HERTFORD REGIONAL COLLEGE

Student Services Procedure

Further Education Student Disciplinary & Behaviour Management Procedure

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Part 1 – an Introduction to Further Education Student Disciplinary & Behaviour Management

1. Introduction

1.1 At Hertford Regional College (HRC) we are committed to providing a learning environment in which students can give their best and participate freely in College activities. The purpose of the procedure is to promote positive behaviour as a way of supporting student progress towards reaching their potential. In cases where support for students is unsuccessful and or the student displays unacceptable behaviour, this will involve applying appropriate sanctions to protect the interests and learning of other students and staff.

1.2 All students have the right to learn and a responsibility to allow others to learn in a safe, secure and respectful environment. HRC also has a responsibility to provide staff with a safe, secure and respectful environment in which to work. The aim of this procedure is to ensure the provision of such an environment, to support the learning process and to promote acceptable conduct at all times.

1.3 This procedure applies on all College premises and to all College related activities, on or off site including online activity, such as College-arranged transport to and from College, visits, study tours and residential (UK or overseas). Also, if the activities of a learner bring

the College into disrepute even when they take place away from College premises this procedure can apply. Activity online or via digital media that is offensive or threatening to staff or students is also within this procedures remit.

1.4 The aims of the Procedure are:

- To enable all learners to complete their course or programme of study successfully
- To ensure all learners achieve good attendance and punctuality, complete work to a good standard and meet all deadlines and targets
- To act against disruptive or noncompliant behaviour
- To take action against acts of gross misconduct
- To ensure that all learners are treated fairly
- To identify and take supportive action with learners at risk of preventing themselves or others from successful study
- To safeguard the property and business of the College and the health and safety of its learners, staff, contractors and visitors

1.5 The procedure applies to all students studying full-time or part-time Further Education courses. For students aged 14 and 15 parents or carer need to attend disciplinary meetings. For our 16-17 year old learners parents and carers will be informed and particularly for stage 2 and 3 meetings it is very important they attend although their attendance should be balanced with the need for meetings to be held in a timely manner.

Please note that during the probationary period (usually the first 42 days) this procedure does not apply, it may be used in cases of gross misconduct but the college may decide not to use a stage 3 and just end a student's probation. (Please see admissions procedure)

2. Statement of Procedure

2.1 Hertford Regional College aims to foster a safe and secure environment where staff and students can study, learn, grow and develop to their full potential.

2.2 The standards of behaviour expected are promoted in College literature, posters, BRAVO, Induction and through the study and tutorial programme so that everyone is aware of expectations.

2.3 Good academic performance and general good behaviour in the college, such as respectful and courteous behaviour, and compliance with The Student Code of Conduct, is essential to student success. The Student Disciplinary and Behaviour Management Procedure will be followed when students fail to meet the expectations outlined in the Student Code of Conduct i.e. when there is poor behaviour and/or under-performance.

2.4 A student subject to disciplinary action will be advised of how to find the **Student Guide to the Disciplinary and Behaviour Management Procedure** so they are clear as to the arrangements to be followed and can see that procedures are properly and fairly carried out. Students have the right of appeal against the outcome of stage 3 of the disciplinary process.

2.5 There are four stages to the disciplinary procedure which will be outlined fully within the disciplinary procedure. These are:

1. Informal Positive Engagement
2. Formal Meeting Stage 1
3. Formal Meeting Stage 2

4. Formal Disciplinary Panel Hearing Stage 3

2.6 The **Student Disciplinary and Behaviour Management Procedure** ensures the academic success, safety and well-being of all learners at the College. It sets out the disciplinary procedure for learners who breach the **Student Code of Conduct** (Appendix 1).

2.7 Formal Stage 1, 2 and 3 disciplinary records will be monitored annually to ensure that students are receiving equitable treatment under the procedures. These figures will be discussed with the Colleges' Equality Diversity and Inclusion group.

2.8 The Procedure recognises that sometimes students with a learning difficulty or disability may display behaviour that would normally result in disciplinary action. In these circumstances, it may be more appropriate to deal with the behaviour outside of normal procedures. In such cases staff will seek the advice of the Head of Student Services.

2.9 Our aim is for this procedure to be trauma informed as such we will:

- Clearly communicate expectations, via induction, tutorials and promotion of BRAVO and the Student Code of Conduct.
- Provide a gradated discipline system that offers options at all levels to change behaviours and improve outcomes. Exclusion is only a last option.
- At all levels of the procedure positive engagement and use of both internal and external services to support young people and improve behaviour and outcomes.
- Train staff to be Trauma Informed in their interactions with students

3. Radicalisaton and Extremism

3.1 The college seeks to protect its students against all forms of extremism, radicalisation and associated ideologies, without explicitly singling out any particular faith or religion.

3.2 Behaviours and actions which are deemed to be of an extremist or radical nature will be dealt with in line with the College's safeguarding policy, available on the College website and on Staffnet.

4. Bullying Harassment & Sexual Misconduct

4.1 Bullying

HRC adopts the following definition of bullying:

'A physical, psychological or verbal attack against an individual or group of individuals by a person or group of persons, intending to cause physical or psychological harm to the victim.'

Bullying is the use of aggression with the intention of hurting another person. It is usually conscious and wilful and commonly consists of repeated acts of aggression and/or manipulation. People can be bullied on the grounds of:

- Race
- Gender
- Age
- Sexual orientation
- Disability
- Socio-economic status
- Nationality
- Language
- Religion
- Belief

- Other real or perceived differences

However, it can also be for no apparent reason. Bullying can take many forms, including:

- Use of IT and mobile telephones, i.e. cyber-bullying and text messages, over social media (please see appendix 4 “Misuse of social media”)
- Being called names
- Being teased or taunted
- Being pushed or pulled around
- Being hit or attacked
- Having bags and other possessions taken and thrown around
- Having rumours spread
- Being ignored and left out
- Being forced to hand over money or possessions
- Being attacked because of religion, colour, ethnicity, language, sexual orientation,
- disability, gender, class, age, family circumstances etc.

Bullying can be subtle or it can be blatant. It can cause short-term suffering for the victim or it can go on for years, but it is always damaging and the college will always take it seriously and address it.

4.2 Harassment

Harassment (as defined by Section 26 of the Equality Act 2010) includes unwanted behaviour or conduct which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

Harassment also includes domestic violence and abuse (which can also involve control, coercion and threats) and stalking.

