



Wirral Met College

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Student Disciplinary Policy and Procedure

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1. Introduction

- 1.1 The College Charter (included in the Student Information Directory and available on the VLE) outlines the College's expectations of students. A student who does not meet the required standards of behaviour makes him/herself liable to disciplinary action which may include suspension or exclusion in sufficiently serious cases.
- 1.2 Wherever disciplinary action under this procedure is undertaken, the procedure should be effected as speedily as possible, whilst allowing time for an investigation where necessary.
- 1.3 It is recognised that for minor breaches of discipline, a less formal arrangement should exist whereby a member of the College's staff will discuss the matter with the student concerned in order to resolve the issue. The outcome of such a discussion should be a referral to the student's personal tutor.
- 1.4 By signing the learning agreement at enrolment students are accepting the terms and conditions of this procedure.
- 1.5 There is an Academic Support Procedure that assists with performance concerns.

2. Policy Statement

- 2.1 Wirral Metropolitan College is committed to a policy of high expectations of our students as learners and as members of the College community. We expect and encourage good behaviour from all students.
- 2.2 The expectation of students' good discipline is actively supported by a range of approaches from staff, supported by our environment and facilities.
The approaches include:
 - Accommodation and facilities promoting a safe and pleasant learning environment
 - Code of Conduct for students contained in the College Charter
 - 'Ground Rules' setting within learning groups led by course teams
 - Student Forums to promote good communication between student course representatives and staff
 - Equality and Diversity policy
 - Fitness to Study Policy
 - Academic Support Policy
 - Student ICT Usage Policy

3. Scope and Purpose

- 3.1 This policy and procedure applies to all full-time and part-time students of the College when they are at the College, in our partner institutions and when they are travelling to and from the College on College transport, or on a College organised trip, work placement or event. They also apply when behaviour outside of the College has a detrimental impact on other members of the College community, e.g. cyber-bullying,
- 3.2 or damages the College's name and reputation.

- 3.3 Pupils from local schools attending school link programmes will be subject to the disciplinary procedure of their own school. Higher Education students are governed by the Universities Academic Regulations (See HE Assessment Policy).

4. General Principles

- 4.1 All College staff are expected to challenge inappropriate behaviour. If the inappropriate behaviour persists, tutors are expected to take the issue to the student's personal or course tutor along with the information about the steps taken to address the behaviour. This should be done through updating ProMonitor ensuring the personal tutor is copied in. A record must be made on the ILP.
- 4.2 Although minor behaviour can be dealt with, it is recognised that persistent minor behaviour issues can have a detrimental effect on not only the student but the rest of the group. This is why it is important for staff to follow the procedure and use the tutorial process to try and change behaviour prior to using sanctions. The course tutor or personal tutor will speak to the student and look at the best way of moving forward, it might be decided that the discussion is enough and no further disciplinary action is needed. Major behaviour incidents should be reported directly to the College Manager, in most cases these types of incidents would be as a result of actions that have been intended to threaten or harm students or staff and could include breaches of Covid-19 safety measures. The continuation of persistent minor misbehaviour that is having a negative effect on the group should also be referred to the College Manager.
- 4.3 No disciplinary action will be taken against a student until the circumstances have been investigated. In the case of alleged gross misconduct it may be appropriate for students to be asked not to attend College until an incident has been investigated further (for their own or others safety or to ensure a fair investigation). If this is the case, then the College Manager must ensure that parents/guardians are informed if the student is under 18. If appropriate, the Site Manager, Duty Manager or a College Manager may ask a student not to attend college whilst the investigation is carried out. The Assistant Principal (Faculty) and the Assistant Principal Quality must be informed if a student is suspended pending investigation.
- 4.4 At every stage, a student has the right to be advised of the reason for disciplinary meetings, to hear the evidence against them and to state their case.
- 4.5 If a student does not attend a disciplinary meeting which they have been instructed to attend, the meeting can take place and a decision made in their absence.
- 4.6 Where any member of staff has reason to believe that a student is at risk of significant harm e.g. sexual abuse, grooming, radicalisation, sexual exploitation, the member of staff should alert the Safeguarding Manager, so appropriate safeguarding and protection action can be taken. The staff member will still continue disciplinary proceedings under this procedure.
- 4.7 If the student is 16 – 18 or considered to be vulnerable they have the right to have a parent/guardian accompany them to the meeting. In the absence of a parent or guardian a member of the support services may accompany the student to offer support.
- 4.8 Any student that is subject to being suspended from their programme of study must be kept up to date with all learning, homework, English and maths as defined in the sequenced learning plans.

