



STUDENT DISCIPLINARY POLICY

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CONTEXT

1.01 The purpose of the Policy is:

- To generate a positive approach to the maintenance of the **Student Code of Conduct**.
- To provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when the Student Code of Conduct is broken

STATUS

2.01 This Policy and Procedures were first approved by the Learner Directorate and subsequently the Senior Management Team on 29 March 2006. The Policy was reviewed in the light of organisational changes in March 2007, following merger in August 2013 and most recently March 2105. The Policy will be reviewed annually. The Policy was Equality Impact Assessed on April 17th 2009 and after its latest revision in March 2015. Further review dates can be seen in the footer.

POLICY STATEMENT

3.01 The Learner Disciplinary Policy forms part of a range of policies that set out:

- what the Learner can expect from the College through the **Learner Entitlement Statement**.
- action to be taken in the event of a breach of the Learner Entitlement through the **Complaints Procedure**.
- what the College expects of its learners through the **Code of Conduct**.
- the action to be taken in the event of a breach of the Code of Conduct through the **Learner Disciplinary Policy** and / or the **Learner Substance Misuse Policy or the Fitness to Study Policy**.

3.02 The Student Code of Conduct will be signed by all learners as part of the Enrolment and Induction processes.

PROCEDURES

4:01 The implementation of this policy will need to take into account:

- Current legislation.
- The role of parents / carers / employers.
- The age and circumstances of the learner.
- The Fitness to study Policy.

The College is committed to providing a fair hearing for learners. As part of the Induction process learners [and, where appropriate, parents, carers and employers] will be given a copy of the Learner Entitlement and the Student Code of Conduct. This information, along with an overview of the Student Disciplinary Procedures, is contained in Learner Handbooks and is also available on the College website, Intranet and Moodle.

4:02 There are **two** procedures:

- (a) Procedure for poor / unacceptable behaviour [short of serious misconduct] – Paragraphs 4.04 – 4.27.
- (b) Procedure for serious misconduct – Paragraphs 4.28 – 4.33.

4.03 It is impossible, given the wide and varied nature of the student body, to fully define or grade degrees of misbehaviour which can be classified as serious misconduct.

STAGES 1 – 4 IN THE DISCIPLINARY PROCEDURE FOR POOR / UNACCEPTABLE BEHAVIOUR [except in cases of serious misconduct – refer Paragraphs 4.28 – 4.33]

4:04 As a matter of policy, other than for incidents of serious misconduct, which are dealt with in Paragraphs 4.28 – 4.33, a learner is normally entitled to go through each stage of the procedure in sequence. These stages relate more usually to the persistence of poor unacceptable behaviour. This list provides examples of the types of things that will be regarded as serious offences. It is not intended to be exhaustive.

- Failure to submit work on time
- Inappropriate behaviour
- Using or having drugs on site
- Dealing in drugs
- Being drunk on college premises
- Using violent or threatening behaviour
- Use of weapons (real and imitation)
- Theft
- Bullying
- Deliberate damage
- Cheating in examinations
- Plagiarism
- Fraud
- Abuse / assault (Racial, sexual, homophobic, physical or verbal)
- Persistent Absence
- Persistent Lateness

4:05 However, there may be occasions when the nature of the poor / unacceptable behaviour results in an appropriate written warning being given although it may be the first time such behaviour has been exhibited.

4:06 There are normally four stages:

- Stage 1: Verbal Warning.
- Stage 2: Written Warning.
- Stage 3: Final Written Warning.
- Stage 4: Serious Misconduct leading to exclusion [one of the penalties available to the Disciplinary Panel [refer Paragraphs 4.35 – 4.38]

4:07 Prior to a Disciplinary Panel being held. It will be necessary for Heads / Deputy Heads to investigate the alleged incident and interview learners to gather evidence / factual information which can be brought to the panel. All of these findings need to be recorded with the names of the witnesses and dates and times of interviews. When interviewing learners / witnesses about alleged disciplinary matters it is advisable for the Head / Deputy Head to have another member of staff present to corroborate witness testimonies.

4:08 Three stages apply in cases other than serious misconduct where a **Disciplinary Panel is immediately convened** [refer Paragraphs 4.13 – 4.33]. It is not necessarily intended that these procedures be brought into play at the first demonstrations of poor behaviour and / or performance. All staff that experience learners displaying such behaviour are expected to go through the usual learner concern procedures in an effort to bring about an improvement in behaviour and / or performance. If these efforts fail, then the procedures outlined below can be followed as appropriate.

