



Working Together

Student Behaviour and Discipline Policy and Procedure (Update including COVID Statement)

September 2020

History of Changes

Version	Description of Change	Authorised by	Date
1.1	Policy and Procedure now includes improved guidance on informal measures, more detailed guidance on disciplinary hearings and letter templates for each stage in the formal procedure.	D Killean	2.12.13
1.2	Minor updating of terminology. No substantial changes.	D Killean	31/05/2016
1.3	Policy and Procedure: Title Change to include Behaviour and removal of verbal warnings Change of job titles. Procedure: Inclusion of Learning Agreement, Managing student behaviour Clarification on levels and sanctions. Change from formal verbal to first written warning. Change from written warning to final written warning. Removal of time limits on warnings.	H Anderson	May 2018
1.4	Policy & Procedure Update: more explicit information regarding carrying an offensive weapon.	H Anderson	May 2019
1.5	Policy change to include Social Media and deletion of student accommodation. Procedure to include Mediation, use of time out cards and building in phone time to lessons Addition of Attendance contract.	H Anderson	April 2020
1.6	Policy change: Addition of COVID statement to ensure consistency of approach. Additional of 5 minute comfort break in classroom management tools section.	H Anderson	September 2020

Student Behaviour and Discipline Policy

1.0 Introduction

The College believes that effective learning and teaching is best achieved in a supportive, ordered and mutually respectful environment where indiscipline is at a minimum. Every student and every member of staff has the right to such an environment as well as bearing individual responsibility for contributing to its maintenance. Such an environment contributes well to a shared sense of security and safety in which each individual is free to strive to do their best and achieve their aims. All staff have a responsibility to promote and maintain this supportive, ordered and respectful culture.

Accordingly, the College has an induction process that sets out its approach to achieve this culture. The Course Tutor is critical in setting the ground rules and making students aware of the details of this policy and its location on the College website.

The policy seeks to ensure that student discipline is maintained in a manner that promotes fair and equitable treatment of all students and provides support to all members of staff. It should be read in conjunction with the accompanying procedure.

2.0 Scope

The Regulations will apply to all students while on College premises; on work placement; on College excursions or residential trips; at College events off-campus; travelling to and from College; or at any other time or place directly related to being an enrolled student including Social Media.

3.0 Key Principles

Managing Behaviour

All staff have a responsibility for promoting respectful behaviour within the student population and correcting behaviour where there are minor breaches of regulations and reporting behaviour where there are serious breaches of regulations.

The key to establishing a mutually supportive and respectful learning environment lies in setting the ground rules during induction and within each and every teaching environment. Course teams should agree how they will manage behaviour, including the measures that they will deploy to promote positive behaviour and correct unacceptable behaviour.

Establishing and Maintaining Classroom Rules

Lecturers must establish these rules with the student group discussing how they will achieve a safe, supportive, respectful and disciplined learning environment for all. The benefits to all members of the group of such an approach should be emphasised and explained to the students. The sanctions to be taken where group members fail to abide by these classroom rules should also be discussed and agreed with the students. In this way the tutor is establishing a positive culture and agreeing corrective actions and a set of informal sanctions with their group.

The specific rules of workshops, laboratory, work experience placements or any other teaching environment should be clearly explained to students early on, recognising that different learning environments may require learners to behave in different ways e.g. because of health and safety requirements.

Lecturers should be aware that breaches of student regulations by individuals can be a significant irritation and cause disruption to the learning experience of others within the group.

Persistent low levels of disruptive behaviour during their class that is proving difficult to manage should be discussed by the Course Team. A plan of action should be agreed and consistently applied by the Course Team.

Staff should discuss serious concerns about student behaviour with their line manager and agree a plan of action in line with the guidance within this policy document.

Where a student under 16 has been involved in a serious breach of the student regulations the parent or, in the case of a Schools Academy student, the child's school will be informed.

Breaches of the Student Regulations

Proportionate Action

The College has established the range of actions available to staff in response to breaches of the regulations. These actions will be proportionate to the severity or frequency of the breach and will include informal measures, written warnings and powers to exclude on a temporary or permanent basis. In cases of serious breaches of the regulations, temporary exclusion with immediate effect will be permitted by the appropriate member of staff as detailed in the procedure.

All instances of breach of the regulations will be reported to, and investigated by, the appropriate member of staff as identified in the procedure. Where the breach may be a criminal offence or safeguarding issue this should be reported to the relevant Assistant Principal or Vice Principal: Curriculum and Student Services or Head of Student Services who are all responsible for liaising with the authorities on such matters.

It is however expected that the majority of issues which arise can be dealt with immediately and conclusively by informal measures by the staff member, and these need not be recorded. Faculties may adopt shared approaches to deal with low level disruption and disturbances designed to ease tension and correct behaviour. Where a consistent, informal approach is used to manage behaviour it can be helpful in setting agreed limits to behaviour with students and preventing misbehaviour escalating. The aim should always be to deal with misbehaviour immediately and in a way that corrects that behaviour. There are a range of strategies permissible in such circumstances including promoting and rewarding desired behaviour, involving the rest of the student group in discussing the impact behaviour is having on their learning or, where behaviour is unacceptable to the lecturer and others in the class, exclusion of the misbehaving student for the rest of the lesson. Where a student has been asked to leave a class temporarily because of their behaviour the Course Tutor should be informed and a concern noted.

