

Student Behaviour Policy and Procedure

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This policy and procedure is subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation, Disability.

1. POLICY STATEMENT

This Student Behaviour Policy and procedure outlines the College approach to promoting a purposeful, vibrant learning environment. It should be read alongside the Milton Keynes Student Code of Conduct, which clearly articulates our expectations regarding student behaviour. The College actively promotes the values of inspiration, excellence, innovation, respect, integrity and belonging. Positive behaviours are key to living these values.

In promoting a purposeful and vibrant learning environment this policy acknowledges the importance of recognising and valuing positive behaviours, through a range of locally agreed methods within each School. This policy also recognises the importance of having clear, consistently applied disciplinary procedures that provide a means of addressing behaviours that are not aligned to our Student Code of Conduct.

The College is committed to supporting the learning and achievement of all students; any disciplinary action taken is intended to encourage an improvement in behaviour.

2. SCOPE OF POLICY

All students will be covered by this policy and accompanying procedures while on College premises, on work placement or at any other time when they are under College supervision.

- **Students with Learning Difficulties / Additional Needs**

There may be some instances wherein students with a learning difficulty/additional need/mental health considerations are not able to engage with a standard disciplinary process. It may also be the case that a disciplinary process would have a significant detrimental impact on the individual. This decision will be made on a case-by-case basis by the Safeguarding Panel and is by exception. In this instance, a Wellbeing Assessment or Readiness to Learn assessment may be used as an outcome for a Level 3 and 4 interventions as opposed to a disciplinary. If the outcome of this is that the student is fit to undertake a disciplinary, then this process will be enacted.

If English is not the student's first language the College will provide support from appropriate services.

- **Local Authority**

In all cases the College will adhere to the conditions contained in the contract with the relevant local authority and responsibilities under the SEND Code of Practice. Liaison with the relevant local authority will be undertaken by either the Head of School for Inclusive Learning or the SENCO as appropriate.

3. WHAT TYPES OF BEHAVIOUR ARE COVERED BY THIS POLICY?

This policy and procedure links very clearly to the commitments made when a student signs the Milton Keynes College Student Code of Conduct. The code identifies what is expected of students in relation to their studies and their general behaviour and is signed by all students at the start of their course.

Any behaviour which breaks a commitment made in the Milton Keynes College Student Code of Conduct, the Student/College contracts or in any other College Policy documents may be regarded as misconduct and result in disciplinary action.

Minor problems of misconduct or unsatisfactory performance are best dealt with promptly and informally through the 'cause for concern' process by teaching staff. Only when such problems persist should more formal steps be taken, as described in Sections 14-18 of this document.

Gross misconduct refers to serious offences as described in section 17 of this document. Allegations of gross misconduct are likely to result in an immediate Temporary Suspension/Managed Absence and, pending the outcomes of an investigation, could lead to permanent exclusion.

4. DAMAGE TO PREMISES AND EQUIPMENT

Students may be asked to pay for the cost of vandalism/damage to property or equipment where this is a result of the student's behaviour.

4b STUDENTS WORKING REMOTELY/ON-LINE

Where education is taking place remotely, it is important for staff and students to maintain professional practice. When communicating online with parents and students, staff should:

- Communicate within College hours as much as possible (or hours agreed with the college to suit the needs of staff)
- Communicate through the College channels approved by the Senior Management Team (SMT). In this case that will be: Teams, College emails,
- Use College email accounts (not personal ones)
- Use College devices over personal devices wherever possible
- Not share personal information
- Instruct students not to use Teams as a personal chat space and advise them that their conversations will be monitored. Any inappropriate behaviour will be dealt with accordingly.

5. SUMMARY OF LEVELS IN THE STUDENT BEHAVIOUR PROCEDURE

The Student Behaviour Policy has different levels in place in order to provide students with support to address issues at an early stage, to set targets and implement strategies to overcome any difficulties.

The levels of the Disciplinary Procedure are as follows:

- Cause for Concern
- Level 1 Intervention (verbal warning)
- Level 2 Formal Intervention (written warning)
- Level 3 Final Intervention (final written warning)
- Gross Misconduct (Level 4 – possible exclusion)

6. WHO HAS AUTHORITY TO TAKE ACTION LINKED TO STUDENT BEHAVIOUR?

All staff have a responsibility to reinforce the standards of behaviour that are outlined within the Student Code of Conduct.

