



Student Disciplinary Policy and Procedures



Introduction

Middlesbrough College aims to provide an environment where there are no barriers to student success and progression. If a student's behaviour prevents others from feeling safe, secure, respected and able to learn effectively, this may result in disciplinary action.

The purpose of this policy is to ensure that all instances of student misconduct are dealt with fairly and consistently.

This policy sets out the College's position on acceptable behaviours in the College community. The purpose of this policy is to detail the procedures to be followed if a student is in breach of the College's behaviour standards, values or health and safety regulations.

The College expects high standards of behaviour from its students and any breach of the expected standards will be considered misconduct. It is not possible to define every form of behaviour which will result in disciplinary action, nor has an attempt been made to do so.

It is also not possible to define every type of action that may be taken in each circumstance. Each case will be judged by the College in the light of the circumstances and evidence available.

The examples given in this document are designed to give an indication of the actions, which may result in disciplinary proceedings being followed. Omissions in terms of examples are not in themselves ground for appeal.

This document is available to students and parents / carers so it is assumed that they are aware of all the details of the Student Disciplinary Procedures.

Any form of disciplinary action may result in the Middlesbrough College Bursary being withheld, pending an appeal.

Scope

This policy applies to all enrolled students. It covers misconduct alleged to have occurred on the College's premises or any other activity carried out as part of a student's course, for example, work related activities, educational visits and the use of ICT including e-safety, which may occur on or off the College's premises. Alleged misconduct that occurs outside of the College premises is also covered within this policy where the incident poses a threat to another student or member of the public and / or could adversely impact on the reputation of the College.

Students aged 14-16 who attend the College are expected to follow the College's

disciplinary policy but misconduct will be dealt with by their school and or / local authority.

Covid - 19

The College's main priority is to keep our staff and students safe and the College will continue to monitor and follow the government's latest guidelines and adapt our approach accordingly, making changes as and when this evolves or changes.

It is important that the College remains a calm and disciplined environment where everyone follows any guidelines, routines and behaviour expectations implemented due to the Covid-19 pandemic. Students must follow the College guidelines and treat fellow students, staff and visitors with respect. This includes interaction with other students and staff online and on your journey into College on both public transport and dedicated MC buses.

Frequent and thorough hand cleaning should now be regular practice and you should continue to clean your hands regularly.

Students must follow public health advice on when to self-isolate. You must not come into college if you have symptoms or other reasons requiring you to stay at home due to the risk of you passing on COVID-19 (for example, if you are required to quarantine or have a positive test).

Any breach of the College's expected standards will be considered as misconduct and the Student Disciplinary Policy and Procedures will be followed.

MC Click – Free Loan Device

If you are entitled to a free loan device, you must follow the requirements of the Learner IT Acceptable Use Policy and the terms and conditions of the device loan.

It is important that you take care of the loan device – the College retains full ownership of each device until it is purchased.

If you lose your device, you must inform us straightway. You are not guaranteed a replacement and you may be asked to contribute to the lost value of the device.

If you damage the device, you may be asked to contribute towards the cost of repair.

Please ensure that:

- You bring your device to College fully charged
- You use your device for coursework and course-related activities when asked to do so
- You do not display material on your screen that may be distracting to others.
- You close your device when not in use
- You use headphones when asked to use sound
- You do not download or share inappropriate content, apps or tools.

Any breaches of the terms and conditions of the device loan and expectations of use will result in the Student Disciplinary Policy being implemented.

Stages of the Disciplinary Policy

A Pre-Disciplinary Attendance Action Plan should be issued when initial attendance concerns are identified.

There are four stages to the Disciplinary Policy:

- Stage 1 (Verbal Warning)
- Stage 2 (Written Warning)
- Stage 3 (Final Written Warning)
- Stage 4 (Formal Disciplinary Hearing)

Where the matter is deemed to be **Gross Misconduct**, the procedure is followed from **Stage 4**.

Key documents within the Student Disciplinary Procedure:

Appendix 1	Pre-Disciplinary Attendance Action Plan
Appendix 2	First Act of Misconduct (Stage 1)
Appendix 3	Written Warning (Stage 2)
Appendix 4	Final Written Warning (Stage 3)
Appendix 5	Formal Procedures at the Disciplinary Hearing
Appendix 6	Student SD4 / Suspension Form
Appendix 7	Appeal
Appendix 8	Sample Disciplinary Contract
Appendix 9	Exclusion / Exclusion Order
Appendix 10	Supported Entry Contract

Disciplinary Actions

In all cases, the action agreed should be recorded and all disciplinary paperwork should be uploaded to the student's ProMonitor record.

All agreed action(s) must be signed by the student.

A copy of the agreed action will be provided for the student and a copy sent to the student's parent / carer.

