

<b>Teitl:</b> <b>Title:</b>	Student Positive Behaviour Policy (formerly known as Student Disciplinary Policy)
<b>Fersiwn:</b> <b>Version</b>	V4
<b>I bwy mae'r Polisi hwn yn berthnasol?</b> <b>Who does this Policy Relate to?</b>	Myfyrwyr a Staff Students/Staff

#### Cydraddoldeb ac Amrywiaeth / Equality & Diversity

Dolen at Gam 1 Asesu Effaith (ar Gydraddoldeb a'r Gymraeg): / Impact Assessment Stage 1 (Equality & Welsh) link:	<a href="#">Student Positive Behaviour Policy Impact Assessment</a>
<i>Effaith ar yr Iaith Gymraeg</i>  <i>Mae asesiad effaith wedi'i gynnal ar y polisi hwn i ystyried ei effaith ar yr Iaith Gymraeg yn unol â Safonau'r Gymraeg (94-104) a Mesur yr Iaith Gymraeg (Cymru) 2011.</i>	<i>Welsh Language Impact</i>  An impact assessment has been carried out on this policy to consider its effect on the Welsh Language in accordance with the Welsh Language Standards (94-104) and the Welsh Language (Wales) Measure 2011.

#### Adolygu a Chymeradwyo / Review and Approval

<b>Perchennog y Ddogfen:</b> <b>Document Owner:</b>	Dirprwy Brif Weithredwr Profiadau Pobl a Diwylliant Deputy Chief Executive People Experiences & Culture		
<b>Ymgynghoriad /</b> <b>Consultation:</b>	SMT Colleagues, Social Partnership Representatives, Curriculum Colleagues, Progress Coaches,-Student Services and Administration Services.		
<b>Dyddiad cymeradwyo /</b> <b>Date Approved</b>	Cymeradwyaeth y Pwyllgor Mewnol e.e. Grŵp Diogelu / Internal Committee Approval e.g. Safeguarding Group	<i>Communications &amp; Culture Group</i>	
	Pwyllgor Cyfathrebu a Diwylliant / Communications & Culture Committee:	24/4/2024	
	Pwyllgorau'r Bwrdd / Board Committees:	Pwyllgor Archwilio a Risg / Audit & Risk Committee:	N/A
		Pwyllgor Cwricwlwm a Safonau / Curriculum & Standards Committee	13/5/24
		Pwyllgor Cyllid, Pobl a Diwylliant / Finance, People & Culture Committee:	N/A
	Corff Llywodraethu / Governing Body:	17/6/24	
<b>Dyddiad Adolygu:</b> <b>Review Date:</b>	31 August 2027		

If you require a document in a different language, please let us know by emailing [studentservices@cambria.ac.uk](mailto:studentservices@cambria.ac.uk) asking for your preferred language.

## **Table of Contents**

### **Student Positive Behaviour Policy**

1. Introduction and Purpose	3
2. Scope	3
3. Responsibilities	3
4. Principles	4
5. Behaviour Not Meeting Expectations	6
6. Procedural Stages	6
7. Dealing with Unacceptable Behaviour/Misconduct	7
8. Formal Investigation and Convening of a Disciplinary Panel	10
9. Reflection Period	10
10. Suspension	12
11. Disciplinary Panel	13
12. Disciplinary Panel Outcomes	14
13. Automatic Exclusion	15
14. Appeals	15
15. Monitoring	16
16. Application following Exclusion	16
17. Welsh Language	17
Appendix One - College Policies and Procedures Relevant to Student Positive Behaviour Policy	18
Appendix Two - Examples of Serious/Gross Misconduct	19
Appendix Three - Student Positive Behaviour Policy Flow Chart	21
Appendix Four - Checklist for Handling Disciplinary Meetings	22
Appendix Five - Checklist for Handling Disciplinary Investigations	23
Appendix Six - Graduated Approach to Behaviour and Disciplinary	24

## **1. Introduction and Purpose**

1.1 Coleg Cambria is committed to meeting the needs of students by providing high quality education and training in an environment conducive to learning. 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 the ethos, resulting in positive engagement and leading to positive employment outcomes.

1.2 The purpose of the Policy is;

- To generate a positive approach to the maintenance of the Student Code of Conduct.
- To establish a fair and consistent approach to dealing with unacceptable behaviour and/or serious misconduct by students.
- To provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when there is non compliance with the Student Code of Conduct.

## **2. Scope**

2.1 This policy applies to all students enrolled at Coleg Cambria, including further education and higher education students, apprentices, work based learning students and adult community students. This policy also applies to any 14-16 year old learners attending the college on either full time courses or as part of school links courses.

2.2 If a matter arises relating to 14 to 16 students the local authority and/or the school must be contacted at the outset to ensure that they engage with the process. Following discussion with the local authority and/or school if a different course of action is agreed, this needs to be fully documented and included on the student record where appropriate.

