

Policy Title	<b>Student Positive Behaviour Policy</b>	
Policy Category	Compliant	
Owner	Director of Adult Provision – Newcastle College	
Group Executive Lead	Executive Director of Quality	
Date Updated	Aug 2021	
Considered By	QA / TLA Forum.	
Approved By	Executive Board	
Date Approved	September 2021	
Equality Impact Assessment	The implementation of this policy is not considered to have a negative impact on protected characteristics	
Freedom of Information	This document will be publicly available through the Groups Publication Scheme.	
Review Date	August 2022	
Policy Summary	<p>The NCG Student Positive Behaviour Policy applies to all students. The policy defines; the student 'Code of Conduct'; high expectations and positive behaviours; managing low level disruption and describes procedures where expected behaviours are not met.</p> <p>All Colleges within the NCG Group believe effective learning is best achieved in a supportive and mutually respectful environment where high expectations of behaviour towards others in and beyond the college community underpin a pervasive ethos resulting in positive engagement leading to positive employment outcomes.</p>	
Applicability of Policy	Consultation Undertaken	Applicable To
Newcastle	Yes	Yes
Newcastle 6th Form	Yes	Yes
Carlisle	Yes	Yes
Kidderminster	Yes	Yes
Lewisham	Yes	Yes
West Lancashire	Yes	Yes
Southwark	Yes	Yes
Professional Services	Yes	No

Changes to Earlier Versions	
July 21	<p>Change to the stage 1 recording in line with updates to eTrackr – to be recorded as a note rather than a cause for concern and added MyConcern to Stage 2.</p> <p>Annual update to align KCSIE 2021 and strengthen guidance associated with peer on peer sexual harassment, positive relationships and sexual abuse.</p>
Linked Documents	
Document Title	Relevance
NCG Attendance Management Policy	Details attendance expectation, which if not met would trigger this policy.
NCG Teaching, Learning and Assessment Policy	Details arrangements for the implementation of TLA procedures development of staff and evaluation and support.
Local College: Student Fitness to Study Policy	If a student has a special educational need and or disability, the Fitness to Study Policy may be adopted as an alternative to this policy.
HE Fitness to Practice Policy	For Higher Education (HE) students on programmes which emphasise professional conduct and employability, the Fitness to Practice Policy will be invoked where required as an alternative to this policy.
Tutorial, Attainment and Progress Policy	Details the annual tutorial and progress review cycle, and thereby puts in place the methodology for delivering much of this policy.
Safeguarding Policy	Details the arrangements for safeguarding learners within NCG – issues relating to behaviour may be linked to relevant wellbeing and social aspects
Equality and Diversity Strategy	To ensure that all learners can achieve exceptional outcomes, regardless of starting points
Drug and alcohol Policy	Further details expectations on use of drug and alcohol.

## 1. Intent

All Colleges within the NCG Group believe effective learning is best achieved in a supportive, welcoming environment where students enjoy engaging and learning, achieve their full potential and feel safe. Our mission is to **‘Enable social mobility and economic prosperity through exceptional education’** and within this, to inspire a culture of ambition through our Great Place to Learn strategies. Alongside this, well-resourced and embedded support systems aim to ensure every student attends, makes excellent progress and achieves a positive destination. These views are promoted by our executive leadership team, our governors and our college senior leadership teams. Our curriculum is planned to allow each student to follow a pathway of learning that builds on their interests and strengths and supports their academic and career aspiration.

We aim to foster an environment of mutual respect amongst all students, staff and visitors and expect them to behave with consideration and due care at all times. Our approach to stimulating positive behaviour across NCG is based on restorative approaches, focusing on open, honest and co-operative relationships together with de-escalation and mediation in resolving behavioural issues. This approach is student-centred and aims to benefit them by retaining them in learning.

This policy should be read alongside the Teaching, Learning and Assessment Policy, the Attendance Policy, Safeguarding Policy and Procedure and the Tutorial and Attainment Policy, all of which promote our values of Being Inclusive and Diverse, Trusting and Respecting our Communities, Taking Ownership whilst working Collaboratively and Inspiring Excellence and Curiosity, as a key feature in student achievement. It also draws on practice informed by restorative approaches to improve student outcomes through developing mind-set around emotional intelligence and resilience to support emotional and mental health.

## 2. Purpose

The purpose of this policy is to ensure all NCG colleges:

- Promote a culture of mutual respect, tolerance, democracy, individual liberty and shared expectations, consistent with British values.
- Provide a safe learning environment for all members of the College community free from physical risks, bullying or harassment including peer on peer abuse and sexual harassment.
- Shape an environment that is welcoming, friendly and supportive that promotes good attendance, punctuality and student progress.
- Communicate and demonstrate expectations around positive behaviour, good conduct and associated responsibilities to all members of the college community.
- Manage low level disruption well, without disadvantaging student outcomes.
- Ensure student behaviour processes are managed effectively to promote fair and equitable treatment of all students whilst providing support to staff.

## 3. Scope

This Policy applies to all students regardless of provision type, mode of study or location. It expects all students to abide by the Student Code of Conduct at all times including; when present on and around campus, whilst engaging in offsite activity including trips and work placement and when engaging in online activity. It will be applied equitably: that means that not every student will be treated the same, but that our approach will acknowledge the different support needs and experiences of our students. It sets out the processes for addressing poor behaviour where a formal resolution is needed, which includes use of student improvement agreements and a four-stage behaviour process. Following this behaviour policy is the responsibility of every member of staff.

Wherever possible, as a college we seek to work with parents, carers, employers and trusted adults as they are key influencers on young peoples' lives. This applies to employers of apprenticeship learners, parent/carers of students up to the 31<sup>st</sup> August following their 18<sup>th</sup> Birthday (aged up to 25 with an Education Health and Care Plan). There may be times when it is not appropriate to contact home, some young students live independently or have complex home lives. Some students will have recorded no home contact on their student record, and this decision is made with safeguarding team involvement. Any safeguarding concerns should be discussed as appropriately with a designated safeguarding officer.



**4. Expectations and Standards of Behaviour:**

**4.1. Student Code of Conduct**

When present on and around College premises, whilst participating in any off-site activity, when travelling to and from College, or when engaging in any online activity linked to the College, as a student you are expected to work within the NCG Values. Expectations of standards of behaviour are listed below, are not exhaustive.

