

Promoting Positive Behaviour Policy & Procedure

Relating to: Students

Document reference: SHCProStu01

Document owner: Vice Principal

Date of approval: 27 August 2024

Date of next review: 27 August 2025

Contents

Introduction	4
Purpose of the Procedure	4
Aims of the Procedure.....	5
All stages of this procedure are designed to promote themes of respect, responsibility, and resilience in accordance with the definitions set out below:.....	6
Before the Promoting Positive Behaviour Policy & Procedure is invoked.....	7
Judgements about Behaviour.....	7
Criminal Activity (whilst engaged in college activities).....	8
At each stage of the procedure the student will be given:	8
Student Standards for Learning	9
Stage 0: Informal Intervention (All College Staff)	11
Stage 1: Formal Verbal Warning (Teacher, Key Worker, Personal Development Tutor or Assessor).....	12
Stage 2: Formal Written Warning (Head of School or Deputy Head of School)	12
Stage 3 Senior Leadership Disciplinary Hearing	13
Stage 4: Appeal Procedure	15
Exclusion and Re-Admission.....	15
Appendix 1 Guide to Mediation	17
Appendix 2 Order of Meeting for Disciplinary Meetings.....	18

It is not always necessary for a student to progress through the stages of this procedure. A student will be placed on the appropriate stage dependant on the seriousness of the incident. Student attendance should be addressed by the Promoting Positive Behaviour Policy & Procedure. Poor attendance (lower than 87%) should be addressed from Stage 2.

Stage 0: Informal Intervention	
Concerns raised about academic progress or behaviour	Stage 0: Informal Intervention- carried out by college staff member who meets with student to discuss the concern. Concern logged on ProMonitor under comment ' Informal Intervention'
Stage 1: Formal Verbal Warning	
Failure to achieve cause for concern actions. Poor behaviour, attendance concerns, refusal to carry out reasonable requests	Stage 1: Formal Verbal Warning- carried out by Teacher, Personal Development Tutor, Key Worker or Assessor who meets with student. Action plan logged on ProMonitor in a meeting template 'Disciplinary'. Letter to parent or carer if under 19
Stage 2: Formal Written Warning	
Failure to achieve Stage 1 actions. Poor attendance (lower than 87%). Serious misconduct, for example, bullying, gross insolence, verbal abuse, inappropriate behaviour towards others in class, on college premises and college activities off premises	Stage 2: Formal Written Warning-carried out by - Head of School or Deputy Head of School who meets with student. Action plan logged on ProMonitor in a meeting template ' Disciplinary'. Letter to parents or carer if under 19. NB: A Head of School may suspend a student pending an investigation into an incident prior to this meeting taking place
Stage 3: Senior Leadership Disciplinary Hearing	
Failure to achieve Stage 2 actions. Gross Misconduct, for example, carrying an item which could be used as a weapon, intimidation or assault, cheating and plagiarism, drug, or alcohol abuse	Stage 3: Senior Leadership Disciplinary Hearing - chaired by a member of the Senior Leadership Team (SLT) who meets with student and parent/carer if under 19. All outcomes logged on ProMonitor in a meeting template ' Disciplinary'. NB: A Head of School may suspend a student pending an investigation into an incident prior to this meeting taking place
Stage 4: Appeal Process	
Appeal Process: A student may appeal against a decision at Stage 3 of this procedure. Notice of an appeal must be lodged via principalship@sthelens.ac.uk within five working days of the recommendation for exclusion and must give the grounds and brief particulars of the appeal. The Appeal will be heard by two members of SLT Staff (not involved previously with the hearing) as necessary. Appeals will only be held if college procedures have not been followed or new evidence has been presented since initial investigation.	

1. Introduction

1.1. At the College, we provide a supportive learning environment, which recognises every student's rights and responsibilities at all times. The College seeks to treat all those for whom it has responsibility with respect and dignity and to provide a positive learning and working environment free from discrimination, harassment, or victimisation. It is acknowledged that members of the College community may have different experiences and views on behaviour. However, the aim of our Promoting Positive Behaviour Policy & Procedure is to share some basic key principles and expectations that reflect the College ethos and our commitment to being trauma informed.