5. Possible outcomes of a Disciplinary Hearing

- 5.1 Stage 1 disciplinary outcomes include verbal warnings and an action plan. Verbal warnings will be disregarded after one full term.
- 5.2 Stage 2 and Stage 3 disciplinary outcomes include first written warnings and an action plan, these will be disregarded after 1 academic year, final written warnings after 2 academic years, and records of exclusions will be kept as per our GDPR guidance for students. These will all be recorded on the College's information system via ProMonitor. All Stage 2 & 3 warning letters will be issued through the Quality Department.
- 5.3 The Assistant Principal - Quality will make an annual report to the Principal on the numbers of students subject to the disciplinary procedure, and any students asked to leave the College as part of the process.
- 5.4 Depending on the seriousness of a student's actions, or the persistent disregard for College procedures, a student can be disciplined through this procedure at the stage which the College considers to be the most appropriate. In extreme circumstances for example, Gross Misconduct, a student can be taken straight to Stage 3, without having to go through Stages 1 and 2.

6. Disciplinary Offences

- 6.1 The following are some examples of misconduct. This is not an exhaustive list and each incident will be reviewed individually
 - any breach of the responsibilities of students outlined in the 'Learning Agreement' and any breach of health and safety or other procedures of the College (including breaching Covid-19 safety measures), as outlined at Induction and in the Student Information Directory;
 - any bullying (including cyber bullying), intimidation, taunting (including any racist or homophobic comments), verbal abuse or the use of any violence or threat of violence towards any person;
 - any failure to follow the reasonable instructions of a member of staff;
 - any theft of property or any other dishonest acts;
 - deliberately or by gross negligence causing damage to any College buildings, equipment, books or furnishings or any property of others;
 - any misuse of substances as defined by the Drug and Alcohol Misuse Policy, any interference with hardware, software or data belonging to or used by the College or other students which contravenes the Student ICT Usage Policy agreed at Induction;
 - any smoking or vaping on College property, or in any centres used for College activities;
 - any cheating, plagiarism or copying of the work of other students;
 - any unduly noisy or any unruly behaviour or the use of foul or abusive language;
 - disrupting any class or any other College activity, whether or not involving staff or other students;
 - any behaviour which is socially or sexually offensive;

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- any behaviour which is racist, sexist, or discriminatory against others on grounds of their disability, religion or belief, sexual orientation, transgender identity, age, pregnancy/maternity or marital status;
- any behaviour which could bring the College into disrepute; (e.g. posting inappropriate messages on social media about staff or other students, committing a criminal offence);
- a significant drop in attendance (for online or face-to-face learning) which has a negative effect upon academic performance.

7. Gross Misconduct

7.1 To protect the learning environment, the College takes seriously any breaches of the Student Charter or College policies and will follow the College's Student Disciplinary Procedure should this happen. Furthermore, this Disciplinary Procedure will be used in cases where students are involved in:

- theft of any kind;
- threatening behaviour or assault;
- discrimination of any kind (including racial, homophobic and disability);
- bullying or harassment including cyber bullying;
- deliberate damage to property (College and personal property);
- endangering the health and safety of others;
- any potentially criminal activities affecting the College or other students;
- possession and/or use of alcohol;
- possession and/or use of illegal substances;
- cheating, plagiarism, forgery and gambling;
- inappropriate access to web material deemed unsuitable;
- inappropriate use of college e-mail;
- committing a criminal offence.

This is not an exhaustive list and each incident will be reviewed individually.

8. Breaching a suspension

8.1 Breaching a suspension will be regarded as a further serious breach of the disciplinary code, and subject to further disciplinary action.

9. Procedure Flow Chart

9.1 The disciplinary procedure is the direct responsibility of the Principal but the operation of the procedure is delegated to the Deputy Principal, Vice Principal, Assistant Principals, Directors, College Managers, Personal Tutors, Subject Tutors, Course Tutors, Trainer Assessors or a delegated manager. The starting point for disciplinary action will depend on the seriousness of the situation. Most issues relating to student academic performance can be resolved using the Academic

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Support Process, most minor conduct issues can be resolved at Stage 1 or Stage 2 of the Procedure. Stage 3 will be used when Stages 1 or 2 have been unsuccessful, or when it is deemed that serious misconduct has occurred.

n.b – If the student is known to Student Support, remember to copy Mentors, ALS tutor and/or Safeguarding Manager on all tutor comments relating to discipline

Unacceptable Behaviour/conduct Identified

How Serious?