The following are examples of agreed action:

- Devise a list of conditions whereby the student is able to remain at the College.
- Devise a review schedule which may include Lecturers' comments and contact with parent(s) / guardian(s) / advocate(s) or representative(s).
- Any other action they feel to be appropriate to the circumstances.

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Stage 1 - Verbal Warning (Stage 1 Paperwork - Appendix 2)

First Act of Misconduct

The Personal Tutor will see the student and follow the disciplinary actions outlined above. The Personal Tutor will then record the disciplinary action agreed in writing. Both parties will sign and the document will be kept in the student's personal file and uploaded to ProMonitor.

The Personal Tutor will monitor the agreement and if the student fails to fulfil the conditions, the Personal Tutor will refer to **Stage 2**.

The discipline will be recorded on ProMonitor and the relevant paperwork uploaded by the Faculty / Directorate Administration Team.

This written agreement will expire after twelve months from the date of the incident, providing no further acts of misconduct have taken place.

Stage 2 - Written Warning (Stage 2 Paperwork - Appendix 3)

- Failure to meet agreed disciplinary actions.
- Second act of misconduct.
- Attendance/punctuality or academic target issues.

All students who have an unacceptable pattern of attendance or punctuality, and/or fail to meet set academic targets without adequate explanation will move straight to **Stage 2** of the Student Disciplinary Procedure.

- The Tutor informs the Personal Tutor, Faculty / Directorate Administrator and Assistant Principal Curriculum / Director of Programme of the incident and decides on level of warning.
- The Faculty / Directorate Administrator contacts the student's parents or guardian, by phone and letter, and invites them to a meeting with the Assistant Principal Curriculum / Director of Programme.
- Parents and Assistant Principal Curriculum / Director of Programme meet. Incident is discussed. Stage 2 is issued. An action plan for the student is produced. Documents uploaded to ProMonitor discipline page and ProMonitor uploaded documents page.
- Continued incidents would cause a Stage 3 Final Warning to be issued

Stage 3 - Final Written Warning (Stage 3 paperwork - Appendix 4)

- Failure to meet agreed disciplinary actions.
- Serious act of misconduct
- Third act of misconduct.

The parent(s) / guardian(s) / advocate(s) or representative(s) **will be contacted by phone and letter**, to invite them into College to resolve the situation with the Assistant Principal Curriculum/Director of Programme who will agree the disciplinary action(s) with the student and his / her parent(s) / guardian(s) / advocate(s) or representative(s). This will be recorded in writing, signed by the student and the Assistant Principal / Director of Programme and placed in the student's file for a period of 12 months from the date of incident.

A copy of the agreed action(s) will be provided for the student.

If agreed actions are not adhered to, the student will automatically proceed to Stage 4 of the Student Disciplinary Procedure.

The discipline will be recorded on ProMonitor and the relevant paperwork uploaded by Faculty Directorate Administrator.

Stage 4 - Formal Disciplinary Hearing (Appendix 5)

If the student fails to meet the agreed conditions from Stage 3 or in the case of Gross Misconduct, the **Assistant Principal / Director of Programme can suspend a learner from College pending a thorough investigation. In all cases of suspension, the Assistant Principal / Director of Programme will complete the *Student SD4 / Suspension Form* available on the L Drive, (Appendix 5) and send through to the Vice Principal - Students.**

If the student is under 18 years of age, their parents/guardian will be telephoned to inform them that their child is to be suspended from College with immediate effect. The parents will be asked to arrange for someone to come and collect their child or give permission for them to travel home on their own. If the College cannot access a member of their family, then they will stay on-site until the end of their normal timetabled day.

The student will be informed by the Vice Principal, in writing, of the reasons for the temporary suspension for a period of up to 10 working days to allow a thorough investigation to take place and to establish a date for a formal Disciplinary Hearing.

The Assistant Principal Curriculum / Director of Programme will ensure that the evidence for each stage of the Student Disciplinary Procedure is clearly documented so that a case can be prepared.

Gross Misconduct may include the following but this is not an exhaustive list:

- The use of violence or the threat of violence towards any member of the College Community.
- Being in possession of an offensive weapon.
- Bullying or harassment of a member of the College community through any medium and as defined in the Equality Act 2010.
- Conduct of a sexual nature e.g. sexual harassment and sexual violence.
- Conduct which puts at risk the health and safety of the student in question, that of other students and staff.
- Theft or willful, substantial damage of College property including property belonging to a member of the College community.
- Gross Misconduct as described in the IT Acceptable Use Policy.
- Fraudulent claims in relation to finance paperwork.
- Carrying or misuse of a substance including alcohol, drugs, solvents, prescription drugs not prescribed for the user or other illegal / legal damaging substances, in / on and around the College. This can result in a referral for external agency support.
- Supply of drugs in and around the College premises.
- Any behaviour that could bring the College into disrepute.
- Serious breach of Covid-19 behaviour expectations.