Where a member of staff encounters misbehaviour out with the teaching environment they must judge whether they intervene while being mindful of not putting themselves at risk. They should try to identify the students involved and where appropriate request the student's identity card and report the incident to the Course Tutor for action.

Staff should advise students that, if they pay no heed to an informal measure, then formal disciplinary action is likely to follow as described in the procedure that accompanies this policy.

Complying with COVID Requirements

- **Face coverings in enclosed spaces and communal areas**
- **Avoid crowded places (one-way system) (toilets and lift for 1 person only)**
- **Clean your hands and surfaces regularly (Prior to entering campus and toilets)**
- **Two-metre distancing**
- **Self-isolate if you have symptoms**

Face coverings will be required to be worn in all public spaces by staff, students and visitors (with exemptions on medical and communication grounds) around campus which includes corridors, toilets, Library and Union, and College/University-managed Transport.

Non-compliance of FACTS above will be subject to the same protocols as those for smoking on campus.

Use of face coverings within teaching environments will be based on Risk assessment with details provided to students as per departmental requirements.

Non-compliance in a situation that has been risk assessed as requiring Face Masks (PPE) will be treated more seriously and will be considered as a breach of the Health and Safety Regulations. Face Masks will be provided by the college.

4.0 Responsibilities

- 4.1 The Regional Board is responsible for approving the policy.
- 4.2 The Principal is responsible adjudicating final appeals against exclusion from college
- 4.3 The Vice Principal: Curriculum and Student Services is responsible for overseeing the implementation of the policy and procedure
- 4.4 The Assistant Principals are responsible for managing all disciplinary matters within their faculty and managing and chairing disciplinary hearings.
- 4.5 The Curriculum and Learning Managers are responsible for administering the policy up to the suspension, investigation and hearing stage.
- 4.6 Course Tutors are responsible for agreeing, setting and maintaining the ground rules with students and for the first two stages of formal disciplinary proceedings.
- 4.7 Lecturing staff are responsible for devising and utilising strategies to promote positive classroom behaviour.
- 4.8 All staff are responsible for correcting low level breaches in student discipline and reporting serious misbehaviour to the responsible member of staff.
- 4.9 Students are expected to be respectful of others and college property at all times.
- 5.0 Safeguarding Officers will report criminal activity to the police

5.0 Related Documents

- 5.1 Educational Excursions Policy and Procedure
- 5.2 Equalities, Diversity and Inclusion Policy
- 5.3 Essential Skills Policy
- 5.4 Framework for Student Support
- 5.5 Gender-Based Abuse Policy and Guide (Students)
- 5.6 Professional Conduct between Staff and Students
- 5.7 Respect at Work and Study Policy Statement
- 5.8 Safeguarding Children & Adults at Risk from Harm
- 5.9 Student Guidance Policy
- 5.10 Student Appeals Procedure
- 5.11 Firearms Procedure

Student Behaviour and Discipline Procedure

Borders College has an expectation that students will conduct themselves in a positive manner and will maintain high standards of personal conduct. Students are aware of this obligation following the signing of the Learning Agreement. This will enable the college to create a safe and productive learning environment.

Managing Student Behaviour in the Classroom

There are a number of classroom management tools that lecturing staff can use to increase motivation and improve student behaviour.

Group rules that are agreed, negotiated and used throughout academic session. Remember to revisit if needed	Mixing groups of students on small group activity – be aware of group dynamics	Ask some students to take 5 minutes time-out
Ice breakers with new groups	Be in class before time to meet and greet students	Speaking to individual students at the end of a class
Mix and match different teaching strategies	Use older students as classroom peers/mentors if appropriate	Plan and prepare effectively and prepare for the unexpected
Ask students for feedback and act on it	Use praise to support and motivate students	Ask students how behaviour could be managed
Ask students about different learning styles	Manage class layout and seating plan	Making clear guidelines about use of mobile phones
Mediation between students facilitated by staff member	Use of “time out” cards	Allow 5 minutes comfort break

It is acknowledged that some students may not respond in a positive manner to the above classroom management tools and will engage in behaviour that will lead to more formal disciplinary procedures.

Student Regulations

Below is a list of the kinds of behaviours and events which could lead to the Student Behaviour and Discipline Policy being applied. It is impossible to have an exhaustive list of every possible occurrence which could take place. These categories of events should alert students and staff to the realisation that disciplinary action may need to be taken.

The examples have been divided into 3 levels to indicate the level of severity and therefore the level of appropriate sanction.

