



POSITIVE BEHAVIOUR PROCEDURE: READY RESPECTFUL AND SAFE

**TO BE READ IN CONJUNCTION WITH THE POSITIVE
BEHAVIOUR POLICY**

POLICY OWNER:	Quality Improvement
AUTHOR:	Vice Principal Curriculum and Quality
DATE OF REVIEW:	August 2023
DATE OF APPROVAL:	September 2023
FOR APPROVAL BY:	SLT
NEXT REVIEW DATE:	September 2024

1. INFORMAL PROCEDURE: PROMOTING POSITIVE BEHAVIOUR

1.1 Step One

A reminder of the expectations for students to be **Ready, Respectful and Safe** is delivered privately to the student. The member of staff makes the student aware of their behaviour. The student has a choice to do the right thing.

1.2 Step Two

A reminder of the expectations set out in step one, delivered privately to the student making them aware of their behaviour and clearly outlining how their behaviour is impacting others. The student has a choice to do the right thing. Students will be reminded of their previous good behaviour to prove that they can make better decisions.

1.3 Step Three

A scripted approach at this stage is encouraged and includes:

- A gentle approach which is non-threatening (side on, eye level or lower, or if online speaking to the student in a breakout room)
- Using positive language, discuss the impact of the behaviour and relate to being **Ready, Respectful and Safe**.
- Explain to the student that they will need to remain for a short discussion after the session (in class or online)
- Refer to previous excellent behaviour/learning as a model for the desired behaviour
- Walk away from/leave the student; allow the student time to decide what to do next
- If there are comments as you walk away/leave, write them down and follow up later
- The student has the choice to do the right thing.
- Ensure you make time to follow up with the student after the session or online.

1.4 Step Four

- The student is asked to speak to the member of staff away from others
- Boundaries are reset
- The student is asked to reflect on their next step and is reminded of an example of their previous excellent behaviour/attitude/effort
- The student is provided with an opportunity to share any thoughts and feelings that they feel is driving their behaviour.
- The student is given a final opportunity to re-engage with the learning / follow instructions

If the step four is unsuccessful, or if a student refuses to take a time out, then the student will be asked to leave the session.

Students who reach step four will be expected to attend a Restorative Meeting with the teacher at a mutually agreed time. Students may also

request a Restorative Meeting with the teacher if they feel they have been unfairly treated.

1.5 **Step Five**

The aims of Restorative Meetings are:

- To restore relationships
- To encourage students to take responsibility for their own behaviour
- To reinforce the college's high expectations that everyone is **Ready, Respectful and Safe**
- To enable any underlying issues to be raised and addressed, including any previous experienced trauma.

1.6 **Restorative meetings** are structured as follows:

- What's happened?
- Why do you feel you behaved that way?
- How do you feel about it now?
- Who has been affected by what happened and how?
- What have each party thought since?
- What behaviours will each party show next time?
- Do you feel you need any support to help develop positive behaviour in the future?
- Reaffirm the commitment to building a trusting relationship.

Some issues will be resolved very quickly by a short restorative meeting if the incident was relatively minor, for example at the end of the lesson concerned, or at break/lunch. Most issues can be avoided by de-escalating disruptive behaviour and a commitment to resolving conflict swiftly. Some may require a longer discussion.

The member of staff concerned should inform the student of when and where the restorative meeting will take place (in the college or online). It is the student's responsibility to attend and engage fully. No written record of this meeting is required. This is not 'part of a process' but rather a genuine opportunity to reach an accord with students and agree a way forward.

If a student chooses to ignore these early interventions, will not attend meetings or is not prepared to engage in the meeting then please speak to your line manager who will provide support.

1.7 **Final Stage** of Informal Process: This next stage will apply when the Five step process has been exhausted, caused by persistent low-level disruptive behaviour affecting learning, persistent lateness, or extensive lack of commitment, these are examples only.

Student/Tutor Discussion

The personal tutor (or subject tutor for students without personal tutors) will meet with the student to understand the reasons behind the cause for

concern and identify and implement the support needed to overcome any barriers to learning.

- (i) Agree Targets/Goals for improvement and any support required.
- (ii) Agree actions to be taken by the student and staff member, where applicable (e.g. supportive measures)
- (iii) Agree how targets are to be **monitored weekly**.
- (iv) Agree target review date.

A two-week review date is recommended for all full and part-time students in the first instance. This should then be reviewed depending on progress towards achieving targets. Progress against targets/actions should be recorded on ProMonitor.

The student may be referred to the Pastoral and Welfare team for support to meet their targets. If this support is required, the personal tutor should request support via ProMonitor. Note: students may request Pastoral and Welfare support using ProPortal, however as part of the disciplinary process, it is the personal tutor's or teacher's responsibility to ensure this is completed.

The personal tutor (or subject tutor for students without personal tutors) must record the 'Informal Discussion' meeting, the targets set, and any sanctions applied on ProMonitor. Step-by-step instructions are [HERE](#)

At the review meeting the impact of the action plan and progress towards targets will be discussed. If actions have not been met/attempted/achieved, further meetings will be required up to a maximum of one month from the date targets are agreed and excluding non-term time.

