

DN COLLEGES GROUP

Disciplinary Policy – Students and Apprentices

Effective from: July 2020

Version Number: I

1. Purpose

- 1.1 The purpose of this policy is to ensure that DN Colleges Group (DNCG) provides a positive learning environment to support the learning process and to promote acceptable conduct at all times. It reinforces the expectations of behaviour for all students/apprentices to ensure they can engage in learning and are able to have an enjoyable, safe and successful time while learning. The expectation is that all students/apprentices take responsibility for their learning and work hard to achieve their learning goals. All staff, students and apprentices have a responsibility to promote and maintain this supportive and respectful culture.

This policy seeks to ensure that student/apprentice discipline is maintained in a manner that promotes fair and equitable treatment of all and provides support to all members of staff.

This policy is written in line with the DNCG's core values, safeguarding, health and safety, equality and diversity and data protection/general data protection requirements (GDPR) .

2 Scope (including Covid-19 response)

- 2.1 This policy applies to all enrolled students, FE and HE, including apprentices, whether full-time or part-time and covers misconduct alleged to have occurred on College premises or during College-organised off-site activities, or behaviour which brings the DN Colleges Group into disrepute, including work related activity (work placement), college educational visits and extends to use of ICT, including e-safety issues. It also applies to under 16 year olds attending College.

Judgements made in respect of school pupils who are enrolled as students at either College will be entirely consistent with this policy. Responsibility for any ensuing disciplinary action will remain with the school in which the pupil is based. However, the College will take whatever action it feels appropriate in accordance with the policy, and discussion with the relevant school.

Apprentices follow the DN Colleges Group disciplinary procedures, with the Colleges informing and liaising with the sponsoring employer as appropriate.

Students who have additional needs can be particularly vulnerable to disciplinary action. This includes those with an Education Health Care Plan (EHCP) and Looked After Children (LAC). The Colleges, as far as possible, should avoid excluding permanently any student with an EHCP or who is a LAC. Disciplinary sanctions should be considered very carefully and a student should not be disciplined for an incident which directly relates to their additional need. It is important to note under the Code of Practice 2014 that behaviour no longer exists as a category of need – it is now replaced by social, emotional and mental health. The Colleges should engage proactively with parents and agencies in supporting students with additional needs, emotional, social and mental health difficulties, including the relevant local authority.

Finally, within the scope of this policy, are any changes or adaptations made in response to the Covid-19 pandemic. For example, it is expected that students and apprentices comply with all requirements around social distancing and infection control as provided by Health & Safety. Failure to do so would result in disciplinary action being taken.

3 Consultation

- 3.1 Team members in Student Services, Student Support and curriculum teams.

4 Definitions and/or Relevant Legislation

- 4.1 ***DNCG reserves the right, where circumstances dictate, to make variations to the procedural aspects of this policy. The DNCG may make such variations, subject to informing the student/apprentice concerned and subject always to considerations of fairness. It is noted that in response to Covid-19 expectations around safe practices may change quickly and must be adhered to.***

SEND - Special Educational Needs and Disabilities (SEND)
Equality Act 2010

5 The Policy

- 5.1 DN Colleges Group will endeavour to ensure that the process is accessible and understandable to students/apprentices in line with its Equality and Diversity Policy. The formal disciplinary process will only be invoked when difficulties cannot be resolved through the informal stage of the process unless it is gross misconduct which warrants recourse to the formal stage of the procedure.

Safeguarding issues are of paramount importance to the DN Colleges Group. The Group operates within its Safeguarding Policy and maintains its absolute discretion to take disciplinary action against any student/apprentice whom they reasonably consider to be a threat to children and young people at either College. The DN Colleges Group will act in accordance with its Safeguarding policy and procedures and be bound by the outcomes of local authority safeguarding meetings. Consequently, DN Colleges Group, with the agreement of the DN Colleges Group's Senior Designated Safeguarding Lead (DSL) may act outside these procedures, in terms of suspensions and exclusion from either College.

