



# DERBY COLLEGE GROUP POLICY

## PROCEDURE

### Disciplinary Procedure

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**POLICY - PROCEDURES - GUIDELINES - RELATED DOCUMENTS**

## 1. Introduction

This document sets out the disciplinary procedures which the College shall follow in the event of a breach of the Student Code of Conduct.

### Intent

To clarify, define and structure the processes and steps of intervention taken when a student is in breach of the Student Code of Conduct. All interventions/steps, including disciplinary sanctions should be implemented in order to facilitate a learning opportunity that supports our students to meet our aspirational expectations as stated in *The 5 Ps* and the Student Code of Conduct.

### Scope

This procedure applies to all students engaging in College activity (including Work Experience), College life (including outside of lessons) and on visits/trips (including abroad).

There may be specific circumstances, contexts and occasions when reasonable adjustments may need to be made for an individual who has disclosed an inclusion need and whose conduct and behaviour is affected by factors outside of their control. This will be considered on an individual basis by the Team/Curriculum Manager and Student Behaviour and Engagement Lead, in consultation with other relevant professionals, when appropriate.

In addition to these general rules, there are a number of other, more specific requirements which apply in certain working areas such as libraries, science laboratories, farms, workshops and other work-based areas. These specific rules will be made clear to the students working in the areas to which they apply.

### Academic offences

The College may take action under these procedures for misconduct which amounts to an academic offence. In such instances, the person or committee hearing the case may, in addition to any penalties imposed under these procedures, refer the matter to the relevant Examination Board (whether internal or external) for further action. Plagiarism, cheating, collusion and attempting to obtain an unfair academic advantage are forms of academic misconduct and are entirely unacceptable for any student. Please refer to the Academic Misconduct and Malpractice Policy.

## 2. Procedure – Study Programme

### The Purpose-Driven Model of Behaviour Intervention

The Purpose-Driven Model of Behaviour Intervention (PDM) refers to a supportive approach to the behaviours of students that do not meet the 5P expectations of the College and are in breach of the **Code of Conduct**. This approach requires that any intervention, consequence or action taken (including sanctions) is communicated and implemented with the intention of creating an impactful learning opportunity for the student, supporting them to meet the expectations of College on their journey to becoming a positive student, a positive citizen in their community and a positive employee in a current and/or future workplace.

### Recording of comments on ProMonitor

All comments recorded on ProMonitor should follow **FACT**:

- **Factual**, not stating opinion or interpretation;

- **Accurate**, describing events with appropriate detail and based on observed evidence;
- **Concise** including only what is necessary but;
- **Thorough**, including all relevant information and checking all relevant comment boxes i.e. Link to Enrolment, Visible in ProPortal (this should be “ticked” on all comments referring to disciplinary matters) and Disciplinary Category.

## Process

- **Reference comments**

If any employee of the College observes, identifies or receives information which that employee believes would be beneficial and constructive to record in relation to the students current behaviour, attendance, academic progress or health and well-being, but is not judged to require immediate attention or intervention, they can record this as a “for reference” comment on ProMonitor in one of five categories:

- “Behaviour reference comment”
- “Attendance reference comment”
- “Academic Progress reference comment”
- “Bullying and Harassment reference comment”
- “ID Badges”

These comments should be used to record factual information of low-level or early concerns.

At this stage, low-level or early concerns will be generally defined as non-threatening and non-destructive behaviours that are disruptive to the learning environment, but not severe or dangerous.

When a student has received five comments in any of the four categories an automatic referral will be made to a relevant member of staff depending on the category:

- **Behaviour** – Behaviour and Engagement Lead
- **Attendance** – Student Experience and Pastoral Lead
- **Academic Progress** – Curriculum Team Manager
- **Bullying and Harassment** – Behaviour and Engagement Lead and Team Manager Student Welfare and Guidance
- **ID badges** – Behaviour and Engagement Lead (this will be referred to at every recorded incident)

This person can then make an informed decision based on the five reference comments about what to do next, in line with the Purpose-Driven Model of behaviour intervention when appropriate.