7. CRIMINAL ACTIVITY

The College reserves the right to report criminal activity to the police and/or to advise victims of such activity of their right to do so. If an incident is serious and of a criminal nature, the College will defer disciplinary action and follow the guidance of senior investigating officers. In exceptional circumstances, the College may also take the decision to place the student on a Managed Absence until the outcome of the proceedings is known. Each case will be reviewed by the Safeguarding Panel and actions taken accordingly.

8. SUPPORT FOR STUDENTS DURING THE DISCIPLINARY PROCESS

At all levels, the staff conducting the disciplinary process will:

- Act impartially and not take sides
- Outline the circumstances that have led to the disciplinary to give the student a chance to put their case forward
- Inform the student of what will happen next.

9. PROCESS OVERVIEW (please refer to this part of the policy for interventions L1, L2 & L3)

At Levels 1 to 3 of the Student Behaviour Policy & Procedure, a meeting will be arranged with the relevant staff lead (please refer to sections 14-16) who will agree and set clear targets with the student concerned. The student's Course Team Leader/ English or Maths Subject Leader / Progress Mentor /Trainer will make every effort to work with the student to deal with any underlying problem that may be contributing to the unacceptable behaviour or performance and may direct the student to additional support such as mentoring, counselling or learning support if required.

A review date will be diarised at an appropriate point to monitor progress that the student has made towards achieving the agreed targets. Where a student has not engaged with the process in place, the next level of intervention will be initiated.

Dependant on the intervention level, a letter will be sent to all stakeholders

confirming the outcome of the review meeting.

All notes, comments, actions and outcome letters will be logged on ProMonitor at all levels of intervention.

10. PARENT/CARER INVOLVEMENT

The College is committed to keeping all stakeholders including parents/carers informed of the progress of students who are under the age of 18, or between 19-25 with an EHCP, and parents/carers will be kept informed and involved through Levels 2, 3 and 4 of the process (Please see section below on Safeguarding). Sponsoring employers of work-based students will also be kept informed and involved through Levels 2, 3 and 4 of the process.

When a student is over the age of 18, and not in receipt of an EHCP, the student's permission should be requested to invite parents/carers to attend the formal interview at Levels 3 and 4, if this is felt to be beneficial to the process. Alternatively, the student may invite a person of their own choosing, but not someone closely involved in the events, linked to the disciplinary or acting as a legal representative.

Safeguarding

Please see the Safeguarding Policy. Any decision not to inform a parent/carer of a warning can be made by safeguarding staff if they believe that this would be detrimental to a student's welfare. This should be noted on the warning and on the ProMonitor record. In such cases a Designated Safeguarding Lead needs to be informed. In relation to a Level 4 Hearing involving a student under 18/19-25 with an EHCP, parents/carers must be informed unless doing so would cause harm (this decision can only be made by a Designated Safeguarding Lead) This must be recorded on CPOMS.

11. SUSPENSION

In cases of alleged gross misconduct, a student may be suspended for up to 10 working days to allow for investigation and disciplinary hearing as appropriate. Members of the College Executive Leadership Team have the authority to suspend a student. In exceptional cases, pending wider investigation, a temporary suspension may last for an indefinite period; in these cases clear justification for the decision will be provided to all parties involved. This authority can be delegated to members of the SMT, as needed. The suspension is made pending an investigation by an Investigating Officer assigned by the Executive/SMT who has suspended the student. A parent/carer must be informed if the student is aged 16 -18, has an EHCP, or is an adult at risk, as soon as possible (unless there are safeguarding considerations preventing this, see section 10)

Suspension is always without prejudice and is not a judgement on the situation or a student. There may be some occasions when immediate action is required to remove a student from College premises. It is not a punishment, and it is expected that students will continue to complete work from home as

appropriate. It is the responsibility of the curriculum area to ensure that work is sent. Where more than one student is involved in an incident, it is normal for all students concerned to be suspended.

12. MANAGED ABSENCE

In some instances, there may be a need for students to be asked not to attend college due to safeguarding concerns. In the event that there is assessed risk of harm to a student, and/or other students/staff, the student will be asked not to attend for a period of time until a meeting can be held to explore the situation in more depth. This is not a formal suspension and is not a signifier of blame; rather it is a period of absence that is enacted by a Designated Safeguarding Lead, with approval from the Lead for Safeguarding, to ensure all parties are safe. The student and parent/carer will be informed by the Designated Safeguarding Lead that a Managed Absence is being issued and will explain the process. This should be for a period no longer than 5 working days including any meetings and work should be sent to the student by the curriculum team so that learning is not interrupted. The details of the case will be reviewed by the Safeguarding Team and a decision will be made about next steps which will either be return to study (with or without conditions) or formal suspension (as detailed in section 17). In the event of a serious concern regarding the wellbeing of an individual, please refer to the Readiness to Learn Policy.