## **3. Responsibilities**

3.1 Senior Management Team (SMT)

- Make clear the responsibility of all staff to implement this policy.
- Promote and encourage positive behaviours of staff and students.
- Ensure staff are clear about the extent of their disciplinary authority
- Ensure that processes to support addressing poor behaviour are used 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

### 3.2 Staff Responsibilities: Applies to all College staff

- Be responsible for ensuring that the Student Positive Behaviour Policy 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 around College campuses and in classrooms and workshops 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.
- 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.

### 3.3 All Students

- Be responsible for demonstrating appropriate standards of behaviour when; present on and around College premises; staying in College residential accommodation; participating in any off-site activity; travelling to and from college, or when engaging in any online activity linked to the College, in accordance with the Student Code of Conduct.

## **4. Principles**

4.1 This policy seeks to ensure that as a college we:

- 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.
- 4.2 All stages of the Student Positive Behaviour Policy will have regard to the principles of fairness and objectivity. As part of the contracted arrangement made at the point of joining the College, students (and, where appropriate parents/guardians and employers) will be directed to the Learner Contract and the Student Code of Conduct. This information, along with the Student Positive Behaviour Policy, is available on the College website and the Student Hub and will form part of Induction guidance.
- 4.3 It is recognised that disruptive behaviour can often be an indication of unmet social/emotional needs. Any formal response to a student's behaviour will always consider any causal factors that are influencing those behaviours. Where students have a disability, including mental health and behavioural difficulties, reasonable adjustments will be made to ensure students are not discriminated against.
- 4.4 For students with a cognitive impairment, an appropriate person will be present to guide students through the procedural steps and to ensure that all aspects of the policy are understood.
- 4.5 For students for whom there is an Learning Skills Plan (LSP)/Education Health and Care Plan (EHCP), if there are concerns regarding the student's behaviour or needs, indicating that the College may be unable to meet the needs of the student, such matters should be raised directly with the Director of Inclusion & Progress and ALN Manager by the relevant Assistant Principal, to enable a review of meeting need to be conducted. If a decision is taken to invoke the student positive behaviour policy in cases where a student's behaviour amounts to misconduct/gross misconduct, parents/ guardians and other professionals such as Social Workers may be engaged in the investigation. In considering whether to temporarily or permanently exclude a student who is the subject of an LSP/EHCP, or to remove them from a particular programme, the College will consider the requirements of the Equality Act 2010. This includes whether the exclusion/removal is a proportionate means of achieving a legitimate aim

and whether the College has made reasonable adjustments to accommodate the student.

- 4.6 This procedure makes reference to a number of job roles relating to those staff expected to discharge specific responsibilities. Whilst the document uses job roles relating to the College's core Further Education provision, in all instances it is expected that specific responsibilities under this procedure will be discharged by the equivalent roles that exist within other areas of the College's provision (e.g. Higher Education, Work Based Learning, Residential Accommodation).
- 4.7 Where student behaviour indicates safeguarding and/or child protection concerns, the matter will be referred to the College's Designated Safeguarding Person (Head of Learner Services), or Deputy for assessment and intervention. The safety and welfare of all students will take precedence over any disciplinary action and therefore the College may decide to defer any disciplinary action until the outcome of the safeguarding assessment is known.
- 4.8 The College does not allow formal legal representatives to accompany students to any meeting or panel held under this policy.

## **5. Behaviour Not Meeting Expectations**

- 5.1 All colleagues, who have received the appropriate training and possess the necessary knowledge, have a duty to intervene when behaviour does not meet expectations. Challenging behaviour does not always take place within the classroom and can be difficult to manage, therefore all colleagues should have an understanding of how to challenge and direct students towards positive behaviour.
- 5.2 The aim is that students manage and take responsibility for their own behaviour. The tutor 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. Students will be referred to appropriate College support services if a support need is identified.

## **6. Disciplinary Procedural Stages**

- 6.1 The procedural stages of this policy are designed to be sequential, to address the persistence of poor behaviour, and encourage positive behaviour. However, stages may be omitted if it is felt that the student misconduct is serious enough to warrant missing stages. **If an incident is considered to be serious misconduct then the process must**

**commence at Stage 4 as described in Section 8 below.** A flow chart of the Student Positive Behaviour Policy is detailed at Appendix Three.

- 6.2 It is difficult, given the wide and varied nature of our student body, to fully define or grade degrees of misbehaviour/misconduct which can be classified as serious misconduct. The behaviours listed in Appendix Two are examples of conduct that the College considers amounts to misconduct, serious and gross misconduct.
- 6.3 Decisions made by the College will be based on information available to the College managers conducting disciplinary meetings and may not reflect decisions made by outside agencies (e.g. Police). Managers will take account of breaches of the Student Code of Conduct and any current disciplinary sanctions issued to a student.

