

STUDENT DISCIPLINARY POLICY

POLICY STATEMENT:

The purpose of this policy is to support a culture that contributes to students enjoying college and achieving in their studies. The policy provides a consistent approach to matters of discipline and behaviour as well as clear guidelines for staff and students when dealing with student disciplinary matters.

The term EKC Group, includes all activities and venues where programmes are delivered under the auspices of the Corporation, known as EKC Group.

EKC Group (the Group) provides an inclusive learning environment. Its learning environment is based on the ideals of mutual respect and co-operation. This provides the basis for the required standards of behaviour; the orderly conduct of both students and employees who have a positive approach to the College community in which they work and study to the best of their abilities

The student disciplinary policy aims to:

- Establish the boundaries of acceptable behaviour
- Clarify reporting procedures for employees
- Clarify instances of gross misconduct
- Provide a consistent and fair approach when dealing with student disciplinary matters
- Enable students to complete their course successfully
- Protect and safeguard staff, students and stakeholders
- Provide early intervention strategies and identify support for students who are at risk of jeopardising their own and others' success
- Identify and offer appropriate support for students via an agreed action plan on Pro-monitor
- Safeguard the property of others
- Enable the Group to exclude students whose behaviour is consistently unacceptable and/or which is negatively affecting the ability of other students to learn
- Identify issues that lead to a disciplinary situation, to record, review and monitor cases and ensure lessons are learned and improvements are made.
- Protect the reputation of the College

APPLICATION OF THE POLICY:

The policy applies in cases where a student is failing to meet the required standards. However, the policy should be interpreted paying due regard to any special circumstances (see below), which may be relevant.

It applies to:

- all students whether full-time or part-time
- all students whether attending a site or learning online

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- all apprentices while attending a college
- students at all times during the academic year
- students' behaviour and conduct outside the Group's premises while taking part in college activities.
- students under the age of 16 (not Junior College students, please refer to the separate Junior College Disciplinary Policy).

The Policy will be used:

- Where there are breaches in the Group's policies and codes
- Whenever and wherever the students' behaviour could bring the Group into disrepute. (i.e. on the Group's premises, study visits, residential courses, work placements and when travelling to and from any of the aforesaid)
- Where it appears that a student may have behaved inappropriately, to ensure that the matter is properly investigated, and that action is taken to ensure that a safe environment is maintained.

Staff Guidelines:

All staff are required to address unacceptable behaviour whenever it is taking place.

- During teaching sessions, the lecturer/supervisor/Trainer/LSP will have immediate authority for student discipline.
- All staff have immediate authority to take the appropriate course of action to maintain discipline in the common areas.
- All breaches of Student Agreed Standards of Behaviour, as outlined in the Student Code of Conduct (Appendix 1.), must be reported by the member of staff as soon as reasonably possible to the student's Mentor, lecturer or for Apprentices the Trainer so that they can take the appropriate action.
- Students are required to keep on their person evidence that they are an enrolled student and ensure it is visible, at all times whilst on the Group's premises (or whilst engaged in any activity associated with their programme whether on or off the Group's premises). If the member of staff does not know the student, they should identify themselves to the student and then request to see the student's ID or ask the student to identify themselves. The member of staff should note the students' name, course programme, and the name of their Mentor, lecturer or Trainer (Apprentices).
- The student should be reminded that refusal to supply this information will be considered to be a serious breach under this Policy. Where there is no evidence of the 'student' being enrolled on a programme for the current academic year, the member of staff should ask the person to leave the Group's premises.
- Parents/carers of students under the age of 18 at the start of their course will be informed of disciplinary matters. Once a student becomes 18, they can request that their parent/carer is not informed.

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Special Circumstances:

Due regard must be paid to the following student's circumstances/status:

1. The student in difficulty

It should be remembered that inappropriate behaviour or conduct may occur as a result of the student experiencing personal difficulties, which the student may or may not have disclosed. Any student who behaves inappropriately should be treated with respect at all times; a supportive environment which encourages students to disclose information about difficulties that they may be having should be provided so that appropriate action can be taken.

Examples of difficulties include, but not limited to:

- Homelessness
- Being in care or leaving care
- Alcohol abuse,
- Drug abuse
- Self-harm
- Mental health difficulties
- Learning difficulties
- Pregnancy
- Caring responsibilities
- Health issues
- Domestic violence and abuse
- Personal relationship difficulties
- Financial hardship
- Exploitation
- Bullying and/or harassment
- An undisclosed or undiagnosed learning difficulty or disability e.g. dyslexia, dyscalculia, ADHD etc.