LEVEL 1

EXAMPLE	SANCTION	BY WHOM
Argumentative and failing to take responsibility for actions	Behaviour Plans	Course Teams
Failure to apply oneself to academic study	Personal Learning Plan Target	Course Tutors
Loud and disorderly conduct	Behaviour Plans	Course Teams
Smoking in unauthorised areas	Behaviour Plans	Course Teams
Refusal or repeated failure to carry out reasonable tasks or instructions	Behaviour Plans	Course Teams
Use of offensive language	Behaviour Plans	Course Teams
Lack of attendance and/or consistent lateness	Attendance contract	Course Teams

Student Behaviour and Discipline Procedure

LEVEL 2

EXAMPLE	SANCTION	BY WHOM
Behaviour Plan not adhered to or Personal Learning Plan target not met	First Written Warning	Course Tutor
Bullying and intimidation	First Written Warning	Course Tutor
Damage to property or misuse of tools, equipment or materials	First Written Warning	Course Tutor
Mobile phone messages, texts, social networks or any electronic means of threatening or abusing other students including those sent outwith college time	First Written Warning	Course Tutor
School Academy or under 16 learners who display behaviour within the Level 2 examples above	First Written Warning includes letter to parents and Headteacher	Curriculum and Learning Manager

NOTE: Students who abuse or bully a fellow student may be disciplined for such behaviour, even where it takes place outwith the College premises, through Social Media or outwith the College day.

Student Behaviour and Discipline Procedure

LEVEL 3

EXAMPLE	SANCTION	BY WHOM
School Academy or under 16 learners who display behaviour within the Level 3 examples	Final Written Warning includes letter to parents and Headteacher	Assistant Principal
Repeat of incident incurring a First Written Warning	Final Written Warning	Curriculum and Learning Manager Business Development Manager
Breach of Health & Safety Regulations	Temporary exclusion and bursary/EMA suspended	Assistant Principal Director of Business Development
Discrimination against others based on race, age, religion, gender, disability or sexual orientation	Temporary exclusion and bursary/EMA suspended	Assistant Principal Director of Business Development
Failure to disclose criminal convictions	Temporary exclusion and bursary/EMA suspended	Assistant Principal Director of Business Development
Threatening or actual attacks of violence	Temporary exclusion and bursary/EMA suspended	Assistant Principal Director of Business Development
Theft or Fraud	Temporary exclusion and bursary/EMA suspended	Assistant Principal Business Development Manager
Plagiarism (using some other person's material and presenting it unacknowledged as your own) and cheating in examinations or in compiling assessable work	Temporary exclusion and bursary/EMA suspended	Assistant Principal Director of Business Development
Possession or under the influence of alcohol or drugs	Temporary exclusion and bursary/EMA suspended	Assistant Principal Director of Business Development
Sexually inappropriate behaviour	Temporary exclusion and bursary/EMA suspended	Assistant Principal Director of Business Development
Carrying an offensive weapon outwith authorised activities	Temporary exclusion and bursary/EMA suspended	Assistant Principal Director of Business Development

Complying with COVID Requirements

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- **Two-metre distancing**
- **Self-isolate if you have symptoms**

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Non-compliance of FACTS above will be subject to the same protocols as those for smoking on campus.

Use of face coverings within teaching environments will be based on Risk assessment with details provided to students as per departmental requirements.

Non-compliance in a situation that has been risk assessed as requiring Face Masks (PPE) will be treated more seriously and will be considered as a breach of the Health and Safety Regulations. Face Masks will be provided by the college.

Level 1 – Classroom Management and Behaviour Plans

When classroom management tools have not been effective and a student demonstrates repeated breaches of the examples shown as Level 1, a Behaviour Plan should be created by the Course Team detailing the behaviour expected and a review date. In some cases, this may be referred to as an Attendance or Engagement Contract when this is the specific issue.

The content of the Behaviour Plan should be agreed at a Course Team meeting involving Lecturers, Course Tutor and Curriculum and Learning Manager. An example is shown in the appendices.

Level 2 – First Written Warning

Where behaviour takes place which causes serious concern, or where previous Behaviour Plans have been ignored, the Course Tutor may issue a first written warning to the student. When issuing the first written warning the Course Tutor should complete Form 1 – First Written Warning and ask the student to sign it. The original is given to the student with a copy retained by the Course Tutor in the student file. A further copy should be sent to the Curriculum and Learning Manager and, if the student is a school pupil, the Curriculum Administrator Essential Skills.

The Course Tutor should emphasise the need for the behaviour to change and discuss strategies with the student that will lead to improvements in their behaviour and compliance with college regulations. The Course Tutor may also wish to discuss strategies for improving the behaviour with the Curriculum and Learning Manager and the course team with an emphasis on a consistent approach to helping the student manage their own behaviour.

Where the student is under 16 years of age the Assistant Principal will inform the Safeguarding Officer before writing to the child's parents or guardian explaining the circumstances behind the First Written Warning and informing them of the student's right of appeal. In the case of a Schools Academy student the Assistant Principal should inform the school's Head Teacher and the Curriculum Administrator Essential Skills providing details of the indiscipline and the sanctions to be taken. Example letters are available in this document's appendices and also available on the college intranet Curriculum and Quality Area.

Appeals

To appeal against a first written warning the student should complete and sign the Student Discipline Appeal Form (available from their Course Tutor or in the appendices of this document – see Form 4) and submit this to the Curriculum and Learning Manager within 10 days of the first written warning being given. The Curriculum and Learning Manager will investigate and reply in writing within 10 days of receiving the Student Appeal Form.

