Positive Attendance, Behaviour & Commitment to Study Policy

Contents

1. Purpose
2. Scope
3. A Trauma Informed Approach
4. Responsibilities and reporting
5. Potential impact on Equality, Diversity and Inclusivity
6. Reporting
7. Expected Standards
8. Attendance and Punctuality Standards
9. Persistent Lateness
10. Authorised Absence
11. The Right Behaviours for Learning
12. Praise and Commendation
13. Definition of Unacceptable Conduct
14. Disciplinary Stages and Procedure
15. Appeals
16. Positive Behaviour & Restorative Practice Guidance
17. Failure to attend
18. Suspension
19. Legal representation
20. Standard of proof
21. Disclosure to third parties
22. Employers and/or external parties

1. Purpose

1.1. The welfare and wellbeing of all students and staff of the College depends on reasonable and disciplined behaviours for all students as detailed in the Code of Conduct. This policy supports this requirement and underlines the overall aim of ensuring that students are successful in their learning goals and that they develop behaviours and skills to remain at the City of Bristol College and are well prepared for the world of work.

1.2. To ensure a common understanding by staff, students and their parents/guardians, and Governors, of College expectations and responsibilities associated with managing behaviour and discipline.

1.3. To ensure a consistent approach across all in-scope College programmes in maintaining good standards of behaviour and managing breaches of discipline both academic and otherwise.

1.4. To ensure that all processes and procedures associated with this policy are fair, transparent and conducted in a timely manner.

1.5. To communicate effectively with external partners and agencies when their codes of conduct and professional standards are required to be taken into consideration.

1.6. To support the re-engagement of students who have not met College expectations.

2. Scope

2.1. All students have the right to learn and a responsibility to allow others to learn in a safe, secure and respectful environment. City of Bristol College, as an employer, also has a responsibility to provide staff with a safe, secure, and respectful environment to work in.

2.2. Wherever possible, the College will strive to work constructively with students to resolve disciplinary issues but implicit in this policy is the recognition of the need to disapprove of, formally record and in certain circumstances reprimand unacceptable conduct and behaviour that disrupts learning.

2.3. City of Bristol College will ensure that all processes and procedures associated with student discipline are fair, open and transparent and that all disciplinary proceedings are conducted fairly and transparently.

2.4. This policy applies equally to all student enrolled at the College. Explicitly, this policy applies to:

a) Study programme students

b) Apprentices

c) Adult Students

2.5. Higher education students who are studying on franchised programmes with Higher Education Institutes (HEI) working in partnership with City of Bristol College will be subject to the student Code of Conduct however they will be subject to the disciplinary policy and procedures for the relevant HEI. Students studying on validated HEI or awarding organisation Higher Education courses (Higher National) will be subject to the policy.

3. A Trauma Informed Approach

3.1. City of Bristol College supports students to develop the knowledge, skills, and behaviours to lead fulfilling and happy lives and places the wellbeing of learners as a top priority, believing good wellbeing underpins successful learning and supports progress. The College adopts a trauma informed approach to all disciplinary and behaviour related matters. A trauma informed approach recognises that all behaviour is communication and each person's journey to where they are now is a result of what they have or are experiencing.

3.2. At every stage articulated in this policy, staff and students will be required to reflect on what actions can be taken to support students to connect, repair and build resilience and better manage emotional responses.

3.3. Taking a trauma informed approach to presenting behaviour means ensuring that every effort is made to understand what is happening for the student and seek to intervene in a supportive manner at every point in the process.

4. Responsibilities and reporting

4.1. During teaching and learning sessions, the teacher/Personal Development Tutor/designated person in charge has immediate authority for student discipline.

4.2. All staff have immediate authority to take action to maintain discipline in the common areas of the College including corridors, open access areas and areas serving food.

4.3. Any member of staff observing a student behaving in a manner which could breach the Code of Conduct has the authority and responsibility to challenge the student and may warn them that their behaviour is inappropriate.

4.4. All members of staff should ensure that students are made aware and know where to find the Student Code of Conduct and relevant policies, procedures and regulations during the induction period.

4.5. In the case of a serious incident no member of staff should put themselves at risk but should intervene to support incident de-escalation when appropriate. If a member of staff requires addition support they can contact the Building and Facilities Management team on 5333. All serious or gross misconduct incidents should be reported on ProMonitor incidents (refer to guidance - Appendix 1)

4.6. Any member of staff who witnesses a minor incident that they believe is unacceptable behavior such that it requires disciplinary action beyond verbal intervention, should identify the student on ProMonitor (refer to guidance- Appendix 1) and cc in the course tutor / programme manager. The student's course tutor will decide what action is required.

4.7. It is the responsibility of every individual student and member of staff to familiarise themselves with the Code of Conduct and relevant policies, procedures and regulations and comply with them.