## **7. Dealing with Unacceptable Behaviour/Misconduct**

- 7.1 There are normally 4 stages when dealing with unacceptable behaviour/misconduct;
- Stage 1- Verbal Warning/Action Plan. Time lapse after 3 calendar months.
  - Stage 2 - Written Warning/Action Plan (time lapse after 6 calendar months)
  - Stage 3 - Final Written Warning/Action Plan (time lapse after 12 calendar months)
  - Stage 4 - Formal Investigation and convening of a Disciplinary Panel (see Section 6)
- 7.2 Stages 1 to 3 apply in cases other than serious misconduct (Stage 4), where a student may be suspended from College pending a formal investigation and the outcome of a Disciplinary Panel (see section 8). It is not necessarily intended that these stages be brought into play at the first demonstrations of poor behaviour and/or performance. All staff who support students to address their poor behaviour at an early stage are expected to log on EBS On-Track a concern note (behaviour/poor performance), which clearly reflects a summary of the conversation that has taken place with the student to bring about an improvement in behaviour and/or performance.
- 7.3 It is not expected that a member of staff will issue concern notes for minor classroom, workshop or practical management issues but that they will be issued where, for example, a previous informal discussion with a student about arriving late has not impacted on behaviour.

- 7.4 If a student receives **three significant concern notes categorised as relating to behaviour/conduct**, during their time as an enrolled student, then the procedures detailed below are to be followed to address the persistent poor behaviour. Progress Coaches/Personal Tutors will be responsible for monitoring the number of concern notes a student may receive.
- 7.5 The appropriate Curriculum Director is to be kept informed at every stage of the disciplinary procedure when a learner from their area is involved. The Assistant Principal or Vice Principal is to be informed immediately if a learner is suspended from the College or if any incidents occur which could be potentially regarded as serious misconduct. Details of authorisation of suspension are at 9.2 below.
- 7.6 Each stage in the process, other than where a student is excluded, is to be accompanied by a student action plan in order to encourage the student to improve their performance/behaviour. This will be actively monitored by their Progress Coach/Personal Tutor .
- 7.7 A student will be advised in writing of the date, time and location of any disciplinary meeting. A checklist for managing disciplinary meetings is detailed in Appendix Four. Reasonable attempts will be made to reorganise the meeting should the student be unable to attend but if the learner does not attend a rescheduled meeting, without good reason, it will take place in their absence and the next procedural stage of the Policy will be applied.
- 7.8 Stage One - Verbal Warning/Action Plan
- 7.8.1 To be issued to the student by their Course Leader and Progress Coach/Personal Tutor at an informal meeting. The student should be made fully aware that this is the first stage of a process and that a time limit applies to improvements in the behaviour under review. Actions against which achievement can be monitored will be set . The warning is to be recorded in the student's EBS OnTrack records (verbal and written warning form) for the duration of the student's attendance at College, but is regarded as expired after 3 calendar months. Students should be given time to modify their behaviour before progressing to Stage 2.
- 7.8.2 When a verbal warning is issued, a notification letter will be sent by the relevant Curriculum Area, to parents/carers or where applicable the employer, offering the opportunity for contact and discussion as to how the student can be supported.



## 7.9 Stage 2 - First Written Warning/Action Plan

7.9.1 If behaviour/conduct deteriorates further or if, after reasonable time has been allowed for improvement, the required improvement has not been made a written warning can be issued. A written warning can be issued without a prior verbal warning being given where it is judged the unacceptable behaviour/conduct warrants it.

7.9.2 A letter inviting the student to a disciplinary meeting should be sent by first class post to the student and to the parents/ carers of students aged under 18 year olds or adults identified as at risk. This is subject to permissions under GDPR legislation. If the student is an apprentice then their employer will also receive a copy of the letter.

7.9.3 The letter should contain details of the meeting which the student is required to attend, with the purpose stated as providing the opportunity to;

- discuss the behaviour / incident that has triggered the meeting
- reach a decision as to the penalty to be imposed
- discuss an appropriate action

7.9.4 The meeting is run by the appropriate Curriculum Director and/or Assistant Principal with the Progress Coach/Personal Tutor in attendance. The warning, if appropriate, will be issued in writing to the student after the disciplinary meeting by the Curriculum Director with a separate letter (if appropriate) sent to parents/carers and employers of apprentices. The warning is to be recorded in the student's EBS OnTrack records (verbal and written warning form) for the duration of the student's attendance at College, but is regarded as expired after 6 calendar months.

## 7.10 STAGE 3 – Final Written Warning/Contract

7.10.1 If, following the issue of the written warning, and allowing a reasonable period for agreed actions to be carried out, a student fails to make the required improvements, then a final written warning/action plan will normally be issued by the Assistant Principal, and can be issued without a prior verbal warning, or a written warning being given, where it is judged the unacceptable behaviour/conduct warrants it. A final written warning will be regarded as expired after 12 calendar months.