In a situation where a student’s behaviour, attendance, academic progress or health and well-being is more than a low-level concern (and whether any reference comments have already been recorded or not) a referral should be made to the designated person or team.

### **Investigation (investigation checklist and report)**

For incidents deemed severe than stage 2, an investigation will be conducted where appropriate under the supervision of the Behaviour and Engagement Lead.

The Team / Curriculum Manager and / or Behaviour and Engagement Lead are to advise the student of the alleged misconduct.

No disciplinary action will be taken against a student without the circumstances having been fully investigated and the student having been given the opportunity to state their case.

The investigation will be to explore the allegations and additional facts and designed to determine what further actions, if any, needs to be taken.

During the investigation, statements should be taken by witnesses where appropriate, dated and signed where possible.

On conclusion of the investigation, the investigating officer will decide what action if any, is appropriate. One of the following courses of action shall be taken:

- There is no case to answer, therefore no further actions required
- Recommendations will be made to the student and their curriculum / Team Manager and Pastoral Coach/ Student Engagement Mentor
- Reprimand – a formal Student Expectation Agreement (SEA) in place and mentoring
- Formal Disciplinary (Next of Kin invited and the student in entitled to representation).

## **Procedure – Apprentice**

An Apprentice is employed by an organisation and is therefore required to behave accordingly to the organisations policies and procedures.

If an apprentice fails to behave in accordance to company (employer) policy, the organisation will follow its disciplinary procedure/policy and apply relevant sanctions.

The disciplinary policy/process and other relatable policies should have been provided as part of the apprentices' induction to the organisation.

**Training Centre** – if DCG employees deliver elements of off the job training / theory to an apprentice on the employers' premises, DCG employees will follow the organisations behaviour / conduct policy and apply them consistently. DCG will record any behavioural issues on the central system and inform the supervisor of any misconduct.

**Day release to College** – DCG employees will apply DCG's policies and procedures whilst an apprentice attends day release. DCG will record any behavioural issues on the central system and inform the supervisor of any misconduct.

If an apprentice conducts themselves in a manner which is deemed un-safe or a breach of our Safeguarding Policies, DCGs Positive Behaviour Policy will be implemented and a review to establish if DCG continues to be the provider for the apprenticeship. The employer will be responsible for taking action (if any) following the reports from DCG.

## **Disciplinary Sanctions**

When deciding what disciplinary sanction is appropriate and what form it should take place, the disciplinary officer will bear in mind the need to act reasonably in all the circumstances. They must genuinely believe on reasonable grounds and having regard to the evidence, that the individual has committed the alleged misconduct and it justifies the sanction proposed.

Normally the procedure will be followed in order of stages set out below. However, offences of a serious nature may be brought into the procedure at any stage.

The following are the possible outcomes of a disciplinary hearing.

- **Stage 1: Verbal Warning**

Any member of staff can give a verbal warning.

A verbal warning is essentially where an employee verbally informs a student that in the event that their work, behaviour, or actions within the learning environment/placement don't change or improve, the student may face further sanctions. However, there are two types of verbal warning: informal and formal.

Typically, an **informal verbal warning** is often nothing more than a quiet chat between the students and any staff member in an attempt to quickly and amicably resolve a relatively minor issue of misconduct or unsatisfactory performance, without recourse to formal disciplinary proceedings. This informal stage will be recorded as a **reference comment on ProMonitor**.

That said, in cases where **formal proceedings** are deemed necessary, including a disciplinary investigation and hearing, DCG may still opt to issue a verbal warning, albeit formally, as an appropriate and proportionate means of disciplinary action in response to any findings made.

If a student has accrued **five behaviour references**, and it is deemed appropriate, they may be given a **formal Verbal Warning** to highlight that their persistent low-level disruption is being taken seriously and to give them a further opportunity to cease this behaviour.