NCG Values	How we live the Values Expected Standards of Behaviour	Behaviour not meeting Expected Standards may include
<b>Inspiring Excellence and Curiosity</b>	<ul style="list-style-type: none"> <li>☺ Being dedicated and striving for excellence shown in great attitude to learning.</li> <li>☺ Having ambition to succeed and being a role model to others.</li> <li>☺ Taking responsibility for career pathways and working towards personal effectiveness.</li> <li>☺ Daring to dream.</li> <li>☺ Taking pride in work.</li> <li>☺ Trying new ideas, events and activities.</li> <li>☺ Being creative.</li> <li>☺ Enjoying and achieving new learning challenges.</li> <li>☺ Being flexible and working with others collaboratively.</li> </ul>	<ul style="list-style-type: none"> <li>☹ Not following College policy and procedures.</li> <li>☹ Not engaging with learning opportunities.</li> <li>☹ Unexplained poor attendance or punctuality.</li> <li>☹ Behaving inappropriately at a college event or activity organised internally or externally.</li> </ul>

<p><b>Trusting and Respecting our Communities</b></p>	<ul style="list-style-type: none"> <li>☺ Wearing ID badges and lanyards.</li> <li>☺ Following instructions to ensure a safe environment.</li> <li>☺ Being prepared to learn and taking an active part in lessons and enrichment activities. Dressing appropriately.</li> <li>☺ Working hard to achieve/exceed agreed targets and goals.</li> <li>☺ Keeping communication positive and restorative, being kind to others.</li> <li>☺ Behaving in a way that respects the needs and aspirations of others to learn, teach and live within the College community.</li> <li>☺ Developing positive relationships with peers that demonstrate mutual respect, trust, honesty and equality.</li> <li>☺ Valuing and respecting the College environment and resources, which are there for all students and staff.</li> <li>☺ Being honest.</li> <li>☺ Positively contributing to an environment free from bullying and harassment.</li> <li>☺ Always acting within the rule of law.</li> <li>☺ Follow reasonable instruction from any member of College staff.</li> <li>☺ Only use mobile phones in sessions for the purpose of learning and when directed by staff.</li> <li>☺ Only smoking/vaping in designated areas.</li> </ul>	<ul style="list-style-type: none"> <li>☹ Lending or borrowing ID badges.</li> <li>☹ Not wearing specified protective clothing and/or uniform.</li> <li>☹ Not following safety instructions.</li> <li>☹ Eating or drinking in classrooms (water bottles are acceptable).</li> <li>☹ Not attending or being late for lessons.</li> <li>☹ Not taking part in learning activities.</li> <li>☹ Not submitting work on time.</li> <li>☹ Leaving teaching or non-teaching space untidy, leaving food waste, not using recycling bins.</li> <li>☹ Misuse or mistreating of College property, digital technology and equipment.</li> </ul>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>Taking Ownership whilst working Collaboratively</b></p>	<ul style="list-style-type: none"> <li>☺ Sharing ideas and providing support.</li> <li>☺ Looking for opportunities to help others.</li> <li>☺ Demonstrating fairness.</li> <li>☺ Being punctual and participating positively.</li> <li>☺ Setting and achieving appropriate targets.</li> <li>☺ Taking responsibility for own behaviours.</li> <li>☺ Taking responsibility for own progress, particularly outside class time.</li> <li>☺ Completing course work assignments and meeting deadlines.</li> <li>☺ Providing and responding to constructive feedback.</li> <li>☺ Familiarise with College Health and Safety regulations and act at all times with due regard for your own safety and that of others.</li> <li>☺ Asking for help and helping others when needed.</li> <li>☺ Respecting positive relationships and being mindful of one's behaviour and conduct.</li> </ul>	<ul style="list-style-type: none"> <li>☹ Persistently disrupting the learning of other students.</li> <li>☹ Not attending arranged meetings or support sessions.</li> <li>☹ Not meeting course deadlines without explanation or agreement.</li> <li>☹ Arranging part time work, holidays or appointments during College time.</li> <li>☹ Plagiarism or cheating.</li> <li>☹ Not making prompt payment of fees.</li> <li>☹ Not cooperating with arrangements put in place to support positive behaviour</li> <li>☹ Avoiding unacceptable, or uninvited advances on peers, or using sexual language/abuse.</li> </ul>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>Being Inclusive and Diverse</b></p>	<ul style="list-style-type: none"> <li>☺ Valuing ourselves and others.</li> <li>☺ Recognising and respecting individual differences.</li> <li>☺ Demonstrating mutual respect and tolerance of different faiths and beliefs in behaviour and language, including awareness of the impact of negativity on other people.</li> <li>☺ Celebrating the successes of others .</li> <li>☺ Showing commitment to equality and diversity in College.</li> <li>☺ Respecting positive relationships and being mindful of one's behaviour and conduct.</li> </ul>	<ul style="list-style-type: none"> <li>☹ Not listening to the views of others in class sessions.</li> <li>☹ Behaving inappropriately towards others.</li> </ul>

## 4.2. Behaviour Not Meeting Expectations

Staff have a duty to intervene when behaviour does not meet expectations. Challenging behaviour does not always take place within the classroom and can be tricky to manage, with mixed success depending on strategies used. Therefore, all staff should have a robust understanding of how to challenge and direct students towards positive behaviour. Our aim, through use of restorative approaches, is to seek positive outcomes for all involved through understanding individual situations, conflict resolution and mediation.

The aim is that students manage and take responsibility for their own behaviour. The teacher and other College staff will consistently promote positive behaviours and directly challenge low level disruption on a regular basis.

Every effort will be made to avoid formal disciplinary action which will only be triggered when:

- Misconduct has exhausted the stages of work flow (stages 1-3) or
- Serious Misconduct is alleged

For Higher Education (HE) students on programmes which emphasise professional conduct and employability, the 'HE Fitness to Practice' Policy will be invoked where necessary.

Students will be referred to appropriate College support services if a support need is identified or if a special educational need and/or disability disclosed. If a student has a special educational need and/or disability, the Fitness to Study Policy may be adopted as an alternative to disciplinary.



