

cadbury sixth
form college

SERVING THE CITY OF BIRMINGHAM

**STUDENT DEVELOPMENT and
BEHAVIOUR PROCEDURE**

2022/2023

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STUDENT DEVELOPMENT and BEHAVIOUR PROCEDURE

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1. SCOPE AND PURPOSE

- This code applies to all students of the College, whether full-time or part-time, whether or not their course is validated by or associated with any other institution.
- This process sets out the conduct to which students are expected to adhere to. It also sets out the procedure, which should be followed if the 3 R's Respectful, Responsible and Ready are breached.
- Repeated breaches or a single very serious breach may result in a student being suspended or excluded from the College.

2. STUDENT PROMISES

Student responsibilities

As a student at Cadbury College we aim to give you all the support and guidance you need to achieve success. This guide is to show you what we expect from students at the College so that we can help you to achieve in a supportive and non-threatening environment. College rules could be considered the 3Rs:

Act with **R**espect
Accept **R**esponsibility
Be **R**eady to learn

Act with respect

- respect all students, staff and visitors
- respect all college buildings and all equipment within it
- respect the effort made to support you in your learning

Accept responsibility

- you are the most influential person in deciding if you will succeed; this your responsibility
- you are responsible for turning up on time, doing what you agreed to do, working hard to be successful and having the right equipment with you to learn
- you are also responsible for your actions when things go wrong, accept the responsibility and put things right

Be ready to learn

- be in the right room, at the right time, with all necessary equipment
- have the right attitude and the determination that makes you ready to learn
- adhere to classroom expectations

All students should comply with the 3 R's, Respectful, Responsible and Ready.

Students who do not follow the above guidelines will be supported by teaching and support staff to work through any problems. Where a student continues to disregard the 3R's, they will be referred to a Curriculum Lead, when a warning may be given in line with procedures set out in the policy.

3. PRE – DISCIPLINARY PROCEDURE

In order for there to be a high standard of student behaviour in lessons and around the college, **ALL** staff should take responsibility for maintaining good student behaviour within the classroom and around the college.

Outside classroom – the member of staff will take student's name and person code, write a brief description of the incident and pass the information onto a member of College Leadership Team. They will decide on the category of disciplinary and follow the disciplinary procedures accordingly.

In classroom – Intervention of the classroom teacher will take place (**see Pre-Disciplinary Procedure flow chart appendix 1**)

4. MISCONDUCT

Following intervention by the classroom teacher, there may be situations where a student could be subject to disciplinary procedures being taken. This could be a result of the students persistently breaking the college rules or after a single misconduct.

MISCONDUCT – 1

The following are **examples** of misconduct, which may result in disciplinary action being taken against students:

- continues to break the 3R's, Respectful, Responsible and Ready
- any failure to follow the reasonable instructions of a member of staff or security staff
- persistent failure to clearly display identification badges around your neck
- persistent wearing of hat/cap/hood in College (unless exempt)
- any misbehaviour in any area of the College
- any incident of swearing or confrontational behaviour against a member of staff or another student
- any smoking in college buildings or in any part of the College
- any cheating, plagiarism or copying of the work of other students (please refer to Academic Plagiarism policy)
- any unduly noisy or any unruly behaviour or the use of foul or inappropriate language
- disrupting any class or any other College activity
- any unauthorised access, use of, or interference with software or data belonging to or used by the College in line with computer usage and Acceptable use of ILT policies

- any behaviour which could bring the College into disrepute (e.g. misbehaviour in public areas or on public transport)
- any illegal act which may have an adverse effect on the work of the College or on other students
- any act which is in direct contravention of the College's policies or procedures on equality & diversity, disability, ethnicity, gender, sexual orientation, age, religious belief or gender reassignment
- any incident which impinges on personal space and privacy i.e. misuse of cameras, videos, mobile phone cameras or videos etc., where consent has not been obtained
- Inappropriate use of Information Technology, including cyber bullying (refer to the acceptable use of ILT policy)
- Non-return of College library books following 2 reminders

Note this list is not exhaustive

Misconduct – Category 1

Stage 1: Misconduct category 1 may be dealt with through an interview with the relevant Personal Tutor or Curriculum Lead. Where the misconduct is admitted or proved to the satisfaction of the relevant Personal Tutor or Curriculum Lead, the outcome of the interview will be a **Verbal Warning**. An action plan will be completed by the Personal Tutor or Curriculum Lead and the student will be supported until deemed to be over any problems. Where the student is under the age of 18 a letter will be sent to parents/carers informing them. The Personal Tutor or Curriculum Lead will update ProMonitor and inform the Student Support Manager who will update the Disciplinary Database.