1.2. The primary aim of the Promoting Positive Behaviour Policy & Procedure is to engender the three characteristics of Positive Behaviour in students:

- 1) Respect;
- 2) Responsibility;
- 3) Resilience;

to assist in the journey towards employability through restorative processes [including mediation] which enable students to understand the impact of their behaviours on the learning of others – modelling the positive behaviours of employable individuals.

1.3. Restorative practices¹ will assist our students to be more employable.

2. Purpose of the Procedure

2.1. The purpose of the Promoting Positive Behaviour Policy & Procedure is to ensure high standards of student behaviour whilst providing a clear framework within which the College operates. It aims to promote and develop positive student behaviour and give others the chance to tell students of the real impact of negative behaviour, to gain answers to questions, and an apology. Restorative processes hold students to account for what they have done, help them to understand the real impact of what they have done and to take responsibility or make amends.

2.2. The Promoting Positive Behaviour Policy & Procedure applies to all students aged 16 or over on 31 August in the current academic year. Year 10 and Year 11 students who attend the College as part of their education will be subject to their school conduct or behaviour policy and procedure.

2.3. Engagement with restorative practices through an open dialogue will help all parties involved, i.e., students and staff to understand 'what went wrong and why'.

¹ Restorative practice are endorsed by: The Anti-bullying and Youth Justice Board, the Ministry of Justice, and the Department for Education.

2.4. When another organisation has an interest in the student (e.g., an employer) that organisation may decide to use its own policies and procedures in addition to the College's.

2.5. In some circumstances the procedure may be adapted if it is in the interest of the student (e.g. when the student may benefit from support from an internal or external agency).

2.6. The College has clearly communicated expectations and standards that students must adhere to. The Promoting Positive Behaviour Policy & Procedure will be used to address the behaviour of students who do not adhere to these standards.

Aims of the Procedure

This procedure aims to be trauma informed and not discriminate either directly or indirectly against any individual on grounds of sex, race or ethnicity, sexual orientation, religion or belief, age, disability, inclusion need, gender identity, socio-economic status or any other protected characteristic. The policy will consider the learner's vulnerability and inclusion needs and the College will consider reasonable adjustments where needed.

We aim to adopt a whole college approach to understanding how Adverse Childhood Experiences can cause a trauma response with our students. The College will do this by adopting a relationship-based approach to our work and in doing so acknowledge the value of strong partnerships and collaborative working to prioritise positive mental health and wellbeing for students at St Helens College and Knowsley Community College.

Adverse Childhood Experiences are traumatic events in a person's life that can have negative, lasting effects on a person's health and wellbeing. These experiences can be categorised as abuse or neglect and household dysfunctions such as abuse, neglect, mental health, parental substance abuse, death or family separation.

A trauma informed approach to behaviour management aims to:

- Ensure that all members of the College community feel safe
- Place relationships and a student's sense of safety and security at the heart of positive behaviour management
- Encourage nurture, warmth, kindness and empathy, even when a student is presenting with behaviours that feel challenging
- Promote a sense of community and belonging
- Take individual circumstances into account

The College acknowledges that any form of punishment, suspension or exclusion can have a significant detrimental impact on a student's relationship with college staff, and their sense of safety. These practices tend to be particularly punitive for young people who have experienced developmental trauma or have had adverse childhood experiences and can retrigger trauma that was experienced in the past.

Therefore, through this policy the College aims to use its best endeavours to make reasonable adjustments for students with Adverse Childhood Experiences. Disciplinary processes are a last resort and only where attempts have been made to correct and repair the relationship between the student and the College.

The exception to this is where the safety and wellbeing of the student themselves or another member of the College community is at significant risk of harm and there are no other options available or where the incident is so serious and therefore constitutes gross misconduct.

