



# DERBY COLLEGE GROUP POLICY

## PROCEDURE

### Disciplinary Procedure

Owning Policy:	Positive Behaviour Policy
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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 Manager Student Engagement, 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.

# 2. Procedures

## 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 four categories:

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

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

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** – Team Manager Student Engagement
- **Attendance** – Linked Student Experience and Progression Coach Coordinator
- **Academic Progress** – Curriculum Team Manager
- **Bullying and Harassment** – Team Manager Student Engagement and Team Manager Student Welfare and Guidance

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.

- **Verbal Warning**

Any member of staff can give a verbal warning.

If a student has accrued five behaviour references, and it is deemed appropriate, they may be given a 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 Verbal Warning can also be given if a student’s behaviour is more concerning than a low-level disruptive behaviour. This may include low level verbal abuse (swearing directed at a person in an obnoxious manner or deliberately causing offence), deliberately creating a risk of minor injury to employees and/or other students, wilful disregard for one or more points of the Student Code of Conduct and/or bringing the College into disrepute.

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 SMART target 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 and followed in writing to their home address. 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.

All comments should follow **FACT**.

- **Written Warning**

Only a Team Manager, Director or Head, 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 Attendance and Retention Administrator (ARA) of the area on notification from a relevant Team Manager.

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

- **Final Written Warning**

Only a Director, Head, Team Manager Student Engagement or an employee given the same responsibilities of a Director or 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 Attendance and Retention Administrator (ARA) of 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 very serious incident that is a significant breach of the Student Code of Conduct. A significant 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, 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**.

- **Recommendation for Exclusion**

A recommendation for exclusion can only be submitted by the Team Manager Student Engagement, a Director 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, Head of Faculty or their representative, Faculty Team Manager and the Team Manager Student Engagement. The Personal Coach/Tutor may also be invited to attend. Parents/Guardians may be invited to attend the review if appropriate. The Student may opt for SU 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 Officers nominee. At this meeting the 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.

As a result of this review, the Deputy Chief Executive Officers nominee will decide whether the student shall be permanently excluded 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 is excluded then they will not be able to be enrolled on another Derby College course for a minimum of three years without further consultation.

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.

- **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 CEO's nominee, the Vice Principal.

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>

### **Student Expectation Agreement**

A Student Expectation Agreement (SEA) is a written agreement made between a student and a relevant member of staff that explicitly details in person-centred language specific parts of the Code of Conduct to support the students understanding of these expectations. If a student has a history of conduct issues at previous providers or other information shared suggests that an explicit individualised statement regarding College expectations may be beneficial than a SEA can be implemented prior to Enrolment. It needs to be made explicit that the agreement is a supportive measure and that, although any breach of the Code of Conduct may lead to disciplinary sanctions, a breach of this agreement (dependant again on the breach) may not automatically lead to disciplinary sanctions. A SEA may also be implemented at any part of the Disciplinary Procedure as part of the support offered to a student.

### **Behaviour Assessment Matrix and Consistency of Action Table**

The **Behaviour Matrix** has been created to support the decision making of College leaders regarding the use of our Positive Behaviour Approach, Purpose Driven Model and (when necessary) the Disciplinary Procedure). This matrix involves assessing behaviours/actions by severity and likelihood of repetition. This two-letter category can then be used to cross-reference the Consistency of Action table.

The **Consistency of Action Table** guides and advises *what support* that should be offered, *which actions* could be taken and *who should be involved* within a three-stage approach based on the categories in the **Behaviour Matrix**.

### **Time Out**

A Time Out may only be issued by a Team Manager, Director, 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, 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 Team Manager Student Engagement 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.

### **Responsibility (positions and specific responsibilities)**

Every employee has a responsibility to role model our expectations, communicate our expectations, support students to understand these expectations and challenge when expectations are not being met. Wherever possible this should be done swiftly, informally and at the time of the breach of the expectations. If these breaches are more serious or are persistent then formal disciplinary sanctions, as outlined in this procedure, should be implemented.

The Head of Behaviour for Learning is responsible for the development and implementation of the arrangements covered by this procedure and associated policy.

The Team Manager Student Engagement is responsible for supporting the implementation of this procedure and for advising all employees on the proper use of disciplinary sanctions and their communication to students and their supporters. Team Managers, Directors and Heads can request the presence of the Team Manager Student Engagement at Formal Reviews when deemed necessary.

The Head of Behaviour for Learning, Team Manager Student Engagement, Heads of Department, Cross-College Directors, Curriculum Team Managers, Teachers and Progression Coaches/Tutors of the relevant academic area are responsible for the delivery and implementation of the procedure and associated policy in their area(s).

The School Liaison Team Manager is responsible for the engagement of pre-16 students at Derby College, including the communication of the College’s expectations, and for the liaison between College and Schools.

The Residential and Welfare Manager is responsible for the implementation of this procedure in line with the <Positive Behaviour Policy> and <Licence to Occupy> for residential students of Broomfield College, in regards to their occupancy, but not necessarily their Study Programme. For further clarity please refer to <Positive Behaviour Policy> Section 4 Scope and Limitations.