Harassment can also include any incidents of physical violence towards another person(s) on the basis of a protected characteristic and hate crimes, such as those criminal offences, which are perceived by the victim or any other person to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

4.3 Sexual Misconduct

Sexual misconduct relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:

- Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010) (Sexual Harassment is unwanted behaviour of a sexual nature which: violates

the victims dignity. makes them feel intimidated, degraded or humiliated or creates a hostile or offensive environment. This may take the form of unwanted sexual approaches, touching, comments, sexual jokes and can also be via the internet or other communication methods.)

- Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- Assault (as defined by the Sexual Offences Act 2003)
- Rape (as defined by the Sexual Offences Act 2003)
- Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

Definitions include harassment and sexual misconduct through any medium, including, for example, online.

In the event of an accusation of sexual misconduct both the reporting and responding parties will be offered support by members of the safeguarding team.

4.4 Ensuring Acceptable Performance and Behaviour

Staff have responsibility for ensuring that students adhere to their commitments as expressed in the Student Code of Conduct and BRAVO code. Managers have responsibility for ensuring that staff are effective in their duties and behave according to the ethos and policies of the college.

Ensuring the above has, in some circumstances, the danger of being interpreted as intimidation or even bullying. To minimise this possibility, it is important that staff, when raising serious issues, particularly persistent issues, do so clearly but politely and respectfully.

Such an approach – particularly when support is offered – is intended to help to minimise
the possibility of people feeling intimidated and improve the likelihood that issues will be resolved.

4.5 Responsibilities

Everyone in the College must take responsibility for promoting a common anti-bullying/anti-harassment approach and all members of the College community are expected to report and challenge incidents of bullying and harassment without fear or favour.

4.6 We expect that staff will:

- Ensure that all alleged incidents of bullying & harassment, perceived or otherwise, are reported to line managers and acted upon, **and that they are recorded/reported via CPOMS.**
- Provide a good role model for young people by behaving in a respectful and caring manner with students and colleagues
- Undertake training to help them to deal effectively with issues of bullying and harassment
- Tackle specific incidents of bullying & harassment through the disciplinary procedure, if appropriate
- Raise awareness in the classroom of bullying & harassment, for example through the tutorial programme and induction
- Record, monitor and investigate reported incidences of bullying and harassment **via CPOMS**

4.7 We expect that students will:

- Support College staff in the implementation of anti-bullying measures
- Become involved in the monitoring of the policy via Learner Voice
- Feel confident to challenge and report incidents of bullying or harassment
- Feel reassured that bullying & harassment is taken seriously and is always tackled by the College

4.8 We expect that the Governing Body will:

- Support the Principal and College staff in the implementation of anti-bullying/anti-harassment measures
- Be fully informed on all matters concerning bullying and harassment in the College

4.9 Dealing with, Recording and Monitoring incidents

All reported incidents will be taken seriously and will be investigated. The College's overall goal will be to stop bullying and harassing behaviour and to ensure that any victim is supported and protected.

Each stage of the investigation will be recorded **via CPOMS** and, if appropriate, the matter will be dealt with through the College's disciplinary procedure. Complaints of bullying or harassment can be reported to any member of College staff.

Where appropriate, parents of both the victim(s) and the person(s) accused of bullying will be informed of what has happened and how it has been dealt with.

5. Equality and Diversity Statement

HRC is committed to the promotion and development of equality and diversity. This procedure is designed to ensure consistent, effective and fair treatment for all and has been impact assessed to ensure that it does not adversely affect users on the grounds of age, disability, race, gender, sexual orientation, gender reassignment, religion and belief or pregnancy and maternity. This procedure will be implemented in accordance with our Single Equality Scheme, SEND Reform and GDPR. The impact of this procedure on equality and diversity issues has been assessed.

6. General Data Protection Regulation (GDPR) Statement

6.1 When dealing with student disciplinary meetings, the College processes personal data collected in accordance with its data protection policy. At HRC, we are committed to protecting the privacy and security of all personal data. All data is held securely and processed in accordance with GDPR guidelines to ensure confidentiality and integrity. Any data breaches will be promptly addressed and dealt with severely. For more information, please refer to our comprehensive Data Protection Policy.

7. Student misconduct that may also constitute a criminal offence

7.1 The nature and scope of an internal disciplinary process and nature and scope of a criminal process are fundamentally different. The criminal process must take precedence Keeping Children Safe in Education 204 (paragraph 551) states:

7.2 Disciplinary action can be taken whilst other investigations by the police and/or local authority children's social care are ongoing. The fact that another body is investigating or has investigated an incident does not in itself prevent a school from coming to its own conclusion, on the balance of probabilities, about what happened, and imposing a penalty accordingly. This is a matter for the school and should be carefully considered on a case-by-case basis. The designated safeguarding lead (or a deputy) should take a leading role. The school should consider if, by taking any action, it would prejudice an investigation and/or any subsequent prosecution. Careful liaison with the police and/or local authority children's social care should help the school make a determination. It will also be important to consider whether there are circumstances that make it unreasonable or irrational for the school to reach its own view about what happened while an independent investigation is considering the same facts.

7.3 This may lead to the suspension of a student or measures put in place such as reduced time on campus or a risk assessment whilst criminal proceedings take place. Advice from the police will be taken, this could in some circumstances lead to a long suspension.

Part 2 – Further Education Student Disciplinary & Behaviour Management Procedure

1. Summary

1.1 The purpose of the disciplinary procedure is to bring to a student's attention that their behaviour is in breach of the Student Code of Conduct and BRAVO and is, in the opinion of the College, likely to have a negative impact on the student, fellow students, the college or staff.

1.2 Hertford Regional College will do all it can to encourage the positive engagement of all students. This procedure aims to ensure consistency of approach to promoting and rewarding positive behaviour as well as dealing with unacceptable behaviour and misconduct.

1.3 All members of staff should contribute to the success of this procedure by relentlessly, but positively, challenging poor behaviour and engagement through immediate, direct intervention.