- 4:09 The appropriate Director of Studies will be kept informed at every stage of the disciplinary procedure when a learner from their area is involved. More senior staff will be brought in as a learner progresses through the stages. [NB: Assistant Principals or the Campus Managers may act as a Director of Studies and the Assistant Campus Manager may act as Head of School. The Campus Managers must keep the relevant Head of School informed of any action taken with learners in their area of responsibility].
- 4:10 Each stage in the process, other than where a learner is excluded, is to be accompanied by a Learner Action Plan in order to encourage the learner to improve performance / behaviour. As part of the Action Plan it may be necessary to offer support interventions in certain cases where this would be appropriate.
- 4.11 It should be noted that, when a learner is issued with a verbal warning, a first or final written warning they are required to attend a Disciplinary Meeting to discuss their behaviour.
- 4.12 A Disciplinary Meeting** is held by the appropriate Head / Deputy Head of School [refer Appendix 3]. The learner will be advised of the date, time and location of the Disciplinary Meeting in writing and will require at least 5 days' notice. The learner will also be sent a copy of the Disciplinary Policy when the notification of the meeting is sent. In the event that the learner is unable to attend the meeting reasonable attempts will be made to reorganise the meeting. In the event that the learner continues to avoid attendance or refuses to attend the arranged meeting the Disciplinary Meeting will continue in the learners' absence.
- 4:13 During the Disciplinary Meeting the learner will be given the opportunity to explain the circumstances that resulted in the meeting being called. The learner may be accompanied by a family member or a friend, however no legal representation will be allowed at the meeting. The decision of the panel will be made following the meeting and the learner will be notified by letter which will have an Action Plan attached to address the issues that have been investigated and to provide the support interventions required to improve behaviour or performance. The letter of notification will also give details of the Appeals Procedure.
- 4:14 In the event of a disciplinary issue arising involving Higher Education learner, the Disciplinary Panel will include representatives from Neath Port Talbot College Group Higher Education staff. The appropriate Higher Education institution may attend where appropriate. However if the issue involves plagiarism then the incident will be reported immediately to the Higher Education Institution who will address the issue via their own disciplinary procedures

STAGE 1 – VERBAL WARNING

- 4:15 To be issued to the learner, normally by the Head / Deputy Head of School, in the presence of another member of staff.
- 4:16 The learner will be made fully informed that this is the first stage of a process and an Action Plan is agreed to address the behaviour or performance issues. In the case of unacceptable behaviour it is expected that an improvement will take place with immediate effect.
- 4:17 The warning is recorded and kept on the Learner File in a secure location [**Appendix 3.1**] and a copy is given to the learner together with a copy of the Policy. In the event that the Verbal Warning is issued for a set period e.g. one month, the entry will be removed, following a positive review, from the Learner File on an agreed date.

- 4:18 The learner is issued with an Action Plan including targets against which achievement should be monitored. A copy of the Action Plan will be kept in the Learner's File. Staff members that identify areas of progress will monitor the Action Plan.
- 4:19 In cases where the learner is under 18 years of age a copy of the warning and the Action Plan will be sent to parents / carers / employers / training providers.
- 4:20 **In some circumstances, more than one verbal warning may be issued before progressing to the next stage. Learners should be given time to improve performance before progressing to Stage 2. In the case of poor or unacceptable behaviour an immediate improvement is expected.**

STAGE 2 – FIRST WRITTEN WARNING

- 4:21 If poor / unacceptable behaviour persists or deteriorates further during the reasonable time-scale that has been allowed for improvement, a written warning can be issued [refer **Appendix 3.2**]. A written warning can be issued without a prior verbal warning being given where it is judged that the poor / unacceptable behaviour warrants it.
- 4:22 This is to be usually issued by the Head / Deputy Head of School or equivalent. The warning is recorded and kept on the Learner File in a secure location [**Appendix 3.1**] and a copy is given to the learner together with a copy of the Policy. In the event that the First Written Warning is issued for a set period e.g. one term, the entry will be removed, following a positive review, from the Learner File on an agreed date.

The learner is issued with an Action Plan including targets against which achievement should be monitored. A copy of the Action Plan will be kept in the Learner File. Staff members that identify areas of progress will monitor the Action Plan. In cases where the learner is under 18 years of age a copy of the warning and the Action Plan will be sent to parents / carers / employers / training providers. A copy must be given to the learner and if the learner is under the age of 18 years old any other appropriate parties e.g. parent or carer.
- 4.23 A **Disciplinary Meeting** is held by the appropriate Head / Deputy Head of School [refer Appendix 3]. The learner will be advised of the date, time and location of the Disciplinary Meeting in writing and will require at least 5 days' notice. The learner will also be sent a copy of the Disciplinary Policy when the notification of the meeting is sent. In the event that the learner is unable to attend the meeting reasonable attempts will be made to reorganise the meeting. In the event that the learner continues to avoid attendance or refuses to attend the arranged meeting the Disciplinary Meeting will continue in the learners' absence.
- 4:24 During the Disciplinary Meeting the learner will be given the opportunity to explain the circumstances that resulted in the meeting being called. The learner may be accompanied by a family member of a friend, however no legal representation will be allowed at the meeting. The decision of the panel will be made following the meeting and the learner will be notified by letter which will have an Action Plan attached to address the issues that have been investigated and to provide the support interventions required to improve behaviour or performance.
- 4.25 The letter of notification will also give details of the Appeals Procedure

STAGE 3 – FINAL WRITTEN WARNING

- 4:26 If, following the issue of the first written warning, and allowing a reasonable period for agreed actions to be carried out, a learner fails to make the required improvements, then a final written warning will normally be given by the appropriate Director. **[Appendix 3.3]**
- 4:27 A final written warning can be issued without a prior verbal warning, or a first written warning being given, where it is judged the poor / unacceptable behaviour warrants it.
- 4:28 The procedures are as outlined in Paragraph 4.07 - 4.13 with the addition that the learner must be made aware that failure to meet the requirements or the Action Plan agreed at the Disciplinary Meeting could result in the requirement to attend a Disciplinary Panel and this, in turn, may result in the learner being suspended or excluded from College.
- 4:29 A checklist for conducting Disciplinary Meetings can be found in Appendix A3.

