

## Student Performance Management

### Procedure

It is the intention that the Student Disciplinary Procedure should be fair and equitable and supportive at all stages of the process. It is hoped, therefore, that the majority of disciplinary matters will be dealt with by staff, in consultation with Tutors, Welfare Officers, Course Tutors, Curriculum Section Managers and Assistant Principal, as they arise.

**Preliminary Stage** - All Staff can administer the disciplinary at this level

The approach of staff to such problems as presents themselves emeritus of disciplinary action should be friendly but firm leaving the student in no doubt as to the standards of behaviour expected of him or her, and made aware of the formal procedures. In those cases where such an approach is not successful or in cases of a more serious nature, the formal stages of the procedure will be invoked as follows. A 'Cause for Concern Note' can be used to pass on any concerns that the lecturer or member of staff may have had during contact with the student. These should be sent to the tutor or the Student Services Administrator who will inform Course/Personal Tutors & Wardens as relevant who can bring them up in the next scheduled tutorial session.

| Stage One Verbal Warning - Tutors can administer this level |   |
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| <b>Minor Infractions</b>                                    | <p>The following situations will render the student liable to disciplinary action invoked at Stage 1 of the procedure:</p> <ul style="list-style-type: none"> <li>• persistent unexcused absence without notification;</li> <li>• persistent non adherence of the residential agreement (if residential)</li> <li>• excessive absence with or without notification;</li> <li>• committing a series of different unsatisfactory actions within a short period of time;</li> <li>• failure to observe health and safety standards, policies and precautions;</li> <li>• preventing another student from pursuing his/her studies effectively;</li> <li>• damage to college property.</li> </ul> |
| 1   | The student is advised by their tutor that they are to be put onto Stage 1 of the disciplinary procedure.   |
| 2   | An interview with the Course Tutor is arranged with the student so they can answer the report of the indiscipline. The student can elect to bring a representative or peer mentor with them.  |
| 3   | The interview is recorded as is any background information on a Disciplinary record and the Action Plan completed   |

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| 4 | If under 18 Parents/Guardians should be informed and a covering letter together with actions set sent explaining the nature of indiscipline  |
| 5 | A copy of the Disciplinary Action Plan is kept by the tutor, a copy given to the student and a copy given to the Administrator.  |
| 6 | The Administrator will enter this into the Welfare Database and let relevant staff know of the incident and outcomes if it involves them (e.g. residential issues will be reported back to the welfare team) |
| 7 | The personal tutor will enter the incident into the At Risk register and inform teaching teams   |
| 8 | The Tutorial Action Plan targets will be reviewed through the tutorial process within the agreed time span by the personal tutor, including any actions for the student or support staff concerned           |

| Stage Two Written Warning - Academy Head and Student Services Manager can administer this level |   |
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| <b>Moderate Infractions</b>   | <p>The following situations will render the student liable to disciplinary action invoked at Stage 2 of the procedure:</p> <ul style="list-style-type: none"> <li>• unexcused absence without notification;</li> <li>• excessive absence with or without notification;</li> <li>• committing a series of different unsatisfactory actions within a short period of time;</li> <li>• failure to observe health and safety standards, policies and precautions;</li> <li>• gross negligence;</li> <li>• preventing another student from pursuing his/her studies effectively;</li> <li>• damage to college property.</li> </ul> |
| 1   | The student is advised by the Academy Head or Student Services Manager that they are to be put onto Stage 2 of the disciplinary procedure. This may usually be because the student has not complied with the agreed goals/actions within their Disciplinary Action Plan from Stage 1; alternatively it may be for more serious (but not gross) misconduct than would normally be dealt with at Stage 1.   |
| 2   | An interview with the Course Tutor & Academy Head or Student Services Manger is arranged with the student so they can answer the report of the indiscipline. The student can elect to bring a representative or peer mentor with them.  |

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| 3 | The interview is recorded as is any background information on a Disciplinary record and the Action Plan completed   |
| 4 | If under 18 Parents/Guardians should be informed and a covering letter sent explaining the nature of indiscipline and the Academy Head or Student Services Manager is to put a copy of this letter on the Disciplinary database and send a copy to the tutor. |
| 5 | A copy of the Disciplinary Action Plan is kept by the tutor, a copy given to the student and a copy given to the Administrator.   |
| 6 | The personal tutor will enter the incident into the At Risk register and inform teaching teams  |
| 7 | The Disciplinary Action Plan targets will be reviewed both through the tutorial process and in a Review meeting with the member of staff delivering the disciplinary within the agreed time span as set out in the action plan.                               |