Stage 2: Persistent cases of misconduct may be dealt with through an interview with Curriculum Lead, the Student Services Manager or Member of College Leadership Team. The student's parents/carers will be invited to the interview. Where the misconduct is admitted or proved to the satisfaction of the Curriculum Lead, Student Support Manager or Member of College Leadership Team, the outcome of the interview will be a **First Written Warning**. An action plan will be completed by the Curriculum Lead, the Student Support Manager or Member of College Leadership Team and the student will be supported until deemed to be over any problems. Where the student is under the age of 18 a copy of the written warning will be sent to the parents/carers. The Curriculum Lead, the Student Support Manager or Member of College Leadership Team will update ProMonitor. The Student Support Manager will update the Disciplinary Database.

MISCONDUCT – Category 2

The following are further **examples** of misconduct, which may result in disciplinary action being taken against students:

- deliberately or by gross negligence causing damage to any College buildings, equipment, IT equipment, books or furnishings or any property of others
- any theft of property with or without the use of violence (actual or inferred) or any other dishonest acts*
- being under the influence of alcohol or drugs on College premises or on any external activity (i.e. field trips, visits, residential etc)
- possession, use or supply of any illegal drugs**
- any bullying, intimidation, taunting, verbal abuse, defamation of character or the use of any violence or threat of violence towards any person

- any behaviour which is racially or sexually offensive or which is offensive to those with learning and/or physical disabilities
- peer on peer sexual harassment
- any contravention of regulations regarding the receipt of Learner Support Funds or any other grant monies
- accessing pornography or other offensive websites on College computers
- possession of an offensive weapon
- an incident of physical and/or verbal aggression

Note this list is not exhaustive

* Any student who is issued with a banning order from a shop/business for shop lifting will meet with the Student Support Manager and will be issued with a written warning. If the student is under 18 a copy of the written warning will be sent to parents/carers. The Student Support Manager will update promonitor and the disciplinary database. Any further similar offences will result in further escalation.

**Any student found with drugs or drug paraphernalia during a random security search will be issued with a written warning. Security will inform Safeguarding and the Student Support Manager who will issue the written warning. If the student is under 18 a copy of the written warning will be sent to parents/carers. The Student Support Manager will update promonitor and the disciplinary database. Any further similar offences will result in escalation. If the student is suspected as supplying drugs they may go straight to category 3.

Misconduct – Category 2

Where misconduct occurs from category 2 or there have been previous warnings with no improvement, an interview with the Student Support Manager or member of College Leadership Team will take place. Where the misconduct is admitted or proved to the satisfaction of the Student Support Manager or member of the College Leadership Team, the outcome of the interview will be a **Final Written Warning**. An action plan will be completed by the Student Support Manager or a member of the College Leadership Team and the student will be supported until deemed to be over any problems. Where the student is under the age of 18 a copy of this warning letter will be sent to parents/carers.

The Student Support Manager or member of College Leadership Team will update ProMonitor with the outcome of the interview. The Student Support Manager will update the Disciplinary Database.

If after the interview the misconduct is deemed to be of a 'serious nature the student may be suspended by the Student Support Manager or member of College Leadership Team while an investigation will take place. The Student Support Manager or member of College Leadership Team must complete a suspension report form and inform the Campus Principal and Head of College of the suspension.

After the investigation, the Student Support Manager or member of College Leadership Team can issue a **Final Written Warning** or recommend a "Panel Hearing" and the student will be suspended until the hearing. The Student Support Manager will record the outcome on Pro Monitor and update the Disciplinary Database.

MISCONDUCT – Category 3

The following are examples of misconduct, which may result in immediate disciplinary action being taken against students:

- Assaults on learners or members of the college staff inside or outside of the college

- Recording of incidents within the college or outside for release on social media
- Persistent failure to follow the values of the 3R's following previous interventions and warnings

Misconduct - Category 3

Where misconduct occurs from category 3 or there is clear evidence of danger to safety, the college has the right to exclude learners permanently. The decision to take this action will always follow a panel meeting which will include Designated Safe Guarding Officer, Student Support Manager and at least one member of the College Leadership Team. This information will be communicated to the student and the parents/carers (if under the age of 18) in writing, by the Head of College or Campus Principal.

Learners excluded this way will not have the right to appeal. This action is only taken in extreme cases when other routes allow an unacceptable risk to remain while the processes are being followed.

The Student Support Manager will up-date ProMonitor and update the Disciplinary Database.

NB: Learners may be removed from the role under safeguarding protocols. Please refer to the Safe Guarding policy.