5. Potential impact on Equality, Diversity and Inclusivity

5.1. This policy document has been reviewed by the Senior Leadership Team to ensure that it does not negatively impact upon any individual. All College policies seek to actively promote inclusion of all students. This policy includes rigorous measures to ensure fairness for all and

that any incidents of misconduct are addressed without bias. It ensures both the student's right to learn and staff's right to work in a safe, secure and respectful environment are met regardless of any protected characteristics.

6. Reporting

6.1. The College records all relevant information on ProMonitor and expect all students to regularly review and update this through their view of the same tracking system; ProPortal.

7. Expected Standards

7.1. Unacceptable conduct is any academic or non-academic conduct which adversely interferes with teaching and learning, is disrespectful to other members of the College community or College property or breaches the College Code of Conduct. This policy covers all student activities such as work placements, trips and visits and other enrichment activities.

7.2. This policy details the disciplinary procedure to deal with students whose behaviour falls outside acceptable standards. If the cause for concern relates to a student's health and general wellbeing, the Fitness to Study/Practice Policy may be more appropriate. If the student displays signs of 'an inability to' or is 'unable to' change their behaviour or conduct, the most appropriate course of action is likely to be the Fitness to Study/Practice Policy.

7.3. If a criminal offence has been committed, City of Bristol College may choose to involve the police. They should contact the Head of Safeguarding who will do this on their behalf. In certain circumstances, the College may advise the victim to contact the police directly. The Head of Safeguarding is available to advise in all cases involving the police.

8. Attendance and Punctuality Standards

8.1. The expected attendance for **all students on all programmes is 100%.** Attendance expectations will be no lower than this.

a) An excellent standard is a 95%+ attendance rate

b) A good standard is 90%+

c) A satisfactory standard is 85%+

d) 84% and below is a poor standard

e) Physical attendance below 75% (without mitigating circumstances) is considered gross misconduct and will be dealt with appropriately in the procedures listed below

f) Failure to attend an exam and/or controlled assessment (without mitigating circumstances) is considered gross misconduct and will be dealt with appropriately in the procedures listed below

8.2. Mitigating circumstances for low attendance would be considered when the student has evidence that supports the reasons for low attendance that are an impact of anything outside of the students control. This would include:

a) Medical reasons supported by a doctor's note.

b) Lengthy hospital stays.

c) Participation in jury service or other mandatory public service (again evidenced in writing with dates)

8.3. Minor illness, work commitments or any other outside commitments will not be considered as mitigating circumstances.

8.4. Any attendance for persistent illness without mitigation, including Mental Health related symptoms may also be intervened through an attendance support action plan in line with the intervention stages.

9. Persistent Lateness

9.1. Identified as three or more times for the same class and applies particularly where this disrupts others' learning. Lateness after breaks is inexcusable and the City of Bristol College regards this as disruptive behaviours.

10. Mitigating Absences

10.1. Mitigating absences are identified as job interviews (full-time), university interviews, hospital appointments and treatments, the funeral of a relative/close friend, recognised religious holidays, driving test (not theory), attendance at court/probation meetings, attendance at a college representatives' meeting and students who are suspended. Infrequently, significant transport disruption may be authorised, but this would be a cross-college decision allowed at the discretion of a member of the Senior Leadership Team and/or an Executive Team member.

10.2. To help clarify, the following would NOT be considered reasons for authorising absence; isolated sickness, routine medical/dental appointments, "personal issues", baby-sitting younger siblings, relations or friends, waiting at home for arrival of a service/delivery, weddings and holidays. Where a student describes such circumstances, they must agree an action plan (SMART targets) in their ILP and have it signed-off by their Tutor / Lecturer / Course Lead.

10.3. All absences are recorded as negatives with exception to suspension marks and attendance on a work placement during a timetabled session (specific courses only). These absences will be neutral to a student's attendance mark.

11. The Right Behaviours for Learning

11.1. In addition to good or better attendance and punctuality the right learning behaviours include:

a) Students showing respect for all and forming good working relationships with each other and all staff working with them.

b) Students consistently having the correct learning materials for the class.

c) Students following the instructions and activities set for them in each and every lesson.

d) Students taking increasing responsibility for their own learning, including showing commitment over the year and not giving up; engaging with additional activity and catching-up when required, for example, students always respecting the needs of other students by avoiding behaviours that negatively affect the learning of others.

12. Praise and Commendation

12.1. City of Bristol College believe it is important to celebrate progress and achievement of all students, whether that is consistent or improved demonstration of positive behaviours and standards. Initially all records of these will be on ProMonitor and from time-to-time in other ways including nominations for awards and prizes, and commendation letters from College Curriculum and Support teams and the wider College Leadership team.

13. Definition of Unacceptable Conduct

13.1. The following list shows examples of unacceptable conduct and the most appropriate stage of the disciplinary process. The list is neither exhaustive nor exclusive and, in some cases, it may be appropriate to enforce a different stage of the disciplinary process from the examples listed in the Code of Conduct.