STAGE 4 - SERIOUS MISCONDUCT LEADING TO EXCLUSION

- 4:30 **In an incident of serious misconduct including such cases where the safety and wellbeing of others on the premises is deemed to be at risk and where urgent and immediate action is required, the normal stages of the procedure are overridden and the following procedure applies.**
- 4:31 The learner must be removed immediately from the premises and given verbal notice of suspension. Suspension can be authorised by an Assistant Principal, Director of Studies or another member of the Senior Management Team and assistance sought, if necessary, from security staff to remove the learner from the premises.
- 4:32 The Head / Deputy Head of School will send a letter **on the day of suspension** to the learner informing them of the terms and conditions of suspension. **[refer Appendix 3.4 & 3.5]** In the case where the learner is under the age of 18 years old a copy will also be sent to parents, carers, employer or Training Provider, as appropriate. **[Refer Appendix 3.4 & 3.5]**. In addition to the letter it may be pertinent in some cases for Head / Deputy Head to inform parents by phone of the need to suspend and that written confirmation will follow shortly.
- 4:33 A second letter will be sent to the learner, within 5 working days of the first letter, to arrange a Disciplinary Meeting. The learner will be advised of the date, time and location of the Disciplinary Meeting in writing and will require at least 5 days notice. The learner will also be sent a copy of the Disciplinary Policy when the notification of the meeting is sent. In the event that the learner is unable to attend the meeting reasonable attempts will be made to reorganise the meeting. In the event that the learner continues to avoid attendance or refuses to attend the arranged meeting the Disciplinary Meeting will continue in the learners' absence.
- 4:34 During the Disciplinary Meeting the learner will be given the opportunity to explain the circumstances that resulted in the meeting being called. The learner may be accompanied by a family member or a friend, however no legal representation will be allowed at the meeting. The decision of the panel will be made following the meeting and the learner will be notified by letter which will have an Action Plan attached to address the issues that have been investigated and to provide the support interventions required to improve behaviour or performance. The letter of notification will also give details of the Appeals Procedure. **(Appendix 3.6 and Appendix 6)**

Guidelines on the conduct of Disciplinary Panels are included in Paragraphs 4.38 – 4.46.

4:35 The learner will normally be informed in writing of the outcome of the panel within five working days, unless there are extenuating circumstances, e.g. awaiting the outcome of police investigations.

THE DISCIPLINARY PANEL

- 4:36 The Head / Deputy Head of School will send a letter **on the day of suspension** to the learner informing them of the terms and conditions of suspension. [refer Appendix 3.4 & 3.5] In the case where the learner is under the age of 18 years old a copy will also be sent to parents, carers, employer or Training Provider, as appropriate. [Refer Appendix 3.4 & 3.5]. In addition to the letter it may be pertinent in some cases for Head / Deputy Head to inform parents by phone of the need to suspend and that written confirmation will follow shortly. Arrangements for learning materials to be provided to the learner must be made to ensure that the learner is not disadvantaged.
- 4:37 A second letter will be sent to the learner, within 5 working days of the first letter, to arrange a Disciplinary Meeting. The learner will be advised of the date, time and location of the Disciplinary Meeting in writing and will require at least 5 days notice. The learner will also be sent a copy of the Disciplinary Policy when the notification of the meeting is sent. In the event that the learner is unable to attend the meeting reasonable attempts will be made to reorganise the meeting. In the event that the learner continues to avoid attendance or refuses to attend the arranged meeting the Disciplinary Meeting will continue in the learners' absence.
- 4:38 During the Disciplinary Meeting the learner will be given the opportunity to explain the circumstances that resulted in the meeting being called. The learner may be accompanied by a family member or a friend, however no legal representation will be allowed at the meeting. The decision of the panel will be made following the meeting and the learner will be notified by letter which will have an Action Plan attached to address the issues that have been investigated and to provide the support interventions required to improve behaviour or performance. The letter of notification will also give details of the Appeals Procedure. [Appendix 3.6 and Appendix 6]
- 4:39 In the case of poor / unacceptable behaviour where the required improvements have not been met immediately, or in the case of serious misconduct, a Disciplinary Panel will normally follow the first warning. The Director of Studies will normally lead the Disciplinary Panel accompanied by the Head / Deputy Head of School, Course Tutor as well as the Manager / Deputy Manager of Learner / Student Services and is attended by the learner and or his / her representative.
- 4:40 The learner will be advised in writing of the requirement to attend the Disciplinary Panel [refer Appendix 3.6]. A copy of the Student Disciplinary Policy will be included with the letter. Copies of documentation relating to the previous stages of the disciplinary procedure, e.g. records of previous verbal warnings, written warnings and the findings of the Disciplinary Panel including any previous agreed action plans will be included as appropriate. All correspondence must be sent to the learner by recorded delivery.
- 4:41 The outcome of this panel could result in the exclusion of the learner from College [refer Paragraphs 4.47 – 4.54]
- 4:42 The Disciplinary Panel will meet even if the learner is unwilling to attend

GUIDELINES FOR THE CONDUCT OF DISCIPLINARY PANELS

4:43 The member of staff conducting the Disciplinary Panel (the interviewer) will arrange for the Student Services Manager or another member of the Student Services Team to be present at the panel to act as a witness. A further member of staff will be present to take notes.