1.4 To create a culture of positive engagement, Hertford Regional College will:

- encourage all students to meet the standards of conduct, attendance and work performance required by the College
- promote the highest possible degree of consensus about standards of behaviour among staff, students, parents and employers
- provide clear guidelines about these standards and their practical application
- recognise, reward and celebrate positive behaviour
- recognise and appropriately challenge unacceptable behaviour
- ensure consistent and just treatment for all regardless of their age, ethnic origin, gender, disability, sexual orientation, marital status, religion or belief
- constantly strive to address unacceptable behaviour through positive engagement but be ready to accept that, on occasions, the disciplinary route is appropriate;
- ensure that, whilst a disciplinary route may be necessary for an individual at a particular time, there may well remain a role for positive engagement activities running in parallel
- empower and enable staff to make the essential judgements on the most appropriate response to an incident of unacceptable behaviour

2. Standards of Behaviour Expected

2.1 The standards of behaviour expected of students at Hertford Regional College are set out in the **Student Code of Conduct and our BRAVO code** and all students at Hertford Regional College have a responsibility to uphold these codes at all times.

Departments may also have vocationally relevant codes of conduct that students are expected to follow.

2.2 Good Behaviour & Using Encouragement and Praise

To create a culture of positive engagement and mutual respect, staff must be clear about their role in promoting positive engagement as well as being clear with students about what is expected of them.

Every opportunity should be taken to remind students of what constitutes good behaviour, rather than focusing on bad behaviour. This is best achieved by being consistent and fair and using encouragement and praise.

3. Defining Unacceptable Behaviour/Conduct

It is very important that all unacceptable behaviour is addressed in some way. Ignoring such behaviour can and will be interpreted by some as tacit approval of the behaviour by a member of staff and is very likely to lead to repetition, if not escalation, and increased difficulty in dealing with that behaviour going forward.

Guidance on gross misconduct and tackling poor learner performance is provided in Appendices 3 and 4.

3.1 Types of Unsatisfactory Conduct

For the purpose of administering our student disciplinary and behaviour management procedure we have categorised unsatisfactory conduct against the relevant meetings

Types of unsatisfactory conduct	Relevant Meeting
Unsatisfactory academic performance/low level disruption	Positive Engagement Meeting
Misconduct or persistent low level disruption/ unsatisfactory academic performance	Stage Disciplinary Meeting 1 and 2
Gross Misconduct or persistent misconduct/ unsatisfactory academic performance	Stage 3 Disciplinary Panel Hearing

3.2 Suspension ad Sanctions

Who can suspend a student?

The table below outlines which member of staff can suspend or give a cooling off period to a student.

Action	Who can Suspend
Timeout/ Cooling Off Period	Duty Manager, Managers, Curriculum Area Manager (CAM)
Suspension	Directors, CAMs, Head of Student Services

3.3 Colling off Period

A Cooling Off Period is intended for low level incidents where an appropriate staff member considers this to be the most effective way to diffuse a situation. It can also be used where a learner is in college but refusing to go to their lesson. One or more students may be sent home for a short period to cool off and reflect on their behaviour or actions. The cooling off period should not be used f misconduct or gross misconduct behaviour e.g. fights, criminal damage, bullying etc. Although may be used whilst investigations take place in such cases.

Actions to be taken

- Issue learner with Cooling Off letter which can be found at Receptions at both sites.
- Agree when learner is next expected in for meeting with CAM to discuss.
- If learner is under 18, their parents/carers must be informed by phone or email and a copy of the letter sent to parents.
- Ask learner for their ID and send a request to MIS to their block card.
- Record Cooling Off on ProMonitor.

The student/s involved in the incident will return to College when a meeting with their Curriculum Area Manager has been arranged, this should be done as soon as possible to ensure minimal loss of learning time. The purpose of the meeting is to discuss the incident, with any available evidence, and decide what further action should be taken, if any.

3.4 Other Actions

Prior to a disciplinary meeting it may be necessary to put in place other actions such as a reduced timetable to prevent students from meeting prior to a disciplinary outcome, in this way it may be possible to avoid suspension. It may be deemed a risk assessment is necessary which may place restrictions or expectations on the student concerned.

3.5 Suspension

It may be deemed that prior to a student having a disciplinary meeting that they need to remain suspended until this has taken place. This will often be in the case of suspected Gross Misconduct. Suspension should always be as short a time as possible and should never be used as a sanction or punishment. Suspended students should be provided with work to do whilst they are not in College.

