



New City  
College

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## **1. How the Disciplinary Procedure Works**

The disciplinary process covers breaches of the College rules. The process whereby students are disciplined and ultimately withdrawn from the College has four stages. Students can either enter at Stage One and progress to Stage Three or for more serious breaches of the College rules students can enter at Stage Two, Three or Four. In most cases, students will be referred through security staff or Duty Managers who may provide a witness statement where necessary. Stage 1 disciplinary, (referred to in BSix policy as initial intervention,) may be given by a Personal Tutor, or Duty Manager. Note: for Stage 3 and /or 4, it is the Duty Manager's responsibility to refer this matter, with detailed notes or an incident report and witness statements, to the appropriate manager, (SCM - Stage 2, GCD - Stage 3 and Deputy Principal - Stage 4) for processing. If the student and/or parent cannot attend and wish for the meeting (Stage 1-4) to be rescheduled, prior notice must be reasonable. The College reserve the right to proceed in absentia and communicate the outcome in writing where notice is not reasonable or student and/or parent fail to attend.

## **2. Informal Resolution - Cause for Concern**

Most incidents are resolved at this stage. Staff and student will discuss the incident and agree the appropriate action which could include a verbal warning that is recorded as a Cause for Concern. If, however, an informal agreement cannot be reached or if the incident is repeated or there is a further incident then it may be necessary to proceed to Stage 1.

## **3. Stage 1**

The student is given a recorded warning from the Teacher, Tutor, Duty Manager or Senior Curriculum Manager. (Referred to as Chair) This could be for repeated issues raised informally through Causes for Concern or for one of the incidents listed. A note should be made on Promonitor outlining the allegation, any evidence and a SMART action(s) set by the Chair. This should be reviewed by the Chair in a reasonable time frame (agreed in the meeting or in subsequent communication). If a student is placed on Managed Absence for 24 hours, this must be recorded on the appropriate system. If this Cause for Concern is due to continual absence resulting from illness, then the Fitness to Study Policy should be implemented.

## **4. Stage 2**

If a student repeats poor behaviour, is continuing to be absent, or where an incident occurs that warrants a Stage 2 warning, a student could be automatically referred for a Stage 2 Disciplinary meeting with the Senior Curriculum Manager. For attendance concerns, a Stage 2 should not represent a single day or short period of consecutive days (the result of the same sickness etc.) but continual absence, pattern of absence or continuous poor punctuality that has not been resolved after Stage 1.

The student will be seen by a Pastoral Tutor, Duty Manager, Senior Curriculum Manager and/or other appropriate staff. A disciplinary record should be completed with the student, outlining the allegation, any evidence and action taken. SMART action(s) set and subsequently reviewed by the Stage 2 Chair within a reasonable time frame of no more than 3 weeks. The outcome of the review should be clearly communicated to the student and NOK/guardian. Notice of the meeting and actions should be sent, via a Promonitor system alert, to all teachers and appropriate managers. Parents/Carers/Support Agencies would not normally be invited to Stage 2 meetings, but they will be informed of the outcome and any actions. For Apprentices, the College will inform the Employer of the outcome and any actions.

Stage 2 notes must be uploaded to Promonitor under the Stage 2 Disciplinary Hearing meeting category. This will include a copy of the letter sent to parents informing them of the status and actions.

If the matter is serious enough to warrant a managed absence, then a Duty Manager/Senior Curriculum Manager will assess the seriousness of the incident and determine the level of disciplinary action. At Stages 2 & 3 an investigation report must be completed by the Duty Manager/Senior Curriculum Manager. If a student is placed on a managed absence for 24 hours this must be recorded as a managed Absence Note on Promonitor and on the Tracker held by senior staff PAs. The latter is to monitor return dates and efficacy of process only.

If a student under disciplinary measures has a learning difficulty or disability, The Group Curriculum Director for Additional Learning Support, and campus based SCM, must be notified immediately. We have responsibility to offer all written information or correspondence in other formats such as electronically or Braille. This is in the case for all students up to the age of 24.

If the Stage 2 warning is due in part or totality to continual absence due to illness refer to the *Fitness to Study Policy* (Appendix 2).

### **Managed Absence**

A managed absence will be put in place when a student is at risk or is a threat to other students/staff or to the process of the investigation. The duration of the managed absence would normally be for one day, initially, depending on the incident. If a student is placed on managed absence for a Stage 2 disciplinary or higher, then the student's parents/guardians must be contacted immediately. If a student is placed on managed absence this must be recorded as a managed Absence Note on Promonitor.