In all cases the review meeting discussions, targets set, and any action agreed should be recorded on ProMonitor. The student should agree the targets and actions (these are visible on ProPortal) and if requested they should be provided with a hard copy of the relevant documentation.

The personal tutor (or subject tutor for students without personal tutors) will monitor the agreement and if the student fails to improve or fulfil the conditions agreed, the personal tutor (or subject tutor for students without personal tutors) will progress the matter to Stage One of the formal disciplinary process.

2. FORMAL PROCEDURE: THREE STAGES OF DISCIPLINARY

2.1 Stage One – Cause for Concern

Applicability: Failure to meet agreed targets or actions agreed during the informal meetings, including those students who fall under the category of Exceptional Enrolments. Referral from the Designated Safeguarding Lead or

Deputy as a result of a Safeguarding Concern raised which has been assessed in relation to behaviour that requires formal action within the policy framework.

If the student fails to meet agreed informal disciplinary targets or actions or where academic performance and/or non-academic behaviour is giving a cause for concern the subject tutor or another member of staff will report this concern to the personal tutor. For Exceptional Enrolments records on Promonitor must be accessible to show that the agreed targets and actions have been reviewed weekly with the student. Should the student breach the terms of their enrolment it may be deemed to take them directly to Stage Two or Three, subject to approval by the Curriculum Director.

The next step will depend upon the details of the cause for concern. The personal tutor has the discretion to proceed informally, as per the procedure outlined previously, or invoke the Student Disciplinary Procedure, by conducting a formal discussion with the student, and their parent/carer if under 18, or their employer (apprentices), should the issues be of a serious or recurrent nature. In the case of Safeguarding concern referrals, the Designated Safeguarding Lead or Deputy will advise of the severity of the concern and recommend to the Curriculum Director if this is deemed to require movement directly to stage Two or Three. The DSL or Deputy will provide appropriate information to the investigating officer and panel from the safeguarding concern to support the disciplinary investigation through access via MyConcern to case files as appropriate.

To request instigation of Stage One (Cause for Concern) process please use the **Stage 1 Disciplinary - Cause for Concern** form on ProMonitor. This request will then be reviewed and processed by the Admin Hub in line with this Policy and Procedure.

In the case of the latter the personal tutor (or subject tutor for students without personal tutors) will formally meet with the student, and their parent/carer if under 18, or employer, to discuss the cause for concern. (The following letters may be used to support the various related communications;

- SDP1 Record of Concern Notice
- [SDP1a letter invite student](#)
- [SDP1b letter invite parent](#)
- [SDP1c cover letter for cc parties](#)).

Additionally, a text message will be sent to Parent/Carer to advise them of the stage one meeting date/time.

Personal tutors must inform students that they have now commenced the formal disciplinary procedure. The meeting should seek to understand the reasons behind the cause of concern, set targets, agree an action plan for improvement, identify any support needed and agree a review date.

All details should be recorded on ProMonitor as described above. Step-by-step instructions are [HERE](#)

(A two-week review date is recommended for all full and part-time students). The following letter may be used to support communications to appropriate other parties: [SDP2c cover letter for cc parties](#).

The student may be referred to the Performance Coaches for support to meet their targets. If this support is required, the personal tutor should request Performance Coaching via a 'Performance Coaching Request' ProMonitor comment. Note: students may request performance coaching using ProPortal, however as part of the disciplinary process, it is the personal tutor's or teacher's responsibility to ensure this is completed.

The personal tutor (or subject tutor for students without personal tutors) will record the action plan on the 'Cause for Concern' form on ProMonitor.

A copy of the 'Cause for Concern' Form, completed on ProMonitor will automatically be visible to the student on ProPortal. However, to reinforce the importance, a copy should be:

- Given to the student or the student should be notified of the record on ProPortal
- A copy sent to the parent/carer (if the student is under 18) and any associated employer if an apprentice
- Notified to the Student Services & LRC Team Leader
- Sent to the Designated Safeguarding Lead in the case of Safeguarding Concern referrals.

At the **formal review meeting** the impact of the action plan detailed on the 'Cause for Concern' Form and progress towards targets should be discussed. If actions have not been met/attempted/achieved, further meetings will be required. The review meeting discussions, targets set, action agreed, and support provided should be recorded on a 'Disciplinary Stage 1' form on ProMonitor. by the personal tutor (or subject tutor for students without personal tutors).

Step-by-step instructions are [HERE](#)

A copy should be:

- Given to the student or the student should be notified of the record on ProPortal
- A copy sent to the parent/carer (if the student is under 18) and any associated employer if an apprentice
- Notified to the Student Services & LRC Team Leader
- Sent to the Designated Safeguarding Lead in the case of Safeguarding Concern referrals.