13.2. **Minor Misconduct:**

a) Poor attendance where absence is not notified or reasonably explained.
b) Poor punctuality.
c) Late or non-submission of course related work/assignments.
d) Disrupting the learning of others either in class or around the College.
e) Minor cases of academic misconduct (refer to Assessment Policy).
f) Disrespectful behaviour to other students, staff or visitors.
g) Minor misuse of the internet/IT equipment.
h) Minor misuse of facilities.
i) Persistent forgetting of ID Card / not visibly wearing ID card.
j) Persistent occurrence of a number of the above.

13.3. **Serious Misconduct:**

a) Repeated or persistent violation of a verbal warning (Stage 1) disciplinary incident.
b) Moderate cases of academic misconduct (refer to Assessment Policy).
c) Demonstration of aggressive behaviour/discrimination/harassment/bullying.
d) Disrespectful behaviour including swearing at other students, staff or visitors.
e) Misuse of College resources.
f) Interference with College property including software or data belonging to, or used by the College.
g) Minor breach of Health and Safety regulations.

13.4. **Gross Misconduct:**

a) Violation of a written disciplinary warning.
b) Physical attendance under 75% (without mitigating circumstances).

c) Failure to attend an exam and/or controlled assessment (without mitigating circumstances)

d) Serious cases of academic misconduct (refer to Assessment Policy).

e) Under the influence of alcohol or illegal drugs on college premises or whilst engaged in any College related activities.

f) Serious breach of Health and Safety regulations including smoking / vaping in buildings and/or refusal to follow a Health and Safety instruction of College Staff (or emergency service staff) and/or wilful tampering with fire alarms and/or equipment.

g) Serious inappropriate internet use, e.g. accessing pornography.

h) Bullying, intimidation, harassment, abuse, the use of violence or threats of violence in any form e.g. verbal, physical, via e-mail, social media, etc.

i) Serious breach of the Equal Opportunities Policy.

j) Bringing non-students onto the premises, including students who are excluded.

k) Allowing non or excluded students to gain access to the premises using their own ID Card.

l) Any action, either external to or within the premises of the College, which brings the College into disrepute.

m) Any criminal offence including:

i. Reasonable suspicion or actually being in possession of alcohol or illegal substances or associated drug paraphernalia.

ii. Endangering or causing injury to others, or possession of an offensive weapon.

iii. Theft, including non-payment of fees.

iv. Wilful damage to College property, equipment and accommodation owned by City of Bristol College, it's staff, students and/or visitors.

14. Disciplinary Stages and Procedure

14.1. Disciplinary action may be taken against a student for any alleged breach of the Student Code of Conduct. Three stages of action are available depending on the severity of the alleged breach of conduct or the nature of the alleged unsatisfactory behaviour. The College reserves the right to decide at which stage disciplinary proceedings begin and, where alleged minor misconduct or poor behaviour is more serious than originally thought, the right to progress proceedings to a higher stage.

14.2. **Stage 1** is for **Informal action** where minor offences or breaches of the Student Code of Conduct have allegedly occurred.

14.3. **Stage 2** is for **Formal misconduct** and entails a disciplinary hearing and is for cases where more serious breaches of the Student Code of Conduct or persistent minor offences have allegedly occurred. Breaches of conduct dealt with at this stage are neither considered to be gross misconduct, nor capable of being dealt with through informal misconduct in the student disciplinary procedures.

14.4. **Stage 3** is for **Formal serious or gross misconduct** and entails a disciplinary hearing and is for cases where serious breaches of the Student Code of Conduct have allegedly occurred. Such breaches could include actions or behaviour identified as serious or gross misconduct in the Student Code of Conduct or where a student has been through disciplinary hearing

procedures at Stage 2, but continues to persistently breach the Student Code of Conduct or where a final warning has already been issued.

14.5. In a case where it is alleged that a student has committed a criminal offence (whether serious or otherwise) the College reserves its right to act in accordance with this disciplinary procedure but is not obliged to do so. The College is not bound by the results of any criminal proceedings against a student.

14.6. **Stage 1: Informal action**

Issued by: Any student facing role such as Class lecturer, Course Tutor, Programme Manager, Personal Development Tutor, Campus Community Lead etc.

Copies to: Student, Tutor, Course Tutor, Programme Manager, ALS Transition & Progression Mentors or Learning Assistant, Personal Development Tutor

Completed electronically in ProMonitor (appendix guidance).

a) The College prefers to adopt a supportive, trauma informed, restorative approach to disciplinary proceedings when appropriate and possible. In incidents of minor misconduct, it is generally most effective to act quickly and at an informal level.

b) The investigator should establish the facts relating to the incident and take action to bring the inappropriate behaviour to the attention of the student.

c) The member of staff will report the behaviour by placing a record of the behaviour on the student's computerised record.

d) Where the alleged misconduct or poor behaviour is upheld, actions and targets for improvement should be set. The outcome of the meeting should be placed on the student's computerised record, but will be disregarded for disciplinary purposes after six months, subject to satisfactory conduct and behaviour.

