

**STUDENT DISCIPLINARY POLICY**

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2. **INTRODUCTION**

The following procedures provide a framework within which action may be taken by the College at the appropriate level while providing the student, parents and employers with clear guidelines and the opportunity for appeal.

These procedures distinguish between students with poor behaviour and those causing more serious breaches of discipline.

The procedures apply to full-time and part-time students. All steps must be recorded on the Student Record System and be available to staff to view on the REMS Portal.

**2. STUDENTS WITH POOR BEHAVIOUR**

Disciplinary action may be taken in a variety of circumstances. These may include:

1. **frequent absences without satisfactory explanation**
2. **failure to complete work by the set deadline**
3. **minor anti-social behaviour**
4. **breaches of college rules at college, during college time, or on college activities**
5. **Poor effort, e.g. Effort Grade 4, and/or Achievement Grades significantly below target**

 **grade**

1. **failure to attend classes in the crucial period after May half-term**
2. **failure to satisfactorily complete a probationary period.**

**Stage One: Formal Warning**

Where there is clear evidence of poor behaviour and that initial informal intervention (as recorded on the portal) has had no effect, a teacher (or Professional Tutor where appropriate) May hold a Stage One meeting with the student and verbally issue a **Formal Warning**.

The grounds for the warning and required actions must be clearly identified and recorded on the Portal as part of a formal disciplinary meeting. The targets set must be specific and measurable and a date allocated for their review that allows a reasonable period for completion.

If, at the point of review, the identified targets have not been met, the teacher can refer the student to the relevant Curriculum Leader or to the student's Professional Tutor for the next stage. In general, academic issues related to a specific subject or course will be referred to the relevant Curriculum Leader and overarching behavioural or attendance issues to the student’s Professional Tutor.

If, however, the targets have been met, the conditions of the warning will be considered fulfilled and its force expired, although a copy of the record will remain on the portal.

If three or more Formal Warnings have been issued during a single three month period this will be sufficient grounds for a Stage Two referral even if the targets have been met in each individual instance.

It is acceptable for more than one Stage One warning to be issued at a similar time by different teachers for different reasons. This is because subject or course specific issues should preferably be dealt with by the relevant teacher but where there is an overarching issue or pattern of behaviour it would be more appropriate for the student's Professional Tutor to issue the warning instead.

**Stage Two - Formal Written Warning**

The relevant Curriculum Leader or student’s Professional Tutor must review the referral and ensure the policy has been followed and the evidence recorded on the portal. If this is the case, the student (and a parent or guardian, where appropriate) should be invited into college for a formal meeting.

At this point the Curriculum Leader or Professional Tutor may issue a Formal Written Warning. This takes the form of a letter to the student (copied to a parent or guardian) that confirms the specific actions required and a review date. The student must sign the file copy of this letter or return an acknowledgement receipt before attending any further classes. A copy of the letter must also be attached to the meeting record on the portal.

In the event of the student and/or a parent or guardian being unable or unwilling to attend, a Formal Written Warning may still be issued provided reasonable adjustment has been offered where necessary. A meeting time outside of normal college working hours however will not be considered a reasonable adjustment.

The Curriculum Leader or Professional Tutor may also place the student ‘On Report’ for a set period (not exceeding four weeks). This might only apply to a specific subject and class or be across the student's whole programme. The Curriculum Leader or Professional Tutor may also insist on the student completing specified periods of study in the library or a learning centre. This may include attending college on a day where they would otherwise have no lessons.

If, at the point of review, the identified targets have not been met, then the Curriculum Leader or Professional Tutor should refer the student to either the Senior Tutor or Assistant Principal for the next stage.

If, however, the targets have been met, the conditions of the warning will be considered fulfilled and no further action will be taken at that point. Unlike a Formal Warning, the force of a Formal Written Warning will, however, remain in place throughout the student’s period of study at the college. Any future disciplinary issues might be referred to the Senior Tutor or Assistant Principal for a Stage Three meeting.

**Please note:** if there are exceptional circumstances in terms of health or well-being which have been fully documented by a professional, the student might be placed on a ‘Commitment to Study’ agreement for a specified period rather than a Formal Written Warning (please refer to the ‘Commitment to Study’ policy). If by the end of this period, however, the student has not complied with the terms of the agreement, a Formal Written Warning would then be issued and the process followed as normal.