If the police are involved in any way in a matter which DN Colleges Group considers to be a disciplinary offence, action may be taken against the student/apprentice under this procedure notwithstanding the fact that the police investigation or proceedings may not have been concluded, or that the student may have been found to be not guilty of the alleged criminal offence. DN Colleges Group may decide to postpone any action in line with this policy pending the outcome of any police investigation.

Minor cases of misconduct should be dealt with informally by any member of DN Colleges Group staff and where appropriate reported to the programme tutor or curriculum area leader. All staff members have an individual and collective responsibility, in line with our Values, to challenge any inappropriate or unacceptable language and behaviour. Support should also be offered, if appropriate, to address any areas of concern.

- 5.2 Formal stages will only be instigated after all informal action has failed or there is a serious breach of DN Colleges Group policy or gross misconduct.

The stages within this policy are as follows:

- Informal Stage – Verbal Warning
- Formal Stage 1 – First Written Warning
- Formal Stage 2 – Final Written Warning

5.3 **Gross Misconduct**

If a student's/apprentice's behaviour is considered to be gross misconduct, either because of a specific incident or continued poor performance/ behaviour, they may be excluded from DN Colleges Group for either a fixed term or indefinitely.

DNCG's duty of care and due regard for the health and safety of its students and staff underpins our definition of gross misconduct.

For the purposes of this document the term 'gross misconduct' means behaviour that, intentionally or not, causes or could have caused significant harm to others, significant damage to property or significant harm to the reputation of the College and the possession of drugs, alcohol and illegal substances on College premises. Gross misconduct would usually result in an immediate recommendation that the student is permanently excluded. This would include serious assault upon other students or members of staff. In such instances a decision to exclude a student may be made without all stages of this disciplinary policy being followed. This will usually be when the health and safety of others is at risk. 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.

If a student/apprentice is asked to leave, their ID card and computer access should be disabled immediately. Should any unauthorised access to DNCG premises occur in the future, action may be taken including notifying the student/apprentice of this.

5.4 **Student Expectations**

When students/apprentices enrol at DN Colleges Group, they are agreeing that they accept the following expectations.

I Am Work Ready:

- Demonstrate professionalism, always attend and be on time
- Develop my employability & technical skills
- Have high standards for myself and my learning environment

I Am Respectful:

- Behave respectfully & show kindness to others
- Treating everyone equally
- Demonstrate British values

I Am Safe & Healthy:

- Safeguard myself & others by wearing a lanyard
- Stay safe online & from the risks of radicalisation & extremism
- Eating/drinking healthy & exercising

I Am Aspirational:

- Gaining valuable work experience
- Focus on self-development to fulfil my potential
- Aspire for high grades

5.5 The Disciplinary Process

DN Colleges Group reserves the right to make changes to the staff involved at each stage due to specific circumstances or the availability of staff. If a meeting is chaired by someone other than as indicated, it will ordinarily be someone of equal or higher authority.

A student can enter the disciplinary process at any point, depending on the severity of the misconduct or failure to adhere to DN Colleges Group's expectations.

Disciplinary Stages

Informal Stage

Minor lapses from acceptable standards of behaviour, these should be dealt with informally by staff as part of their general management of students/apprentices and the learning process via a verbal warning. The Programme Tutor should take responsibility for this stage, involving others as appropriate. Any interventions to support the student should be recorded on ProMonitor and progress closely monitored.

Formal Stage 1 – First Written Warning

If the student/apprentice fails to achieve these targets, then a disciplinary meeting should be completed where clear, SMART targets should be set and monitored appropriately. Actions should be recorded in ProMonitor. This meeting is chaired by the Curriculum Leader/Curriculum Performance Manager. The outcome of this meeting would be recorded as a First Written Warning, outlining clearly the improvements required and timescales.

Formal Stage 2 – Final Written Warning

This is chaired by a **Director**, with others involved as appropriate.

A **Formal Disciplinary Hearing** will be held where serious misconduct is in question, in its own right, or where it constitutes 'the final straw' and it could be judged to either warrant the issuing of a Final Written Warning or place in question the student's entitlement to remain at College.