14.7. **Possible outcomes**

a) No further action to be taken

No record of the discussion will be made or retained.

b) A Stage 1 action is documented

Stage 1 action notification is placed upon the students electronic file on ProMonitor which highlights the issue and details the agreed action(s) which will include clear identification of work ready improvements that must be made with a clear timeline and the identification of any additional support required [See Restorative Practice guidance section 16]. The member of staff will confirm to the student that any re-occurrence will result in further disciplinary action.

c) Progression to a different stage of the disciplinary procedure

The member of staff may decide that the incidence is more serious than minor misconduct and that it would be more appropriate to follow the disciplinary procedure at a higher level. Follow the process for the stage that is most appropriate to the incident. It may be decided that this Stage 1 is better dealt with under the Fitness to Study / Practice Policy.

14.8. **Stage 2: Formal misconduct disciplinary hearing**

Issued by: Programme Manager or Head of Department, **Copies to:** Student, Tutor, Course Tutor, Programme Manager, Personal Development Tutor, ALS Transition & Progression Mentors (where relevant), Designated lead for Care Experienced (where relevant). Completed electronically in ProMonitor (appendix guidance). As relevant: Parent / Guardian / external agencies (via letter). **Appeal to**: Relevant Director or Deputy Principal

a) When there is an alleged instance of serious misconduct, the Programme Manager and Head of Department need to be informed immediately. A clear, written statement providing full details of the incident should be completed by the relevant member of staff on ProMonitor.

b) The Head of Department will immediately nominate an Investigating Officer who will be responsible for conducting a full and comprehensive investigation of the alleged incident. The Investigating Officer should collect all relevant evidence such as witness testimonies, evidence and records including a detailed statement from any alleged perpetrator. Detailed notes must be kept. It should not take more than 10 working days from incident being reported to the disciplinary hearing.

c) After investigation and where it is necessary to hold a disciplinary interview, the designated Hearing Officer, normally the Programme Manager, will arrange a disciplinary interview.

d) The student (and, as appropriate, their parent/guardian, sponsor/employer, local authority, other relevant college support roles) will be informed in writing of the date, place (virtual or in person) and time of the interview and the nature of alleged misconduct or poor behaviour at least three working days before to the meeting. For convenience to them, where possible this should be arranged for when they would normally be scheduled to attend College.

e) Parents/guardians (the named 'next of kin' as shown on ProMonitor) should be informed and invited to attend the hearing (virtually or in person) where possible; where the students are under 18 years of age, or perceived as a vulnerable adult in most situations.

f) At least 24 hours before to the interview, all documentation that will be referred to, including any documentation arising from an informal stage, will be made available to the student. The student should also provide the Hearing Officer with any documentation they are intending to refer to at least 24 hours prior to the interview. Only if a witness believes that harm may come to them if their evidence is shown to the student may this be anonymised or withheld until the hearing. If evidence is contained within CCTV footage, the student will be advised that they have the right to view the footage under supervision at a pre-arranged time and have a parent/guardian or any other representative present. This is subject to maintaining conditions that ensure compliance to the Data Protection Act 2018.

g) The student may be accompanied at this hearing by a friend, family member, support worker or other representative acting in a supportive capacity.

h) If the student fails to attend the hearing without good cause, it may be decided to reschedule or continue with the hearing in their absence.

i) The Hearing Officer will be accompanied by the Investigating Officer, if deemed necessary, who will have previously fully investigated the matter and has the right to call another member of the staff who is aware of the background to the matter, or may have recommended that the breach of conduct be dealt with at a disciplinary interview. The Investigating Officer and/or the member of staff may be asked, at the commencement of the interview, to explain the events and actions that have led to the interview. The advocates of the student may also take the opportunity to speak at the hearing particularly if they are aware of any mitigating circumstances surrounding the alleged incident.

j) At the beginning of the disciplinary hearing, the Hearing Officer will:

- Clarify how the notes from the meeting will be recorded.
- Explain the purpose of the hearing and the extent of the powers of the Hearing Officer. The Hearing Officer may also make it clear at this stage that they have the power to remove from the hearing any person who behaves unreasonably, or disregards the instructions of the Hearing Officer.
- Explain how the hearing will be conducted.
- Explain that the hearing can be adjourned at any point to a later date if it is not possible to complete the hearing within the time set-aside, or if the Hearing Officer deems it is necessary to seek further information or requires further investigation into the matter.
- Outline the allegation against the student in a way that is as clear and straightforward as possible.
- Give the student the opportunity to admit the allegation.

k) During the interview, the Hearing Officer (or an appropriate member of staff designated by the Hearing Officer) will keep notes. The Hearing Officer will proceed to seek the views of the student on their actions or breach of the Student Code of Conduct.

l) At the conclusion of the interview, the Hearing Officer will invite the student to either wait or leave the premises while the Hearing Officer considers their decision.

m) The Hearing Officer will then decide whether to uphold or dismiss the allegation.

n) Where the allegation against the student has been upheld, the student's computerised record will be available to the Hearing Officer. In arriving at disciplinary penalties to be applied, the Hearing Officer will take account of any previous penalties on record.

o) The penalties that may be applied are set out below.

p) The Hearing Officer will communicate the outcome of the meeting in a letter to the student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) within two working days of the interview. This letter will record the nature of the allegation and whether or not it is upheld, any penalty imposed and, normally, the reasons for the decisions. A copy of this letter will be placed in the student file and noted on the student's computerised record but will be disregarded for disciplinary purposes after twelve months, subject to satisfactory conduct and behaviour.

