

RNC Policy: Student Disciplinary

Responsibility:	Director of Student Support Services		
Approved by SMT:	December 2018		
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Other relevant Policies and reference documents: Student Status and Attendance Policy Student Behaviour Policy RNC Accommodation Policy Student Handbook E-Safety Policy Anti-bullying and Harassment Policy			
Version	Date	Amendments	Author
1.0	May 2017	Approved at SMT	MKJ
1.1	November 2018	Additions under 2.1 to provide clarity of risk assessment suspension procedure. 2.3 Stage 5 – addition to procedure of circumstances in which a hearing can take place in student absence 2.4 Appeal process – addition to procedure of circumstances in which a hearing can take place in student absence Addition of Appendix 1 – College Student Regulations	MKJ
	December 2018	Approved at SMT	

Commitment Statement

RNC is committed to the fundamental values of equality, diversity and inclusion, which creates a supportive environment for all members of our community to live, work and study. Our commitment to equality and diversity means that this policy has been screened in relation to the use of plain English, the promotion of the positive duty in relation to race, gender and disability and to eliminate discrimination to other equality groups related to age, sexual orientation, gender identity, marital or civil partnership status, pregnancy or maternity and religion or belief. We believe that safeguarding has paramount importance and RNC recognises its responsibility and duties within the Government Prevent Strategy to be aware of and where appropriate act to ensure the safety of all students from radicalisation and extremism.

This document is available in alternative formats on request. If you think RNC can improve the fairness of this policy please contact the author who has responsibility for the review and update.

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1. Policy

1.1 The College meets its statutory and moral obligations through the provision of a Student Disciplinary Policy and procedural guidance. This policy and guidance is characterised by the expectation that all members of the organisation will behave appropriately in all situations, ensuring that all individuals are respected and valued (a staff disciplinary procedure is in place).

1.2 The policy, procedures and guidance is communicated to all students via induction, tutorial work and throughout the disciplinary process itself. The policy, procedure and guidance is communicated to all parents/ guardians/partners and relevant professionals to ensure that the individual is well informed and that there is clarity about the policy and procedure. The following guidelines are to be applied consistently. However, individual circumstances must always be taken into account.

1.4 In line with the RNC Student Behaviour Policy, the Disciplinary Procedure may be used whenever any breach of College regulations occurs which are witnessed and/or substantiated, including issues relating to behaviour, attendance, punctuality and performance (Appendix 1),). Outcomes from individual case conferences may be used to inform actions to be taken.

1.5 An Informal Oral Warning; in line with the Student Behaviour Policy, can be issued by the appropriate College Manager prior to the formal Disciplinary procedures. The College Manager will inform the appropriate Director. This will be recorded at the Student Status Meeting.

1.6 The Director of Student Support Services will be responsible for all issues relating to potential breaches of residential regulations and safeguarding.

1.7 The Directors of Learning and Curriculum will take responsibility for all issues relating to conduct and non-attendance within programme and timetabled activities.

1.8 The Principal will have oversight of all Disciplinary action.

2. Procedure

At each of the formal stages the funding body will be contacted and consideration will be given to involving parents (this will be done in the case of under-18 students), Social Workers and other appropriate outside agencies.

2.1 Immediate actions

2.1.1 Neutral act (no blame) separation, on site, can occur at any stage and be initiated by the Duty Manager, where the risks to other student/staff deem it necessary. The relevant Director will be informed.

2.1.2 Neutral act suspension* may be considered with an appropriate risk assessment. The relevant Director may authorise this type of suspension and this will be recorded as Risk Assessment suspension. The effect on the student's programme and the overall impact on the students, as a result of suspension, should always be considered.

2.1.3 Any student who issued a 'risk assessment suspension will be advised of the reasons; the anticipated period of time away from College to protect a student's position at College, or to protect

others and the actions that will take place during the suspension period, for example completion of an investigation. This information will be provided in writing to the student at the earliest opportunity.

2.1.3 A risk assessment suspension will always be considered when there is a potential that a crime has been committed requiring a police investigation. As RNC is a residential provision that accommodates vulnerable groups any alleged perpetrator of potential crime may be required to leave RNC until the police investigation is concluded.

2.1.4 If the length of time originally stated in the risk assessment suspension letter is likely to be exceeded, the College will inform the student in writing the anticipated extension of this period and the actions being undertaken during this period. With good cause the length of time away from College under a risk assessment suspension can be extended on more than one occasion.