If at the review meeting the student has met all the actions and conditions, then no further action may need to be taken and the Student Disciplinary Procedure stops at Stage One. The opportunity may be taken in the future for the Stage One to be de-escalated, based on evidence of exemplary behaviour relating to the original issue, with approval from the Director of the area.

If the outcome of the review is unsatisfactory, or should a further poor behaviour occur, this will lead to a Stage Two Case Conference with the Department Manager.

2.2 **Stage Two - Case Conference**

Applicability: Failure to meet agreed targets/actions at Stage One or failure to meet the terms agreed within the Exceptional Enrolment (subject to Curriculum Directors approval). Referral from the Designated Safeguarding Lead or Deputy as a result of a Safeguarding Concern raised which has been assessed in relation to behaviour that requires formal action within the policy framework (as advised by the Designated Safeguarding Lead or Deputy in conjunction with the Curriculum Director)

In the event of the student failing to meet the targets and/or conditions arising from Stage One, personal tutors (or subject tutor for students without personal tutors) should refer the student to the Department Manager, who will arrange a case conference. In the case of Safeguarding concern referrals, the Designated Safeguarding Lead or Deputy will advise of the severity of the concern and recommend to the Curriculum Director if this is deemed to require movement directly to stage Three. The DSL or Deputy will provide appropriate information to the investigating officer and panel from the safeguarding concern to support the disciplinary investigation through access via MyConcern to case files as appropriate.

To request instigation of Stage Two (Case Conference) process please use the **Stage 2 Disciplinary - Case Conference** form on ProMonitor. This request will then be reviewed and processed by the Admin Hub in line with this Policy and Procedure.

The student will be informed in writing, with copies to their parents/carers if appropriate, that a **case conference** meeting has been convened, together with date, time and location. There is an expectation that their parent/carer if under 18, or employer, will attend the meeting to discuss the cause for concern: Case Conference Letter SDP3. Additionally, a text message will be sent to Parent/Carer to advise them of the stage two meeting date/time.

A case conference is a meeting chaired by the Department Manager, involving the student, their Personal Tutor and parent/carer and/or employer (for apprentices) if the student is under 18. If the student is receiving relevant

support it may be appropriate to invite the Performance Coach to the meeting. Should the student have an EHCP a member of the Inclusive Support Team should also be in attendance. If the student is a Looked after Child or Care Leaver the Designated Teacher or representative should also be in attendance.

The case conference will seek to establish the reasons behind the poor behaviour, set targets, develop an action plan and put support in place to resolve the problems.

The Department Manager will record the action plan on a 'Case Conference - Stage 2' form on ProMonitor. Step-by-step instructions are [HERE](#)

A copy of the Case Conference form should be:

- Given to the student or the student should be notified of the record on ProPortal
- A copy sent to the parent/carer (if the student is under 18) and any associated employer if an apprentice
- Notified to the Student Services & LRC Team Leader
- Sent to the Designated Safeguarding Lead in the case of Safeguarding Concern referrals.

A **formal review meeting** will take place, with parents/carers or the employer in attendance if the student is under 18, within 4 weeks and the impact of the action plan and progress towards targets will be discussed. Should the student have an EHCP, a member of the Inclusive Support Team should also be in attendance. If the student is a Looked after Child or Care Leaver the Designated Teacher or representative should also be in attendance.

The review meeting discussions, targets set, any action agreed, and support put in place should be recorded on a Stage Two Review Form on ProMonitor, by the Department Manager and the student and a copy then:

- Given to the student or the student should be notified of the record on ProPortal
- A copy sent to the parent/carer (if the student is under 18) and any associated employer if an apprentice
- Notified to the Student Services & LRC Team Leader
- Sent to the Designated Safeguarding Lead in the case of Safeguarding Concern referrals.

If at the review meeting the student has met all the actions and conditions, then no further action may need to be taken and the Student Disciplinary Procedure stops at Stage Two. The opportunity may be taken in the future for the Stage Two to be de-escalated, based on evidence of exemplary behaviour relating to the original issue, with approval from the Director of the area.

If the outcome of the review is unsatisfactory, or should a further poor behaviour occur, this will lead to a Stage Three Disciplinary Hearing with the Department Director.

2.3 **Stage Three – Disciplinary Hearing**

Applicability: Failure to meet Stage Two targets or failure to meet expectations within the Attendance Policy or failure to meet the terms agreed within the Exceptional Enrolment (subject to Curriculum Directors approval) or a further act of poor behaviour or where it is alleged that serious poor behaviour has occurred or referral from the Designated Safeguarding Lead or Deputy as a result of a safeguarding concern raised which has been assessed in relation to behaviour that requires formal action within the policy framework (as advised by the Designated Safeguarding Lead or Deputy in conjunction with the Curriculum Director or Vice Principal).

The relevant Director or the College Vice Principal is responsible for convening the disciplinary hearing within 10 working days of the incident leading to the Stage Three Disciplinary, and for ensuring that the meeting is recorded. In the case of safeguarding concern referrals, the Designated Safeguarding Lead must be advised of outcomes from the hearing.