If a student fails to meet the conditions and agreed actions from a Stage 3 Disciplinary (Final Written Warning), this can also result in the student progressing to a Stage 4 Disciplinary. This can be for attendance / punctuality and academic target issues. Students will not usually be suspended from College for issues relating to attendance / punctuality and academic targets.

Notification of the time, date and location of the Disciplinary Hearing will be communicated to the student by the Chair of the Disciplinary Panel within ten working days. Copies of all paperwork and case notes will be sent to all parties a minimum of five working days prior to the agreed Disciplinary Hearing taking place.

There is a right of appeal at Stage 4 of the Student Disciplinary Procedure as detailed in **Appendix 7**.

Immediate Exclusion

If the matter is deemed to cause a serious threat to students or staff within the College,

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then the Principal, in conjunction with the Designated Safeguarding Lead, reserves the right to immediately exclude the student without cause for a panel hearing or appeal.

If the student is under 18 years of age, their parent / guardian will be telephoned to inform them that their son / daughter is to be suspended from College with immediate effect.

The parent / guardian will be asked to arrange for someone to come and collect their child or advised that their son / daughter will be leaving the College and making their way home.

If this action is taken, the police will be informed of the incident and the person will be issued with an exclusion notice. This will prevent the person from coming within stated College boundaries. Entering these boundaries will be deemed as an act of trespass.

(Appendix 9)

If a person, who is not a student, is deemed to be a threat to the students or staff of Middlesbrough College, they will be issued with an exclusion notice. This will indicate an exclusion zone which they are not allowed to enter and this will be taken as trespass and the police may be informed.

(Appendix 10)

Supported Entry

There are some prospective students who apply or enrol to the College with personal circumstances which could restrict a successful outcome on their chosen course.

These circumstances may include, among other things:

- Previous exclusion from school.
- Poor school / education history including inadequate attendance or serious disruptive behaviour.
- Unsuccessful taster / induction and / or extensive concerns about suitability arising at interview.
- Students who have had attendance or classroom disruption concerns, within Middlesbrough College, from a previous year.
- High risk students who are vulnerable.

For many such students, their chosen College course may not be the right pathway at this time and such a prospective student may be directed to another course / area or be given further guidance about the best course of action open to them. For other applicants the opportunity to access their chosen course may be available with **Supported Entry**. This would provide an enhanced level of support, as well as closer monitoring and emphasis on them taking responsibility for their behaviour and learning.

These applicants may be granted '**Supported Entry**' and will be asked to agree to and sign a '**Supported Entry Contract**' in addition to a Learning Contract prior to enrolling on their course or within the first six weeks of a course starting.

Process

- Such prospective students should attend an interview with the Assistant Principal Curriculum / Director of Programme, Personal Tutor and the Safeguarding and Welfare Officer (SWO) for that area, within the first week of the course.
- A meeting with the appropriate Assistant Principal Curriculum / Director of Programme, Personal Tutor and parent/guardian to clarify the rights and responsibilities of Supported Entry prior to enrolment.
- Three or more reviews of progress as follows:
 - It may be necessary for monthly monitoring meetings with the Assistant Principal Curriculum / Director of Programme and Personal Tutor.
 - A regular meeting can be arranged with the Safeguarding and Welfare Officer.

- The Assistant Principal Curriculum / Director of Programme will make a decision when to remove the 'Supported Entry' conditions.

These reviews will focus on the targets set out in the contract and the extent to which these are being met. These reviews should be documented and recorded on ProMonitor.

- The Faculty / Directorate Administrator will monitor the attendance of each student weekly and provide feedback to the Personal Tutor through ProMonitor.
- If required, additional study support hours will be arranged and attended. This will help to develop time management and independent learning skills (or other skills as required).
- The student may be required to arrange a careers appointment, prior to Week 6, to help the learner plan for their future.
- At a 6-week review (6 weeks from the start of the course), the Personal Tutor and the Assistant Principal Curriculum / Director of Programme, will decide whether the student has successfully fulfilled their part of the Supported Entry contract. If so, they will continue on their College course in the usual way, be able to access additional support should it be required and be subject to the same rights and responsibilities as other students. It may be that close monitoring continues past 6 weeks.
- At any time, or at any of the planned meetings, the student has not successfully fulfilled their part of the Supported Entry contract they may face disciplinary action, up to and including possible withdrawal from their course.

(Supported Entry Contract **Appendix 11**)

Student Red / Blue / Yellow Warning Procedure

To enable the Safety and Building Services Team to support the College in controlling the behaviour of a minority group of students, a Yellow, Blue and Red Warning system has been developed to allow a fast response to unacceptable behaviour, in and around the College.