**Procedure Workflow**



\*up to the 31<sup>st</sup> August following their 18<sup>th</sup> Birthday

**4.3. Examples of Misconduct/Serious Misconduct:**

The following illustrates behaviour, which is likely to signify misconduct/serious misconduct, but it is neither exclusive not exhaustive.

Misconduct	Serious Misconduct
<ul style="list-style-type: none"> <li>⊗ Failure to follow the reasonable instructions of a member of staff.</li> <li>⊗ Failure to wear and display or refusal to produce a student related ID card without good reason.</li> <li>⊗ Smoking/vaping in non-smoking areas.</li> <li>⊗ Excessive noise, unruly behaviour, or the use of foul or abusive language.</li> <li>⊗ Disrupting any class or any other College activity, whether or not involving staff or other students.</li> <li>⊗ Any activity associated with the College that leads to damage of college property or facilities.</li> <li>⊗ Breach of the Student Code of Conduct.</li> <li>⊗ Failure to disclose name and other relevant details to an officer or employee of the College in circumstances when it is reasonable requested.</li> <li>⊗ Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the College or any visitor to the College.</li> </ul>	<ul style="list-style-type: none"> <li>⊗ Deliberately, or by serious negligence, causing damage to, or defacement of, any College buildings, equipment, books or furnishings or any property of others.</li> <li>⊗ Acts of dishonesty, including theft, fraud, deceit, or deception in relation to the College, its staff, its students or its visitors.</li> <li>⊗ Drunkenness or intoxication, misuse of any drugs (prescribed or otherwise) or possession of drugs on and around College premises when representing the College, or on any activity associated with the College.</li> <li>⊗ Disregarding risk assessment arrangements, PPE requirements, machinery prohibitions in practical areas or other disregard for the health and safety of themselves or others.</li> <li>⊗ Significant breach of the student Code of Conduct or behaviour, which has a significant adverse impact on the College's reputation.</li> <li>⊗ Violent, indecent, disorderly, threatening, or offensive behaviour or language whilst on College premises or engaged in any College activity.</li> <li>⊗ Physical/verbal/online assault or behaviour which constitutes harassment, including peer on peer abuse and sexual harassment, bullying, discrimination, racially or sexually offensive, hate attack or which is offensive to those within the protected characteristics.</li> </ul>

	<ul style="list-style-type: none"> <li>⊗ Action likely to cause injury or impair health and safety on College premises, e.g. acts involving damage to or discharge without just cause of, or other misuse of or interference with, a fire extinguisher or other fire safety equipment.</li> <li>⊗ Any possession of offensive weapons.</li> <li>⊗ Acts resulting in substantiated safeguarding concerns or promoting extremist views.</li> </ul>
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## 5. Formal Disciplinary Procedure

### 5.1. Formal Disciplinary Hearing:

The proceedings shall be conducted as follows:

<b>Introductions</b>	<b>The Panel Lead*</b> will make the introductions and explain the purpose of the hearing, the sequence of presentations and questioning and confirm that adjournment(s) may be requested at any time during the proceedings.
<b>Presentation of findings</b>	The <b>Investigating Manager*</b> will present the investigation findings. The College must have a written record of the evidence upon which the investigation has been based. Where the investigation has used evidence from students a 'Student Witness Proforma' should be used.
<b>Student response to the allegation</b>	The Panel Lead will invite the student and their representative to present their case in response to the allegation(s). The student may call witness(es). The Panel may ask questions. Any witness(es) called should leave the room once they have given evidence and answered questions.  The panel may have further questions for the student or the investigating manager.
<b>Private Deliberation</b>	The student and their representative should withdraw. The panel will deliberate in private and determine the decision, the Panel will consider if the allegation(s) are proven on the balance of probability (including any mitigation), if not the case should be dismissed.  If the allegation(s) is/are proven, then the panel will consider if a disciplinary sanction is reasonable. If a disciplinary sanction is warranted the panel should consider the appropriate sanction. The panel may also consider if Fitness to Study Policy would be more appropriate route.



<p><b>Decision:</b> Student will be re-called and the Lead will present decision</p>	<p>The decision will either be presented immediately or determine that the facts need to be considered at length and the decision will be outlined in writing within five working days of the hearing by the Panel Lead.</p> <p>If, after an appropriate hearing, the determination that there is no evidence of misconduct, no further action will be taken and the student, will be informed of this verbally and in writing.</p>
<p><b>Recording of outcome</b></p>	<p>The College must keep accurate records all disciplinary sanctions. Where a sanction has been agreed, a record will be made on the student MIS file for the allocated period of time. For apprenticeship students, the employer will be informed. Records must be destroyed within 6 years as stated in the NCG Privacy Notice. The number and nature of any permanent exclusions must be reported at the next Local Board meeting. An anonymised summary of disciplinary sanctions should be presented to the Local Board at least annually. This should include an analysis of patterns and trends including in protected characteristics of students.</p>

\*refer to local College arrangements appendix 2

## **5.2. General Principles of Formal Disciplinary Procedure**

- a. The formal disciplinary process (stage 4) should only begin where there is an allegation of behaviour which represents serious misconduct or where there is continued misconduct following stage 3.
- b. All matters relating to the application of these procedures will be confidential (outside of safeguarding or criminal ruling).
- c. The principles of natural justice underpin this disciplinary procedure and the student will be informed of the nature of the allegation(s) against them and will be given the opportunity to state their case before any decision is made. No formal disciplinary sanction will be imposed without a disciplinary hearing. A student will have the right of appeal against any written disciplinary sanction imposed.
- d. The student may be accompanied in a disciplinary hearing by a friend, student representative or relative (but not by a legal or other professional adviser) at the interview and will be entitled to state his or her case (including any mitigating factors) before any decision is taken. In the instance of specified learning barriers, formal representation such as a translator, signer or learning support is permitted. This individual may not participate or provide evidence and should not be a material witness.
- e. Students will receive written notification of the disciplinary hearing 5 working days prior to; including date, time and location. If the student fails to attend without good reason, the disciplinary hearing will go ahead in their absence using the facts as recorded. The representative of the student can attend the hearing to either present the student's case or simply observe the proceedings. If postponement is agreed by the lead, the postponement should only be considered on one occasion.