The following lists some examples considered to be serious poor behaviour, but is not comprehensive or exclusive:

- Failure to meet Stage Two targets.
- Failure to follow reasonable instructions (including failure to co-operate with investigations linked to the Student Disciplinary Procedure).
- Non-attendance to the Attendance Support Group triggered by attendance of less than 80%.
- Behaviour of a violent or potentially violent nature, either in person or on-line
- Being intoxicated on college premises
- Bringing intoxicating substances onto college premises (alcohol, drugs, illegal substances or substances which may be misused)
- Students suspected to be dealing or supplying intoxicating substances
- Being in possession of an offensive weapon.
- Verbal or physical abuse of another (including bullying or intimidation).
- Transgressing the rights of another as defined in the Diversity and Inclusion Policy (including but not limited to racism/homophobia/transphobia/sexism/religious intolerance).
- Theft or any other criminal offence involving the College or impacting on other members of the College.
- Abuse of college property, including intentionally setting off the fire alarms without cause.
- Any actions deemed to be unreasonable behaviour endangering the physical or mental wellbeing of staff or students.

- Violation of the College's e-safety policy for students.
- Violation of college policies including, but not limited to vaping or smoking inside the college, setting alarms off through the use of emergency exits, when unwarranted.
- Bringing the college into disrepute.

Depending on the severity of the poor behaviour and the impact on the college and students, the Director or Vice Principal can take the decision to suspend the student pending investigation for the Stage Three Disciplinary.

In some cases the student will be suspended using the [Student Suspension Notice Letter SDP8](#) (Notice of Suspension on ProMonitor) pending a formal investigation into the allegations. Either College Vice Principal or Department Director must approve all suspensions and record this on ProMonitor using the Meeting and Message Tab and Notice of Suspension form. This will then trigger automatic notification to VP and SD and record actions. The suspension will automatically invoke an investigation and a disciplinary hearing, which will need to be arranged by the Department Director.

To request instigation of Stage Three (Disciplinary Hearing) process please use the **Stage 3 Disciplinary - Disciplinary Hearing** form on ProMonitor. This request will then be reviewed and processed by the Admin Hub in line with this Policy and Procedure.

The Department Director or College Vice Principal will record the action plan on a 'Disciplinary Hearing - Stage 3' form on ProMonitor. Step-by-step instructions are [HERE](#).

Where a student has allegedly committed a criminal offence, whether it occurred on College premises, the College Vice Principal or a member of the Executive Team in their absence, can take a decision to suspend a student pending the outcome of further enquiries where there is a potential impact in college. Where a student is suspended for these reasons the College reserves the right to commence proceedings under the Student Disciplinary Procedure when the results of the further investigations are known.

Following the suspension of a student, the College Vice Principal or the Department Director approving the suspension will appoint an Investigating Officer, normally the relevant Department Director, who will undertake a thorough investigation into the facts and compile related evidence. In cases relating to safeguarding this will usually be a Designated Safeguarding Lead.

The role of the Investigator is to conduct a full and fair investigation in order to obtain relevant information and to decide whether further action is necessary or not. A plan should be completed at the outset (Appendix 3);

Investigations will take place without unreasonable delay and should normally be completed within two calendar weeks. Where there is a delay, students should be kept informed.

Meeting/Interview

The Investigator must:

- establish the following (see Appendix 4);
 - the sequence of events, dates, times and places;
 - the parties involved;
 - whether there were any witnesses – names, dates, times and places;
 - whether there is any documentary information,
- draw up a statement for the student to sign. The statement can be prepared after the interview or drawn up there and then (see Appendix 5);
- ensure that the statement is signed and dated by the student; and
- only ask questions that relate to the individual case.

Taking a statement from the witnesses

The same basic approach as described above should be taken when interviewing witnesses and any other parties involved. Witnesses must be informed that their statement may be used during a disciplinary hearing.

Reporting the findings

The Investigator will need to compile a report (template Appendix 6) and make a recommendation, based on their findings, whether or not to pursue further action under the disciplinary policy. Where the investigation has established that there is no case to answer or where there are significant mitigating factors identified, the panel may (with the agreement of the Vice Principal) revert the Stage three process to more informal coaching and mentoring support rather than a formal hearing, where this is deemed more appropriate.

In all cases, whether the student has been suspended or not, the student in question will be notified in writing at least five days in advance that they will be required to attend a disciplinary hearing relating to the actions giving rise to the Stage Three Disciplinary Hearing. A copy of the letter will be sent to the parent/carer in the case of those students under the age of 18, with the expectation that the parent/carer attends the disciplinary hearing with the student. The disciplinary hearing will normally take place within 10 working days of the incident or suspension. (The following letters may be used to support communications: [Notice of Disciplinary Hearing Letter SDP5](#), [SDP5a Notice of Disciplinary Hearing Letter \(Stage Three\) for Attendance Commitment or Behaviour](#).) Additionally, a text message will be sent to Parent/Carer to advise them of the stage three meeting date/time. If the student is suspended arrangements for work to be accessed via the VLE should be made.

