

**Plumpton College**  
**Student Disciplinary Policy**

**1. Scope & Purpose**

- 1.1 The purpose of the policy is to ensure that learners adhere to a minimum standard of behaviour during their time at the College and are supported through a staged series of interventions to ensure they are aware of their responsibilities.
- 1.2 The policy applies to all students and is designed to ensure consistent, effective and fair treatment for all. This policy has been impact assessed to ensure that it does not adversely affect staff on the grounds of sex, transgender, marital or civil partnership status, racial group, nationality, sexual orientation, religion or belief disability or age.
- 1.3 This policy should be read in conjunction with policies and procedures referred to in the student handbook including the student code of conduct, safeguarding policy, student anti-bullying and harassment policy and the student IT policy. Higher Education students should also refer to the General Examination and Assessment Regulations produced by the University of Brighton.

**2. General Principles**

- 2.1 Every effort will be made to avoid the use of disciplinary action where alternatives are appropriate.
- 2.2 No student will be expelled for a first breach of discipline, except in cases of serious misconduct.
- 2.3 All students agree to subscribe to standards of behaviour specified in the Student Handbook, specifically to:
- Abide by Plumpton College Policies and regulations including the Student Code of Conduct and the Anti-Bullying & Harassment policy
  - Treat everyone with respect and tolerance
  - Take responsibility for own learning and progression
  - Attend regularly and punctually and account for all absences
  - Complete and hand in on time all work set
  - Seek help from College staff, if needed

- Meet assessment and examination requirements
- Respect the College environment
- Take responsibility for their own and others' health and safety
- Follow College rules at College, during College time, or on College activities

2.4 The procedures distinguish between the student in **academic difficulty** and the student **not meeting standards of expected behaviour**.

2.5 At all stages of the disciplinary procedure, the following will be taken into account before deciding upon an appropriate disciplinary sanction:

- any mitigating factors, e.g. behaviour difficulties, health, domestic, bereavement;
- current disciplinary record of the student;
- nature of the offence;
- available evidence

2.6 If, in the opinion of a the Principal, Deputy Principal or Head of Department, it is necessary for a 14-16 year old pupil to leave the premises, the school or the student's parent or guardian will be contacted and asked to collect the pupil. In all cases the College will liaise fully with the school. Responsibility for any ensuing disciplinary action will remain with the school but the College reserves the right to suspend and/or exclude 14-16 students from the College.

2.7 Other than verbal warnings and reprimands, the disciplinary sanctions are written warning, final written warning, suspension, expulsion. These disciplinary sanctions can only be given by the Principal or Deputy Principal. However, if the Principal or Deputy Principal are absent from site the Head of Student Services has delegated authority to suspend a student.

2.8 Whenever a student is given a disciplinary sanction, a formal letter will be sent to the student with copies sent to the parent (where the student is under 18) and the relevant Head of the Department. The student must sign to confirm receipt of any disciplinary sanction and agreement with it or they will not be permitted to return to the College at any future point.

- 2.9 Notice of any disciplinary sanction will be placed on the student's file where it will remain until the end of the student's course. In the case of expulsion, the note of the disciplinary action will remain on the student's file for the retention of the student's file – six years.
- 2.10 Throughout the policy the word Parent is used to refer to the parent, guardian or employer of a student under 18.

### **3. Responsibilities of Staff**

- 3.1 Staff are responsible for ensuring that the College's rules and standards of conduct are conveyed and fully explained to their students. Staff are also responsible for completing an incident report for any lapse in a student's behaviour.
- 3.2 While the College's disciplinary procedure are wholly separate from civil or criminal legal proceedings, the College will assist the Police in bringing criminal prosecutions when the gravity of the offence is deemed by the Principal to warrant such assistance.