A **formal Verbal Warning** can also be given if a student's behaviour is more concerning than a low-level disruptive behaviour. This may include:

Common examples of conduct or performance-related issues in response to which a student may be issued a formal verbal warning include the following:

- Where a student is consistently late for learning/work (without prior arrangements or informing the college in advance).
- Where a student is consistently absent from learning/work.
- Where a student is failing to co-operate with peers/staff members.
- Where a student is unable or unwilling to follow instructions
- refusal to remove hats / hoods after being asked
- refusal to your membership card (ID/lanyards) after being asked
- refusal to do work in class/ workshops
- refusal to listen to staff
- continuous interruption of class
- swearing at others
- continued absence of PPE
- continued use of phones, tablets, smart watches in class without consent
- Vaping/smoking outside in non-designated smoking area
- Continual mis conduct from Stage 1a
- 5 reference comments recorded on ProMonitor

In both circumstances, the option of support should be offered, or revisited if already offered, to assist the student in meeting the College's expectations of behaviour. In relevant circumstances, a goal could also be recorded on the Student's ILP on

ProMonitor clearly stating the expectation of the College and what the student, and the College, needs to do so the Student can meet this expectation.

It is vital that the student is explicitly informed that they have been given a Verbal Warning and that they be made aware that this will be recorded on ProMonitor. If the student disputes their knowledge of this and there is no record on Learner Comments and the "Visible in ProPortal" option is not checked on the comment box, then any appeal will be upheld in favour of the Student.

After six months the warning will be spent subject to the student conduct having been satisfactory throughout this period.

All comments should follow **FACT**.

- **Stage 2 - Written Warning**

Only a Team Manager, Assistant Principals/ Director or Head, a Lead role or an employee given the same responsibilities of a Team Manager, Director or Head on a permanent or temporary basis, can give a Written Warning.

The communication of this can only be done in a Formal Review meeting which the student is given a minimum of 5 days to prepare for and to invite representatives of their choosing to attend with them. The invite to a Formal Review will be created and sent by the Administration Coordinators of the area on notification from a relevant Team Manager.

A written warning, often referred to as an improvement note, a written warning should only be issued after attempts to handle the issue informally. For example, by having a quiet word with the student about why their behaviour is unacceptable and what they can do to change it. Alternatively, a written warning could be issued in relation to a single serious incident that is a significant breach of the student code of conduct.

A **serious** breach may be:

- an act of verbal aggression/violence,
- an act of negligence that created a risk that could have caused significant harm to another individual,
- being in breach of a number of points of the Student Code of Conduct,
- possession of certain prohibited items,
- being found or suspected of being under the influence of alcohol or other substance whilst on College property or during College activity.

This is not an exhaustive list, and every breach of the Student Code of Conduct needs to be considered individually.

As with all stages of this procedure support should be offered, or revisited if already offered, to assist the student in meeting the College's expectations of behaviour. A goal should also be recorded on the Student's ILP on ProMonitor clearly stating the expectation of the College and what the student, and the College, needs to do so the Student can meet this expectation.

It is vital that the student is explicitly informed that they have been given a Written Warning and that they be made aware that this will be recorded on ProMonitor and followed in writing to their home address. If the student disputes their knowledge of this warning and there is no record on ProMonitor as a Learner Comment, the comment is not "visible" in ProPortal and no SMART target has been set, then any appeal will be upheld in favour of the Student.

A Written Warning comment on ProMonitor should only be recorded following a Formal Review meeting. Notes of this meeting should be recorded on the relevant page on ProMonitor, created by an ARA, by a Team Manager present in the meeting. All comments should follow **FACT**.

After 12 months the warning will be spent subject to the student conduct having been satisfactory throughout this period.

- **Final Written Warning**

Only a Director, Assistant Principal / Head, Behaviour and Engagement Lead or an employee given the same responsibilities of a Director, Assistant Principal / Head on a permanent or temporary basis, can give a Final Written Warning. The communication of this can only be done in a Formal Review meeting which the student is given a minimum of 5 days to prepare for and to invite representatives of their choosing to attend with them. The invite to a Formal Review will be created and sent by the Administration Coordinators for the area on notification from a relevant Team Manager. The Formal Review Meeting should include the Curriculum Team Manager, a Head or Director of area and/or Team Manager Student Engagement.

A Final Written Warning will only be issued as a result of a continued lack of improvement from previous warnings or in relation to a single **significant serious incident** that is a significant breach of the Student Code of Conduct.