14.9. **Possible outcomes**

a) No further action to be taken

All records relating to the investigation and interview will be disposed of as confidential waste.

b) Stage 2 Written Penalty Formal / Final

The Hearing Officer should issue the student with a Stage 2 notification, in the form of a written letter which shows the agreed action(s) by the student and the College with specified timeline for improvement and the identification of any additional support required [See Restorative Practice guidance section 16].

The Hearing Officer will make it clear to the student that any repeated or persistent violation within the prescribed timescales will result in further disciplinary action.

c) Go to a more appropriate stage of the Disciplinary Procedure

The Hearing Officer may decide that the incidence does not constitute Serious Misconduct and that it would be more appropriate to follow the disciplinary procedure at a different level. Follow the process for the most appropriate stage as detailed in this document.

14.10. Stage 3: Formal serious or gross misconduct disciplinary hearing

Issued by: Head of Department or Director,
Copies to: Student, Tutor, Course Tutor, Programme Manager, Personal Development Tutor, ALS T&P Mentors (where relevant), Designated lead for Care Experienced (where relevant), Community Campus Leads.
Completed electronically in ProMonitor (appendix guidance). As relevant: Parent / Guardian / external agency (via letter).
Appeal to: Relevant Director or Deputy Principal depending on outcome

a) When there is an alleged instance of Formal Serious or Gross Misconduct, the Programme Manager and Head of Department need to be informed immediately. A clear, written statement providing full details of the incident should be completed by the relevant member of staff on the online form.

b) The Head of Department or Director will immediately nominate an independent Investigating Officer who will be responsible for conducting a full and comprehensive investigation of the alleged incident. The Investigating Officer should collect all relevant evidence such as witness testimonies, evidence and records including a detailed statement from any alleged perpetrator. Detailed notes must be kept. It should not take more than 10 working days from the incident being reported to the disciplinary hearing.

c) Where a student has escalated through to stage 3 of the disciplinary process due to a lack of sustained and significant improvement, the same Investigating Officer should be used to carry on the investigation where possible. They should continue from the Stage 2 investigation; review progress made against the agreed actions and collect any new evidence relevant to the Stage 3 investigation.

d) The student (and, as appropriate, their parent/guardian, sponsor/employer, local authority, other relevant college support roles) will be informed in writing of the date, place (virtual or in person) and time of the interview and the nature of alleged misconduct or poor behaviour, at least three working days before to the meeting. For convenience, this should be arranged for when they would normally be scheduled to attend College.

e) Parents/guardians (the named 'next of kin' as shown on ProMonitor) should be informed and invited to attend the hearing (virtually or in person) where possible, where students are under 18 years of age or perceived as a vulnerable adult in most situations.

f) At least 24 hours before to the interview, all documentation that will be referred to, including any documentation arising from an informal stage, will be made available to the student. The student should also provide the Hearing Officer with any documentation they are intending to refer to at least 24 hours prior to the interview. Only if a witness believes that harm may come to them if their evidence is shown to the student may this be anonymised or withheld until the hearing. If evidence is contained within CCTV footage, the student will be advised that they have the right to view the footage under supervision at a pre-arranged time and have a parent/guardian or any other representative present. This is subject to maintaining conditions that ensure compliance to the Data Protection Act 2018.

g) If the student wishes to call any witnesses or provide any documentary evidence to be considered at the hearing, this should be notified and/or provided to the Hearing Officer at least 24 hours before the hearing. Arrangements should be made to ensure that the witnesses and the student do not meet just before the hearing.

h) The student may be accompanied at this hearing by a friend, family member, support worker or other representative acting in a supportive capacity.

i) If the student fails to attend the hearing without good cause, it may be decided to reschedule or continue with the hearing in their absence.

j) The Hearing Officer will be accompanied by the Investigating Officer. The Investigating Officer will present the case against the student; they will have previously fully investigated the matter and has the right to call another member of the staff who is aware of the background to the matter, or may have recommended that the breach of conduct be dealt with at a disciplinary interview. The Investigating Officer and/or the member of staff may be asked, at the commencement of the interview, to explain the events and actions that have led to the interview. The advocates of the student may also take the opportunity to speak at the hearing particularly if they are aware of any mitigating circumstances surrounding the alleged incident.

k) At the beginning of the disciplinary hearing the Hearing Officer will:

   i. clarify how the notes from the meeting will be recorded;

   ii. explain the purpose of the hearing and the extent of the powers of the Hearing Officer. The Hearing Officer may also make it clear at this stage that they have the power to remove from the hearing any person who behaves unreasonably, or disregards the instructions of the Hearing Officer;

   iii. explain how the hearing will be conducted;

   iv. explain that the hearing can be adjourned at any point to a later date, if it is not possible to complete the hearing within the time set-aside, or if the Hearing Officer deems it is necessary to seek further information or requires further investigation into the matter;

   v. outline the allegation against the student in a way that is as clear and straightforward as possible;

   vi. give the student the opportunity to admit the allegation.