5. PANEL HEARING

Where the misconduct is of a very serious nature or after a previous final written warning, the student will be suspended from College, pending an investigation. After the investigation the Student Support Manager can issue a final written warning or recommend a "Panel Hearing" and the student will be suspended until the hearing. The interview panel will consist of a Chairperson (College Manager) and an independent member of staff. An Investigating Officer may also be present. The student and their parents/carers will be given 3 days' notice in writing stating: -

- a) Nature of the misconduct allegations.
- b) Confirmation of the time and place of interview.
- c) The student will be entitled to be accompanied by a friend, student representative (cannot be a suspended student) or relative (but not a legal representative).
- d) After hearing the student's case, the third stage panel will reach a decision.
 - d) The possible outcomes from a disciplinary hearing are:
 - the allegation(s) is/are not proved to the satisfaction of the panel
 - the allegation(s) is/are proved to the satisfaction of the panel a written warning is issued
 - the allegation(s) is/are proved to the satisfaction of the panel a final written warning is issued
 - the allegation(s) is/are proved to the satisfaction of the panel and a recommendation is made to the Campus Principal that the student is excluded from the College for either a fixed period of time or until such time as the Principal gives written permission for the student to return to the College and/or re-enrol.
- e) The Panel, in reaching its decision, will determine the period of time during which the outcome is to be effective. For example, the Panel may determine that a written warning will be effective for a period of six months from the date of the disciplinary hearing.

- f) The Panel also has the discretion to attach conditions to its decision e.g. restrictions on access to the College provided that this does not interfere with the student's programme of study, or, a requirement that the student signs in and out of the College each day, or, the student must meet requirements for attendance or timescales for submission of academic work. The relevant member of Head of Curriculum will monitor the student's compliance / behaviour with the conditions imposed. Again, the Panel will determine the period of time during which the conditions are to be effective. Failure to comply with these conditions may result in further disciplinary measures being taken or the time-scales involved being extended.
- g) The student or his/her representative should be allowed an opportunity where a case is proved, to make a plea of mitigation.
- h) The Student Support Manager will update ProMonitor and the Disciplinary Database.

6. NOTIFICATION OF PANEL HEARING OUTCOME

- a) Normally within 3 days of the Panel, the student and their parents/carers (if the student is under 18) will receive written confirmation of the outcome of the Panel Hearing.
- b) If the recommendation from the Panel was for exclusion, a letter will be received from the Campus Principal either upholding the Panel decision or confirming a different outcome.
- c) The Student Support Manager will be given the outcome of the hearing, along with all associated paperwork for storage. The Student Support Manager will inform the appropriate Head of Curriculum, Personal Tutor and the Programme Achievement Manager of the outcome.

If the student is not excluded from college an action plan will be completed by the Head of Curriculum and may involve the Programme Achievement Manager, Student Mentor and/or student Support Officers. The student will be supported until deemed to be over any problems.

7. APPEAL AGAINST PANEL HEARING OUTCOME

- a) The student will have the right to appeal against the decision of the disciplinary outcome. Notice of appeal must be lodged with the Head of College within 10 working days of the date of receipt of written confirmation of the panel-hearing outcome and must give the grounds for, and brief particulars for the appeal.

A copy of the appeal process will be sent to the student who has received an Outcome of a Student Disciplinary Hearing notification.

If notice of appeal is lodged within the time allowed, an appeal interview will be arranged to take place within 10 working days of the notice of appeal being lodged. We will not accept an appeal that is lodged after the stipulated 10 working days.

At the appeal interview, the student will be invited to explain the grounds of the appeal and to state his or her case.

The Chair Person of the Panel Hearing and/or the College manager who recommended the exclusion will be asked to respond to the appeal and explain the reasons for the hearing outcome.

- b) If the appeal is dismissed, the outcome of the original hearing will stand.

- c) Within 5 days of the appeal interview, the final decision will be confirmed in writing to the student and to appropriate staff within the College.
- d) The Student Support Manager will update ProMonitor and the Disciplinary database.

8. SUSPENSION PENDING DISCIPLINARY INTERVIEW HEARING

- a) A student may be suspended from College by the Principal, Head of College, Student Support Manager, Safeguarding Lead or a member of SLT (**only - or their agent with permission**). Where there is reason to believe that the student has committed an act of **serious misconduct** or where previous warnings have been issued. The suspension will enable further investigation to take place. The Campus Principal, the Head of College and Student Support Manager **must** be notified immediately of all suspensions. Once informed, the Student Support Manager will confirm the suspension in writing to the student within 3 working days. Where the student is between 16-18 years, parents/carers will be informed by the suspending manager. An investigating officer will be appointed who will collate all necessary evidence, i.e. written statements, at this stage and liaise with the Student Support Manager.
- b) The College has the right to suspend students from training agencies, employers, partner institutions and thereafter the appropriate disciplinary code will apply.
- c) The member of College Leadership Team who issues the suspension will need to inform the student of the reasons for suspension and retain the student's ID badge pending an investigation and a formal disciplinary panel. This member of College Leadership Team who issues the suspension will be required to complete a suspension report form and inform the relevant Head of Curriculum. Where the student is under the age of 18 the member of College Leadership Team will need to inform parents/carers.