4:44 The learner has the right to have a fellow learner, parent or guardian present who can make representation during the panel. No legal representation at the meeting will be acceptable.

4:45 The Interviewer should introduce all staff present to the learner and his / her accompanying colleague and explain the role of everyone.

4:46 The Interviewer should explain the reason for the panel and should present the College's case against the learner [the supporting evidence will have already been sent to the learner prior to the Panel being convened]. The supporting evidence will normally include copies of documentation relating to the previous stages of the disciplinary procedure, e.g. records of the verbal warning, written warnings and the findings of the Disciplinary Meeting together with any written evidence relating to the panel e.g. police statement or witness statements.

The Interviewer may feel it appropriate to call witnesses to present evidence in person. In such instances, the learner should be given the opportunity to question witnesses.

4:47 When considering calling a witness to appear at a Disciplinary Panel, consideration should be given to possible repercussions for the witness.

4:48 The learner should be invited to present his / her version of the case and be given the opportunity to call witnesses if he / she so wishes. The learner must inform the Interviewer who he / she is inviting as a witness. The learner is responsible for asking their witness to attend.

4:49 The Interviewer should consider the evidence he / she has heard and decide whether or not a breach of the Learner Code of Conduct has been committed. The learner should normally be informed, in writing, of the outcome of the Disciplinary Panel within two working days, unless there are extenuating circumstances, e.g. awaiting the outcome of police investigations. Under no circumstances will the outcome letter be issued during the panel, the Action Plan and or resulting letter should be sent to the learner by recorded delivery.

4:50 The Disciplinary Panel will proceed in the learner's absence if they do not respond to the letter or fail to attend for the panel

OUTCOMES OF THE DISCIPLINARY PANEL

4:51 If, as a result of a Disciplinary Panel for serious misconduct, a decision is made to readmit the learner from an agreed date, all relevant teaching and support staff must be informed. [Refer Appendix 3.8 for letter to learner].

4:52 In such circumstances, the learner will be required to review his / her Electronic Individual Learning Plan (EILP) with the College in a written statement and undertake to abide by any specific conditions put on his / her return.

4:53 An Action Plan will be agreed and a copy sent to parents / guardians / employers, as appropriate by the Head / Deputy Head of School concerned.

- 4:54 If, after exhausting the above procedures the learner's conduct is still unsatisfactory then exclusion will normally result.
- 4:55 Appropriate teaching and support staff must be informed of the decision to exclude the learner.
- 4:56 The information is to be logged with the Faculty Support Office, who will amend the Individual Learner's Record.
- 4:57 The learner (and others as appropriate) must be informed in writing. The letter **[refer Appendix 3.8]** must specify the terms and conditions of exclusion and sent to the learner by Recorded Delivery.
- 4:58 The learner will have the right of appeal to the Principal or designated person, through the Student Disciplinary Appeals Panel – see Appendix 6.

SECTION 5: MONITORING

- 5:01 Assistant Principal Student Support and Inclusion will provide reports relating to all disciplinary procedures to the Senior Management Team on an annual basis.

SECTION 6: REVIEW

- 6:01 This Policy will be reviewed by the Student Strategy Group on an annual basis.
- 6:02 The next review date will be May 2016.

APPENDIX I - College policies & procedures relevant to learner disciplinary policy

- Learner Code of Conduct
- Fitness to Study Policy
- Learner Substance Misuse Policy
- Learner Entitlements Statement
- Learner Complaints Procedure
- Examination and Assessment Procedures (Including dealing with alleged candidate malpractice)
- Equality and Diversity Policy
- Bullying and Harassment Policy (Dignity for All)
- Code for Academic Progress
- Learner Attendance Policy
- Computer User Regulations

APPENDIX 2 - Checklist for handling disciplinary meetings

The Disciplinary Meeting is held when a learner is to be issued with a verbal warning or a first or final written warning. Normally, the Head / Deputy Head of School is present at the meeting. The meeting must be held with a minimum of two members of staff present and a note-taker if possible.

1. Check the facts – have all relevant details to hand.
2. Check previous warnings. Are they for similar offences? Are they current?
3. Retain impartiality and be aware of a requirement for a common standard.
4. Consider whether any aspect of the situation could be better understood/resolved by taking into account any diversity related factors
5. Ask the learner if he / she want a fellow learner, parent or guardian to be present. If offer declined, record on file.
6. Adopt a positive approach. Regard the warning as a way of changing person's behaviour to an acceptable standard.
7. Allow learner to state his / her case. Adjourn, if necessary to clarify facts / seek advice.
8. Issue warning, filling in all details. Cover all points in detail, giving times / dates, if appropriate.
9. Give the paperwork stating the warning to the recipient to read. Once signed, give a copy of the individual concerned and retain a copy on his / her Learner File.
10. Complete an Action Plan with the student which the Learner, Course Tutor and Head/ Deputy Head of School signs.