Yellow Warning

There are many reasons why a Yellow Warning may be given and the following examples are not exhaustive:

- Not showing respect to all members of the College community.
- Swearing, abusive language or unacceptable behaviour in or around the College Campus.
- Litter and spitting on the College Campus.
- Smoking in non-designated spaces
- Breach of Covid-19 behaviour expectations.

If a second Yellow warning is issued, this will trigger a **Stage 1 Warning**.

Once a Yellow Warning has been issued, this will be recorded on ProSolution by the Student Services Support Officer and an email sent to the Assistant Principal Curriculum / Director of Programme and the Departmental Administrator to ensure this is uploaded onto ProMonitor and flagged to the Personal Tutor.

Blue Warning

There are many reasons why a Blue warning may be given and the following examples are not exhaustive:

- Angry or threatening behaviour to students or staff.
- Student's confrontation which is not violent.

A Blue Warning will only be issued in agreement with the Duty Manager / Incident Manager to indicate that a student has been involved in an incident at Middlesbrough College and requires a cooling off period of one full day.

If the student is under 18 years of age, the Duty Manager / Incident Manager will contact the parent / guardian to inform them that their son / daughter has been asked to leave the College for one full day. The parent / guardian will be asked to arrange for someone to come and collect their son / daughter or give permission for them to travel home on their own. If the student cannot access a member of their family, then they will stay on-site until the end of their normal timetabled day.

The Duty Manager / Incident Manager will communicate the student's details to the Assistant Principal / Director of Programme who will take the necessary action after all the evidence of the incident has been gathered.

Once a Blue card has been issued, this will be recorded on ProSolution and an email will be sent to the Assistant Principal Curriculum / Director of Programme and the Administrator to ensure this is uploaded onto ProMonitor.

The Assistant Principal Curriculum / Director of Programme will arrange to meet with the student within 48 hours and take the necessary action after all evidence relating to the incident has been gathered. A Red card may then be issued at this time if the evidence gathered justifies this.

Red Warning

A Red Warning will only be issued in agreement with the Duty Manager / Incident Manager and the Security Team to indicate that a student has been involved in an incident of serious misconduct whilst on Middlesbrough College premises.

Once a Red Warning has been issued, the student will be excluded from the College until a Stage 4 Disciplinary Hearing can be arranged.

If the student is under 18 years of age, the Duty Manager / Incident Manager will contact the parents/guardian to inform them that their child is to be suspended from College with immediate effect. The parents will be asked to arrange for someone to come and collect their child or give permission for them to travel home on their own. Where a safe way of sending the student home is not possible, the student will remain in a controlled environment on site, until the conclusion of their timetabled day.

The Incident / Duty Manager will then communicate the student's details to the Assistant Principal Curriculum / Director of Programme who will invoke the Student Disciplinary Procedures, involving the Vice Principal – Students as necessary.

There are occasions where students will be given a **Red Warning** rather than a Blue or Yellow Warning and the following examples are not exhaustive:

- The use of violence or the threat of violence towards any member of the College Community.
- Being in possession of an offensive weapon.
- Bullying or harassment of a member of the College community through any medium and as defined in the Equality Act 2010.
- Conduct of a sexual nature e.g. sexual harassment and sexual violence.
- Conduct which puts at risk the health and safety of the student in question, that of other students and staff.
- Theft or willful, substantial damage of College property including property belonging to a member of the College community.
- Gross Misconduct as described in the IT Acceptable Use Policy.
- Fraudulent claims in relation to finance paperwork.
- Carrying or misuse of a substance including alcohol, drugs, solvents, prescription drugs not prescribed for the user or other illegal / legal damaging