- f. There are ranges of disciplinary sanctions, normally applied incrementally. Offences of serious misconduct may receive a more serious sanction.
- g. Students will be notified in writing of the meeting outcome including any disciplinary sanction within 5 working days of the hearing unless there are exceptional circumstances; a copy of this letter shall be placed on their file and any records will be destroyed within 6 years.
- h. Parent/carers will be informed for students up to the 31st August following their 18th Birthday and students with an Education Health Care Plan (EHCP) where appropriate, to ensure awareness and early intervention and invited to attend the formal hearing. For apprenticeship students the employer will be informed.
- i. The hearing panel (agreed by local College arrangements appendix 2) will not have been previously involved with the allegation and will only make a judgement once the evidence has been presented and any mitigation identified by the student. On some occasions the meeting may be adjourned to collect more evidence.
- j. Reasonable adjustments must be made students where they have a special educational need and/or disability and / or learning support need or other similar circumstances. Reference must be made to any EHCP and learning support plans before proceeding with any formal disciplinary processes. If necessary, seek advice from the relevant support team. Examples of reasonable adjustments may include extensions to the initial hearing, stop start arrangements for the hearing, the presence of additional members of appropriate support staff to enable a full understanding of what is happening to them and to formulate a response. A decision may be taken to follow the Fitness to Study Policy where appropriate. Where a student has care experience, (is a Child Looked After or a Care Leaver), all steps should be explored to resolve issues outside the formal conduct process involving relevant support staff. Where a student has a social worker, they should be informed of any formal disciplinary process and invited to any disciplinary hearing. Research into the impact of early childhood experience and attachment theories provide guidance around the most effective approaches.
- k. Refer to standard templates and letters (appendix 3) to support proceedings

### 5.3. Disciplinary Sanctions

The Formal Discipline Procedure has **three** disciplinary sanctions. In exceptional circumstances the times specified may be varied and only when agreed by Principalship. In addition to the disciplinary sanction, the College may also seek financial compensation where costs have been incurred to address the actions of the student, for example, in cases of vandalism the additional cost specialist cleaning firm.

<b>Final Written Warning</b>	<b>Active:</b> up to 24 months	<b>Issued:</b> Panel Lead*
<p>May be issued after a disciplinary hearing, it is found that:</p> <ul style="list-style-type: none"> <li>• Despite having been given a first written warning, the student has committed a further offence of misconduct.</li> <li>• The student’s misconduct, although not considered to be serious enough to justify exclusion, is sufficiently serious enough to warrant a final written warning despite a first written warning not previously being issued.</li> </ul>		
<b>Time Limited Exclusion**</b>	<b>Active:</b> Temporary Exclusion for up to four weeks (term weeks)	<b>Issued:</b> Approved by designated VP/DP* issued by Panel Lead
<p>May be issued after a disciplinary hearing if it is found that: Despite having been given a final written warning, the student has committed a further offence of misconduct and a permanent exclusion is considered not appropriate.</p> <p>Such a sanction may be utilised in combination with a first/final written warning as an alternative to permanent exclusion. It is important that the manager who applies this sanction distinguishes any time limited exclusion from permanent exclusion and highlights the seriousness of the sanctions. The student identification card and lanyard will be retained by the College and returned at the end of the exclusion period. Consideration must be given to student progress during this period.</p>		
<b>Permanent Exclusion from the College**</b>	<b>Active:</b> Minimum period of exclusion for remainder of current academic year and will apply NCG-wide, not just the host college – a student excluded from one NCG college, will therefore be excluded from all NCG colleges. <sup>1</sup>	<b>Issued:</b> Approved by designated VP/DP* issued by Panel Lead
<p>May be issued after a disciplinary hearing if it is found that:</p> <ul style="list-style-type: none"> <li>• Despite having been given a final written warning, the student has committed a further offence of misconduct and permanent exclusion is considered appropriate.</li> <li>• An act of serious misconduct which in the view of the College, fundamentally undermines the relationship between the student and the College.</li> </ul>		
<p>*refer to appendix 2, the principal should always be made aware by the nominated DP/VP of the need to exclude a student</p> <p>**will be effective immediately. The student identification card and lanyard will be retained by the College.</p>		

<sup>1</sup> The student will however have the right to appeal, and/or complain.



#### **5.4. Suspension**

In some cases of alleged serious misconduct or for other appropriate reasons, it may be inappropriate for the student to remain at College during the investigation, prior to the disciplinary hearing. Curriculum Management/Investigating Manager may consider suspension of the student on receipt of the allegation(s) pending a full investigation, or may do so if the nature of the initial allegation(s) is/are amended during the course of the investigation. Suspension is not in itself regarded as a disciplinary sanction.

- a. Security Management and nominated Senior Management should be notified of the suspension as soon as practicable and a notification placed on the student MIS record.
- b. For students, up to the 31st August following their 18th Birthday (and EHCP up to 25 where appropriate) parents/carers will be informed. Apprenticeship students: the employer will be informed.
- c. A suspended student will be given written confirmation of the suspension and the reason for the suspension. The student should not return to the College or contact students or members of staff of the College whilst suspended other than the nominated contact.
- d. The suspension will be kept under review, and time limits will be set for the review to take place, depending on the circumstances of the case and the availability of evidence and witnesses. It is envisaged that apart from the most exceptional cases the suspension would be for no longer than two weeks.
- e. A suspended student will receive work to be completed at home during the suspension period. This will usually be provided by the programme team via email/online portal.
- f. During the suspension the student identification card and lanyard will be retained by the College and returned to the student if a decision to return to study is agreed in the disciplinary hearing.

#### **5.5. Criminal Offences**

Where any member of staff has reason to believe that a student may have committed a criminal offence, the investigating manager will inform the Safeguarding Team and the College may refer the matter to the police. The College will at all times act in accordance with the latest statutory guidance (currently Keeping Children Safe in Education, September 2019).

Proceedings may be suspended pending the outcome of police enquiries and any charges which may be brought against this student. Where the student has been suspended, when the results of those enquiries and any criminal proceedings are known, the College reserves the right to recommence proceedings under this procedure in relation to the matter.

Any disciplinary action relating to alleged criminal offence will be based on the genuine belief of the member of staff taking the action after a proper investigation and will not require a criminal conviction. It is emphasised that in

relation to the application of this procedure the College is not bound by the results of any criminal proceedings against students.