The student will be contacted by telephone, and they will be required to meet with the Senior Curriculum Manager/ Group Curriculum Director prior to a return to college. For more serious incidents the Deputy Principal or Principal can put in place a managed absence for up to 5 days. This can be extended by the Principal in the case of an ongoing investigation by the Police or other agencies, If the student is under 19, the parents/guardians/support agencies will also be contacted to attend this meeting. An investigation report will be available for this meeting.

**Managed Absence exception** - no vulnerable students\*<sup>1</sup> may be sent home without confirmation of contact with a designated parent/ guardian. i.e., where there is risk to allowing them to leave outside the designated college timetable. In the case of a 14-16 student, permission must be gained from the Group Curriculum Director for 14-16 or Principal before managed absence is imposed so that relevant authorities are informed (see KS4 Policy).

\*<sup>1</sup> Looked After Child (LAC), Child in Need (CIN), Young Offender, witness to incident, victim of incident 14-16, SEND student (any age) or a student with an EHCP.

Any students suspected of being under the influence of **drugs or alcohol**, and as a result deemed unfit to travel alone, must be collected by a parent, guardian or other responsible adult and will be kept on site, (internal managed absence) until this time. In any instance of doubt, first aid needs supersede disciplinary action.

If the managed absence relates to a Stage 3 or 4, then the student and parents/guardians/support agencies will be contacted with notification of a formal hearing which outlines the procedure and any documents relating to the hearing will be sent. The hearing will chaired by a Deputy Principal and normally be arranged within 5 working days, although this period may be extended due to an ongoing investigation by the police or other agencies. The student will be accompanied by a representative or by a parent/guardian if under 19. (Representation by a lawyer will not be allowed at any stage of the process). Should Exclusion be the result of the hearing, the student will have the right to appeal to the Principal.

## **5. Outside the College**

Students are expected to behave responsibly outside the College. It is important that the College has good relationships with its neighbours: people who live and work locally. Students need to be conscious of their behaviour outside the College and behave in a responsible and socially acceptable manner. Justified complaints from members of the public or serious misbehaviour could also result in disciplinary action being taken by the College. All disciplinary procedures apply if the student is on work placement/experience/ college trip or residential activity. Managed absence or exclusion may result from any action that brings the college into disrepute.

## 6. Cases Involving the Police

In cases where a student is involved with police action, the College procedures will apply:

It is the policy of the College to co-operate fully with police officers in the prevention and detection of crime and where appropriate the apprehension of individuals. The College recognises that it may be necessary at times for the police to question/arrest students on site. Where this becomes necessary, all staff are required (as far as possible) to maintain a calm, safe and professional learning environment. Any such incidents will be managed and overseen by the Head of Centre, Deputy Principal or Principal. No learner should be interviewed by the police without a responsible adult present. The decision to allow such an interview- or an arrest on site, sits with the principal, or person with delegated responsibility, for that campus. Information should only be shared with the police through a data sharing agreement or formal written request.

## 7. Formal Disciplinary Hearing Procedure (Stage 3)

Disciplinary hearings will be convened and chaired by the appropriate Group Curriculum Director or other nominated manager. The meeting will be recorded digitally or by a designated note taker. It is expected that these meetings will take place in person. In the event of nonattendance to the hearing by the student, the hearing will be made in their absence.

A student aged under 19 may be accompanied by a parent/guardian/Social Worker/Borough Careers Advisor or, other advocate by agreement in advance of the meeting. Adult students may name a representative whom they deem suitable, who may attend by agreement prior to the meeting. For Apprentices, the College will invite the Employer to this hearing.

The hearing will follow the procedure detailed below:

1. The Group Curriculum Director (GCD) will confirm the purpose of the meeting.
2. The Investigating Officer\*<sup>2</sup> will be asked to present his/her report, referring to witness statements as required. The student will be given time to present his/her case to the hearing.
3. The GCD may ask for clarification from both parties.
4. In the case of prolonged and persistent absence, the student's attendance record will be presented and targets for improvement from the previous disciplinary.
5. Conditions on continuation will be set on Promonitor and formalised in writing under the Disciplinary Hearing Notes category. SMART action(s) should be set and subsequently reviewed by the Stage 3 Chair, within a reasonable time frame (i.e., 2 or 4 weeks). This period of time is to provide the student an opportunity to demonstrate a change in their behaviours and/or show their commitment to college.