| Stage Three Final Written Warning – Student Services Manager liaison with Senior Managers can administer this level |  |
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| <b>Severe Infractions</b>   | <p>The following situations will render the student liable to disciplinary action invoked directly at Stage 3 of the procedure:</p> <ul style="list-style-type: none"> <li>• theft;</li> <li>• fraud or attempted fraud;</li> <li>• bullying, harassment or making threats against people or property;</li> <li>• reckless or dangerous driving on site;</li> <li>• misuse or deliberate interference with computerised information;</li> <li>• deliberately causing injury to others;</li> <li>• accessing or making available to others pornographic or other offensive material;</li> <li>• incapability through use of alcohol or non-prescription drugs;</li> <li>• possession of non-prescription drugs whilst on college premises or during college hours.</li> <li>• use of obscene language or behaviour</li> </ul> |
| 1   | The student is advised by the Senior Manager or in liaison with Student Services Manager that they are to be put onto Stage 3 of the disciplinary procedures. This will usually be because the student has not complied with the agreed goals/actions within their Tutorial Action Plan from Stage 2; alternatively it may be for gross misconduct.  |

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| 2 | <p>An interview with the Senior Manager is arranged with the student so they can answer the report of the indiscipline.</p> <ul style="list-style-type: none"> <li>➤ If under 18 Parents/Guardians should be invited to the interview and a covering letter sent explaining the nature of indiscipline.</li> <li>➤ If over 18 the student can elect to bring a representative or peer mentor with them.</li> </ul> |
| 3 | <p>The interview is recorded as is any background information on a Tutorial record and the Action Plan completed</p>   |
| 4 | <p>It should be made clear to students and parents / guardians that non-compliance will result in a recommendation for expulsion. The Senior Manager may decide that expulsion should be the outcome of the stage 3 procedure. In this instance the student will be referred to the Principal or her named deputy and informed of his / her right to appeal.</p>   |
| 5 | <p>A copy of the Disciplinary Action Plan is kept by the Senior Manager and a copy given to the tutor.</p>   |
| 6 | <p>If under 18 Parents/Guardians should be informed and a covering letter sent explaining the nature of indiscipline and the Senior Manager is to put a copy of this letter on the Disciplinary database and send a copy to the tutor and the Student Services Manager.</p>  |
| 7 | <p>The personal tutor will enter the incident into the At Risk register and inform teaching teams</p>  |
| 8 | <p>The Disciplinary Action Plan targets will be reviewed through both the tutorial process and a review meeting within the agreed time span.</p>   |

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| <p><b>Residential Accommodation Committee – (Chaired by the Student Services Manager)</b></p>   |  |
| <p><b>The Student Services Manager calls this meeting when there are concerns regarding a residential student and their suitability or appropriateness to remain in residential accommodation. The Student Services Manager invites the Senior Manager, the tutor, Campus Manager, Wardening staff, the student involved and any other member of staff deemed necessary.</b></p> <ul style="list-style-type: none"> <li>➤ If under 18 Parents/Guardians should be invited to the interview and a covering letter sent explaining the nature of indiscipline.</li> <li>➤ If over 18 the student can elect to bring a representative or peer mentor with them.</li> </ul> |  |

**Student records are used as evidence and the student and parent/guardian/mentor has the chance to feed into this meeting.**

**The Committee will make a decision as to whether the student is suitable to remain in on-site accommodation and will decide on any further action to be taken.**

**The Committee communicates the final decision to the student and parents if under 18. The Student Services Administrator sends a letter confirming the decision to the student and parents if under 18 and the tutor and puts a copy on the disciplinary database.**

| <b>The Right to Appeal - (Principal or Delegated Deputy)</b> |  |
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|  | Following a Stage 1, 2 or 3 disciplinary, the student has the right of appeal.   |
| 1  | The student is advised at Stage 3 of the Disciplinary of their right to appeal to the Principal or delegated deputy. This must be in the form of a letter outlining the reasons for appeal and no later than seven (7) days after the Stage 3 hearing. |
| 2  | If, subsequent to a warning being issued at any stage, it is proved that an injustice has taken place, the record of the indiscipline will be removed and letters of retraction will be sent to the student/guardian/employer (as appropriate).        |

**Suspensions**

Suspensions require the student concerned to remain off the premises of the college for the stated period of time. A letter needs to be sent to the parent/guardian if they are under 18 explaining why the student has been suspended and when they are to return, who they are seeing when they return, if over 18 the letter will be addressed to the student.

### **Investigative Suspension**

The college reserves the right to suspend any student in cases of suspected serious misconduct. The period of suspension will last pending either an investigation or a decision being made by a College Manager. In the case where there several students needed to be investigated all students will be suspended so as not to show favouritism or damage the investigative process.