### **4. Informal Procedure**

- 4.1 Normally discipline is effectively maintained by example, informal advice or reprimands and through the observance by staff of accepted standards of conduct. Within this context staff are able to discuss concerns with students, give advice informally and/or issue informal verbal warnings without recourse to the formal procedures. Notes of informal warnings are kept on student's files.
- 4.2 The formal disciplinary procedures will only be instigated when informal procedures/interventions have failed to modify behaviour. The College can however enter the formal procedures at any stage in light of the seriousness of the issues.
- 4.3 The following are examples of behaviour for which an informal verbal warning may be given **by all staff** for first and minor offences:

#### **This list is not exhaustive**

- Undue noise disturbance
- Failure to follow the instructions of a member of staff

- Smoking within the college buildings and other prohibited areas
- Dropping litter
- Disturbing other students
- Disrespect to college property
- General misbehaviour

4.4 For infringement of some of the basic college rules such as smoking in the College buildings, dropping litter and vandalism the College may impose a punitive fine up to the cost of £100.

## **5. Formal Procedure - The Student in Academic Difficulty**

5.1 The College recognises that students may experience academic difficulties during their course. Pastoral and academic support will be provided to students and the first line of action will be via the student's academic tutor. Examples of academic difficulties may be:

- Not attending lessons regularly or on time
- Not reaching the academic standard required for the course (Despite additional support being provided to the student)
- Consistently missing deadlines for the submission of work

5.2 The academic tutor is made aware that a student is in difficulty in various ways:

- Weekly reports on attendance
- Monitoring of effort and achievement grades
- Concern notes
- Tutorials

5.3 The academic tutor will discuss the difficulty with the student. A record of this and any important issues or agreed actions must be noted.

5.4 If there is no improvement within the deadline set, the academic tutor will notify their Head of Department of the student's continuing difficulties and provide the relevant evidence for further stages of the disciplinary procedures.

- 5.5 The HoD will then arrange a meeting with the student, within five working days, to which a parent is also invited to attend if they wish. The HoD will provide further improvement guidelines which may include a period of 'on report' and advise that the student is at risk of receiving a formal warning.
- 5.6 If the situation does not improve, the student will be given a written warning or, depending on the severity or frequency of the issue, arrangements will be made for the student to meet with the Principal or Deputy Principal, to which a parent is also invited to attend if they wish. The Principal/Deputy Principal may issue a final formal written warning together with improvement guidelines.
- 5.7 If there is again no improvement, the student will, on the decision of the Principal or Deputy Principal, be suspended for a period not exceeding ten working days. The case will be reviewed by the Principal or Deputy Principal and the student may have their course of study terminated. The student and parent will be notified in writing and sent the College's Student Disciplinary Policy and Procedures which draw attention to the appeals procedure.
- 5.8 If exclusion is the outcome the student may elect to have their case heard by the Appeals Committee. The student must write, within ten working days of notification of expulsion, to the Clerk to the Corporation, Jenny Brooker, Plumpton College, Ditchling Road, Plumpton, East Sussex, BN7 3AE.
- 5.9 Throughout the above procedures all discussions must be documented and fully agreed
- 6. Formal Procedure – The Student not Meeting Standards of Expected Behaviour** (This process is to be followed for instances other than minor instances as in 4.3).
- 6.1 Any member of staff should report any breach of discipline directly to the relevant HoD, Principal or Deputy Principal. For full time students the personal tutor should also be informed as soon as possible.
- 6.2 The formal sanctions relating to a breach of discipline are written warning, final written warning, suspension and expulsion. (Suspension can be a disciplinary measure or a neutral act whilst further investigations are taking place).
- 6.3 The sanction used can vary depending on the actual nature of the breach and also on the repeatability of the breach. As such it is not possible to give hard and fast rules as to the

sanction that will be given for each of the example breaches. Some examples given in sections 7 and 9 are repeated and this is to be expected. The following are examples of breaches of discipline.

**This list is not exhaustive**

- Anti social behaviour
- Theft
- Fighting, assault on another person
- Bullying
- Deliberate damage to College property
- Substance abuse or being under the influence of alcohol or illegal/damaging drugs
- Possession of, or dealing in, any illegal or damaging drugs
- Non-payment of fines/non payment of replacement cost of library books despite reminders
- Misuse of computer equipment or software
- Rudeness to staff and failure to obey reasonable instructions
- Actions which cause other students or staff to be at risk
- Persistent breaching of rules
- Bringing College into disrepute

**7. Written Warning**

7.1 Bad behaviour, actions which endanger the safety of others or involve illegal activity may result in the Principal or a Deputy Principal issuing a written warning without a prior verbal warning. The following are examples of where a written warning may be given.