A **significant serious** breach may be:

- a serious act of discriminatory abuse (racism, sexism, homophobia etc) towards a group or individual,
- physical violence,
- an intentional act that creates a risk that could or did cause significant harm to another individual or group,
- possession of drugs, alcohol or an offensive weapon (risk based – could be referred straight to a recommendation for exclusion)
- being found or suspected of being under the influence of alcohol or other substance whilst on College property or during College activity leading to a risk of injury or actual injury to others.

This is not an exhaustive list, and every breach of the Student Code of Conduct needs to be considered individually.

As with all stages of this procedure support should be offered, or revisited if already offered, to assist the student in meeting the College's expectations of behaviour. A SMART target should also be recorded on the Student's ILP on ProMonitor clearly stating the expectation of the College and what the student, and the College, needs to do so the Student can meet this expectation.

It is vital that the student is explicitly informed that they have been given a Written Warning and that they be made aware that this will be recorded on ProMonitor and followed in writing to their home address. If the student disputes their knowledge of this warning and there is no record on ProMonitor as a Learner Comment, the comment is not "visible" in ProPortal and no SMART target has been set, then any appeal will be upheld in favour of the Student.

A Final Written Warning comment on ProMonitor should only be recorded following a Formal Review meeting. Notes of this meeting should be recorded on the relevant page on ProMonitor, created by an ARA, by a Team Manager present in the meeting. All comments should follow **FACT**.

After 12 months the warning will be spent subject to the student conduct having been satisfactory throughout this period.

#### • **Recommendation for Exclusion**

A recommendation for exclusion can only be submitted by the Behaviour and Engagement Lead a Director, Assistant Principal or Head. This recommendation needs to include notes of the incident(s) that has occurred, the meetings that have taken place, the support that has been offered thus far and a justification for the exclusion.

An exclusion can only be recommended for an **extremely** serious breach of the College Code of Conduct and Positive Behaviour Policy, including (but not limited to):

- Bullying
- Racial, sexual or other harassment
- Alcohol abuse
- Possession/use/dealing of illegal drugs
- Violent behaviour
- Theft
- Vandalism
- Serious incidents of plagiarism
- Possession of a knife or any other item that could be considered to be an offensive weapon
- Carrying out unsafe practices

The recommendation should then be sent to an Executive Panel who will review the recommendation and decide if the recommendation should be upheld or if other options need to be explored first.

If the recommendation is upheld, then an Exclusion Review meeting will be scheduled within 5 working days of the decision and the student will be invited to attend. Where possible it will comprise of a Deputy Principals nominee, Director, Assistant Principal or Head or their representative, Team Manager and the Behaviour and Engagement Lead. The Pastoral Coach/Tutor may also be invited to attend. Parents/Guardians should be invited to attend the review if appropriate. The Student may opt for Student Union representation. During this meeting the reasons for the Exclusion will be clearly communicated to the student and their supporters. All documents should be made available to the student and their supporters on request prior to the meeting.

The Exclusion Review meeting will be chaired by the Deputy Chief Executive Officer. At this meeting the Director, Head of Faculty or their representative or the Team Manager Student Engagement will present the case for the recommendation to exclude. The student will also have the opportunity to state their case against the exclusion recommendation.

Exclusion from the College can be either **fixed term** or **permanent**. If **fixed term**, this would usually be for an academic year. In certain circumstances the College may decide to **permanently exclude** a student following an assessment of the potential risks posed.

As a result of this review, the Deputy Chief Executive Officer will decide whether the student should receive a fixed term or permanently exclusion from College.

The College has the right to proceed with the Exclusion Review meeting in the student's absence if no contact is made regarding the inability to attend and/or to request a rescheduling of the review.



If a student has a fixed term exclusion then they will not be able to be enrolled on another Derby College course until a full risk assessment has been completed by a Leadership panel: relevant Assistant Principal, Director of Student Experience and Pastoral Support, Director of Health and Safety and the Designated / Deputy Safeguarding Lead.