Level 3 – Final Written Warning

Where behaviour which has previously received a first written warning re-occurs, or a serious breach of the Student Regulations takes place, the lecturing staff should report the incident to the Curriculum and Learning Manager. The Curriculum and Learning Manager will investigate the incidence and review the student's behaviour to date and, where appropriate, a final written warning will be recorded by the Curriculum and Learning Manager on Form 2 Final Written Warning with the staff and student's account of the incident included and signed on the form. A copy of this form will be retained in the student file by the Course Tutor, and a copy given to the student/s. The Curriculum and Learning Manager must consider the overall behaviour of the student since the previous incident and whether there has been a connection between any incidences of further indiscipline and the original reasons for the first written warning. Where it is appropriate, informal measures can still be used to manage behaviour after a formal warning.

All final written warnings are reported to the Assistant Principal and to the Vice Principal: Curriculum and Student Services. Final Written warnings are recorded, monitored by the College and reported to the Regional Board.

Where the student is under 16 years of age the Assistant Principal will inform the Safeguarding Officer before writing to the child's parents or guardian explaining the circumstances behind the final written warning and informing them of the student's right of appeal. In the case of a Schools Academy student the Assistant Principal should inform the school's Head Teacher and the Curriculum Administrator Essential Skills providing details of the indiscipline and the sanctions to be taken.

Example letters are available in this document's appendices and also available on the college intranet Curriculum and Quality Area.

Appeals

To appeal against a final written warning the student should complete and sign the Student Behaviour and Discipline Appeal Form (available from their Course Tutor or in the appendices of this document – see Form 4) and submit this to the Curriculum and Learning Manager within 10 days of the written warning being given. The Curriculum and Learning Manager will investigate and reply in writing within 10 days of receiving the Student Appeal Form.

Level 3 – Temporary or Permanent Exclusion

Where a very serious breach of the Student Regulations takes place, or continuous misbehaviour occurs, the Curriculum and Learning Manager must be informed by staff. The Curriculum and Learning Manager should make informal enquiries of those involved or witnessing events and then decide in consultation with the Assistant Principal whether the student/s should be temporarily excluded from College in order for an investigation to take place prior to a disciplinary hearing. Where the student is to be temporarily excluded the Curriculum and Learning Manager should inform the student, explaining that they are being excluded to allow an investigation to occur and that they will be called to a disciplinary hearing. A temporary exclusion form (Form 5) should be completed by the Assistant Principal and a copy sent to the Vice Principal Curriculum and Student Services and the Student Funding Manager. The student under investigation should be written to on the day of exclusion or as soon as possible afterwards informing them of the reason for exclusion, their right to representation. A standard letter template is available in the appendices of this document and from the college intranet Curriculum and Quality Area.

Please note that during a temporary exclusion period, the bursary and/or EMA will be stopped until the outcome of the disciplinary hearing is established.

Where the student is under 16 years of age the Assistant Principal will inform the Safeguarding Officer before writing to the child's parents or guardian explaining the circumstances behind the Temporary Exclusion and informing them of the student's right to representation and their right of appeal. In the case of a Schools Academy student the Assistant Principal should inform the school's Head Teacher and the Curriculum Administrator Essential Skills providing details of the indiscipline and the sanctions to be taken. This can be done by providing a copy of the letter sent to the student to the parent/guardian and to the school, where necessary, with a covering explanation.

The Assistant Principal will conduct the Student Disciplinary Hearing which may lead to permanent exclusion. In the case of a Schools Academy student this will also include a discussion with the school Head Teacher of any suitable future programme at college and other available alternatives for the child's continuing education.

A Temporary Exclusion, where indiscipline is proven but it has been agreed to put in place a behaviour plan, will remain active on the student file for the **rest of the academic year**. Further indiscipline during the academic year may lead to a further temporary exclusion and following an investigation and a hearing, a permanent exclusion in the case of the indiscipline being proven. Where further disciplinary actions are considered the Assistant Principal must first consider the overall behaviour of the student since the previous incident and whether there has been a connection between any incidences of further indiscipline and the original reasons for the temporary exclusion. Where it is appropriate, informal measures can still be used to manage behaviour after a previous exclusion.

Student Disciplinary Hearing

The Student Disciplinary Hearing follows a temporary exclusion and will be conducted within 10 working days of the date of temporary exclusion. The Student Disciplinary Hearings are chaired by the Assistant Principal. The purpose of the hearing is to explore the reasons for the unacceptable behaviour, whether the student is committed to correcting this behaviour or whether circumstances are such that the student should no longer continue at College.

Investigation Stage

A Curriculum and Learning Manager or Course Tutor is appointed by the Assistant Principal as the investigating officer with responsibility for collecting all relevant information including, where necessary, witness testimonies. The Assistant Principal should agree with the resources needed to undertake the investigation and allocate these resources accordingly. The investigating officer will identify all witnesses and individuals involved in the incident and collect any relevant evidence. Where it is considered necessary to interview a witness or those involved the investigating officer should arrange to meet with each of these people individually and arrange for another member of staff to witness and make a record of the interview. The interviewee should be asked to sign the resulting statement as an accurate record. Where the interviewee would be more comfortable bring a representative to also witness the interview this is permissible but they should only act as an advocate for the student where this has been agreed with the investigating officer and Assistant Principal beforehand.