**This list is not exhaustive**

- Causing sufficient noise nuisance to seriously affect's students, staff, visitors or the local community
- The use of rude, insulting, abusive or offensive language.
- Behaviour which obstructs or disrupts activities being held within College
- Serious/repeated incidences as listed in 6.3

## **8. Final Written Warning**

- 8.1 Repeated bad behaviour or actions which are deemed serious enough may result in the Principal or a Deputy Principal issuing a final written warning. The disciplinary letter will include a warning that future incidences of bad behaviour could result in suspension or possibly expulsion.

## **9. Suspension**

- 9.1 The Principal or a Deputy Principal, or in their absence the Head of Student Services, shall have the power to suspend a student for serious breach of discipline for a period not exceeding ten working days and shall inform the HoD and personal tutor of any suspension.
- 9.2 The suspension may be a disciplinary measure as part of the formal procedures or a neutral act whilst further investigations are taking place. The HoD will be responsible for liaison with the suspended student and parent.
- 9.3 It is important through all stages of the disciplinary process that students' parents (where the student is under 18) are kept informed.
- 9.4 The following are examples of behaviour which could lead to immediate suspension or expulsion.

### **This list is not exhaustive**

- Sexual harassment
- Racial abuse
- Threatening behavior or physical violence
- Theft, fraud, deliberate falsification of records
- Use/possession of illegal/dangerous drugs or solvents
- Incapacity caused by being under the influence of alcohol or drugs
- Refusal to follow an instruction of College staff (or emergency services staff) relating to health and safety, or the orderly management of the College's business and its environment
- Behaviour prejudicial to the good name of the College, whether on or off the College premises.

- Deliberate damage to property owned by Plumpton College, its Staff, Learners or Visitors
- Failure to take note of formal and final written warnings

9.5 The reason for suspension will be given in writing to the student and parent within five working days. The letter will include the reason for the suspension, the type of suspension (fixed term or indefinite), proposed day of re-admission (if appropriate) and where appropriate arrangements for students to continue with their studies and to take examinations. The letter will also advise whether there is any proposed further action, which shall be either:

**A final formal written warning.** This will be sent by the Principal or Deputy Principal and the student must sign to confirm receipt of the final formal written warning.

Or

**If the breach of discipline is sufficiently serious, immediate expulsion.** If the outcome is expulsion, the Principal will confirm the reasons for this in writing to the student and send the College's Disciplinary Policy and Procedure which draw their attention to the appeals procedure.

9.10 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 Principal or in his absence a Deputy Principal. The student will be notified in writing and sent the College's Disciplinary Policy and Procedure which draw their attention to the appeals procedure.

## **10. Expulsion**

10.1 After referral through the disciplinary procedure or in the light of the seriousness of the issue, the Principal or in his absence a Deputy Principal has the authority to expel a student.

10.2 Any student excluded from the College under this policy will not be permitted to re-enrol at any time on a course run by the College without the express permission of the Principal.

10.3 The disciplinary letter will provide guidance on further education and development routes available to the student.

- 10.4 The Clerk to the Corporation will provide an annual report to the Academic Committee of any expulsions that have taken place.
- 10.5 Any expulsion against which an appeal is made shall continue to operate pending the determination of the appeal.