7.10.2 The procedure is as described 7.8.2 with the addition that the student , and parents/carers (as appropriate) , be made aware that failure to meet the requirements of the action plan agreed at the Disciplinary Meeting will result in the requirement to attend a Disciplinary Panel which may result in the student's exclusion from College.

## **8. Formal Investigation and Convening of Disciplinary Panel (Stage 4)**

- 8.1 No disciplinary action under this stage will be taken against a student until the matter has been fully investigated. The investigator will be a college manager who is not closely connected with the disciplinary matter to be investigated and will normally be from a different curriculum area.
- 8.2 The College will inform the student as soon as possible that an investigation is to be conducted and the student will be provided with the name of the investigating manager. It is the expectation that such investigations are completed within 10 working term-time days.
- 8.3 In cases of alleged gross misconduct and/or the nature of the allegation is such that there is a concern that staff or other students may be placed at risk, the student may be suspended, in accordance with section 7, pending completion of the investigation. If a criminal prosecution may result from the incident, it may be necessary, pending advice from the police, to defer the disciplinary investigation until the outcome of any criminal proceedings is known. If this occurs the student will remain suspended from the College during this time. Upon completion of the criminal proceedings the College will reopen the disciplinary investigation.
- 8.4 The investigating manager is responsible for gathering all evidence related to the alleged incident including obtaining signed written statements from the student who is subject to the disciplinary procedure, from relevant staff and from other witnesses identified as appropriate.
- 8.5 If the investigating manager determines following the investigation that a Disciplinary Panel is not warranted, they will liaise with the relevant Vice Principal for the curriculum area to determine what action if any is required. In such circumstances the student will be immediately advised that they are no longer suspended and they can return to the College site.

## **9. Reflection Period**

- 9.1 A Reflection Period is intended for low level behaviour incidents where a Curriculum Director considers this to be the most effective way to diffuse a situation. A Reflection Period is given when a student has put themselves or others at physical or emotional risk and/or their continued presence at College may cause or promote further risk to themselves or others.
- 9.2 The Reflection Period can also be issued in these circumstances as a “cooling off” period for individuals involved and/or so that further investigations into events/allegations can take place. A learner may be sent home for a maximum of 2 college working days (48 hours) to calm down and reflect on their behaviour or actions.

- 9.3 The Reflection Period should not be used for behaviour that is potentially gross misconduct, ie.g. fights, criminal damage, bullying etc. In such circumstances a Suspension would be more appropriate.
- 9.4 It may however be used whilst further discussion /information is required to inform a decision to suspend. If after consideration it is determined a suspension is appropriate, in accordance with the Student Positive Behaviour, the learner will be notified by letter of the suspension and that a formal investigation will be conducted.
- 9.5 To be noted that as the Reflection Period is an authorised period of absence from College this will not affect attendance details for the purposes of applicable EMA payments.
- 9.6 The relevant Curriculum Director assesses the behaviour incident and determines if a Reflection Period is appropriate.
- Is the incident a low-level behaviour incident?
  - Does the incident pose physical or emotional risk to the student or others?
  - Could the student's continued presence at College cause further risk?
  - Is a "reflection" period necessary for individuals involved or for further investigations?

If the incident meets the criteria for a Reflection Period:

- Issue a Reflection Period Letter to the student (use standard letter).
- Specify the duration of the Reflection period, which should not exceed 2 college working days (48 hours).
- Inform the student of the date and time they are expected to meet with the Curriculum Director after the Reflection Period.
- Record the Reflection Period on OnTrack - Pastoral Log.

If the student is under 18:

- Inform the student's parents/carers by phone or email.
- Send a copy of the Reflection Period Letter to the parents.

Meeting with the Curriculum Director:

- The student meets with the Curriculum Director to discuss the incident, and also to identify any causes of the behaviour (ALN/Mental Health/ Environment and make any referrals for support as appropriate.
- Any available evidence related to the incident is presented and reviewed.

- The Curriculum Director determines what further action, if any, should be taken according to the Student Positive Behaviour Policy, for example the consideration of issuing a verbal, first or final written warning.