### **Gross Misconduct and Summary Dismissal**

In cases of gross misconduct or failure to meet actions laid out in stage 3 a student may be subject to summary dismissal - immediate termination of attendance at college without notice. This can only be carried out by the Principal or a delegated deputy. Summary dismissal can result from a single occurrence of gross misconduct and does not require completion of the Disciplinary Procedure. The following are examples of circumstances which are considered serious enough to justify summary dismissal: All examples are guidelines only. The list is neither exclusive nor exhaustive.

- ❖ unauthorised possession of offensive weapons.
- ❖ conviction of a serious criminal charge.
- ❖ gross insubordination.
- ❖ deliberate contravention of health and safety regulations.
- ❖ conduct deliberately or knowingly endangering students, staff, sponsors or the general public.
- ❖ supply, or possession with intent to supply, illegal drugs.

### **The Use of Force to control or restrain students**

Guidance on the law regarding restraint.

Section 550A of the 1996 Education Act came into force on 1<sup>st</sup> September 1998. This clarifies the law on physical contact between school staff and students. Section 206 and Schedule of Education Act 2002 extends the provision to any institution in FE sector. Our duty of care to employers also requires us to have clear guidance for staff that may be faced with confrontational situations.

### **Objectives**

- ❖ To state the categories of staff covered by the provisions of Section 550A of the 1996 Education Act.
- ❖ To define what is meant by reasonable force.

- ❖ To provide guidelines on the use of force to control or restrain students.
  
- ❖ To establish the reporting route when an incident of the use of force has taken place.

### **Policy on control and restraint of students**

#### Definition

“Reasonable Force” is difficult to define but the term can only be applied to circumstances that warrant the use of force (i.e. are not trivial). Force must be proportional to the circumstances and should be the minimum to achieve a result (taking into account the age, understanding and sex of the student). Wherever possible a verbal warning should be given before force is used. A member of staff should not intervene physically if they are going to put themselves at risk but instead should immediately seek assistance. Assistance can be obtained via radio call to reception or via a telephone call the Welfare Centre on 2335/2320/2426 and/or police.

All staff that may come into contact with violent students or who may have to use physical restraint should receive CPI Non-Violent Crisis Intervention Training.

Examples of reasonable force include:

- ❖ Holding a student.
- ❖ Pushing or pulling.
- ❖ Leading a student by the hand or arm.
- ❖ Shepherding a student by a hand on the back.
- ❖ Any CPI Non-Violent Physical Crisis Intervention restraint used as trained

#### **Entitlement**

Those categories of staff who are authorised to “have control or charge of students” and so authorised to use reasonable force to control or restrain students are:

- ❖ Those who have undergone appropriate training. List of names held at switchboard.
- ❖ The only situation in which use of reasonable force could be appropriate is in self-defence or where there is serious imminent risk of injury to another student or member of staff.

Examples of such situations include:

- ❖ Student attacking another student or a member of staff.
- ❖ A student is putting others at risk by misuse of material or objects.

- ❖ A student leaves a class without permission and in doing so may be at risk?
- ❖ Uninvited members of public causing disruption on College premises, however this should always be referred to the Police for their assistance.

### **Implementation**

- ❖ Staff should not act in a way that might be expected to cause injury unless there is an immediate risk of serious injury.
- ❖ Staff should always avoid any contact that could be considered indecent.
- ❖ Striking a student should always be avoided.
- ❖ Any form of corporal punishment remains strictly against the law.

### **Reporting of incidents of control and restraint**

Incidents should be logged immediately and reported to the appropriate head of department for the member of staff or the Deputy Principal. A record must be kept of any incident involving the use of force on a student; this can be added to the Welfare Centre Logs.

The record should note briefly:

- ❖ Name of student and place of incident.
- ❖ Names of witnesses (staff and students).
- ❖ Reasons for the use of force.
- ❖ Details of the event.
- ❖ Outcome of the incident.
- ❖ Any injuries or damage to property.
- ❖ Action taken by member of staff

The Welfare Manager or Deputy Principal will contact parents of those students under the age of 18yrs old where appropriate and give details of incident.

### **Evaluation**

This policy covers extreme cases of control or restraint of students, and it is expected that the need to use any type of force will be at a minimum level. This policy aims to reduce any risk to staff and student members and not withstanding all the details in the legislation and this policy, the strong advice to all staff is to avoid physical contact unless absolutely necessary.

### ***Standard Documentation for cross-College use:***

Disciplinary Flowchart  
Disciplinary Record and Action Plan – Form C476  
Cause for Concern Note – C477  
Concern Note Guidelines

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**This procedure was reviewed in August 2008**  
**Please contact the Deputy Principal (Academies) if you have any queries about its implementation, or suggestions for improvement**