### 5.6. Data Protection and Confidentiality

The Colleges acknowledge that as a result of implementing this policy, may receive personal data of a confidential and sensitive nature and shall ensure that all such data is handled, processed and stored accordingly under the Data Protection Act 2018 and General Data Protection Regulations (GDPR).

### 5.7. Appeals

#### Appeals against Disciplinary Sanction(s) other than Permanent Exclusion

The student will have the right to appeal against the decision of the Disciplinary Hearing and must do so in writing (see appendix 2 to confirm who this should be sent to) within 5 working days of posting of written confirmation of the decision.

The Nominated Senior Manager, usually the principal, will hear the appeal and will have not been involved in the previous stages of the disciplinary process. If the principal has been involved in the early stages, then another senior manager can deputise, or another member of the NCG Executive. However, the hierarchy is designed so that the principal can remain independent until the appeal stage.

#### Appeals against Permanent Exclusion

A student who wishes to appeal against exclusion or notice of permanent exclusion should do so in writing (see appendix 2 to confirm who this should be sent to) within 10 working days of posting of written confirmation of exclusion from the College.

The Nominated Senior Manager, usually the principal, will hear the appeal and will have not been involved in the previous stages of the disciplinary process. If the principal has been involved in the early stages, then another senior manager can deputise, or another member of the NCG Executive. However the hierarchy is designed so that the principal can remain independent until the appeal stage.

Any appeal will be on one of the following grounds When lodging an appeal, the student must state which of the grounds the appeal is based on, supplying sufficient detail to sustain the grounds of appeal.:

- Procedural error(s) which **fundamentally\*** undermine the application of the Disciplinary Procedure.
- Disciplinary sanction applied is inequitable against similar cases in the organisation.
- New evidence relating to the allegation(s) has come to light, which would **fundamentally\*** affect the outcome of the original disciplinary hearing.

*\*fundamentally – an action or evidence which would have had a significant effect on the outcome of the original decision.*



The appeal hearing will be conducted as soon as possible and normally no later than 15 working days after the notice to appeal has been received. At the appeal, the disciplinary sanction imposed will be reviewed. The decision of the Panel will be notified to the student in writing within five working days of the appeal hearing and will be final and binding.

For students with learning barriers, an extension may be agreed at the initial hearing to allow for transcription translations should they be necessary or to have a further explanatory meeting with a support member of staff to enable a full understanding of what is happening to them and to formulate a response.

### **6. Staff Responsibilities: Applies to all College staff**

- Be responsible for ensuring that the Student Positive Behaviour Policy including the Student Code of Conduct, NCG Values and College expectations are conveyed and fully explained to students.
- Always promote positive behaviours by regularly engaging in conversations with students so as to help minimise likelihood of confrontation when poor behaviour is challenged.
- Be familiar with and understand the Policy and apply accordingly.
- Take responsibility for managing low level disruption and maintaining good discipline, not only in the classroom, but in all College areas, related activities on/off site and online.
- Apply basic ground rules for the classroom consistently and create a climate in which rules are clear, fair and able to engage students by applying a positive approach.
- Take responsibility for promoting respectful behaviour within the student population and correcting behaviour where appropriate. Lead by example by being respectful, considerate and polite.
- Support, praise and where appropriate, reward good/excellent behaviour.
- Be vigilant and aware of peer on peer abuse and aspects of sexual harassment and understand what actions they must take in line with the Safeguarding Policy and Procedure
- Promote positive relationships between student peers that demonstrate mutual respect, trust, honesty and equality and promote understanding of how an unhealthy relationship looks and feels and how to seek help and support.
- In line with legislation including 'Keeping Children Safe in Education 2018' and 'Children Missing in Education 2016'. Staff will maintain contact with parents/carers of students up to the 31<sup>st</sup> August following their 18<sup>th</sup> Birthday (or EHCP up to the age of 25 where appropriate) as well as employers of apprentices or sponsored students, of informal behaviour management and formal disciplinary procedures and encourage involvement, including attending meetings and promoting positive student behaviour supporting successful outcomes and career progression.

## 7. College Management Responsibilities

- Make clear the responsibility of all staff to implement this policy.
- Promote and encourage positive behaviours of staff and students.
- Ensure every effort is made to use restorative approaches to support individual students, and avoid the use of formal disciplinary action where alternatives are more appropriate.
- Ensure staff are clear about the extent of their disciplinary authority and receive necessary professional development on restorative approaches and behaviour strategies where required.
- Ensure that instances of restorative approaches or disciplinary processes used are effectively and robustly recorded and reported.
- Take all reasonable measures to protect the safety and well-being of staff and students.
- Ensure all staff are aware and understand peer on peer abuse and aspects of sexual harassment and understand what actions they must take in line with the Safeguarding Policy and Procedure.

## 8. Responsibility for Implementation of the Policy

- College Principal has overall responsibility for the implementation of the policy.
- Curriculum Head is responsible for overseeing operation of the policy in each curriculum area.
- All staff are responsible for the operation of this policy and local procedural arrangements.

## 9. Measurements of Success

- Positive retention, achievement and destination outcomes for all students involved in restorative or disciplinary processes.
- Student/ Employer voice feedback.
- Manager, visitor or stakeholder feedback to the College relating to the standard of student behaviour (may include classroom visit feedback).