Early warning signs for students who may be experiencing difficulties are:

- Being persistently late for lessons
- Poor attendance
- Failure to complete coursework/assignments
- Failure to engage in lessons, appearing withdrawn or being disruptive
- Appearing to be under the influence of drugs/alcohol
- Suspected or actual evidence of physical, mental or emotional abuse
- Further details of warning signs can be found in [KCSIE](#)

2.0 Pre -16 students (not Junior College students)

If a 14-16 student involved in an incident is from a partner school on a school links programme, where the guidelines below refer to Heads, this should be interpreted as the

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Head of Department who will liaise with the school or academy and their disciplinary procedure will be implemented.

Junior College students are covered by the Junior College 14-16 Direct Entry Disciplinary Policy.

3.0 Vulnerable Students

If a student is considered vulnerable i.e. on the Vulnerable Student Risk Register, the Safeguarding team must be notified, if any action is taken under this Policy. Examples of students in this group include but not limited to:

- Care leavers
- Those in the youth offending system
- Teenage mums and dads
- Carers
- Looked - after children
- Unaccompanied Asylum Seeker
- Drug/Alcohol dependent
- Ex-Offender
- Homeless
- Parent in Prison

In line with Kent County Council Policy, the Group will only use exclusion as a last resort and always within the legal guidelines, in an aim to reduce the rate of excluded looked-after children in Kent.

4.0 Students with Education, Health and Care Plans (EHCPs)

Where students with EHCPs have the disciplinary procedure invoked, the Group will take every measure to ensure that reasonable adjustments are made to support and retain the student on their programme of study. The curriculum team must alert the Head of Inclusive Learning or Head of Supported Internships when a student with an EHCP is subject to the disciplinary procedure, at all levels, so that the student's progress can be monitored.

Where all reasonable adjustment measures have been exhausted or in cases where a student's behaviour is escalating to a point which warrants a decision to exclude, the Head of Inclusive Learning or Head of Supported Internships will work with the appropriate local authority to ensure that procedures to facilitate a change of placement are followed. Where a decision to exclude a student with an EHCP, the curriculum team or Head of Supported Internships must ensure that arrangements are in place to support the student until the change of placement is finalised and the student is officially 'off roll'. For further information, please refer to the Procedure for Placing and Supporting Students with EHCPs. (The procedure for Managing a student with an EHCP section 3 should be considered).

4.1 Students displaying Special Educational Needs and Disability (SEND) (Diagnosed and undiagnosed):

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Where students displaying SEND (Diagnosed and undiagnosed) have the disciplinary procedure invoked, the Group will ensure that reasonable adjustments are made to support and retain the student on their programme of study. The curriculum team should alert the SEND Officer (Or Head of Inclusive Learning) when a student displaying SEND (Diagnosed and undiagnosed) is subject to the disciplinary procedure, at all levels, so that the student's progress can be monitored.

1.0 DISCIPLINARY PROCEDURE

Recorded Verbal Warnings:

All staff are expected to address student behaviour and conduct which does not conform to our expectations and agreed standards of behaviour. Teaching and support staff can inform the Mentor/Trainer/ Job Coach of any disciplinary issues via the student's electronic record on ProMonitor. The reader is referred to the detailed disciplinary procedure in the appendices of this document for further details.

Before reaching the Formal Disciplinary stage, it would normally be expected that the Mentor/Trainer/ Job Coach would have attempted to resolve the behaviour or conduct issues. Such instances will be recorded as verbal warnings on the respective student's learner comments on the electronic record. Unacceptable standards of conduct and behaviour for which a recorded verbal warning could be issued include but not limited to:

- Disruptive behaviour, (behaviours that are not known as part of an EHCP or student profile)– which could be: talking when a member of staff is talking or when a fellow student is speaking in class, distracting others, flicking paper, inappropriate use of mobile phones in class etc.
- Unduly noisy or unruly behaviour, (behaviours that are not known as part of an EHCP or student profile) – which could be: shouting across the class or workshop, speaking unnecessarily loudly, constant banter and interrupting staff and others in their work
- Smoking or vaping in non-smoking/vaping areas
- Failure to comply with a reasonable instruction from a member of staff
- Behaviour which could lead to damage to the Group's property
- Behaviour which could lead to breaches of health and safety rules
- Repeated poor attendance and punctuality
- The missing of course work deadlines
- Refusal to display ID badge

Subject to Action Plan: The outcomes of a verbal warning will be to agree an action plan of positive ways forwards with the student which will be captured using the Agreed action plan template (refer to procedure.) and stored on the electronic student record. Performance against the actions will be monitored for improvement by all curriculum and support staff working with the student for an identified period of time that will be agreed with all parties.