l) If the student admits the allegation, then the Hearing Officer will proceed to consider the implementation of disciplinary penalties.

m) If the student does not admit to the allegation, the Hearing Officer will invite the designated member of staff to present the case against the student (Investigating Officer). The presentation may include calling witnesses to offer evidence. The student will have the opportunity to ask the Investigating Officer and the witnesses questions. Witnesses will withdraw from the hearing once they have given their evidence.

n) Further evidence cannot be considered by the College after the hearing without the student having the opportunity to comment.

o) At the conclusion of the interview, the Hearing Officer will invite the student to either wait or leave the premises while the Hearing Officer considers their decision.

p) The Hearing Officer will then decide whether to uphold or dismiss the allegation.

q) Where the allegation against the student has been upheld, the student's computerised record will be available to the Hearing Officer. In arriving at disciplinary penalties to be applied, the Hearing Officer will take account of any previous penalties on record.

r) The penalties that may be applied are set out below.

s) The Hearing Officer will communicate the outcome of the meeting in a letter to the student (and, as appropriate, their parent/guardian, sponsor/employer, local authority etc) within five working days of the interview. This letter will record the nature of the allegation and whether or not it is upheld, any penalty imposed and, normally, the reasons for the decisions. A copy of this letter will be placed in the student file and noted on the student's computerised record but will be disregarded for disciplinary purposes after twelve months, subject to satisfactory conduct and behaviour.

14.11. **Possible Outcomes**

a) **Exoneration - No further action to be taken** and all records relating to the investigation and interview will be disposed of as confidential waste.

b) **Final Warning –** Issues in writing and recorded on ProMonitor

c) **Exclusion, which may include exclusion from specific programme or entirely from the college**

d) The Hearing Officer should issue the student with a Stage 3 notification, in the form of a written letter which shows the agreed action(s) by the student and the College with specified timeline for improvement and the identification of any additional support required [See Restorative Practice guidance section 16].

e) The Hearing Officer will make it clear to the student that any repeated or persistent violation within the prescribed timescales will result in further disciplinary action.

f) The Hearing Officer may decide that the incidence does not constitute Formal Serious or Gross Misconduct and that it would be more appropriate to follow the disciplinary procedure at a different level and/or via the Fitness to Study / Practice Policy. Follow the process for the most appropriate stage as detailed in this document.

14.12. **Formal Penalties**

14.13. When deciding on the outcome, the College should consider: -

14.13.1. The seriousness of the case;

14.13.2. the impact on students and staff;

14.13.3. the standing of the College as a centre for excellence in learning;

14.13.4. the circumstances of the individual e.g. adherence to previous contracts, engagement in previous restorative practices, other misdemeanours etc.

14.14. **Stage 2 Penalties**

14.15. Where an allegation of misconduct or poor behaviour has been upheld following a Stage 2 disciplinary interview, a **formal warning** will be issued. The warning will set out the improvement in conduct or behaviour required, the timescale for the improvements to be made, any training or support that may be available to the student and the possible consequence(s) of any failure to improve.

14.16. In addition, any or all of the following disciplinary penalties may be imposed:

a) The requirement to apologise verbally or in writing to another person.

b) The exclusion of the right to utilise college facilities such as common rooms, computing facilities, learning centres etc.

c) The requirement to carry out some service for the college such as the removal of graffiti or cleaning of college property.

d) The exclusion from impending educational visits, residential field trips or to represent the college in either individual and/or team sports.

e) The requirement to make compensatory payments to the college or other individual.

f) Any sanction (other than a recommendation to permanently exclude) as may be reasonable in the circumstances.

14.17. **Stage 3 Penalties**

14.18. Where an allegation of serious or gross misconduct or poor behaviour has been upheld following a Stage 3 disciplinary hearing, any or all of the following disciplinary penalties may be imposed:

14.19. In addition, any penalties identified in paragraph 14.21, any or all of the following disciplinary penalties may be imposed:

a) A final warning together with the improvement in conduct or behaviour required, the timescale for the improvements to be made, any training or support which may be available to the student and the possible consequence(s) of any further failure to improve.

b) The exclusion of the student from certain parts of the college's premises and/or certain academic courses/programmes. City of Bristol College may consider viable alternative options for a student to be transferred to a different campus and/or programme in exceptional circumstances. A penalty that permanently excludes the student from certain academic courses / programmes means that the student may be unable to complete that academic year or enrol on any course in the college in any future academic year.

c) The partial or permanent exclusion of the student from the college. A penalty that permanently excludes the student means that the student may be unable to complete that academic year or enrol on any course in the college in any future academic year.