3. All stages of this procedure are designed to promote themes of respect, responsibility, and resilience in accordance with the definitions set out below:

3.1. A lack of respect is usually the root cause of negative or offensive behaviour, disruption, and damage to property.

- Respect: Treating others with respect. Being polite and courteous. Respecting the freedom of others and their property. Taking care of other people's property and not taking other people's property without permission.
- Tolerance and acceptance: Respecting people's differences. Listening to the point of view of others and trying to understand. *Not judging people by their outside appearances*
- Non-violence: Solving disagreements peacefully, without violence. Dealing with anger peacefully and never using physical force to show anger or to achieve a desired outcome.
- Courtesy: Using good manners. Being polite and courteous to everyone. Not hurting others by embarrassing them, putting them down, or insulting them.
- Self-respect: Self-respect is at the heart of respecting others. When students can identify, appreciate, and accept their own vulnerabilities, they will find it easier to truly respect others.

3.2. A lack of responsibility and accountability often leads to low integrity and feelings of entitlement that can result in negative behaviour. Responsibility means being in charge of individual choices, and therefore, one's life. It is:

- Committing to behaviours and doing them;
- Accepting the results that come from one's actions;
- Knowing the difference between right and wrong;
- Stepping up to do something when no one else will do it;
- Thinking things through and making informed decisions.

3.3. A lack of resilience is a common cause of low-level disruption and absenteeism. The College will promote resilience in our students by encouraging them to become increasingly autonomous, independent, responsible, and empathic; to approach people and situations with hope and trust. College staff must also demonstrate and teach students to communicate with others, solve problems, and successfully handle negative thoughts, feelings, and behaviours.

4. Before the Promoting Positive Behaviour Policy & Procedure is invoked

4.1. A member of staff with concerns about a student's academic progress or conduct must address these with the student to try to resolve the issues through informal action to engender respect and responsibility, build resilience and recognition.

5. Judgements about Behaviour

5.1. The Student Standards for Learning are set out in this procedure in Section 8.

5.2. There are four stages to the formal disciplinary procedure, which is triggered if the informal Stage 0 Informal Intervention is unsuccessful.

- Stage 1 is the first formal stage of the procedure and should normally be used after the informal Stage 0 cause for concern has been used but has not had the desired impact
- In the case of serious misconduct or poor attendance (lower than 83%), Stage 2 can be used without the previous stages
- In the case of gross misconduct, Stage 3 can be used without the previous stages. Discrimination and harassment on the grounds of a protected characteristic should be treated as gross misconduct. Furthermore, the College does not and will not tolerate the carrying of items which could be used as weapons and the possession or use of drugs or other illegal substances on college premises.
- In the case of an incident that may be considered under Stage 2 or Stage 3, a Head or Deputy Head of School or the Campus Duty Manager may decide to ask the student to leave college premises for a 'cooling off' period. In such cases it is unlikely that this period would extend beyond the day of the incident.
- For example, if a student is involved in an incident during the morning, they may be asked to leave the College for the remainder of the day and return the following day, or the next day of timetabled attendance.

- Suspension is different from ‘cooling off’ and will usually be for a longer period. A student should only be suspended if involved in an incident that may be considered under Stage 2 or Stage 3 of the Procedure. Furthermore, suspension should only be used when a student’s absence from college is required in order to allow a full and thorough investigation into an incident to take place, when it is considered necessary to safeguard the student, other students, or staff, or when criminal activity is suspected.
- Under normal circumstances any disciplinary sanctions imposed will remain “live” for the duration of the student’s current course of study. For students studying two-year Level 3 courses, i.e., Extended Diploma, as two one-year courses, i.e., Foundation Diploma followed by Extended Diploma top-up, this will be for the full two years of study.

6. Criminal Activity (whilst engaged in college activities)

6.1. The College reserves the right to report possible criminal activity to the Police and/or advise victims of their right to do so

6.2. Disciplinary action by the College may be deferred pending the outcome of criminal proceedings

6.3. Disciplinary action by the College can be taken regardless of the outcome of any criminal investigation by the Police

6.4. In some cases, the College may decide to suspend a student pending the outcome of proceedings

6.5. Mediation is not an appropriate method of resolution where criminal activity is proven.

6.6 Any behaviours which are considered contrary to the Counter Terrorism and Security Act 2015 will be referred through the Safeguarding Policy and referred to Channel. Actions may be considered a breach of this policy.