The letter will:

- Set out the allegations made
- Enclose copy of investigation report (redacted as necessary to protect confidential information) and other relevant evidence arising from any investigation, which will be considered at the meeting.
- Advise the student (and their parent/carer and any associated employer, if under the age of 18) of the details of the disciplinary hearing and additionally, of their right to be accompanied by a person of their own choosing, but that that person may not be acting as a legal representative. In the case of students under the age of 18 their parent/carer should be in attendance.
- If the student has English as a second language consideration as to the need for an interpreter should be made.
- If the student is receiving relevant support, it may be appropriate to invite the Performance Coach to the meeting.
- Should the student have an EHCP a member of the Inclusive Support Team should also be in attendance.
- If the student is a Looked after Child or Care Leaver, the Designated Teacher or representative should also be in attendance.
- Advise the student that if they are aware of any witnesses to the facts, they must tell the Investigating Officer within 24 hours of receiving the letter in order that the Investigating Officer can interview those witnesses.
- Enclose a copy of the Positive Behaviour Policy & Procedure.

The student must confirm attendance at the disciplinary hearing and confirm the attendance of their parent/carer, if under the age of 18 or supply the name of the person who will be accompanying them. If the student and /or their parent/carer/representative cannot make the meeting time/date an alternative should be sought.

If the student and/or their parent/carer/representative fail to attend the disciplinary hearing without good reason, then the meeting may proceed in their absence. If this is the case then notes should be taken of the meeting and recorded in ProMonitor and the outcomes should be confirmed in the letter to the student with reasoning for the judgement made.

A panel of two people (including at least one member of the Curriculum and Quality Committee (C&Q) who have not been involved in the investigation, will conduct the disciplinary hearing. In the event of serious poor behaviour, the panel will normally be chaired by the Department Director or College Vice Principal. If the Department Director or College Vice Principal is not available or has been involved in a previous stage of the procedure, the Vice Principal for Curriculum and Quality may nominate another member of C&Q. For

students on Higher Education programmes, the Director of Higher Education will normally be on the Panel.

A note taker will be present to take notes of the disciplinary hearing, and these will be retained as part of the documentation of the case.

The format for the disciplinary hearing can be found in Appendix 1

The panel will confirm one of the following outcomes below:

- a) Reinstatement and where appropriate a supported transition meeting to ensure the student is fully supported to reengage with learning
- b) A written warning
- c) A final written warning
- d) Directed study which is outside of a normal timetabled class
- e) A fixed term exclusion (e.g. one term, until the end of the academic year etc.)
- f) Permanent exclusion (relating to all colleges)

To ensure the outcome from the disciplinary is reasonable the panel will consider (even if the student is not in attendance):

- Previous disciplinary and academic records within the academic year
- The penalty imposed in similar cases in the past, though the panel will exercise discretion and each case will be determined on the specific evidence presented
- Any mitigating or aggravating circumstances.

The Department Director or College Vice Principal, who has chaired the meeting, will communicate the outcome of the disciplinary hearing to the student, their representative, the Investigating Officer and the Vice Principal Curriculum and Quality in writing, within 5 working days, with reasons using SDP6 or SDP7 as appropriate.

If the student has been permanently excluded the student will be advised of their right to appeal against the decision. [Disciplinary Outcome Exclusion Letter SDP6](#).

If the student has not been permanently excluded the Disciplinary Hearing [Record of Outcome Form SDP7](#) will be completed by the Department Director or College Vice Principal, circulated to all parties present at the hearing and uploaded onto ProMonitor. Consideration should be made to identify any support for the student to help them to return to college. Failure to comply with any conditions specified would result in a further hearing that may result in permanent exclusion. (The following may be used to support the related communications [SDP6a Disciplinary Outcome Warning or Final Warning Letter](#), [SDP7a cover letter for CC parties](#).) Should further negative behaviours by the student present themselves, outside the conditions specified, the panel should be referred to and appropriate action taken.

Suspensions and temporary exclusions, which occur during the application of the Student Disciplinary Procedure, should not result in students losing the opportunity to take part in public exams or external assessments. However, if the student is permanently excluded, they will lose the right to participate in any form of external assessment. Should the student contravene the suspension by returning to college premises without permission the student may be asked to submit a written statement to support their case instead of attending the Disciplinary Hearing.

The Hub is to be informed of all suspensions and exclusions and will maintain a central record of any such events and ensure that the relevant Department Directors, data management and student services are informed.

2.4 **Appeals Procedure**

There is a right of appeal at Stage Three of the Student Disciplinary Procedure.

This **Appeal** must be lodged in writing (by email or letter) with the Vice Principal Curriculum and Quality within five working days of any sanction being applied and a **clear statement** of the reasons for appeal must be included. This must be signed by the student making the appeal and sent to the Quality Team: quality@bmet.ac.uk for the attention of the Vice Principal Curriculum and Quality.