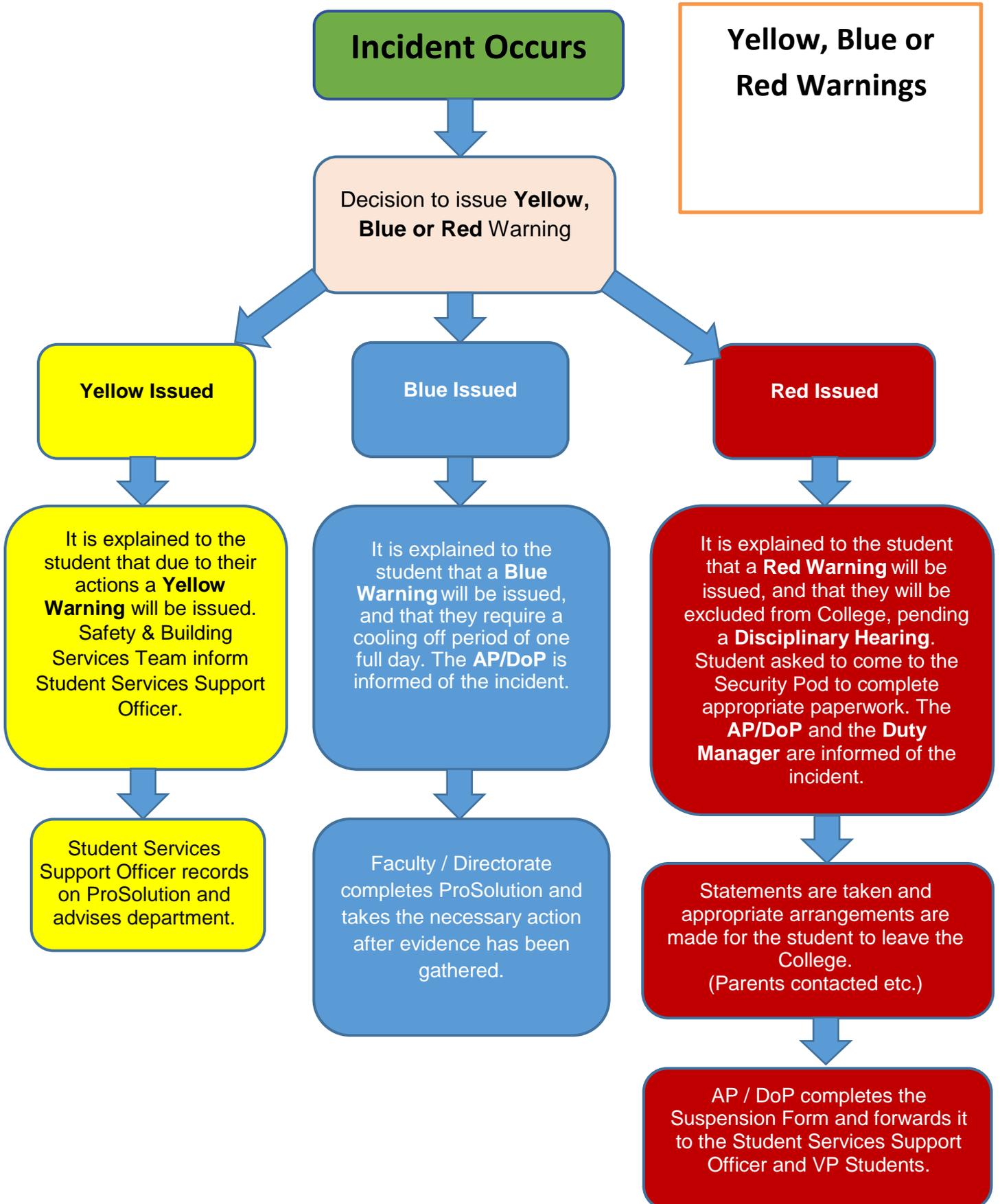
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substances, in/on and around the College.

- Supply of drugs in and around the College premises.
- Under the influence of drugs/alcohol on the College premises.
- Any behaviour that could bring the College into disrepute.
- Serious breach of Covid-19 behaviour expectations.

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Appendices

Appendix 1	Pre-Disciplinary Attendance Action Plan
Appendix 2	First Act of Misconduct (Stage 1)
Appendix 3	Written Warning (Stage 2)
Appendix 4	Final Written Warning (Stage 3)
Appendix 5	Formal Procedures at the Disciplinary Hearing
Appendix 6	Student Suspension Form
Appendix 7	Appeal
Appendix 8	Sample Disciplinary Contract
Appendix 9	Exclusion from Middlesbrough College
Appendix 10	Exclusion Order
Appendix 11	Supported Entry Contract

The reason for the issue of a Student Disciplinary must be clearly noted in the box provided on the form and taken from one of the following categories to ensure consistent recording for monitoring and reporting purposes.

- Academic progress
- Attendance / punctuality on course overall
- Attendance / punctuality at maths/Eng
- Behaviour / attitude / disruption
- Breaking rules of contract / action plan
- Bullying or harassment
- Sexual misconduct
- Dangerous behaviour
- Foul or aggressive language
- Gross misconduct - fraud
- Gross misconduct - IT Acceptable Use Policy
- Illegal substance - dealing
- Illegal substance - possession
- Illegal substance - under the influence
- Possession of offensive weapon
- Theft
- Vandalism / damage
- Violent conduct - assault
- Violent conduct – fight
- Covid-19 behaviour issues
- MC Click – failure to adhere to terms & conditions of loan device scheme