The outcome of a Disciplinary Hearing may be:

- A First or Final Written Warning
- A period of Suspension not exceeding 2 weeks
- A recommendation that the student voluntarily withdraws from the College with immediate effect
- A recommendation, and action, that the student be excluded from the College.

Written warnings, both first and final, will normally be understood to remain in force for the remainder of the academic year or for two terms, whichever is the longer period. However, the Director can extend this period by notifying the student if circumstances warrant it.

The central Administration Team will take responsibility for ensuring all correspondence is via a team member and stored in the ProSuite system. Sample correspondence is contained in Appendix 3.

5.6 Suspension

Suspension is not a disciplinary action and should not be confused with exclusion. In cases of possible gross misconduct, students/apprentices may be suspended until the disciplinary meeting is held.

The decision to suspend is made by the relevant Director. Suspension is normally used for one of the following reasons

1. To provide a 'cooling off' period for students involved in an incident
2. Where a student's/apprentice's continued attendance at the College presents a risk to others
3. Where a student's/apprentice's continued attendance at the College is likely to hamper any investigation prior to a disciplinary meeting

If the student/apprentice is suspended, the Programme Tutor/Assessor will arrange for the student/apprentice to keep up with work as far as is possible.

During the suspension period, students/apprentices must not be on college premises without the prior permission of the Director who suspended them. Students' ID cards will be retained by the relevant Director conducting the suspension.

5.7 Disciplinary Hearing

Where possible the hearing will take place within 10 working days of the incident. Students/apprentices will be sent a copy of the information to be used at the Disciplinary Hearing as soon as possible, usually within 5 working days of the incident including:

- Confirmation of the alleged breaches of acceptable conduct and behaviour
- Copies of the evidence gathered during the investigation
- Copies of documents that the relevant College intends to rely on at the hearing (including copies of relevant policies and procedures)
- Given at least 5 working days written notice of date/time of the Disciplinary Hearing
- Asked to provide a written statement of their response to the case and any other evidence at least 2 working days before the Disciplinary Hearing.
- The student/apprentice will receive written confirmation of the outcome within 5 working days.
- It is normally assumed that if a student fails to attend and has not given a reason for this non-attendance, they have withdrawn voluntarily. A letter indicating that this is so will be sent to the student informing them that they have been deemed to have withdrawn from their programme.

Any student interviewed or called to a hearing as part of the disciplinary process is allowed to be accompanied by a friend, relative or student representative but not by any legal or other professional adviser unless the college agrees to this, having received such a request prior to the Hearing, or that DNCG intends to be legally represented.

5.8 Involvement of Parent/Carer, employers and sponsors

DNCG reserves the right to contact parents, carers or other sponsors regarding serious issues relating to students aged under 18 years. However, if we are aware of any conflict of interests or rights, the case will be discussed and considered by the Director before a decision is reached regarding contact.

In accordance with DNCG's position regarding contact with sponsors, employers or parents/carers, they will be informed of serious misconduct issues and complaints. They will receive details of Disciplinary Hearings. Parents of full-time, students aged under 18 years are usually invited to attend Disciplinary Hearings although the student does have the right to request their own advocate. The student contract does not normally permit parental contact for those aged 18 and over, however this is still encouraged. For students aged over 18 years who hold an Education Health and Care Plan (EHCP), parental contact will be maintained.

5.9 Appeal

If a student/apprentice wishes to appeal against a disciplinary panel outcome, s/he must lodge a written notice of appeal with the Deputy Principal within 10 days of receipt of the letter from the College confirming that outcome. 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
- Procedural irregularity

If a student appeals against their warning or exclusion, the Deputy Principal, or a nominated person who has had no previous involvement with the case, will consider the appeal. The Deputy Principal, or nominated person, will review the meeting notes, outcome and student/apprentice appeal letter which should outline why they are appealing.

If the appeal is allowed, the Deputy Principal or their representative may decide that a sanction less severe than that recommended should be imposed. The Deputy Principal may also decide that no further disciplinary action should be taken.