Normally Appeals are granted on the grounds that:

- New evidence has come to light which supports the student's case
- Evidence of procedural irregularity is presented.

The Vice Principal Curriculum and Quality, who will make the decision as to whether there are sufficient grounds for convening an Appeal Panel, will consider the written appeal.

If there are sufficient grounds, the Vice Principal Curriculum and Quality will convene an Appeal Panel to take place within fifteen working days of the appeal being received.

The Vice Principal Curriculum and Quality will inform the student at least five working days in advance of the date and time of the appeal hearing, provide the notes and information from the disciplinary hearing and advise the student that they are required to attend the appeal and of their right to be accompanied by a person of their own choosing (one parent/carer, friend or representative), but that this person may not be acting as a legal representative. Should the student have an EHCP a member of the Inclusive Support Team should also be in attendance. If the student is a Looked after Child or Care Leaver, the Designated Teacher or representative should also

be in attendance. If the student has English as a second language consideration as to the need for an interpreter should be made.

The Appeal Panel will consist of one member of the Senior Leadership team who will chair the meeting and one other member of the College Leadership team (C&Q member) who has not been involved in the case to date. A note-taker will also be present.

The format for the appeal can be found in Appendix 2

The panel will deliberate in private and may decide to uphold or amend the decision of the disciplinary hearing. In the event of the panel not being able to reach agreement the majority view will prevail, with the member of the Senior Leadership team having the casting vote. The panel's decision is final and the Vice Principal Curriculum and Quality will confirm the outcome of the appeal in writing using the [Appeal Outcome Exclusion Letter SDP10](#) to the student with a copy uploaded to ProMonitor within five working days of the appeal hearing.

If the student is reinstated the Appeal Meeting Outcome Form [Appeal Outcome Uphold Letter SDP9](#) will be completed by the chair, circulated to all parties present and uploaded onto ProMonitor. Failure to comply with any conditions of reinstatement will result in immediate permanent exclusion.

Appendix 1

Format of the Stage Three Disciplinary Hearing

- The Department Director or College Vice Principal is responsible for convening the disciplinary hearing within 10 working days of the student being notified of the disciplinary hearing and for ensuring that the meeting is recorded.
- The College Vice Principal will chair the meeting
- During the hearing the Chairperson will:
 - introduce the Panel, explain the purpose of the hearing and the procedure and determine who is presenting the evidence for each side
 - outline the allegation(s)
 - invite both sides to present oral and written evidence and to ask questions with the College presenting the case against the student first, and the student then responding
 - have the authority to limit the amount of time used by each of the parties in presenting the case
 - may exclude any person who disrupts the meeting or disregards the Chairs instructions
 - be sensitive to cultural, gender and inclusion issues in so far as they may affect the conduct of the hearing.
- The Investigating Officer will be responsible for presenting the evidence to the Panel and will state the case in the presence of the student and their representative if present. Witnesses (arranged prior to the hearing) may be called by the Investigating Officer, if they have factual evidence that may assist the panel to make a decision.
- The student or their representative may ask questions of the Investigating Officer and any witnesses about the evidence provided.
- The Panel may also ask questions of the Investigating Officer and any witnesses about the evidence provided.
- The witnesses will then be reminded that the content of the hearing is confidential and be asked to leave the meeting.
- The student or their representative will state their case in the presence of the Investigating Officer.
- The Panel may ask questions of the student about the evidence that they have provided.
- The Investigating Officer will be given a final opportunity to summarise their case.
- The student or their representative will have the opportunity to summarise their position.
- At this stage the student and the Investigating Officer will leave the hearing and the Panel will deliberate in private.
- The panel will confirm one of the following outcomes below:
 - Reinstatement
 - A written warning
 - A final written warning
 - Directed study which is outside of a normal timetabled class
 - A fixed term exclusion (e.g. one term, until the end of the academic year etc.)
 - Permanent exclusion (relating to all colleges)

Appendix 2

Format of the Appeal Hearing

- The Vice Principal Curriculum and Quality is responsible for convening the appeal hearing within 15 working days of the student lodging an appeal.
- A member of the Senior Leadership team will chair the meeting and may exclude any person who behaves unreasonably or disregards the Chairs instructions.
- In addition to the Chair the panel will be made up of one other member of the College Leadership team (C&Q Member) who has not been involved in the case to date. A note-taker will also be present.
- The Chair of the disciplinary hearing will be responsible for explaining the decision made at the disciplinary hearing.
- The student or their representative will present their grounds for appeal and the associated evidence.
- The panel may ask questions of both the Chair of the disciplinary hearing and student about the information and evidence provided.
- The Chair of the disciplinary hearing will be given a final opportunity to summarise the grounds for the decision made at the disciplinary hearing.
- The student or their representative will have a final opportunity to summarise their position.
- At this stage the student and the Chair of the disciplinary hearing will leave, and the Panel will deliberate in private, considering any the new evidence and any evidence of procedural error, and determine the outcome of the appeal.
- The Chair will liaise with the Vice Principal Curriculum and Quality to ensure the appropriate letter is prepared and distributed.