**Appendix 1**

**Guidance notes for Staff**

<p><b>Alcohol and Drugs</b></p>	<p>It is prohibited to bring alcohol, drugs, illegal substances or substances which may be misused, onto College premises. Any items should be confiscated and disposed of taking advice from security staff in the first instance and safeguarding team/police officers where appropriate. Students suspected to be dealing or supplying drugs (including for no financial benefit) will usually be suspended immediately, pending investigation.</p> <p>Students should not be under the influence of drugs or alcohol whilst in college.</p> <p>In all cases, College Security (where available) and a member of Safeguarding Team should be the first point of contact and notified immediately. Line management should also be informed along with first aid if appropriate.</p>
<p><b>Bullying and Harassment</b></p>	<p>Bullying and harassment is a form of emotional abuse and staff must be aware that both the victim(s) and the perpetrator(s) may need specific support. For example, whilst it is natural to focus/arrange personalised support for the victim, the bully (perpetrator) may themselves be a victim of abuse, and their behaviour may be therefore a symptom of such abuse.</p> <p>The College takes bullying and harassment seriously and has a zero-tolerance policy. This may be due to, but is not limited to, any protected characteristics, or other factors including poverty, body image, or ability. Bullying can also be online bullying, whether it has taken place inside or outside of college. It includes use of aggressive and derogatory language. Some issues you may come across include</p> <ul style="list-style-type: none"> <li>• Homophobic (abuse due to a person’s sexual orientation or perception of this) and transphobic bullying (abuse of trans identifying people or those questioning their gender).</li> <li>• Gender – bullying because of someone’s gender or sex, or use of misogynistic behaviour or language (including transgender, non-binary, gender fluid or any other gender).</li> <li>• Racism or bullying because of language, cultural or religious differences.</li> <li>• Ability or neurodiversity discrimination.</li> <li>• Harmful sexual behaviour or inappropriate sexual behaviour, including peer on peer abuse.</li> </ul> <p>All reports of bullying and harassment should be fully investigated and appropriate action taken. Bullying or harassment of any kind must never be ignored.</p>

<p><b>Damage to property</b></p>	<p>A student purposefully damaging College property or having disregard to the building, fixtures and fitting will usually be considered as serious misconduct. They may be charged for the cost of any damage they incur.</p>
<p><b>Fighting or threatening behaviour</b></p>	<p>Students demonstrating threatening or intimidating behaviour towards students, staff, visitors or members of the public on or off College premises, including on transport to and from the College, will usually be suspended pending an investigation.</p>
<p><b>Offensive Weapons</b></p>	<p>It is an offence to carry a knife or offensive weapon. Security and appropriate management should be informed immediately. It is the responsibility of all staff to keep themselves and students safe. If necessary, staff should clear the immediate area. In the case of immediate danger, call 999. Security where appropriate will inform safeguarding team. The student would usually be suspended pending investigation.</p>
<p><b>Peer on Peer Abuse, sexual harassment and online abuse</b></p>	<p>Staff are required to understand the procedures to minimise the risk of peer-on-peer abuse and know how to respond to allegations and should refer to the Safeguarding Policy and Procedure for more guidance. All staff are requested to be vigilant around issues associated with sexual violence and sexual harassment. All staff should now assume that sexual harassment and online sexual abuse is happening, whether it is reported or not. Staff are required to be proactive in promoting topics in tutorial and within the wider curriculum and be vigilant in monitoring and responding to any concerns by referring to the College Designated Safeguarding Lead (CDSL). Like all forms of abuse, CDSLs will ensure that appropriate support is available for both the victim, and perpetrator (given the fact the latter may be children/adults at risk, and may themselves require training and support). Appropriate stages of this policy should also be followed</p> <p>Examples of peer-on-peer abuse include:</p> <ul style="list-style-type: none"> <li>• Consensual and non-consensual sharing of nudes and semi-nude images and or videos (also known as sexting or youth-produced sexual imagery).</li> <li>• Up skirting, which typically involves taking a picture under a person’s clothing without their permission, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm.</li> <li>• Initiation/hazing-type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element).</li> </ul>
<p><b>Swearing and Abusive Language</b></p>	<p>Respectful communications are a key to developing positive relationships. Where staff observe swearing or abusive language in shared spaces, including classrooms, they should appropriately</p>



	and respectfully challenge, using restorative approaches. If the student responds to the challenge in an aggressive manner, staff should refer to the appropriate stages of this policy.
<b>Unhealthy Relationships</b>	Staff should remain vigilant to students developing unhealth relationships potentially leading to sexual exploitation or peer on peer abuse and take appropriate and timely actions to address which may include training and support, reporting to College Safeguarding Lead, or following stages of this policy.

Where student action is considered to be serious misconduct and appropriate action taken; parents are to be informed where the student students up to the 31<sup>st</sup> August following their 18<sup>th</sup> Birthday (or up to age 25 with an EHCP where appropriate) and employers are to be informed for apprenticeship students.

**Appendix 2**

**Local College Procedural Arrangements:**

Identified roles responsible for stages identified in the procedure. Where the identified role is deemed inappropriate due to prior involvement or through absence, a nominee will be allocated.

		<b>Stage Owner: Role responsible for stage/activity</b>				
<b>College</b>	<b>Stage 1: Challenge Low Level Disruption</b>	<b>Stage 2: Cause for Concern/Action Plan</b>	<b>Stage 3: First Formal Warning</b>	<b>Stage 4: Formal Disciplinary: Panel Lead</b>		
<b>Staff Level</b>	All Staff: Teacher if disruption occurs in class. Where disruption occurs out of class could be any member of College staff engaging the conversation, where applicable feedback to curriculum team to upload Cause for Concern in relevant ILP (eTrackr, VQ Manager or other).	Course Tutor / Personal Tutor / Progress Coach	Curriculum Leader / Manager or equivalent	Independent – Appointed senior manager / Head of Dept/Faculty or equivalent (must not be investigating offer)		
		<b>Stage Owner: Role responsible for stage/activity</b>				
		<b>Stage 4: Formal Disciplinary</b>			<b>Appeal Sanction</b>	
<b>College</b>	<b>Panel Members in addition to Panel Lead</b>	<b>Investigating Manager</b>	<b>Agree Temporary Exclusion</b>	<b>Agree Permanent exclusion</b>	<b>Less Than Exclusion</b>	<b>Exclusion</b>
<b>Staff Level</b>	Independent members of college leadership team – includes Heads of department, curriculum, faculty or equivalent Admin – minutes	Appointed senior manager / Head of department, curriculum, faculty or equivalent	Nominated VP/DP following authorisation from principal	Nominated VP/DP in following authorisation from principal	Principal	Principal

**Appendix 3**

**NCG Student Disciplinary Letters and Templates**

**Contents**

- 1. Letter: Notice of Suspension**
- 2. Template: Investigation Report**
- 3. Letter: Invitation to Hearing**
- 4. Letter: Witness invitation to hearing**
- 5. Template: Student Witness Proforma**
- 6. Template: Minutes of Disciplinary Hearing**
- 7. Letter: Outcome of Hearing including first or final written warning**
- 8. Letter: Invitation to Appeal Hearing**
- 9. Template: Minutes of Appeal Meeting**
- 10. Letter: Security request following expulsion**
- 11. Example: Student Report Card**



**1. Notice of Suspension**

**Insert student name and address and date**

*Copy of this letter will be given to the employer for apprenticeship students*

Dear

**Notice of Suspension**

You have been informed by \_\_\_\_\_ of the following allegation:

Add detail of allegation.....