7. At each stage of the procedure the student will be given:

7.1. Clear reasons for invoking the Promoting Positive Behaviour Policy & Procedure

7.2. Details of the Procedure and the consequences if the misconduct continues

7.3. Details of any restorative practices deemed appropriate and the effect of these on disciplinary status

7.4. Details of how to appeal against the outcome of any disciplinary action

7.5. Details of how and where the matter will be recorded

7.6. Information about who will be informed

7.7 Appropriate support to ensure that they fully understand this Procedure.

8. Student Standards for Learning

The College aims to provide a safe and supportive environment where everyone can study and work to the best of their ability. Enrolment onto a course means you have joined the College community and are expected to behave accordingly. You have agreed to this by signing the enrolment form.

As a student at college, we expect you to:

- Attend all timetabled classes
- Be on time for all classes
- Follow instructions given by a member of college staff or someone acting for the College
- Wear your ID badge and Lanyard where they can be seen in college at all times
- Notify the College of your absence. We will assume you have left the College if you have been absent without explanation for four consecutive term time weeks.
- Keep to the Acceptable Use Policy when using college computers
- Be Professional, Responsible and Respectful when using social media. This includes both in and outside of the College
- Let your Personal Development Tutor, Key Worker, Assessor or Teacher know straight away if you have difficulties with your work
- Give your name and ID number to any member of staff who asks for it
- Achieve the standard of work required of you
- Treat other students and staff with respect
- Submit assessments on time
- Follow government health guidelines as issued by the College

As a student at college, we will not accept:

- Poor attendance
- Unacceptable behaviour in or around college campuses. Examples of unacceptable behaviour include bullying, defiance, verbal abuse, or rudeness, using language that offends others, fighting or other violent, threatening, or dangerous behaviour.
- Unacceptable behaviour when representing the College off campus on a trip/visit or while undertaking work experience or industry placement.
- Sexual harassment
- Action which is motivated by hostility or prejudice based on a person's protected characteristic (sex, race, religion or belief, age, gender reassignment, sexual orientation, pregnancy, disability, or marital status)
- Action which could be seen as harassment of a fellow student or member of staff

- Engaging in activities involving social media which might bring the College into disrepute
- Representing your personal views as those of St Helens College or Knowsley Community College on any social platform
- Use of virtual environments such as social media platforms and/or the internet in any way to attack, insult, abuse or defame students, their family members, members of staff, colleagues, other professionals, other organisations, or the College
- The recording of classes and other college activities without consent
- Smoking (including the use of electronic cigarettes (vapes)) in non-designated areas
- The wearing of hats on college premises (this includes beanies, hoods, caps, hats, or scarves), unless for medical, religious, cultural, or uniform reasons (exemptions require prior approval)
- The wearing of coats in classrooms or workshops, unless for approved reasons.
- Abuse, threats, or rudeness to a member of staff or students. These may be verbal or sent electronically including forms of social media
- The use of or being under the influence of illegal drugs or alcohol in or near college campuses or while representing the College off campus
- Deliberate damage or attempted damage to college property
- Theft, attempted theft, or unauthorised possession of any items belonging to the College or to any student, member of staff or employer
- Disruptive behaviour in classes or other college spaces or not following a direct instruction from a member of staff or someone acting for the College
- Carrying a weapon or any item which could be used as a weapon on campus or while representing the College off campus.
- Plagiarism.

The expectation is that all students adhere to the student standards for learning; however the College recognises that there may be some instances where students with Inclusion needs (SEND), Education, Health and Care Plans (EHCPs) learning support needs and mental health require additional consideration on a case by case basis (such as those learners with learning difficulties or disabilities; literacy difficulties; vulnerable young people or adults and those learners with mental ill health).

All staff must be conscious of the needs of learners who may have SEND or additional learning or communication needs which could have an impact on them either following college expectations or being disadvantaged by a process which relies on written communication and formal interviews. Support needs and considerations are logged on ProMonitor which should be used to inform appropriate communication and reasonable adjustments.

Staff should consider the individual needs of students and adapt the processes, with advice from the Learning Support Manager, in order to ensure that they are treated fairly and equitably.