Examples of this type of Managed Absence include where there is ambiguity or lack of coherent evidence of blame/involvement in an incident, such as:

- Receipt of information received from the police pertaining to suspected involvement in high-risk activity.
- Acts of aggression/violence where it is unclear who is the instigator and/or those actively involved in the process e.g. incident that has taken place off site.

13. CAUSES FOR CONCERN (Informal Warning)

A Cause for Concern is typically raised when a student is starting to demonstrate that they might be at risk of non-completion of a programme of study and should be dealt with initially by the student's course team. Specific supportive actions should be proposed in order to address the key issue(s) identified.

Records of incidents, interventions and any informal warnings should be logged on ProMonitor by the course team members as a Cause for Concern within the comments section, together with any recommended actions.

The student concerned should be informed that repetition of such misconduct is likely to lead to formal action (as detailed in section 14-17 of the policy).

14. LEVEL 1 INTERVENTION (Verbal Warning)

This level of intervention is typically initiated when a member of the Curriculum team has one or more of the following concerns about a student's behaviour;

- Non-application to work in class.
- Unjustified absenteeism or lateness.
- Poor attitude to completing work.
- Regularly unprepared for lessons.
- Minor breaches of College rules or the Student Code of Conduct.
- Not wearing a student ID.

The meeting may result in a verbal warning being issued which will be recorded on ProMonitor and recorded on the student's record of learning until the end of their programme.

PLEASE REFER TO SECTION 9 REGARDING HOW THE MEETING AND SUBSEQUENT REVIEW OF PROGRESS WILL BE MANAGED

15. LEVEL 2 INTERVENTION (Written Warning)

This intervention is typically initiated by a Deputy Head of School when there has been a failure to achieve the action plan put into place during a Level 1 intervention. When concerns such as the following arise, they should come straight to this level:

- Disruptive behaviour/unacceptable language
- Initial instance of bullying.
- Continued unjustified absenteeism or lateness.
- Continued poor attitude to completing work.
- Regularly unprepared for lessons.
- Continual non wearing of student ID

The meeting may result in the student being given a formal written warning which will be recorded on ProMonitor and placed on the student's file until the end of their programme and may be taken into account for further programmes.

PLEASE REFER TO SECTION 9 REGARDING HOW THE MEETING AND SUBSEQUENT REVIEW OF PROGRESS WILL BE MANAGED

16. LEVEL 3 INTERVENTION (Final Written Warning)

This level of intervention will be typically initiated by a Head of School (though there may be instances where a member of the SMT initiates this level) when there has been a failure to achieve the Level 2 action plan. When concerns such as the following arise, they should come straight to this level:

- Minor damage to property.
- Minor levels of aggression/bullying/harassment towards other students or staff.
- Minor health and safety infringements.
- Discriminatory behaviour/comments of any kind.
- Abuse of any College facilities.
- Unacceptable behaviour towards College neighbours or their property.
- Deliberate academic misconduct e.g. plagiarism.
- Serious concerns regarding student behaviour or academic performance that, following investigation, have been judged to have not amounted to gross misconduct.

Where a student has not engaged effectively with actions that were agreed during previous intervention stages, and there are no valid reasons for this lack of progress, a formal warning will be issued. The repeated failure to engage with mutually agreed actions will be deemed to amount to gross misconduct and could lead to permanent exclusion. The evidence linked to this decision will be reviewed by a member of the Executive Leadership Team or their nominated representative prior to being communicated to the student involved.

A student permanently excluded by a School must be informed in writing of the reasons for their exclusion and of their right to appeal (see Sections 19 and 20 of this document).

17. Gross Misconduct (Level 4 Intervention) – (Final Written Warning & Possible Exclusion)

This intervention will be initiated either when there has been a failure to achieve the Level 3 action plan or when concerns such as the following arise;

- Being in possession of a weapon (see Stop and Search Policy).
- Theft or deliberate damage to property.
- Actual violence or threats of serious violence,
- Sexual or racial harassment.
- Engaging in activity classed as harmful sexual behaviour (see Harmful Sexual Behaviour Policy).
- Serious misuse of the Internet.
- Extreme inappropriate use of social media (e.g. recording and/or posting acts of aggression, violence or sexual behaviour).
- Possessing or dealing in illegal items; being under the influence of drink or non-prescription drugs.
- Placing other students, staff or members of the public at risk of significant harm.
- Repeated incidents of bullying and harassment.
- Significantly disrupting the learning of others.
- Willingly allowing non-students to access campus with their student lanyard.