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Appendix 1

PRE-DISCIPLINARY ATTENDANCE ACTION PLAN

Attendance Target	Date for Review
100%	<i>(1 Week Recommended)</i>

Further Actions agreed
<ul style="list-style-type: none">○○○

Signed Date
(Student)

Signed Date
(Attendance Officer)

Outcome on Review Date
<ul style="list-style-type: none"><input type="checkbox"/> 100% attendance achieved - Student Continues to be monitored via the attendance monitoring process<input type="checkbox"/> 100% attendance not achieved but significant improvement made. Extend date of review to _____(date for review – 1 week recommended)<input type="checkbox"/> 100% attendance not achieved - Disciplinary Action Recommended <i>(please share a copy of this with the course tutor for further action)</i>

Signed Date
(Attendance Officer)

Please ensure a copy of this document, once complete, is sent to the Parent/ Guardian and a copy is added to the students ProMonitor records.

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SD1

First Act of Misconduct (Stage 1)

Faculty / Directorate Area

Student Name M no

Personal Tutor Course/Class code:

Course Title

Nature & Date of Incident

- | | | |
|---|---|--|
| <input type="checkbox"/> Academic progress | <input type="checkbox"/> Foul or aggressive language | <input type="checkbox"/> Sexual Misconduct |
| <input type="checkbox"/> Attendance/punctuality on course overall | <input type="checkbox"/> Gross misconduct - fraud | <input type="checkbox"/> Theft |
| <input type="checkbox"/> Attendance /punctuality at maths/Eng | <input type="checkbox"/> Gross misconduct - it acceptable user policy | <input type="checkbox"/> Vandalism/damage |
| <input type="checkbox"/> Behaviour/attitude/disruption | <input type="checkbox"/> Illegal substance - dealing | <input type="checkbox"/> Violent conduct - assault |
| <input type="checkbox"/> Breaking rules of contract/action plan | <input type="checkbox"/> Illegal substance - possession | <input type="checkbox"/> Violent conduct – fight |
| <input type="checkbox"/> Bullying or harassment | <input type="checkbox"/> Illegal substance – under the influence | <input type="checkbox"/> Covid-19 behaviour issue |
| <input type="checkbox"/> Dangerous behaviour | <input type="checkbox"/> Possession of an offensive weapon | <input type="checkbox"/> MC Click terms & conditions |
-
-

Action Required

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Any further misconduct contrary to the rules of the College may result in suspension and subsequent exclusion.

Signed Date

(Student)

Signed Date

(Personal Tutor)

This agreement will expire on __ / __ / __

(12 months on from the date of signature above, as long as no further acts of misconduct have taken place)

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Appendix 3

SD2

Written Warning (Stage 2)

Faculty / Directorate Area

Student Name M no

Personal Tutor Course/Class code:

Course Title

Nature & Date of Incident

- | | | |
|---|---|--|
| <input type="checkbox"/> Academic progress | <input type="checkbox"/> Foul or aggressive language | <input type="checkbox"/> Sexual Misconduct |
| <input type="checkbox"/> Attendance/punctuality on course overall | <input type="checkbox"/> Gross misconduct - fraud | <input type="checkbox"/> Theft |
| <input type="checkbox"/> Attendance /punctuality at maths/Eng | <input type="checkbox"/> Gross misconduct - it acceptable user policy | <input type="checkbox"/> Vandalism/damage |
| <input type="checkbox"/> Behaviour/attitude/disruption | <input type="checkbox"/> Illegal substance - dealing | <input type="checkbox"/> Violent conduct - assault |
| <input type="checkbox"/> Breaking rules of contract/action plan | <input type="checkbox"/> Illegal substance - possession | <input type="checkbox"/> Violent conduct – fight |
| <input type="checkbox"/> Bullying or harassment | <input type="checkbox"/> Illegal substance – under the influence | <input type="checkbox"/> Covid-19 behaviour issue |
| <input type="checkbox"/> Dangerous behaviour | <input type="checkbox"/> Possession of an offensive weapon | <input type="checkbox"/> MC Click terms & conditions |

Action Required

Any further misconduct contrary to the rules of the College may result in suspension and subsequent Exclusion.