**Inappropriate behaviour
Stage 1**

**Serious Misbehaviour
Stage 2**

- Meet with Tutor
- Student given verbal warning
- Parents informed
- Expectations of behaviour agreed
- ILP updated (use Tutor Comments)

**2 Occasions for
Concern**

- Meet with Programme Leader
- Student given verbal warning
- Parents informed
- Expectations of behaviour agreed
- ILP updated (use Tutor Comments)

**3 Occasions for
Concern**

- Meet with College Manager
- Student given verbal warning
- Letter to Parents
- Expectations of behaviour agreed
- ILP updated (use Tutor Comments)

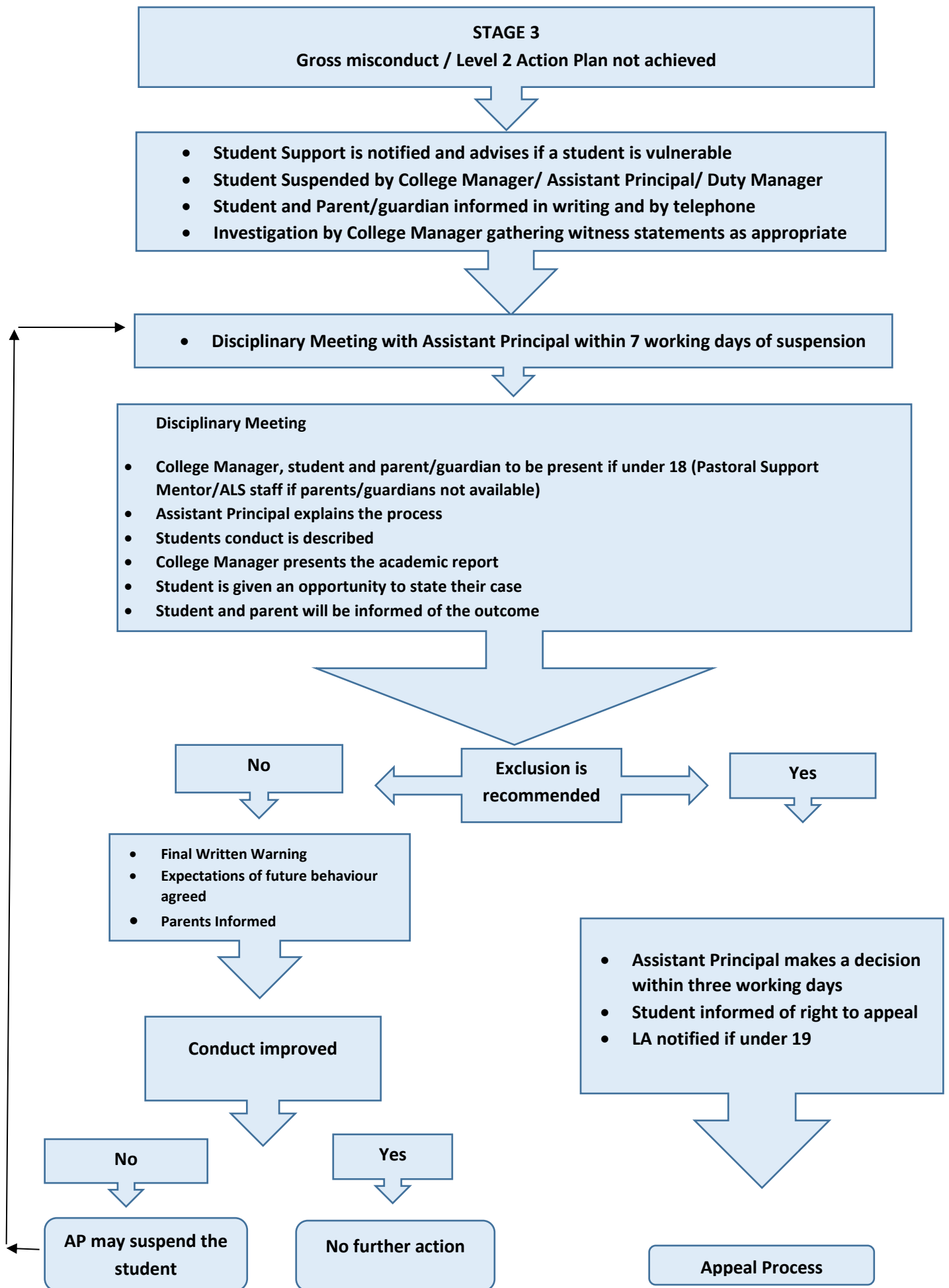
**4 Occasions for
Concern**

Repeated and multiple misbehaviour treat as serious misconduct refer to Stage 2

**More than 4
Occasions for
Concern**

Gross Misconduct
Stage 3 or failed to meet Stage 2 action plan.

- Meeting with College Manager who may feel it is appropriate to suspend the student
- Investigation of incident interviews with potential witnesses written evidence
- Parent/guardian informed by phone and in writing
- Written warning given
- Expectations of future behaviour agreed and actioned
- ILP updated



10. Re-enrolment following exclusion

- 10.1 Students who are excluded are not permitted to re-enrol at the College on any learning programme without express permission from the Vice Principal/Deputy Principal. Such permission will be granted if the student can make a convincing case that their behaviour in the future will comply with College expectations and that they are ready and prepared for learning (for example by providing references from an employer, probation officer, other learning provider etc). It is likely the student will be placed on a Conditional Contract.

11. Variations and Amendments

- 11.1 Special consideration will be given to student whose behaviour might be the consequence of a recognised learning difficulty or disability or students with additional support needs e.g. literacy difficulties, Asperger's or students with Educational Health Care Plans or students studying English for Speakers of Other Languages. As stated in 4.7 above, in exceptional cases it may be more appropriate to apply the Fitness to Study policy rather than the disciplinary policy where the student's unacceptable behaviour is felt to be a direct result of their learning difficulty, disability or other physical or mental health condition.
- 11.2 At every stage of the disciplinary process, all staff must be conscious of the needs of students who may be disadvantaged by a process which relies on written communication and formal interviews.
- 11.3 Staff must consider the individual needs of such students and adapt the process, with advice from the Additional Learning Support team, in order to ensure that they are treated fairly and equitably.

This may include:

- adapting the language in any written communication; providing any written communication in alternative formats or languages;
 - providing additional advice to ensure that the student understands every stage of the process.
 - providing interpretation services at any disciplinary interview or hearings