4. Stages of the Disciplinary Procedure

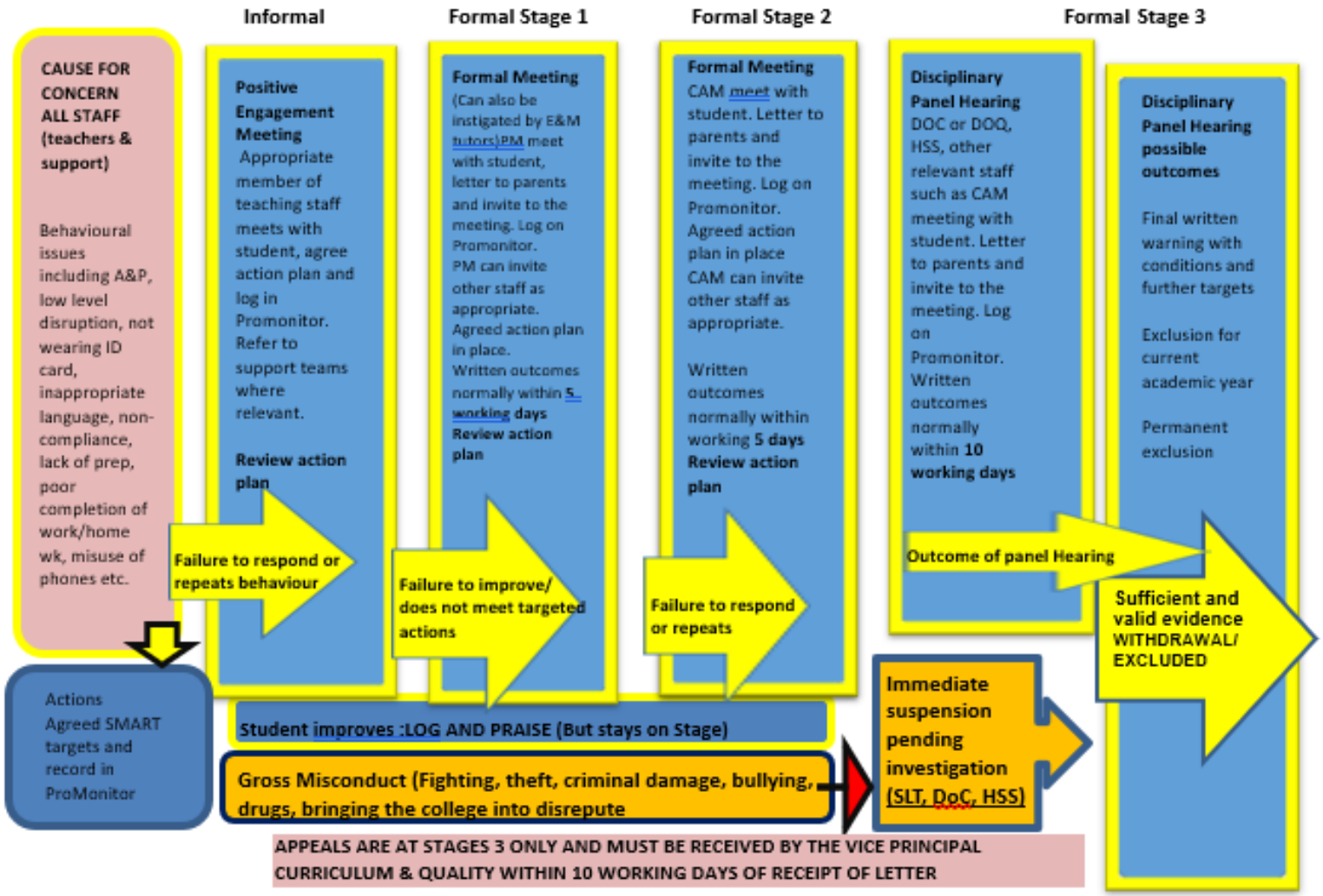
There are normally four stages to the disciplinary procedure, building progressively towards possible exclusion (informal, formal stage 1, formal stage 2 and formal stage 3), and each stage is explained more fully in the sections that follow. The flow chart on page 11 summaries key information for each stage. These meetings can be held either face to face or virtually. On occasion the severity of the behaviour may mean that stages are not used progressively for example in the case of misconduct or gross misconduct a student may immediately be taken to stage 2 or 3.

The College also has a Fitness to Study procedure in some circumstances it may be better to follow this procedure if a students behaviour, performance or attendance is affected by mental or physical health issues.

English & Maths

In all stages of this process the member of staff chairing the meeting should communicate with the English and Maths teams to see if there are any concerns from these departments. English and Maths tutors should be invited to attend meetings if there are specific concerns that need to be addressed.

DISCIPLINARY PROCEDURE FLOW CHART – ALL BEHAVIOURS (INCLUDING ATTENDANCE AND PUNCTUALITY)



4.1 Informal Stage Positive Engagement Meeting

Minor misbehaviour may occur at any time. Wherever possible, this should be dealt with through informal means at the time by the member of staff witnessing the behaviour. However, if the behaviour requires follow up, a note should be added on ProMonitor advising the students tutor of the behaviour, it could be that the member of staff reporting the behaviour is the appropriate member of staff to hold the meeting for example a maths or English tutor.

Poor punctuality, attendance and poor learning behaviour in lessons (including English and maths lessons), and failure to meet assignment deadlines may all lead to a cause for concern on Promonitor.

Failure to wear visible ID at all times whilst on site is a breach of our safeguarding expectations and should attract a disciplinary warning. No learner should be allowed on site without an ID card.

Upon receiving details of misbehaviour:

a) A member of staff will arrange a Positive Engagement Meeting with the student at the earliest opportunity to discuss the problem and explore solutions, including any support that might be needed or is available

b) A member of staff and student should agree an action plan appropriate to the circumstances, specifying the required improvements in behaviour as well as timescales for improvement, and a record of this must be made on the student's Individual Learning Plan (ILP) on ProMonitor within a 'Positive Engagement Meeting'. This should be referred to Student Services if extra support is required relating to counselling, student welfare, financial support, additional learning support or careers advice. The student must be made aware of the possible ramifications should improvement not be made as agreed.

c) During the next 1:1 tutorial or relevant lesson, the Personal Tutor or relevant member of staff should review and note whether the student has achieved the agreed action plan targets, and record this on the ILP.

d) If the action plan has been successfully carried out the disciplinary process ends. If there has been no improvement, or there is further notification of misconduct, the procedure moves on to formal Stage 1.

e) Throughout this informal process, the Personal Tutor or relevant member of staff must ensure that they are keeping the relevant lecturer informed of the issues and discussions. In some cases, it may be more appropriate for the lecturer to carry out this informal process with the student. Welfare advisors are also available to support the learner through the process.

4.2 Stage 1 Formal Meeting

If there has been insufficient improvement following the informal process, further notification of misconduct or a serious incident of misconduct, then the procedure moves to formal Stage 1. The Stage 1 procedure should be carried out by the relevant lecturer . This stage can also be instigated by the student's English or Math's tutor. However, the lecturer must also attend the meeting. In the case of E&M instituting a disciplinary the administration should be organised by this department.

a) The student should be notified that Stage 1 of the procedure is being invoked, and the reasons why. The meeting should be held as soon as possible and not more than **10 working days** between the need for the disciplinary being ascertained and the date of the meeting. A letter should be sent to parent/carer of under 18 students, to state the meeting is happening and they are welcome to attend. But the meeting should happen in a timely fashion so the rearrangement of it for parental attendance may not be possible, they will receive information on the outcome of the meeting.

b) Notification should be in the form of a letter to the individual. The letter should be copied with enclosures to the parent or carer if the student is under 18, or to the employer if in work-based learning. If the student is a member of the Virtual School a copy of the letter should also be sent to the Virtual School. If the student is on an apprenticeship programme the Director of Apprenticeships and Commercial Development should also be notified.

c) The student is entitled to be accompanied, either by a parent, guardian, relative, carer, friend (other than a suspended or excluded student), employer or designated representative of the employer (for work-based and other sponsored learners), to provide support. This entitlement must be included in the written notice of the formal meeting.

d) The Chair will be the PM other relevant staff may be present at the invitation of the Chair in the case of English and Maths the tutor should be present. The Chairperson should assemble all available evidence of the misbehaviour or misconduct, including any witness statements from staff, students and/or third parties. In the use of evidence particularly CCTV, GDPR needs to be adhered to.