In the event of a serious incident of alleged gross misconduct and when the student's presence on campus may be detrimental to the College community and/or prejudice the investigation of the incident, a student may be suspended pending the investigation as described in section 11 of this document. If there is a lack of evidence, or a high degree of ambiguity, relating to the incident then a Managed Absence can be enacted to enable further information to be gathered to inform next steps (see section 12).

The Head of School will inform the Group Leadership Team (GLT) Administrator of the incident and the request to suspend or enact a Managed Absence. The Student Development and Support Administrator will then seek advice on next steps from Designated Safeguarding Lead. The incident will then be classified as either requiring a Suspension or a Managed Absence. In the event of a Managed Absence the Designated Safeguarding Lead will inform the student and parent/carer. In the event of a suspension, the Student Development and Support Administrator will seek approval from Executive Leadership, or Senior Leadership designated by the Executive Team. Once approval has been given, the Student Development and Support Administrator will notify the Head of School who will then inform student and parent/carer as appropriate of the allegation and suspension and explain the process. A member of the Executive Leadership Team, or a Senior Leader designated by them, will appoint an Investigating Officer within 24 hours of the suspension.

The Student Development and Support Administrator will arrange for the student to meet with the Investigating Officer as appropriate to the nature of the incident, within 5 College working days of the suspension. In some circumstances this period may be extended e.g. if the student is not able to attend meetings.

When a student is met with as part of an investigation, they have the right to be accompanied by a supportive party e.g. a family member, parent/carer/employer/or member of the Student Development Team. Other parties involved in the incident will not be permitted to attend. Representation by a lawyer will not be allowed.

The Investigating Officer will report the outcome of the investigation within 5 College working days to whomever appointed them and the Student Development and Support Administrator. The member of the Executive Leadership Team, or an individual they have designated, will decide either to dismiss the allegation and reinstate the student immediately, or to convene a disciplinary hearing. In the event that a hearing is to be held, a nominated member of the SMT will be identified who will lead the hearing alongside a Head of School or Designated Safeguarding Lead. The outcome will be recorded on ProMonitor and a letter outlining the outcome provided to the student by the Student Development and Support Administrator.

18. GROSS MISCONDUCT (Level 4) Hearing Procedure

If there is to be a hearing, it will normally be convened within 5 College working days of the conclusion of the investigation (no more than 10 working

days from start of suspension). The hearing will be led by the nominated member of SMT. The student will be contacted by the Student Development and Support Administrator asking them to attend the hearing and informing them of their right to be accompanied by a supportive party e.g. a family member/ carer/ employer or Student Development Team representative. Other parties involved in the incident will not be permitted to attend nor will legal representation.

Copies of all reports, statements etc. arising from the investigation, will be considered at the hearing. These will be sent to the student as appropriate a minimum of 3 working days before the meeting to allow them to create an informed response. In the event that CCTV/mobile phone footage is to be included in the hearing, this will not be sent to the student due to GDPR. Any footage will be redacted as appropriate by the Data Protection Officer.

The student must indicate in writing at least 2 working days before the meeting that they will be attending. This response must detail the names of those who will be accompanying them. Failure to attend a meeting for any level of the disciplinary procedure does not necessarily mean it will be postponed. If there is no significant reason for non-attendance communicated, the disciplinary hearing can go ahead in the student's absence. The case can still be discussed, and the student will be notified of any decision. The student's general attendance record and the specific reason for absence on the day of the interview or hearing will be taken into account when the decision is taken whether or not to proceed with the disciplinary hearing.

During the meeting the Student Development and Support Administrator will take minutes, dependent on the nature of the case, and the member of SMT will outline the purpose of the meeting and invite the student to provide an account of the incident.

After the formal hearing the nominated senior post-holder may decide to continue the suspension until a final decision is reached. In some instances, students will be informed at the end of the hearing that they are able to return to study. This should be actioned as soon as possible with the student and Head of School informed immediately.

Notification of the decision on what action, if any, is to be taken will be given in writing normally within 24 hours. If the student is sponsored, the employer will be advised of the outcome of the hearing in writing. Similarly, if the student is under 18, parents/carers or sponsoring employers (where appropriate) will be informed of the outcome of the hearing (please see note on Safeguarding under Section 10).