## **10. Suspension**

- 10.1 In circumstances where there is allegation of gross misconduct, and/or the nature of the allegation is such that there is a concern that staff or other students may be placed at risk, the student must be removed immediately from the College site and given verbal notice of suspension, whilst an investigation is conducted.
- 10.2 In circumstances where there is an allegation of gross misconduct behaviour by a learner staying in residential accommodation and the nature of the allegation is such that there is a concern that the student, staff or other students may be placed at risk, the College will withdraw the right for the student to reside in College accommodation, but may permit the student to still attend College until the disciplinary investigation and any subsequent hearing is concluded. In such circumstances it is the responsibility of the learner, and/or parents/carers, to make alternative arrangements to ensure the learner can still attend College in accordance with their timetable.
- 10.3 Suspension can be authorised only by an Assistant Principal/Vice Principal or another member of the Senior Management Team. In the situation when further discussion/information may be required, to inform a decision to suspend, a student may be sent home, with a decision on whether they are to be suspended to be conveyed within 2 college working days.
- 10.4 In all cases of suspension the manager (e.g.Vice Principal, Assistant Principal, Curriculum Director, Head of Service) suspending the learner must notify the relevant manager with site management responsibilities, and the Deputy Chief Executive (People, Experiences and Culture), or in their absence a fellow senior postholder. If the student is under 18 or identified as an adult at risk, every effort must be made to make contact with the parents/carers and arrangements made for the student to be collected (subject to GDPR permissions).
- 10.5 Following being verbally told they have been suspended, written notification of the reason for suspension together with a copy of the Student Positive Behaviour Policy will be sent to the student. A copy will be sent under separate cover to parents/carers for students under the age of 18 or identified as an adult at risk, and employers of Apprentices. Suspension is not in itself regarded as a disciplinary sanction. The period of suspension will be kept to a minimum, and will normally be no longer

than 28 College working term-time days (unless awaiting notification of the outcome of criminal proceedings).

- 10.6 The student's Progress Coach/Personal Tutor will arrange for access to work to be sent home and/or made available through electronic means on a regular basis throughout the time the student is suspended.
- 10.7 If, during a period of suspension, a student is required to complete formal external assessments or examinations, the Curriculum Team are responsible for making arrangements for the student to be able to attend the College, for the sole purpose of completing such assessments or examinations.
- 10.8 During a period of suspension, any student who is studying a HE course will still remain liable for course fees.
- 10.9 The student has the right to be accompanied by their parent/carer, employer or a friend at any subsequent meetings including any disciplinary panel. If after investigation, it is concluded by the Investigating Manager that the student's conduct should be considered at a formal Disciplinary Panel as a matter of gross misconduct the suspension will remain in place until the outcome of the Panel is known.

## **11. Disciplinary Panel**

- 11.1 The primary purpose of the Disciplinary Panel is to consider all of the evidence available and determine the actions required to address a serious disciplinary issue, which may include the fixed term or permanent exclusion of the student.
- 11.2 The Disciplinary Panel will be chaired by the Deputy Chief Executive (People, Experiences and Culture) or in their absence a fellow senior postholder, and the disciplinary panel will include the relevant Vice Principal and another College manager. The Investigating Manager and any witnesses who, in the opinion of the Investigating Manager should be called, will also be required to attend the Panel.
- 11.3 At least 5 working term-time days prior to the Panel, a letter detailing the arrangements for the Panel and allegation to be considered with an explanation that the Panel decision could result in their temporary or permanent exclusion from the College, will be sent to the student. Enclosed will be copies of documents to be relied upon at the panel, including the Investigating Manager's summary report and signed witness statements. In exceptional circumstances where it is considered that including such documents may lead to reprisals/intimidation of witnesses, a decision may be taken by the Chair of Panel to only share such

documents at the panel meeting. In such a situation the student will be given time to read thoroughly any documents tabled.

- 11.4 The College will give a student advance notice if it intends to call relevant witnesses. If a student intends to call any relevant witnesses, they must notify the College with details in advance of the Panel.
- 11.5 The Chair of the panel conducting the hearing will introduce all those present. The investigating manager will present their summary report and findings to the Panel together with a breakdown of the student's academic record at the College including absence record and any cause for concerns recorded. They may also call witnesses if appropriate.
- 11.6 The student will be given the opportunity to present the case against the allegations and explain any special/mitigating circumstances which may exist. They will also have the opportunity to ask questions, present evidence and call any relevant witnesses.
- 11.7 The Chair may adjourn the disciplinary proceedings if it appears necessary or appropriate to do so. In these circumstances the Panel should be reconvened with its original members
- 11.8 The student has the right to be accompanied by their parent/carer, or a friend at the Panel. If the student is an apprentice their employer may also attend. A student's companion may address the Panel and respond on their behalf to any views expressed. However, the meeting is essentially a meeting between the student and the College and any questions put directly to a student should be answered by them unless they request their companion replies on their behalf.
- 11.9 If a student fails to notify the College they are not going to attend a disciplinary panel, it will take place in their absence. If a student notifies the College they are unable to attend a disciplinary panel for reasons beyond their control, the hearing will be adjourned to another day. The College will confirm the rescheduled panel arrangements in writing. Unless there are special circumstances mitigating against it, if a student is unable to attend the rearranged panel, the rearranged hearing will take place in their absence.

## **12. Disciplinary Panel Outcomes**

- 12.1 The Disciplinary Panel will consider all of the evidence presented at the meeting and may reach any of the following conclusions:
  - No case to answer
  - The issuing of a warning at a level judged to be appropriate by the panel combined with a behaviour action plan

- Fixed Term or Permanent exclusion from College and/or College residential accommodation (as applicable).