e) The student will have the right to respond and may bring evidence to support their position.

f) The person accompanying the student may not undertake the meeting on behalf of the student, and may speak only to ask for, or provide, clarification of what is being said by any of those present.

g) At the conclusion of the meeting, the Chair may ask the student and support to withdraw whilst the evidence is considered. Alternatively, the student may be given notice of when a decision will be reached.

h) Irrespective of any verbal decision being communicated to the student, the Chair ***must notify the student in writing of the outcome of the Stage 1 disciplinary meeting within 5 working days of the meeting***. A copy of the outcome is to be sent to all involved as described in point 2 above of this part of the procedure.

i) **The outcome of the disciplinary meeting could be one or more of the following:**

   i. No further action
   ii. An action plan with targets
   iii. Escalate to Stage 2

j) A copy of the letter of confirmation should be placed on the student's file.

k) The outcome of the stage 1 should also be recorded on the student's ILP within 'Stage 1 disciplinary meeting', with details of any action plan and targets including conditions for continuation on programme.

l) Lecturer should continue to work with the student to support them in achieving targets in any action plan or compliance with any conditions for remaining on the programme, and progress should be recorded on the student's ILP. They should involve other College staff, for example, College Counsellor or College Welfare Adviser as appropriate.

m) PM will conduct the review and record on the student ILP whether or not the student has met the conditions and/or achieved the agreed action plan targets.

n) If the conditions have been met and/or the action plan has been successfully carried out the disciplinary process ends PM will verbally inform the student of this.

o) If there has been no improvement, or there has been further notification of misconduct, then the procedure moves on to Stage 2.

4.3 Stage 2 Formal Meeting – CAM

If there has been insufficient improvement in behaviour following a Stage 1 meeting, further notification of misconduct, or persistent unsatisfactory academic performance, then the procedure moves to formal Stage 2. The Stage 2 procedure should be carried out by the Curriculum Area Manager (CAM). Where incidents involve more than one curriculum area CAMS should discuss so outcomes are fair, student services to be involved if needed.

a) The student should be notified that Stage 2 of the procedure is being invoked, and the reasons why. The meeting should be held as soon as possible and not more than **10 working days** between the need for the disciplinary being ascertained and the date of the Meeting.

b) Notification should be in the form of a letter to the individual, within the letter should be guidance as to where to find the Student Guide to the Disciplinary and Behaviour Management Procedure. The letter should be copied to the parent or carer if the student is under 18, or to the employer if in work-based learning. If the student is a member of the Virtual School a copy of the letter should also be sent to the Virtual School. If the student is on an apprenticeship programme the Director of Curriculum and Apprenticeships should also be notified.

c) The student is entitled to be accompanied, either by a parent, guardian, relative, carer, friend (other than a suspended or excluded student), employer or designated representative of the employer (for work-based and other sponsored learners), to provide support and ensure fairness. This entitlement must be included in the written notice of the formal meeting.

d) In some instances of gross misconduct, or continued misbehaviour for which exclusion may be an outcome, the student may be suspended and parent/carer/Virtual School informed if under 18 until the disciplinary meeting takes place. If the student is on an apprenticeship programme the Director of Curriculum and Apprenticeships should also be notified. The decision to suspend a student should be taken by the Director of Curriculum, in circumstances where the DOC is unavailable, this decision can be made by a Curriculum Area Manager. In exceptional circumstances the Duty Manager can suspend students.

e) In instances of suspension, the student's ID card should be taken unless there are reasons not to such as needed for bus travel, MIS notified to block student ID card and the relevant flag entered on the system.

f) The Meeting will be conducted by the CAM acting as chairperson other relevant staff may be present at the invitation of the Chair. Notes of the meeting should be taken and kept on the meeting record on Promonitor.

g) The chairperson should assemble all available evidence of the misbehaviour/ misconduct, including any incident reports and witness statements from staff, students and/or third parties.

h) The alleged misconduct or misbehaviour will be presented to the student.

i) The student will have the right to respond and may bring evidence to support their position.

j) The person accompanying the student may not conduct the meeting on behalf of the student, and may speak only to ask for, or provide, clarification of what is being said by any of those present.

k) At the conclusion of the meeting, the Chair may ask the student and support to withdraw whilst the evidence is considered. Alternatively, the student may be given notice of when a decision will be reached.

l) Irrespective of any verbal decision being communicated to the student, the Chair ***must notify the student in writing of the outcome of the Stage 2 disciplinary Meeting within 5 term time working days of the meeting***. A copy of the outcome is to be sent to all involved as described in point 2 above of this part of the procedure.

m) The outcome of the disciplinary Meeting could be one or more of the following:

   I. No further action
   II. An action plan with targets, and possible warning around future conduct.
   III. Escalate to a Stage 3 Panel Hearing

n) It must be made clear in the written outcome that a breach of any conditions for continuing on programme, or failure to achieve the action plan targets will lead to a **Stage 3 Disciplinary Panel Hearing**.

o) The outcome of the Stage 2 should also be recorded on the student's ILP under 'Stage 2 disciplinary meeting' with details of any action plan and targets including conditions for continuation on programme.

p) Except where exclusion is recommended (in which case a stage 3 meeting will be held), the CAM must make appropriate arrangements for when a review of any conditions or action plan with the student is to take place, and who will conduct it. As a minimum, this should be at Curriculum Area Manager level.

q) Prior to the review date the student should be reminded of when and where the review will take place. The person conducting the review must gather from relevant staff an update on the student's progress in meeting any conditions or action plan targets.

r) Conduct the review and record on the student's ILP whether or not the student has met the conditions and/or achieved the agreed action plan targets.

s) If the conditions have been met and /or the action plan has been successfully carried out the disciplinary ends. This must be noted on the student's file.

t) If there has been no improvement the student must be informed of this in writing and that consequently he/she will be recommended for Stage 3

u) If the outcome of the Stage 2 meeting is a recommendation for exclusion, the CAM should notify all parties of the outcome. And the CAM will put the student forward for stage 3.