14.20. The decision to exclude the student will usually be with immediate effect unless in exceptional circumstances. A record of exclusion will be held on the student's file and noted on the student's computerised record. The letter notifying the student of an exclusion should set out the conditions of the exclusion e.g. permanent or for a fixed period. The letter will also include information regarding the student's right of appeal and suggest that the student contact a member of the Student Experience Team to arrange an appointment with a Careers Advisor.

14.21. The Hearing Officer should ensure that that College electronic files are updated immediately to show the student's status as excluded and the student ID card will be deactivated. This will also be recorded on Pro-Monitor. This should be carried out as soon as is possible after the disciplinary hearing.

14.22. There is a duty on the College to inform local authority support services if a young person has had their opportunity to study at the College removed. This will be automatically enacted in order to conform with section 13 of the Education and Skills Act 2008.

15. Appeals

15.1. **General principles**

15.2. An appeal can be made where a disciplinary decision has resulted in a final warning or an exclusion. Any appeal against a disciplinary decision of this nature must state the full grounds of appeal and must be submitted in writing within ten working days of receiving confirmation of a disciplinary decision, unless it is an appeal against a suspension, in which case it should be submitted within 3 working days of the suspension, to;

15.2.1. Appeals against a final warning: CurriculumAdministration@cityofbristol.ac.uk

15.2.2. Appeals against an exclusion: exclusion.appeals@cityofbristol.ac.uk

15.2.3. Appeals against a suspension: CurriculumAdministration@cityofbristol.ac.uk

15.3. Appeals under the above will only be considered on the following grounds:

15.3.1. that there is new evidence that was not earlier considered and could have been expected to have materially affected the decision;

15.3.2. that the original disciplinary decision, interview or hearing was not conducted fairly;

15.3.3. that the finding of guilt was unreasonable in the light of the findings of fact;

15.3.4. that the outcome of the disciplinary stage was unreasonable or too severe in the circumstances; or

15.3.5. The appeal has been submitted in writing, within ten days of the outcome letter date.

15.4. If the student is appealing on the ground that new evidence is available, then copies of that evidence and an explanation of why it was not made available earlier must be provided.

15.5. The member of staff designated to hear the appeal must first consider whether there are enough grounds for appeal. If the member of staff is satisfied that there are not enough grounds for appeal, this decision will be communicated in writing to the student stating the reasons for the denial. The student will be advised that this decision is final.

15.6. There is no entitlement to a re-hearing of the case and any re-hearing would only be allowed in exceptional cases. Witnesses will not normally be called to an appeal hearing and only in support of new evidence that has become known since the original disciplinary stage.

15.7. The appeal decision will usually be made within fifteen working days of receiving the notice of appeal, by a member of the College community who has had no earlier involvement in the matter.

15.8. **Appeals Procedures**

15.9. Appeals against a final warning will be heard by a Head of Department or Director (or another manager of equivalent seniority in the College).

15.10. Appeals against exclusions will be heard by a member of the College Executive team (Appeal Officer).

15.11. In specific circumstances the Appeal Officer may choose to convene a wider appeal panel to review the case.

15.12. If applicable the Appeal Officer will inform the student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) of the date, place and time of the appeal hearing at least three working days before the meeting.

15.13. The Chair or a representative from the original Hearing will present a summary of the details of the alleged incident together with any additional supporting evidence. The student is then given the opportunity to present the details of their appeal together with any evidence. The advocates of the student may also take the opportunity to speak. All accounts should be limited to the disciplinary allegation.

15.14. When deciding on the outcome, the Appeal Officer and/or appeal panel should consider:

15.14.1. Did the evidence fail to support the outcome of the hearing?

15.14.2. Was the outcome disproportionate to the misconduct?

15.14.3. Has relevant new evidence come to light?

15.14.4. Was the procedure operated unfairly to the student's disadvantage?

15.15. At the end of the hearing and after the student has provided evidence and answered questions, the Appeal Officer will invite the student to depart from the premises, while the Appeal Officer makes their decision.

15.16. The Appeal Officer will decide whether to uphold or dismiss the appeal.

15.17. Where the appeal is upheld, the Appeal Officer can:

a) Expunge any record of the matter from the student's file.

b) Reduce the original disciplinary decision.

c) Redirect the case to a further Stage 3 (or other) hearing opportunity.

15.18. If a student's appeal against exclusion has been changed, the student electronic file should be updated to allow access back into College. This will also be recorded on Pro-Monitor.

15.19. Where the appeal is dismissed, the Appeal Officer (or appeal panel) can vary the original disciplinary decision/recommendation, including imposing a greater penalty against the student than that previously imposed or recommended and/or redirecting the case to a further Stage 3 (or other) hearing opportunity.

15.20. The Appeal Officer will communicate the outcome of the hearing in a letter to the student (and, as appropriate, their parent/guardian, sponsor/employer, local authority) within five working days of the hearing and/or decision being made. This letter will record the nature of the appeal and whether it is upheld or dismissed, any change in penalty imposed and, normally, the reasons for the decision. A copy of this letter will be placed on the student's file and noted on the student's computerised record and where the appeal is dismissed, will be disregarded for disciplinary purposes after 24 months, subject to satisfactory conduct and behaviour.

