

STUDENT DISCIPLINARY & APPEALS PROCEDURE

2021



**PENDING
RATIFICATION
BY THE FGB**

Shooters Hill Sixth Form College

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Student Disciplinary & Appeals Procedure

This document sets out the College's procedures for dealing with students whose behavior falls below the expected standard. The College's expectations are set out in the 'Student Code of Conduct'.

The procedures which follow are divided into three sections:

- Minor Misconduct
- Significant Misconduct
- Serious Misconduct

The decision as to whether misbehavior is minor, significant or serious will depend upon the facts of the incident. As a guideline:

1. Principles

- 1.1 The purpose of the Student Disciplinary Policy is to ensure fair and consistent treatment of all students by defining the rights and duties of those concerned.
- 1.2 The Student Disciplinary Policy applies to all students enrolled at the College when there has been a failure to meet obligations regarding conduct.
- 1.3 Students have a responsibility to be aware of and comply with the Student Code of Conduct or in such amendments as may be made and drawn to their attention from time to time in College Communications.
- 1.4 Any disciplinary action will satisfy the test of reasonableness in all the circumstances. Account may be taken of the student's previous record and any other relevant factors as well as the seriousness of the misconduct.
- 1.5 At every stage in the policy the college will attempt to take a restorative rather than punitive approach to dealing with disciplinary issues.
- 1.6 At every stage in the policy the student will be informed of the nature of the complaint against him or her.
- 1.7 The Disciplinary Policy for Serious Misconduct (the highest level of misconduct) may be implemented at any stage of an investigation if the student's alleged misconduct warrants such action.
- 1.8 In any disciplinary action of a Serious nature the student's parent(s) or guardian(s) will be informed as soon as possible.
- 1.9 Investigators of incidents and those conducting disciplinary hearings or appeals will expect the student to answer all reasonable questions and co-operate with the investigation as is required by the Student Code of Conduct.

2. Procedures for Dealing with Minor Misconduct

It is part of the professional duty of all staff to deal with alleged breaches of standards as soon as possible in order to prevent situations becoming more serious.

- 2.1 Minor misconduct will be dealt with internally in a number of ways depending upon the nature of the misconduct, whether there is a pattern of misconduct and the extent to which the student is co-operative when the matter is being dealt with. A member of staff may:
 - Ask for the student's ID card
 - Interview the student
 - Record the incident on PrO-Monitor for the attention of the Personal Tutor

- Take any other action appropriate to the circumstances.

2.2 At this stage the College would hope that any problem would be resolved by means of restorative actions and the student making a commitment to change his/her behavior.

2.3 In the event of the incident (or similar) recurring, and/or the student ignoring the terms agreed on this occasion this will be regarded as Significant Misconduct (see next section)

3. Procedures for dealing with Significant Misconduct

3.1 this may result from persistent minor misconduct as in 2.3.

3.2 Incidents of significant misconduct will result in a Misconduct comment being issued to the student's Tutor or PDT (via Promonitor) who will then liaise with the appropriate Curriculum Leader

3.3 The student will (if deemed appropriate) be asked to attend a meeting with the appropriate Curriculum Leader and a record of what is agreed to have happened will be recorded on Promonitor, together with an acknowledgement that the student has read and agreed these notes.

3.4 If the meeting has determined that significant misconduct has taken place a number of actions may be considered appropriate. These include:

- A meeting with those affected by the students actions to explore the impact of those actions and agree the way forward
- A formal apology
- A formal warning
- The drawing up of a Special Contract which will set out the terms of behavior and recorded in Pro-Monitor under Target Setting
- A requirement that the student remains at College during specified hours
- The student being sent home by a Faculty Leader for a cooling off period (student is given a letter to take home to parents explaining the situation)
- Any other action appropriate to the circumstances

Where a student has been suspended for more than one day, a student will be emailed work home by staff (as appropriate).

3.5 The student's parent(s) or guardian(s) will be informed in writing (and/or via Promonitor) or the matter of misconduct may be discussed with them.

4. Procedures for Dealing with Serious Misconduct

4.1 An initial investigation will be conducted by the Incident Manager or a member of the extended SLT at which time the student, and any witnesses, will be asked to provide a signed and dated written record of her/his recollection of events.