 - in deciding what disciplinary action to take, the student's ability to understand the College Code of Conduct and the degree to which the student has been supported to understand and follow it. This may be particularly relevant in cases involving students with learning difficulties, who may in a minority of cases need support in ensuring that they are able to follow the College Charter.
- 11.4 **Students under 18:** If a student is under 18 years of age and subject to these proceedings, wherever practicable, a parent or guardian will be invited to attend unless in the view of the member of staff conducting the interview, such attendance would be prejudicial to a fair and effective interview. If a student under 18 is given a formal written warning or is excluded or suspended, a parent or guardian will be informed in writing wherever practicable.

- 11.5 **Sponsored students:** If a student is being sponsored at the College by an employer and who is subject to these proceedings, the employer will be informed where practicable.
- 11.6 **Looked After Children/Children in Care and care leavers:** The Safeguarding Manager must be informed of the suspension of any such students, or any disciplinary action which may result in a looked after child being excluded from College.
- 11.7 **Criminal Offences:** Where any member of staff has reason to believe that a student may have committed a criminal offence, the College may refer the matter to the police and may continue disciplinary proceedings under this procedure or suspend the student pending outcome with the police. The College reserves the right to recommence proceedings under the disciplinary procedures once any criminal proceedings are known.
- 11.8 **Amendments:** It may be necessary to change some procedural aspects of this code. The College may make such changes as it sees fit subject to informing the student concerned and subject to consideration of fairness. Without limitation, such changes may include disciplinary or appeals interviews being conducted by different persons due to absence, or if the person who would otherwise be conducting the interview had previously had close personal involvement in the matter to be considered. The College may amend this code from time to time.
- 11.9 **Other Relevant Policies**
- Student Attendance Policy
 - Fitness to Study Policy
 - College Charter
 - Academic Support Policy
 - Equality and Diversity Policy
 - Drug and Alcohol Misuse Policy
 - Health and Safety Policy
 - Smoking Policy
 - Student Anti-Bullying Policy
 - Student Comments, Compliments and Complaints Procedure
 - Safeguarding and Protection of Children and Adults Policy & Procedure

12. Format and procedures for student disciplinary cases and appeals against warnings

Disciplinary Cases

- 12.1 The disciplinary procedure may be exercised by any member of staff who has appropriate authority. This includes the Principal, any member of the Senior Leadership Team, Site Manager, Director, College Manager, Trainer Assessor, Course Tutor, Subject Tutor and Personal Tutor.