In accordance with the NCG Student Positive Behaviour Policy, I am writing to inform you in view of the seriousness of the allegation and without prejudice to the College's investigation of this matter; I am suspending you from the College until the Disciplinary Hearing.

You will receive in writing the details of the Disciplinary hearing including your right for representation. You may wish to refer to the Student Positive Behaviour Management Policy located on the College Website.

**<Delete if not appropriate> we have/ we will notify your parent/carer employer**

College and Security Management have been notified of the suspension and a notification placed on your student record. You should make no attempt at this time to return to college or contact students or members of staff of the College other than your nominated contact who is

Name..... tel no ..... Email address .....

Suspension is not in itself regarded as a disciplinary sanction. The suspension will be kept under review, and time limits will be set for the review to take place, depending on the circumstances of the \*exceptional cases the suspension would be for no longer than two weeks.

You will receive work to be completed at home during the suspension period. This will usually be provided by the nominated contact.

**During the suspension your student identification card and lanyard will be retained by the College and returned to you if a decision to return to study is agreed in the disciplinary hearing.**

**Or**

**I understand that you still have your student identity card. In view of your suspension this should now be returned to me on receipt of this letter.**

Yours sincerely

**Add name of manager and job title**





**2. Investigation Report Template**

Investigating Manager:

Date:

Student Name:

Student ID

Programme:

**Content**

Allegation(s)

Chronology of Events

Findings

Recommendations (if appropriate)

Appendices (if appropriate, may include witness testimony, screen shots, other evidence)



**3. Invitation to Hearing**

Insert student name and address and date

Dear

**INVITATION TO DISCIPLINARY HEARING**

You have been informed by \_\_\_\_\_ of the following allegation:

Add detail of allegation.....

In accordance with the Student Positive Behaviour Policy, I am writing to confirm this allegation and provide you with a summary of the relevant evidence as follows:

List evidence (can also be attached to the letter if appropriate)

In view of this allegation I am inviting you to attend a Disciplinary Hearing, which will take place on:

- Day:
- Date:
- Time:
- Location:

You should refer to the Student Positive Behaviour Policy located on the College Website. If you are unable to access a copy please contact \_\_\_\_\_ on telephone number \_\_\_\_\_ or email \_\_\_\_\_.

At the hearing the Manager conducting the interview will decide what course of action the College needs to take to prevent a recurrence of this situation.

You have the right to bring a Student representative, a College friend, or family member to the Disciplinary hearing to help you present your case. If English is not your first language, you may bring an interpreter with you. If you receive support from the College's support services, you may be accompanied by your support worker if you wish and should inform me prior to the meeting. If you are unable to attend this hearing please contact \_\_\_\_\_ on tel. no. \_\_\_\_\_ or email \_\_\_\_\_ to arrange an alternative date. If you fail to attend, the hearing will go ahead in your absence using the evidence available and you will be notified of the decision in writing.

Yours sincerely

**Manager Name and Title**

#### 4. Witness invitation to hearing

Insert student name and address and date

Dear

##### **WITNESS LETTER**

Re: <identify incident that is believed to be witnessed>

I understand that you were a witness/involved in the above incident and to enable the College to come to a fair and informed judgement I am requesting your attendance at the hearing to give evidence in the case.

The hearing will take place:

- Day:
- Date:
- Time:
- Location:

If you are unable to attend this hearing it would be helpful if you would submit a written statement of the facts. If you would like guidance in preparing such a statement please contact \_\_\_\_\_ on tel. no. \_\_\_\_\_, who would be pleased to assist you.

Please confirm your attendance at the interview by contacting \_\_\_\_\_ who will also be happy to answer any questions you may have about this invitation.

Due to the sensitive nature of this request and to support a fair hearing, you should not discuss this request with other students.

Yours sincerely

**Add name and Job Role**



**5. Student Witness Proforma**

Student/Witness Proforma	
<b>Student Name</b>	
<b>Date of statement</b>	
<b>Date and time of incident</b>	
Factual summary of what happened (include names, dates, places):	
<p>This is a truthful record of what took place. I understand that lying on a witness statement is a disciplinary issue that may result in the loss of my place at the College.</p> <p>Signed:</p>	



**6. Minutes of Disciplinary Hearing**

**Minutes of Hearing**

**Date of Hearing:**

**Student Name:**

**Student ID:**

**Programme:**

**Curriculum Area:**

**Those present:**

<p><b>Allegation (as written in the Invite letter)</b></p> <p>Was the student suspended pending hearing outcome?    yes/no</p>
<p>Discussion Notes</p>  
<p>If this is not the first disciplinary hearing has a disciplinary sanction been applied previously? Yes / No / NA</p> <p><i>Detail of previous hearing outcomes should be listed here</i></p> <p><b>Disciplinary Sanction Applied (select one)</b></p> <ul style="list-style-type: none"> <li>• Referral to Fitness to Study Policy</li> <li>• No case to answer</li> <li>• Final Written Warning (active for a maximum of 24 months) Warning expiry date is _____</li> <li>• Time Limited Exclusion (up to 4 weeks) return to study date is _____</li> <li>• Permanent Exclusion from the College (minimum period of the remainder of the academic year) return to study date is _____</li> </ul> <p>Sanction to be recorded both in EBS/MIS student record and in student ILP (eTrackr, VQ Manager or other)</p> <p><b>Comments and actions relating to Hearing Outcome and Sanction Applied</b></p>   

## 7. Outcome of Hearing including first or final written warning

Insert student name and address and date

Dear

### OUTCOME OF DISCIPLINARY HEARING

I am writing to confirm the outcome of the Disciplinary Hearing that was held on \_\_\_\_\_ as part of the Student Positive Behaviour Policy.