4.4 Stage 3 Formal Disciplinary Panel Hearing

a) Curriculum Administrators will liaise with relevant managers and curriculum staff and set up stage 3 panel meetings. Panel members to review all documentary evidence relating to the misconduct. The panel will be chaired by the relevant Director of curriculum or another Director/Head of student Services and will include the Head of Student Services (or a nominee of the HoSS) and other relevant staff as deemed appropriate by the Chair. Often the most appropriate person to present the evidence is the CAM.

b) The student should be notified that Stage 3 of the procedure is being invoked, and the reasons why. The student must be given reasonable written notice of the date and time the Stage 3 panel is to take place, and of the members of staff that will be present. **The timescale should be within 10 working days between the need for the disciplinary being ascertained and the date of the meeting.** In extenuating circumstances the time scale could be extended.

c) Notification should be in the form of a letter sent by the curriculum team/administrator to the individual, The letter should be copied to the parent or carer if the student is under 18, or to the employer if in work-based learning. If the student is a member of the Virtual School a copy of the letter should also be sent to the Virtual School. If the student is on an apprenticeship programme the Director of Curriculum and Apprenticeships should also be notified.

d) The student is entitled to be accompanied, either by a parent, guardian, relative, carer, friend (other than a suspended or excluded student), employer or designated representative of the employer (for work-based and other sponsored learners), to provide support. This entitlement must be included in the written notice of the formal meeting. The person accompanying the student may not undertake the meeting on behalf of the student, and may speak only to ask for, or provide, clarification of what is being said by any of those presenting. The college reserve the right to halt the panel hearing if the meeting deteriorates and becomes unmanageable. It may be advantageous to have a formal agenda for such a meeting.

e) The panel chair will notify the student in writing of the outcome of the Stage 3 within 10 working days of the panel meeting by way of a letter. A copy of the letter is to be sent to the parent or carer, as described in point 3 above in this part of the procedure, If the student is a member of the Virtual School a copy of the letter should also be sent to the Virtual School. If the student is on an apprenticeship programme the Director of Curriculum and Apprenticeships should also be notified. Summary notes will be taken and placed on the student's ILP within 'Stage 3 disciplinary meeting' by the curriculum team.

f) The outcome of the panel meeting could be one or more of the following:
   i. No further action
   ii. A further action plan with targets and final warning around future conduct
   iii. Approval for exclusion for current year (this will mean that re-application for next year will be permitted)
   iv. Approval for permanent exclusion. **This needs to be noted on ProSolution via Administrators and marked to show for all years.**
   v. In some circumstances the panel may choose a different outcome such as reducing the level of disciplinary to a stage 2 or merely noting the outcome because the student has left.

The outcome of the meeting will be recorded formally in writing. If action plan is not adhered to the learners will not go through another stage 3 and the likely outcome will be approval for exclusion. If a student has received a stage 3 action plan and returns in a subsequent year, the department they return to should give them a robust probationary action plan to aid them being successful in that year.

5. Appeals Procedure

5.1 A student has the right to appeal against any decision arising from a stage 3 formal disciplinary hearing.

5.2 Notice of appeal must be made within 10 working days of the written notification of the outcome of the disciplinary meeting being sent.

5.3 The appeal must be lodged with the Quality Team via email - quality@hrc.ac.uk, . If help is needed with this, the College Welfare Adviser may assist with this part of the process. They should not, however, write the appeal on behalf of the student. Assistance is only to present a clear and coherent appeal.

5.4 The appeal letter must clearly present the reasons for the appeal, for example new evidence has emerged since the meeting. A re-statement of what was discussed at the disciplinary is not a ground for an appeal. A letter in the form of an apology and promise to be better behaved will not be considered to be a proper appeal against the decision.

5.5 If no appeal is received within 10 working days of the date of the letter or email, the outcome of the formal stage disciplinary meeting, together with any conditions, will be upheld.

5.6 An appeal lodged within these procedures will be considered within 15 working days of receipt of the letter by the Vice Principal or assigned representative.

5.7 As part of the appeal process, the Vice Principal Curriculum and Quality (or assigned representative) may require additional information, in particular, to further explain the reasons for the appeal and to state the case for reconsideration of the original decision where this is not clear. In this instance, further discussions with the student lodging the appeal and/or members of college staff may be required. This may be via telephone conversations, email correspondence or possibly face to face meetings.

5.8 Where it is deemed that a face-to-face meeting with the student is required, the student is entitled to be accompanied by a parent, carer, relative or friend (other than a suspended or excluded student), employer or designated representative of the employer (for work based and other sponsored learners) for support purposes during this meeting. Non-verbatim summary notes of the meeting should be taken and kept on the student's file and recorded on the student's ILP, along with copies of associated letters.

5.9 Witnesses will not normally be involved at this stage, except in relation to any relevant new evidence presented.

5.10 A suspended student remains suspended whilst the process is carried out.

5.11 The Vice Principal Curriculum and Quality or assigned representative will consider whether to allow the appeal, dismiss the appeal, or moderate the recommendation of the original disciplinary hearing. They may not impose a more severe sanction than originally applied.

5.12 The final decision of the appeal will be confirmed in writing within 5 working days of the final consideration. No further appeals against the same disciplinary outcome will be considered.

6. Screening and Searching

6.1 Screening

The College will use CCTV and other means to observe behaviour throughout the College premises and use images to identify students whose behaviour is unacceptable. It may be impossible to show CCTV footage because of GDPR.

Hertford Regional College will work in collaboration with other external agencies such as the police, to implement appropriate screening strategies such as metal detectors, arches, wands and sniffer dogs in order to detect prohibited items such as weapons or drugs. This tactic will be used at random or specifically as appropriate. Should the police decide to follow up their screening with a search the College will facilitate this.

6.2 Search Procedure

Where the College suspects a student is carrying a prohibited item, the College has the right to ask the individual to consent to a search. If any prohibited items are found this goes to a stage 3 meeting, refusal to be searched may also lead to a Stage 3 meeting. See Search Procedure on Staffnet.

7. The Involvement of Parents, Carers and Employers

7.1 The college has regard to carers and parents of students under 18 years of age and will contact and involve such in all formal stages of the disciplinary procedure unless the

student has given acceptable reasons why this should not happen e.g. independent living / safeguarding concerns. This also applies in the case of advocates for some students aged 18 and over. Similarly, where a student, regardless of such age is being directly sponsored by an employer, the college has a duty to report to that employer any concerns about attendance, work or conduct.