- 12.2 **Stage 1** (Inappropriate behaviour) of the disciplinary procedure may be dealt with by way of an investigation and disciplinary interview. The member of staff conducting the interview reserves the right to exclude the student if the Code of Conduct is breached. If the student does not attend any interview, disciplinary action may proceed. This is the initial stage of the disciplinary process. A formal meeting with the student will explain the inappropriate behaviour. The student must be informed they are in Stage 1 of the disciplinary process. The meeting should be conducted as soon as possible after the incident has been identified and within one week. A subject tutor, personal tutor or manager can chair the meeting. The student may be accompanied by a Student Rep or if under 18 by their parent or guardian. Quality must be informed of any disciplinary meetings. Possible outcomes of the meeting are
1. No Action or
 2. A Verbal Warning with an action plan to improve and parent/guardian informed. The meeting will be recorded on the individual learner record. The student may appeal in writing within five working days of the meeting to the College Manager.
- 12.3 **Stage 2** (serious and repeated misbehaviour) will be dealt with by way of an investigation and a disciplinary hearing. The student may be suspended, students will be kept up-to-date with work/study activities. The disciplinary hearing will be conducted fairly by the College Manager. The second stage of the disciplinary process is for persistent inappropriate behaviour, failing to meet Stage 1 action plan or for more serious allegations. Students must be informed they are at Stage 2 of the process. The meeting should be conducted as soon as possible after the incident has been identified and within one week. The student will be presented with their conduct and then invited to present their statement. The student may be accompanied by a Student Rep or if under 18 by their parent or guardian. Quality must be informed of any disciplinary meetings. Possible outcomes of the meeting are
1. No Action or
 2. A Written Warning with an action plan to improve and parent/guardian informed. The meeting will be recorded on the individual learner record. The student may appeal in writing within five working days of the meeting to the Assistant Principal.
- 12.4 **Stage 3** (gross misconduct) of the disciplinary process is for serious and gross misconduct and for when students have failed to meet the terms of the action plan at Stage 2. Students must be informed there are at Stage 3 of the process. The Assistant Principal will hold the disciplinary hearing within 7 working days of suspension or the incident. The Assistant Principal will explain the process to the student and the parent/guardian and present the conduct issue. The College Manager will present the student's academic report. The student will be given the opportunity to present their statement. The student may be accompanied by a Student Rep or if under 18 by their parent or guardian. Quality must be informed of any disciplinary meetings. Possible outcomes of the meeting are
1. No Action or
 2. A Final Warning with an action plan to improve or
 3. Exclusion. If exclusion is an outcome this will be confirmed with the student and their parent or guardian, as appropriate, within three working days of the hearing. The outcome will be recorded on the individual learner record. The student may appeal in writing within five working days of the meeting to the Vice Principal or Deputy Principal.

- 12.5 Note 1: At any time during the operation of this procedure either side has the right to request an adjournment, the adjournment request will be considered by the Chair, if considered reasonable, it will be granted.

13. Making an Appeal

- 13.1 Students who wish to make an appeal must do so in writing, within five working days from the outcome of the meeting.
- 13.2 An appeal hearing will be held with the Vice Principal or Deputy Principal as described above and another independent College Manager or Assistant Principal
- 13.3 Any appeal must state the grounds for appeal. The ground for appeal are:
- The punishment is too severe for the offence
 - The student is not guilty of the behaviour of which he or she is being accused
 - The procedures outlined have not been followed
- 13.4 An appeal hearing will be arranged within 10 working days of the notice of an appeal being lodged.
- 13.5 An appeal hearing will be arranged which will follow the same format as a disciplinary hearing as detailed above, save that the student will start the hearing by explaining the grounds for their appeal.
- 13.6 The final decision of the appeal panel will be communicated in writing to the student and parent/guardian within 2 working days of the appeal panel interview. The decision will be final.