APPENDIX 3 - Correspondence with learners

The following documents are guide letters and should be adapted as appropriate whilst maintaining the substance of the letter.

The responsibility for monitoring the plan over an agreed timescale rests with the Head of School.

APPENDIX 3.1

LEARNER DISCIPLINARY PROCEDURES – STAGE 1

RECORD OF VERBAL WARNING

- (A) TO LEARNER
- (B) PARENT, CARERS, EMPLOYER OR TRAINING PROVIDER

TO BE SENT RECORDED DELIVERY

A verbal warning has been given to _____ for

date, location, time in the presence of

Action Plan

The following Action Plan has been agreed:

For example

- 100% attendance
- Behaviour in line with Learner Code of Conduct
- Completion of a Signing in Sheet
- All course work up to date by

Signed _____ Head / Deputy Head of School /
Campus Manager

Signed _____ Learner

Date _____

cc Director of Studies/ Campus Manager

APPENDIX 3.2

LETTER: FIRST WRITTEN WARNING

- (C) TO LEARNER
- (D) PARENT, CARERS, EMPLOYER OR TRAINING PROVIDER

TO BE SENT RECORDED DELIVERY

Dear

RE: WRITTEN WARNING

As you are aware, we are concerned about your behaviour.

In accordance with Stage 1 of the learner Disciplinary Procedure, you were issued with (a) Verbal Warning(s) on (dates) and agreed to follow an Action Plan / guidelines in an effort to bring about an improvement. **NOTE this paragraph is not appropriate if the learner has not been given verbal warnings.**

Unfortunately, this has not been successful and we must now move to Stage 2 of the Disciplinary Procedure. **NOTE the preceding sentence is not appropriate if the learner has not been given verbal warnings.** This letter is issued as a formal written warning, if your behaviour does not improve in accordance with a further agreed Action Plan, we will have to proceed to the next stage – a final written warning.

I am therefore asking you to attend a Disciplinary Meeting with (names) on(date)..... at.....(time) in.....(room / centre) in accordance with the College Disciplinary Procedure. You may bring a parent, guardian or fellow learner with you for support.

Please telephone the Head / Deputy Head of School (Ext.) to confirm that you will be attending this meeting.

Yours sincerely

Head / Deputy Head of School
cc Director of Studies

APPENDIX 3.3

LETTER: FINAL WRITTEN WARNING

(E) TO LEARNER

(F) PARENT, CARERS, EMPLOYER OR TRAINING PROVIDER

TO BE SENT RECORDED DELIVERY

Dear

FINAL WRITTEN WARNING

As you are aware, we are concerned about your behaviour.

In accordance with Stage 1 of the Learner Disciplinary Procedure, you were issued with (a) verbal warning(s) on date(s) and agreed to follow an Action Plan / guidelines in an effort to bring about an improvement.

Unfortunately, this was not successful and we progressed to Stage 2 of our procedures – a formal written warning. You received written confirmation of this on (date) and subsequently (*may have failed to attend*) attended a meeting on (date) with (staff). At this meeting you agreed an Action Plan which you would follow with the support of College staff.

We have to confirm that, regrettably, these actions were not followed successfully and the expected improvement in behaviour did not take place.

NOTE the preceding three paragraphs are not appropriate if the student has not been given a verbal warning or a first written warning.

We therefore have no alternative than to issue a Final Written Warning. This is Stage 3 of our Disciplinary Procedure.

I am therefore asking you to attend a Disciplinary Meeting with.....(names) on(date)..... at.....(time) in.....(room / centre) in accordance with the College Disciplinary Procedure. You may bring a parent, guardian or fellow learner with you for support.

I need to make you aware that you have reached a crucial stage in our Disciplinary Procedure. An Action Plan will be drawn up at the Disciplinary Meeting and failure to adhere to the agreed actions within the timescale could result in the requirement for you to attend a Disciplinary Panel one of the outcomes of which could be your exclusion from College.

Please telephone the Head / Deputy Head of School (Ext.) to confirm that you will be attending the meeting.

Yours sincerely

Head / Deputy Head of School
cc Director of Studies

APPENDIX 3.4

LETTER: NOTICE OF SUSPENSION FOLLOWING INCIDENTS OF SERIOUS MISCONDUCT:

(A) TO LEARNER

TO BE SENT RECORDED DELIVERY

Dear

Re: Code of Conduct

Following the serious incident in which you were involved today, I am writing to confirm the decision to suspend you from all College premises, grounds and surrounding areas until a Disciplinary Panel has been held.

You will be informed of the date, place and time of this panel within 5 working days of the date of this letter.

You will be aware that your actions were deemed to have constituted a severe breach of the Learner Code of Conduct which you undertook to follow when you started your course at this College.

I would remind you that the College treats all such behaviour very seriously and we are concerned that all our learners are able to study and move around in a safe environment.

We expect you to adhere to the terms of your suspension.