7.2 Parents can provide invaluable support and should be involved if there is no improvement after the informal stage or if there are a variety of issues (e.g. attendance, disruption in class, failure to meet deadlines). However, it is also important to help students towards independence during the transition to adulthood and they must be encouraged to be responsible for their own progress.

7.3 Parents may be involved at the disciplinary stage unless this is deemed inappropriate by College Management (e.g. independent living, safeguarding concerns). It is very important that if possible parents/carers attend stage 2/3 meetings although this needs to be balanced against meetings happening in a timely fashion.

7.4 Parents don't have to be involved (except in the case of our 14- and 15-year-old students, where the parent or school needs to be involved) and staff should not expend undue effort in attempting to involve parents who clearly do not wish to engage. However, it is important that reasonable attempts have been made through a variety of means which would have a good chance of overcoming any communications difficulties caused by such issues as working patterns, learning difficulties and disabilities, English language skills and so on.

8. Allegations Against Staff

8.1 Students sometimes make allegations about staff behaviour. When an allegation is made against staff it will be investigated and appropriate action taken, according to the staff disciplinary procedure or safeguarding procedure as appropriate.

8.2 Students should be advised that if allegations are found to be vexatious, this will be treated as gross misconduct, they may be given the chance to withdraw the allegation at this point. If a student admits to making a false allegation at this stage it could be treated as minor misconduct, and an informal disciplinary given. However, the circumstances may instead mean the issue needs a formal disciplinary response.

8.3 If the student continues to make an allegation, and it is subsequently found to be false, or the circumstances are deemed serious even following a withdrawal, then this should be treated as gross misconduct, and a formal disciplinary process should be instigated, in accordance with the disciplinary procedure.

9. Presentation of Evidence

9.1 During any of the stages evidence may be presented in a manner of forms such as ProMonitor comments, statements from witnesses, information from IT systems, screen captures and CCTV. It is important to protect the identities of those involved for example students' names should be removed from statements, other students mentioned in ProMonitor comments not be referred to. Whilst members of the panel can see all evidence there may be reasons that it cannot be shown to students and those accompanying them. For example, CCTV footage showing other students or captures from others phones that identify individuals. It is important that confidential information is

shared only with those who need to see it and those giving information confidentially need to be reassured this will not be shared beyond the panel members.

9.2 For all stages of the discipline process evidence such as statements, emails, social media and CCTV may be used. These will be presented and summarised by a member of staff during the meeting. To protect the identity of others and to fulfil our duties under GDPR the presenter will summarise for example removing names from a statement or in the case of CCTV evidence describing what they have seen.

Appendix 1 – Student Code of Conduct

By enrolling at the College you have agreed to abide by this code of conduct. The student code of conduct is to help you succeed and to make your college a safe place to learn:

1: Attend all sessions and inform the college immediately if you are going to be late or absent.

2: Be on time and be prepared for all sessions on your timetable and remember to bring the right equipment to lessons.

3. Respect the Highway Code rules when using the carpark or these rights will be withdrawn.

4. Remove all hats and coats when in classrooms or study areas.

5: Meet all deadlines and targets for your work and complete it to the very highest standard you are able to.

6: Make sure all work is your own. Do not cheat or plagiarise (copy) other people's work.

7: Do not use a mobile device in classrooms or study areas ***unless a member of staff has allowed it***.

8: Follow instructions from staff during lessons and on college premises helping to create a safe environment where everyone can learn.

9: Pass the Induction period before you can continue your chosen programme of study.

10: Wear your ID cards at all times and ensure it is visible, and if requested, hand it to a member of staff for inspection. ***Do not allow others to use your ID and do not help others to enter the college without ID.***

11: Show respect for all students, visitors and college staff at all times including when you are online, by respecting the rights and views of others. Never use abusive language or display behaviour which is aggressive, violent or in any way threatening to any person in the college. Never display extremist or discriminatory views that promote violence or break the law.

12: Sexual misconduct is unacceptable. Sexual harassment which is unwanted behaviour of a sexual nature such as touching, sexual comments, degrading names or the creation of a hostile environment will not be tolerated and offenders will be sanctioned.

13: Always act in a way that maintains the college's good reputation by respecting residents in our local community and acting appropriately in the local area, including avoiding children's play areas & private estates. Also do not bring the college's reputation into disrepute by your actions online such as posts on social media.

14: Always show respect for college property and use college buildings and equipment safely and carefully.

15: Follow health and safety procedures and follow the college's IT Code of Practice. This includes bullying and posting on social media items that bring the college into disrepute.

16: Never bring illegal drugs, alcohol or weapons into the college. Smoking and vaping are only permitted in the designated smoking areas at each campus.

17: Anybody caught stealing from anywhere on the college premises will be suspended and may face possible legal action.

18: Wear appropriate clothing that is safe and suitable for the industry that you aspire to work in and do not wear hoods, motorcycle helmets, ski mask or face coverings (other than those for medical/religious purposes, however photo ID must be carried at all times and be of full face without any covering) inside the college.

Appendix 2 – Tackling Poor Learning Performance: A Guidance Note

If our Admissions procedures have worked well, all students should start the year on the right course at the right level with the right Additional Learning Support in place, including literacy and numeracy support where a need is identified.

If this has been done effectively, no student should drop out except in very exceptional circumstances, and the great majority of students should finish successfully and progress.

If this hasn't happened, this needs to be addressed rapidly within the first 6 weeks after the start of the course. Otherwise it can easily become a chronic retention problem.

However, even where this is the case, students can begin to lose motivation which leads to poor academic performance. Symptoms of this can include poor punctuality, erratic attendance, poor behaviour in lessons and poor or late work.

Early intervention is the key to success in tackling poor academic performance. Led by the Director of Curriculum, staff should consider the following in tackling under-performing students:

- Talking as soon as possible face to face with students to raise concerns – this can be informal and brief, or a more formal one-to-one session.
- Calling students to a formal meeting to review their performance.
- Having them report each day they are in to a member of staff.
- Putting them on a report card which has to be signed each session they attend.
- Putting them on a formal Action Plan to get work in.
- Bringing them in for extra sessions to catch up with work in the library or LRC.
- Writing home to parents to express concern and ask for a telephone conversation or meeting.
- Referring them for counselling or mentoring.
- Short term exclusion – say 1 day or 1 week– pending a review meeting.