Appendix 3

Investigation Plan

Investigator	
Provisional time-frame	
Issues that need to be explored/clarified	
Sources of information to be collected	
Persons to be interviewed (including planned order of interviews)	
Investigation meetings further arrangements (When/where/notes to be taken by)	
Persons to supply own statement	
Investigation meetings to be completed by	
Collection of evidence to have been completed by	
Further considerations	

Appendix 4

Investigation Meeting/Interview Procedure

<p>Before the meeting takes place the Investigator should:</p>	<ul style="list-style-type: none"> • establish how the interviewee may be able to help with the investigation and plan initial questions accordingly • book an appropriate time and place for the meeting • write to the interviewee using the template/wording provided, inviting them to the meeting • ensure that any specific needs are taken into consideration (e.g. EHCP, health or learning needs, LAC or Care Leaver)
<p>At the start of the meeting the Investigator should explain:</p>	<ul style="list-style-type: none"> • who is present and why? • the role of the investigator • the purpose of the meeting • the need for confidentiality during the investigation • that the interviewee's witness statement may be used as evidence for the disciplinary • who will see the interviewee's witness statement?
<p>During the meeting the Investigator should:</p>	<ul style="list-style-type: none"> • take any needs into consideration during this stage • ask questions to gather the facts of the matter • probe the interviewee without it being in an adversarial manner • record responses and any refusal to respond • seek evidence that may substantiate the information provided
<p>At the end of the meeting the Investigator should:</p>	<ul style="list-style-type: none"> • check if there is anything else the interviewee thinks is important before ending the interview • explain that they may need to be interviewed again • explain that the interviewee will be provided shortly with a copy of their witness statement for them to check and confirm that it is accurate
<p>After the meeting the Investigator should:</p>	<ul style="list-style-type: none"> • provide the interviewee with a copy of their statement and seek agreement that it is accurate • consider what the important facts from the meeting were and whether information already collected supports or contradicts these

	<ul style="list-style-type: none"> • consider whether the meeting suggested any further information needs to be collected or interviews arranged • consider any specific needs that should be taken into consideration prior to formulating any judgements.
--	---

Appendix 5

Transcript – Investigation Interview

Name:

Date:

Venue:

Attendees:

Name of Investigator.....

Signed: Date:

Name of interviewee:

Signed:..... Date:

Please Note:

If it is deemed appropriate to hold a formal disciplinary hearing, this transcript may be used as evidence **[and you may be called as a witness to support the information provided]**.

Appendix 6

Investigation report

Introduction	Investigation into allegations against: [Name and BMC Number]
	Investigator: [Name and Role]
	Date investigation began:
	Brief outline of circumstances leading to disciplinary action:

Information Collected (List all information collected, when and how)	Item	Date	Description
	1.	DD/MM/YYYY	
	2.		
	3.		
	4.		
	5.		
	6.		
	7.		
	8.		
	9.		
	10.		

Findings	Information established: [detail what the investigation has established, making reference to the information collected and providing a chronology of events]
	Information that could not be established: detail any part of the investigation that was inconclusive]
	Mitigating factors: [detail if there were any mitigating factors uncovered that are relevant to the investigation]
	Other relevant information: [detail any other information that is relevant to the matter]

Recommendation	No case to answer/Disciplinary action stage 1, 2 or 3
	Investigator's signature:
	Date:

Appendix 7

Checklist for Stage 3 Disciplinary Hearing

Has student been suspended?

Yes ☐ No ☐

If yes, has the SDP8 letter been sent to the student and has the suspension been recorded on ProMonitor?

Yes ☐ No ☐

Has the disciplinary action plan been completed on ProMonitor?

Yes ☐ No ☐

Name of Investigating Officer

.....

Has the student provided a signed and dated statement?

Yes ☐ No ☐

Have any witnesses provided signed and dated statements?

Yes ☐ No ☐

Has the investigating Officer compiled a report?

Yes ☐ No ☐

What recommendation has the investigating officer made?

Disciplinary Hearing ☐ No Case to Answer ☐ Other (*specify below*)

.....

Date of Disciplinary hearing?

.....

Has the student been notified of the disciplinary hearing at least 5 days in advance?

Yes ☐ No ☐

If student is under 18, has a letter and text message been sent to the parent/carer?

Yes ☐ No ☐ N/A ☐

If suspended, have arrangements been made for the student to access work via the VLE?

Yes ☐ No ☐ N/A ☐

Has the Investigation pack been sent to the student with the letter?

Pack should include, a letter detailing allegations and the date and time of the disciplinary hearing, a copy of investigation report including any relevant evidence, a copy of the positive behaviour policy.

Yes ☐ No ☐

If applicable, has an interpreter been arranged for the student?

Yes ☐ No ☐ N/A ☐

If applicable, has the performance coach been invited to the disciplinary?

Yes ☐ No ☐ N/A ☐

If the student has an EHCP, has a member of Inclusive Support been invited to the disciplinary?