High risk concerns for students enrolled at the College could include those subject to police action or investigation, bail conditions, criminal conviction, violent conduct, involvement with adult safeguarding, sexual harmful behaviours, LADO/DBS or fitness to study. In these cases, the Fitness to Study policy should be referred to.

The Principal or a member of the Senior Leadership Team reserves the right to suspend or take immediate action to remove a student with high-risk concerns from the College, including automatic exclusion for the most serious issues and concerns.

9. Stage 0: Informal Intervention (All College Staff)

9.1. If a member of college staff has any concerns about a student's academic progress or conduct, poor punctuality, attendance concern, poor work submission, persistently turning up without equipment, etc. they should address the concern with the student and mediate an appropriate resolution, which develops the three aspects of positive behaviour and complete a Cause for Concern comment on ProMonitor.

9.2. All actions and incidents must also be recorded on ProMonitor by the staff member who had encountered the unacceptable behaviour.

9.3. If a resolution is not agreed, or if the original issue is sufficiently serious, the following disciplinary procedure will be used.

9.4 The College has a Duty Manager system for serious incidents and emergencies. The Duty Manager should be contacted when:

- A student persistently refuses to follow instructions and it is seriously affecting the learning of other students.
- There is a serious behaviour incident, and a member of staff is concerned about the safety of a student or themselves and requires immediate support.
- The name of the Duty Manager for each site is displayed at the campus reception.
- Reception contact numbers are as follows:
 - Knowsley main campus (inc. Kirkby campus): 0151 477 5701
 - IAMTech campus: 0151 481 4655
 - St Helens Town Centre campus: 01744 623 230
 - STEM Centre campus (inc. Langtree Street): 01744 623 594

10. Stage 1: Formal Verbal Warning (Teacher, Key Worker, Personal Development Tutor or Assessor)

10.1. This might be used in the case of offences such as: not carrying out a reasonable request, inappropriate behaviour, or persistent academic shortcomings.

10.2. A formal meeting takes place between the Teacher, Key Worker, Personal Development Tutor or Assessor and the student.

10.3. If a student fails to attend a scheduled disciplinary meeting the member of staff may, at their discretion, conduct the meeting in the student's absence. In such cases the outcome of the meeting will be communicated in writing to the student within five college days.

10.4. If, after a meeting, it is decided that disciplinary action is appropriate, a formal verbal warning will be issued and confirmed in writing, and, if under 19, a copy sent to the student's parent/carer (or employer for apprentices), by the member of staff who will also ensure details are recorded on ProMonitor.

10.5. A Stage 1 Student Action Plan/Formal Verbal Warning will be agreed as a result of the meeting. The action plan will seek to mediate a resolution and develop the three aspects of positive behaviour and will be monitored by the Teacher and Personal Development Tutor, Key Worker or Assessor.

10.6. If all actions are not completed within agreed timescales, the Head of School should be informed, and Stage 2 implemented.

10.7. Where deemed appropriate by a Head of School the student should be given the opportunity to delete a Stage 1 formal verbal warning through engagement with restorative practices or mediation.

10.8. A guide to mediation is attached at Appendix 1.

Stage 2: Formal Written Warning (Head of School or Deputy Head of School)

11.1 This will be used if a student fails to meet the conditions agreed in Stage 1 or in cases of concern such as poor attendance (defined as lower than 83%), inappropriate behaviour towards others, verbal, abuse, swearing, serious misbehaviour in class/on college premises.

11.2 A formal meeting takes place, chaired by a Head of School or Deputy Head of School, between the Teacher and/or Key Worker, Personal Development Tutor or Assessor for apprentices and the student. The student can ask for a friend or other representative to support them, but not speak for them. For students under the age of 19 a parent/carer will be invited to attend.

11.3. If a student fails to attend a scheduled disciplinary meeting the chair of the meeting may, at their discretion, conduct the meeting in the student's absence. In such cases the outcome of the meeting will be communicated to the student within five college days.

11.4. If, after a meeting, it is decided that disciplinary action is appropriate, a formal written warning will be issued, and, if under 19, a copy sent to the student's parent/carer (or employer for apprentices), by the Chair who will also ensure details are recorded and added to ProMonitor.