**Stage Three - Final Formal Written Warning**

The Senior Tutor or Assistant Principal must review the referral and ensure the policy has been followed and the evidence recorded on the portal. If this is the case, the student (and a parent or guardian, where appropriate) should be invited into college for a formal meeting.

At this point the Senior Tutor or Assistant Principal may issue a **Final Formal Written Warning**. This takes the form of a letter to the student (copied to a parent or guardian) that confirms the specific actions required and a review date. The student must sign the file copy of this letter or return an acknowledgement receipt before attending any further classes. A copy of the letter must also be attached to the meeting record on the portal.

In the event of the student and/or a parent or guardian being unable or unwilling to attend, a Final Formal Written Warning may still be issued provided reasonable adjustment has been offered where necessary. A meeting time outside of normal college working hours however will not be considered a reasonable adjustment.

The Senior Tutor or an Assistant Principal may also insist on the student completing specified periods of study in the library or a learning centre. This may include attending college on a day where they would otherwise have no lessons.

If, at the point of review, the identified targets have not been met, then an Assistant Principal has the right to commence Stage Four and could lead to terminating the student’s course of study.

If, however, the targets have been met, the conditions of the warning will be considered fulfilled and no further action will be taken at that point. The force of a Final Formal Written Warning will however remain in place throughout the student’s period of study at the college. Any future disciplinary issues might be referred to an Assistant Principal for the commencement of Stage Four.

**Stage Four – Termination of Course of Study**

If there is no improvement following the Final Formal Warning, the student will have their ***course of study terminated*** by an Assistant Principal or the Deputy Principal unless there are substantial mitigating circumstances. The student, and parent or guardian, will be notified in writing, stating the reason for this, and sent the College’s Student Disciplinary Policy which draws attention to the appeals procedure. The information sheet (usually sent to early leavers) should also be included with the letter.

If expulsion is the outcome the student may elect to have their case heard at appeal by the Principal. The student must write, within ten working days of notification of expulsion, to the Principal, The Henley College, Deanfield Avenue, Henley-on-Thames, Oxon RG9 1UH.

**3. SERIOUS BREACHES OF DISCIPLINE**

Any member of staff should report any serious breach of discipline directly to the relevant Assistant Principal or the Deputy Principal. For full-time students the Professional Tutor should also be informed as soon as possible. Serious breaches of discipline may include:

1. **serious anti-social behaviour**
2. **theft**
3. **fighting, assault on another person**
4. **bullying *(see college Safeguarding: Anti-bullying Policy)***
5. **deliberate damage to College property**
6. **substance abuse or being under the influence of alcohol or illegal drugs**
7. **possession of, or dealing in, any illegal drugs**
8. **non-payment of fines/non-payment of replacement cost of library book despite several reminders**
9. **non-attendance in GCSE/Functional Skills English and/or Maths classes, in line with government reforms**
10. **malpractice in external examinations or plagiarism**
11. **misuse of computer equipment or software**
12. **anti-social parking on the neighbouring roads**
13. **bringing the College into disrepute on or off site.**

The Assistant Principal or Head of Student Services or Deputy Principal shall have the power to **suspend** a student for an alleged serious breach of discipline for a period. This would normally not exceed ten workingdays unless there are safeguarding or legal considerations. The Assistant Principal or Head of Student Services must report immediately to the Deputy Principal or Principal and inform the Professional Tutor and Senior Tutor. The Assistant Principal or Head of Student Services will be responsible for liaison with the suspended student, and parent or guardian. The reason for suspension will be given in writing to the student and parent or guardian and a record of the action will be recorded on Portal.

 Within ten working days of the suspension the student concerned will be informed of any proposed further action, which shall be one of the following:

* no further action as there is insufficient evidence or no case to answer,
* a ***final formal written warning***. This will be sent by the Assistant Principal or Head of Student Services and the student must sign to confirm receipt of the final formal written warning. A copy of the letter is to be sent to parent, and the decision is recorded on Portal,

 OR,

* if the breach of discipline is sufficiently serious, ***immediate expulsion***. If the outcome is expulsion the Deputy Principal or the relevant Assistant Principal or Head of Student Services will confirm the reasons for this in writing to the student and parent or guardian and send the College’s Student Disciplinary Policy which draws their attention to the appeals procedure. The information sheet (usually sent to early leavers) should also be included with the letter.