\*<sup>2</sup> this would be the Chair of the previous Stage 2 in most cases but can also be the Duty Manager or Senior Safeguarding and Enrichment Manager (in person or via a written account).

If the Stage 3 warning due in part or totality to continual absence due to illness refer to the *Fitness to Study policy* (Appendix 2).

## 8. Formal Disciplinary Hearing Procedure (Stage 4)

Disciplinary hearings will be convened and chaired by the Deputy Principal or other senior nominated manager. The meeting will be recorded digitally or by a designated note-taker. It is expected that these meetings will take place in person. In the event of non-attendance to the hearing by the student, the hearing will be made in their absence. For Apprentices, the College will invite the Employer to this hearing.

1. If under 18, the student must be accompanied by a parent/guardian/social worker/borough careers advisor and/or an appropriate adult.
2. The Chair (or person with delegated responsibility) will confirm the purpose of the meeting and will indicate that this hearing could lead to exclusion.
3. The Investigating Officer\*<sup>3</sup> will be asked to present his/her report, referring to witness statements as required.
4. The student will be given time to present his/her case to the hearing.
5. The Chair may ask for clarification from both parties.
6. In the case of persistent and prolonged absence, the student's attendance record will be used and targets for improvement from the previous disciplinarys.
7. The Chair will ask the Duty Manager/Senior Curriculum Manager/Group Curriculum Director and student to withdraw in order to consider the evidence and make a decision with regard to the alleged misconduct. In complex cases, a decision may be deferred over a period of no more than 5 working days.

\*<sup>3</sup> this would be the Chair of the previous Stage 3 in most cases but can also be the Duty Manager or Senior Safeguarding and Enrichment Manager (in person or via a written account).

The student will receive written confirmation of the decision normally within five College working days. During a hearing, the Deputy Principal (or person with delegated responsibility) may exercise the right to suspend the hearing for no more than 48 hours, if she/he considers this is warranted by the circumstances e.g., new evidence.

Conditions on continuation will be set on Promonitor and formalised in writing under the Disciplinary Hearing Notes category. SMART action(s) should be set and subsequently reviewed by the Stage 4 chair, within a reasonable time frame (i.e., 2 or 4 weeks). This period of time is to provide the student with an opportunity to demonstrate a change in their behaviours and/or show their commitment to the College. The outcome of this review should be clearly communicated to the student and if applicable their NOK/guardian.

If the stage 3 warning due in part or totality to continual absence due to illness refer to the Fitness to Study Policy (Appendix 2). The Deputy Principal should be fully briefed on the history and interventions put in place to date.

In deciding upon disciplinary action following a hearing, the Deputy Principal will take into consideration any mitigating circumstances put forward by the student or his/her representative and the student's disciplinary record.

## 9: The Right of Appeal

A student has the right to appeal against the appropriate Deputy Principal's (or person with delegated responsibility's) decision to permanently exclude them from College. Appeals are heard by the principal.

An appeal may **only** be made on one or more of the following grounds:

- severity of the disciplinary action
- new evidence that was not available at the time of the hearing/exit interview
- not keeping to the procedures

An appeal must be sent, in writing, to the Principal, no later than ten college working days from the date of the written confirmation of the disciplinary hearing's decision. In submitting an appeal, the student should provide notice of any witnesses they intend to call and the nature of any new evidence.

## 10: The Appeal Hearing

An Appeal Hearing will normally be convened within 10 College working days of receipt of time letter of appeal.

The principal may hear the appeal alone or form a panel and send relevant documentation to any other members attending the appeal – the Chair of the Disciplinary Panel and student, including:

- Student warnings/contracts
- Outcome of Disciplinary Hearing/Exit Interview
- Basis of appeal and names of witnesses
- For students aged 19 or under, the student making the appeal has the right to be accompanied by a parent/guardian/Social Worker/Career Advisor. For students aged 19 years and over, a friend or Student Union representative may attend. If a student should need additional support, e.g., signer this will be made available.

In the case of non-attendance, the appeal will not be heard, and the original disciplinary decision will be upheld. The Appeal Panel will not normally re-hear the case in its entirety but will concentrate on the grounds for the Appeal.