The investigating officer must also provide details of any previous disciplinary action, the student's attendance and progress to date as part of their report to the Assistant Principal.

Form 6 – Student Disciplinary Hearing Investigator's Checklist should be completed and submitted along with any witness statements to the Assistant Principal 3 working days before the hearing. The Assistant Principal may choose to ask any of the witnesses or individuals involved to the hearing to present their evidence in person if they considered this necessary.

Hearing Stage

During the hearing the details of the allegation or indiscipline must be presented along with the findings of the investigation by the investigating officer. The student, if in attendance, must be given the opportunity to answer the case as presented by presenting any additional evidence they have and through questioning the investigating officer. The Assistant Principal must consider all the evidence presented before arriving at a conclusion.

The student should attend the hearing and is entitled to be accompanied to the hearing by a representative or relative who may help the student present their case and will be able to ask questions. It is not acceptable for the student to bring legal representation. In the case of a student under 16 years of age or a Schools Academy student they must be accompanied by a parent or guardian. In the case of a Schools Academy student a member of staff from the student's school may also attend.

Where a student declines to attend a hearing or does not turn up on the day the Assistant Principal should still be presented with the investigation findings before coming to a conclusion as to the appropriate course of action.

The student should be informed of the outcome of the disciplinary in writing within 5 working days of the Hearing. Letter templates are available in the appendices of this document or on the Curriculum and Quality area of the intranet.

The outcomes of a Hearing will normally be either:

- (a) To recommend permanent exclusion,
- (b) A behaviour action plan and contract with expectations and sanctions as necessary and a requirement that the student signs their agreement with the contract,
- (c) Indiscipline not proven.

The Assistant Principal completes Disciplinary Hearing Form (Form 3 – see appendices) and copies it to the Vice Principal: Curriculum and Student Services, Course Tutor, Curriculum and Learning Manager so that they are informed of the outcome of the hearing. In the event that it is recommended that the student is permanently excluded from college the Vice Principal: Curriculum and Student Services reviews the case with the Assistant Principal who then writes to the student informing them of the outcome and of their right to appeal the decision. The Assistant Principal will inform the Head of MIS, who will place a note of any permanent exclusion within the college management information system with information on the procedure if the student were to reapply for a place at college in future years.

In the case of students under 16 years of age the Vice Principal: Curriculum and Student Services will inform the local authority to arrange for the reinstatement of the young person back at school. In the case of Schools Academy students, the school's Head Teacher is informed of the decision to permanently exclude the pupil from the College.

All disciplinary sanctions and outcomes of disciplinary hearings remain on the student file to inform future reference and decisions about progression.

All exclusions and their outcomes are reported to the Vice Principal: Curriculum and Student Services for equality monitoring purposes and for reporting to the Regional Board.

Appeals

To appeal against permanent exclusion, the student should write within 10 working days to the Principal, explaining the reasons for their appeal. The reasons under which an appeal can be made can be found in the Students Appeal Procedure (copies are available from the student advice centre or from the College website www.borderscollege.ac.uk). The Principal will appoint a member of the management team to undertake necessary investigation following the College's Student Appeals Procedure convening a hearing which the student will be required to attend to present their appeal. The student is entitled to be accompanied to the appeal by a representative who may help the student present their case. The Principal will provide the outcome of the appeal in writing within 5 working days. The appeal to the Principal is the final stage in the appeals process.

All appeal decisions are reported to the Vice Principal: Curriculum and Student Services for equality monitoring purposes and reporting to the Regional Board.

Notes to Students Wishing to Appeal

The College Student Advice Centre staff are available to help students appeal and to offer general support where students would find this helpful. The Advisers are independent of any Academic Department and would operate impartially. The Student Advice Centre can be contacted through the College switchboard Tel. 08700 505152.

Students may also wish to contact the Borders College Students Association for support and guidance. The Students Association is managed by fellow students and is independent of the College's management. Tel 08700 505152.

Example Behaviour Plan

Behaviour Contract

This Behaviour Contract has been compiled to point out the expected level of behaviour required on this course. Failure to comply will result in formal discipline action as per Borders College discipline procedure.

1. Behave in a manner that does not negatively impact on Staff and other students, if you need timeout ask staff member.
2. Abide by the college start/ Break and finish time
3. Come to College ready for practical and theory classes
4. Observe classroom protocol; only one person speaks at any one time
5. Help class colleagues by pointing out inappropriate behaviour
6. Respond positively to instructions
7. Respect others and be positive about yourself
8. Always use appropriate language; no swearing or offensive comments
On practical / classroom sessions or within the college site.