Signed Date
(Student)

Signed Date
(Personal Tutor)

Signed Date
(Assistant Principal/Director of Programme)

This agreement will expire on __ / __ / __
(12 months on from the date of signature above, as long as no further acts of misconduct have taken place)

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SD3

Appendix 4

Final Written Warning (Stage 3)

Faculty / Directorate Area

Student Name M no

Personal Tutor Course/Class code:

Course Title

Nature & Date of Incident

- | | | |
|---|---|--|
| <input type="checkbox"/> Academic progress | <input type="checkbox"/> Foul or aggressive language | <input type="checkbox"/> Sexual Misconduct |
| <input type="checkbox"/> Attendance/punctuality on course overall | <input type="checkbox"/> Gross misconduct - fraud | <input type="checkbox"/> Theft |
| <input type="checkbox"/> Attendance /punctuality at maths/Eng | <input type="checkbox"/> Gross misconduct - it acceptable user policy | <input type="checkbox"/> Vandalism/damage |
| <input type="checkbox"/> Behaviour/attitude/disruption | <input type="checkbox"/> Illegal substance - dealing | <input type="checkbox"/> Violent conduct - assault |
| <input type="checkbox"/> Breaking rules of contract/action plan | <input type="checkbox"/> Illegal substance - possession | <input type="checkbox"/> Violent conduct – fight |
| <input type="checkbox"/> Bullying or harassment | <input type="checkbox"/> Illegal substance – under the influence | <input type="checkbox"/> Covid-19 behaviour issue |
| <input type="checkbox"/> Dangerous behaviour | <input type="checkbox"/> Possession of an offensive weapon | <input type="checkbox"/> MC Click terms & conditions |

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Action Required

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Any further misconduct contrary to the rules of the College may result in suspension and subsequent exclusion.

Signed Date
(Student)

Signed Date
(Assistant Principal / Director of Programme)

This agreement will expire on __/__/__ (12 months on from the date of signature above) as long as no further acts of misconduct have taken place

Formal Procedures at the Disciplinary Hearing

The Vice Principal for Students will chair the Disciplinary Panel. If unavailable, a member of the College Management Team (CMT) (other than the Principal / Chief Executive) will chair the panel.

The Disciplinary Panel will consist of the Chair and a manager from the student's Faculty / Directorate e.g. Assistant Principal or Director or nominated deputy.

The Disciplinary Panel must have two members to hear the Disciplinary.

The student has the right to be accompanied by a parent / guardian / advocate or representative. One person only to accompany.

At the Disciplinary Panel

1. The Chair of the Disciplinary Panel will outline the formal procedures and ensure the learner understands fully what will happen during the hearing.
2. The Assistant Principal / Director of Programme (or representative) will present the evidence, calling witnesses where appropriate.
3. The student and parent / guardian / advocate or representative will then be given the opportunity to formally respond to the case where specifically requested to do so by the Chair of the Disciplinary Panel.
4. All Disciplinary Panel members will be given the opportunity to ask questions or seek clarification.
5. Witnesses may be called by either party to support evidence.
6. The student and his / her parent / guardian / advocate or representative will then be asked to leave the meeting while the case is considered.
7. A written record of the Disciplinary Hearing must be kept.
8. Following the meeting, the student will be notified of the decision in writing and the right of appeal within 5 working days by the Chair of the Disciplinary Panel.
9. If the student fails to attend the Disciplinary Hearing, the Disciplinary Panel can choose to continue and come to a decision in the student's absence. The student will be informed by letter of the decision made by the Chair of the Disciplinary Panel and given information about procedures for lodging an appeal.

At any point, the Disciplinary Panel may wish to suspend the Disciplinary Hearing and invite the student to attend the Disciplinary Hearing at a future date - this will be at a mutually convenient date, time and location and be agreed within five working days of the adjournment.

The Disciplinary Panel must be reconvened with its original members.

Decisions open to the Disciplinary Panel are as follows:

To exclude the student, the Disciplinary Panel may consider:

- The offence to be of such severity that the student is excluded from the College with no leave to return.
- The offence merits exclusion from the College at that time but with leave to reapply to the College after a particular period of time as determined by the Disciplinary Panel. In this case, the student would not be interviewed until the application is approved by Assistant Principal / Director of Programme.
- The exclusion would include terms that would enable the learner to continue their studies from home or in college, away from any other students involved in the incident, with support from his/her tutors.

To recommend the readmission of the student:

- With certain criteria attached to the re-admission. An example contract is shown in **Appendix 8**. Failure to adhere to conditions will result in a further SD4 panel.

There is a right of appeal at Stage 4 of the Student Disciplinary Procedure, as detailed in **Appendix 7**.

Appendix 7

Appeal

There is a right of appeal at Stage 4 of the Student Disciplinary Procedure.

A Stage 4 Appeal must be lodged in writing with the Executive Assistant / Head of Administration within five working days of the exclusion and a clear statement of the grounds for appeal must be included.

The date of the Appeal Hearing will be set by the Executive Assistant / Head of Administration within ten working days of the grounds for appeal being determined and approved. This will then allow all parties sufficient time to gather required evidence to support the Appeal Hearing.

The Principal / Chief Executive will hear the appeal.

Grounds for Appeal

- That there is new evidence available that was not available at the time of the original hearing.
- That there were procedural errors connected with the original Disciplinary Hearing.