9. CRIMINAL OFFENCES

- a) Where any member of staff has reason to believe that a student may have committed or may be intending to commit a criminal offence, the College may refer the matter to the police and may continue disciplinary proceedings under this procedure or suspend the student pending the outcome of police enquiries and any charges which may be brought against the student. Where the student has been suspended under this provision, when the results of those enquiries and any criminal proceedings are known, the College reserves the right to recommence proceedings under this procedure in relation to the matter.
- b) In any disciplinary action relating to alleged criminal offences the College is not bound by the results of any criminal proceedings against students.

10. CONDUCT OF DISCIPLINARY AND APPEAL INTERVIEWS

- a) Disciplinary and appeal interviews will be conducted fairly and firmly by the member of staff conducting the interview, and notes will be kept.
- b) The member of staff conducting the interview may exclude from the proceedings any person (including the student or the student's friend, representative or relative) who behaves unreasonably or who disregards the instructions of the member of staff with regard to the interview. If the student does not attend any interview, disciplinary action may proceed in their absence.

11. STUDENTS UNDER 18 / SPONSORED STUDENTS

- a) If a student under 18 years of age is the subject of proceedings under this process, wherever practicable parents/carers will be invited to attend any disciplinary or appeal interviews (in addition to any friend or student representative), unless in the view of the member of staff conducting the interview, such attendance would be prejudicial to a fair and effective interview. If a student under the age of 18 is given a written warning, final written or excluded or suspended from the College, a parent or carer will be informed in writing.
- b) If a student who is being sponsored at the College by an employer, training agency or a partner institution (i.e. university) is given a written warning, final written warning or excluded or suspended the employer, partner institution or training agency will be informed.

12. SCHOOL PUPILS 14-16 YEARS

- a) Instances relating to the discipline of school pupils will be dealt with in accordance with school/college agreed processes.
- b) Where the College is to take the lead, the process will be as follows:-
 - instances of misconduct will evoke written warnings by the Student Support Manager or a member of College Leadership Team – records will be kept on file
 - repeated instances of misconduct will be treated as a Category 2 and a final written warning will be given to the pupil by the Student Support Manager or member of College Leadership Team. The school contact will be informed by the Student Support Manager or member of College Leadership
 - serious misconduct or further instances of misconduct will evoke a “panel hearing” of this procedure
 - the school contact and the parent will be informed by the Student Support Manager or member of College Leadership. The pupil will be suspended from College pending an investigation
 - the pupil will have the right to appeal as outlined in this procedure.

13. STUDENTS/ADULTS WITH LEARNING DIFFICULTIES, STUDENTS WITH EHCPs AND ESOL LEARNERS

Incidents involving adults with learning difficulties will require full liaison with the appropriate Head of Curriculum at the early stages to ensure that all students involved are given support at all stages. In addition, involvement of key workers, social services or other staff may be required.

The Student Support Manager will inform the Safe guarding Officer of all students who have EHCPs who have been suspended or who will be attending a panel hearing. Any additional support needs will be considered.

The college will need to take account of the need to provide language support for both the learner who may be disciplined and for Parents where English may not be the first language.

Learners may not act as interpreter for their parents where language is a barrier.

Where an interpreter cannot be facilitated as necessary then the hearing will stop and must not be carried out as this will discriminate against the individual and their parents/carers.

14. VARIATIONS AND AMENDMENTS TO THIS CODE

- a) In some cases, it may be desirable that variations should be made to procedural aspects of this code. The College may make such variations as it sees fit, subject to informing the student concerned and subject always to considerations of fairness. Without limitation, such variations may include disciplinary or appeals interviews being conducted by different persons, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered.
- b) This code may be amended by resolution of the Governors from time to time.

15. MONITORING & REVIEW

The Student Development and Behaviour Procedures will be reviewed and updated by the Campus Principal, Head of College, Head of Centre, Student Support Manager and Student Development and Behaviour Manager on an annual basis and approved by the Senior Leadership Team.



Student Pre-Disciplinary Procedures