If the appeal is dismissed, the original recommendation will stand. The Deputy Principal may not impose any greater sanction against the student as a result of an appeal.

The final decision by the Deputy Principal or their representative, will be confirmed to the student in writing within 5 working days of the appeal interview.

6 Relevant Policies and Procedures

6.1 This policy should be read in conjunction with all other DN Colleges Group policies and procedures including, but not limited to:

Equality and Diversity Policy
Anti Bullying and Harassment Policy
Safeguarding Policy
e-Safety Policy
Acceptable Use and Misuse IT Policy
Social Media Policy

7 Who to contact with Queries

7.1	Sally Macdonald	sally.macdonald@don.ac.uk	01302 558246
	Jason Barnard	jason.barnard@northlindsey.ac.uk	01724 294116
	Danny Fenwick	daniel.fenwick@northlindsey.ac.uk	01724 294003
	Tina Harrison	tina.harrison@don.ac.uk	
	Carol Lightburn	carol.lightburn@northlindsey.ac.uk	01724 294643
	Kit Sargent	kit.sargent@northlindsey.ac.uk	01724 294198
	Emma Kirk	emma.kirk@northlindsey.ac.uk	01724 295374
	Kate McDonald	kate.mcdonald@northlindsey.ac.uk	01724 294036
	Julie Kaye	julie.kaye@don.ac.uk	01302 553788
	Valerie Ayris	valerie.ayris@don.ac.uk	01302 558371

8 Communication

8.1 All staff will be made aware of the policy on commencement of employment as part of the induction, and updated via staff training sessions.

The policy will be available on staff intranet.

The policy and procedure will be monitored and revised as needed through the Equality and Diversity Group. All changes will be updated and communicated to all staff.

9 Authorisation

Policy Holder: Kit Sargent

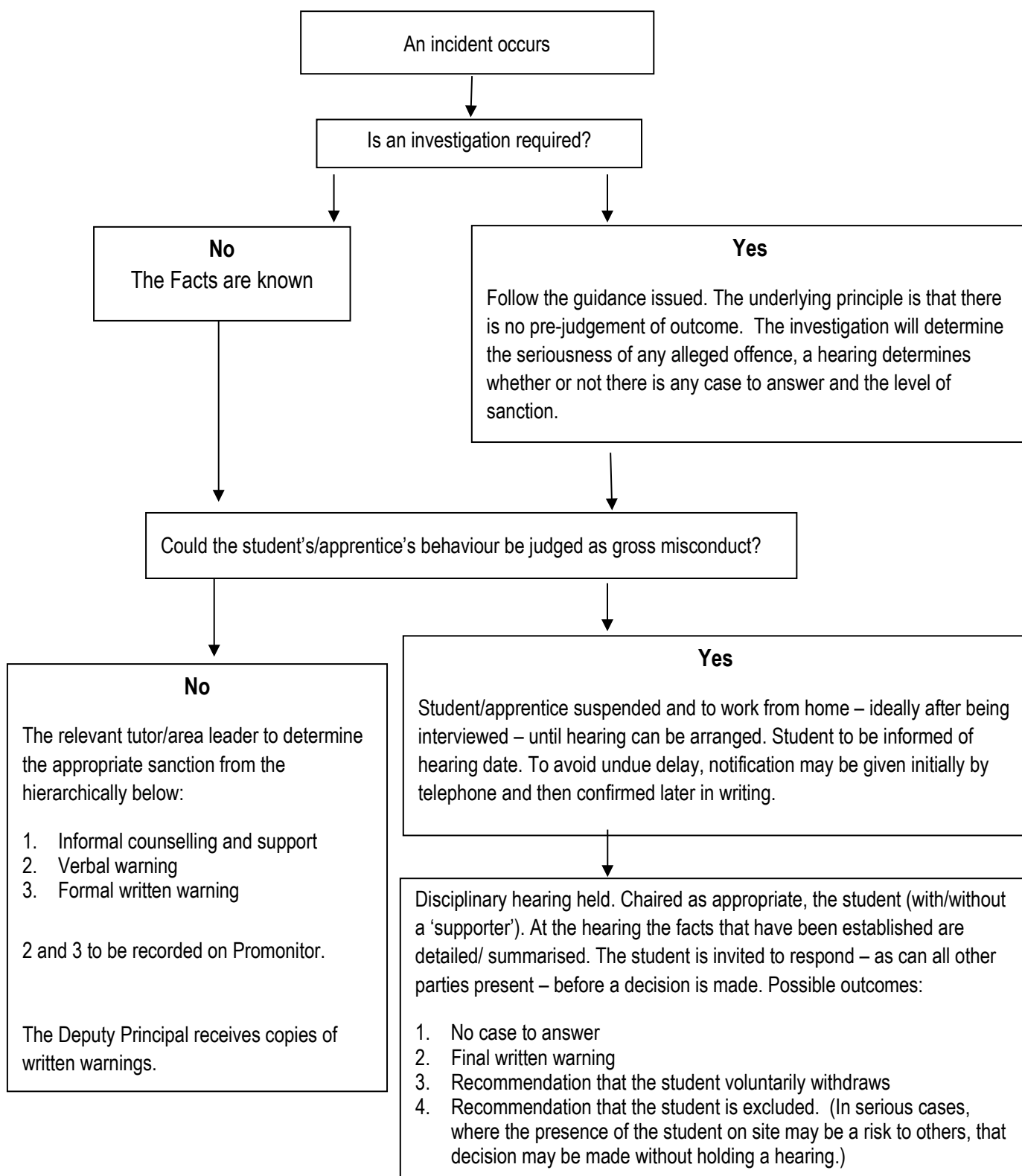
Committee Group: Equality & Diversity Group