Contract

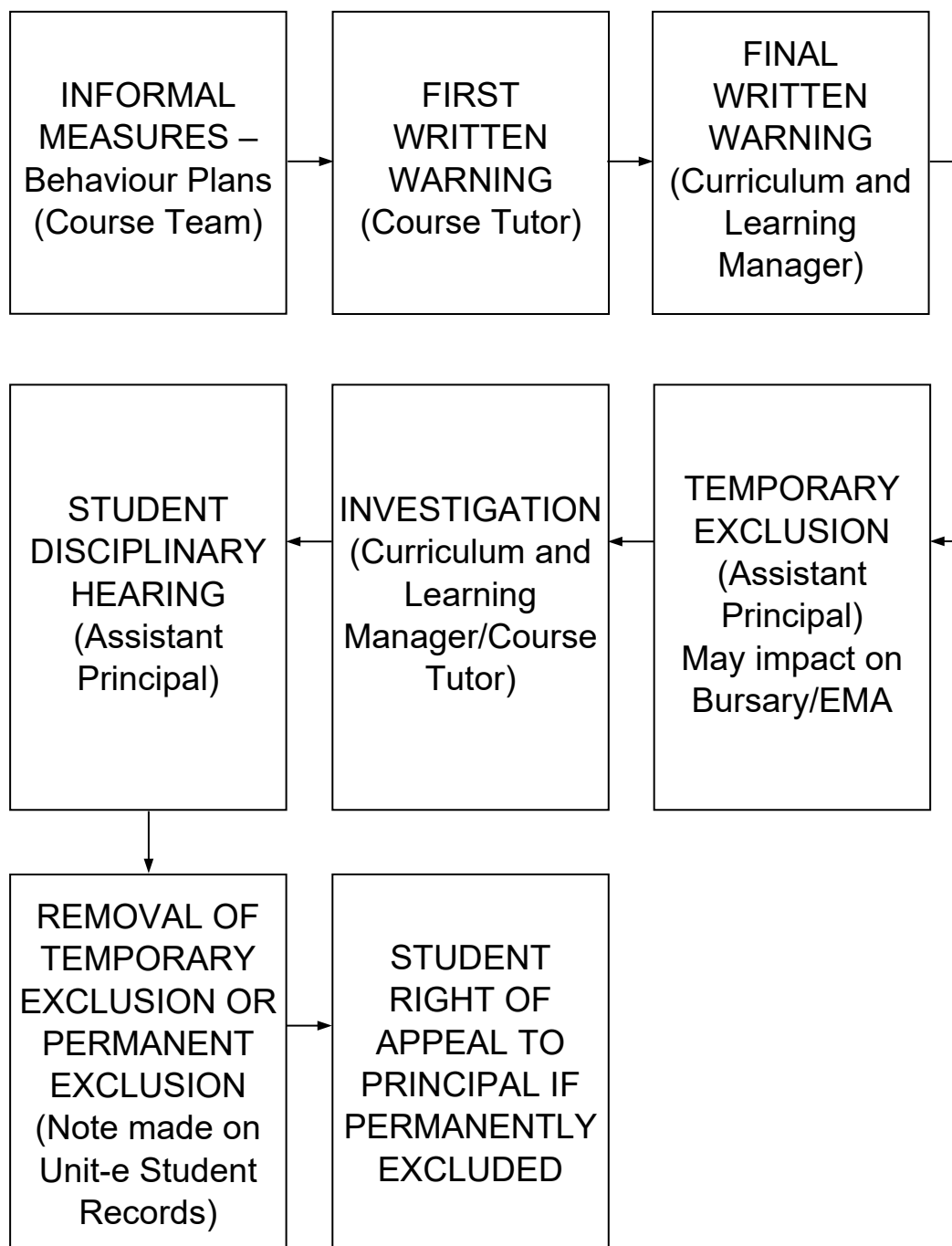
Iwill comply with College procedures regarding my behaviour and agree to meet all the points stated in the above behavioural plan.

I fully understand that this action plan will be reviewed regularly and failure to comply could result in my permanent exclusion from my College course.

Signed **Date**

Print Name

Student Disciplinary Measures Flowchart



Informal measures may be used between stages to correct undesired behaviour.

FORM 3 – Disciplinary Hearing Outcome

Student:

Date of Hearing:

Assistant Principal:

Detail of behaviour and findings from the Investigation

Outcome of Hearing (delete as appropriate)

- (a) To recommend permanent exclusion (where the student is under 16 years of age Scottish Borders Council must be informed to make arrangements for the young person to return to school).
- (b) A behaviour action plan and contract with expectations and sanctions as necessary and a requirement that the student signs their agreement with the contract, (Please attach a copy)
- (c) Indiscipline not proven
- (d) Other (please provide details)

Signed: _____ **Assistant Principal**

Copy to - Vice Principal: Curriculum and Student Services, Course Tutor, Curriculum and Learning Manager, Student, Student Funding Manager, Curriculum Administrator Essential Skills (School Pupils only)

Student Behaviour and Discipline Policy

FORM 4 – STUDENT DISCIPLINE APPEAL FORM

Name of Student –

Name of Staff/Others involved –

Date of Appeal –

(Students appealing against first or final written warnings should complete the following statement)

I/we wish to appeal against the disciplinary action taken for the following reasons: _____ _____ _____ _____ _____ _____ _____ _____ _____

STUDENT SHOULD GIVE THIS FORM WHEN COMPLETED TO THE CURRICULAR ADMINISTRATOR WHO WILL ENSURE THAT IT IS PASSED TO THE ASSISTANT PRINCIPAL. See your copy of the Student Behaviour and Discipline Policy on the website at www.borderscollege.ac.uk, which says when you will receive a reply depending on the type of disciplinary action taken.