The allegation was that: *Copy allegation from original letter*

After careful consideration by the panel members the following Disciplinary Sanction will be applied

*(delete as appropriate)*

- The panel concluded that in the balance of evidence available there was no case to answer and no further action will be taken.
- You are being referred to the Fitness to Study panel
- You are being issued with a Final Written Warning which will be held on your record for *Insert (max 24)* months. This record will be removed on \_\_\_\_\_.
- You are being issued with a Time Limited Exclusion for a period of *Insert (max 4)* weeks and can return to college on \_\_\_\_\_.
- You have been excluded from the college for the rest of the academic year and are free to return in September 20??
- You have been excluded from the college for a period of \_\_\_ (no limit specified, to be pre-agreed with Pship) and are free to return to college on \_\_\_\_\_.

This recommendation has been made after careful consideration of the case and bearing in mind the following factors:

*Delete examples as appropriate and add additional reasons if required*

- The misconduct warrants a first written warning.
- Despite having being given a first written warning/ final written warning, you have committed a further offence.
- The act of misconduct in the view of the College fundamentally undermines the relationship between the student and the College.

*Delete if not applicable*

*You are free to return to College with effect from \_\_\_\_\_ . I would be grateful if you could contact \_\_\_\_\_ on tel. no. \_\_\_\_\_ to make the appropriate arrangements.*

You have the right to appeal to the decision of the Disciplinary Hearing and should do so in writing to Principal:

- Sanctions other than permanent exclusion within 5\* working days of posting this letter.
- Permanent exclusion within 10\* working days of posting this letter.

You must state which of the following grounds the appeal is based on, supplying sufficient detail to sustain the grounds of appeal.:

- Procedural error(s) which has **fundamentally** undermined the application of the Disciplinary Procedure;
- Disciplinary sanction applied is inequitable against similar cases in the organisation;
- New evidence relating to the allegation(s) has come to light, which would **fundamentally** affect the outcome of the original disciplinary hearing

\*For students with learning barriers, an extension may be agreed at the initial hearing to allow for transcription translations should they be necessary or to have a further explanatory meeting with a support member of staff to enable a full understanding of what is happening to them and to formulate a response.

*Delete if not appropriate*

I understand that you still have your student identity card which must now be returned to me on receipt of this letter.

Yours sincerely

Managers name and position

## 8. Invitation to Appeal Hearing

Insert student name and address and date

Dear

### APPEAL AGAINST STUDENT DISCIPLINARY DECISION

We have received your letter dated \_\_\_\_\_ in which you have appealed against the decision of the disciplinary hearing held on \_\_\_\_\_.

You have based the reason for your appeal on the following grounds (**delete as appropriate**)

- Procedural error(s) which has **fundamentally** undermined the application of the Student Positive Behaviour Policy;
- Disciplinary sanction applied is inequitable against similar cases in the organisation;
- New evidence relating to the allegation(s) has come to light, which would **fundamentally** affect the outcome of the original disciplinary hearing

I am writing to confirm that a meeting has now been arranged at which I will hear your appeal.

The meeting will be held on;

- Day:
- Date:
- Time:
- Location:

You have the right to be accompanied by a friend at the college, or a student representative or a relative. If English is not your first language, you may bring an interpreter with you. If you receive support from the College's Support Services, you may be accompanied by your support worker if you wish. If you wish to be accompanied by a legal or other professional adviser you must seek the College's permission before the date of your appeal hearing. Any documents previously considered at your disciplinary hearing will be available for the purposes of the appeal.

At the appeal interview, you will be asked to explain the grounds of your appeal and to state your case.

For your reference, the Student Positive Behaviour Policy is available on the College Website.

Yours sincerely

**Insert Name and Job Role**





## 9. Minutes of Appeal Meeting

### Minutes of Appeal Meeting

Date of Hearing:

Student Name:

Student ID:

Programme:

Curriculum Area:

Those present:

**Disciplinary Sanction Applied** (copy from Hearing Minutes)

**Reason student has submitted for appeal** (select)

- Procedural error(s) which has **fundamentally\*** undermined the application of the Disciplinary Procedure;
- Disciplinary sanction applied is inequitable against similar cases in the organisation;
- New evidence relating to the allegation(s) has come to light, which would **fundamentally\*** affect the outcome of the original disciplinary hearing

**Discussion Notes**

**Outcome of meeting**



**10. Security request following expulsion**

**NOTIFICATION of Time Limiting or Permanent Exclusion**

To be forwarded to Head of Security attached to student MI record. For apprenticeship students copy sent to employer.

For students with EHCP/HNF/LAC or if the student is 18 or under (up to 31st August following their 18<sup>th</sup> Birthday) local authority should be notified for permanent exclusion.

**Student Name**

---

**Student ID No.**

---

**Programme**

---

—

**Date Exclusion commenced**

---

**Date Exclusion no longer applies**

---

**Brief details of reasons for exclusion**

**Name** \_\_\_\_\_ **Signed** \_\_\_\_\_

**Date** \_\_\_\_\_

**11. Student Report Card**

<b>Example Report Card</b>				<b>Date Issued:</b>	
Student Name			Programme		
Student ID number			Tutor		
I have been put on this report card for the following reasons; tick as appropriate					
Attendance			Poor behaviour/attitude		
Punctuality			Failure to submit work/submit on time		
Failure to be ready to learn/have correct equipment			Other reason – please provide		
<p>I agree to behave in accordance with the Student Code of Conduct and for the next 1 / 2 / 3 weeks, will present this report card to my teacher in each session for comment and submit the completed report card weekly to my tutor as agreed.</p> <p>I understand that my place on the course may be at risk if I fail to comply.</p> <p>Student Signature _____</p>					
Session	Teacher comment	Teacher initials	Session	Teacher comment	Teacher initials
1			11		
2			12		
3			13		
4			14		
5			15		
6			16		
7			17		
8			18		
9			19		
10			20		
<p>At an agreed time, weekly, this form must be signed by your personal tutor. At the end of the reporting period on &lt;add date&gt; your progress will be reviewed and you will either be removed from this stage or if no improvement is evident, will escalate to the next stage</p>					



Week	Tutor Comment	Tutor Signature
1		
2		
3		
<b>End of Stage 2/3/4 outcome</b>	Improvements evident, no longer on stage 2/3/4	Escalation to stage 3/4