Lecturers, Mentors and Trainers should use their professional discretion and judgement in deciding the number of occasions in which a student's behaviour should be addressed

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through recorded verbal warnings; this may be dependent on the age and vulnerability of the student. If a student addresses their behaviour by the agreed target dates, then the student is acknowledged for the effort made.

If there has been no improvement and when all strategies have been exhausted a meeting of relevant staff lead by the Head/Programme Director/Trainer/Job Coaches with the Mentor (if applicable) will be called to agree the next step for the student, this could result in:

Stage 1 of the Formal Disciplinary process being instigated.

A student may be moved straight to Stage 1 of the Formal Disciplinary procedure, without having followed the recorded verbal warning route, if they break any of the Group's expectations or breaches listed in the Formal Disciplinary Procedure.

2.0 FORMAL DISCIPLINARY PROCEDURE

No disciplinary action will be taken against a student until the circumstances of the unacceptable behaviour giving rise to disciplinary action have been fully investigated. All stages of the disciplinary procedure will be recorded on the electronic student record.

The disciplinary procedure consists of three stages:

Stage 1 – Formal Written Warning –breach

Stage 2 – Final Written Warning - Serious breach

**Stage 3 – Formal Stage 3 -Possible Exclusion Hearing – Gross misconduct
'Decision to Exclude' meeting (refer to page 9 for full details)**

Process:

- At every stage in the procedure the student will be advised of the nature of the complaint against them and will be given the opportunity to state his/her case before any decision is made.
- Every student will be allowed the right to the exchange of documents outlining the case. The student can be accompanied at any formal stage of the procedure by a parent/guardian, friend or member of the Students' Union.
- Notification of financial benefactors: Any individual, employer or other agency known to be financially supporting or sponsoring the students' studies will be notified apart from in exceptional circumstances in writing of any formal disciplinary action taken against that student under the Disciplinary Policy and of the outcome of any subsequent appeal made.

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Breaches of Student Agreed Standards of Behaviour:

These may be a breach, serious or gross. Examples of each type of breach are given below for guidance. This list is not exhaustive, and professional judgements will need to be made about the severity of each breach. A breach or serious breach may be sufficiently serious, that it could result in the instigation of a suspension. However, the Business Unit Senior Leadership representative may decide to suspend a student whilst the circumstances of the incident concerned are being investigated. Suspension does not imply the student has done something wrong; it is to allow for an impartial investigation to be carried out.

In exceptional circumstances where immediate action needs to be taken a Head of Department/ can instigate a 'cooling off' period, where the student is asked to leave the campus and go home to 'cool off' and reflect on their behaviour. This period would be for a maximum time of 24hrs. After this time, the Business Unit Senior Leadership representative will decide if suspension should be instigated. If the 'cooling off period' is used and the student is under 18 then parents/carers must be informed that the student is being sent home, and the Trainer must ensure that the employer of an Apprentice is notified. Due consideration should also be made to any identified strategies for EHCP/SEND student support for independent travel. Access to remote learning resources (not on-line) should also be provided during the period of suspension to ensure learning continues.

The Group reserves the right where it believes that there is evidence that a criminal offence has been committed, to refer the matter to the police. In the event of serious criminal charges being laid, the disciplinary interview may be deferred pending the outcome.

The procedure will normally be followed from Stage 1, with subsequent stages being invoked for repeated instances of unacceptable behaviour.

However, where a serious breach of the 'Agreed Standards of Behaviour' occurs the procedure may be instigated at the stage deemed appropriate in relation to the incident concerned.

Breach

Examples of offences that would be construed as misconduct and which may invoke stage 1 of the disciplinary procedure are as follows:

- When a student has not made the improvements required under the recorded verbal warning stage
- Persistent failure to comply with the Group's rules and regulations and Student Code of Conduct e.g. smoking/vaping outside of designated areas, not wearing ID, anti-social parking on neighbouring roads
- Minor damage to the Group's property
- Behaviour and actions that cause offence to others e.g. abusive language, gestures or actions

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- Repeated poor attendance and persistence lateness (where all other strategies for addressing this have been exhausted)

Serious Breach

Some of the instances below may be sufficiently serious to take the student to gross misconduct including but not limited to:

- Being under the influence of alcohol or drugs whilst on the Group's premises or whilst taking part in an offsite activity as part of their college programme.
- Possession of drug paraphernalia
- The consumption of illegal substances off site and then attending site under the influence.
- Fighting or assault
- Persistent bad behaviour that may adversely affect the reputation of the Group or is offensive to others.
- Misuse of the Group's computers and/or networks
- Threatening behaviour