Authorisation Date: 29 June 2020 (SLT)

Next Review Date: June 2022

*Policies will be reviewed on a biennial basis unless there is a specific requirement to undertake the review annually.

FLOW CHART FOR THE STUDENT/APPRENTICE DISCIPLINARY PROCEDURE



NB. students to be made aware of appeal procedures throughout

Area Leader – Curriculum Leader
 - Curriculum Performance Manager
 - Director

The Student's/Apprentice's Right to Appeal

In all cases where a disciplinary penalty is imposed the student will be informed of their right to appeal. Appeals must be logged within 10 days of receipt of the letter confirming the outcome and must state the grounds and brief particulars of the appeal.

Appeals will be to the Deputy Principal, and can only be made on the grounds of:

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

If a notice of appeal is lodged within the time allowed, the Deputy Principal, or a nominated person who has had no previous involvement with the case, will consider the appeal. The Deputy Principal, or nominated person, will review the meeting notes, outcome and student/apprentice appeal letter which should outline why they are appealing.

If the appeal is allowed, the Deputy Principal or their representative may decide that a sanction less severe than that recommended should be imposed. The Deputy Principal may also decide that no further disciplinary action should be taken.

If the appeal is dismissed, the original recommendation will stand. The Deputy Principal may not impose any greater sanction against the student as a result of an appeal.

The final decision by the Deputy Principal or their representative, will be confirmed to the student in writing within 5 working days of the appeal interview.

Appeal letters should be addressed to:

Kit Sargent
Deputy Principal
North Lindsey College
Kingsway
SCUNTHORPE
DN17 1AJ

kit.sargent@northlindsey.ac.uk

Formal Stage 1 – First Written Warning

Name of Student
Address

Date

Dear (*Name of Student*)

As a result of concerns regarding your performance at College and following our meeting, I am issuing you with a Stage 1 – First Written Warning. The targets/actions for improvement required have been discussed with you and recorded on ProMonitor. Your progress towards achieving these will be closely monitored.

Unless there is significant improvement, further action will be taken as detailed within the DN Colleges Group's Disciplinary Policy (copy available if required).

If there are any academic or personal problems that may be affecting your work and time at College, you may obtain advice and help from your Programme Tutor/Course Leader (insert details) or from any member of staff.

If there is anything in this letter which you are not clear about, please contact me directly on the details below.