11.5. A Stage 2 Student Action Plan/Written Warning will be agreed as a result of the meeting. The action plan will seek to mediate a resolution and develop the three aspects of positive behaviour and be monitored by the Personal Development Tutor, Key Worker or Assessor for apprentices.

11.6. If all actions are not completed within agreed timescales, the chair should be informed, and Stage 3 implemented.

11.7. Where deemed appropriate by a Head of School, students should be given the opportunity to convert a Stage 2 written warning to a formal verbal warning (Stage 1) through engagement with restorative practices or mediation.

11.7.1 A guide to mediation is attached at Appendix 1.

12. Stage 3 Senior Leadership Disciplinary Hearing

12.1. This will be used if a student fails to meet the conditions agreed in Stage 2 or in cases of offences such as: intimidation, bullying, with or without physical contact, cheating in exams and plagiarism, use or possession of drugs on college premises, carrying of an item which could be used as a weapon, non-payment of course or associated fees or more serious misbehaviour in class/on college premises which in employment terms would be called 'gross professional misconduct'.

12.2. The Head of School shall, at their discretion, suspend the student and confirm in writing to the student, and parent/carer if under 19 (or employer for apprentices), the reasons for suspension.

12.3. An Investigating Manager will be appointed by the Principalship to oversee the case and instigate the gathering of all information, statements and evidence and complete the investigation report. The report will include their recommendation for the SLT hearing.

12.4. The student will normally be given at least five College days' written notice of the hearing. In the case of students under 19, a letter will also be sent home separately. A follow up telephone call will be made by a member of the Student Services Team to ascertain receipt of the invitation.

12.5. The Principalship will arrange a formal meeting, chaired by a member of the Senior Leadership Team, an Independent College Manager, the student and a Personal Development Tutor, Key Worker or Assessor to provide support for any restorative interventions resulting from the hearing. In the case of students who are under 19, a parent/carer (or employer for apprentices), will be invited to attend. The student can ask for a friend or a Student Course Representative to support them, but not speak for them.

12.6. If a student fails to attend a scheduled disciplinary meeting the chair of the meeting may, at their discretion, conduct the meeting in the student's absence. In such cases the outcome of the meeting will be communicated to the student within five college days.

12.7. The meeting will be conducted in accordance with the Order of Meeting for Disciplinary Hearings provided at Appendix 2.

12.8. If the outcome of the hearing is a Final Written Warning, this will be confirmed in writing by Chair by letter to the student and their parent/carer. The letter will include advice of any changes of behaviour required, compliance with which is a condition of continuing without further escalation of their disciplinary sanction. This should be shared with the relevant Head of School to be recorded on ProMonitor. In most cases a Final Written Warning will be fixed for the remainder of the current academic year. However, in certain circumstances the College may decide to apply the sanction beyond the current academic year. The SLT Chair will also ensure details are recorded and added to ProMonitor.

12.9. Where a Final Written Warning has been given, continuation of the behaviour may result in referral to the SLT Chair which can take place without the need for a further SLT Disciplinary hearing. This should be recorded on ProMonitor.

12.10. If the student has any relevant confidential information, this will be shared with the SLT Chair confidentially to consider. This information will be provided by the Designated Safeguarding Lead and the information managed in accordance with the Safeguarding Policy.

12.11. All proceedings and related documents of stages 1, 2 and 3 shall be confidential and used only for the purposes of the Disciplinary Procedure.

12.12. Confirmation of Exclusion (fixed term or permanent): The SLT Chair must ensure that the communication of an exclusion has been made to the student, parent or carer within two working days of the SLT Disciplinary Hearing. The decision and rationale to exclude must be communicated to the Head of School, Programme Leader, Independent College Manager and the Personal Development Tutor, Key Worker or Assessor. The Learning Support Manager will also have the outcome of the decision for students with SEND and EHCP so that this can be shared with agencies and the relevant Local Authority. The Chair should record the outcome on ProMonitor.

12.13. An exclusion from college can be either fixed term or permanent. In most cases exclusion will be fixed for the remainder of the current academic year. However, in certain circumstances the College may decide to permanently exclude a student from the College.