Yes ☐ No ☐ N/A ☐

If the student is a Looked after Child or Care Leaver, has the designated teacher or representative been invited to the disciplinary?

Yes ☐ No ☐ N/A ☐

Has the student confirmed their attendance as well as the attendance of any representative?

Yes ☐ No ☐

Who will conduct the disciplinary hearing? *At least 2 people, 1 from C&Q*

Chair

.....

Other

.....

Who will take notes?

.....

Has the student and any representative attended the disciplinary hearing?

Yes ☐ No ☐

If no, did the meeting continue in the absence of the student?

Yes ☐ No ☐

If no, why not?

.....

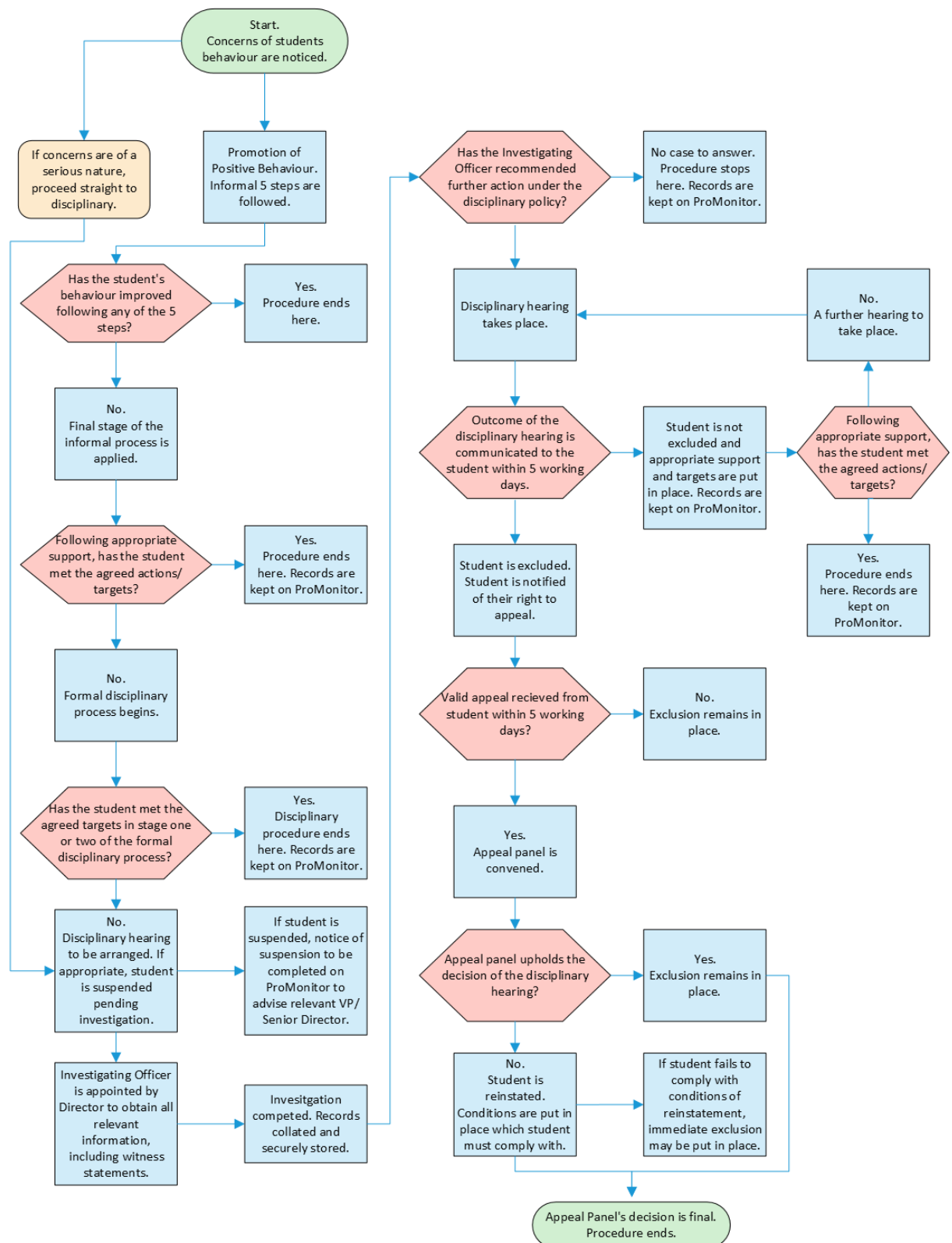
Have detailed notes been completed for the meeting?

Yes ☐ No ☐

Has the outcome of the disciplinary hearing been communicated to the student, their representative, the Investigating Officer and the Vice Principal of Curriculum and Quality within 5 days?

Yes ☐ No ☐

Appendix 8 Positive Behaviour Policy Flowchart



*The above is a summary of the Positive Behaviour Policy and Procedure. Certain circumstances may result in some stages being skipped. For full details please consult the Positive Behaviour Policy and Procedure or discuss with your line manager.