Yours sincerely

Assistant Principal and / or Director of Studies / Campus Manager

Cc Principal Neath / Powys Campuses
Head of School
Deputy Head of School

APPENDIX 3.5

LETTER: NOTICE OF SUSPENSION FOLLOWING INCIDENTS OF SERIOUS MISCONDUCT:

(B) PARENT, CARERS, EMPLOYER OR TRAINING PROVIDER

TO BE SENT RECORDED DELIVERY

Dear (parent / carer)

Re: (learner's name)

I am writing to inform you that, following a serious incident at College today in which was involved, I have authorised his / her suspension from College with immediate effect and until further notice.

I attach a copy of the letter he / she has received.

I will be contacting you again shortly with details of the panel.

Please do not hesitate to contact me should you have any queries.

Yours sincerely

Assistant Principal / Director of Studies / Campus Manager

cc Principal of the Neath / Powys Campuses
Head of School
Deputy Head of School

APPENDIX 3.6

LETTER: INFORMING LEARNER OF DETAILS OF DISCIPLINARY PANEL

(A) TO LEARNER

(B) PARENT, CARERS, EMPLOYER OR TRAINING PROVIDER

TO BE SENT RECORDED DELIVERY

Dear

RE: DISCIPLINARY PANEL

Following your recent suspension from College, I am now writing to give you details of your Disciplinary Panel.

This will be held on(day),(date), at(time) in(room / centre). Those present at the panel will be (names).....and the meeting will probably last about(approx. duration). Attached is a copy of the Learner Disciplinary Policy and copies of documents / evidence relating to this case.

Can I remind you that you can bring along a fellow learner, parent or guardian who may remain throughout the panel. You will be given an opportunity to present your case. We expect to make a decision about your future at College very shortly after the panel and we will let you know the outcome, in writing, as soon as we can.

Please let us know as soon as possible whether you are able to attend on (date) by telephoning (number). When confirming your attendance, please advise if you are bringing a person with you to the interview, their name and their relationship to you. Should we receive no response from you or if you fail to arrive for the interview having confirmed your attendance, the Disciplinary Panel will proceed in your absence.

Yours sincerely

Include: Copy of procedure
 Copy of evidence (list and number items)

APPENDIX 3.7

THIS ACTON PLAN IS TO BE COMPLETED FOLLOWING ALL STAGES OF THE DISCIPLINARY PROCEDURE, COPIES TO BE ISSUED TO THE LEARNER AND KEPT ON RECORD FOR THE DURATION OF THEIR STUDIES

LEARNER CONTRACT / ACTION PLAN

I agree to follow the Learner Code of Conduct at all times.

I also agree to the conditions listed below.

If I feel I need any help in following the conditions I will go to..... (Name).

I understand these conditions will be reviewed in.....weeks / month(s) time at a meeting with(name) on.....(date) at(time)

Other conditions:

Example

- 100% attendance at all College activities
- Immediate improvement in behaviour in line with the Student Code of Conduct
- All course work to be completed and submitted on time

etc, etc, etc

Signed (Learner) Date

Signed (Head / Deputy Head of School) Date

Copies: Learner, Parent / Carer, Employer, Training Provider and Course Tutor for Learner's File

APPENDIX 3.8

NOTIFICATION OF EXCLUSION

- (A) TO LEARNER
- (B) PARENTS, CARERS, EMPLOYER OR TRAINING PROVIDER

TO BE SENT RECORDED DELIVERY

Dear

RE: DISCIPLINARY PANEL

Thank you for attending the Disciplinary Panel at College on (date).

Having considered all the available information, the Panel has come to the conclusion that you are to be excluded from College / be readmitted to the College.

State conditions of readmission or if excluded -

State reasons for exclusion

The terms and conditions of your exclusion are as follows:

- The exclusion is to take effect from(date) and is to last for a period of (months / years / indefinitely).
- This means that you are not able to enrol on courses **at any Neath Port Talbot College Group campuses** during this period.
- You are excluded from all College premises, grounds and surrounding areas and entrances.
- If you wish to join the College after that period, please apply in writing to the Director of Students who will consider your case.

I am sorry to have to take this step but my main concern is the safety, progress and well being of all our learners.

If you have any personal belongings in College you wish to collect, as well as returning any College property you have borrowed, please ring the Head of School (Ext.) and appropriate arrangements will be made.

You may, if you wish, make an appeal against this decision. If you wish to do so please write to the Principal within 5 working days of receiving this letter, stating your reasons for appeal.

Yours sincerely

Principal - Neath Campuses/ Powys Campuses

cc Principal Neath / Powys Campuses
Director of Studies
Head of School and Course Tutor
Deputy Head of School

APPENDIX 4- Reporting format for disciplinary issues within academic schools

To be completed at the end of the academic year by Heads of School and forwarded to Assistant Principal Student Support and Inclusion, to inform the annual report on Learner Disciplinary matters to SMT and Governors.