FORM 5 – TEMPORARY EXCLUSION

Student Details

Student Name:
 Date of Birth:
 Student ID:
 Course:
 No. of Previous Exclusions to Date:
 If Looked After Under the Children (Scotland) Act 1995? YES/NO
delete as appropriate

Details of Exclusion

Start Date of Exclusion:
 Time:
 Date Set for Disciplinary Hearing:
 Incident at College? YES/NO
delete as appropriate
 Reason(s) for Exclusion:
enter code/s using table A
 Motivation or contributory factor:
enter code from table B
 Assistant Principal:.....

Office Use Only

Formal Appeal? YES/NO
delete as appropriate
 Appeal Successful? YES/NO
delete as appropriate

Letter sent to student

Copy to Course Tutor, Curriculum and Learning Manager, Student Funding Manager, Vice Principal: Curriculum and Student Services

Table A: Reasons for Exclusion

- 34 Fighting
- 35 Spitting
- 36 Verbal abuse of staff
- 37 Verbal abuse of student
- 38 Fire raising
- 39 Damage to College property
- 46 Threat to College property
- 48 Indecent exposure
- 51 Sustained peer exclusion for the purpose of causing significant distress
- 53 General or persistent disobedience
- 54 Insolent and offensive behaviour
- 55 Refusal to attend class
- 56 Parental non-cooperation
- 57 Substance misuse - alcohol
- 58 Substance misuse - not alcohol
- 60 Physical assault with no weapon against student
- 61 Physical assault with no weapon against staff
- 62 Physical assault using weapon against student
- 63 Physical assault using weapon against staff
- 64 Physical assault using improvised weapon against student
- 65 Physical assault using improvised weapon against staff
- 66 Damage to personal property of student
- 67 Damage to personal property of staff
- 68 Theft from student
- 69 Theft from staff
- 70 Threat of sexual violence against student
- 71 Threat of sexual violence against staff
- 72 Threat of physical violence, no weapon, against student
- 73 Threat of physical violence, no weapon, against staff
- 74 Threat of physical violence using weapon or improvised weapon against student
- 75 Threat of physical violence using weapon or improvised weapon against staff
- 76 Threat to personal property against student
- 77 Threat to personal property against staff
- 78 Malicious communications against student
- 79 Malicious communications against staff
- 80 Slander and libel (inc. website) against student
- 81 Slander and libel (inc. website) against staff
- 82 Stalking of student
- 83 Stalking of staff
- 84 Extortion from student
- 85 Extortion from staff
- 86 Carrying an offensive weapon outwith authorised activities
- 99 Other (Please specify)

Table B: Motivation or contributory factor

- 31 Racial
- 32 Gender/sexual harassment
- 33 Homophobia/sexual orientation
- 34 Disability of victim
- 35 Religion
- 36 Sectarian
- 37 Substance misuse - alcohol
- 38 Substance misuse - not alcohol
- 39 Territorial/gang related
- 50 Assailant medical Condition/disability
- 90 Other known factor
- 99 Not known

Further Notes:

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Form 6 - Student Disciplinary Hearing Investigator's Checklist

This checklist should be used when conducting an investigation following the suspension of a student.

Student's Name:

Programme:

Date of Suspension:

Date of Hearing:

(Within 10 working days of suspension)

Checklist

Details of disciplinary record	
Chronology of events leading to suspension	
Absence Record	
Academic Performance	
Summary of witness statements (attach statements)	

Investigating Officer:

<<Headed Paper>>

<<date>>

<<Name>>

<<Address>>

<<Address>>

<<Address>>

Dear <<Name>>

Temporary Exclusion from College

I am writing to inform you that you have been temporarily excluded from college following the incident that occurred on <<date>>. During your exclusion a formal investigation of the incident will be conducted by <<staff member>>; the investigating officer. <<He/she>> may contact you during the temporary exclusion as part of the investigation.

A disciplinary hearing has been set for <<time, date and place>>. I will chair the hearing and the investigating officer in attendance. You are also invited to attend this hearing and may bring a representative to assist you. At the hearing the details of the evidence from the investigation will be presented and you will be able to ask questions of the investigating officer. You will also have the opportunity to present your case with the support of the person accompanying you to the hearing.

I will decide whether the case of indiscipline has been proven from the information presented. You should be aware that the range of sanctions to be considered on conclusion of the hearing includes permanent exclusion from college. I will inform you in writing of the outcome of the hearing within 5 working days, detailing any sanctions placed on you and of your right to appeal the decision.

Please contact me prior to the hearing if you plan not to attend. In such case, I will decide the most appropriate course of action based on the evidence from the investigating officer alone.

The College Student Support Advisor is available to offer general support to you if you would find this helpful. The Advisor is independent of any Academic Department and would operate impartially. The Student Support Advisor can be contacted through the College switchboard. Tel. 08700 505152.

Students may also wish to contact the Borders College Students Association for support and guidance. The Students Association is managed by fellow students and is independent of the College's management. Tel: 08700 505152.