4.2 If the initial investigation suggests that serious misconduct has taken place the investigation manager will normally recommend to the Principal or her designated representative a temporary suspension pending further investigation. Every attempt will be made by the investigation manager to contact the parents or guardians. In any event, the student will be escorted off the premises and a letter will be sent to parents or guardians in which the reasons for the temporary suspension and its length are set out. Where a student has been suspended for more than one day, a student will be emailed work home by staff (as appropriate).

4.3 Where it is perceived that the safety and security of the student or members of the College are placed at significant risk of harm (for example, on the grounds of a student's mental ill-health or upon receiving information from external agencies), the student may immediately be sent home for a cooling-off period or suspension, prior to the Principal or her designated

representative's approval. This action would normally be undertaken by the College's Safeguarding Officer or a member of SLT. In this instance, the Principal or her designated representative will be informed and the process as identified in 4.2 above will be undertaken.

- 4.4 After further consideration of the issues involved, and in the light of all the evidence collected, the investigation manager may decide that the case should not go to a Disciplinary Panel. Instead the student will be recalled from suspension and attend a formal return from suspension meeting with the investigation manager and the student's Curriculum Leader if different. It would be expected that the parent(s)/guardian(s) would attend such a return from suspension meeting. If time permits, a copy of the summary notes of the investigation will be sent to the student and his/her parents/guardians. The terms of the student's return to the College will be agreed at this meeting and a letter confirming the outcome of the meeting will be sent to both the student and his/her parent(s)/guardian(s).
- 4.5 Where the alleged action appears to be a criminal offence, for example, violence, drug abuse, burglary or theft, the police will always be informed and any evidence passed on to them at this stage. Contact with the police will not be viewed as an alternative to College procedures and the decision whether or not to convene a Disciplinary Panel will be taken by the investigation manager in consultation with the Associate Principal Learner Resources Culture and Behaviour.
- 4.6 Where information has come from other agencies, such as the Police or Youth offending Service, a student who has become involved with the Criminal Justice System, has been arrested for an alleged offence or is on Police bail, the College reserves the right to send a student directly to a Disciplinary Panel. This must be due to overarching concerns regarding the safety and/or security of the student and/or staff and students of the College. One outcome of the panel is that a student may be withdrawn from the College on this basis.
- 4.7 Where a student has brought the College into disrepute, for example, by sharing information about themselves or engaging in an activity which may damage the image or reputation of the organization, a student may be invited to a Disciplinary Panel and the same outcomes can be undertaken as in 4.6.
- 4.8 A Disciplinary Panel will be convened by the Principal or her designated representative within two working weeks of the date of the temporary suspension.
- 4.9 The Disciplinary Panel will comprise at least two members of the extended SLT who have not been involved in the case before. The Panel may choose to have an advisor present. A note taker will be present.
- 4.10 Parent(s)/guardian(s) will be invited to the Disciplinary Panel with the student. If they are not able to be present they will provide a written character reference in advance of the Disciplinary Panel.
- 4.11 If neither parent/guardian is available to attend the Disciplinary Panel, the College strongly advises that an alternative relative is present to support the student.
- 4.12 The student has the right to be accompanied at the Disciplinary Panel by a parent(s)/guardian(s), other relative, interpreter or sign language communicator.
- 4.13 It is in the interest of all to resolve disciplinary matters as quickly as possible. Nevertheless, there are time limits set out in the Policy which may be subject to reasonable variation after discussion with the parties or if circumstances require.
- 4.14 Where a student fails to attend a Disciplinary Panel without justifiable cause the hearing would be automatically adjourned and any rescheduled Disciplinary Panel may progress in the student's absence.
- 4.15 Where the parent(s)/guardian(s) fail(s) to attend a Disciplinary Panel without justifiable cause the panel will go ahead and she/he will be informed of the outcome in writing within 5 working days.
- 4.16 The parent(s)/guardian(s) and student will be supplied with a written summary of the conclusions of the investigation in advance of the Disciplinary Panel and, except in the most

exceptional circumstances, all documents that will be available to the investigation manager and Disciplinary Panel will also be made available to the parent(s)/guardian(s) and students at the panel.