- 12.2 The Disciplinary Panel will determine the exclusion period, if appropriate, that will apply taking into account the offences which have been committed. As a minimum the exclusion period will be for the remainder of the academic year but this may be extended for a further academic year or longer (maximum three academic years). In exceptional circumstances an outcome may be the permanent exclusion of the student.
- 12.3 If the Panel decides an exclusion is the appropriate sanction, the student will be informed of their right of appeal in accordance with section 10. If an appeal is submitted, the notice of exclusion will not take effect until the appeal has been heard and concluded. The student will remain suspended until this time. Should a sanction of exclusion be determined for a student who had not previously been suspended, the student will be formally suspended pending the outcome of the appeal.
- 12.4 The Chair of the Disciplinary Panel will write to the student within 5 working term-time days of the Panel to confirm the decision reached and inform the student of their right of appeal, if appropriate.
- 12.5 The decision will be logged with the Learner Data Services/Admin Team Leaders, who will amend the EBS Student Record and the Learner Disciplinary Database.

### **13. Automatic Exclusion**

- 13.1 There may be exceptional circumstances where the College forms the opinion that a student should be excluded without the student being invited to a formal hearing. The College reserves the right to automatically exclude a student permanently where the severity of the circumstances indicates that to do otherwise presents an unacceptable risk to students, staff and the College community.

### **14. Appeals**

- 14.1 A student who wishes to appeal against an exclusion must write to the Deputy Chief Executive's (People, Experiences and Culture) office within 5 working term-time days of receipt of the disciplinary panel outcome letter setting out the grounds for appeal. An appeal may be made only on one or more of the following grounds:

10.1.1) there is additional evidence available that could not have been made available at the time of the original disciplinary panel;

10.1.2) there are grounds for mitigation of the sanction imposed that were not known at the time of the original panel;

10.1.3) proper procedures were not followed;

10.1.4) the penalty is considered to be unreasonable in relation to the offence.

14.2 If it is considered that there are sufficient grounds, the appeal will be heard by the Deputy Chief Executive (Principal), or in their absence or due

to previous involvement, a fellow senior post holder, and the appeal panel will also consist of two College Managers not involved in the original panel. If it is deemed that the grounds of appeal are not sufficient to be considered at an appeal hearing, the student will be advised of such decision and the reasons in writing.

14.3 The Appeal Hearing will take place as soon as possible but normally no later than 10 working term-time days after the notice to appeal has been received by the College. The student will normally be given at least 5 working term-time days' notice of the date, time and location of the Appeal Hearing (unless an earlier date has been mutually agreed).

14.4 At the Appeal Hearing the student will be given an opportunity to state their case and will be entitled to be accompanied by their parent/carer, their employer or a friend, but not by any legal representative. The Chair of the original Disciplinary Panel will also attend to present the findings and conclusions reached at the original Disciplinary Panel.

14.5 The decision of the Appeal Panel will be notified to the student normally within 5 working term-time days of the Appeal Hearing. The decision will be final and binding.

## **15. Monitoring**

15.1 The Deputy Chief Executive (People, Experiences and Culture) will be responsible for the production of termly monitoring reports on disciplinaries to the Senior Management Team and the Governing Body (or relevant sub-committee). Monitoring reports will not name individual learners.

## **16 Application following exclusion**

16.1 Once the period of a fixed term exclusion has been served, if a student wishes to reapply to study at the College they must be interviewed by the appropriate Assistant Principal for the curriculum area prior to their application being accepted, and the student agreeing to comply with the Student Re-engagement Policy. All letters from the Disciplinary Panel that issues the sanction of a fixed term exclusion will make this process clear



and the Chair of the Disciplinary panel is responsible for ensuring an appropriate record has been placed on the student's EBS OnTrack records.

16.2 If the student has chosen to leave the college following a final written warning or contract, enrolment on any future courses will require the approval of the relevant Assistant Principal Director and the student agreeing to comply with the Student Re-engagement Policy.

## 17. **Welsh Language**

17.1 In line with the Welsh Language Standards this Policy is available in both Welsh and English. All meetings, correspondence and support services that fall within this policy will be offered in Welsh.

**END**

## **Appendix One - College Policies and Procedures Relevant to Student Positive Behaviour Policy**

- Student Code of Conduct
- Learner Attendance & Punctuality Policy
- Substance Misuse Policy
- Hostel Contractual Agreement
- Complaints, Concerns and Compliments Policy
- Assessment, Verification and Moderation Procedures
- Equal Opportunities Policy
- Guidelines for dealing with alleged candidate malpractice arising during official examination tests and assignments
- Plagiarism guidelines
- Partner Universities Academic Regulations (applicable to Cambria University Centre students)

## **Appendix Two - Misconduct/Serious Misconduct/Gross Misconduct**

The behaviours listed below are examples of conduct which will be considered grounds for initiating formal disciplinary action under the Student Positive Behaviour Policy including those that may amount to gross misconduct. These lists include examples but are not exhaustive.