Gross Misconduct

A breach which is so serious that a member of the Senior Leadership Team considers immediate suspension is justified, is classified as gross misconduct which could lead to exclusion. This would invoke Stage 3 of the disciplinary procedure. Examples of behaviours which are likely to lead to suspension or exclusion are:

- Possession of illegal drugs
- Serious breaches of health and safety which put self and others at serious risk of injury or harm
- Harassment or bullying of any kind e.g. on the basis of sex, disability, age, religion/belief, sexual orientation, personal appearance or circumstances, etc.
- Cyber bullying - instances of harassment or bullying that may occur outside of the Group's premises on social networking sites.
- Theft
- Violence towards people or property
- Supply or use of illegal drugs and/or unauthorised supply/use of prescription drugs
- Bringing alcohol onto the Group's premises and/or supplying it to other students
- Possession of offensive weapons
- Possession of illegal substances
- Threatening behaviour, e.g. intimidation, blackmail
- Fighting or assault
- Soliciting for sexual services
- Cheating in examinations or assessments, plagiarism including misuse of AI
- Persistent bad behaviour that may adversely affect the reputation of the College
- Possessing pornographic, homophobic or racist materials on the Group's premises and using the Group's resources to distribute or access the same
- Upskirting
- Serious anti-social behaviour e.g. acts of indecency
- Deliberate damage to the Group's property
- Any other criminal activities affecting the Group, staff, students or customers.
- Hacking or breach of student use of IT policy.

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Pre-Meeting: Business Unit internal team:

Prior to a Formal Stage 3 Hearing taking place the Business Unit SLT member chairing the hearing must familiarise themselves with the students ILP, the investigation evidence and any safeguarding case information, which should include consulting with the relevant Head of Department, Progression Mentor and Inclusive Education team representative in advance of the hearing. The chair must also ensure that a SEND/EHCP student has the required strategies in place for the meeting (e.g. visual prompts).

Decision to Exclude meeting:

Following the completion of a formal stage 3 disciplinary meeting, and where the chair has made the decision to permanently exclude a student, a 'decision to exclude' meeting must be held. Membership will be:

- The host college chair SLT representative
- An independent Business Unit SLT representative
- For a student with an EHCP or Safeguarding case overview the Director of Student Experience and Safeguarding or Directors of SEND must also be consulted.

During this meeting the chair will discuss the context and supporting evidence that formed the Formal Stage 3 Disciplinary Hearing and provide justification for their decision to exclude. The independent SLT member will complete the meeting form and confirm their agreement or disagreement of the chair's decision. Should their discussions not result in an agreed decision, further discussions will take place including the Director of Education Improvement or the Director of Student Experience and Safeguarding.

Exclusion:

In the event of gross misconduct, Stage 3 of the disciplinary procedure may be instigated. The result of a stage 3 meeting may be exclusion. Exclusion occurs in extreme instances of unacceptable behaviour or repetition of unacceptable behaviour following a Final Written Warning.

Before a decision to exclude is taken, full consideration should be given as to whether a managed move to another College would be a suitable alternative.

Definition of Exclusion: Following a stage 3 disciplinary meeting and the outcome being the decision to Exclude, the student will have their enrolment at college withdrawn and will not be able to attend college for the period of the exclusion.

Definition of Suspension: Following a decision to suspend a student for a fixed period of time or until the outcome of a disciplinary meeting the student will remain on roll at the college but will not attend college for the period of the suspension.

The Director of Education Improvement and Director of Student Experience and Safeguarding will complete termly monitoring of the implementation of the procedure.

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Appeal:

A student may request a review of the disciplinary action within 14 calendar days of the disciplinary meeting at any formal stage of the procedure. This should be submitted in writing to the Deputy Chief Executive Officer. The appeal will be heard, as soon as practical, by the identified member of staff within the published procedure.

Appeal against Exclusion:

A student may request a review of the disciplinary action within 14 calendar days of the disciplinary meeting. The appeal will be heard, as soon as practical, by a member of the Group Executive Team. This decision will be final and binding.

Documentation:

Standard letters recording the incident are held by the student's department and uploaded to the student's online record. Copies of these records must be given to the student and their parent/guardian/employer, (if under 18) and one must be kept in the individual Student file.

Formal written warnings at Stage 2 or above will remain on the student's file for the duration of their time at the College or for a maximum period of 2 years. After 2 years these warnings will be treated as 'spent' and will not be included in any reference provided by the Group (subject to the legal responsibilities of the Group).