Yours sincerely

(Name)
Curriculum Leader/Curriculum Performance Manager
Contact Telephone Number and Email Address

Disciplinary Hearing

Name of Student
Address

Date

Dear (*Name of Student*)

An appointment has been made for you to see (*name*) (*title*) on (*date*) at (*time*) in (*room number*), for a disciplinary hearing.

In accordance with the DN Colleges Group's Disciplinary Policy, I wish to discuss matters with you and to give you the opportunity to present your account.

This meeting will follow the DNCG Disciplinary Policy for Students and Apprentices and, if you wish, you may be accompanied by a relative, friend who is not on your programme or student union representative.

Full details of the matter will be discussed with you at the meeting. It is important that you attend as this may impact on your opportunity to continue your studies at College. If you do not contact me or attend the hearing, I will assume that you have withdrawn voluntarily from the College and records will be amended accordingly.

If there is anything in this letter which you are not clear about, please contact me as shown below.

Yours sincerely

(Name)
Curriculum Leader/Curriculum Performance Manager
Contact Telephone Number and Email Address

Formal Stage 2 – Final Written Warning

Name of Student

Address

Date

Dear (*Name of Student*)

As a result of concerns regarding your performance at College and following our meeting, I am issuing you with a Stage 2 – Final Written Warning. The targets/actions for improvement required have been discussed with you and recorded on ProMonitor. Your progress towards achieving these will be closely monitored.

Unless there is significant improvement, further action will be taken as detailed within the DN Colleges Group's Disciplinary Policy (copy available if required).

If there are any academic or personal problems that may be affecting your work and time at College, you may obtain advice and help from your Programme Tutor/Course Leader (insert details) or from any member of staff.

If there is anything in this letter which you are not clear about, please contact me directly on the details shown below.

Yours sincerely

(Name)

Director

Contact Telephone Number and Email Address

Suspension

Name of Student
Address

Date

Dear (*Name of Student*)

Following a recent incident/matter of concern (*delete as appropriate*), I wish to confirm that you have been suspended from the College for the following reason (*delete reasons not required*):

1. To provide a 'cooling off' period for students involved in an incident
2. Where a student's/apprentice's continued attendance at the College presents a risk to others
3. Where a student's/apprentice's continued attendance at the College is likely to hamper any investigation prior to a disciplinary meeting

Your Programme Tutor/Assessor will arrange for work to be sent to you which you must complete during your suspension.

During your suspension period, you must not be on college premises without the prior permission of (*insert name of the Director below*). Your Student ID card will also be retained by the College during this period and access to other facilities restricted.

You have the right of appeal to the Deputy Principal (see details enclosed) but in the meantime, you are prohibited from entering any of the DN Colleges Group's premises.

If there is anything in this letter which you are not clear about, please contact me as shown below.

Yours sincerely

(Name)
Director
Contact Telephone Number and Email Address

Enc – The Student's Right to Appeal Information

Voluntarily Withdraws

Name of Student
Address

Date

Dear (*Name of Student*)

Following your recent Disciplinary Hearing with (*name*) on (*date*) at (*time*) in (*room number*), I wish to confirm that you have voluntarily withdrawn from your programme with immediate effect. You must not be on college premises in the future and your Student ID card will be retained.

If there is anything in this letter which you are not clear about, please contact me on the details below.

Yours sincerely

(Name)
Curriculum Leader/Curriculum Performance Manager
Or
Director
Telephone Number and Email Address

Excluded from College

Name of Student
Address

Date

Dear (*Name of Student*)

Following your recent Disciplinary Hearing with (*name*) on (*date*) at (*time*), I wish to confirm that you have been excluded from the College for the remainder of this academic year.

You have the right to appeal to the Deputy Principal against this decision, but in the meantime, you are prohibited from entering any of the DN Colleges Group's premises and facilities. Details on the appeals procedure are included in this letter.

If there is anything in this letter which you are not clear about, please contact me on the details below.

Yours sincerely

(Name)
Director

Enc – The Students Right to Appeal Information