### **Misconduct**

- Poor attendance
- Where absence is not notified or reasonably explained
- Poor punctuality
- Late or non-submission of course related work/assignments
- Disrupting the learning of others either in class, workshop or around the College
- Minor cases of academic misconduct
- Disrespectful behaviour to other learners, staff or visitors
- Misuse of the internet/IT equipment
- Improper use of technology devices when in class or on College premises
- Misuse of and or damage to facilities and equipment, including in residential accommodation
- Eating or drinking (apart from water or other agreed drinks for health-related purposes) in class, workshop or other timetabled sessions
- Persistent forgetting of ID Card and failing to wear lanyard
- Persistent forgetting of equipment and/or appropriate PPE for tasks (e.g., boots, high-vis, overalls, sports equipment)
- Persistent smoking/vaping on College sites or in residential accommodation in non designated areas

### **Serious Misconduct**

- Repeated or persistent misconduct
- Moderate cases of academic misconduct
- Demonstration of aggressive behaviour/discrimination/harassment/bullying or hate incidents
- Physical assault
- Disrespectful behaviour including swearing at other learners, staff or visitors or on any College related activity including work placements
- Misuse of College resources
- Interference with College property including software or data belonging to or used by the College and other breaches of the IT Acceptable Use Policy
- Allowing other learners to gain access to the College using their own

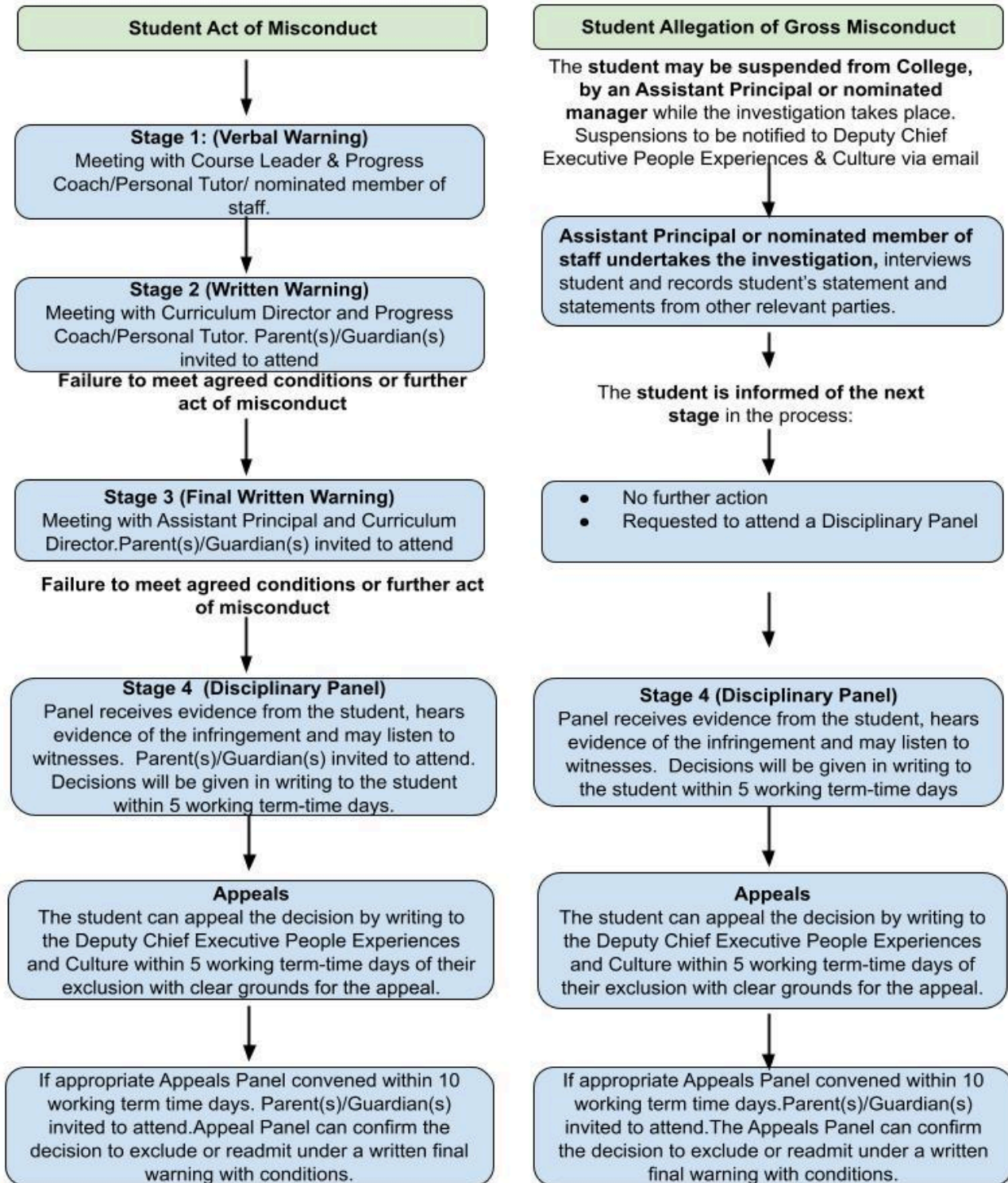
ID Cards (including allowing others to enter residential accommodation when and where prohibited)