It is vital that the student is explicitly informed that they have been excluded and can no longer attend College. This should be recorded on ProMonitor and followed in writing to their home address. The letter confirming the exclusion will also include a copy of the College's Positive Behaviour Policy and Disciplinary Procedure. It will be the responsibility of the student to appeal against the exclusion, in writing to the deputy Chief Executive Officer.

An Excluded comment on ProMonitor should only be recorded following a decision made by the Executive Panel. All comments should follow **FACT**.

If a recommendation is not upheld, then a Formal Review will need to be scheduled within five working days of the decision. This review meeting will be to explore the student's return to College, what support needs to be put in place and what agreements the student needs to be in place for them to continue at College. This agreement may include a change in course or campus.

Any student who is unhappy with the decision has a right to appeal the decision made by the Executive Panel.

- **Vulnerable Students**

If a student has an **Education, Health and Care Plans (EHCP)**, **Special Educational Needs or Disabilities (SEND)** or is a **Looked After Young Person**, this must be taken into consideration when implementing any disciplinary action, both formal and informal. The college has a legal responsibility to make reasonable adjustments. The approach towards a formal meeting for students with an identified support need must take into consideration the needs and adjustments into account. The outcome of a formal meeting may be a recommendation around changes to support plans if these outcomes are not working for the students.

- **Time-Out**

A Time Out may only be issued by a Team Manager, Director, Assistant Principal, Head or Duty Safety Officer (DSO). A Time Out is given when a student has put themselves or others at physical or emotional risk (including alleged bullying) and/or their continued presence at College may cause or promote further risk to themselves or others.

The Time Out can also be issued in these circumstances as a "cooling off" period for individuals involved and/or so that further investigations into events/allegations can take place.

A student who is issued a Time Out will not be able to attend College before a Review Meeting has taken place.

If, through investigation, breaches of the College Code of Conduct have been found/evidenced then a Formal Review will need to take place with the student and their chosen supporters and any relevant sanctions, support and/or agreements be in place prior to their return.

This can be done within the Time Out Review if appropriate and agreed by all parties. Wherever possible, the Manager, Assistant Principal, Director or DSO who times out the student as well as their Curriculum Team Manager (if this person is different) should be present in the Time Out Review. The Behaviour and Engagement Lead may also be called upon to attend if necessary.

If investigations find allegations to be untrue or no evidence is found that the College Code of Conduct has been breached then the student will still need to attend a Review Meeting to be informed of what allegations were made or concerns raised and what investigations have taken place prior to returning to College.

A Time-Out period should last for no longer than five College days before a review takes place and, wherever possible, should be less than this, so as not to impact on the student's progress.

A Time-Out is not a disciplinary action and should not be confused with exclusion. Students' during a time-out should be issued work to complete at home.

- **Disciplinary Appeals Procedure**

The Derby College Disciplinary Procedure and Positive Behaviour Policy have been developed to ensure fairness. The student has the right to make representations. However, any Student subjected to disciplinary action who feels that they have been unfairly treated has the right of appeal using the procedure described below.

A formal appeal must be made in writing within 10 College days of the Student being informed of the disciplinary action to be taken. The written appeal should summarise the grounds of the appeal and should be sent to the Deputy Chief Executives nominee.

The appeal must detail the grounds for the appeal, and can only be made on the grounds of:

- New evidence
- Decision did not take account of all relevant evidence

The appeal will be conducted as a review of the original decision made unless otherwise determined by the Deputy Chief Executive officer or their representative.

In the case of appeal against exclusion, the Deputy Chief Executive Officer (or their representative) will review the case and will normally talk to the student and other students and the employee involved.

In all cases, the outcome of a formal appeal will be made in writing to the student within 10 College days of the receipt of the appeal.

If the Student feels that he/she has been treated unfairly by the College Disciplinary Appeals Procedure, students have the right to direct to the Education and Skills Funding Agency (ESFA).

**Education and Skills Funding Agency**

For concerns regarding 16-19 provision contact:  
Earlsdon Park  
53-55 Butts Road  
Coventry  
CV1 3BH

For concerns regarding 19+ adult provision contact:

Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency>

### Flow Chart for the student disciplinary procedure