## 11: Format of The Appeal

The Appeal Hearing will follow the steps set out below:

1. The Chair of the Appeal Panel will read out the grounds of the Appeal and ask the student to confirm these are correct.
2. The student will then be asked to present their case, using witness statements, as necessary.
3. The Chair of the Disciplinary Panel will then be asked to present their response.
4. During this process, questions may be asked by the Principal, the Chair of the Disciplinary Panel, or the student. All questions are to be directed through the Chair of the Appeal Panel.
5. The Chair of the Disciplinary Panel, followed by the student, will be invited to make any concluding remarks.
6. The Appeal Panel may uphold the appeal and dismiss the penalty imposed by the Disciplinary Panel, reduce the severity of the penalty, or reject the appeal. It is not empowered to increase the severity of the penalty.

7. Where possible the Chair of the Appeal Panel will inform the student of the Panel's decision at the conclusion of the meeting. In complex cases, a decision may be deferred over a period of no more than 5 working days. The final decision will be confirmed in writing. The decision of the Appeal Panel is final.

## **12: Summary Exclusion**

In exceptional circumstances, the Principal or Deputy Principal has the authority to summarily exclude a student, where she/he is satisfied, on the evidence immediately available, that a student has committed an act of gross misconduct that is sufficiently serious to warrant such action.

A summary exclusion may also be made as the result of a failure to meet the conditions of a Stage 4 disciplinary if this is stated within the outcome of a Stage 4 disciplinary.

The Principal / Deputy Principal will act on information given to him/her by the Investigating Officer who has attended/reported on an incident.

*In the case of summary exclusion, the Principal/Deputy Principal will ask the attending/reporting member of staff to prepare a report. However, the student will have no right of appeal.*

## **13: Re-admission to College**

Where a student has been excluded, the College would not normally accept an application from that student for admission at any New City College Campus at future enrolment. Consideration of exceptional cases should be submitted in writing to the principal.

## **14: Appeal**

Appeals against permanent exclusion are heard by the principal whose decision is final.



## Appendix 1: New City College Student Disciplinary Indication of Grading of Offences & Process Table

A student may enter the process at any stage, depending on the seriousness of the incident. The grading of offences is provided as guidance only and is not exhaustive. Level of entry may vary depending on the severity of the offence and the circumstances surrounding the incident. This is a progressive process, which means that each time an offence is committed, the student may move on to the next stage. The police may be called when the law is broken.

Stage	Stage 1 - Misconduct	Stage 2 - Serious Misconduct	Stage 3 – Gross Misconduct	Stage 4 – Gross Misconduct
	Teacher, Personal Tutor, / Senior Curriculum Manager/ Duty Manager	Senior Curriculum Manager/ Duty Manager	Group Curriculum Director	Deputy Principal
<b>Examples of behaviours</b>	Failure to respond positively to informal warnings or advice.	Repeated misconduct Inappropriate behaviours or actions that cause a danger, threat, or offence to others	Previous serious misconduct	Repeated Gross Misconduct (Stage 3)
	Wearing a hood or hat - inside the College buildings students cannot wear their hoods up or hats with peaked caps – e.g., baseball caps as this obscure the face from CCTV. Other hats, religious headwear and du rags are acceptable. Discretion can be applied for students outside during inclement weather	Repeated failure to disclose their identity when reasonably requested for it or giving incorrect information	The copying of other student's work for assessment	Physical abuse leading to serious harm of others
	Smoking within prohibited areas	Breaches of Health and Safety Regulations or Minor damage to college property or equipment	Serious breaches of Health and Safety regulations	Physical abuse or threat of physical abuse involving a weapon.
	General rowdiness and thoughtless behaviour or inappropriate behaviours or actions that do not cause a danger, threat, or offence to others	Misuse of internet or other college systems Gambling on College premises.	Physical abuse or threat of physical abuse	Harassment of any kind, including sexual harassment - Deputy Principals have the discretion for this to be a S3 or S4 given the context and circumstances.
	Failure to complete or hand in work on time	Repeated failure to complete course work or major assignments within agreed deadlines	Harassment of any kind, including sexual harassment - Deputy Principals have the discretion for this to be a S3 or S4 given the context and circumstances.	Repeated bullying, etc
	Poor attendance and/or punctuality	Failure to act on targets set at stage 1.	Bullying or victimisation of others (including by text, email, social networking sites etc).	'sexting' or sexual images
	Use of mobile phones or personal stereos in teaching areas without permission	Repeated failure to attend classes on a regular basis.	Plagiarism Cheating during exam or with coursework fraud	Serious Fraud Criminal activity including dealing in drugs. Carrying or possession of weapons
	Spitting, littering, smoking in prohibited areas or other anti- social behaviour	Lending your pass to non-students.	Criminal activity - in or out of college - including theft, violence, and possession of, or under the influence of, illegal drugs	Repeated instances of the consumption of alcohol or other intoxicating substances. Misuse of internet or College systems to abuse/ radicalise, etc.