Learner Name:	Gender:	Course:	Tutor:	Disciplinary Issue:	Outcome:	Ethnic Group <i>See codes on next page</i>	Self-assessed Disability <i>See codes on next page</i>

See ethnic codes and self-assessed disability codes on next page:

Ethnic Codes:

11	White
21	Black – Caribbean
22	Black – African
29	Other Black African
31	Asian - Indian
32	Asian – Pakistani
33	Asian – Bangladeshi
34	Chinese
39	Other Asian background
41	Mixed – White & Black Caribbean
42	Mixed – White & Black African
43	Mixed – White & Asian
49	Other mixed background
80	Other Ethnic background
90	Information refused
99	Not known

Self-assessed disability Codes:

01	Visual impairment
02	Hearing impairment
04	Physical difficulty
06	Emotional / behavioural difficulties
07	Mental ill health
10	Multi-sensory impairment
11	Autistic spectrum disorder
12	Speech, language & communication difficulty
97	Other
98	No disability
99	Not known / information not provided / not required

APPENDIX 5 - Annual monitoring report format

The Assistant Principal Student Support and Inclusion will present an annual report to SMT and Governors which will include the following information:

- The total number of disciplinary issues reported Cross College per academic year
- Disciplinary issues reported from Individual schools
- The type and nature of disciplinary matters reported
- The number of serious offences reported
- The number of exclusions cross College
- The number of appeals against exclusion and the result of those appeals
- Any trends / issues noted with regard to Disciplinary matters
- Recommendations

Appendix 6 – Appeals Procedure

This procedure has been formulated to ensure that learners/ complainants are treated fairly.

NPTC Group welcomes diversity and is striving to promote equal opportunities for all learners, staff, visitors and members of the community. Discriminatory or offensive comments on the grounds of race, religion or belief, marital status, age, learning difficulties, disability, sexual orientation or gender **WILL NOT** be tolerated.

Learners have the right to appeal if they consider that an issue has not been satisfactorily resolved or if they feel they have treated unfairly with regard to the lodging of a complaint or outcome of a Disciplinary panel. (NB For course work / examinations and academic matters a separate appeals procedure is to be followed.)

Procedure

- The learner must lodge their appeal in writing to the Principal (Neath or Powys) within 5 working/ term time days of the notification of the outcome from the panel addressing the issue.
- The Principal (Neath or Powys) will allocate the appeal to an approved member of the Senior Management Team who will take the appeal forward.
- The appeals panel will meet within 10 working term time days of the appeal being received by the Group.
- The appeals panel will consist of 2 senior members of staff. The members will be impartial and not be connected to the case in any way.
- The learner may present his/ her case to the appeals panel and may bring witnesses to support their case and may be accompanied by a parent/ guardian or a fellow learner who is enrolled at the college. (NB: Legal representation is NOT appropriate)
- Documents can be supplied in an alternative format upon request and adapted to suit individual learner needs.
- Any NEW evidence to be brought to the panel must be submitted 5 working days before the appeal is to be heard.

- Any new evidence that comes to light supporting the Groups original decision must be shared with the learner 5 working days before the appeal takes place.

Outcome

The outcome of the appeal may be:

- To confirm the original decision
- To modify or overturn the original decision
-

The judgement of the appeals panel is FINAL and will be issued to the learner in writing within 5 working term time days of the hearing of the panel.



Equality and Linguistic Impact Assessment & Screening Document

This document is used to record the assessment of whether or not a policy, practice or provision - or a change to them - will have a negative or positive impact on the equality of a protected characteristic or on the use of the Welsh Language.

Stage 1 – Initial Screening

Firstly consider what item is being assessed and what is its purpose?
Using the boxes below, provide a description of the policy, practice or provision being assessed with a short statement about what the item is intended to achieve (its aims and objectives) and who is affected, eg staff, students, parents/carers, partners, etc.

Description of item: Student Disciplinary Policy	
Aims & objectives:	
The purpose of the Policy is:	
<ul style="list-style-type: none"> ▪ To generate a positive approach to the maintenance of the Student Code of Conduct. ▪ To provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when the Learner Code of Conduct is broken 	
The Learner Disciplinary Policy forms part of a range of policies that set out:	
<ul style="list-style-type: none"> ▪ what the Learner can expect from the College through the Learner Entitlement Statement. ▪ action to be taken in the event of a breach of the Learner Entitlement through the Complaints Procedure. ▪ what the College expects of its learners through the Code of Conduct. ▪ the action to be taken in the event of a breach of the Code of Conduct through the Learner Disciplinary Policy and / or the Learner Substance Misuse Policy or the Fitness to Study Policy. 	
Those affected – eg staff, students, parents, partners etc :	
The policy applies to learners, staff, service users, and partners	

Considering the item being assessed, use the boxes below to record your initial thoughts on the possible consequences for the nine protected characteristics and the use of the Welsh Language.

Protected Characteristic	Potential impact positive or negative
Sex Also called gender, means a man or a woman	The duty to provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when the Learner Code of Conduct is broken applies regardless of gender.