**Suspension is defined as time away from College pending a College or police investigation.*

2.2 Disciplinary Hearing

If a student is required to attend a Disciplinary Hearing, arrangements will be made in line with guidance set out below:

- A formal written invitation in the appropriate working medium to attend the Disciplinary Hearing which will detail the breach of College Regulations
- The written invitation will detail the date and time of the Hearing; with a minimum of 48 hours' notice (excluding weekends)
- The written invitation will include a copy of the Student Disciplinary Policy
- The Disciplinary Panel will be made up of a minimum of two College Managers in which at least one will be either a Director of Learning and Curriculum or Director of Student Support Services
- In the cases of serious breaches to College Regulations the Disciplinary Panel will be made up of three College Managers in which at least one will be either a Director of Learning and Curriculum or Director of Student Support Services
- For all Disciplinary Panels every effort will be made to ensure a gender mix of panel members
- In cases of breaches to College regulations regarding behaviour and conduct, the student will be provided with time prior to the Disciplinary Hearing to meet with a key member of staff who will verbally read through the Disciplinary report
- The student who is subject to a Disciplinary Hearing has the right to bring one representative; this can be a family member, staff member or friend. Additional representation may be requested if there is a requirement for an interpreter to be present, the request must be made to the Disciplinary panel
- The role of any representative is to support the student; they may not answer any questions put by the panel but may ask clarification questions or may ask for an adjournment if they feel the student needs advice or is in need of a break
- The Chair or panel member will provide information regarding the breach of College Regulations, this may include reading out investigation reports
- The Chair or other panel members may ask additional questions
- The student will be given an opportunity to respond, provide mitigating circumstances and reflect on their conduct
- The Chair will summarise and if no further questions or points for consideration are raised the panel will adjourn to deliberate
- Once a decision has been made, the student will be advised of the decision

- This decision may be conveyed to the student in person or in writing, depending on the length of time taken to reach a decision. Formal written confirmation in the appropriate working medium of the decision will be sent to both parties within three working days
- In the event of a formal stage warning being imposed or recommendation for termination of programme the Chair will advise the student of the Appeal Procedure

2.3 Disciplinary Stages

The stage of implementation at which the procedure will commence will be determined by the Directors of Learning and Curriculum and Director of Student Support Services.

Individual sanctions (such as being requested to go home each weekend or have late night passes withheld) may be considered at any stage if deemed appropriate to the student and the issues involved. The relevant College Director will be required to approve the proposals.

Stage 1: Oral Warning (formal)

Depending on the issues involved, the Director of Student Support Services or a Director of Learning and Curriculum will issue a formal oral warning which will be recorded on file for a specified period notified to the student.

Stage 2: Written Warning

Depending on the issues involved, the Director of Student Support Services or a Director of Learning and Curriculum will issue a written warning, which will be recorded on file for a specified period notified to the student. The Principal will be informed.

Stage 3: Final Written Warning

If there has been no improvement since the issuing of the written warning
or

if the commencement of disciplinary procedures is deemed appropriate at this stage, the Director of Student Support Services or a Director of Learning and Curriculum will issue a final written warning. This will be held on file for the duration of the programme but will be reviewed annually.

Stage 4: Formal Suspension/Termination of Programme

If there is no improvement following the previous stage, or if the commencement of disciplinary procedures is deemed appropriate at this stage the student will be invited to attend a meeting with a panel of the Director of Student Support Services, a Director of Learning and Curriculum and one other College Manager (who has not been involved with any investigation). The panel may then recommend to the Principal the formal suspension and possible termination of the student's placement at RNC. The Principal will notify the student of the outcome and, if necessary, advise of the appeal procedure and the right to appear before the Appeal Committee.

Stage 5: Course Termination

When a student is advised that their course has been terminated, they will continue to be formally suspended from College until the result of the appeal is decided.

Depending on the nature of the breach of College Regulations such as in cases of gross misconduct, it may be deemed appropriate to commence disciplinary procedures at Stage 4 or 5.

If the breaches in college regulations are deemed serious enough or have resulted in the student receiving a criminal conviction the disciplinary hearing may take place in the absence of the student. In such cases, the student will be provided with an opportunity to respond to disciplinary investigation

report which will be provided to them five working days before the disciplinary hearing is due to take place. The student will be informed of the outcome and will have the opportunity to appeal if they wish.

The disciplinary hearing may also take place in the absence of the student in other extraordinary circumstances, for example, long term medical absence. In such cases, the student will be provided with an opportunity to respond to disciplinary investigation report which will be provided to them five working days before the disciplinary hearing is due to take place. The student will be informed of the outcome and will have the opportunity to appeal if they wish.

2.4 Appeal

2.4.1 A student whose placement at RNC has been terminated shall have the right to appeal to a committee composed of the Principal, Director of Finance and Resources and a Governor; it may also include a College Manager that has not previously been involved in the process.

2.4.2 The student must advise the College within 10 days of receipt of the Disciplinary outcome letter; with consideration to the impact of the absence from College the appeal will take place no later than 28 days from the date of the disciplinary outcome letter.

2.4.3 The student will be advised to provide a written statement prior to the Appeal meeting. If the breaches in college regulations are deemed serious enough or have resulted in the student receiving a criminal conviction the appeal hearing may take place in the absence of the student.

2.4.4 If appropriate for the student to attend the appeal hearing, they will be asked whether they wish to attend, giving a definite period (which must be not less than one week) in which to reply. They may be accompanied by a family member or friend if they wish to state their views on the matter, before the committee gives its decision on the appeal. Alternatively attendance via conference call or video link can be established.

2.4.5 The Appeal Committee will meet as soon as possible and decide what action should be taken.

2.5 Final recommendation

The Principal will inform the student, in writing, of the outcome and report the decision to the Board of Governors.