- 4.17 The student will be given the opportunity to state his or her case before any decision is made.
- 4.18 All documentation, correspondence and information in relation to student disciplinary investigations and proceedings shall be treated as strictly confidential to the parties concerned and their advisers. The formal outcome, and one set of the evidence on which the decisions were reached, will be retained by the College.
- 4.19 In the interests of natural justice the investigation manager cannot be on the Disciplinary Panel. His or her role will be to present the College's case.
- 4.20 The Disciplinary Panel will hear the evidence collected by the Investigation manager. Parent(s)/guardian(s) and the student will be given the opportunity to respond. The character reference by the Personal Tutor will also be heard. The parents and student, any adviser and the investigation manager will then withdraw while the panel reviews the evidence and makes its decision.
- 4.21 The Disciplinary Panel has the authority to terminate the student's programme at the College or to suspend a student for a further temporary period. It may decide to issue a final warning. The decision of the panel will be conveyed in writing to the student within five working days. An entry concerning the outcome will be placed on the student's file.
- 4.22 Terminating the programme will always be accompanied by an exit strategy. The College will be active in pursuing alternative courses, modes of study or progression routes.

5. Procedures for Appeal in the case of Temporary or Permanent Suspension

- 5.1 An appeal may be made to the Clerk of the Governing Body of the College in writing within 10 working days of the date of the formal notification of the decision of the Disciplinary Panel. It should set out the specific grounds on which the appeal is being made. The appeal is not a rehearing of the original evidence, but provides the opportunity to establish that correct procedures were followed and that the outcome was based on a fair process.
- 5.2 The Clerk will convene an appeal hearing which will include 3 members of the Governing body as soon as possible, normally within 10 working days of receipt of the appeal in writing.
- 5.3 Any new evidence from the appellant must be sent to the Clerk at least five working days prior to the appeal hearing to allow for it to be circulated to all parties. This may delay the timing of the appeal.
- 5.4 The appellant may prepare a written statement of their appeal case. The investigation manager, on behalf of the College, may also prepare a written statement. Such statements, together with other relevant or new evidence must be with the Clerk at the latest five working days prior to the appeal hearing.
- 5.5 Governors and the appellant will have identical papers at the appeal hearing.
- 5.6 The investigation manager and the appellant may each choose to have an advisor present.
- 5.7 Governors will reconsider the evidence and the decision of the Disciplinary Panel and take into account any new evidence or procedural complaint.
- 5.8 Witnesses should only be present to give evidence and answer questions.
- 5.9 The Governor's decision is final and when given will be confirmed in writing within three working days of the appeal being held.
- 5.10 You have the right to have this decision reviewed by an independent review panel. If you wish to have the governing body's decision reviewed by an independent review panel you must set out the grounds for the review in writing, including if applicable, details of how the pupil's special educational needs (SEN) may be considered relevant to the exclusion. You have a right to request that an SEN expert also attend the independent review panel. This will be at no cost to you. The role of the SEN expert is to provide impartial advice to the panel on how special educational needs

might be relevant to the exclusion and whether the college's policies or the application of those policies were legal, reasonable and procedurally fair. It is not the SEN expert's role to make an assessment of your child's special educational needs. If you would like a SEN expert to be appointed please make this clear to the Clerk when you lodge your application for an independent review.

5.11 The Independent Review Panel will consist of three members: one a serving (or recently retired) headteacher; one serving (or recently serving) experienced governor; and one lay member who will chair the panel. The review panel is independent of the school and will rehear all the facts of the case. If you have fresh evidence to present you may do so. The panel must meet no later than the 15th school day after the date on which your review application is lodged. In exceptional circumstances panels may adjourn a hearing until a later date. You can make representations to the review panel and may, at your own expense, appoint someone to make written and/or oral representations on your behalf. If you wish to you may also bring a friend to the review. In reviewing the decision the panel can make one of three decisions: they may uphold your child's exclusion; they may recommend that the governing body reconsiders their decision; or they may quash the decision and direct the governing body to reconsider the exclusion again.