13. Stage 4: Appeal Procedure

13.1. The student will have a right of appeal to the College against any recommendation for exclusion. Notice of appeal must be lodged with principalship@sthelens.ac.uk within five working days of the recommendation for exclusion and must give the grounds and particulars of the appeal (such as any part of the procedure was followed incorrectly). The Appeal will be heard by two members of SLT Staff (not involved previously with the hearing). Appeals will only be held if college procedures have not been followed or new evidence has been presented since initial investigation.

14. Exclusion and Re-Admission

14.1. Following a Decision to Exclude, should a student seek to re-enrol in future, their excluded status will be flagged in ProSolution.

14.2. Students who are excluded for a fixed term and whose appeal has been rejected will not normally be allowed to re-enrol at the College within the same academic year. This information will be stored against their college records.

14.3. Students who have been excluded for a fixed period may apply for re-admission the following academic year. This should be in writing to the Principalship.

14.4. Re-admission is at the discretion of the Senior Leadership Team who may convene a panel for a student to present their case for re-admission.

15. Variations to this Procedure

15.1. In exceptional circumstances and in cases of significant gross misconduct or criminal behaviour, it may be desirable and in the interests of fairness, the College's duty of care and student safety to make variations to either Stage 3 or 4 of the process (e.g., variation in timescales).

15.2. Such variations will only be made by or with the agreement of members of the Senior Leadership Team.

Appendix 1 Guide to Mediation

The mediator will normally be a Personal Development Tutor, Key Worker or Assessor. The mediator can help participants to resolve their dispute and to co-exist at the College, through using the following procedure:

- Both parties define the problem as they see it, alone with the mediator within two weeks of the concern or warning being issued.
- The impartial mediator identifies the key issues for both parties – these are listed on paper
- At the end of the individual session with the mediator, the mediator ascertains whether or not the parties are willing to meet together, along with the mediator. This is the point when real mediation can take place, if both parties are willing to try, to move towards reconciliation.
- At the joint meeting, led by the mediator, both parties should be encouraged to speak and express their opinion with only one person allowed to speak at a time. The mediator needs to firmly control the meeting to ensure it does not turn into a battle.
- The mediator sets up a plan of action which will satisfy each party and obtains agreement on these.
- A follow up meeting is agreed, and the situation monitored at agreed intervals.

Outcomes are likely to involve apologies; changed behaviour and perhaps some support to achieve changed behaviour e.g. anger management or other skill improvements.

The mediation approach cannot always replace a disciplinary approach and student perpetrators may be placed on a contract or in more extreme or repeated cases be excluded using the College Disciplinary Procedures.

The outcomes of all investigations should be recorded on the students ProMonitor record.

Appendix 2 Order of Meeting for Disciplinary Meetings

- a) The Chair will:
 - Ensure that all parties know who is involved in the meeting and their roles.
 - Outline the purpose and format of the meeting and confirm that all parties will have an opportunity to contribute.
 - Explain the stages of the disciplinary procedure.
 - Outline why the meeting is taking place
 - Outline the possible outcomes of the meeting
- b) The Investigating Manager (IM) will present details of the allegation(s) and a report detailing the investigation undertaken.
- c) The Chair and other parties will have the opportunity to question the IM.
- d) The Chair will ask for any additional information to be submitted.
- e) The student and/or their representative will present the case against the allegation(s) and explain any mitigating factors that may exist.
- f) The Chair and IM will have the opportunity to seek clarification by questioning the student and/or their representative.
- g) The Chair will summarise the case against the student without introducing any new factors.
- h) If, in the opinion of the Chair, the allegations are considered to be true, the Chair will take into account the following factors when deciding upon appropriate disciplinary action:
 - Any mitigating factors, e.g. health, domestic matters, bereavement, etc.
 - The student's current disciplinary record.
 - The nature of the offence.
 - All evidence presented at the disciplinary hearing.
 - Statements and other information provided by witnesses.
 - Sanctions imposed for similar offences.
- i) The student will be advised of their right to appeal against the decision, to whom any appeal should be made and the timescale within which it should be made.
- j) Written confirmation of the decision will be sent to all parties within five college days of the meeting.