The Executive Assistant / Head of Administration will decide if either of these grounds are applicable within five working days of the appeal being lodged.

The student has the right to bring along a parent / guardian / advocate or representative to ensure that the proceedings are fair.

The Appeals Committee will consist of the Principal / Chief Executive and two members of the College Management Team not previously involved. The Principal / Chief Executive will chair the Appeal Hearing.

The student and his / her parent / guardian / advocate or representative will present their case for appeal.

The case for the College will then be presented by the Vice Principal Students, with all parties in the room, if appropriate.

Witnesses can only be called if this relates to new evidence detailed in the Stage 4 Appeal Letter. Their names and written witness statements must be given to the Appeal Committee and circulated to all parties prior to the Appeal Hearing and at least five working days prior to the Appeal Hearing.

The Appeal Committee will review the case and the action recommended by the original Disciplinary Hearing.

The Appeal Committee's decision will be final.

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The learner will be informed within 5 working days of the meeting by the Principal / Chief Executive. The Appeal Committee has the power to alter or overthrow the original decision or uphold it in its entirety.

Appendix 8 Disciplinary Contract

Due to your recent actions and the result from the Disciplinary Hearing, it has been agreed to allow you to continue your studies under the following conditions:

- 100% attendance, or documented evidence for non-attendance.
- Punctual at all sessions or meetings arranged for your training or support.
- No reported incidents of disruption where you are involved.
- All agreed targets met within a reasonable defined time limit.
- You arrange to meet with a Careers Advisor, to look at options available.
- Look at the option of referring yourself to the College Counselling Service.
- Look at the option of attending 'The Hub' or 'The Bridge' for support.
- Meet with your Personal Tutor on a weekly basis forweeks.
- Make an appointment to meet with the link Safeguarding and Welfare Officer.
- Faculty / Directorate specific conditions:
 -
 -
 -

Failure to abide to these conditions could lead to permanent exclusion from Middlesbrough College

Name of Student

Signed (Student)

Signed (Assistant Principal/Director of Programme)

Date

Appendix 9

Exclusion from Middlesbrough College and Surrounding Areas

To	
Date	
Incident	

Due to gross misconduct within a learning environment (in agreement with the Disciplinary Panel) or reason to believe that you may cause a threat to staff or students at Middlesbrough College, it has deemed fit by the Principal / Chief Executive, to exclude you from your programme and / or issue you with an exclusion order.

The exclusion will take effect from	
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This exclusion will last until	
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If after this date you wish to re-apply to Middlesbrough College, you will be required to attend an interview with an Assistant Principal / Director of Programme and a member of the Safeguarding Team.

During this time, you will **not be permitted to enter any Middlesbrough College Building** and you are **not allowed to loiter around the perimeter of any of these buildings**. (Attached)

'Failure to comply with this notice may result in criminal action being taken against you or civil action by way of an injunction. If you fail to adhere to this warning and a court application is then made this will be used as evidence against you and the College will seek to recover costs of legal action from you directly'.

A copy of this letter will be kept on file and the Safeguarding Team will exercise their right to share this with the local Police, if necessary.



Principal / Chief Executive

Student Disciplinary Policy and Procedures

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Issue number 2
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Appendix 10

Student:

Personal Tutor:

Supported Entry Contract

I understand that I have been granted **Supported Entry** to course and that I will have a programme of additional support to help me to be successful. I **agree** to the Student Contract and I understand that the additional support is a condition of **Supported Entry**. I agree to:

- **Meet with the Assistant Principal / Director of Programme** (and parent or carer wherever possible) to discuss my rights and responsibilities of **Supported Entry** before I enrol.
- Attend at least **three reviews** of progress as follows:
 - A meeting with the Safeguarding and Welfare Officer.
 - A further meeting with the Assistant Principal / Director of Programme and Personal Tutor (within the first few weeks).
 - A final meeting with the Assistant Principal / Director of Programme (before the 6th week of the course).
 - Monthly monitoring meetings with Assistant Principal / Director of Programme & Personal Tutor.
- To my **attendance and punctuality** being **monitored** on a weekly basis and for information about my attendance being passed to my Tutor and parent / guardian.
- To my classroom (Learning Environment) behaviour **being** monitored on a daily basis and recorded on ProMonitor
- Attend one **Careers appointment** to help me plan for my future **before week 6** of my course.
- If required, attend **Learning Support** sessions (to be agreed with interviewer/Personal Tutor).
- Agree to my **parent / guardian** being informed of my progress (where appropriate) after each review or monitoring meeting.

I understand that failure to adhere to this contract may result in disciplinary action, up to, and including possible withdrawal from College.

Student's Signature Print Name

Signature of Parent/Guardian (if under 18)

Signed Date

(Assistant Principal / Director of Programme / Personal Tutor)