15.21. The outcome of the appeal is final, binding, and not subject to further appeal.

16. Positive Behaviour & Restorative Practice Guidance

16.1. **Restorative practice interventions / conversations should underpin all activity/stages related to student behaviour.**

16.2. **Aim:** A restorative practice intervention is designed to address behaviours that do not met expectations in a non-punitive, supportive way. It provides opportunities for those directly affected by an offence/incident (victim, offender, and members of staff) to communicate, and agree how to deal with the behaviour and its consequences through mediation and set clear practice of modelling behaviour.

16.3. **Who should be present:**

16.3.1. The student.

16.3.2. Staff issuing restorative intervention.

16.3.3. Student advocate, if requested (always offered).

16.4. Restorative practice interventions can be issued by curriculum teaching staff, study coaches, transition and progression mentors and/or learning assistants (in partnership with curriculum) and should be recorded on ProMonitor as a comment for audit.

16.5. Restorative practice interventions aim to identify any reasons why a student has displayed behaviours that challenge; and use a trauma-informed approach to seek a resolution and help students to manage behaviour and understand how to respond and communicate; in line with the support services within and working with, City of Bristol College.

16.6. In the event a Restorative practice intervention has not resulted with a positive response, then a student should move to the intervention process in line with the student disciplinary process.

17. Failure to attend

17.1. Students must make every attempt to attend any meeting arranged under the disciplinary process. If in the view of the member of staff conducting the meeting or hearing there are reasonable mitigating circumstances because a student is absent, the member of staff will make one further attempt to reschedule the meeting. If the student does not attend the

rescheduled meeting or hearing, the matter may proceed in the student's absence and, where the allegation is upheld, penalties may be imposed.

17.2. Should a student fail to attend an appeal hearing, the appeal will be dismissed.

18. Suspension

18.1. A student may be suspended from the College where a serious incident has occurred (or is alleged to have occurred) and there is a need for a period whilst an investigation is being carried out, where the student's attendance may impact the investigation. This is not a disciplinary action.

18.2. Should a member of staff who is dealing with an incident feel that the student should be temporarily suspended, they should contact one of the following members of staff:

18.2.1. Programme Manager

18.2.2. Head of Department inc. ALS, Safeguarding

18.2.3. Member of the Senior Leadership Team

18.2.4. Facilities Manager (for facilities staff related incidents)

18.2.5. Duty Manager

18.3. The member of staff requesting the suspension should explain the circumstances and the designated member of staff will decide whether there are grounds for a suspension. Only these authorised nominees have the authority to suspend a student from the College. No other member of staff has the authority to do so.

18.4. The student will be informed of why they are being suspended and that they must leave the College immediately. A letter confirming suspension will be sent to the student with copies to parents, employers and/or other relevant agencies within three working days of the notification of the incident.

18.5. When the suspension has been approved the student must submit their lanyard to the College, be informed not to attend any college premises until they are invited to attend the relevant disciplinary meeting, and if necessary; to refrain from any contact or communication with any other students involved whilst the incident is being investigated. MIS must be informed so that the students lanyard can be temporarily deactivated.

18.6. A temporarily suspended student should continue to complete and submit work electronically where possible.

18.7. A temporarily suspended student should not seek to contact anyone else involved in the investigation.

18.8. A student has the right to appeal this suspension to the Head of Department (or where the Head of Department took the decision to suspend, a Director). The Head of Department or Director will review the decision to suspend and decide whether to confirm or vary the decision.

19. Legal representation

19.1. Legal representation will not generally be allowed. The College will only consider requests for legal representation before any hearing that may lead to exclusion. Where approval for

legal representation is granted, the College reserves its right to have legal representation itself.

20. Standard of proof

20.1. The Student Disciplinary Policy and Procedure is not intended to be a court of law. For the avoidance of doubt, the standard of proof is to be used in making findings of fact or in imposing disciplinary penalties on the 'balance of probabilities', i.e. that it is more probable than not that the alleged misconduct or poor behaviour occurred.

21. Disclosure to third parties

21.1. City of Bristol College may, at times, be obliged to refer to upheld findings of misconduct or poor behaviour in a student reference to discharge its legal obligation to provide a true and accurate reference to future education providers or future employers.

21.2. The College may be obliged to disclose information arising from a disciplinary investigation, interview or meeting to the Police on receipt of a written request, provided that the College is satisfied that it is permitted to do so under the Data Protection Act 1998.

22. Employers and/or external parties

22.1. If an employer or external party wishes to instigate disciplinary action against a student, they should inform the Career Coach who will inform the curriculum area and then usual procedures will be invoked.

Version	
Approved by:	C&Q Committee
Date of approval:	September 2026 (minor update November 26)
Date for Review:	September 2027
Lead Officer:	Director of Further and Higher Education
Senior Manager responsible:	Deputy Principal