of the meeting is prepared summarising the reason for the disciplinary and the evidence, any significant points, identifying the persons present at the hearing and the outcome.
13. The outcomes will be:
  - The original decision to exclude is upheld, or
  - That the Stage 4 hearing will be reconvened and reconsider the decision.
14. Where the Stage 4 hearing is reconvened, it will normally be the original panel that convenes following the procedures as above but additionally considering the findings of the appeal and any additional evidence that was presented.
15. The Chair will arrange for the decision of the Panel to be made in writing to the student. Copies will also be sent to:
  - Vice Principal (Curriculum and Quality)
  - Assistant Principal (Academic Support)
  - Head of School
  - Respect for All Manager
  - Front of House Manager
  - Parents/guardians (where students are aged 18 years or under).
16. The decision of the Appeals Panel or the reconvened Stage 4 Panel will be final.