In the event that the student remains in College, conditions will be put in place and agreed by all parties. If the conditions agreed in the Level 4 hearing are not met, then the student could face exclusion. This decision will be at the discretion of ELT or Group Director of Inclusion and will be on a case-by-case basis. The Head of School will communicate this and agree next steps. This could be a further hearing or exclusion via letter sent by the Head of School.

The outcome of the hearing may be the exclusion of the student and, if so, the nominated senior post holder will advise the CEO and Chair of Governors of this decision. Exclusion takes effect immediately. However, students will be advised of their right to appeal against the decision to exclude (please refer to the Appeals process). As exclusion takes effect immediately, permission to continue the course or programme pending the appeal will be at the discretion of the nominated senior post-holder.

Students excluded from College will not be considered for re-admission within the same academic year of the exclusion and will only be considered for re-admission if there is strong impartial evidence that the issues that led to exclusion have been addressed (see Admissions Policy). If the exclusion takes place in the final half term of the academic year this can impact on progression. Any such instances will be dealt with on a case-by-case basis.

Copies of reports, statements and minutes from the hearing will be retained on the Child Protection Online Monitoring System (CPOMS) in line with statutory guidance.

19. APPEAL AGAINST THE DECISION OF THE NOMINATED SENIOR POSTHOLDER

A student has the right to appeal against the decision of a disciplinary hearing.

An appeal must be sent, in writing, to the CEO, no later than five College working days following receipt of written confirmation of the disciplinary hearing's decision or the decision to exclude.

Appeals shall only normally be permitted on the grounds of:

- New evidence.
- Decision did not take account of all evidence.
- Procedural irregularity.

20. THE APPEAL HEARING

An appeal hearing will normally be convened within 10 College working days of receipt of the letter of appeal. The panel will include a minimum of two Senior Managers who have not been involved in any of the previous stages of the investigation.

The student may be accompanied by a supportive party e.g. a family member, parent/guardian/employer or member of the Student Development Team. In the case of non-attendance, the appeal will not be heard and the disciplinary action stands.

The appeal panel will not re-hear the case as presented to the disciplinary hearing, but will concentrate on the grounds for the appeal, looking at new or additional evidence.

The appeal panel may uphold the appeal and dismiss the penalty imposed by the disciplinary panel, reduce the severity of the penalty or reject the appeal. It is not empowered to increase the severity of the penalty. The decision of the appeal hearing will be confirmed in writing within five College working days. The decision of the appeal panel is final.

Roles and Responsibilities – Suspension/Managed Absence

Head of School

- Inform Student Development and Support Administrator of the need for a Suspension or Managed Absence with detail of incident
- Student Development and Support Administrator manages the process of determining the action – either Suspension or Managed Absence and feeds back to the Head of School.
- In the event of a Suspension, Head of School to inform student and parent/carer as appropriate of next steps.
- Ensure any students under suspension or Managed Absence have work sent home to ensure that there is no break in learning.
- Attend disciplinary hearings as appropriate.

Executive Leadership Team (ELT)/Senior Post Holder as nominated by ELT

- Approve or reject request to suspend.
- Appoint an investigating officer and inform Student Development and Support Administrator.
- Attend and chair Level 4 Disciplinary Hearings as requested by the Student Development and Support Administrator.
- Determine the outcome of the hearing.
- Inform the CEO in the event of any exclusion.

Designated Safeguarding Lead

- Determine whether an incident falls under the category of suspension or Managed Absence.
- Enact a Managed Absence once approved by Lead for Safeguarding, in the event of incidents deemed to pose a risk to self or others where there is ambiguity or lack of evidence.
- Attend hearing as appropriate.
- Inform CEO in the event of any student deemed not fit to return to study.

Student Development and Support Administrator

- Contact Designated Safeguarding Leads when a request to suspend or enact a Managed Absence is received. Respond to instruction from Designated Safeguarding Lead.
- Contact ELT as appropriate with request to suspend.
- Record all Suspensions/Managed Absences and ensure Security are aware of any students who should not be on site.
- Ensuring students are aware of any meetings with the Investigating Officer.
- Arrange the Level 4 disciplinary hearing as appropriate after feedback from Investigating Officer.
- Send notice of disciplinary hearing at least 3 days prior to the meeting being scheduled and any relevant documentation.
- Take minutes of the meeting and inform student and parent/carer as appropriate of the outcome of the hearing.

- Alert Head of School and security of the outcome.

Investigating Officer

- To collect and review material relating to the suspension and determine next steps in terms of recommendations for Disciplinary Hearing/level of Disciplinary/no further action within 5 working days.