If, following the final formal written warning, there is a further breach of discipline the student may have their ***course of study terminated*** by the relevant Assistant Principal or the Deputy Principal unless there are substantial mitigating circumstances. The student and parent or guardian will be notified in writing, stating the reason, and sent the College’s Student Disciplinary Policy which draws their attention to the appeals procedure. The information sheet (usually sent to early leavers) should also be included with the letter.

If expulsion is the outcome the student may elect to have their case heard at appeal by the Principal. The student must write, within ten working days of notification of expulsion, to the Principal, The Henley College, Deanfield Avenue, Henley-on-Thames, Oxon RG9 1UH.

**4. THE APPEAL PROCESS**

4.1The Principal will convene and hear the appeal hearing

4.2 The appeal hearing will be held as soon as possible and, in any case, not later than fifteen working days from the date when it became necessary for it to be convened.

4.3 The student concerned will have the right to appear (and be accompanied by a lay representative - normally a parent/guardian - if he or she wishes) at the hearing.

* 1. The Principal will have the power to suspend or to expel the student.

4.5 The decision of Principal at the appeals hearing will be final.

**5. COLLEGE REPRESENTATIVES**

The Deputy Principal or the relevant Assistant Principal will represent the College.

**6. APPEAL PROCEDURES**

 Once the student has indicated that he or she wishes to invoke an appeal hearing, the following parties must be informed in writing of the date of the hearing and the procedures:

1. the student concerned (the complainant)
2. parent/guardian or employer (as appropriate)
3. the College representative

**7. COMMUNICATIONS**

 The Principal’s Personal Assistant will act as Officer for the Appeal Hearing and for all subsequent communication.

**8. STATEMENTS**

At least three working days before the hearing the Principal’s Personal Assistant will supply the complainant, the Principal and the College representatives with:

8.1 A written statement by the complainant with any relevant background information.

8.2 A written statement summarising the College’s position in the complaint.

8.3 Copies of any documents which are to be put before the appeal hearing.

**9. APPEALS HEARING PROCESS**

9.1 The Principal will outline the complaint, the outcome of previous investigations and identify the key issue(s) to be resolved.

9.2 Opinion will be sought from the complainant and the College representative. The Principal will then decide whether both parties will be present throughout the proceedings, or will be present only when explaining their position and answering questions. Whatever the decision, the Principal will have the right to ask a party to withdraw if it becomes necessary.

9.3 The complainant and/or her or his lay representative, normally a parent/guardian, will explain their position and answer any questions put by the Principal or the College representative.

9.4 The College representative will explain the position of the College and answer any questions put by the Principal or the complainant.

9.5 Witnesses may be called, whose anonymity may be protected at the discretion of the Principal.

9.6 Both parties will sum up their case and then withdraw from the hearing.

9.7 The Principal will deliberate on the appealand decide on the outcome.

9.8 The Principal may adjourn any hearing to receive further evidence they may require, to enable an interested party to attend, or for any other appropriate reason.

9.9 The Principal’s Personal Assistant, or a representative, will keep brief notes of the proceedings and record the decision, which will be signed by the Principal. This record will not be made public, but will be available to the parties.

**10. OUTOME**

After the formal hearing, the complainant will be notified in writing by the Principal’s Personal Assistant as soon as possible, but within three working days, of the decision of the Principal and the reasons for it.

**11. DISSATISFACTION WITH THE WAY THE PROCEDURE HAS BEEN USED**

If you feel the disciplinary policy has been incorrectly or unfairly applied, you may write to the Principal at any stage, giving reasons for your view.

If you have exhausted the College’s procedures and you are still dissatisfied you may contact the Education and Skills Funding Agency on **complaints.esfa@education.gov.uk**

or

The Complaints Team,

Education and Skills Funding Agency

Cheylesmore House

Quinton Road

Coventry, CV1 2WT

**12. REVIEW CYCLE**

This policy is reviewed annually.

**APPENDIX 1**

**FLOWCHART OF STAGES**