<p>Race Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins</p>	<p>The duty to provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when the Learner Code of Conduct is broken applies regardless of race or ethnicity</p>
<p>Age Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).</p>	<p>The duty to provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when the Learner Code of Conduct is broken applies regardless of age.</p>
<p>Gender Re-assignment The process of transitioning from one gender to another</p>	<p>The duty to provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when the Learner Code of Conduct is broken applies regardless of trans status however we are mindful that re-assigning gender can impact on susceptibility to adverse treatment</p>
<p>Sexual Orientation Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes</p>	<p>The duty to provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when the Learner Code of Conduct is broken applies regardless of sexual orientation however it is clear that lesbian, gay and bi sexual people may be more susceptible to adverse treatment</p>
<p>Religion & Belief Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.</p>	<p>The duty to provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when the Learner Code of Conduct is broken applies regardless of religion or belief however some beliefs and associated cultural practices may be more susceptible to adverse treatment</p>
<p>Pregnancy & Maternity Pregnancy is when expecting a baby, Maternity refers to period after the birth</p>	<p>The duty to provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when the Learner Code of Conduct is broken applies regardless of pregnancy or maternity status</p>
<p>Marriage & Civil Partnership Marriage - between same or opposite sex couples, Civil Partnership - between same sex couples</p>	<p>The duty to provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when the Learner Code of Conduct is broken applies regardless of marriage or civil partnership status.</p>
<p>Disability Any long term condition that effects day to day activity. Conditions include hearing, visually & physical impairment, learning disability, mental health, cancer, HIV & MS</p>	<p>The duty to provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when the Learner Code of Conduct is broken applies regardless of disability status.</p>

Welsh Language	Potential impact positive or negative
The Welsh Language (Wales) Measure 2011 establishes equal rights for Welsh speakers, based on the principles In Wales, the Welsh language should be treated no less favourably than the English language & persons in Wales should be able to live their lives through the medium of Welsh if they choose	The duty to provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when the Learner Code of Conduct is broken applies regardless of first language, however it is clear that those that have a first language other than English may need support in understanding the Learner code of conduct and the processes that will be followed if the code is broken.
Explanation – if appropriate	
Not applicable	
Priority Level: high/medium/low	
Overall there is a high or medium IMPACT for most of the protected characteristics	

Stage 2 – Analysis

Based on the screening process above you will need to carry out analysis to verify your initial decision. Below you need to show what equality and linguistic analysis has been done on this item? List the evidence, data or sources used to analyse the impact of this item. (include any, data, reports, surveys or web links utilised in the process)

Protected Characteristics	Data Source & Findings
Sex	By stating our values and how we intend to put them into practice we are demonstrating to everyone we are serious about student discipline and the fact that it is a core value of the Group of College's and everybody's business.
Race	
Disability	
Sexual Orientation	
Age	
Pregnancy & Maternity	
Marriage & Civil Partnership	
Religion & Belief	
Gender Re-assignment	
Welsh	

Stage 3 – Engagement/Consultation & Assessment

Following your analysis, you now need to record how you have assessed the item and who was engaged in the process. How was an assessment of the equality and linguistic impact reached, who was involved in the decision?

Group impacted	Nature of positive and/or negative impact or explanation for no identified impact
Sex	Assessment was conducted by the Assistant Principal Student Support and Inclusion.
Race	

Disability	Any negative impacts which were identified during the screening process and which have informed the planning, writing and implementation of the policy and its associated procedures have been addressed.
Sexual Orientation	
Age	
Pregnancy & Maternity	
Marriage & Civil Partnership	
Religion & Belief	
Gender Re-assignment	
Welsh	

Stage 4 – Mitigation & Changes

Finally, detail what changes have been made or are scheduled for change following the assessment & engagement to reduce or eliminate any adverse impact?

Impact	Possible change	Recommended & actioned
Welsh translation to be made available by August 2015		
Further training for staff is ongoing a new round is planned to take place in August 2015 to update staff on changes to the policy and their responsibilities in respect of this.		

Statement of justification and mitigation where negative impact cannot be avoided
Not applicable as we have not identified any negative impact during the assessment process.

Record of Evidence

1. Consultation

What consultation has taken place? (state when and who with)

Consultation process	Findings
Consultation has taken place within the student support management group	Notes of meetings during 2015
Consultation has taken place with Heads of School Group	Minutes of meetings during May 2015
Consultation with Student Parliament	Parliament meeting 12 th May 2015

2. Publication

Date and method:

The impact assessment will be signed off by The Assistant Principal Student Support and Inclusion and the Student Support Management group.

It will be checked and agreed by the policy group and then sent to Kim Mann for publication on the College Intranet.

3. Monitor & Review

How will this item be reviewed & monitored

Lead person or group responsible and review dates :

The policy and procedures are to be monitored by the Assistant Principal Student Support and Inclusion in conjunction with the Heads of School Group.

The Policy and Procedures will be subject to an annual review undertaken by the Assistant Principal for Student Support and Inclusion and the Head of Student Support. The next review is to be conducted in May 2016.

Checklist

- Has the alternative format statement been included at the start of the policy document?
If you or someone you know would like this document in an alternative format please contact the Senior Officer: Diversity at diversity@nptc.ac.uk or on 01639 648175
- Has the document been formatted in line with NPTC Group publication guidelines and policy template?
- Has the Equality & Diversity paragraph been included at the end of section 1 for all policies?
If any member of staff requires assistance with understanding or implementing this policy, particularly where the reasons for this are related to disability, religion or belief, sex, gender reassignment, sexual orientation, pregnancy or maternity, age or race they should contact the Senior Officer: Diversity Officer, in the first instance for advice.

Signature of Assessment Manager & other staff completing ELIA

Name (s) – Siân C Jones

Signature (s)

Date