Please note, this list is not exhaustive. The main thing is to be pro-active and flexible in responding to different types of poor performance and the different personalities of students.

Please remember that withdrawal should only happen when we are sure we've tried everything to avoid it.

Whatever action is taken, it is essential that this is recorded on the student's Individual Learning Plan, so that there is clear evidence to present in the event a withdrawal or exclusion is considered.

In the end, if none of these interventions work, then disciplinary action must be taken.

Appendix 3 – Guidance for Staff: Gross Misconduct

1. Theft of College property or the property of any other person in College
2. Vandalism of any College property or the property of other College users (such as private cars)
3. Violent conduct, or conduct that appears likely to lead to violence, threatening and abusive behaviour
4. Importing obscene, distasteful or violent images into classrooms or other public areas
5. Racist, sexist, bullying or other harassing behaviour contrary to the College's Equality and Diversity Policy
6. Conduct that puts at risk the health and safety of the student concerned or others
7. Sexual assault and acts of indecency involving others
8. Serious misuse of College IT facilities. This includes: hacking into College systems; introducing viruses; altering or tampering with settings; the public display of pornographic or other inappropriate materials or saving such items to disk or memory sticks.
9. Carrying an offensive weapon
10. Possession of drugs
11. Possession or use on College premises of a weapon or any other form of physical object or chemical substance that could be used to threaten, harm or endanger others. This includes the possession of replica guns and the misuse of aerosols.
12. Possession or use on College premises of unlawful drugs or other proscribed substances.
13. Consumption on College premises of alcohol, except in properly licensed and supervised areas.
14. Being under the influence of drugs or alcohol, whether or not consumed off College premises, such that the student is unable to participate satisfactorily in classroom activities.
15. Being under the influence of drugs or alcohol when attending a class, workshop or practical session, where the individual's health and safety is at risk, or puts at risk the health and safety of others.
16. Making statements or accusations against others that are untruthful or false.
17. Plagiarism, presenting another person's work as your own, copying, cheating or allowing another person to access your work for the purpose of copying it.
18. Conduct damaging to the reputation or the business of the College, or the University for those learners registered with one of our partner Universities.

Examples of misconduct given above are illustrative only and not exclusive. The College maintains the right to consider other behaviour that presents itself as unacceptable, even if not included in the above at the present time.

Where the student is involved in activities which are against the law, the College will involve the Police. However, the decision to report a matter to the Police will be taken by the Duty Manager or a member of the Senior Leadership Team, unless any member of staff judges that the student(s) concerned or any third party are at risk of significant harm.

Appendix 4 – Misuse of Social Media

On occasion staff may receive complaints from students about other students abusing or threatening or bullying them by various types of social media. Often much of this takes place outside of College and not during the college day. In our commitment to safeguard all our students we will endeavour to support in such cases. Below is some advice on how to do so:

- If a student has been threatened or feels the law has been broken over social media the College always advises that they report this to the police.

- The Police have greater resources to investigate such matters.

- The College's first response to such matters is to try and bring about reconciliation between parties and in extreme cases take students into the disciplinary process if there is misconduct or gross misconduct. Our social media strategy states "If a member of staff or a student is found to be engaging in any form of online activity that is deemed as cyber bullying, bringing the reputation of HRC into disrepute, and/or uses the Internet in any way to attack or abuse students, staff members, teachers or tutors then that person could face disciplinary action."

- A student who is complaining about another's conduct must be prepared to share all their communications so an understanding of context is established.

- Any student accused needs the right to reply.

- It may be the case that students are advised to block each other on various platforms, the College cannot enforce this but students need to understand that if they do not take advice offered it becomes difficult for the college to support.

- Student's are also expected to act in a professional manner as we prepare them for the world of work.

Appendix 5 – Procedure when a learner forgets their ID card

All staff, learners and visitors are required to always wear their ID badges whilst in the College. The only exceptions to this would be where learners or staff are required to remove their badges for health and safety reasons. In this case the learners should be in a room with a member of staff and the ID badge has been requested to be removed for health and safety reasons. The badge must be worn again as soon as they finish carrying out the activity.

The rules and expectations around wearing ID badges will be reinforced from when learners are enrolled.

The following will happen if a student arrives without a badge:

- Where any learner arrives at the customer service reception without their ID badge, the customer service staff/ security staff will check the age of the learner. For any learner age 16 or over, they will explain that the learner must either return home to collect their badge or pay for a new one, the cost of a replacement badge is £3 for the first replacement and £5 for any subsequent replacements... There is also a list placed on Prosolution of students who it is advised should be given a card without request for payment, the safeguarding team provides this to the reception team.
- If they are unable or unwilling to pay, their Curriculum Area Manager shall be called if not available the Duty Manager (DM) or Welfare Officer will be called. Theywill then discuss the issue with the student concerned and decide if a new card is to be issued. In the vast majority of cases this should resolve the situation, in certain circumstances though a student may be sent home to get their card, in such a case the lecturer should be informed and asked to provide the work that has been missed.
- If a learner has been sent home and is under 18 then a letter should be sent to the parents / carers.

No learner under the age of 16 will be sent home without recourse to the Duty Manager. In this case the Duty Manager will liaise with the 14-16 team, or with the Workwise management team to contact the host school or the parents before allowing the learner to leave the campus.

Note: The Financial Support team should be aware of this procedure and if the learner is having financial difficulties and cannot pay the £3/£5, they should be referred to the Financial Support team. If the learner simply refuses to pay they are failing to comply with the College rules and expectations and this will escalate the disciplinary stage.

Appendix 6 - Improper use of Mobile phone or other recording Device

The college takes the privacy and consent of all on its site very seriously. Below are expectations the college has of all who may use mobiles and other devices. Students found to be in contravention of this will face disciplinary action.

- **No Unauthorised Recordings:** It is prohibited to record audio, take photos, or shoot video of staff or other students without explicit consent. This includes items such as smart glasses.
- **Usage in restricted areas:** No recordings are to be made in toilets or changing areas. These are also designated mobile free zones so voice or face time conversations should not take place in these areas.
- **Classroom Disruption:** Generally, in a class a phone should be set to silent and unless directed by the class teacher phones should be in a bag/pocket and not visible.
- **Exam Restrictions:** Smartwatches are uniformly banned in exam halls to uphold academic integrity and prevent cheating. You are typically required to store them in bags or leave them at home on exam days.