### **Gross Misconduct**

- Breach of a written disciplinary warning
- Unacceptable behaviour which has previously been reported and for which College sanctions and other interventions have not been successful in modifying the student's behaviour
- Serious case of academic misconduct
- Disrespectful behaviour including verbal abuse towards staff, other students or any College contactor or visitor
- Theft
- Actual or threatened violence against another student or a member of staff
- Any action, on-site or off-site, that is in contravention of the Student Code of Conduct and has or could damage the College's reputation.
- Bullying, cyber-bullying, including the misuse of electronic networking sites such as SnapChat, Whatsapp and Facebook, the distribution of inappropriate images
- Cyber crime, attempts to hack college network, circumnavigate security measures on the Cambria network or using Cambria networks to attack external services
- Intimidation, harassment ( including peer on peer abuse and sexual harassment), victimisation or discrimination against another student, member of staff or visitor on any grounds including age, disability, ethnic origin, gender, sexual orientation, religion or belief.
- Setting off the College fire alarm without due cause
- Reasonable suspicion or actually being in possession of alcohol or illegal substances or associated drug paraphernalia
- Any drug use or in possession of drugs, can also include under the influence of drugs (including suspected)
- Suspected drug dealing or distribution of drugs
- Misuse of other substances
- Endangering or causing injury to others
- Possession of an offensive or dangerous weapon
- Wilful damage to College property, equipment and accommodation, including Arson
- Physical assault
- Sexual harassment or violence (including sexual assault)

## Appendix Three - Student Positive Behaviour Policy Flow Chart

A student may be excluded from the College if their behaviour is not satisfactory and after the allegations have been properly considered, according to the Student Disciplinary Procedural Stages.



This procedure relates to all students on all campuses. The College will take into account any mitigating circumstances relating to disability and/or health conditions.

## **Appendix Four - Checklist for Handling Disciplinary Meetings**

A disciplinary meeting is held when a student may be issued with a written warning. For a first written warning, this will be in the presence of the Curriculum Director and the Progress Coach/Personal Tutor. For a final written warning this will be held in the presence of the Assistant Principal and the Progress Coach/Personal Tutor.

The following checklist should be used in each case:

1. Check the facts – have all relevant details to hand.
2. Check previous warnings. Are they for similar offences or breaches? Are they current? (How long?).
3. Retain impartiality and be aware of a requirement for a common standard.
4. Ask the student if they want a friend, parent or carer to be present. If an offer is declined, suggest a member of the Student Services team/Inclusion Team or Progress Coach be present.
5. Allow the student to state their case. Adjourn, if necessary to clarify facts/seek advice and to make decisions.
6. Issue warning in writing (if appropriate), using the standard letter held by administrative teams, for first and final written warning, detailing within the actions to be adhered to.
7. If a Final Written Warning/action plan is issued, the student must be aware that if they fail to adhere to the action plan or breach the Student Code of Conduct again they will be referred to a Disciplinary Panel, the outcome of which may be their exclusion from College.

## Appendix 5 - Checklist for Handling Formal Disciplinary Investigations in preparation for Panel

No	Action	Complete
1.	Note timescale for completion of investigation (within 10 College working days).	
2.	Read all of the information and statements provided.	
3.	Review Ontrack to check contact ie if suspension letter sent and any interventions already made/ALN.	
4.	Check OnTrack for any previous recording of disciplinary warnings which may be current and needs to be taken into account, i.e current first written warning	
5.	Set up a date to meet parents/learner - ideally within 48 hours to minimise the time the learner is out of college.	
6.	Advise the Learner's Progress Coach and invite them to the meeting to witness discussion and make notes.	
7.	Meet with managers/other colleagues who have knowledge of the incident to collect statements.	
8.	Prepare a list of questions for the meeting.	
9.	Meet with the learner and parents to discuss the incident.	
10.	Advise the learner and parents of timescales for response and next steps when the meeting concludes.	
11.	Review evidence and statements and prepare a report attaching relevant supporting documents to support decisions and recommendations stated.	
12.	Forward to the DCEO People Experiences & Culture for review.	

## **Appendix Six - Graduated Approach to Behaviour and Disciplinary**

[Link to Internal Training Slides](#)