Full details of the student disciplinary policy and procedure are available on the college website at www.borderscollege.ac.uk

Yours sincerely

<<name>>

Assistant Principal

Cc Vice Principal: Curriculum and Student Services
Investigating Officer/Curriculum and Learning Manager
Course Tutor
Student Funding Manager

<<Headed Paper>>

<<date>>

<<Name>>

<<Address>>

<<Address>>

<<Address>>

Dear <<Name>>

Permanent Exclusion from College

I am writing to inform you that you have been permanently excluded from college following your disciplinary hearing held on <<date>>. I have concluded from the evidence and statements presented by you and the investigating officer that <<insert details of the findings and conclusions from the disciplinary hearing>>.

Would you please return your student card and any, books, personal protective equipment, bus passes and other college property you may have in your possession. Failure to return these items may lead to further action being taken by the college.

We have noted in our college records that you have been excluded permanently. You may apply to college in the future, however, you will be required to provide evidence that your behaviour and attitudes have changed and that you will be committed to your studies.

To appeal against permanent exclusion you should write within 10 working days to the Principal, explaining the reasons for your appeal. The reasons under which an appeal can be made can be found in the Students Appeal Procedure (copies are available from the student advice centre or from the College website www.borderscollege.ac.uk). The Principal will undertake necessary investigation following the College's Student Appeals Procedure convening a hearing which you will be required to attend to present your appeal. You are entitled to be accompanied to the appeal by a representative who may help you present your case. The Principal will provide the outcome of the appeal in writing within 5 working days. The appeal to the Principal is the final stage in the appeals process.

The College Student Support Advisor is available to help you appeal and offer general support to you if you would find this helpful. The Advisor is independent of any Academic Department and would operate impartially. The Student Support Advisor can be contacted through the College switchboard Tel. 08700 505152.

Students may also wish to contact the Borders College Students Association for support and guidance. The Students Association is managed by fellow students and is independent of the College's management. Tel: 08700 505152.

Full details of the student disciplinary policy and procedure are available on the college website at www.borderscollege.ac.uk

Yours sincerely

<<name>>

Assistant Principal

Cc Vice Principal: Curriculum and Student Services
Investigating Officer/Curriculum and Learning Manager
Course Tutor
Student Funding Manager

<<Headed Paper>>

<<Name>>
<<Address>>
<<Address>>
<<Address>>

<<date>>

Dear <<Name>>

Disciplinary Hearing Outcome – Behavioural Action Plan

I am writing to inform you that you are being required to comply with a behavioural action plan if you wish to continue at college. This action is being taken as an outcome of your disciplinary hearing held on <<date>>. I have concluded from the evidence and statements presented by you and the investigating officer that <<insert details of the findings and conclusions from the disciplinary hearing >>.

Would you please read through the action plan and sign that you agree to comply with its requirements. You are free to return to the college from <<date>>. I will discuss the detail of the plan with you on your return.

This disciplinary action will remain on your file for the rest of the academic year. Please be aware that any further indiscipline or failure to comply with the action plan will lead to you being excluded from college again with the likely outcome that you will be permanently removed from your course.

There is no right of appeal against this decision.

I do hope you can make the necessary effort to improve your behaviour so that you can make a success of your time at college gaining the skills and knowledge that will help you towards a job and the start of a successful career.

Yours sincerely

<<name>>
Assistant Principal

Cc Vice Principal: Curriculum and Student Services
Investigating Officer/Curriculum and Learning Manager
Course Tutor
Student Funding Manager

<<Headed Paper>>

<<date>>

<<Name>>

<<Address>>

<<Address>>

<<Address>>

Dear <<parent>>

I am writing to inform you that the college has issued <<student's name>> with a first/final written warning today because <<details of unacceptable behaviour>>.

Further unacceptable behaviour could lead to <<student's name>> forfeiting their place at college. We would hope that you will discuss this behaviour and its consequences with <<student's name>> and help him/her take a more positive attitude to college. If you wish to discuss the issue further please contact me <<contact details>>.

All students have a right to appeal a disciplinary decision in the event that they feel they have been unfairly treated. Information on the appeals procedure can be found in the Student Behaviour and Discipline Policy available on request or from the college website at www.borderscollege.ac.uk

Yours sincerely

<<name>>

Assistant Principal

Cc Vice Principal: Curriculum and Student Services
Curriculum Administrator Essential Skills
Course Tutor

<<Headed Paper>>

<<Name>>

<<Address>>

<<Address>>

<<Address>>

<<date>>

Dear <<Head Teacher>>

I am writing to inform you that the college has issued <<student's name>> with a first/final **written warning** today because <<details of unacceptable behaviour>>.

Further unacceptable behaviour could lead to <<student's name>> forfeiting their place at college. We would hope that you will discuss this behaviour and its consequences with <<student's name>> and help **him/her** take a more positive attitude to college. If you wish to discuss the issue further please contact me <<contact details>>.

All students have a right to appeal a disciplinary decision in the event that they feel they have been unfairly treated. Information on the appeals procedure can be found in the Student Behaviour and Discipline Policy available on request or from the college website at www.borderscollege.ac.uk

Yours sincerely

<<name>>

Assistant Principal

Cc Vice Principal: Curriculum and Student Services
Curriculum Administrator Essential Skills
Course Tutor

Student Behaviour and Discipline Policy and Procedure

Status: Approved JCCP June 2020
Policy Dated: April 2020
Author: Vice Principal – Curriculum and Student Services
Review Date: August 2021
Equality Impact Assessed: May 2018