## **11. Appeals**

- 11.1 A student who wishes to appeal against expulsion should inform the Clerk to the Corporation in writing within 5 days of the date of the expulsion. The appeal is not designed to be a re-hearing of the disciplinary hearing and the appeal letter should state on which of the following grounds the appeal is being lodged:
- a) That the proper disciplinary procedures were not observed with an explanation of areas where non observance occurred.
  - b) That evidence has become available which was not presented to the hearing, and which may have a bearing on the case. Exact details of the evidence must be given.
  - c) That the disciplinary penalty is considered to be unfair or inappropriate.
- 11.2 The Clerk will advise the Principal/Deputy Principal that an appeal has been received and ask them to provide a written summary of the case and reasons for decisions at least three working days before the hearing, together with copies of any evidence to be used at the appeal hearing. The Principal/Deputy Principal will also be asked if they will be calling witnesses to give evidence at the hearing.
- 11.3 The Clerk will ask the student to prepare a written statement of their case and provide this within at least three working days of the hearing. The statement should include the student's reasons for the appeal and indicate what remedy the student is seeking. The student will also be asked to confirm if they will be calling witnesses to give evidence at the hearing.
- 11.4 The student (or student's representative) and appeal panel will be provided with an appeal pack at least three days in advance of the hearing which will include the hearing procedure

to be followed, copies of any disciplinary evidence such as incident reports and witness statements and the management case.

- 11.5 The appeal hearing will be arranged as soon as reasonably practicable. When arranging the date of the meeting a check will be made of whether the student has any family, religious or other cultural events which might influence the date of the meeting. The appeal panel will comprise:

Principal/Deputy Principal (Chair)\*

A Governor (excluding the Principal, Staff and Student Governors)

Independent Head of Department

An Independent Teaching Staff Member

Member of Student Services

\* If a student was expelled by the Principal then the Deputy Principal will chair the appeals panel.

- 11.6 At the appeal hearing, the student will be entitled to be accompanied and represented by a friend, student representative or relative (but not legal or other professional adviser).
- 11.7 Notes of the appeal hearing will be taken and will remain on the student's file for the duration of the retention of the file – six years. The notes of the hearing will be made available to the student on request. The Procedure for the Appeal Hearing is provided at Annex B.
- 11.8 Where an appeal is upheld then a programme to support the student return to College will be developed. Where an appeal is not upheld, the College will, wherever possible, provide advice and guidance to the student on future training and career paths.
- 11.9 When a student has exhausted the college's appeal procedures, the student has the right to make a complaint to the LSC and would be provided with information on this should the appeal be rejected.

## **12. Failure to Attend a Hearing**

- 12.1 If a student fails to attend a hearing (including an appeal hearing), those conducting the hearing will contact the student to ascertain the reason for his/her absence and will decide whether to proceed in his/her absence or re-arrange the hearing to another time. If the

student is absent for a valid reason which could not reasonably have been foreseen, the hearing should normally be rearranged once. If the student cannot be contacted or if no valid reason can be produced, the hearing/appeal hearing may proceed in their absence and a decision reached. The decision will be made from the evidence available at that time. The student will be informed of the decision in writing within five working days of the hearing.

Approved By: Corporation

Date of Approval: Tuesday 26 January 2010

Frequency of Review: Every Three Years

Date of Next Review: January 2013

The policy will be reviewed by the Academic Committee. However, the SMT is delegated to approve minor changes to the policy in response to legal changes and best practice.

### **Procedure for Appeals against Exclusion**

- (a) The Chair will call in the Student, Student's representative and decision maker\*, outline the procedure to be followed (as set out below) and advise that notes of the meeting will be taken.
- (b) The student to present their case including any mitigating circumstances to be taken into account and the remedy sought.
- (c) The student to call witnesses (if any).
- (d) The decision maker to be given the opportunity to ask questions of the witnesses and student through the Chair.
- (e) The Chair to ask questions of the witnesses and student.
- (f) Student's witnesses to withdraw.
- (g) The decision maker to state the College's case
- (h) The decision maker to call witnesses (if any).
- (i) The student to be given the opportunity to ask questions of the witnesses and decision maker.
- (j) The Chair to ask questions of the witnesses and decision maker.
- (k) Decision maker's witnesses to withdraw
- (l) The Chair to ask any additional questions of the student and decision maker
- (m) The student to be given an opportunity to sum up their case.
- (n) The decision maker to be given an opportunity to sum up the College's case.
- (o) The Panel to review the case in private (with an administrator present) and make decision.
- (p) Student and decision maker to be recalled and informed of the decision.

\* decision maker refers to the member of staff that expelled the student (i.e. the Principal or Deputy Principal)