Associated policies and procedures

- Student Disciplinary Procedure including: 'decision to exclude' meeting form and the relevant procedure guidance documents and Student agreed actions template
- Procedure for Placing and Supporting Students with EHCPs
- Equality and Diversity Policy
- Data Protection Policy
- Safeguarding and Preventing Radicalisation and Extremism Policy
- IT Acceptable Use Policy

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Appendices:

1. Student Code of Conduct

Student Code of Conduct:

The College is a community of many people; each of whom has a right to study and socialise in a safe, non-threatening environment. We believe that everyone who works or studies here at one of the family of colleges within the EKC Group will share in our core values. We also have a shared responsibility to protect the rights for all, whatever their background, appearance, lifestyle, culture, status or belief.

This code forms part of your learning agreement with the College. It sets out the standards of behaviour expected by all students at the College.

The Code of Conduct equally applies to any study visits and work placements.

The Code and its meaning will be explained to all students at induction or their first session and will be reinforced by Progression Mentors and subject teachers.

Failure to maintain the standards and behaviour set out in this code may lead to action under the Student Disciplinary Procedure which will set formal targets for improvement in conduct.

Expectations of Students:

While attending College, it is expected that you will:

- Wear your ID badge at all times while at college either on a lanyard or a clip and show it if asked by any member of staff;
- Play an active part in the EKC Group's values and all equality and diversity opportunities by refusing to take part in behaviour that degrades others and by challenging and reporting bullying and discriminatory behaviour;
- Respect the rights of others and report inappropriate and unsafe behaviour;
- Behave in a respectful, professional and mature manner;
- Take opportunities offered to contribute to the learner voice process and the democratic process of change;
- Take pride in the College by keeping all areas clean, tidy and free from litter. Recycle where possible;
- Have full attendance;
- Be punctual for all classes bringing essential equipment with you i.e. pens and paper, and wearing the appropriate uniform/PPE, as required for your course;
- Make sure you contact the appropriate staff member at least 30 mins before the start of your day if you are absent;

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- Make learning successful for everyone by behaving in a way that promotes a cooperative, positive and productive learning environment;
- Submit work on time;
- Participate in all learning activities;
- Seek help when you need it and take up the support offered;
- Pay fees promptly;
- Turn your mobile phone off in class unless otherwise directed to do so;
- Not eat or drink (except bottled water) in any classrooms or in the Library;
- Demonstrate a positive attitude towards learning and work at all times.

Unacceptable Behaviour:

Examples of unacceptable behaviour which break this Code of Conduct include (this list is not exhaustive):

All these expectations apply to all lessons, whether online or in college:

- Poor timekeeping, lateness to class, or planned activities;
- Failure to bring essential equipment with you i.e. pens and paper, and wearing the appropriate uniform/PPE, as required for your course at all times;
- Persistent talking and interruptions in class;
- Failure to complete and submit work to deadline on a regular basis;
- Failure to follow reasonable instructions of staff in class or around College;
- Persistent bad or offensive language;
- Inappropriate use of the IT, computers or any other technological device;
- Persistent use of a mobile phone in class when requested not to use it;
- Persistent littering;
- Refusal to show ID card when requested by any member of staff;
- Eating and/or drinking in classrooms or the library (other than bottled water);
- Smoking, including vaping and e-cigarettes, anywhere other than in the designated areas.

Gross Misconduct:

This is behaviour so serious that it may constitute a threat to the safety of other people, be illegal or dishonest.

Examples include (this list is not exhaustive):

- Bringing the college into disrepute whether carried out on College premises or not;
- Any criminal or illegal activity whether carried out on college premises or not;
- Acts of violence;
- Any form of physical, emotional or verbal threat including abusive, offensive, aggressive language or behaviour to anyone;
- Possession of offensive weapons;
- Possessing, accessing extremist materials, or using extremist language or expressing extremist views;
- Any form of bullying, harassment or discrimination;

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- Actions that break the college Health and Safety Policy;
- Suspected of being under the influence of drugs, alcohol or substance misuse,
- Possession of illegal substances
- Any unacceptable disruption to the learning of others;
- Plagiarism or corruption;
- Inappropriate use of IT including (cyber bullying);
- The unacceptable use of mobile devices to record images / voice of anyone without their knowledge or permission;
- Wilful damage to property.

In certain circumstances, a student may be sent home at the discretion of the Head of Department. This is not a formal suspension but a short-term step to provide breathing space and allow consideration of whether further action is appropriate or not. The Senior Leadership Team may also formally suspend a student for a fixed period of time if their presence in College presents a risk to someone's safety or if they believe the student's continued attendance may influence, subvert or disrupt any investigation that may be required.