	Foul or abusive language or behaviour (non- discriminatory)		Possession of and being under the influence of drugs, Deputy Principals have the discretion for this to be a S3 or S4 given the context and circumstances.	Any repeated behaviour including poor attendance, punctuality, or any aspect of behaviour for learning can move through the stages and can result in Stage 4 or even exclusion if it is sufficiently serious.
	Failure to produce student ID card		Unable to take part in lessons or activities due to consumption of alcohol or other related intoxicating substances	
	Lending your pass to other College students		Serious misuse of internet or other college systems	
	Littering inside and outside the College and/or not clearing up rubbish		Repeated failure to attend classes on a regular basis.	
<b>Possible Outcome</b>	Verbal / Informal Warning	Up to 1 working day managed absence by Senior Curriculum Manager or Duty Manager	Immediate managed absence pending disciplinary hearing. Meeting with student, Parent(s)/Guardian/Carer/Social Worker to formalise the process (<19yrs of age)	Exclusion from College – Deputy Principal.
	First Written Warning and action plan if appropriate from Tutor, Senior Curriculum Manager or Duty Manager	Meeting with student, parent(s)/Guardian, and Carer to formalise the process (<19yrs of age)	Action plan monitored by Curriculum.	
		Action plan monitored by tutor		

## Appendix 2: Fitness to Study Framework

The strategic intent of the College is to prepare young people for further study and/or the workplace. As such the college have a responsibility to the student, employers, awarding bodies to protect the integrity of the qualifications that are awarded to students (including a licence to practice).

At all stages of the disciplinary process, the College will consider whether the gaps in knowledge, lack of progress, attendance issues, and/or non-completion of work are subject to matters of *'fitness to study.'*

By *fitness to study*, the College identifies that due to medical or health grounds the student is not able to engage and meet the requirements of their programme of study as they intended or desired. Whilst it is the student's responsibility to take appropriate steps to manage their health and wellbeing, the College understands that there may be circumstances when a student is unable to recognise that they are not making sufficient academic progress, placing unreasonable demands on staff, the learning of other students or endangering themselves or others.

Thus, the Stages (1-4) of the Student Disciplinary Policy may resemble support/intervention meetings than a disciplinary hearing. In these circumstances, actions/targets set at meetings will be supportive and designed to ensure that the student is able to meet the requirements of their course. The framework may be entered at any level, without any requirement for an earlier level to have been commenced or exhausted. The level at which it is implemented depends on factors such as the nature of the concern, the seriousness of any risk posed, the student's perception of his/her health and behaviour, and the response of the student to any steps taken to manage the situation.

The College will take reasonable steps to ensure that students are supported, treated with respect and fairness throughout their time at college. However, persistent, and prolonged *absence* can result in significant gaps in student skills and knowledge. This can in turn can place a substantial burden on the student and staff.

If the decision is taken at Stage 4 to 'exclude' (permanently withdraw) a student on *'Fitness to Study'* grounds the student will be provided with support to make a successful transition. This does not affect the student's right to appeal (Section 10).

If at any time the college has concerns regarding the wellbeing of a student and/or the college community with a student being on roll, the college reserves the right to place the student on a managed absence (Section 4 of the Student Disciplinary Policy), whilst matters are being investigated.

### ***What could support look like under the Fitness to Study Policy?***

- Reduce the size of the qualification (subject to funding and audit requirements, Group Curriculum Director and/or Deputy Principal approval).
- A period away from college i.e., 1-2 weeks, subject to Group Curriculum Director and/or Deputy Principal approval.
- Liaise with external agencies (with the consent of the student) i.e., GP, Mental Health services including CAMHS or other health care professionals. This would always be to devise the best support strategies for the student whilst they are in college.
- Counselling or MH support in college (if not already provided outside of the college)
- Opportunity to interview for a potential restart (when circumstances allow full engagement with the study programme).
- Additional sessions placed on a timetable to support the student in their learning.